

Minutes of the Town Board Meeting held on September 16, 2021 at 7:30PM

Present: Thomas Burke, Deputy Town Supervisor
Tyler Etzel, Jacqueline Hernandez and Robert Hunter, Council
Absent: Frank Palermo, Supervisor
Also Present: Joseph McKay, Attorney for the Town; Joseph Gianzero, Working Leader for the Parks;
Maria Hunter, Beautification Committee; John Smith, Library Board, Laurie Tautel,
County Legislator

I. Public Input:

Sandra Capriglione asked questions about the pool renovations. In April, the Board approved Main Line Commercial Pools and their bid was for \$2.5 million, which did not include the electric. The change order tonight brings the total cost of the project to now be \$2.9 million (she also noted the project title on the Change Order states it is for the REZ building). Then on September 14, Councilwoman Hernandez responded to a resident and said the current estimate with modifications, and the slide, is will be \$3.9 million. Councilwoman Hernandez stated there are a lot of modifications that need to be approved and they will be done so publicly. The numbers that she has put out on social medias are anticipated amounts, adding when each aspect of the project is done concrete figures would then be available. Mrs. Capriglione asked if the electric work had been bid yet and Deputy Supervisor Burke stated it will be an added expense that Main Line will do as a Change Order in the future. Regarding the slide, prices obtained ranged greatly and the Board selected one that was a reasonable cost and still exciting. The engineers and consultants are working hard to stay on top of costs. Mrs. Capriglione asked if a maximum cost was set on consultant costs and Deputy Supervisor Burke stated there was not as it is a work in progress. Mrs. Capriglione the asked, regarding the borings, who did them and what the cost was. Councilman Etzel stated the cost was about \$6000. Deputy Supervisor Burke stated he was on-site when the first set was done and three of the four of them were did not test well which is why the location of the pool was shifted. Mrs. Capriglione then asked about where the soil being excavated is going and Deputy Supervisor Burke stated that, since the pool location was changed, it is going where the initial location was. Mrs. Capriglione stated the bond is higher than what the project will cost and she asked what happens to the extra funds and Councilman Etzel stated it will be used to pay off the bond per the payment schedule.

Thomas Powell asked if it was common practice to have bids let without including all parts of the project, noting the slide and the electric for the pool renovations. Deputy Supervisor Burke stated when the bids were received two vendors submitted and both did not include the electric component and that it would be decided at a later date. Councilwoman Hernandez stated the specifications included the mechanicals for installing a slide but not the slide itself as it was not considered a priority. Since the total bid came in significantly lower that the cost projected by the engineer, the Board decided to move forward with adding it now. Mr. Powell stated after former Town Supervisor John Burke passed away it was stated that the new pool that was constructed did not have the center has thick as it should have been. He asked if that engineer is still being used and Councilwoman Hernandez stated no. Mr. Powell asked who would be overseeing the work and Deputy Supervisor Burke stated the Town's pool engineer is there doing weekly checks. Councilwoman Hernandez stated she spoke to him and stressed the Boards desire to ensure that this work is being done properly with no mistakes. She was told the OCDOH and he will be responsible for the oversight and inspections. She added the Town's pool engineer is training the OCDOH on these inspections since they do not know how to do it on a pool of this size. Deputy Supervisor Burke stated he also makes weekly site visits and when he is there so also is

a representative from either Engineer Fusco’s office or the pool engineer. Mr. Powell stated someone should be there when the concrete is being poured and making sure it is done properly and monitored.

Felicita Ferrara stated her neighbor has two signs erected that threatens to shoot trespassers on his property and it is angled to face her house where her children can read it. She has complained to the Village Board and the police department about this issue. She is working very hard to have the signs removed but there are no rules that require it. She needs the Boards help and can get a petition signed if need be. Deputy Supervisor Burke stated he did go to the property to see the sign and he agrees that it is unnecessary but added the neighbor does have a first amendment right to have the sign there. Attorney McKay stated the situation is difficult and noted case law does exist that is favorable for the neighbors’ rights over what the local government can do. He suggested if Mrs. Ferrara feels that she is being threatened by the neighbor she should continue to call the police and pursue it legally. Deputy Supervisor Burke stated the Board will continue to have Attorney McKay research the issue to see if there is anything the Board can legally do. Councilman Hunter asked if he could stop by to see the sign and Mrs. Ferrara stated he could. Maria Hunter stated, according to the County records, the neighbor erecting the sign does not own the property. Thomas Powell stated the neighbor does but the records online have not been updated. Mrs. Hunter asked if anyone has checked to see if he has a registered pistol permit and Mr. Powell stated that is something the police should have done when they received the complaint. County Legislator Tautel suggested Mrs. Ferrara speak to her attorney about establishing a pattern of harassment, nothing that if he does have a pistol permit it could be revoked if he is not following the rules that dictate the responsibility of having one. She will contact the County Clerk to get a copy of the rules for her. Previously, Councilman Etzel asked her about the bidding for the sewer meters. It is still before the DEC and awaiting an answer. She then noted she inspected the cutout on Bakertown Road and submitted an inquiry to see if permission was granted for it.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Etzel, to accept receipt of the minutes of the meeting held September 2, 2021.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to approve Abstract 18 containing vouchers 211273 – 211375 and totaling \$248,648.88.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

c. Budget Modifications:

Motion was offered by Councilman Hunter, seconded by Deputy Supervisor Burke, to approve modification to the 2021 budget as follows:

- Buildings/Grounds – increasing A1620.425 (Landscaping) by \$1130 and decreasing A1620.410 (Building Materials) by \$1130
- Supervisor’s Office – increasing A1220.405 (CPA) by \$2773 and decreasing A1220.430 (Transportation/Travel) by \$1933, A1220.445 (Meetings) by \$840.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

