

Minutes of the Village Board Meeting held at Village Hall on July 8, 2021 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; Michael Phillips, Water/Wastewater Administrator; John Hand, Assistant Building Inspector

**Public Hearings:**

a. Cablevision Franchise Agreement – Continued:

A public hearing was continued from the June 10 and June 24 meeting to entertain public comment on a proposed non-exclusive television franchise agreement between the Village and Cablevision of Wappingers Falls, Inc., a wholly owned subsidiary of Altice USA, Inc. There were no additional comments received.

Mayor Egan stated the hearing will need to be continued as the application is still before the Department of Public Service and cannot be closed until they provide further guidance. At the suggestion of Attorney Nugent, the hearing should be pushed out for about sixty days. Motion was the offered by Trustee Giacomazza, seconded by Trustee Burek, to continue the hearing to the August 12, 2021 meeting.

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

b. Introductory Local Law 10 of 2020 – Building Moratorium:

A public hearing was held to entertain public comments on revised Introductory Local Law 10 of 2020, the purpose of which is to protect the public health, safety and welfare of the residents of the Village of Woodbury and to maintain the *status quo* of residential and nonresidential development in the Village while the Board of Trustees completes its review of the status of the current Village water supply, including the addition of the Trout Brook well and its impacts on the Village water system, to determine whether the water system is reasonably adequate to serve current and future property owners and approved and pending land development, or whether there is a need to develop additional sources of water, both within and without existing Village water supply areas, in order to meet anticipated demands. The public notice was printed in the Times Herald Record on June 29 and 30, 2021 and the following comments were received:

Mayor Egan noted the moratorium exempts all projects that have completed SEQRA. This means that building permits and certificates of occupancies would be able to be issued for projects that fall into this category. The moratorium does not exempt municipal projects. This means the Highway Department Salt Shed and the Town’s pool would not be permitted to continue. He asked the Board if they would like to amend the introductory law so as to exempt projects by the Village and Town of Woodbury. Discussion regarding such will be held after the hearing is closed.

Neil Crouse, co-Chair of Land Preservation Committee, stated he was in favor of the moratorium and he thinks the Village residents will be well served by it. He noted it will give the hydrogeologist hired by the Village an opportunity to assess the infrastructure. He does not believe the Village is near running out of water but agrees it is smart to investigate to be sure there is supply for the future. He understands the moratorium is for six months and he believes it may be needed for longer.

Maria Hunter stated she had a couple of questions regarding the introductory law. In the first paragraph, first sentence, it states “maintain the status quo of residential and non-residential”. She understands what “status quo” means but she is not sure what the Board is trying to explain in the law

itself to other people who might not understand. The second sentence states it “has come to the attention of the Board of Trustees through detailed reports” and she would like to know where those reports mentioned are. In the second section, midway, it states, “including the addition of the Trout Brook Well” and she thought that had already been online when WP3 was being built. Mayor Egan stated there is another well on that site currently being done that should be online by the end of the year which should bring a substantial amount of water supply to the system. Regarding the reports, Mayor Egan stated they are accessible through the Freedom of Information Law and it is a water study report prepared by the Village Engineers. Mrs. Hunter then noted in Section 3 it states the moratorium is for six months, which she has no problem with, but it states “no building or other permits” but in the front it states “certain permits” so she feels this needs to be clarified. In Section 3, the sentence that begins with “any applications for approval or permits not otherwise exempted from this moratorium shall proceed” she feels it should say “shall be allowed” and Attorney Naughton agreed. She then noted there is an issue with water and she does not know where the failure came from. In prior years when projects were approved by the Planning Board, they were told there was enough water and that is why they were approved. She understands that some of the projects became larger than what most thought would happen and she applauds the Board for trying to put this together. She hopes that any Woodbury municipal project will be exempt from the moratorium.

With no further comments, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to close the public hearing and accept written comments to the Village Clerk until close of business on July 16, 2021.

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

The Board then discussed whether Woodbury municipal projects would be exempt from the moratorium. Trustee Graziano noted later in the meeting the Board will be voting on whether the Town can have an exemption on the Planning Board process which he feels would be duplicative if the Board also exempts their project from the moratorium. Attorney Naughton stated some SEQRA on that project has been completed but she is not sure if there is more needed to be done. The salt shed, she noted, has not begun the SEQRA process yet. The Board then agreed Woodbury municipal projects should be exempt from the moratorium (improvements to the John P Burke Pool, renovations to the Town Courthouse and the renovations/construction of the Village salt shed).

