

Minutes of the Virtual Village Board Meeting held on October 22, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village; various members of the public

I. Public Comment on Agenda Items Only

Matt Higgins, regarding the Pulver Fill application, asked if an application has been filled out or is it still blank like it was last time. He would like the Village to vote no on this application and feels having dirt coming from an office of remediation site should not be permitted. He added he felt the Building Inspector could not keep track of the dirt last time when bad dirt came from Queens.

Fire Chief Prozzillo spoke regarding the memorial that was started and completed in front of the firehouse. He feels from the start of this project there was a lack of communication. Since the tree appeared the Chief's and members of the Department have been in contact with members of the Board stating their opinions of the location and reasons why they do not feel it should have been put there. A meeting was held with some Board members, community volunteers, Chiefs and members of the Fire Company where it was discussed that some of the planned work being done will be scaled back. The work is done but nothing has changed from the original plan other than the plaque not being there. There is a history with the memorials there and he feels it takes away from the focal point of them. He feels all this could have been avoided if there was better communication. The firemen support the idea and would have loved to contribute but they disagree with the location and how the project was started.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held October 8, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve Abstract 10 containing vouchers 200751 – 200845 and totaling \$546,588.66.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

c. Fire Department Equipment Requests:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve Fire Department Equipment Request 2020-18 totaling approximately \$5892.75 for the purchase of a radio to replace the existing E911 link at Arden Tower due to new County system and 2020-19 totaling approximately \$359.42 for the purchase of shields for officers and PPE wipes/facial masks.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

d. Fire Department Membership Applications:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to accept the following applications for membership with the Highland Mills Fire Company: Timothy Finnegan and Jonathan Stevens (junior). Both have successfully been administered their physicals and have qualified for full interior status.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

e. Change Meeting Dates – November 26 and December 24:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to change the November 26 meeting to November 24 at 7:30PM due to the Thanksgiving holiday and the December 24 meeting to December 22 at 7:30PM due to the Christmas holiday.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

f. Acceptance of Resignation – Comprehensive Plan Review Committee:

Mayor Egan stated this item is being removed from agenda at the request of the member. He has rescinded his intent to resign.

III. Old Business:

a. Acceptance/Award of Bid – Water/Sewer Truck:

The public notice was printed in the Times Herald Record on September 29, 2020 and the bid opening was held at 2PM on October 20, 2020. Only one bid was received and it was from Chrysler Jeep Dodge Ram of Warwick, Warwick NY in the amount of \$43,842.00. Mayor Egan noted that Water/Wastewater Administrator Phillips has reviewed the bid and recommends it be awarded. Motion was offered by Trustee Graziano, seconded by Trustee Burek, to award the bid to purchase a 2020 RAM 2500 Regular Cab 4x4 with utility body and plow to Chrysler Jeep Dodge Ram for Warwick in the amount of \$43,842.00.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

b. Approve Task Order – HDR Wireless Telecom Permit Forms:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve and authorize the Mayor to sign Task Order 2020-02 with HDR for them to prepare and assist the Building Department to update the wireless telecom permit application forms and other administrative needs at a cost of \$3300.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

c. Update to Entity Disclosure Form:

Mayor Egan noted the Entity Disclosure Form has been revised by Attorney Naughton to address some issues that were noticed when it was being filled out by applicants. The Board reviewed the amendments and agreed they were appropriate. Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to approve the revised form.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

d. Application to Import Fill – Pulver:

A fill permit application was received Lawrence Torro, Project Engineer with CivilTec Engineering and Surveying, on behalf of Seth Pulver for tax parcel Section 202, Block 1, Lot 72. Included with the application is a grading plan prepared by Mr. Torro, descriptions of procedures prepared by Brian Dreeland of AC Landworks Services dated July 9, correspondence from Gehrling Geological Services dated July 10, sample application form (not a Village form) and it was noted an escrow has been posted to cover all consultant fees related to this application. The application was reviewed by the Building Department and Inspector Thomasberger states the fill plan encroaches on the clearing limits and should not be approved without further review by the Planning Board. He also feels the following items need to be addressed:

