

Minutes of the Town Board Meeting held at 615 Route 32, Highland Mills on February 7, 2019 at 7:30PM

Present: Frank Palermo, Supervisor  
Timothy Arone, Michael Essig, Jacqueline Hernandez and Robert Hunter, Council  
Absent: None  
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Joseph Gianzero, Parks Director; Thomas Burke, Parks Commissioner; Dorothy Morris, Library Board; Timothy Egan and Jesus Gomez, Village Trustee; Maria Hunter, Village Planning Board

### **Pledge of Allegiance Led by Stonington Kizun, Junior Deputy Supervisor**

#### **1. Public Comments:**

Dorothy Morris thanked the Board for the opportunity to speak this evening about the libraries (she noted that she graduated from this building in 1944). There are libraries that have not addressed the needs of the patrons in this ever changing world of technology. She stressed this will not happen to the library system in Woodbury. The Library Board and the Library Director have committed themselves to incorporate the present needs, project future trends and provide services to the community. The library fosters increased involvement through community outreach for all ages of the residents of Woodbury. She noted some available services that can be obtained through the library website as well as in the library. She also noted the library encourages the public to take advantage of what the library has to offer the community and thanked the public for the support. The current program offered at each library is called "Blind Date" with a book which is available for all ages.

Robin Crouse questioned some invoices on the abstract. The first invoice was for Fusco Engineering for mold cleaning - she asked if this was reoccurring and Supervisor Palermo stated it was a one-time instance. The second invoice was for Attorney McKay regarding the Town's lawsuit against the Village and is for review and possible settlement. She asked if a date has been set for the Village and Town to meet to discuss a settlement. Supervisor Palermo stated he received an email from Mayor Queenan with suggested dates to discuss the IMA and saying the Village Board will be discussing dates for a joint meeting to discuss a settlement at their next meeting.

Kathleen Mottola stated her property is adjacent to the Town's property at Gasho and is concerned about the contamination being discussed this evening. Supervisor Palermo stated several years ago illegal dumping occurred on this site and it was determined the dumping contained dirty soil (it contained asphalt and a tar smell). The amount dumped was the size of a single truck load and the individual was apprehended. The issue has been in the courts for a while. The Board, at the suggestion of the Town Engineer, has decided it is time to have it removed. Mrs. Mottola asked how much of the land was contaminated and Supervisor Palermo stated the DEC was contacted when it was discovered and did tests. Technically it is called "contaminated" soil but it is really "dirty". Mrs. Mottola asked if those test results were available to be seen by the public and Supervisor Palermo stated they can be FOILED. Regarding the fill that is being transported to the site, Mrs. Mottola asked if the issue was

discussed at a meeting and Supervisor Palermo stated it was at the beginning of the year. Mrs. Mottola asked what the purpose was for and Supervisor Palermo stated it as to fill/level the land from where the buildings/structures were removed. The fill is clean and is coming from the NYSDOT construction site at the southern end of Town so there is no cost for it. Mrs. Mottola stated the work has been going on for weeks and starts very early in the morning. Supervisor Palermo stated the holes were very deep and a lot of fill was needed. He will speak to them about coming early but added they should be done very soon. Mrs. Mottola stated the residents in the area should have been notified of this work being done and Supervisor Palermo apologized for not doing so.

Chris Graziano stated there are many different types of contamination levels that are assigned to soil. Attorney McKay stated when the dumping was discovered the DEC was immediately notified and the Town Board has been following their recommendations in addition to those from the Town Engineer. The Board is attempting to resolve the issue through the courts but that is not working out so the engineer is recommending it be removed.

Thomas Burke thanked all that participated and volunteered at the annual John P Burke Memorial Scholarship pancake breakfast. To date the committee has awarded scholarships to over 20 graduating seniors.

Jesus Gomez asked if the soil that is "contaminated" contains anything toxic. Supervisor Palermo stated it is not toxic per the tests done by the DEC and the Town Engineer. Attorney McKay added at no time did either recommend the soil be removed immediately. The soil has never been ordered to be removed but the Board feels it is time to do so.

