

Minutes of the Town Board Meeting held on November 21, 2019 at 7:30 PM

Present: Frank Palermo, Supervisor  
Timothy Arone, Jacqueline Hernandez and Robert Hunter, Council  
Absent: Michael Essig, Council  
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Thomas Burke and Tyler Etzel, Councilmen-Elect; Joseph Gianzero, Parks Director; John Smith, Willa Freiband and Denise DaCunha, Parks Commission; Chris Gerver and Sandra Capriglione, Village Planning Board

**Executive work session for Town Board at 6:15PM – Attorney/Client regarding Lawsuit HLE HOA**

**Recognition Awards Presented to Raelin Brown and Leah Trulin:**

Supervisor Palermo presented Raelin Brown and Leah Trulin a certificate of recognition for the funds they raised for the animal shelter by selling lemonade.

**I. Public Hearing:**

a. Introductory Local Law 2 of 2019 - Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2019 to repeal Local Law 1 of 2019 entitled "Tax Cap Override" which was adopted on October 3, 2019. The public notice was printed in the Times Herald Record on November 12, 2019 and the following comments were received:

Supervisor Palermo noted the FY2020 budget finalized at about \$500K below the tax cap.

With no further comments received, a motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to close the public hearing.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilwoman Hernandez, to adopt the following resolution adopting Local Law #2 of 2019 entitled "a Local Law to repeal Local Law 1 of 2019":

**WHEREAS**, a resolution was duly adopted by the Town Board on November 7, 2019, scheduling a public hearing to be held by said Governing Body on November 21, 2019 at 7:30PM, to hear all interested parties on a proposed local law entitled "A Local Law to Repeal Local Law 1 of 2019" in the Town of Woodbury; and

**WHEREAS**, on November 7, 2019, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

**WHEREAS**, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, on November 12, 2019 according to law; and

**WHEREAS**, said public hearing was duly held on November 21, 2019, at or about 7:30PM at the Town of Woodbury Meeting Room, located at 615 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearing, and after due deliberation thereon.

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED** by the Town Board of the Town of Woodbury that:

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA;
- 2) the proposed local law has no significant adverse environmental impacts and the Town Board hereby issues a negative declaration thereon;
- 3) the adoption of the proposed local law is in the best interests of the residents of the Town, and the Town Board hereby adopts said Local Law No 2 of 2019, entitled "A local law to repeal Local Law 1 of 2019"; and
- 4) the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Palermo	AYES
Councilman Arone	AYES
Councilman Essig	ABSENT
Councilwoman Hernandez	AYES
Councilman Hunter	AYES

**II. Public Input:**

Sandra Capriglione stated at the last meeting she was told a voucher that was submitted by Fusco Engineering regarding the creation of the pool bids for about \$9500 was appropriate as the pool engineer, John Petroccione, is not being paid to do that work. Since then she has reviewed Mr. Petroccione's proposal that was approved and it states that he would prepare the bid specifications. Supervisor Palermo stated Mr. Petroccione's proposal is to assist with the development of the specifications and then Engineer Fusco prepares them for distribution. Mrs. Capriglione then asked about the following specific vouchers on the abstract this evening:

1. 20191932 for CMMR in the amount of \$28, 426.69 and Supervisor Palermo stated it is for work on the lawsuit between the Town and the Village;
2. 20191933 for Gametime in the amount of \$26,605.70 and Supervisor Palermo stated it is for new playground equipment at the pool. Mrs. Capriglione asked if this is part of the planned improvements and Supervisor Palermo stated it is not. Mrs. Capriglione asked of the Parks Commission was aware of this purchase and Supervisor Palermo stated yes.
3. 20191936 for Job 1 Concrete in the amount of \$9500.40 and Supervisor Palermo stated it is for the expansion of the game room at the pool.

