

Minutes of the Village Board Meeting held on February 9, 2023 at 7:30PM

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

**Public Hearing(s):**

a. Moratorium Waiver Request – 16 Country Hollow:

A public hearing was held to entertain public comments on a request for relief from Local Law 5 of 2022 continuing the moratorium on the issuance of certain permits, certificates of occupancy and approvals for the property located at 16 Country Hollow. The public notice was printed in the Times Herald Record on February 2, 2023, and the following comments were received:

Mayor Giacomazza stated the water is supplied to this property from the private water company that services the Woodbury Heights development. The applicant has supplied proof.

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

**ADOPTED** AYES 4 Giacomazza, Ciriello, Ferrarelli, Graziano  
NOES 0

Motion was then offered by Trustee Graziano, seconded by Trustee Ciriello, to approve the request for relief from Local Law 5 of 2022 for the property located at 16 Country Hollow.

**ADOPTED** AYES 4 Giacomazza, Ciriello, Ferrarelli, Graziano  
NOES 0

b. Introductory Local Law 2 of 2023 – Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2023 entitled “Tax Cap Override” to override the tax levy limit for FY2023-2024 established in General Municipal Law Section 3-c. The public notice was printed in the Times Herald Record on February 2, 2023 and the following comments were received:

Mayor Giacomazza stated this is a procedural law in case the FY2023/2024 budget exceeds the State imposed tax levy limit. If it is deemed not necessary once the budget is completed, the law will be rescinded.

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

**ADOPTED** AYES 4 Giacomazza, Ciriello, Ferrarelli, Graziano  
NOES 0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to adopt Local Law 1 of 2023 entitled “Taxation” and to authorize the Village Clerk to print a copy of the local law in the minutes of this meeting.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Giacomazza	AYES
Trustee Burek	ABSENT
Trustee Ciriello	AYES
Trustee Ferrarelli	AYES
Trustee Graziano	AYES

**Public Comment on Agenda Items Only:**

George Lithco spoke about the “Events Venue” law.

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to accept receipt of the minutes of the meeting held January 26, 2023.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                     NOES    0

b. Approval of Abstract:

Motion was offered by Trustee Ferrarelli, seconded by Mayor Giacomazza, to approve Abstract 15 containing vouchers 221527 - 221623 (voiding voucher 221559 – check #22115) and totaling \$608,723.00.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                     NOES    0

c. Various Budget Modifications:

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to approve the following modifications to the 2023 budget:

- Consolidated Sewer – increasing GC8110.409 (Manhole Risers) by \$800, GV8110.414 (Attorney) by \$352 and decreasing GC9010.800 (State Retirement) by \$1152
- Consolidated Water – increasing FA8310.411 (Office Supplies) by \$200, FC8310.414 (Attorney) by \$2000, FC8310.466 (Generator Service) by \$2112 and decreasing FC9010.800 (NYS Retirement) by \$4312
- Valley Forge Sewer – increasing GV8110.466 (Generator Service) by \$3309 and decreasing GV8110.200 (Equipment) by \$3309
- Amdur Park Water – increasing FA8310.401 (Telephone/Alarms) by \$500, FA8310.468 (Generator Fuel) by \$250 and decreasing FA8310.438 (Operations/Maintenance) by \$750
- Fire Department – increasing A5031 (Interfund Transfer) by \$799,000, A3410.200 (FD Equipment Large Apparatus) by \$799,000, A4960 (Federal Assistance – Emergency Disaster) by \$74,228, A3410.201 (FD Grant PPE Equipment) by \$43,115, A3410.490 (FD Grant Marketing Video) by \$1250, A3410.492 (FD Grant Marketing Media) by \$3750, A3410.494 (FD Grant Tuition Assistance) by \$15,500, A3410.496 (FD Grant Recruiter Stipend) by \$10,613, A3410.412 (FD Dictaphone Lease) by \$186, A3410.453 (FD Vehicle Repairs) by \$2575, A3410.461 (FD Ladder Testing) by \$2161, A3410.472 (FD Air Compressor Service) by \$21 and decreasing A3410.207 (FD SCBA Replacement) by \$4943.
- Village Board/Clerk – increasing A1010.411 (VB Office Supplies) by \$31, A1010.412 (VB Awards/Recognition) by \$577, A1010.444 (VB Schools/Dues) by \$40, A1410.436 (VC Website) by \$5142 and decreasing A1010.413 (VB Grant Writer) by \$5790; increasing A1410.444 (VC Schools/Dues) by \$135, A1410.463 (VC Computer Maintenance) by \$795 and decreasing A1410.454 (VC Advertising) by \$930
- Tax Collector – increasing A1330.454 (Tax Collection – Advertising) by \$51 and decreasing A1330.443 (Tax Collection – Bill Printing) by \$51
- Consultants – increasing A1420.406 (Attorney – VB Laws by PB) by \$592, A1440.405 (Engineer – VB Laws by PB) by \$1158 and decreasing A1420.401 (Attorney – Contractual) by \$592, A1440.405 (Engineer – Contractual) by \$1158