**Violation Hearings Pursuant to Property Maintenance Law Section 240-9(C):**

*There were no hearings scheduled to be held for this meeting.*

**Public Comment on Agenda Items Only:**

Maria Hunter asked if a limit will be set on the Land Preservation Plan being discussed under new business and Mayor Egan stated it will be part of the motion. Mrs. Hunter then asked about the quote for the well drilling at Amdur Park and if that is why the water service area is currently under a full “no outdoor watering” restriction and Mayor Egan stated yes. She asked if that water service area will be bearing the cost themselves and Mayor Egan stated yes.

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept receipt of the minutes of the meeting held June 24, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Abstract 3 containing vouchers 210170 – 210231 and totaling \$121,757.95.

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

c. Appointment to Water/Sewer Department – Water/Wastewater Maintenance Worker:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to appoint Matthew Soldiviero to the position of full-time Water/Wastewater Maintenance worker with a start date of August 2, 2021 and an hourly rate of \$28.30.

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

EXTRA ITEM – Re-Appointment to Planning Board – Sandra Capriglione:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to reappoint Sandra Capriglione to the Planning Board with a term that will be June 1, 2021 thru May 31, 2026. This reappointment needed to be done again as the Oath of Office was not administered timely.

**ADOPTED**      AYES            4            Egan, Giacomazza, Gomez, Graziano  
                     ABSTAIN        1            Burek

**Old Business:**

a. Resolution – Town Need Not Comply with ARB for Courthouse/Pool Renovations:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to adopt the following resolution determining applicability of Woodbury’s Zoning Laws to the Town of Woodbury’s plans to renovate the courthouse and construct the John P Burke Pool facility within the Village of Woodbury:

**WHEREAS**, the Town of Woodbury owns two parcels of property in Woodbury located at 511 Route 32 and 129 Dunderberg Road within the Village of Woodbury; and

**WHEREAS**, the Town of Woodbury plans to renovate the existing Courthouse located at 511 Route 32, and plans to construct the John P. Burke Memorial Pool Facility on the 129 Dunderberg Road property; and

**WHEREAS**, under Woodbury’s Zoning Code such renovation and construction of these projects requires Architectural Review Board approval by the Village Planning Board; and

**WHEREAS**, pursuant to the decision of the New York Court of Appeals in In re County of Monroe, 72 N.Y. 2d 338 (1988), a common law “balancing of public interests” is required to determine whether Town of Woodbury would be exempt from the zoning and land use regulatory jurisdiction of the Village of Woodbury and its agencies (“Monroe Inquiry”); and

**WHEREAS**, the Woodbury Village Board of Trustees has reviewed and hereby addresses the common law exemption from Woodbury’s zoning laws for the aforementioned two projects of the Town under the balancing test of In re County of Monroe,

**NOW THEREFORE**, after due deliberation, it is hereby

**RESOLVED** that the Village of Woodbury Board of Trustees, the municipal entity legally entitled to conduct the Monroe Inquiry, does hereby find in accordance with the relevant balancing factors:

- 1) The Town of Woodbury is not a legally superior jurisdiction to the Village of Woodbury and, therefore, is not entitled to any preference regarding general municipal powers and its project.

- 2) The renovation of the existing Town Courthouse and the construction of the John P. Burke Memorial Pool facility are being done for governmental purposes that benefit the Village of Woodbury and its residents.
- 3) There will be a significant impact upon the legitimate local interests of Woodbury, as these properties are located on main roads; structures erected on these properties will be highly visible. The Village has determined that these projects will be developed in a manner that is compatible with development in the area to the greatest practical extent, as provided for in Woodbury's zoning laws.

and it is further

**RESOLVED**, that based upon the above-noted findings, and in accordance with the common law weighing of those findings as set forth in Matter of County of Monroe, the Town of Woodbury is hereby exempt from compliance with the Village of Woodbury zoning laws and land use regulatory authority for the proposed Courthouse renovation and the construction of the John P. Burke Memorial pool facility improvements in the Village of Woodbury, and is thereby not required to apply for or receive approvals from the Village Planning Board for these two projects.