- the proposed map must indicate the existing stream flow adjacent to the lot
- review by the Village Engineer for adequacy for soil erosion/control and storm water retention
- soil testing should indicate ground water acceptable soil analysis
- the application should indicate where the soil will be imported from
- estimated yards of import fill needs to be provided
- buried tree stumps are not permitted under the Village Code but the plan calls for trees to be removed and the stumps just left on three acres
- there should be no construction vehicles on Ice House Road and off-site runoff from storm water retention pond needs to be indicated.

He also feels the fill area appears excessive for a lot approved for a single-family dwelling. He noted further the owner is required to secure Village Board approval for non-commercial use of tree removal pursuant to Section 286 of the Village Code. Engineer Lindsay also reviewed the application as submitted and has additional comments to add to those made by Inspector Thomasberger:

- the applicant advises it is their intent to provide a third-party inspector. The Board can decide to use the inspector selected by the applicant or any inspector they want. The applicant does assume this cost through the escrow posted
- the applicant advises they will be inspecting the materials in accordance with NYS Solid Waste regulations Part 360.12 and 360.13 which apply to Beneficial Use (BU) of certain fill materials. The applicant should advise the source and what BU materials are to be present. Certain materials (brick, glass, etc.) are indicative of demolition operations and can also include asbestos and other non-desirable materials. They agree the fill should be testing for residential contact and protection of ground water per Section 375-6.8(b) of the Village Code and other applicable criteria as the third-party independent inspector recommends. Table 5.4(e)10 of the NYS DEC DER-10 guide should be considered for sampling frequency
- if part of the operation involves timber harvesting, which they believe it will, the Board may engage a consulting forester whose fees are to be reimbursed by the applicant. The work, if approved, would be completed under the provisions of a special permit issued by the Village Board (after a required public hearing)
- they recommend the applicant provide a soil hauling plan defining the path(s) of truck traffic within Woodbury. This should generally use state and county roads until local roads need to be used. The soils movement plan should consider dust, clean up for spillage and hours of trucking and sitework (spreading/compacting)
- the plan shows development activity up to the property lines. The property line will need to be clearly identified before operations begin to avoid unintended intrusion into neighboring property. A buffer distance of natural terrain should be considered for a parcel of this size being used for a single residential use. Additionally, this was part of the 240-lot Brigadoon subdivision and any clearing limits would need to be considered in the plan for development
- a slope detail and compaction requirements should be shown on the plans

- the proposed handling of existing topsoil should be noted. Fill should not be placed over existing topsoil/leaves
- this “Land Development Activity” is governed under “Chapter 267 Stormwater Management” of the village code. The construction activity includes clearing, grading, soil disturbance and placement of fill with a land disturbance greater than one acre. Accordingly, this requires the developer to obtain coverage under the SPDES General Permit for Construction Activities (GP-0-20-001). The Village code (§267-8) says “No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter” (267). This may or may not require post development quantity and quality controls, but it cannot create a new stormwater problem on the adjacent property due to a point discharge.

Mayor Egan noted the applicants engineer was provided a copy of the memos from Inspector Thomasberger and Engineer Lindsay on September 29 but no amendment to their application has been received based on these comments.

Mr. Torro stated there is quite a bit of technical information still required but direction from the Board is needed on a couple of the items. A discussion was then held addressing several points that were raised by Inspector Thomasberger and Engineer Lindsay. It was noted the applicant also needs to look at the Water Quality Protection Act to see if it applies to their plans. Attorney Naughton stated there is not enough data in the documents submitted for the Board to begin the SEQRA process. Justin Kimple, speaking on behalf of the applicant, stated the need for a timber harvesting permit is unclear if it would fall under Section 286-7 or 286-11 of the Village Code. Attorney Naughton stated since the clear cutting involves seven acres the applicant’s intent is probably to sell the timber. Mr. Kimple stated the initial plan was not to harvest, only do site improvements for future use. Attorney Naughton stated there is no application currently before the Planning Board which indicates this is a timber harvesting application. Mr. Kimple also stated he needs clarification of the buffer which he feels is unclear. It was suggested the applicant should schedule a meeting with Inspector Thomasberger, Engineer Lindsay and Attorney Naughton to go over the application and determine what is needed in order for the Board to be able to fulfill its obligation under SEQRA.