III. New Business:

a. Schedule Public Hearing – Introductory Local Law 3 of 2021 – Tax Cap Override:

Motion was offered by Councilman Hunter, seconded by Councilman Etzel, to schedule a public hearing to be held on October 7, 2021 at 7:30PM to entertain public comments on Introductory Local Law 3 of 2021 which will override the tax levy limit established in General Municipal Law Section 3-c for the Town’s 2022 budget, if necessary.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

b. Change Order #2 - John P Burke Memorial Pool – Pump Station:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to authorize the Deputy Supervisor to sign Change Order No 2 for the John P Burke Pool improvements with Main Line Commercial Pools Inc., totaling \$28,631.37. The reason for the change order is listed as “pump station”.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

c. Signing of Tax Collector/Deputy Tax Collector Bond – 2022 Collection:

The Board members present signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2022. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

d. Surplus Equipment/Authorize to Sell at Auction:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to declare various pieces of equipment in the Senior Center, Assessor and Library as surplus, as well as the following two vehicles from the Police Department: 2008 Ford Suburban VIN# 1FD4E45P78DA96063, 2008 Honda Civic VIN# 2HGFA16538H319515.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

Motion was then offered by Councilman Etzel, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise the surplus items for sale at auction.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

e. Town Board to review and approve a proposal for Utility Poles Light Receptacle Project:

Deputy Supervisor Burke stated the Beautification Committee will be installing additional receptacles on poles to increase the inventory of streetlight décor for the holiday season. Per the town’s procurement policy, two quotes are needed. One quote was obtained and attempts were made to get a second quote, but no response was received. He believes the policy was followed accurately and no action is required by the Town Board per that policy.

f. Schedule Special Meeting – Parks Committee Interviews:

Motion was offered by Councilwoman Hernandez, seconded by Deputy Supervisor Burke, to schedule a special meeting to be held on September 23, 2021 at 7PM to conduct interviews with individuals that have submitted letters of interest to serve on the Parks Committee.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter

NOES 0

g. Acceptance of Resignation – Joan Butler:

Motion was offered by Councilman Hunter, seconded by Deputy Supervisor Burke, to accept, with regrets, the resignation of Joan Butler from the position of dispatcher effective October 12, 2021.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
NOES 0

Deputy Supervisor Burke noted Ms. Butler has been an employee of the Town since May 1998. Her dedication to the position has been greatly appreciated and he wished her the best in her future endeavors. The Board collectively wished Ms. Butler much enjoyment in her retirement.

IV. Old Business:

a. Lock-In Rate – Fuel Oil No. 2 – H Reynolds & Son:

Deputy Supervisor Burke stated part of the bid submitted a few months ago from H Reynolds & Sons for the supply of Fuel Oil No 2 stated they would be sending the information about a lock-in rate once it was available. It has now been received for the three locations (Police Department, CV Library and the Animal Shelter). The lock-in rate quoted is \$2.999. Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to authorize the Deputy Supervisor to sign the Lock-In rate application with H Reynolds & Son for the 2021/2022 season,

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
NOES 0

b. Announcement of Budget Worksessions:

Deputy Supervisor Burke announced the following dates for the upcoming budget sessions for the FY2022 budget – October 6, October 14, October 18.

V. Department Reports:

a. Supervisor Report – August 2021

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to approve the August 2021 Supervisor’s Report with receipts totaling \$119,064.70 and disbursements totaling \$1,467,475.45.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
NOES 0

b. Town Clerk’s Report – August 2021

c. Animal Control Report – August 2021

d. Police/Communications Report – August 2021

e. Library Board Minutes – August 24, 2021

f. Library Director Report – August 2021

g. Parks Committee Minutes – August 17, 2021

h. Parks, Building & Grounds Report – August 2021

i. Beautification Committee Minutes – No Meeting held in September

j. Budget vs. Actual – August 2021

VI. Board Member Comments:

Councilwoman Hernandez thanked the Village Fire Department, Beautification Committee and all volunteers that participated and planned the 9/11 20th Memorial held this past weekend. She noted this weekend there will be a walk at the reservoir for suicide awareness which she is very passionate about, especially with teenagers. She then noted this month is Hispanic Heritage month and the library

will be hosting an event she encouraged all to attend. She then wished all that celebrate a blessed Yom Kippur.

Deputy Supervisor Burke also noted the 9/11 Memorial was done very well and he was touched by all the families that participated and those that were connected personally to the events of that day in 2001. He then recognized all of Woodbury's Hispanic residents celebrating Hispanic Awareness month and those doing the same with Yom Kippur.

Clerk Potvin stated earlier this week she attended a First Responder recognition ceremony hosted by Assemblyman Colin Schmidt. At the ceremony, Anthony Maggio was nominated by the Town and Village of Woodbury and his wife and my Records Clerk, Tracy, attended and accepted the recognition on his behalf. Since she was unable to attend the meeting this evening, she sent a letter of thanks and gratitude. Clerk Potvin also made comments about political signs that have begun to be erected throughout the Town. She noted the signs are very expensive to the candidates and it is a crime to remove or deface them from property not owned by the individual doing the act. She asked that all please be patient during the next two months of election season and leave the signs alone. If you feel that a sign is erected in a location that it should not be, she asked that you call her office and she will address it. She added that there is no law prohibiting signs from being erected on public/municipal property so please do not call if you see one at a location. She added that since litigation from the late 1990s, political signs are protected under the constitution and cannot be restricted.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to adjourn the meeting at 8:35PM.

ADOPTED AYES 4 Burke, Etzel, Hernandez, Hunter
 NOES 0

Desiree Potvin, Town Clerk