

Minutes of the Virtual Town Board Meeting held on November 19, 2020 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; various members of the public

I. Public Hearing:

a. Introductory Local Law 3 of 2020 – Rescind Local Law 1 of 2020:

A local law was held to entertain public comments on Introductory Local Law 3 of 2020 which would rescind Local Law 1 of 2020 entitled “Tax Cap Override”. The public notice was printed in the Times Herald Record on November 10, 2020 and no comments were received. Motion was then offered by Councilwoman Hernandez, seconded by Councilman Etzel, to close the public hearing.

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

Motion was then offered by Supervisor Palermo, seconded by Councilman Burke, to adopt the following resolution:

WHEREAS, a resolution was duly adopted by the Town Board on November 5, 2020, scheduling a public hearing to be held by said Governing Body on November 19, 2019 at 7:30PM, to hear all interested parties on a proposed local law entitled "A Local Law to Rescind Local Law 1 of 2020; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, on November 10, 2020 according to law; and

WHEREAS, said public hearing was duly held virtually on November 19, 2020, at or about 7:30PM 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 hearings, 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. 3 of 2020, entitled “A Local Law to Rescind Local Law 1 of 2020”; 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	YES
Councilman Burke	YES
Councilman Etzel	YES
Councilwoman Hernandez	YES
Councilman Hunter	YES

II. Public Input:

Maria Hunter stated there was no Beautification Committee meeting held this month, but the group has been active noting there was a work detail held on November 14 at which four members were present. The Library, Police Department and Victory Park will be decorated for the winter after Thanksgiving. The streetlight décor is scheduled to be put up on November 30 and on December 12 there will be a Winter Wonderland/Tree Lighting event held at the Reservoir. On November 24 she will be meeting with members of the Village Board to discuss the three Village owned properties that the Committee has historically been maintaining. Supervisor Palermo requested that Councilman Hunter attend that meeting as well. Mrs. Hunter stated she does not need him to do so as she and Clerk Potvin will be attending. Supervisor Palermo asked who from the Village Board will be in attendance and Mrs. Hunter stated Trustee Burek and Graziano. Councilman Hunter stated he will attend the meeting.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Etzel, to accept receipt of the minutes of the meeting held November 5, 2020.

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

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to approve Abstract 21 containing vouchers 201522 – 201597 and totaling \$1,245,508.72.

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

c. Approval of Budget Modifications:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to approve the following modification to the 2020 budget:

- Buildings/Grounds – increasing A1620.452 (Vehicle Maintenance) by \$1000 and decreasing A1620.462 (Repairs/Materials) by \$1000
- Buildings/Grounds – increasing A1620.405 (Custodial Supplies) by \$2300 and decreasing A1620.462 (Repairs/Materials) by \$2300

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

III. New Business:

a. Authorize Supervisor to sign PERMA Tail Claims Agreement for 2021:

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign a “Third Party Administration Services” agreement with PERMA at a rate of \$500 per year per indemnity tail claim and per medical tail claim.

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

b. Appointment of Part-Time Police Officer - Ryan Finn:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to appoint Ryan Finn to the position of part-time Police Officer starting December 7, 2020 at an hourly rate of \$32.4635. He was approved by Orange County Civil Service.

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

NOES 0

c. Appointment of Part-Time Dispatcher - Erin Finnerty:

Motion was offered by Councilman Etzel, seconded by Councilman Burke, to appoint Erin Finnerty to the position of part-time Dispatcher starting December 7, 2020 at an hourly rate of \$23.2304. She was approved by Orange County Civil Service.

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

Councilwoman Hernandez stated she thought the hiring of the new dispatcher was going to have a start date after the new year. Supervisor Palermo stated one individual is resigning this evening and he stressed that there will be no additional hours in this department due to this appointment.

d. Appointment of Tax Collector - Karin Poggio:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to appoint Karin Poggio to the position of Tax Collector starting January 1, 2021.

ADOPTED AYES 4 Palermo, Burke, Etzel, Hernandez
ABSTAIN 1 Hunter

Councilman Hunter stated his wife also applied for this position and he did not take part in the interviews and made sure he was not in the building when they were being held. He asked if a background check was conducted prior to the appointment being made. Supervisor Palermo stated Mrs. Poggio previously served on the Board of Assessment Review and he did speak with the Assessor regarding her time served on that Board. He has no issues with the appointment. Councilman Hunter stated he feels that a background check should be done. Attorney McKay reminded the board that the position is bonded. Mrs. Poggio thanked the Board for the appointment and have confidence in her. She noted that she is a licensed CPA and Realtor, as well as a Notary Public. She welcomes a background check being done. Each Board member congratulated Mrs. Poggio on her appointment and wished her the best of luck.

e. Acceptance of Resignation - Joshua Wendell:

Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to accept the resignation of Joshua Wendell from the position of dispatcher effective November 16, 2020.

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

f. Acceptance of Resignation - Christine Kirk:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to accept, with regrets, the resignation of Christine Kirk from the position of Senior Center Activity Leader effective December 12, 2020.

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

Councilwoman Hernandez stated she has worked very closely with Mrs. Kirk this past year and she feels accepting the resignation with regrets does not fully express all that she has done for our senior community. She appreciates all that she has done and thanked her for her time

EXTRA ITEM – Schedule Special Meetings – Interview for Various Boards:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to schedule a special meeting to be held on December 7 and December 14 each at 6PM and each at the Community

Center at the Reservoir to conduct interviews for expiring terms on the Library Board, Board of Assessment Review, Parks and Recreation Committee and the Beautification Committee. December 7 will be solely for Library Board; December 14 will be the other interviews.

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

IV. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to approve the October 2020 Supervisor's Report with receipts totaling \$617,949.89 and disbursements totaling \$1,148,991.68.

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

b. Town Clerk's Report – October 2020

c. ACO Report – October 2020

d. Police/Communications Report – October 2020

e. Library Board Minutes - October 27, 2020 Minutes; Director Report October 2020

f. Parks & Recreation Committee Minutes – October 20, 2020

g. Parks, Building & Grounds Report – October 2020

h. Beautification Committee Minutes – No November meeting held

i. Budget vs. Actual – October 2020

V. Board Meeting Comments:

Councilwoman Hernandez noted the applicants that applied for the Tax Collector position each came with different experiences and community passions. It was not an easy decision and she thanked all that took the time to apply. This week the Town hosted a socially distance observed Thanksgiving lunch for the employees of the Town and Village. She thought it was nice to see the employees. She then stated she met with Library Director Sara Johnson last week to discuss concerns the Library Board have been expressing. She is hoping to work through the areas of concern and begin repairing the relations between the two Boards.

Councilman Burke stated this past week he attended the Parks Committee meeting and there was a question about when the interview would be held. He noted they will be held on December 14 for the two seats on the Committee. He then thanked Superintendent Weyant for his work at the pool.

Councilman Hunter told Supervisor Palermo that he would have appreciated a telephone call about the appointment selection for the Tax Collector position instead of a form letter. He feels that was disrespectful and uncalled for. Supervisor Palermo stated he will not comment.

Councilman Etzel stated he spoke with John Dellahan from Altice this week and they have or will be adding 200 new customer care personnel. He has seen some progress and better service but feels it is still lacking. The new line is still scheduled to be installed on December 4 to alleviate congestion. He then wished everyone a happy thanksgiving.

Clerk Potvin stated earlier this month former Senior Center Activity Leader Sadie Thompson passed away. Sadie worked for the Town from March 1990 until November 2013. Councilman Burke stated there is a gathering planned on November 22 at the Community Center to celebrate Sadie's life.

Supervisor Palermo added there is no more than twenty people permitted in the building at any one time, facemasks must be worn, temperatures will be taken and everyone will be required to sign in.

Attorney McKay asked that an attorney/client session be held to discuss the tax certiorari involving ELT and the status of the mediation and trail preparation. Supervisor Palermo stated it can be held after adjournment this evening.

Supervisor Palermo wished everyone a happy holiday.

VI. 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 8:10PM.

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

Desiree Potvin, Town Clerk

LOCAL LAW NO 3 OF 2020

A LOCAL LAW REPEALING LOCAL LAW 1 of 2020 ENTITLED, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C", PREVIOUSLY ADOPTED ON OCTOBER 1, 2020.

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 2020," 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 2020, which was adopted on October 1, 2020 authorizing the Town of Woodbury to override the tax levy limit for 2021, 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.