IV. New Business:

a. Approve Improvement to Village Property – Beautification Committee:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve the Town of Woodbury Beautification Committee to continue to improve and maintain the island at Buena Vista Terrace, the war memorial at Oak Clove and the memorial at Perrone Circle, as they have continued to do so since prior to the creation of the Village in 2006.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Approve Improvement to Village Property – Memorial at Village Hall:

Mayor Egan stated recently a memorial consisting of a tree, bench, rock formation, plantings and river rock were placed at the north driveway entrance of Village Hall in front of the firehouse. This was funded by a group that raised money to dedicate a garden as a memorial to prominent members of the community in recognition of all they do and have done for the community and was assisted by Trustee Giacomazza. Correspondence regarding this garden was received from the members of the Highland Mills Fire Company stating they are concerned the placement of the garden blocks two distinct memorials that are currently adjacent to the site – one to honor all deceased members of the Fire Company and the other for the victims of 9/11. They do not object to the intent of the garden but do

feel that the location is not ideal, and they state they were not consulted about the location or design of the garden/memorial. They request that a new location be considered, adding they will assist financially for the costs to relocate it. His thoughts are that the memorial is beautiful and he recognized the personal efforts of Orange Nursery who designed it and provided all materials at cost. He also recognized the combined efforts of “We Are Woodbury”, Trustee Giacomazza and Trustee Gomez, Maria Hunter, Kate Luciani and many others that worked to create this wonderful memorial to a pair of community individuals. The problem, as he sees it, is there was a lack of or poor communication regarding the project. Since the memorial was started there have been two meetings held where all individuals involved met, including the Fire Chiefs and the President of the Highland Mills Fire Company, to discuss what was planned. He feels that from the beginning they should have been provided written plans/drawings before it was started. Now it is finished and at this time the Board is being asked to vote to approve something that has already been completed. He agrees with the sentiment that a memorial to a private citizen should not be placed near or in front of the Fire Department memorials. He has spoken to the many individuals from both the Fire Department and the general public about this issue and he needs to stand in support with the Fire Department and not approve the memorial as it is currently located.

Trustee Graziano stated he does not feel that the garden blocks any of the memorials there but only adds to the beauty of Village Hall. He thinks it is perfectly fine where it is located but does feel the Fire Company signage at the same location is ostentatious.

Trustee Gomez stated he feels the garden attracts to the front of the firehouse and does not take away from the memorial. He feels the bench that was placed there was purposely open so you can sit on either side to pay respects to all the memorials equally. The love that was put into its creation was for our community – not just for a person that has done beyond for this community. He does not see it as a problem and feels the location is fine.

Trustee Burek stated she agrees with the comments made by Trustee Graziano and Trustee Gomez. She and Trustee Graziano conducted a site visit and thinks it is beautiful and adds a lot to the entrance way to the Firehouse/Village Hall. It is her understanding that the initial goals were going to be only a bench and a tree – the garden was added after the meeting that was held with the Fire Department representatives. She understands the sentiment of the Fire Department and she empathizes but she feels the time to change would have been at that moment and not after a tremendous amount of work and expense had been done. She recognizes that the Department has offered to contribute towards to cost to relocate the garden but she feels they could be spending their money on better things. She feels the garden adds much to the front of the property and when everyone agreed at that meeting held that should have been the end of it.