Mrs. Capriglione noted the agenda had changed regarding the local law(s) addressing the Parks Commission and Supervisor Palermo stated he had original thought it would be two separate laws but it is going to be one law. Mrs. Capriglione asked why the law is being proposed and Supervisor Palermo stated the Board has discussed reviewing the Codebook and updating it. The Parks Commission had mentioned they had concerns about their roles and he realized the law had not been addressed. He feels they never have acted as a commission but more like a committee. He noted commissions are usually found in cities and many duties assigned to a Commissioner are no longer needed since the Parks Director does it as part of his job, hiring/firing of staff as an example. Mrs. Capriglione asked where in the law it states a Commissioner can hire and fire staff and Supervisor Palermo stated the Town Code gives the Commissioners all the power vested to them under the provisions of Article 13 in General Municipal Law. Mrs. Capriglione asked if the proposed law was discussed with the Parks Commission and Supervisor Palermo stated it was not. Mrs. Capriglione stated when similar changes were made to the Beautification Commission to become a Committee the members were given the courtesy to review the law that affected them. Supervisor Palermo stated the Beautification requested the law change and drafted the law themselves that was considered by the Town Board. He noted the Town Board wants to change the Parks Commission law and will move forward with it.

Maria Hunter, speaking as Chairperson of the Beautification Committee, stated Supervisor Palermo is correct with the process that caused the law to change for that group. The then Commission approached then Supervisor Ralph Caruso because it was having issues with quorums being met to hold meetings. At the public hearing no one spoke but her on the issue. She then noted there has been discussion questioning what the Beautification Committee does. She has been a volunteer on this Committee for twenty years. Every August the Committee is required to submit an annual report summarizing what it has done and what is plans to do in the upcoming year. The Committee meets monthly and she listed the areas of concentration of municipal owned property it focuses on. She noted the Town Buildings/Grounds Department and the Village Highway Department assist the Committee with many projects. She listed what was accomplished this year and what is planned to be done next year (signage at various town locations, cleaning of Buena Vista median, seating in front of courthouse). She then thanked the committee members for the work they did this past weekend preparing the streetlight decorations that will be erected soon by the Highway Department. Regarding the proposed law for the Parks Commission, she has reviewed it and feels it looks good and promotes transparency. She also feels requiring an annual report from them is a good idea.

Thomas Burke congratulated all that won their recent election races. He commended all that ran to represent the community. He also commended Councilmen Arone and Essig for the work they have done serving while raising their families. He thanked all that supported him and shared their thoughts and ideas with him. He hopes to "do as it should be done" for everyone in our community.

### III. Administrative Business:

#### a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to accept receipt of the minutes of the meeting held on November 7, 2019.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                       NOES    0

#### b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 22 containing vouchers 20191910 - 20191985 and totaling \$1,087,633.01.

**ADOPTED**      AYES    4            Palermo, Arone, 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 budget of various funds:

- General Fund - increasing A9060.801 (HRA MVP) by \$19,845 and decreasing A9060.800 (Health Insurance) by \$19,845;
- Police Fund - increasing B9060.801 (HRA/MVP) by \$7950 and decreasing B9060.800 (Health Insurance) by \$7950;
- Refuse Fund - increasing SR599 (Appropriated Fund Balance) by \$1156, SR9060.801 (HRA/MVP) by \$4600 and decreasing SR9060.800 (Health Insurance) by \$3444;
- Special Reserve Fund - increasing CM599 (Appropriated Fund Balance) by \$30,438 and increasing CM7989.400 (Other Culture & Recreation) by \$30,438;

- Buildings/Grounds - increasing A1620.462 (Repairs/Materials) by \$10,729 and decreasing A1620.415 (Central Valley Pond Bathrooms) by \$5878, A1620.425 (Landscaping) by \$1992, A1620.465 (Blacktopping) by \$2859.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

Councilman Hunter asked why the boiler at the Courthouse is being replaced if each office has a split unit that was installed during the past eight years. He feels that the employees there need to be shown how to use the units probably instead of using the steam boiler to heat the building, which is a waste of money. Supervisor Palermo stated the issue is there is no heat on the second floor or in the hallways. Councilman Hunter stated in the bitter cold it would then be fine to use the steam boiler. Since the heat for the Parks Department section of the building is a gas line he feels, when the building is redone, the line should be run to service the system for the rest of the building as well. He feels purchasing a new boiler should not be done. Supervisor Palermo stated he believes the boiler being purchased will be for the gas line and he suggested Councilman Hunter speak to the Buildings/Grounds department about it as they know more specifics about what is being done.

#### **IV. New Business:**

##### **a. Approval of ratified UPSEU contract:**

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve the ratification of the UPSEU Memorandum of Agreement (MOA) for contract period January 1, 2018 - December 31, 2021.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

Supervisor Palermo thanked Councilman Hunter for working with him on the UPSEU contract. He noted the employees met last week and they ratified the MOA.

