

Minutes of the Village Board Meeting held on July 28, 2022 at 7:30PM

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

Change in Board Members:

a. Acceptance of Resignation – Trustee Gomez:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept the resignation of Jesus Gomez from the position of Village Trustee effective July 27, 2022.

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

b Appointment of Trustee to Vacant Seat:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to appoint Susan Ciriello to the position of Trustee to fill the vacant seat effective July 28, 2022. This term will expire December 31, 2022.

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

The Mayor and each Trustees welcomed Trustee Ciriello to the Board and all look forward to working with her.

Administer Oath of Office to New Trustee:

Clerk Potvin administered the Oath of Office to Trustee Ciriello.

d. Appointment of Deputy Mayor:

Mayor Giacomazza announced that he appoints Trustee Burek to the position of Deputy Mayor. The Board members collectively congratulated Trustee Burek on her appointment.

Public Hearings:

a. Introductory Local Law 6 of 2022 – Taxation:

A public hearing was held to entertain public comments on Introductory Local Law 6 of 2022 which will amend Chapter 277 (“Taxation”) of the Village Code to provide for Article VIII entitled “Volunteer Firefighters and Fire Company Exemption”. The public notice was printed in the Times Herald Record on July 20, 2022 and the following comments were received:

Mayor Giacomazza stated, as a way to help encourage volunteerism in the Fire Department, the Village Board has been researching ways to provide benefits to volunteers. This proposal will enable active fire members that own property in Woodbury to receive a \$500 reduction on their property assessment, in addition to other exemptions they may qualify for. He also noted the law was referred to the Fire Chief and Assessor for comment. The Fire Chief replied they were “okay” with the law and had no other comments. The Assessor did not provide any comments.

With no further comments received, a motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to close the public hearing.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano

NOES 0

Public Comment on Agenda Items Only:

Maria Hunter stated she feels the Board should conduct more research before the agree to transfer their rights to the paper road in the Skyline area. She stressed her concerns about the ridge preservation and the impact the construction of a house would have to backyards of neighboring properties.

Tucker Gray also stressed his concerns about the paper road and asked if an environmental impact study has been done. Attorney Naughton explained this proposal this evening before the Village Board is to decide if the rights to the road should be sold to the applicant. The construction of the house and its impacts to the environment and ridge preservation would be reviewed by the Planning Board. Mr. Gray stated he is also concerned about how the house would alter stormwater drainage.

John Keller also stressed his concerns about the paper road and urged the Board to not relinquish their rights to the applicant. He feels the construction would affect the drainage that will impact the homes in Valley Forge. He also noted his concerns about the firetrucks having access and noted there is eight acres of undeveloped land adjacent to the applicant's property that could be developed if the paper road is given to the applicant. He is also concerned about ridge preservation and how this will affect the view from Valley Forge.

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Ferrarelli, seconded by Mayor Giacomazza, to accept receipt of the minutes of the meeting held July 14, 2022.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to approve Abstract 4 containing vouchers 220226 – 220305 and totaling \$164,450.77.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

c. Fire Department Equipment Request(s):

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2022-22 totaling approximately \$2814 for the purchase of replacement hose.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

d. Change in Meeting Schedule – August 2022:

Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, to cancel the August 11 and 25 meeting and instead hold one meeting on August 16, 2022 at 7:30PM.

ADOPTED AYES 4 Giacomazza, Burek, Ciriello, Ferrarelli
 NOES 1 Graziano

e. Appointment of Full-Time Assistant to Building Inspector:

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to appoint Nader Riad to the position of full-time Assistant to the Building Inspector with a start date of August 1, 2022 and an hourly rate of \$24.92.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

f. Fire Department Membership Status Changes:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to change Fire Department status of Thomas Poutsma from “active” to “inactive”, as requested by the Fire Chief.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

g. Increase Mileage Reimbursement Rate:

Mayor Giacomazza announced that the Board recognizes the State has increased the mileage reimbursement rate as of July 1, 2022 to be \$0.625.

h. Closure of Escrow – Planning Board:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve the closure and return of funds posted by Congregation Kol Arye for their application before the Planning Board.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

Adoption of Local Laws and Schedule Referendum:

a. Adoption of Local Law 6 of 2022 – Taxation:

Motion was offered by Mayor Giacomazza, seconded by Trustee Burek, to adopt Local Law 6 of 2022 which will amend Chapter 277 (“Taxation”) of the Village Code to provide for Article VIII entitled “Volunteer Firefighters and Fire Company Exemption”.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ciriello	YES
Trustee Ferrarelli	YES
Trustee Graziano	YES