Trustee Giacomazza stated he feels this project was done with the utmost respect for the Fire Department. He approached them to ask about the project although it is not required since it is Village property. He has always been respectful and supportive to volunteers of the Fire Department who put their lives on the line for our community. He believes this project started the “We Are Woodbury” beatification movement. He believes the garden is respectful and brings more attention to the other to memorials that are near it. He feels it should stay where it is located.

Chief Prozzillo stated in early August Trustee Giacomazza sent a vague text about the bench and a tree but no further discussion was held and then digging began in late September. He does not appreciate how the 9/11 memorial is being brought into the discussion since this garden was not intended to be affiliated with the memorial. He feels there should have been plans and meetings as to where and what exactly was going to be done. There was a meeting held on October 11 and all in attendance confirmed they were on the same page when it ended – agreeing the original plan was going to be scaled back. However, if you look at what the group had originally planned versus what is there

now nothing was scaled back and additional work was added. Three out of the five Board members have referred to the building as “Village Hall” so if it is matter of it being Village Hall and not the “Firehouse” then there is nothing the firemen can do. There was poor communication on this project and he has been waiting for Trustee Giacomazza to admit that this was the case, which has not happened once. He feels this project was a good intent that in so many ways went bad. He asked how can residents decided to do this project on Village property illegally – with no insurance, not calling 811 for the digging, not consulting with the Village Board. The firemen used to take care of the property – mow the lawn and remove the snow from the sidewalk – and they had to stop due to liability. He noted the garden area is beautiful and the firemen support the idea but they feel it does not belong on that piece of property. He noted further when other locations were recommended, he was told “the Village does not get along with the Town so that is why it is on the Village property”. He noted there are 55 firemen that are upset and insulted with the way this was handled. The memorials that were there were placed strategically for respect so that one was not looked upon more than the other since it represents history and fallen members. This garden has no affiliation with the Fire Company. He added this should not be a political thing, which is how the firemen feel due to the closeness of Election Day. He concluded by stressing the Fire Company supports the idea but not where it was done.

Mayor Egan stated a comment was received virtual by Maria Hunter that clarified the Beautification Committee and she were not involved in this memorial but they were involved with the placement of the 9/11 memorial

Trustee Giacomazza stated he spoke with First Assistant Fire Chief Chris Burke on the phone about the issue and a text message was not sent until Chief Burke received approval from the fireman on this project - so there was communication. He also spoke to every Trustee and the Mayor about this project. He noted if there was any confusion it would be about the exact location because he referred to it as “at the bottom of the driveway”. At the second meeting that was held everyone was in agreement with the plan when it was over. If when Chief Prozzillo went back to the fireman and the members felt that not enough was done that is on him since he was in complete agreement when the meeting ended. There was even discussion to connect this memorial with the others there to beautify the whole area. He also agreed with Trustee Graziano that the signage there is hideous, which was also erected with no Village or Planning Board approvals. He has received threatening texts from Chief Prozzillo and his father about this issue. He was also sickened by comments that were made at the meetings held, particular when it was said “this woman has done nothing that she has not be paid for”. He also said at the meeting the property is Village Hall, village property, village taxpayer property. We spoke about making sure it is respectful and there were other issues the fireman had that we discussed to work out. He feels the Chief has been insulting during this entire process. This has nothing to do with the election. Chief Prozzillo stated his comments are being taken out of context. He stressed again he believes the garden is beautiful but it just does not belong where it is located. There are firemen that have committed their entire lives to the department and town/village – some over 70 years with medical issues that came because of being a fireman and/or 9/11 – and they do not have a memorial made just for them. Mayor Egan then stated this issue has been discussed for long enough and asked that a vote be held so we can move on.

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve the creation of a memorial at the north driveway entrance to Village Hall.