##### **b. Schedule Public Hearing - Introductory Local Law 3 of 2019 - Repeal and Replace Chapter 54:**

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Town Clerk to schedule a public hearing on Introductory Local Law 3 of 2019 which will repeal and replace Chapter 54 of the Town Code entitled "Park and Recreation Commission".

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing on Introductory Local Law 3 of 2019 which will repeal Chapter 54 entitled "Park and Recreation Commission" and replace it with a new Chapter 54 entitled "Park and Recreation Committee":

**WHEREAS**, the Town Board wishes to set a time and place for a public hearing to consider Introductory Local Law 3 of 2019 entitled "A Local Law to Repeal and Replace Chapter 54 of the Town Code"; and

**WHEREAS**, the Town Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and

**WHEREAS**, the Town Board hereby preliminary classifies the action as an unlisted action under SEQRA;

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that a public hearing shall be held by the Town Board in order to receive comments and suggestions regarding the proposed local law and to review any potential adverse environmental

impacts of the proposed local law, on December 5, 2019 at 7:30PM at the Town Meeting Room located at 615 Route 32 - Lower Level, Highland Mills, New York; and it is further

**RESOLVED**, that the office of the Town Clerk is authorized and directed to cause public notice of said hearing to be given as provided by law.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

c. Authorize the Supervisor to sign Countywide Public Safety Radio Agreement:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign an agreement with the County of Orange for "Public Safety Emergency Radio Communications System Interoperability". With this agreement, the County will provide radios and associated equipment for use by the Town Police Department.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

d. Authorize Town Clerk to Advertise for vacancies on various Town Committees:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise for upcoming expiring terms or vacancies that exist on the Beautification Committee and the Parks/Recreation Commission (or Committee if Introductory Local Law 3 is adopted). Letters of interest will be accepted by the Town Clerk's Office by close of business on December 13, 2019. Interviews will be held on December 18, 2019.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

Motion was then offered by Councilman Arone, seconded by Supervisor Palermo, to schedule a special meeting to be held at 6PM on December 18, 2019 for the purpose of conducting an executive session for interviews to upcoming expiring terms/vacancies on various committees.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

## V. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to approve the Supervisor's Report for October 2019 with receipts totaling \$913,090.75 and disbursements totaling \$1,008,673.85.

**ADOPTED** AYES 4 Palermo, Arone, Hernandez, Hunter  
NOES 0

b. Town Clerks Report - October 2019

c. Building & Grounds Report - October 2019

d. ACO Report - October 2019

e. Police/Communications Report - October 2019

f. Beautification Committee Minutes – November 7, 2019

g. Library Minutes - October 22 and November 7, 2019

h. Parks & Recreation Minutes – October 15, 2019

i. Budget vs. Actual - October 2019

## VI. Board Meeting Comments

Councilwoman Hernandez stated she has been working the Supervisor's Clerk to create a matrix that details the four different designs being proposed and what the cost will be for each. She met with

the Parks Commission last week and felt it was a productive conversation. The Commission wants the pool to be open and they are disheartened that the process will cause that to be delayed. She spoke to the Board of Elections and the proposition cannot be on the ballot for the Presidential Primary that is scheduled for April 2020 so the Town will need to conduct its own election on the issue which she feels may also be held in April 2020. The Town Board, Parks Commission and attorney are working on what will actually appear on the ballot. At the Parks Commission meeting there was a discussion about the timeline and the estimate submitted for borings and open pit which is about \$9000. She knows that there was concern about the quality of the soil that was donated to the Town. She was told the soil was not permitted to be transported without DEC approval and a letter should be available in time for the joint worksession that will be held. Regarding the beaver removal, the Board obtained a lot of information for alternative options. The Animal Control Officer is licensed to remove the beavers with permission from the DEC and there are strict parameters that need to be followed. In addition, two locations have offered to take the beavers after they have been trapped. She then noted the Animal Control Report shows over \$600 in donations was received last month and she thanked those that donated to help the shelter and those that are adopting the animals as well. She then wished everyone a Happy Thanksgiving.

Councilman Arone also congratulated those that were successfully elected recently noting that all that ran had the best interest in doing so.

Councilman Hunter wished everyone a Happy Thanksgiving.

Attorney McKay stated in emails with the Board there was a desire to reduce the number of members in the Parks Committee from seven to five and he asked if that is what the Board still wants to do. Supervisor Palermo polled the Board and all were in favor of a five person Committee.

Chief Watson reminded all to use caution while driving in the southern end of Town during the upcoming holiday weekend, adding the Woodbury Common will open at 9AM on Thanksgiving and will stay open until 11PM the next evening. He also congratulated the newly elected individuals.

Supervisor Palermo announced movies at the Park this weekend and congratulated all that were successful in the elections. He then wished all a Happy Thanksgiving.

## VII. Adjournment

With no further comments received or business to discuss, a motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to adjourn the meeting at 8:20PM.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

Desiree Potvin, Town Clerk

After adjournment a motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to enter into an executive session to interview SRO candidates and a dispatcher.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

## LOCAL LAW NO 2 OF 2019

A LOCAL LAW REPEALING LOCAL LAW 1 of 2019 ENTITLED, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C", PREVIOUSLY ADOPTED ON OCTOBER 3, 2019.

Be it enacted by the Town Board of the Town of Woodbury as follows:

### **Section 1. Title**

This Local Law shall be referred to as "A LOCAL LAW REPEALING LOCAL LAW NO 1 OF 2019," entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GML § 3-c".

### **Section 2. Purpose and Legislative Intent**

Pursuant to General Municipal Law Section 3-D, upon the adoption of the budget by a local government unit, the Chief Executive Officer or Budget Officer of the local government wishing to render its taxpayers eligible for the real property tax freeze credit must: (i) certify that the budget adopted for the tax year in question does not exceed the tax levy limit; or (ii) if the governing body of the local government unit has enacted a local law or approved a resolution allowing the government unit to override the tax levy limit for the year in question, certify that such local law was subsequently repealed.

Therefore in order to comply with the requirements of section 3-D, Local Law No 1 of 2019, which was adopted on October 3, 2019 authorizing the Town of Woodbury to override the tax levy limit for 2020, is hereby repealed in its entirety.

### **Section 3. Authority**

This Local Law is enacted pursuant to Municipal Home Rule Law §10. This local law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This local Law shall supersede any inconsistent local law.

### **Section 4. Rules and Regulations**

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this local law.

### **Section 5. Severability**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 6. Repeal**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **Section 7. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



## Supervisor's Clerk

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**From:** Town Supervisor  
**Sent:** Saturday, November 23, 2019 9:55 PM  
**To:** Bob Stubbs  
**Cc:** Tim Arone; Marie Clardy; Supervisor's Clerk  
**Subject:** Re: 1/1/20 Workers Comp Renewal

Thank you Bob,

Clara, Please put on the agenda. Thank you

Sent from my iPad

On Nov 22, 2019, at 9:48 AM, Bob Stubbs <[bstubbs@marshallsterling.com](mailto:bstubbs@marshallsterling.com)> wrote:

Good morning, Frank.

Attached is the workers comp renewal proposal for policy period 1/1/20 – 1/1/21. Eileen provided the estimated exposure (gross payroll) for each class code. Your total premium is \$93,084 if paid in full by 1/1/20 or \$94,725 if payment is made after 1/1/20. The renewal premium is significantly lower despite a higher payroll and an experience modification debit of 5%. NY rate reductions over the past two years along with some PERMA discretionary credit is the reason.

PERMA will perform a payroll audit after the policy term expires. However, my experience with PERMA has shown that their audit doesn't change the original policy premium very much. Any change in premium would most likely result from hiring additional employees or hiking wages during the policy term.

To bind coverage, please sign & date page 3 where highlighted and email the entire proposal back to us.

NOTE: Comp Alliance provided a verbal quote of \$120,000. They declined to offer a written quote after we informed them of PERMA's intentions.

Regards,

Bob Stubbs  
Consultant  
Marshall & Sterling Inc.  
103 Executive Dr., Suite 101  
New Windsor, NY 12553  
Cell 845-642-2458

Notice of Confidentiality – Marshall & Sterling: If you have received this transmittal in error, please notify us and delete the original without reproducing it in any fashion as it may contain private or privileged information.

<Town of Woodbury 19-20 Proposal.pdf>

