

Minutes of the Town Board Meeting held on November 4, 2021 at 7:30PM

Present: Frank Palermo, Supervisor
Thomas Burke, Tyler Etzel, Jacqueline Hernandez and Robert Hunter, Council
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Lorelei Pitt, Budget Officer; Joseph Gianzero, Working Leader for Parks; Maria Hunter, Beautification Committee; Laurie Tautel, County Legislator; many members of the Police Department

Swearing In/Promotion Ceremony – Police Sergeant:

Police Sergeants Kristin Potter, Christopher Correa and Eric Hardin were presented with their Sergeant badges. Chief Watson relayed his experiences with each Sergeant and explained why they are the ideal individual for the position. The Chief also acknowledged the Detective Steven Roman, who was promoted during COVID when a ceremony could not be held. Clerk Potvin then administered the Oath of Office to the three Sergeants.

Public Hearing – Fiscal Year 2022 Preliminary Budget:

Town Clerk Potvin stated a public hearing is being held to entertain public comments on the 2022 Preliminary Budget. The public notice was printed in the Times Herald Record on October 26, 2021 with the salaries of the elected officials posted as follows: Town Supervisor \$57,350; Town Clerk \$69,000; Justices (2) \$33,915; Council (4) \$10,795; Tax Collector \$12,360. The following comments were received:

Supervisor Palermo explained some changes that have been made to the Woodbury Common BID (SMB) budget due to a late submission by them. The budget they submitted included \$15,000 for Route 32 Road Maintenance, which is not a permitted expenditure for BID. He stated he made it clear to the Woodbury Common management that it cannot be in the budget, which Attorney McKay confirmed, but they added it anyways. He removed it and put it in the personnel line-item instead. Councilman Etzel stated he feels the funds should be returned instead of reallocated. Supervisor Palermo stated doing so would affect the 2% tax cap for next year. He stressed again that the budget was submitted late and should be treated like any other department is treated, meaning the Board has the right to do whatever modification they see fit. Attorney McKay stated as long as the money is not used for an improper use, adding the Board put the Woodbury Common on notice that it is not accepting the line-item they created. Supervisor Palermo stated Attorney McKay has been asked to send the Woodbury Common a letter informing them of the Board's decision, which he told verbally to the management already. A discussion ensued and the end result was the Board would do the modification and Woodbury Common can submit a request for the funds to be returned if they opt to do so. Budget Officer Pitt noted the total net change to the BID budget was \$2175 and the amendments to the preliminary budget were as follows:

<i>SMB1001</i>	<i>Tax Levy</i>	<i>decreased \$2175</i>
<i>SMB1980.400</i>	<i>Payment of MTA Payroll</i>	<i>decreased \$31</i>
<i>SMB3020.100</i>	<i>Dispatcher</i>	<i>decreased \$725</i>
<i>SMB3120.100</i>	<i>Police Personnel</i>	<i>increased \$6004</i>
<i>SMB3120.102</i>	<i>Police K9 Services</i>	<i>increased \$566</i>
<i>SMB3120.200</i>	<i>Equipment/Other</i>	<i>decreased \$5000</i>
<i>SMB9015.800</i>	<i>Retirement – Police</i>	<i>decreased \$2289</i>
<i>SMB9030.800</i>	<i>FICA</i>	<i>decreased \$700</i>

The following changes were made to the preliminary budget after it was filed with the Town Clerk's Office, all are to the SMB (Woodbury Common BID) Fund:

<i>SMB1001</i>	<i>Tax Levy</i>	<i>decreased \$2175</i>
<i>SMB1980.400</i>	<i>Payment of MTA Payroll</i>	<i>decreased \$31</i>
<i>SMB3020.100</i>	<i>Dispatcher</i>	<i>decreased \$725</i>
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<i>SMB9030.800</i>	<i>FICA</i>	<i>decreased \$700</i>

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

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Motion was then offered by Councilman Burke, seconded by Councilman Hunter, to adopt/approve the Fiscal Year 2022 budget as printed at the start of the minute book for 2022.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Palermo	YES
Councilman Burke	YES
Councilman Etzel	YES
Councilwoman Hernandez	YES
Councilman Hunter	YES

Public Input:

Legislator Tautel stated earlier today the Legislature adopted a resolution supporting operation green light for active military service members in transition to civilian life. Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to accept the resolution.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to accept receipt of the minutes of the meeting held October 21, 2021.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve revised Abstract 15 by voiding voucher 211115 (check #24271) in the amount of \$275. This reduces the total of the abstract to be \$491,659.81.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve Abstract 21 containing vouchers 211596 – 211716 (voiding vouchers 211614 and 211710; check 24723 and 24746) totaling \$1,262,908.87.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

c. Budget Modifications:

Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to approve the following modifications to the 2021 budget:

- Police – increasing B3120.412 (Postage) by \$50 and decreasing B3120.448 (Miscellaneous) by \$50;
- Senior Center – increasing A7620.411 (Office Supplies) by \$44 and decreasing A7620.469 (Kitchen/Food Supplies) by \$44;
- Supervisor’s Office – increasing A1220.412 (Service Contracts) by \$100 and decreasing A1220.404 (Outsourced Payroll) by \$100;
- Buildings/Grounds – increasing A1620.452 (Vehicle Maintenance) by \$1285, A1620.462 (Repairs/Materials) by \$6173 and decreasing A1620.100 (Personal Services) by \$7458;
- Library – increasing L7410.200 (Equipment) by \$11,000, L7410.202 (Automation) by \$200, L7410.407 (Electricity) by \$1000, L7410.412 (Postage) by \$50, L7410.428 (Children’s Programs) \$1500, L7410.429 (Special Programs) by \$1500, L7410.463 (Computer Software) by \$200, L7410.465 (Processing Supplies) by \$400, L9060.801 (HRA MVP) by \$2500 and decreased L7410.409 (Building Improvements) \$11,000, L7410.403 (Heating Oil/Gas) by \$1200, L7410.411 (Office Supplies) by \$650, L7410.100 (Personal Services) by \$3000, L9060.800 (Health Insurance) by \$2500;
- Ambulance – increasing A1010.453 (Town Board/Ambulance Gas) by \$2000 and increasing A599 (Appropriated Fund Balance) by \$2000.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

New Business:

a. Resolution - ELT Harriman LLC Tax Certiorari Settlement Agreement:

Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to adopt the following resolution authorizing Catania Mahon & Rider, PLLC to settle tax certiorari proceedings commenced in the years 2011-2020 by ELT Harriman, LLC against the Town of Woodbury, and authorizing the firm and/or the Supervisor to execute documents needed to effectuate the settlement:

WHEREAS ELT Harriman, LLC (“ELT”) filed tax certiorari petitions against the Town pursuant to Article 7 of the New York Real Property Tax Law, challenging the tax assessments of certain properties owned by ELT within the Town of Woodbury for the years 2011 through 2020 (the “Properties”); and

WHEREAS due to the contamination existing on several parcels under review, the parties have engaged in protracted litigation in both the Supreme Court and Appellate Division; and

WHEREAS the Town Board engaged the services of an expert appraiser to advise the board with respect to the proper assessed valuation of the lots under review, and to provide an expert opinion and testimony for the trial and/or settlement of the above proceedings; and

WHEREAS the Town, the Monroe-Woodbury School District and the County of Orange participated in multiple mediation sessions to resolve the pending actions; and

WHEREAS the Monroe-Woodbury School District has indicated its consent to the terms of the settlement; and

WHEREAS the Town Board of the Town of Woodbury has reviewed, considered and discussed the issues related to the settlement of these actions; and

WHEREAS the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter.

NOW, THEREFORE, BE IT HEREBY

RESOLVED that the Town's Attorneys, Catania, Mahon & Rider, PLLC, shall have the authority to settle the matter described herein on behalf of the Town of Woodbury, and the Town Board directs the Town's Attorneys and/or the Town Supervisor to execute the stipulation of settlement and any other documents necessary to effectuate the terms of the settlement.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

EXTRA ITEM –Settlement of Litigation with Village of Woodbury:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to, after consideration and advise from counsel, authorize Supervisor to execute the deeds.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Attorney McKay noted the application to subdivide the property is currently before the Planning Board.

EXTRA ITEM – Change Order 6-12 – John P Burke Memorial Pool:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to approve and authorize the Supervisor to sign the following change orders for the John P Burke Memorial Pool:

- Change Order 6 totaling \$4036.95 to replace valve bodies
- Change Order 7 totaling \$25,875.75 for 10-year NB Defender Service
- Change Order 8 totaling \$9092.65 to replace flow meters
- Change Order 9 totaling \$12,420.00 to add a chemical controller
- Change Order 10 totaling \$2167.75 for a tank access hatch
- Change Order 11 totaling \$52,670.00 for additional decks-hallways
- Change Order 12 totaling (\$12,000.00) for a grating deduction

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

b. Advertise for Vacancies/Expiring Terms on Various Board/Committees:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise for letters of interest from residents interested in serving on the Board of Assessment Review (two seats – one vacancy/one expiring term), Library Board (two seats – both expiring terms), Beautification Committee (one expiring term) and Parks/Recreation Committee (one expiring term).

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Supervisor Palermo stated he would like letters due by December 3 and the Board can conduct the interviews on December 6. Councilman Burke stated by then the election results should be certified and he would like the newly elected members to be invited to participate in the interviews.

c. Acceptance of Resignation – G Walls:

Motion was offered by Supervisor Palermo, seconded by Councilman Etzel, to accept the resignation of Geraldine Walls from the position of part-time Library Clerk effective October 20, 2021.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Old Business:

a. Update - John P. Burke Memorial Pool Renovations:

Councilman Burke asked Leader Gianzero to provide a status update on the pool renovations. Leader Gianzero stated work this week has been very productive. All the concrete as been poured and next week they will be doing the sidewalks. Then work will stop until after the winter. He noted that everything is on schedule and looking awesome. He noted there is an oak tree there that is being trimmed to keep it healthy. He thanked the members of his department for the security they did overnight while the concrete hardened. He then asked all to drive slowly on Coach Wilson Trail when the road is wet with leaves on it. He also noted the bathrooms at the Reservoir will be closed next week since there is no heat which could cause the pipes to freeze. The also thanked the Highway Department for the assistance they provided installing a new blacktop pad in front of the sensory park.

Board Member/Department Comments:

Councilwoman Hernandez stated the ribbon cutting ceremony was held on November 1 for the sensory park. A resident suggested to her that it be referred to as the all-inclusive sensory park instead of the sensory park for special needs and she agrees with this. It is a park that accommodates children with all different types of needs. She then noted Veteran’s Day is next week and she honors all that have served.

Councilman Etzel thanked Councilwoman Hernandez for the tremendous amount of work she did on the sensory park, which he thinks turned out fantastic and looks great. He again congratulated the Sergeant on their promotion and told the story again about the interview process that was conducted by Councilman Burke and him.

Councilman Hunter stated he participated in the annual Trunk-or-Treat hosted by the Chamber this past weekend. He feels it was a great venue and very well attended. He also congratulated the Sergeants and noted the sensory park is a great addition to our parks system.

Councilman Burke congratulated the Sergeants and Detective. He agreed the sensory park is very exciting and thanked al that were involved in creating it. He also noted the improvements at the courthouse are still moving forward.

Maria Hunter stated December 4 will be the Winter Wonderland event at Earl Reservoir. The Beautification Committee has a lot of plans for the upcoming holidays. Councilman Burke noted the decorations at the animal shelter are great.

Supervisor Palermo thanked Budget Officer Pitt and the Department Heads for all the work they did on the budget. He then noted some things the budget will be paying for next year.

Adjournment:

With no further business to discuss or comments received, a motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adjourn the meeting at 8:25PM.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

Desiree Potvin, Town Clerk