## **2. Administrative Business:**

### **a. Acceptance of Minutes:**

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to accept receipt of the minutes of the regular meeting held January 17, 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 3 containing vouchers 20190138 - 20190281 and totaling \$286,023.50.

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

### **c. Approval of Budget Modifications:**

Motion was offered by Councilman Arone, seconded by Councilman Essig, to approve the following modifications to the 2018 budget:

- 1) Increasing A2705 (Gifts and Donations) by \$5495, increasing A1620.445 (Community Center/Rec Building) by \$5495;

- 2) Increasing B3120.400 (Contractual Expense) by \$347, B3120.401 (Telephone) by \$86 and decreasing B3120.415 (Attorney/Legal) by \$433;
- 3) Increasing A1110.400 (Contractual Expense) by \$1100, A1620.424 (Dog Park) by \$74, A1620.470 (Town Hall Repairs/O&M) by \$358, A1620.474 (Parks Repairs Only) by \$262, A1620.475 (Animal Control Repairs/O&M) by \$84, A1620.493 (Historical Library) by \$67, A1680.200 (Central Data Processing Equipment) by \$870, A2401 (Interest) by \$845 and decreasing A1110.430 (Transportation/Travel) by \$1100, A1670.401 (Central Printing) by \$870;
- 4) Increasing A1110.400 (Justice Court Expenses) by \$331 and decreasing A1110.430 (Transportation/Travel) by \$331;
- 5) Increasing B3120.100 (Police Personal Services) by \$135, B3120.401 (Telephone) by \$1500, B3120.402 (Electricity) by \$2000, B3120.453 (Vehicle Repairs) by \$1000 and decreasing B3120.415 (Legal) by \$3635, B3120.454 (Vehicle Gas) by \$1000.

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

Motion was then offered by Councilman Essig, seconded by Councilman Arone, to approve the following modification to the 2019 budget:

- 1) Increase A1620.200 (Buildings/Grounds Equipment) by \$11,490, A599 (Appropriated Fund Balance) by \$11,490;
- 2) Creating B3306 (State Aid, Homeland Security) \$50,000, B3120.207 (K-9 Vehicle/Magazine/Monitoring/Grant) \$34,500, B3120.448 (K-9 Grant) \$8000, B3120.489 (K-9 Training Aids/Grant) \$2500, B3120.490 (K-9 Travel Costs for Training/Grant) \$5000.

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

### 3. New Business:

#### a. 2019 AOT Proposed Legislative Program:

The following proposed nineteen resolutions will be voted upon by the Town's designated delegate at the annual Associations of Towns business meeting held on February 20, 2019. These resolutions will be how the Association will lobby the State Legislature to vote on proposed legislation. The resolutions proposed are as follows:

- 1) Strengthening State Relations through Mandate Relief and Revenue Sharing - Enact comprehensive mandate relief legislation that provides permanent and full funding of existing and future mandates and that requires all legislation to include thorough local fiscal impact notes regarding the actual expense of implementing said legislation;
- 2) Preserve and Strengthen Home Rule - Urge the Governor and the Legislature to preserve and strengthen home rule and strongly oppose any state initiative that ultimately weakens or eliminates New York's long-standing tradition of home rule and local government authority;
- 3) Continue Town-Initiated Intermunicipal and Shared Service Agreements - Urge the Governor and Legislature to encourage and support town-initiated shared services and intermunicipal cooperation without state mandates or restrictions;
- 4) Requesting State Action to Address Recycling Mandates in a Time of Crisis - Urge the Governor and any relevant executive departments to re-evaluate current laws, policies

and administrative interpretations in order to relieve the added and growing costs of processing and disposal of recycling materials and also requests that New York State modify mandates relating to recycling and provide municipalities with a subsidy to, at a minimum, offset the current losses being incurred by municipalities who properly dispose of recycling materials;