ADOPTED	AYES	4	Burek, Giacomazza, Gomez, Graziano
	NOES	1	Egan

c. Business Associate Agreement – Marshall & Sterling for HIPAA Protection:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor to sign the Business Associate Agreement with Marshall & Sterling as it relates to HIPAA Protection. This is required under Federal Law as it imposes special duties that require any parties handling Protected Health Information to do so in the context of a formal written agreement. Marshall & Sterling is the Village's agent for the employee's dental insurance policy.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Discussion – Parkland Fees:

Mayor Egan stated in 2014 the Intermunicipal Agreement (IMA) with the Town was amended which eliminated the language that stated the fees would be payable to and administered by the Town. He spoke with the Village Attorney and confirmed this was not an oversight but wording specifically desired by the Village. Earlier this year the Board agreed to begin enforcing that language change and he wrote a memo to the Building Inspector advising him of this on April 29. The Village intends to use the accumulated fees to obtain property for open space in Woodbury. He then stated it is important to note that NYS law states parkland fees collected by the Village are restricted funds that are only to be used to purchase or obtain parkland, and/or to make certain improvements to existing parkland like capital projects. Fees are not allowed to be used to operate and/or maintain parkland. The Town cannot use parkland fees to provide for maintenance of the parks, or pay salaries. Year-to-date the Village has collected \$45,500 in fees, which represents about 0.375 of the Town's total budget. If the Town Board is claiming they need to raise taxes by 10-12% because the Village Board is "withholding parkland fees", he feels they need to check their math. He noted he also finds it ironic the Town Board criticized the Village Board for making decisions on this in attorney/client session and then they immediately entered into an attorney/client session of their own to discuss this very issue. He further stated it has been suggested to him that the Village Board may have made this decision in retribution for the bond payment it is reimbursing the Town for as part of the lawsuit settlement. He stressed this is simply not the case as the decision was made on February 27 before Supervisor Palermo and he had met to finalized the details of the settlement, which included reimbursement of the bond payment

Trustee Graziano stated he kind of agrees with the comments made by Mayor Egan. There was never a vote held regarding the fees by this Village Board. In February the Board held an attorney/client session so that the new members could ask questions to its attorney about this as well as many other issues. He assumed the Mayor had relayed to the Supervisor at that time the fees would be kept by the Village going forward per the IMA. He feels that suggesting that things are being done secretly is comical and insulting. He added this Village Board has done everything it can to be the most transparent Board in the history of the Town and Village. All meetings are streamed on Zoom® and Facebook® and there are two opportunities during the meeting for the public to comment and participate. He feels all involved should be acting like professionals.

Trustee Burek stated this Village Board has very ambitious goals and one of them is land preservation. One of the permitted uses under a land preservation plan is the purchasing of land to be used as new parks and/or recreational facilities. She added that under the law the Planning Board has the authority to collect fees from developers and the Village has the authority to purchase the land with the attempt to use it as parkland. She noted the Town has been erroneously collecting these fees since 2014 but what is done from then until now is done. It was an oversight that was caught up with when the Village Board held its meeting with its attorney in February. No vote was held at the meeting, it was just noted that the fees were not being handled in the proper way pursuant to the IMA. Moving forward she believes the Village will use the fees in places where it is desperately needed within our community. She then stated she struggles to understand why every issue that arises between the Town

and the Village has to be so contentious. She noted we are all neighbors and feels that if someone on either Board has an issue with a decision that has been made, they should pick up the phone and talk about it. She added the Village Board members are reasonable and are presented with disagreements in their work day in and day out and solving disagreements by making accusations at the parties involved does not work.

Trustee Gomez stated he agreed with the comments made by Trustee Burek. He feels that whenever the Village makes a decision it is always the wrong decision according to everyone else. He feels the Board is trying to do this for the community and the Land Preservation Committee will lead us to building up parks. He noted regardless which entity gets the fees what is done with them will benefit the entire community. He added the Town sued the Village because they felt something was done improperly but this is being done pursuant to an agreement.

