

Minutes of the Town Board Meeting held on August 1, 2019 at 7:30PM

Present: Frank Palermo, Supervisor

Timothy Arone, Michael Essig, Jacqueline Hernandez and Robert Hunter, Council

Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Kevin Phillips, Police Lieutenant; Joseph Gianzero, Parks Director; Fred Ungerer, Parks Commissioner; Karen Ungerer, Village Zoning Board

I. Public Input:

Commissioner Ungerer stated he is speaking this evening as Chairman of the Parks Commission - but not on behalf of the Commissioners - and he would like to get answers, not cause conflict. He has heard from several individuals that the Town Board does not want the Commission's involvement in the proposed reconstruction of the John Burke Pool ("Pool"). Supervisor Palermo stated that is not true to his knowledge. Commissioner Ungerer noted, in light of the Earl Reservoir Community Building fiasco, the Commission may choose to not entertain the Pool renovations. He was under the impression that the Commission was an advisory group but recently he has reviewed Town Code Chapter 54 which states: *"The power to equip and operate playgrounds and recreation centers shall be exercised by a Park and Recreation Commission[1]hereby established in and for the Town of Woodbury, which Commission shall possess all of the powers and be subject to all of the responsibilities of the Town Board under the provisions of Article 13 of the General Municipal Law in respect to the same."* He feels these laws give the Commission greater power and much more say in what happens in the parks. He then asked that the Board request an interpretation of the law from Attorney McKay. Councilwoman Hernandez asked who told Commissioner Ungerer that the Town Board did not want the Commissioners involved in the Pool renovations and if it was a Board member. Commissioner Ungerer said it was not a Board member and that it was several people who told him. Councilwoman Hernandez stated she appreciates that Commissioner Ungerer came to the Board directly to get the correct answers and information. Commissioner Ungerer stated this is not his main concern this evening, his main concern is about the power the two laws give to the Commission, adding he is not sure if the Commissioners want that much power. He would like this resolved prior to the August Commission meeting. Councilwoman Hernandez asked if the Commissioners are not feeling valued and Commissioner Ungerer stated he believes that has been implied. Councilwoman Hernandez stated she will attend their next meeting to discuss. Councilman Essig asked if the Commission has discussed this issue and Commissioner Ungerer stated it is on the agenda for the next meeting. Councilman Essig asked what resolution Commissioner Ungerer is looking for and he said he would like someone to interpret the law and tell the Commissioners exactly what it means. Supervisor Palermo stated several meetings have been held regarding the plans for the Pool and he has always asked Director Gianzero to keep the Commission informed. Some Commissioners have attended these meetings. He stressed there was no attempt made to take the Commission out of the loop but it is ultimately the Town Board's decision to renovate the Pool. He noted there is a timeline issue and the Board wants to be sure the work is completed so the Pool will be operational next season.

Robin Crouse asked if the paving of the road at the former Gasho property came in on budget and Supervisor Palermo stated it came in under budget. Mrs. Crouse then asked if the deed for that property included the access road that was paved and Supervisor Palermo stated it did. Regarding the Pool, she stated the May documents from the pool engineer that was hired stated the capacity would be 400 bathers but in July it says 700 bathers. She would like to know why the difference and Supervisor Palermo stated the 400 must have been a typo as the plan has always been for 700 bathers. Mrs. Crouse asked if any other pool engineers were approached for this project and Supervisor Palermo

stated no and added the one the Town is using came highly recommended by a municipality in Long Island and by Engineer Fusco. Mrs. Crouse stated the May documents mention an \$8000 retainer and she asked if that had been paid yet and Supervisor Palermo stated it has been. Mrs. Crouse stated that the proposal also mention a \$15,000 payment upon receipt of all approvals and Supervisor Palermo stated that has not been paid yet as the work has not been completed. Mrs. Crouse then stated at the July 18 meeting the topic of bonding was discussed for the improvements and she asked how much is being considered and Supervisor Palermo stated approximately three million dollars. Mrs. Crouse then stated the Board is concerned about meeting a timeline but she would like to see the work done correctly and not rushed since this is the third time it had become necessary. Regarding the litigation between the Town and the Village, she stated at the March joint meeting with the Village Board Trustee Flood asked Councilwoman Hernandez how much money the Town has spent on legal fees and Councilwoman Hernandez stated she would have that figure available at the next meeting. At the next meeting, held in April, no answer was provided. Councilwoman Hernandez stated she believes Supervisor Palermo said he would have the figures not her. Supervisor Palermo stated he does not have the figures with him as it is an ongoing case. Mrs. Crouse stated over the past two abstracts \$30,000 has been spent. She feels this litigation needs to end and use the money instead towards the Pool. She also does not understand why the dollar figures are not released, adding she call the Village and was told immediately that they have spent \$42,000 thus far.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to accept receipt of the minutes of the meeting held July 18, 2019.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Supervisor Palermo, to approve Abstract 15 containing vouchers 20191250 - 20191335 and totaling \$444,949.36.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

c. Budget Modification:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to approve the following modification to the 2019 budgets of the following departments:

- Buildings/Grounds - increasing A1620.431 (Wildlife Management) by \$4400, decreasing A1620.448 (Miscellaneous) by \$2000, increasing A599 (Appropriated Fund Balance) by \$2400
- Buildings/Grounds - increasing A1620.446 (Community Center Propane) by \$10,000 and increasing A599 (Appropriated Fund Balance) by \$10,000
- Buildings/Grounds - increasing A1620.405 (Custodial Supplies) by \$3000 and decreasing A1620.412 (Electrical Work) by \$3000
- Police - increasing B3120.430 (Transportation/Travel) by \$5000 and decreasing B1940.400 (Unallocated Insurance) by \$5000

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

III. New Business:

a. Authorize the Supervisor to sign NYMIR Renewal Proposal:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the liability insurance policy renewal with Marshall & Sterling (September 1, 2019 - September 1, 2020) at a cost of \$134,209.90.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

b. Authorize the Supervisor to sign designating NYPA as designated SEQRA Lead Agency for Communication backbone execution plan.

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the SEQRA document concurring that NYPA is designated as SEQRA Lead Agency for the Communication Backbone Execution Plan.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

c. Discussion Municipal Audit Services:

A solicitation letter was received from Municipal Audit Services, LLC offering their services to conduct an audit to determine if the Town has received any underpayments of franchise fees by the cable provider. Their fee is 100% contingent on success and there are no other fees or expenses - they are only paid if they uncover errors and/or omissions which result in recoveries and increase revenues. Supervisor Palermo stated this company is currently working with the Villages of Harriman and South Blooming Grove and come highly recommended. If they discover that the Town has been underpaid, they receive 45% of the money recovered. Motion was offered by Councilman Arone, seconded by Councilman Essig, to authorize the Supervisor to get more information and a contract for Attorney McKay to review.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

d. Schedule work session for Aug. 5th at 7:00 PM to interview SRO Officers:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to schedule a worksession and Police Commissioners meeting to be held at 7PM on August 5, 2019 to conduct interviews for SRO Officers.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

e. Discuss/approve auction items:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Town Clerk to advertise for auction the various items that were submitted by the Library, Buildings/Grounds and Supervisor's Office.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

f. Appoint Antonio Sisilli as Temporary ADCO (non-Union) for 10 hours a week @ \$15.00 per hour effective on 8/5/19:

Motion was offered by Supervisor Palermo, seconded by Councilman Essig, to appoint Antonio Sisilli to the temporary, non-union position of Animal/Dog Control Officer at a rate of \$15/hour working ten hours per week. His start date is August 5, 2019.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

g. Appoint Brittney J. Manion as ADCO Part-Time for 20 hours a week @ \$16.36 per hour effective on 8/10/19. (Pending OC Approval):

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to appoint Brittney J Manion as part-time Animal/Dog Control Officer at a rate of \$16.36/hour working 20 hours per week, pending Orange County Department of Human Resources approval. Her start date is August 10, 2019.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

EXTRA ITEM:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to authorize the Supervisor and Councilwoman Hernandez to sign the DASNY forms that are required by NYS for the \$300,000 grant received from Senator Skoufis.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

IV. Board Meeting Comments:

Councilwoman Hernandez stated she had an opportunity recently to see all the town departments during a walkthrough. She thought it was really nice to see all of the hard work the Department Heads do and the types of services they provide to the town, especially the Animal Shelter. She is glad to see that department is getting the much needed help.

Councilman Essig stated he spoke to Chief Watson and Supervisor Palermo about the construction on Route 32 and the continual changing of the driving lanes. At night it can be very hard to see the constant changes. The Town is going to request that extra lighting be used so it is more visible.

Supervisor Palermo announced two upcoming events at the Pool - on August 10 is Pool Blast and on August 17 is Field day. He then announced two police events that recently occurred: (1) as reported at the last meeting someone was stealing off of property in Highland Lake Estates and they were caught in a matter of minutes; and (2) Officer Roman was patrolling and spotted a man he recognized. He stopped to speak to him and it was determined that the individual was carrying a pistol, cocaine and a lot of money. He was arrested. He noted Woodbury has one of the best Police Departments in the State and it bothers him that the Town and Police Department is being sued by residents for discrimination when it is absolutely false.

V. Adjournment:

With no further comments or business to discuss a motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to enter into an attorney/client meeting and adjourn the meeting at 8:15PM.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
 NOES 0

Desiree Potvin, Town Clerk