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

**New Business:**

a. Resolution – Benchmarking:

Mayor Egan stated correspondence was received from the Orange County Department of Planning, as part of NYS Clean Energy Communities (CEC) and Climate Smart Communities (CSC) incentive programs, looking to partner with willing municipalities to assist them in becoming certified CEC and CSC communities. Doing so enables communities to receive access to grants and funding by completing NYS suggested “high impact actions”. One such action is electricity benchmarking. The State encourages municipalities to adopt a resolution and asks that their electricity usage for buildings over 1000 sf be entered into an Environmental Protection Agency (EPA) program. The County offered to do this service and last week the Village Clerk’s office provided electric bills for the past few years. The correspondence further explained energy benchmarking is the process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings. Mayor Egan noted the Village Board adopted this policy at its January 12, 2017 meeting so it does not need to be done again. Village Clerk Potvin was asked to provide the County Planning Department a certified copy of the resolution for their files.

b. Approval of Proposal – Well Drilling at Amdur Park:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to authorize the Mayor to sign the estimate from Roarke Well Drilling, Inc., to pull a pump and deepen the well to 700’ at Amdur Park at a cost of \$10,579.50. This is an emergency purchase due to the lack of water supply in this area.

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

c. Discussion/Approval – Planner to Work on Land Preservation Plan:

Mayor Egan stated at budget time a quote was receive from Nelson Pope Voorhis (NPV), the Village planners, to prepare an Open Space Preservation Plan. The quote received was comprehensive and was estimated at approximately \$24,000. Motion was offered by Trustee Burek, seconded by Trustee Gomez, to authorize the Mayor to sign the proposal submitted by NPV for the preparation of an Open Space Preservation Plan at a cost not to exceed \$24,000.

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

EXTRA ITEM – Resolution Authorizing Submission of Consolidated Funding Application:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to adopt the following resolution:

**WHEREAS**, New York State is accepting applications for the 2021 Funding Round of the New York State Consolidated Funding Application (“CFA”) Program;

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Village of Woodbury Board of Trustees that the Village Mayor is hereby authorized to submit a Consolidated Funding Application for the 2021 Funding Round from New York State for programs including, but not limited to, the Department of Environmental Conservation’s Water Quality Improvement Project Program and Climate Smart Communities Grant Program, and the Department of State’s Smart Growth Comprehensive Planning Grant Program, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Woodbury; and be it further

**RESOLVED**, that the aforementioned potential grant agreements are subject to the approval of the Village Attorney as to form and content.

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

**Public Comment:**

Martha Lopez stated she is 23-year resident of Woodbury and does not serve on any committee or Board for the Town. She stated she was forced to attend the meeting this evening to defend herself against Board members who she feels inappropriately have used this platform for personal vendettas. She stated she is confused by Trustee Giacomazza’s actions during the last Board meeting at which he admitted to censoring comments on the Village’s Facebook® page but then publicly read them at the meeting, describing them as being slanderous. She stated she has personally witnessed him mock and laugh using passive aggressive behavior towards Village employees. She feels that one of his shortcomings is that he openly states he has no desire to work with the Town Board. She feels Woodbury should be put first and that he should be doing all he can as Trustee to repair the relationship between the two municipalities. She wonders what his agenda as Mayor will be and feels it is a shame that he is running unopposed. She then addressed Trustee Graziano and how she feels he emotionally reacts to comments on Facebook®. She noted as an elected official he is here to serve all and he does not have the right to use his position to root out a community member who questions him or threaten litigation for stating their opinions. She then stated laughing at the mention of someone’s culture or ethnicity is insensitive and racist. She feels what the Board did during her March 15 interview for the Revitalization Committee was culturally insensitive and the fact that they laughed made them complicit and, even though she sent email to the Board stressing her concerns about the actions, no one apologized. She does not want to see the Town run by a group of people who do not see anything wrong with weaponizing ethnicities just so they can gain leverage and assert their power. She also noted that every candidate running for the Town is lacking diversity despite minorities making up nearly 50% of residents in Woodbury.

Rey Hernandez distributed to the Board a copy of a Facebook® post on the page “1Woodbury” that was done by Charles Knuth regarding a t-shirt fundraiser by the Woodbury Fire Department. He noted he is a resident of Woodbury, a volunteer and the Chairperson of the Parks Committee. He was

