

Minutes of the Town Board Meeting held on September 5, 2019 at 7:30PM

Present: Frank Palermo, Supervisor

Timothy Arone, Jacqueline Hernandez and Robert Hunter, Council

Absent: Michael Essig, Council

Also Present: Joseph Gianzero, Parks Director; John Smith, Parks Commissioner; Kevin Watson, Police Chief; Clara Rivera, Clerk in Supervisor's Office

6:15PM - Worksession – Attorney/Client

Pledge of Allegiance Led by Madison Melendez, Junior Deputy Supervisor

Present Senator Skoufis Award to Mia and Mason Perna

A certificate was presented to Mia and Mason Perna by Supervisor Palermo on behalf of Senator Skoufis for each being the June 2019 Junior Deputy Supervisors. Supervisor Palermo added that both are also members of the Town's Art Council and each has pictures on display in the meeting room.

I. Public Input:

John Smith stated he feels that public input should be permitted at the beginning and at the end of the meeting so the public can have the right to speak about anything they want too. He then asked if the budget meeting schedule will be made public and Supervisor Palermo stated the dates will be announced at the next meeting. Mr. Smith then stated the litigation between the Town and Village has no winners and the taxpayers are the losers since they are financing both sides. He feels Supervisor Palermo should speak to Attorney McKay about going to arbitration with the Village to resolve it. He also feels it is not right that no members of either Board discuss the issue publically to keep the public aware of what is transpiring. Councilman Hunter stated when litigation is involved comments that can be made by either party is restricted. The Board has carefully considered and thought about the issue regarding the lawsuit and will follow the procedure through the court system. He would have liked to have seen the lawsuit finalized a long time ago but it does not work that way. Supervisor Palermo stated the discovery phase has just been completed and an informational meeting will be held in the near future explaining exactly what is going on.

Susan Ciriello stated at the last meeting she supplied an analysis of attorney charges that she prepared from the information she obtained via FOIL and Supervisor Palermo stated he has reviewed it. He also noted he is aware that she has also FOILed attorney charges from previous years. He knows that she is running for public office and it is his belief that she is trying to show how much in attorney charges was paid during the term of the previous Supervisor compared to what he has spent during his term. To save time, he noted that attorney fees for the past few years were: 2017 \$295,862; 2018 \$231,870 and the projection for 2019 is \$232,176. He feels the Board has been very prudent and has spent less than what was spent by the previous Supervisor. Mrs. Ciriello stated the amount could have been less if the lawsuit between the two municipalities did not exist. Supervisor Palermo stated in the very near future it will be made public as too why the Town is continuing to pursue the lawsuit, which has to do with the actions of former Supervisor David Sutz. Mrs. Ciriello then stated at one of the joint meetings it was discussed that an appraiser would be hired to obtain an estimated value of the properties. Supervisor Palermo stated he gave some names to Mayor Queenan but the Village told the Town they would like to utilize the value that was determined during the last assessment revaluation, which was in the 1980s. The Town felt that was unacceptable and the Village then said it had no interest in settling. Mrs. Ciriello then noted she submitted a FOIL for additional attorney fee information and she was told all FOILs

relating to attorney fees would be reviewed by the attorney prior to being released. However, the attorney failed to provide the documents timely which caused her FOIL to be deemed denied. She feels that procedure has changed based on her FOIL request and she would like to know why this happened and why the attorney did not respond. Supervisor Palermo stated attorney invoices were always supposed to be redacted and that was not done for one of Mrs. Ciriello's FOIL requests. Therefore, the attorney will need to see what is being released prior to it being done. Mrs. Ciriello stated she is a taxpayer and feels the change in procedure is a lack of transparency. Clerk Potvin explained that the policy has not changed, just the procedure in which attorney invoices are released. The original procedure was to look in the file marked "Attorney Invoices Redacted for FOIL Purposes". If the documents requested are not in that file than the original could be released. Now the procedure is to forward a FOIL request related to such documents to the attorney and he will then redact if necessary. However, this change in procedure was not informed to the Clerk's office so the documents were released based on the original direction given. Supervisor Palermo stated he would contact the attorney to determine why the request was not answered within the timeframe.