Full copy of the law is printed at the end of these minutes.

b. Adoption of Proposition #1 Wording – Taxation:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the wording for Proposition 1 as follows: *“Shall the Village of Woodbury provide an additional tax exemption for volunteer firefighters and fire companies owning property within the Village of Woodbury pursuant to Real Property Tax Law § 466 to the extent of \$500.00?”.*

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

c. Adoption of Local Law 7 of 2022 – PB/ZBA Term Limits:

Mayor Giacomazza provided the following timeline as it relates to Introductory Local Law 6 of 2020 which would amend Section 57-2(B) and 310-49(A) of the Village Code to provide for uniform terms and term limits for the Village Planning Board and the Village Zoning Board of Appeals:

- May 28, 2020: law introduced, referred to the Planning Board and the Orange County Planning Department, public hearing scheduled
- June 11, 2020: GML239 report received (local determination)
- June 26, 2020: Planning Board report with modifications received
- August 13, 2020: Public hearing held, closed and written comments accepted through August 29, 2020

Once the Board adopts this local law, a mandatory referendum is required.

Motion was then offered by Trustee Ciriello, seconded by Mayor Giacomazza, to adopt Local Law 7 of 2022 which would amend Section 57-2(B) and 310-49(A) of the Village Code to provide for uniform terms and term limits for the Village Planning Board and the Village Zoning Board of Appeals.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ciriello	YES
Trustee Ferrarelli	NO
Trustee Graziano	NO

Full copy of the law is printed at the end of these minutes.

d. Adoption of Proposition #2 Wording – PB/ZBA Term Limits:

Motion was offered by Mayor Giacomazza, seconded by Trustee Burek, to adopt the wording for Proposition 2 as follows: *“Shall the Village of Woodbury provide for uniform five-year terms for members of both the Village Planning Board and the Village Zoning Board of Appeals and, in order to ensure more opportunities for U.S. citizen-residents to serve on these administrative boards, to provide for term limits of such board members?”.*

ADOPTED	AYES	3	Giacomazza, Burek, Ciriello
	NOES	2	Ferrarelli, Graziano

e. Adoption of Proposition #3 Wording – Increase to LOSAP Benefit:

Mayor Giacomazza stressed again the Village Board has been researching ways to encourage individuals to volunteer and stay active with the Fire Department. Currently, for every year a member is active, they will receive \$20/month in a pension benefit when they reach entitlement age. This program was vote upon and approved by the public in the early 1990s. At this time, the Board would like to increase this entitlement to be \$30/month per year active. This would be on a “going forward” basis (so not retroactive to any member already collecting the benefit) and would cause the maximum earned benefit to be \$1200 per month (40 years active). In order for that to occur, the amendment needs to, once again, be approved by the public. Mayor Giacomazza noted further the cost to the Village for this change is \$747,825 and the Village will pay this additional cost over a ten-year period. Motion was offered by Trustee Burek, seconded by Trustee Graziano, to adopt the resolution amending the Length of Service Award Program (LOSAP):

WHEREAS eligible voting residents of the Town and Village of Woodbury previously approved a referendum to establish a defined benefit Length of Service Award Program (“LOSAP”) for active volunteer firefighters of the Fire Department in accordance with Article 11-A of the New York State General Municipal Law (GML); and

WHEREAS the Village of Woodbury is the LOSAP Sponsor and Program Administrator; and

WHEREAS GML § 216 authorizes the Village of Woodbury, as LOSAP Sponsor, to amend the LOSAP; and

WHEREAS an active volunteer firefighter member currently earns a \$20 monthly Service Award benefit for each year of Service Credit; and

WHEREAS the Board of Trustees desires to amend the LOSAP to increase the monthly Service Award benefit to \$30; and

WHEREAS this amendment will not increase the current cost of the LOSAP, but will extend the current cost longer into the future; therefore, the amendment will not require an increase the annual LOSAP budget; and

WHEREAS this amendment is consistent with the intent of the LOSAP to recruit, retain and reward volunteer firefighters.