Trustee Giacomazza stated it upsets him that every time the Village does anything it is made out to look like it is working against the taxpayers or that it is doing something malicious. This is not the case and it has not been the case since he took office. He was “thrown under the bus” at the last Town Board meeting over this issue. He noted this Board has a specific vision for what they want Woodbury to look like which means they want walking trails and paths for the residents because that is what the residents have said they want. The Village keeping the fees has nothing to do with the litigation or the bond payment or anything else. The fees collected are not to be used for maintenance and the Village plans to use it properly. He hopes the residents will see what the Village is trying to accomplish

V. Public Comments:

Maria Hunter thanked the Board for acknowledging the efforts of the Beautification Committee and for allowing them to continue maintaining the three areas as approved earlier this evening.

Rey Hernandez, speaking as a Parks Committee member, stated he is confused about the parkland fees and the Villages decision to take them away from the Town. He asked if that decision was made in executive session or attorney/client session. Mayor Egan stated on February 27 a training session with Attorney Golden was held to educate the new Board members, and refresh the existing ones, on how the Board functions and the responsibilities of each position, also discussed was legislation the Board wanted to entertain this year and an update on the IMA and pending litigation. Based on discussions held in that meeting, this was the direction the Board went. Mr. Hernandez asked if there was a reason the Board did not put it on an agenda so the community could be made aware of the decision to stop the parkland fees. Attorney Naughton stated there was no reason to put it on an agenda as the decision was made back in 2014. Mr. Hernandez stated he understands that but from 2014 – 2019 the Village had been turning over the fees to the Town and Attorney Naughton stated it was done in error. Mr. Hernandez said the fact is the fees were handed over to the Town and then it was decided this year that it would stop with no one being informed that it would be canceled by the Village. He added the John P Burke Pool is in the process of being redone and he feels using the fees for the project would be permitted as it is a capital improvement for the community. Mayor Egan stated the Town took out a \$5 million bond and year-to-date the fees collected have been \$45,500. That is less than a tenth of a percent of the amount bonded. He also noted the Village Highway Department has been working very closely with the Parks Department at about 140 manpower hours and equipment to help offset the cost to the Town. We have been working cooperatively to help the Town minimize costs. He would like these facts kept in mind as comments are made about this topic. Mr. Hernandez stated he notes these facts and has thanked the Highway Department for the work they have done. He noted that this evening a few Trustees have stated they want to use the funds for future purchases of parklands but the Town currently has three parks. He asked if the Village plans on creating a fourth park

and Mayor Egan stated nothing specific has been discussed. Mr. Hernandez asked if the money will be put into a fund and not used then and Attorney Naughton confirmed it will be kept in a trust fund and not used until the Board is ready to do so. With regards to the 9/11 memorial, Mr. Hernandez stated he appreciates the efforts the Village Board is doing recognizing citizens of Woodbury. However, he thinks using the 9/11 memorial area is sacred ground and he was surprised that this was allowed, especially since one of the Trustees is a retired NYPD officer. Trustee Gomez stated he speaks for himself and does not need Mr. Hernandez speaking for him. Mr. Hernandez stated he is very disappointed that Trustee Gomez would agree to have this garden next to the 9/11 memorial, which he then likened to someone going to Ground Zero and planting a memorial for another group. He feels the Board should have had this issue on an agenda or held a public hearing for the public to be able to opine on it prior to it being done. The 9/11 memorial is a sacred area that should not be touched and he feels it is a big mistake for this Board to have voted to have this done there, although it was done prior to being voted on. He feels there are other places the garden could have been placed – he feels it is a good idea and beautiful but not where it is located. Mayor Egan clarified that a public hearing is not required to be held for this type of issue but the Board does permit public comments on agenda items at the start of each meeting and at that time Mr. Hernandez could have made his comments on the issue. Also, he acknowledged he did not notify the Town of the decision to begin enforcing the IMA with regards to the Village retaining the parkland fees. He never thought he needed to reach out to the Supervisor about it and agreed he probably should have done so. Trustee Gomez stated the location of the garden is not in front of the 9/11 memorial, it is on a side patch closer to the Highland Mills Fire Company's digital sign. As he stated earlier, the bench that was placed there was kept backless so that someone that sits there can face and reflect on all the memorials. As someone that responded on 9/11, he saw it as a plus so he can sit and think while surrounded by the beauty.

