

Minutes of the Village Board Meeting held on June 23, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor
Tara Burek, Jesus Gomez and Christopher Graziano, Trustees
Absent: Victor Ferrarelli, Trustee
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent;
Michael Phillips, Water/Wastewater Administrator; Michael Panella, Building Inspector;
Rachel Bruce, Zoning Board

Public Comment on Agenda Items Only: *There was no public comment.*

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held June 9, 2022.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to approve Abstract 2 containing vouchers 220066 – 220133 and totaling \$351,425.73.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
NOES 0

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2022-19 totaling approximately \$428.91 for the purchase of a security cage and 2022-20 totaling approximately \$3865.05 for the purchase of five sets of bail-out gear.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
NOES 0

d. Approval of Fire Department Membership – J Beadle:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to approve the application of membership to the Fire Department received from John Beadle.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
NOES 0

e. Relevy of Previously Exempt Properties:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for an exemption:

WHEREAS, the owner(s) of property was/were eligible for an exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY2023/2024 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

		235-1-10	42 Tiros Avenue	\$13.52
ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

Old Business:

a. Trout Brook Well – SEQRA Action:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to declare the Village of Woodbury Board of Trustees as Lead Agency under SEQRA for the project known as “New Water Supply Source along Trout Brook Road (aka Trout Brook Well)”.

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to preliminary Type this project as an Unlisted Action under SEQRA

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

b. Resolution – Videoconferencing Policy/Procedures:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following policy and procedure on attendance at meetings of the Board of Trustees and other public bodies, including videoconferencing, as printed at the end of these minutes.

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

c. Introductory Local Law 5 of 2022 – Extension of Building Moratorium:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to introduce Introductory Local Law 5 of 2022 entitled “Moratorium” to impose a moratorium on certain permits, certificates of occupancy and approvals.

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to refer Introductory Local Law 5 of 2022 to the Orange County Planning Department, Village Planning Board and Building Department.

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to schedule a public hearing to be held on July 14, 2022, at 7:30PM on Introductory Local Law 5 of 2022.

ADOPTED	AYES	4	Giacomazza, Burek, Gomez, Graziano	
	NOES	0		

New Business:

a. Authorize Preparation/Submission of WQIP Grant Application: Project – Evaluation and Mitigation of Sanitary Sewer Overflows

Motion was offered by Mayor Giacomazza, seconded by Trustee Gomez, to authorize the Mayor to sign any and all documents relating to the preparation/submission of the application to the Water Quality Improvement Plan for the project "Evaluation and Mitigation of Sanitary Sewer Overflow".

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
 NOES 0

b. Closure of Escrow – Falkirk Estate & Country Club

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to return the balance of the escrow posted by Falkirk Estate & Country Club for their application before the Planning Board, as requested by the Building Department.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
 NOES 0

Public Comment:

Melissa Jackson thanked the Village Board for all they have done to address the issues she is experiencing on Hadley Farm Road. There is still ongoing, unresolved occurrences. The Town planted trees and erected posts at the very end of the forever greenspace. The trees were cut down a few days later. The posts have stopped the thru traffic, but individuals can still drive on the greenspace and use it as a parking lot. She is concerned that the taxpayers are paying for this work, and she feels the Town and the Village are being disrespected. Mayor Giacomazza asked about the boulders and Ms. Jackson stated they were moved to the side of the road. Mayor Giacomazza has asked Inspector Panella to contact the developer to ask about installing a gate and a camera system at the location. Trustee Graziano stated he feels the Town should be asked to have jersey barriers placed there until everything is resolved. Mayor Giacomazza added Supervisor Burke has stated there is an investigation underway by the Police Department. Trustee Graziano stated he feels this is now beyond the powers of the Building Inspector and Mayor Giacomazza added Supervisor Burke stated he will be doing everything in his power as this is an act of vandalism.

Board Member/Department Comment:

Trustee Graziano thanked all for attending, congratulated the Monroe-Woodbury Girls Softball on their accomplishments and the 2022 graduates.