II. 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 August 15, 2019.

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

b. Approval of Abstract:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to approve Abstract 17 containing vouchers 20191409 - 20191538 and totaling \$142,529.14.

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

c. Budget Modification:

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

- Parks Department - increasing A7110.433 (Ticket Issue/Printing) by \$300 and decreasing A7110.431 (Summer Supplies) by \$300
- Town Board - increasing A1010.401 (Workplace Violence) by \$828 and decreasing A1010.400 (Town Board Contractual) by \$828
- Buildings/Grounds - increasing A1620.416 (Uniforms) by \$1000 and increasing A1620.465 (Blacktopping) by \$1000.

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

III. New Business:

a. Appoint Julie Rose as Assessor for Town of Woodbury; in effect from October 1, 2019 to September 30, 2025:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to adopt the following resolution to appoint Julie Rose as Assessor for the Town of Woodbury:

WHEREAS, the term of office of a Sole Assessor is set at six (6) years by Real Property Tax Law § 310(2); and

WHEREAS, the next term of office of Sole Assessor begins October 1, 2019 and ends on September 30, 2025; and

WHEREAS, the Town Board previously appointed Julie Rose as Acting Assessor pursuant to Real Property Tax Law section 314(1); and

WHEREAS, the Town Board now wishes to appoint Julie Rose to the position of Sole Assessor;
NOW, THEREFORE, BE IT HEREBY

RESOLVED, that pursuant to Real Property Tax Law § 310, Julie Rose is hereby appointed Sole Assessor for the Town of Woodbury, with a term of office to begin October 1, 2019 and end on September 30, 2025; and be it further

RESOLVED, that the Town Supervisor and/or Town Clerk are hereby authorized and directed to complete and/or provide the Office of the New York State Commissioner of Taxation and Finance such other and further documents as may be needed to confirm the appointment.

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

b. Appointing Clara Rivera as Clerk & Refuse Dept. from full time reduced hours up to 35 hours per week at the same current pay rate. Effective 9/6/19:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to appoint Clara Rivera to the position of Clerk and Refuse Department from full-time reduced hours up to 35 hours per week at the same current pay rate.

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

c. Accept Grainne O'Connor's resignation as Senior Clerk at Woodbury Public Library, effective September 21st, 2019:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to accept, with regrets, the resignation of Grainne O'Connor from the position of Senior Clerk at Woodbury Public Library effective September 21, 2019.

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

d. Review/Accept Auction Items:

The auction closed on September 4, 2019 at 8PM and the results were as follows:

Lot #		Type	Qty	LotPrice
Sold (9)				
1	2006 Ford F350 Super Duty XL 4X4 dump truck. VIN#: 1FDW37P76ED27399. Body: Regular Cab 2D. Engine: 6.0L V8 Power stroke Turbo Diesel. Mileage: 48,298. Air-flo	One Lot	1	5,600.00
2	1988 Ford 1620 HST 4X4 tractor. Hours reading: 2091.5. SN: 019286. Runs & operates. Will need jump start.	One Lot	1	3,100.00
3	AgriMetal PTO blower attachment, Model: BW-300. Series: 18154. Has not been used in 5 years. Needs u-joint for drive shaft.	One Lot	1	1,050.00
4	1988 Ford 250C tractor 4X4 with Ford 744 loader attachment. Has not been used in 6 years, does not run. Hydraulic leaks. Hours reading: 1563.8.	One Lot	1	6,000.00
5	Ford flail mower attachment. Model: 917. SN: 22-185. Needs back roller bearing. Sitting for 10+ years.	One Lot	1	400.00
6	Computer & office accessories. Includes Protect Guard, Fellowes & Dataguard power strips; APC Surge Arrest Power strips, extension cords, computer cables, phone handsets.	One Lot	1	16.00
8	Five Nook tablet readers with power cords. Reported to not turn on.	One Lot	1	1.00
9	Vacuums including Oreck XL Commercial Vacuum & Shark Rocket Vacuum. Both reported to be inoperable.	One Lot	1	16.00
10	Computers including (6) HP Prodesk computers, SN's: 2UA41625JW, 2UA4241627, 2UA4241635, 2UA42413RD, 2UA41625PH, & MXL4280MSL; (6) HP 6300 Pro, SN's:	One Lot	1	12.00

The following items received no bids: six boxes of discarded non-fiction library books, adjustable standing Varidesk, score board.