the one that headed the First Responder Day held on June 12. He stated he would like to address comments that were made referring to the First Responder Day as a political event. He assured it was not a political event but one that was beautiful to show appreciation to the first responders. They raised \$700 in donations to the food pantry and he thanked the community for participating. He thanked Chief Burke, Mayor Egan and Trustees Burek and Graziano for attending. He then stated he would like to point out an inconsistency with what the Fire Department has been stating and what has been recently advertised as a fundraiser on Facebook©. He stressed that he supports all first responders (he was an NYPD detective for 20 years and served in the Cornwall Fire Department for eight years) and he is not attacking the Fire Department or its personnel in any way. The fundraiser was posted on the "1Woodbury" page (a political party page) by the Fire Chief advertising the t-shirt sales with a candidate running for Town Supervisor as being the person to contact directly, with his own personal email address, to make the purchase. This implies that it is being used for politics and he feels the Fire Department's own email should have been used instead. He added he understands the social aspect of a Fire Department which as officers that should deal with the fundraising aspects. He again stated this is an inconsistency and asked why the Fire Department is getting involved in Town/Village politics if it asserts that the Department does not get involved in politics. He added Chief Prozzillo stated at numerous meetings that the Fire Department is not about politics. He does not feel that the one individual that is running for public office should be the contact person and a different member should have been selected for this effort. He ended by stated the Village should put a stop to it.

**Board Member/Department Comment:**

Mayor Egan stated he first would like to provide an update on outdoor dining. As he mentioned at the last meeting, the Governor's executive orders expired and were not renewed which prohibited him from issuing any local executive orders. Yesterday, the Governor did sign into law a bill that permits restaurants and bars to utilize municipal property for outdoor dining (public streets/sidewalks) but there are a couple of difference then what the executive order permitted during the pandemic. This law only applies to businesses that are licensed to serve alcohol and it only allows these businesses to extend operations to municipal property. It does not allow the use of private property (like parking lots) to be used for outdoor dining. The law signed is only valid for one year unless the Governor signs an extension. He noted the good news is that under these conditions restaurants that qualify can again offer outdoor dining. The Village will continue to issue temporary use permits through the Building Department. He then provided a water update. The water tanks continue to remain full and he thanked all the residents for honoring the outdoor restriction. The rehabilitation of Well #5 is continuing and it is expected that it should be finished within the next couple of weeks. Once it is done, a higher water flow is anticipated which should allow for the restrictions to be lifted. The new well is also moving forward nicely, it should be dug and tested by the end of the month. It is anticipated to be fully operation by the end of the year.

Trustee Graziano thanked everybody for attending and he is very happy that we are back to in-person meetings. He noted he is also glad that he was able to watch his son and Trustee Giacomazza's daughter graduate high school last week at Boulder Stadium. He congratulated all the seniors that graduated. He noted he believes this group of students going forth in the work force will be the best prepared due to all the things they have gone through during the pandemic and the witnessing of the events at the Capital earlier this year. These individuals are going to carry forward, be well prepared and he cannot wait to see what they accomplish to improve the future of our country.

Trustee Gomez thanked everyone for attending the return to live meetings and he hopes we continue to win the war against COVID-19 and the newest delta variant. He urged all to continue to get vaccinated to help keep the number down. If you choose to not be vaccinated, he asked that you please be sure to wear your mask for protection of all. He also asked all to look out for one another, be kind and keep safe/healthy.

Trustee Burek thanked the Board for approving the work for the Land Preservation Plan. A lot of work has gone into the committee's planning for the natural resources protection and the character of Woodbury. The committee has been meeting twice a month over the past ten months and the volunteers have been dedicated. She thanked the committee for their professionalism during the very long meetings.

Trustee Giacomazza stated he had no intention of speaking this evening but felt he needed to respond to the comments made during public comment. On the Village of Woodbury Facebook® page he put up a congratulatory post thanking Gary Thomasberger for his years of dedicated service to the Town/Village and Mrs. Lopez responded asking "how was Mr. Thomasberger treated" by him. He noted Mr. Thomasberger did not leave based on how he was treated by anybody. He feels the comments made by Mrs. Lopez affect his ability, and the Village's ability, to hire employees. He has an attorney, which he is paying for himself and will not be using taxpayer's money to do so as members of the Town Board did, and only one person will be sued. Regarding Mr. Hernandez's comments and a t-shirt fundraiser being used for political means, he believes the individuals running for town office (Spagna, Finnegan, Luciani) are decent human beings. He believes Mr. Hernandez's history in Woodbury supporting first responders is "comical".

*At this point in the meeting, multiple people were speaking (shouting) and it became impossible for the proceedings of the meeting to be recorded.*

**Adjournment:**

With no further business to conduct or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to adjourn the meeting at 8:17PM.

<b>ADOPTED</b>	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk