

Minutes of the Village Board Meeting held on January 12, 2023 at 7:30PM

- Present: Andrew Giacomazza, Mayor
Tara Burek, Susan Ciriello, Victor Ferrarelli, Christopher Graziano, Trustees
- Absent: None
- 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; Brian Wallace, Second Assistant Fire Chief

Swearing in Ceremony – Oath of Office:

Clerk Potvin administered the Oath of Office to Trustee Ciriello and Trustee Ferrarelli.

Mid-Year Reorganization:

a. Deputy Mayor:

Mayor Giacomazza stated he appoints Trustee Burek as Deputy Mayor.

b. Board Liaisons/Appointed Positions:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to establish the following liaisons of the Village Board:

| | |
|---|--------------------------------------|
| Liaison to Town Board | Mayor Giacomazza |
| Liaison to Planning Board | Trustee Ciriello, Trustee Graziano |
| Liaison to Zoning Board | Trustee Burek, Trustee Ferrarelli |
| Liaison to Fire Department | Trustee Burek, Trustee Ferrarelli |
| Liaison to Water/Sewer Department | Trustee Graziano |
| Liaison to Building Department | Trustee Ferrarelli, Trustee Graziano |
| Liaison to Highway Department | Trustee Burek, Trustee Ciriello |
| Liaison to Revitalization Committee | Trustee Ciriello, Trustee Ferrarelli |
| Liaison to Climate Smart Taskforce | Trustee Ciriello, Trustee Burek |
| Liaison to Land Preservation/Comp Plan Review | Trustee Burek, Trustee Graziano |
| Liaison to MW Central School District | Trustee Ciriello |
| Liaison to Cornwall School District | Mayor Giacomazza |

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

Mayor Giacomazza noted the newly formed liaisons to the School District's is for his efforts to being a Junior Government and also encourage volunteerism in the Fire and Ambulance.

Motion was then offered by Trustee Ciriello, seconded by Trustee Burek, to appoint the following individuals to the following positions:

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|-----------------------------------|-------------------|
| Appeals Officer for FOIL's | Andrew Giacomazza |
| Village Clerk/Treasurer/Registrar | Desiree Potvin |
| Procurement Officer | Andrew Giacomazza |

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

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to designate Kelly Naughton, with the law firm Naughton & Torre, as attorney for the Village.

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

h. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to adopt the following meeting procedures: "That the Village Board hold regular meetings on the second and fourth Thursday of each and every month at 7:30PM, at Village Hall, 455 Route 32, Highland Mills, New York. If cancelled, notification will be given to the media and posted on the official signboard of the Village Clerk. Special meetings are to be called by the Mayor and all Trustees will be notified by telephone, electronic mail, in person or by postal service by the Village Clerk at least twenty-four hours in advance of the meeting unless in the opinion of the Mayor emergency conditions dictate the necessity of shorter notice. Agendas will be prepared by the Village Mayor and Clerk no later than twenty-four hours prior to all meetings. Items can be added and deleted when needed. Minutes of the meetings will be prepared by the Village Clerk in accordance with the Open Meetings Law. When action is required, a motion, followed by a second, will be asked for by the Mayor. A discussion can then be held and then each member will vote verbally on the issue (one vote per member). When required, the Board will be polled by the Village Clerk. If there is a dispute as to the form or priority of motions or other meeting procedural issues not set forth herein Roberts Rules of Order shall prevail, consistent with New York municipal law, with the Attorney for the Village acting as Parliamentarian. When all business is finalized, the meeting will be adjourned. Any deviation from these procedures must be determined by the Village Board. The following procedures to be followed during the public comment segment of the meetings:

- a) The public may speak only during public comment or at any time the Village Board permits, for a period of five minutes. Time cannot be yielded to other members of the public.
- b) Comments are to be made to the Village Board only, not other members of the public or individual Board members.
- c) Speakers will observe commonly accepted rules of courtesy, decorum, dignity and good taste when addressing the Board and making comments.
- d) Written communication will be accepted/presented to the Village Clerk.

Any deviation from these procedures must be determined by the Village Board.

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

i. Procurement Policy:

Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, to adopt a procurement policy as follows:

WHEREAS, General Municipal Law (GML) 104-b requires every municipality to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML 103 or any other law; and,

NOW, THEREFORE, BE IT

RESOLVED that the Village of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. "Purchaser" is defined as a Village official, board member, department head or individual assigned by the department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

| | |
|------------------------|--|
| Building Department | Michael Panella, Maria Rubio, Jennifer Potter, |
| Fire Department | Christopher Burke, Scott McClennan, Brian Wallace |
| Water/Sewer Department | Michael Phillips, Jason Braghirol |
| Mayor/Trustees | Andrew Giacomazza, Desiree Potvin, Jessica McClennan |

Clerk/Treasurer
Highway Department

Desiree Potvin, Jessica McClennan, Claudia Valoy-Romanisin
Robert Weyant, Sheila Beadle

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103. In 2013 this amendment to GML 103 will sunset and the limits will return to \$10,000 for all purchases of supplies or equipment and \$20,000 for all public works contracts. When/If this occurs, then the limits listed in Guideline 3 exceeding the current limits will be null and void.

Guideline 3. Purchases of supplies or equipment shall require the following:

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| Less than \$20,000 but greater than \$10,000 | Three written quotes with documentation |
| Less than \$10,000 but greater than \$5,000 | Two written quotes with documentation |
| Less than \$5,000 | Left to discretion of Purchaser |

Pursuant to GML 103(1) purchases of “commodities, service or technology” may not be “artificially divided” for the purposes of satisfying the “discretionary buying thresholds”. “The reasonably expected aggregated amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase” must be considered.

Purchases of public works/service contracts shall require the following:

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|--|---|
| Less than \$35,000 but greater than \$20,000 | Three written quotes with documentation |
| Less than \$20,000 but greater than \$5,000 | Two written quotes with documentation |
| Less than \$5,000 | Left to the discretion of the Purchaser |

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for which quotes have been received by using the form provided by the Village Clerk. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interested of the Village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgments shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt(s) made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Village Mayor, no solicitation of proposals/quotes shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;

- c) All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.
- d) Sole-Source situations;
- e) Goods purchased from agencies for the blind or severely disabled;
- f) Goods purchased from correctional facilities;
- g) Goods purchased from another governmental agency;
- h) Goods purchased at auction;

Guideline 7 This policy shall be reviewed annually by the Village Board of Trustees at its organizational meeting or as soon thereafter as is reasonably practicable.

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

Public Comment on Agenda Items Only:

Maria Hunter asked if the appointment of fire inspector is full- or part-time. She also noted the Village Code only references a “Fire Marshal” not Inspector. Mayor Giacomazza stated the position is full-time and will be replacing one of the full-time Assistant Building Inspector positions. Mrs. Hunter then stated on the abstract there are two payments made and coded to the Revitalization Committee. She asked what those payments were for. Mayor Giacomazza stated they are for holiday decorations at the Central Valley Library. Mrs. Hunter stated the Central Valley Library is privately owned property and asked how the Village can pay to decorate it. She also asked if the Village will pay for decorations on other private properties if requested.

George Lithco, representing the Highland Mills Center Group senior housing project, provide a detailed history of the project and listed the steps that the project needs to follow. He noted that, if the Board authorizes the sewer allocation, nothing will happen until site plan approval is granted. He stressed this step is important for this client to be able to move forward in the Planning Board process.

Cathy Schmidt commented on the comments made by Maria Hunter. She cited Councilman Etzel’s comments at a previous town Board meeting and noted the decorations purchased for the Central Valley Library equates to about \$0.06/person per capita.

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held December 20, 2022.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve Abstract 13 containing vouchers 221367 - 221471 and totaling \$1,344,218.95.

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

c. Acceptance of Resignation – J Hand:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept, with regrets, the resignation of John Hand from the position of full-time Assistant Building Inspector III effective December 30, 2022 (letter dated December 21, 2022).

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

Mayor Giacomazza, on behalf of the entire Board, wished John the best in his future endeavors.

d. Acceptance of Resignation – A Zoumas:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Ciriello, to accept, with regrets, the resignation of Andrew Zoumas from the Zoning Board of Appeals effective immediately.

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

e. Appointment of Diversity and Inclusion Consultant – Berny Vega:

Mayor Giacomazza stated in 2018 the Village of Woodbury became the first municipality in Orange County to pass the “thinkDifferently” initiative. Since then, County Executive Neuhaus has create a “thinkDifferently” task force, which Woodbury is the only municipality that is part of and he serves as the representative. His goal with this appointment is to help Woodbury become more of a welcoming and inclusive community to those on the Autism spectrum and with disabilities. Motion then was offered by Trustee Burek, seconded by Trustee Ciriello, to appoint Berny Vega as a “Diversity and Inclusion” volunteer consultant.

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

f. Appointment of Fire Inspector – T Finnegan:

Motion was offered by Trustee Burek, seconded by Mayor Giacomazza, to appoint Timothy Finnegan to the position of full-time Fire Inspector at an hourly rate of \$31.47 and a start date of January 30, 2023.

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

g. Advertise for Vacancy – Zoning Board of Appeals:

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to authorize the Village Clerk to advertise for a vacancy on the Zoning Board of Appeals. Letters of interest will be accepted until 4PM on February 3, 2023.

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

h. Schedule Special Meeting – Interview ZBA Candidates:

Mayor Giacomazza stated this item will be tabled to the January 26 meeting.

Old Business:

a. Change Order #2 - Amdur Park Water System:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve Change Order #2 totaling \$3600.00 for the project “Amdur Park Water System Filter Replacement and Treatment Plant Upgrades” for the following reason:

Reason for Contract Modification – At the request of the Water Superintendent, two large, unhealthy trees near the lagoons will be removed to prevent damage to the newly installed fencing. Delivery of the contract required finished water pumps is delayed. Upon delivery Contractor proposes to install pumps in phases to limit plant shutdowns as required by Contract. Final completion including equipment startup and contract closeout is changed to February 23, 2023.

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

New Business:

a. HM Center Group – Out of Area Sewer Use Petition:

Mayor Giacomazza asked Attorney Naughton if there was anything to add to the history of this application or if there were any updates for the Board. Attorney Naughton stated she spoken with Attorney Lithco several times but there are further details that is needed to be reviewed/discussed to be included in the agreement. She would like to have a meeting with Administrator Phillips, Clerk Potvin and the village engineers to go over some issues.

b. Introduce Local Law 1 of 2023 – Short Term Rental Law:

Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, to introduce Introductory Local Law 1 of 2023 to create a Chapter 255 of the Village Code entitled “Short-Term Rentals”.

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

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli, to assume Lead Agency under SEQRA.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Burek, to type this as a Type I action under SEQRA.

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

Motion was then offered by Trustee Burek, seconded by Mayor Giacomazza, to issue a negative declaration under SEQRA.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to refer Introductory Local Law 1 of 2023 to the Woodbury Planning Board, the Woodbury Building Department, Woodbury Fire Department and the Orange County Planning Department.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30PM on February 23, 2023 to entertain public comments on Introductory Local Law 1 of 2023.

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

c. Resolution – Extend Moratorium:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to extend the building moratorium for six months, as permitted by Local Law 5 of 2022.

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

Mayor Giacomazza noted Attorney Naughton will have a resolution prepared for the January 26 meeting with additional exemptions.

d. Liquor License Notification – Falkirk Country Club:

Notice was received on December 27, 2022, that Falkirk Country Club LLC located at 206 Smith Clove Road, Central Valley, is applying for a liquor license from the NYS Division of Alcoholic Beverage Control State Liquor Authority. Mayor Giacomazza stated a letter was sent to the Police Department to determine if there is any reason why the Village should object to this application being approved and they stated there have been “no issues or concerns” to prohibit the application. Therefore, Village Clerk Potvin was instructed to send a letter to the State Liquor Authority. It was noted the application has uses for the property listed on it that are not accurate. Clerk Potvin stated she will indicate this on the letter to the State.

e. Authorize Purchase of New Fire Truck:

Mayor Giacomazza stated in early 2022 he approached Chief Burke to task a team to begin the process of purchasing a new fire apparatus, a process he believes began under former Mayor Egan. With Board approval, the proposal is to purchase from Pierce an Arrow XT 107’ Aerial firetruck. This apparatus will not have a pump (to save money) and will replace Truck 503 (which was purchased in 2001 and will be sold at auction). The total cost of the new apparatus is \$1,598,000 and should take three years to build. There are two purchasing options that need to be decided and are due at contract signing: pre-paying 50% with a discount of \$38,000 or pre-paying 75% with a discount of \$53,000. It was discussed that more money could be earned on interest then would be saved from paying the 75% at signing. During Board discussion, it was determined that (1) the truck will fit in the firehouse, (2) the purchase is being done under state purchase agreement, (3) the truck will be equipped with standard safety feature with low-to-middle features/extras, (4) the current 75’ ladder truck is not able to reach some buildings due to height or locations due to setbacks in the community, (5) the current ladder truck, due to age and disrepair, may not pass its annual inspection. Mayor Giacomazza added the cost of fire apparatuses have been historically offset by contributions made by developers, as required during the Planning Board approval process. Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to authorize the Mayor to sign all documents relating to the purchase of a new ladder truck at a cost of \$1,598,000 (50% paid at the time the truck is ordered, 50% paid upon delivery).

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

Public Comment:

Marjorie Karikari stressed her concerns about a neighbor that has a well which has failed and the process that one needs to go through to be connected to municipal water supply. Trustee Graziano stressed the process is not easy and is also very expensive, adding that water is the most regulated utility since it goes into your body and connecting to a system that effect other people on the system. Mayor Giacomazza added the cost to connect to the municipal water system would be paid for by the property owner. Mrs. Karikari stated the community should come together and help this neighbor. Administrator Phillips stated during the summer his office received numerous phone calls from residents with dry wells due to the drought. He noted if there is no watermain in front of a home, there is no way

to connect to the municipal system, adding this was explained as well as the procedure. Mayor Giacomazza added the individual has submitted a letter requesting connection, which will be reviewed. Mrs. Karikari then stressed her concern about the out-of-control speeding that occurs on the Village road and her shock that the Police Department only has one speed tracking sign. She also suggested that speedbumps be installed on the roads to curtail the speeding. Mayor Giacomazza stated the Police Department is under the Town's jurisdiction, not the Village, and he agrees there is a speeding concern. He does not believe the police are issuing speeding tickets to Woodbury residents and, if they do, the Town Judges do not impose fines or points. He feels that if this was done, then it would decrease the speeding that is occurring. Trustee Graziano stated he is against speedbumps due to the danger it can be doing snowplowing. Attorney Naughton noted there are State regulations that dictate how speedbumps can be used and installed.

Rachel Bruce wished all a Happy New Year and congratulated Trustee Ferrarelli and Trustee Ciriello on this election. She noted she is happy to hear about the Junior Government program and volunteered to assist.

Cathy Schmidt stated there was a discussion at the recent Town Board meeting about the painting of the doors at the Highland Mills Library. She noted they were painted by volunteers, which has been done for years without permission or approval. She also noted the Library Director specifically requested the doors be made mostly of glass so they could be painted.

Thomas Powell stated there are homes in his area that have daycare business operated in them, which he believes is a violation of the Village Code based on the zoning requirements. He also noted there are homes being purchased by neighbors that are being used as boarding houses. Mayor Giacomazza suggested Mr. Powell reach out to the Building Department to file a complaint about both of these concerns. Mr. Powell then suggested the if individuals parked in the streets instead of their driveways it would decrease speeding.

Councilman Calore stated he was recently assigned as liaison to the Village Board. He congratulated Trustee Ferrarelli and Trustee Ciriello on their elections. He stated he is heading a committee to bring the "National Night Out" to Woodbury, which in 2023 is held on August 1. He would like to see a member of the Village Board serve on this committee as well, which Trustee Ciriello volunteered to do so.

Robert Hunter congratulated Trustee Ferrarelli and Trustee Ciriello on their election. He asked about the six orange barrels that have been along the guardrail at the corner of Route 32/County Route 105 for at least three years. Superintendent Weyant stated the bridge there has been flagged by the State due to damage that needs to be repaired. Mr. Hunter asked if it was known when that work will be done and Superintendent Weyant stated he will see if he can obtain an update from the State.

Maria Hunter wished everyone a Happy New Year and congratulated Trustee Ferrarelli and Trustee Ciriello. She noted Woodbury has the best Highway Department in Orange County and she thanked them for assisting the Beautification Committee by hanging the non-secular holiday streetlight decorations. She then expressed her concerns about the Village of Kiryas Joel water pumping station that is on Ridge Road and a very loud noise and diesel smell that was coming from it recently. A sign is required to be posted there with emergency phone numbers, but it is not. When she called the Water Department the secretary told her she had no idea who to contact about the issue. She also called the

Police and Building Departments and no one there knew who to call. She implored the Board to require the proper signage be posted so that someone can be contacted if there is another incident. She then thanked the board for approving the purchase of the fire truck. She announced that she is the Chairperson for the Memorial Day Parade Committee and welcomed suggestions from the Board. She also agrees there is a speeding issue and urged everyone to reach out to Chief Watson.

Board Member/Department Comment:

Chief Burke thanked the Board for approving the purchase of the fire truck and the public for their support of the department. Mayor Giacomazza thanked the members of the fire department for all that they do, adding the Board has made it a priority to increase the membership.

Trustee Graziano wished everyone a Happy New Year and congratulated all that had successful elections. Now that the Town and Village Board's have full membership, he feels it is a good time to come together and work together. He noted there are enough problems in the world and all the infighting needs to stop. He hopes all can work together for the common good of Woodbury.

Trustee Ferrarelli wished all a Happy New Year and thanked all for attending and participating the meeting this evening.

Trustee Ciriello wished all a Happy New Year and recommended to Mrs. Hunter having the national anthem sung at the Memorial Day Parade.

Trustee Burek wished all a Happy New Year and congratulated Trustee Ferrarelli and Trustee Ciriello and Councilman Calore on their elections. She also thanked the Fire Chiefs for attending the meeting and explaining/answering questions about the fire truck purchase.

Mayor Giacomazza thanked Teresa Luongo for taking the time to purchase and decorate the Central Valley Library. He noted the Revitalization Committee will continue to decorate the Children's Library, adding it had been done for several years under past Town Supervisors but somehow became a problem in 2022. Part of his plan moving forward, with Climate Smart Task Force, is to do tree planting at the library for Arbor Day. If the Town, its Supervisor or Beautification Committee do not see the importance of doing this, he has no problem taking it over. He then noted there are many holidays and many educational features upcoming, hoping the new consultant will work with the library as well to make Woodbury a better community moving forward. He then thanked all for attending the meeting this evening.

Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to adjourn the meeting at 9:05PM.

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

Desiree Potvin, Town Clerk