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to accept the bids received as listed.

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

Motion was then offered by Supervisor Palermo, seconded by Councilman Hunter, to properly dispose of the items that received no bids.

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

e. Authorize Supervisor to waive Woodbury Lions Club "Yard Sale Fee" for Participants:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to approve the Town Clerk to waive the \$5.00 application fee for the residents participating in the Woodbury Lions Club annual Community Yard Sale on September 21, 2019.

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

f. Review/Accept Tax Collector Bond:

The Board members signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2020. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

g. Motion for a public hearing on Oct. 3, 2019 on Local Law #1; - 2% cap override:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing on Introductory Local Law 1 of 2019 entitled "Tax Cap Override" as follows:

WHEREAS, the Town Board wishes to set a time and place for a public hearing to consider Introductory Local Law 1 of 2019 entitled "Tax Cap Override"; 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 October 3, 2019 at 7:30PM at the Town Meeting Room located at 615 Route 32, 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

h. Motion for a public hearing on Oct. 3, 2019 on assessment rolls:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to schedule a public hearing to be held October 3, 2019 at 7:30PM on the adoption of the special district assessment rolls which are as follows: Consolidated Sewer, Water 6 (Amdur Park), Sewer 1 (Valley Forge), Highland Lake Estates Sewer and Refuse.

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

i. Review Summer Report for Camp Rez:

Director Gianzero stated the Town experienced a nice summer and the water facilities are now closed but the parks are still open for outdoor activities. At the Burke Pool attendance was 15,101 with guests totaling 3683; Earl's Reservoir had 14,625 with guests totaling 2529. Camp Rez had 85 in Session 1 and 81 in Session 2. Swimming lessons has 60 in July and 73 in August. There were 104 seasonal employees hired this year, 69 were town residents. A schedule of activities at the Community Building is being created to include yoga and tai chi, and the art council meets there as well. Residents have reserved the room for parties and Supervisor Palermo added work on the kitchen is being started as well. Councilwoman Hernandez thanked the Parks Department for the wonderful job they did and for planning all the great activities.

j. Approve Town Clerk to advertise for bids: regarding new pool at John P. Burke Park:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise for bids for the improvements to the John P Burke pool.

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

k. Review/Approve Stratagem Security System for WPD:

A proposal was received from Stratagem for the installation of security cameras at both parks, the community center and at the corner of Route 105/32. Supervisor Palermo noted the camera at the intersection of Route 32/105 is for in case any crime is committed and someone wants to get away and it assist with a criminal investigation. Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to accept the proposal and authorize the Supervisor to sign the proposal acceptance at a cost of \$31,029.34.

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

l. Authorize Supervisor to sign Part-Time SRO agreement with MWSCD:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor and Police Chief to sign an agreement with the Board of Education of the Monroe Woodbury Central School District for the expanded part-time School Resource Officers program.

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

IV. Board Meeting Comments:

Councilwoman Hernandez wished everyone a happy return to school and asked that all drive with caution and adhere to stopped school buses.

Councilman Hunter thanked the Parks Department and Buildings/Grounds for keeping the parks going this summer.

Clerk Potvin sent condolences to the families of former Senator William Larkin and former Deputy Town Clerk Michele Zwicker.

Maria Hunter encouraged all to attend the annual 9/11 service at the Highland Mills Firehouse.

V. Adjournment:

With no further business to discuss a motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to adjourn the meeting at 8:10PM.

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

Desiree Potvin, Town Clerk