Trustee Burek said condolences to the families of the two individuals that passed away tragically this past week, both were upstanding members of our community. She also urged all to be safe and enjoy Independence Day.

Trustee Gomez thanked all for attending and agreed with the comments made by the other Board members. He urged all to be kind to each other.

Mayor Giacomazza thanked Building Inspector Panella and the Buildings/Grounds Department for taking care of the zombie properties with overgrown lawns. Four have been done and there are two more scheduled. He also congratulated the Monroe-Woodbury Girls Softball Team and the 2022 graduates this year. He also sent condolences to all those that have suffered loss over the past two weeks and wished everyone an upcoming happy Independence Day.

Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Gomez, seconded by Trustee Burek, to adjourn the meeting at 8:00PM.

ADOPTED AYES 4 Giacomazza, Burek, Gomez, Graziano
 NOES 0

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney *(if necessary)*

VILLAGE OF WOODBURY

POLICY AND PROCEDURES ON ATTENDANCE AT MEETINGS OF THE BOARD OF TRUSTEES AND OTHER PUBLIC BODIES, INCLUDING VIDEOCONFERENCING

The Board of Trustees recognizes that having members physically present at meetings of “public bodies” as defined in the “Open Meetings Law”¹ is the best means for members to engage and work collaboratively with one another and the Woodbury community.

From time to time, however, circumstances prevent members of public bodies from physically attending meetings.

For the benefit of members of the Village’s public bodies and the public, the Board of Trustees finds and determines that formalizing a policy regarding physical attendance at meetings as well as the use of videoconferencing technology at regular or special meetings of the public bodies of the Village will serve the best interests of the Village, consistent with the requirements of the Open Meetings Law and with Local Law 3 of 2022, adopted by the Board of Trustees on May 31, 2022 This policy applies to all public bodies of the Village including, but not limited to, the Board of Trustees, the Planning Board, and the Zoning Board of Appeals.

The general policy instituted by the Board of Trustees is that members of public bodies are expected to be physically present at meetings of that member’s body. Participation by videoconferencing would be an exception that should be used when a member is unable to be physically present.

Videoconferencing.

¹ Section 102 of Chapter 47 of the N.Y.S. Public Officers law, known as the “Open Meetings Law” provides as follows:

§ 102. Definitions. As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.
2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.

- A. Public bodies of the Village of Woodbury are authorized to conduct meetings using videoconference technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person. This requirement can be satisfied, for example, if three members of a five-member public body are physically present in Village Hall and the public is allowed to attend at that location, or if three members of a five-member public body are participating via videoconference from three different locations and the public is allowed to be physically present at each of those locations.
- B. In-Person Attendance and Remote Participation:
 - 1. Members of the public body must be physically present at one of the meeting locations at which the public can attend in person *unless* the member is unable to be physically present due to extraordinary circumstances, as set forth herein, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
 - 2. Members of a public body do not have a right to attend meetings remotely but may participate remotely via videoconference only at the discretion of the public body.
 - 3. Public Officers Law § 103-a prohibits meetings from being conducted using only teleconferencing technologies, unless otherwise stated or pursuant to an Executive Order of the Governor.
- C. Videoconference Procedures:
 - 1. In the event that a member of the public body is aware that he or she will be unable to attend a scheduled meeting of that member's body, but wishes to participate by videoconferencing, the member shall advise the body's chairperson and secretary (or, in the case of a Village Trustee, advise the Mayor and Village Clerk) and other official responsible for providing public notice of such meeting as soon as possible of that fact and request the opportunity to participate, vote, and otherwise transact all business by videoconferencing at such meeting in the same manner as if the member were physically present at the meeting, including Executive Sessions.
 - 2. When such notice by a member is given sufficiently in advance of the scheduled meeting date and videoconferencing will be used to conduct a meeting, public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting and state that the public has the right to attend the meeting at any of the locations. The Clerk or secretary or other responsible person will include in all notices that are required to be published and/or posted and on the meeting agenda notice of a member's intention to participate in the meeting by videoconference and the member's location when videoconferencing. The Clerk or secretary or other responsible person shall post notice of same on the Village's website.
 - 3. Notices shall provide:
 - a) A statement that videoconferencing will be used;
 - b) The exact location from which every member of the public body is participating, unless extraordinary circumstances allow participation from a nonpublic location as set forth herein; and
 - c) A statement that the public has the opportunity to attend, listen and observe at any location from which a member of the public body is participating, unless extraordinary circumstances allow participation from a nonpublic location as set forth herein.