NOW, THEREFORE, BE IT

RESOLVED that the Village of Woodbury Board of Trustees, as authorized by Article 11-A of the GML, approves an amendment to the LOSAP to increase the monthly service benefit from \$20 to \$30, effective January 1, 2023; and be

FURTHER RESOLVED that this Resolution is subject to a mandatory referendum of qualified voters of the Village of Woodbury, and said referendum shall be held on September 13, 2022, between the hours of 12:00pm to 9:00pm at 455 Route 32, Highland Mills, New York 10930; and be it

FURTHER RESOLVED that the proposition placed before the qualified voters will read as follows: *“Shall the Village of Woodbury increase the defined benefit Length of Service Award Program (LOSAP) established for active volunteer firefighters from a monthly earned benefit of \$20 to \$30, effective January 1, 2023?”*; and be it

FURTHER RESOLVED that the LOSAP shall continue to be administered by the Village of Woodbury and that all other provisions of the LOSAP shall remain the same.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

f. Schedule Special Election – September 13, 2022 – Noon – 9PM – Village Hall:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to direct the Village Clerk to hold a special election to be held on September 13, 2022 beginning at Noon and ending at 9PM. All voting will be held at Village Hall, there will be no absentee ballots for this election.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

New Business:

a. 2022/2023 CDPHP Delta Dental Renewal:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to approve the 2022/2023 CDPHP Delta Dental renewal, which has no rate increase from last year.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

b. Authorize Mayor to Sign – Updated MOU for Woodbury Creek Monitoring:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to authorize the Mayor to sign a renewal agreement with the Town of Cornwall, Village of Cornwall-on-Hudson and the Town of Woodbury relating to the continued monitoring of Woodbury Creek.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

c. Resolution – Relevy of Previously Exempt Properties:

Motion was offered by Trustee Burek, seconded by Trustee Ciriello, 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:

		211-1-27	21 Birchwood Dr	\$98.20
ADOPTED	AYES	5	Giacomazza, Burek, Ciriello, Ferrarelli, Graziano	
	NOES	0		

d. Schedule Public Hearing – Moratorium Hardship – 20 Abrams Road:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to schedule a public hearing to be held on August 16, 2022 at 7:30PM to entertain public comments on the moratorium hardship waiver petition received from 20 Abrams Road.

ADOPTED	AYES	4	Giacomazza, Burek, Ciriello, Ferrarelli
	NOES	1	Graziano

e. Discussion/Decision – Transfer of Land – Skyline Drive Paper Road:

Mayor Giacomazza stated there is property in the Skyline Development that is landlocked (208-1-3.31 and 208-1-21) which currently has an application before the Planning Board – All Mine Orange Inc. They have requested the Village give up its rights to a possible extension of Cedar Road so they can construct a driveway to access the property for the house they plan to build. On the tax map this section the Village owns is known as “Skyline Drive” which, at one time, could have been extended, using the private street known as Carpenter Drive, into the upper portion of the Skyline development as an emergency access road. This was never realized due to costs. The Board needs to decide if they want to relinquish these rights and the rights have been valued at \$3000 by the Assessor. Trustee Ciriello stated she agrees more research needs to be done on the issue to determine if relinquishing the rights will cause bigger issues than those known. She asked what the benefit to the Village would be if approved and Mayor Giacomazza stated just a financial gain from the sale. Trustee Burek stated she is very protective of the ridge preservation and consideration to all the neighbors to the property needs to be given. She is also concerned about the displacement of wildlife. Attorney Naughton stated research regarding ownership and the cost of the paper road has been done. She noted the applicant can still proceed with his construction using an alternative way to access the property. She stressed denying this request does not stop the house from being developed.

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to approve sell the rights of the paper road in the Skyline Development to All Mine Orange Inc., at a cost of \$3000.

DEFEATED	AYES	0	
	NOES	5	Giacomazza, Burek, Ciriello, Ferrarelli, Graziano

Mayor Giacomazza asked Attorney Naughton to send a letter to applicant to let them know the Village Board is not interested in selling their rights to the property.

f. Schedule Public Hearing – Introductory Local Law 7 of 2022 – Water Bill Late Charge:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to introduce Local Law 7 of 2022 which was amend Chapter 298-25 of the Village Code entitled “Water” to increase the late charges for failure to pay water bills.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli, to refer Introductory Local Law 7 of 2022 to the Water/Wastewater Administrator for comment.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was then offered by Trustee Ciriello, seconded by Trustee Burek, to schedule a public hearing to be held on August 16, 2022 at 7:30PM to entertain public comment on Introductory Local Law 7 of 2022.

ADOPTED AYES 4 Giacomazza, Burek, Ciriello, Ferrarelli
 NOES 1 Graziano

g. Authorize Mayor to Sign – Revised Agreement for Bioxide Monitoring:

Mayor Giacomazza stated the revision includes new chemical storage tanks at two sites. The price of \$4.10 per gallon, instead of \$4.15 per gallon, is going to be honored by the vendor. Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor to sign the revised agreement for bioxide monitoring with Evoqua.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

EXTRA ITEM – Waiver of Fee – Food Truck Permit – Town of Woodbury:

Mayor Giacomazza noted a request was received from Supervisor Burke requesting the Village Board waive the \$200 application fee for a food truck to be at the John P Burke Pool this coming weekend. The truck has been inspected by the Building Inspector. Motion was offered by Trustee Ferrarelli, seconded by Trustee Burek, to waive the fee.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

EXTRA ITEM – Resolution – NYS ClimateSmart Communities Grant:

Mayor Giacomazza noted the boiler in the Village Hall/Highland Mills Firehouse is unrepairable and the cost to replace it is \$117,524. This also requires the water heater to be replaced at a cost of \$8773. He spoke to the grant writers, and they will be attempting to obtain a grant for this work through the NYS ClimateSmart Communities program but a resolution is required. Therefore, a motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to adopt the following resolution authorizing an application to be submitted for a NYS ClimateSmart Communities Grant:

WHEREAS the Village of Woodbury hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54, Title 15; and

WHEREAS the Village of Woodbury certifies that it has identified \$100,000 of matching funds from the General Fund pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT

RESOLVED that the Village of Woodbury hereby authorizes Mayor Andrew Giacomazza, an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$120,000, to be used for Village Hall Improvement Project.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Trustee Graziano asked if alternative, more environmentally friendly solutions were researched since a complete replacement of the boiler is being done. Mayor Giacomazza stated the vendor was told that an energy efficient boiler must be installed, as well as the water heater that is being replaced. Trustee Graziano suggested the costs for a geothermal appliance be looked into. Mayor Giacomazza stated he will do so but there are time constraints due to the lead time needed to order the parts, equipment and the time needed for installation.

Public Comment:

Thomas Powell expressed concerns he has with a sinkhole on his property that is the right-of-way that is located between his and his neighbor's lot. Superintendent Weyant stated he will look into it to see if the issue is in the Village's area of responsibility or the homeowners. Mayor Giacomazza stated if it is determined to not be the Village's, he will have the Building Department get involved. Mr. Powell then inquired about the daycare that recently opened on Summit and questioned if it was allowed in a residential zoned area. Attorney Naughton stated if the zoning code permits it as an accessory use, then no application is required to go before the Planning Board. It was suggested Mr. Powell speak with the Building Department about his concerns.

Maria Hunter thanked Inspector Panella for responding to all the concerns she has brought to his attention recently. She then asked the Village Board to invite her to a Revitalization Committee meeting so she can speak to them as a resident and Chairperson of the Beautification Committee. She has concerns about sidewalks and who is responsible for their maintenance. She is also concerned about all the dumping that is occurring. She also feels that political signs should be removed by candidates/committees once the election is over.

Board Member/Department Comment:

Chief Burke thanked the Village Board for the efforts they are taking to help with recruitment and retention.

Trustee Ferrarelli thanked all for attending the meeting, in person and virtually.

Trustee Ciriello stated she is honored to be serving on the Board and looks forward to learning and working with the community.

Trustee Burek thanked Trustee Gomez for all the guidance he has provided her over the years and shared some personal memories/experiences she had had with him.

Mayor Giacomazza spoke about the experiences he has had with Trustee Ciriello and he feels she will be a great addition to the Village Board. He also spoke about his relationship with Trustee Burek and he is glad she agreed to serve as his Deputy.

Adjournment

With no further business to discuss or comments received, a motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to adjourn the meeting at 8:40PM.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Desiree Potvin, Village Clerk

LOCAL LAW 6 OF 2022

A LOCAL LAW AMENDING CHAPTER 277 (“TAXATION”) OF THE CODE OF THE VILLAGE OF WOODBURY PROVIDING FOR ARTICLE VIII ENTITLED “VOLUNTEER FIREFIGHTERS AND FIRE COMPANY EXEMPTION”.

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York as follows:

SECTION 1 PURPOSE

The purpose of this local law is to amend Chapter 277 (“Taxation”) of the Code of the Village of Woodbury to provide an additional tax exemption for volunteer firefighters and fire companies owning property within the Village of Woodbury pursuant to Real Property Tax Law § 466.

SECTION 2 CHAPTER 277: TAXATION

Chapter 277 (“Taxation”) is hereby amended to add Article VIII, entitled “Volunteer Firefighters and Fire Company Exemption” as follows:

§ 277-25. Findings.

The New York State Legislature enacted Real Property Tax Law § 466, entitled “Volunteer firefighters and fire companies in villages”, which permits the local governing boards of villages to adopt a local law exempting the real property owned by a volunteer member of the village fire department and the real property owned by any volunteer fire company in the village from taxation for village purposes to the extent of \$500.00, in addition to any other exemption authorized by law. The enabling legislation enacted by the State Legislature requires that localities must adopt proposition therefor approved by the qualified voters of a village to afford these individuals and companies such exemption.

§ 277-26. Exemption granted; certification of status.

- A. Volunteer fire fighters and fire companies in the Village of Woodbury. The real property owned by a volunteer member of the Village Fire Department and the real property owned by any Volunteer Fire Company in the Village shall be exempt from taxation for Village purposes to the extent of \$500 of assessed value in addition to any other exemption authorized by law. For purposes of this subsection, “volunteer firefighter” shall have the meaning designated in the Volunteer Firefighters’ Benefit Law.
- B. The Chief of the Village Fire Department shall certify to the Board of Trustees the members of the Village Fire Department on or before January 15 of each successive year following the effective date of this section.
- C. The Chief of the Village Fire Department shall notify the Board of Trustees immediately whenever a member of the Village Fire Department shall cease to be a member of such Village Fire Department.

SECTION 3 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

LOCAL LAW 7 of 2022

A LOCAL LAW AMENDING SECTIONS 57-2(B) AND 310-49(A) OF THE CODE OF THE VILLAGE OF WOODBURY TO PROVIDE FOR UNIFORM TERMS AND TERM LIMITS FOR VILLAGE PLANNING BOARD AND VILLAGE ZONING BOARD OF APPEALS

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York as follows:

SECTION 1 PURPOSE

The purpose of this Local Law is to provide for uniformity of five-year terms for members of both the Village Planning Board and the Village Zoning Board of Appeals and, in order to ensure more opportunities for U.S. citizen-residents to serve on these administrative boards, to provide for term limits of such board members. This Local Law will promote the public health, safety and welfare by such expanded opportunities for participation, with the aspiration that it will invigorate such boards with fresh perspectives and vision.

SECTION 2 WOODBURY VILLAGE CODE AMENDMENTS

The Village of Woodbury Village Code is hereby amended to make the following modifications to Sections 57-2(B) and 310-49(A):

§ 57-2 Membership; terms of office.

Section 57-2(B) is hereby repealed, with the term expiration date for each of the present serving Planning Board members remaining the same, and a new Section 57-2(B) is substituted in its place as follows:

The term of office of members of the Planning Board shall be five years. No member of the Planning Board may be appointed to, or serve, more than two consecutive five-year terms, unless completing the term of a vacancy on the Planning Board occurring other than by expiration of a term. After completion of up to two consecutive five-year terms, as may be extended by any service in filling an unexpired vacancy, there must be an absence of service as a member of the Planning Board for at least five years subsequent to any service as a member of the Planning Board before that member is again eligible for re-appointment and service as a member of the Planning Board.

§ 310-49 Board of Appeals.

Section 310-49(A) is hereby repealed, with the term expiration date for each of the present serving Zoning Board of Appeals members remaining the same, and a new Section 310-49(A) is substituted in its place as follows:

The Zoning Board of Appeals shall be composed of five members appointed by the Mayor, subject to the approval of the Village Board. The Chairperson of the Zoning Board of Appeals shall be appointed annually by the Mayor, subject to the approval of the Village Board. The term of office of members of the Zoning Board of Appeals shall be five years. No member of the Zoning Board of Appeals may be appointed to, or serve, more than two consecutive five-year terms, unless completing the term of a vacancy on the Zoning Board of Appeals occurring other than by expiration of a

term. After completion of up to two consecutive five-year terms, as may be extended by any service in filling an unexpired vacancy, there must be an absence of service as a member of the Zoning Board of Appeals for at least five years subsequent to any service as a member of the Zoning Board of Appeals before that member is again eligible for re-appointment and service as a member of the Zoning Board of Appeals.

SECTION 3 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, further including, but not limited to, New York Village Law §§ 7-718(4), (5), (6) and 7-712(2), (4), (5), (6), are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any final court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in New York Municipal Home Rule Law.