Willa Freiband stated she appreciates the opportunity to speak and wants to put aside all personal feelings and the history that she has heard because she does not believe that is the issue here. She believes that that everyone is trying to work on behalf of the community and she takes everyone's interests to heart. Looking forward, and trying to work together, there are a couple of things happening this year. The John P Burke pool needs to be rebuilt and there is COVID, which she feels causes a huge amount of challenges in 2020. She noted there is a huge desire to reopen the pool and the pool water area will be smaller with a huge amount of area around it that the Buildings/Grounds Department is not working on. The pool is a huge attraction for the community and she asked the Board to reconsider their decision relating to the parkland fees and how we all can work together collaboratively. She is asking that the Board look at the fees for 2020 so the funds can be used to fill in the grounds around the new pool so that it will be a habitable place for everyone.

Matt Higgins asked if any of the Board members have seen the recent application to increase the depth of the pit into the water table. Mayor Egan stated he assumes Mr. Higgins is talking about Speyside (he was) and that he has not seen anything. Attorney Naughton stated she has not seen anything either. Mayor Egan stated it is not an application to the Village so unless the DEC or the applicant provides a copy to the Village, we would have not knowledge about it. Mr. Higgins then asked if any Board member has seen the quarry property or the surrounding land it represents, which is a very large property on the aquifer. Mayor Egan stated he has not but he did have a discussion with Mr. Higgins to take a walk with him around the perimeter adjacent to his property to how it affects him. He would like to do that before the snow comes. Mr. Higgins then stated the Village is not a state facility and an edict by the Governor to fly the flags at half-mast has gone on for nine months. It will continue by the State indefinitely and it is unknown when the edict will end. The Village should not be abiding

this edict. He then introduced Almati Farducci, a Purple Heart Valor recipient. Mr. Farducci asked why some flags are flying at full height and why some are at half-mast. Mayor Egan stated he can only speak for the Village facilities and that it is due to the executive order by the Governor directing that flags be flown at half-mast in honor of COVID victims that have died. The order has not been rescinded and as a Village we follow the State edicts with regards to this issue. Mr. Farducci asked if the Board would consider changing their minds and fly the flags at full-staff. Mayor Egan stated he will reach out to other local officials to work together and see if they can get the Governor to reverse his executive order. Mr. Farducci stated he would appreciate that being done.

Susan Lynch, Parks Committee Member, stated she appreciates the Village's transparency and forward thinking. She does not feel it is her place to comment on the resolution or what she hopes might be a resolution relating to the disbursement of the parkland fees. She hopes the Village and the Town can find some way to work together in order to serve the community in the best way possible. Mayor Egan stated he has been communicating with the Supervisor throughout the year and the Highway Department has been providing a lot of work to the Parks Department on the pool.

Sandra Capriglione stated she wanted to clarify a few things about the parkland fees. She believes it was Acting Supervisor Palermo that signed the 2014 IMA that changed how the parkland fees were handled. Attorney Naughton confirmed that was accurate. Mrs. Capriglione stated Supervisor Palermo should then have known the Village was intending to keep the fees and should not have been surprised or angry. He has taken the fees since 2014 without saying a word about it. She acknowledged Mrs. Freiband and Mrs. Lynch for respectfully speaking this evening. She watched the last Parks Committee meeting and she was appalled by Councilman Etzel's suggestion that the Committee attend the meeting this evening to "shame" the Board to give back the fees. She then pointed out the bond for the pool was supposed to be for \$4.5 million and then after COVID the Town added another \$400K to the amount. She cannot understand why the Town needs the \$45,500 parkland fees when they budgeted this additional amount into the bond which they said they had to put into it in case it goes over budget. She noted further that the \$4.5 million original bond amount included a contingency percentage in case there were overruns. She thanked every Board member for their professionalism regardless of what is thrown at them. Mayor Egan then thanked Mrs. Capriglione, and Mrs. Crouse, for their institutional memory of what has gone on around the Village, and the Town, and providing factoids when they are needed.