4. In the event that the member cannot give adequate notice to permit posting of notices in accordance with the Public Officer's Law, the Mayor or public body's chairperson will normally not allow the member to participate by videoconference, unless the Mayor or chairperson, as the case may be, determines that the circumstances excuse the lack of adequate prior notice, and the participation of the member is necessary to serve the best interests of the Village.
5. The Village Clerk or public body's secretary will ensure that the appropriate equipment necessary for the member to participate by videoconference is available at the time and place of the meeting. The member is responsible for ensuring that he or she has the ability to establish a suitable videoconference link to the Village's equipment. It is strongly recommended that the member requesting participation by videoconference coordinate in advance of the meeting with the Village Clerk or with the body's secretary in order for appropriate arrangements to be made to facilitate and coordinate transmission.
6. The Village Clerk or body's secretary shall ensure that the minutes reflect that the member participated by videoconference. In particular, the Village Clerk or body's secretary shall record that the member was present by videoconference for all motions, seconds and votes on actions before the body.
7. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the public body must ensure that members of the public body can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
8. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely and must be made available to the public pursuant to Public Officers Law § 106 as set forth above.
9. The public body must record each meeting that uses videoconferencing and such recordings must be posted or linked to on the public body's website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter, and recordings must be transcribed upon request.
10. The public body must provide the opportunity for members of the public to view the meeting via video. Additionally, at meetings where public comment or participation is authorized, members of the public must be able to participate in the proceedings via videoconference in real time. The public body must ensure that the videoconferencing provides the same opportunities for public participation or testimony as in-person participation or testimony.
11. The Village of Woodbury maintains an official website and uses technology that permits members of the public including members of the public with disabilities to access the video in a manner consistent with state law and with the 1990 Americans with Disabilities Act (ADA).

Special Videoconference Procedures.

A member of a public body is allowed to participate in a meeting without allowing members of the public to be physically present at the location from which a member is participating in the meeting if:

1. Extraordinary circumstances exist, including, but not limited to, disability, illness, caregiving responsibilities, death of an immediate family member, unanticipated airplane flight and other transportation cancellations that prevent in-person attendance, unexpected employment

deployment, extraordinary inclement weather, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting; and

2. At least a quorum of the public body is participating in the meeting from a location(s) at which members of the public may physically attend in person. The public notice provisions for the meeting must inform the public that videoconference will be used at the meeting.

In adopting these policies, the Board of Trustees recognizes that under the extraordinary circumstances which allow a member of a public body to participate in a meeting without allowing members of the public to be physically present at the location from which the member is participating may not always allow for advance notice of the member's circumstances. It is strongly recommended that to the extent practicable, the member requesting participation by videoconference coordinate in advance of the meeting with the Village Clerk or with the body's secretary in order for appropriate notices and arrangements be made to comply with these policies and procedures.

Emergency Meetings.

The Open Meetings Law contains an emergency exception to the in-person requirement associated with videoconference meetings.² Specifically, if (1) the Governor has declared a state disaster emergency pursuant to N.Y. Executive Law § 28 or the local chief executive has declared a local state of emergency pursuant to N.Y.S. Executive Law § 24; and (2) the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting, then the public body is not required to hold an in-person meeting. In the event these circumstances are met, the public bodies of the Village of Woodbury are permitted to hold a meeting by videoconference. Public bodies must still produce minutes of such emergency meetings pursuant to the requirements of the Open Meetings Law and as outlined above.

² See Part WW of Chapter 56 of the Laws of 2022, codified as N.Y. Public Officers Law § 103-a(3).