- 5) Increase Justice Court Funding- Request legislative action to increase statutory fees and JCAP funding to assist local taxpayers in funding justice court operational expenses;
- 6) State Support for Local Highway Administration - Urge the Governor and Legislature to increase the base funding for the Consolidated Highway Improvement Program (CHIPs), PAVE-NY and BridgeNY and to authorize localities to make local road classifications as recommended by the NYS Local Road Classification Task Force and to support amending Highway Law 271 to authorize towns to increase the amount of taxes they can levy annually without the expense of a referendum to purchase highway equipment;
- 7) Fund Local Water, Sewer and Stormwater Infrastructure - Supports a New York State dedicated funding program to provide a fair and equitable formula to distribute funds annually to municipalities to ensure the integrity and reliance of municipal water, wastewater and stormwater infrastructure;
- 8) Increase the Number of Department of Environmental Conservation Forest Rangers - Supports increasing the number of forest rangers to 175 state-wide;
- 9) Oppose State Takeover of Utility Property on Private Right-of-Way - Urge the Governor and Legislature to ensure that the assessment of utility property in private right-of-ways remain under the control of the local municipality where such property is located;
- 10) Eliminate the "Dark Store Theory" as a Valuation Method to Reduce Real Property Tax Assessments - Urge the Governor and Legislature to adopt legislation prohibiting the use of the "Dark Store Theory" as a valuation method in real property assessment;
- 11) Support Local Hotel Occupancy Taxes - Urge the Legislature to adopt legislation giving all municipalities the option of imposing a hotel or motel occupancy tax;
- 12) Sales Tax Distribution - Urge Governor and Legislature to amend the New York State Tax Law to require county governments governed by separately elected legislators to share sales tax revenue with towns and to negotiate sales tax allocation formulas with towns and that non-negotiated changes to a county sales tax allocation formula be subject to a permissive referendum;
- 13) Increase Retired Police Officers' and Employees' Capped Earnings under the Retirement System - Urge the Governor and Legislature to amend state law to increase the salary cap placed on retired public employees who continue their public service;
- 14) Publication of Legal Notices - Urge the Governor and Legislature to amend the General Construction Law to allow publications having a widespread though unpaid circulation within the town to be considered newspapers and to permit towns and other governments to place legal notice in these local publications and to support legislation allowing optional alternative media for publication of legal notices in order to improve citizen participation in and awareness of town programs and expenses;
- 15) Restore Real Property Tax, State Income Tax and Mortgage Interest Federal Income Tax Deductions - Urge the New York congressional delegation to fight to preserve and/or restore deductibility of state income tax, real property taxes and interest paid on mortgages;
- 16) Reform Inequities in the Property Tax Cap Formula - Call for tax cap program reforms, such as exemptions for expenditures that improve public safety, invest in local infrastructure, address

emergencies, acquire and develop open space, result from capital improvements mandated by government agencies' consent orders, and invest in municipal infrastructure to enhance economic capacity and community development and to call on the state to examine and report on the property tax cap's impact on local government operations and infrastructure;

- 17) Resolution Imploring AATV, Adirondack Inter-County, AOT, NYCOM, NYSAC and NYS to Come Together with a Plan to Provide Cell Coverage for all NYS Residents and Visitors - Urge all local governments and local government associations to stand together, to insist that the time is now to move New York ahead of the nation in terms of this critical technology;
- 18) Support Funding for Rural Broadband Deployment while Preserving Local Authority - Urge the Governor, Legislature and the Congressional Delegation to continue to support broadband access and deployment through additional funding, legislative initiatives and programs while preserving local governments' authority over municipal infrastructure, siting decisions, fees and the time it takes to review applications;
- 19) Authorize and Optional Town Gross Receipts Tax (GRT) - Urge the Governor and Legislature to authorize towns, at their discretion, to collect gross receipts tax.

The Board agreed with all the above resolutions. Motion was then offered by Supervisor Palermo, seconded by Councilman Essig, to instruct the Voting Delegate or Alternate Voting Delegate to cast votes of support, on behalf of the Town of Woodbury, on the above issues at the Annual Business Meeting of the Associations of Towns to be held on February 20, 2019.

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

b. Announce Completion of the 2018 Annual Accounting:

Supervisor Palermo announced the annual accounting of the 2018 records, as required pursuant to Section 62 of Town Law, was completed January 18, 2019. Supervisor Palermo noted Councilman Hunter and Councilwoman Hernandez did several department with him separately.

c. Grant Received from NYS Unified Court System:

Supervisor Palermo recognized Carol Garen and the court staff and announced a grant was awarded to the Justice Court in the amount of \$14,031 from the NYS Unified Court System for the purchase of office furniture and court room equipment. This grant was authorized at the October 4, 2018 meeting.

d. Authorize Supervisor to Sign - MOA Renewal with Jewish Family Services for 2019:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign a Memorandum of Understanding with Jewish Family Service for the Friendly Visitors Program for 2019.

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

e. Appointment of Part-Time Librarian 1:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to appoint Christine Hiller to the position of part-time Librarian 1 with a start date of February 12, 2019. This position is an UPSEU Grade 12, Table A and is paid \$25.81/hour. Approval from the Orange County Department of Human Resources has been received.

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

f. Approval Pay Schedule for Non Union Positions, hired after January 1, 2019:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to approve the pay schedule for non-union positions with hire dates after January 1, 2019 as follows:

- a) All Titles Hired As Temporary - \$15.00/hour
- b) Seasonal Positions in Buildings/Grounds Department - \$15.00/hour
- c) Deputy Town Clerk - \$16.00/hour
- d) Confidential Secretary to the Supervisor - \$16.00/hour

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

g. Appointment of Part-Time Confidential Secretary to the Supervisor:

Supervisor Palermo stated he is appointing Clara Rivera to the position of part-time (20 hours per week) Confidential Secretary to the Supervisor with a start date of February 11, 2019. This position is non-union and is paid \$16.00/hour.

h. Appointment of Part-Time ACO:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to appoint Mellissa Bellantone to the position of part-time ACO with a start date of February 25, 2019. This position is an UPSEU Grade 1, Table A and is paid \$16.36/hour.

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

i. Approval of Bid for removal of Contaminated Dirt dumped at the Gasho Property:

Engineer Fusco submitted correspondence regarding his efforts to obtain quotes for the removal of the contaminated soil on Town property (f/k/a Gasho Property). He was able to only find one company locally that does this work and they are Crossriver Environmental whom submitted an estimated quote of \$10,540. Councilman Arone asked where did Engineer Fusco search for companies from and Clerk Potvin stated he did not specify. Councilman Hunter stated he feels an exact quote, not an estimate, should be received, adding this is only a small pile of dirt that was dumped. Supervisor Palermo stated he will speak to Engineer Fusco to get a firmer bid and will have it for discussion at the next meeting.

EXTRA ITEM - Police Commissioners Meeting:

Supervisor Palermo announced there will be a Police Commissioners meeting held on February 11, 2019 at 7:30PM at Town Hall.

#### **4. Old Business:**

EXTRA ITEM - Worksessions:

Councilwoman Hernandez asked that the Board consider holding worksessions at the end of the regular meeting, like the Village does, instead of at the beginning of the meetings.

She felt the last worksession it was uncomfortable to ask the public to leave as they were arriving to attend the regular meeting. Councilman Arone noted the meeting being referenced was an attorney/client session, not a worksession, which is why the public was unable to attend. Supervisor Palermo stated the issue can be discussed.

**5. Board Member Comments:**

Councilwoman Hernandez thanked everyone that attended the meeting this evening. She noted more of the public has been utilizing the website and have been submitting constructive suggestions and comments. She will continue to work on the site to incorporate the suggestions if possible. Supervisor Palermo added individuals are utilizing the email messaging feature on the website and he urged they be patient while waiting for a response, noting he does not check his email every minute.

Councilman Hunter stated he is disappointed that the Supervisor feels it is necessary to hire a secretary when one was not needed for the past year.

**6. Adjournment:**

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

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

Desiree Potvin, Town Clerk

*After adjournment the Board entered into an attorney/client session with Attorney McKay.*