VI. Board Member/Department Comments:

Mayor Egan thanked the "We Are Woodbury" group, specifically acknowledging Trustees Giacomazza and Gomez for their impressive efforts on the various cleanup projects they have been doing throughout the Village. He feels the efforts of this group have not gone unnoticed and they are appreciated by many. He then noted there are twelve days before the upcoming election on November 3 and early voting begins on Saturday. Last year Woodbury had a 35% voter turnout rate and he feels we must do better. He then provided the election/voter information that is available on the Orange County Board of Elections website. He announced that next weekend marks the end of Daylight Savings and the clocks will be rolling back an hour which will cause it to get darker earlier. He asked all drivers to be watchful for pedestrians and to drive safely, adding the speed limit on all Village roads is 30MPH.

Trustee Graziano thanked everyone for attending this evening. He then acknowledged the great job the Highway Department has done with the resurfacing of Roselawn Road. The entire department worked professionally and cautiously and they were visibly wearing their PPE which is very important.

He then noted there has been a lot of rhetoric lately from some people about getting along and working together. He noted that “getting along” does not mean doing what one person or one side demands. It means a give and take on both sides and making decisions for the betterment of Woodbury as a whole. He noted further that insults, screamings and false accusations do not foster an environment of trust. What was in the IMA and negotiated back in 2014 is what it is. He noted the Village could be asking for a refund of what was paid to the Town since 2014 but it is not going to do so as it would only hurt the taxpayer in the end. He also finds it interesting that the Town has assigned a liaison to the Village Board that lauds themselves as bringing the community together but has never once reach out to a single Trustee to start a dialogue about a single issue. Instead of communicating, they launch lawsuits – instead of discussions they sit by and nod at insults and lies. This is not working together to better our community. The first step to make things better is respect and it must be mutual. He is willing to work with anyone as equals but will not acquiesce to demands and insults – and will certainly not be “shamed” into anything that is not legal. He then noted the Town cannot sue the Village because it felt proper procedure was not followed for an issue and then complain when the Village discovers and corrects a procedure that was not being done properly. One of the things Trustee Burek and he discussed during their campaign last year was to host a once a month joint Village and Town Board to listen to the community and work together on issues. This was an idea that was halted due to COVID but he still feels it is a great idea that should be considered.

Trustee Gomez thanked all for attending. He noted this is the last meeting before Election Day and he hopes that all go out and vote. He urged all the stay safe and be healthy. He then thanked the Highway Department for picking up all the garbage that was collected by the “We Are Woodbury” group.

Trustee Burek thanked the Highway Department as well. She thanked all that attended this evening and contributed towards the spirited discussion. She noted each Board member brings a different set of experiences, goals and strengths to the Board but collectively they are strong, independent and working hard for the people of Woodbury. She then spoke about the work and efforts that have been accomplished by Trustee Giacomazza and Gomez while serving on the Village Board. She thanked them both for giving so much of themselves to the Village and wished them both the best in the upcoming election.

Trustee Giacomazza stated it has been a pleasure to serve for his neighbors, which has been his honor and privilege to do so. It is a lot of work and when you break it down it comes out to be about \$0.08 per hour that you are being paid. He does not look at this position as a job but as his pleasure to try to work with this team of individuals to make this community better. He chose to run two years ago because he saw a need to run and wanted to be part of the changes. He has been blessed to work with a great group of individuals. He then spoke fondly about Trustee Gomez and his history in Woodbury. He hopes to be able to continue the work that has been started by this Board. He thanked everyone for attending the meeting tonight and urged all to vote.

Superintendent Weyant announced that on November 14 the Highway Department will be hosting its autumn Electronic Collection and Shredding event from 8AM-Noon. All social distancing and precautions will be followed.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Burek, seconded by Trustee Gomez, to adjourn the meeting at 9:10PM.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Desiree Potvin, Village Clerk