- Elections – increasing A1450.400 (Election Expenses) by \$1500 and decreasing A1010.403 (VB Videographer) by \$1500
- General Government – increasing A1610.406 (Building/Grounds) by \$55,000, A1610.407 (Heat/Air Use/Repair) by \$127,000, A1610.409 (Alarm System) by \$6253, A1620.100 (Custodian Personal Service) by \$10,500, A1910.400 (Unallocated Insurance) by \$5000 and decreasing A1610.404 (Real Estate Taxes) by \$6813, A1620.420 (Moving Expenses) by \$25,000, A9010.800 (NYS Retirement) by \$79,628, A9040.800 (Workers Comp) by \$23,062, Increasing A3005 (Mortgage Tax) by \$69,250.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

**Old Business:**

a. Additional SEQRA Action/Discussion – ILL10-2022 Event Venues:

Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, to issue a negative declaration under SEQRA for this issue.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

Mayor Giacomazza stated comments from the Planning Board have been incorporated into the introductory law and there will be another amendment forthcoming after the Building Inspector reviews the fire code sections. Attorney Naughton stated she will review the comments submitted by Mr. Lithco and speak with the Board in attorney/client session to see if any of them should be incorporated. Mayor Giacomazza thanked the Planning Board for the time they devoted reviewing this introductory local law.

b. Authorize Mayor to Sign – Architects Services for Adams Street Building:

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to authorize the Mayor to sign a revised agreement with Liscum McCormack VanVoorhis for architectural services relating to the renovations of the Building Departments future location at 19 Adams Street (fka Osweiler Building). The revised agreement is to amend Phase 2 (Construction Documents) and Phase 3 (Construction Administration) and represents an increase of \$8000 (total cost now \$54,000).

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

EXTRA ITEM – Reschedule Public Hearing – Introductory Local Law 1 of 2023:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to reschedule the public hearing on Introductory Local Law 1 of 2023 entitled “Short Term Rentals” to be held on March 23, 2023, at 7:30PM. Mayor Giacomazza noted this is being postponed for ample time to be provided to the Planning Board to review the law and submit comments.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

**New Business:**

a. Introductory Local Law 3 of 2023 – Volunteer Firefighter/Ambulance Property Tax Exemption:

Mayor Giacomazza stated in December 2022 the Governor signed new legislation in relation to property tax exemptions for volunteer firefighters and ambulance workers. The legislation requires all taxing jurisdictions that offer property tax exemptions to these individuals to transition to a newly authorized statewide exemption by December 2025, at which time existing laws relating to this type of

exemption will automatically repeal. The statewide exemption allows for the option to provide a property tax exemption of up to 10% to volunteer firefighters and ambulance workers. This would be valid on property used exclusively for residential purposes. To be eligible, the volunteers must live in Woodbury and meet a minimum requirement of between two and five years, an amount the Board must determine. Additionally, the taxing authority can offer a lifetime exemption to volunteers with at least 20 years of service if they maintain their primary residence in the county they have served. Another permission is to allow unmarried surviving spouses of eligible volunteers to retain the exemption. Attorney Naughton has provided a draft of a local law, but the Board needs to decide the following: (1) what percent exemption it will offer, (2) how many years for the minimum qualification requirement, (3) if it wants to offer the lifetime exemption option, and (4) if it wants to offer the unmarried surviving spouse option. He recommends (1) 10%, (2) two years and to offer both (3) and (4). The Board agreed.

Motion was then offered by Trustee Graziano, seconded by Trustee Ciriello, to introduce Introductory Local Law 3 of 2023 entitled "Taxation" to repeal Chapter 277, Article VIII, and replace it with a new Chapter 277, Article VIII, entitled "Volunteer Firefighters and Ambulance Workers" pursuant to Section 466-a of the Real Property Tax Law.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Ciriello, to schedule a public hearing to be held at 7:30PM on February 23, 2023, to entertain public comments on Introductory Local Law 3 of 2023.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

b. Introductory Local Law 4 of 2023 – Entity Disclosure:

Mayor Giacomazza stated when the Board adopted Local Law 9 of 2022, this section was the existing law was inadvertently removed. This introductory law will add it back to into the Village Code.

Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to introduce Introductory Local Law 4 of 2023 entitled "Building Construction" to implement an entity disclosure law.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to schedule a public hearing to be held at 7:30PM on March 9, 2023, to entertain public comment on Introductory Local Law 4 of 2023 entitled "Building Construction".

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

c. Notice of Lead Agency Intent – T/Woodbury – Ridge Road Bridge:

Mayor Giacomazza stated notification has been received from the Woodbury Town Board of their intent to be Lead Agency for their project "Ridge Road Bridge Replacement". Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to consent that the Town Board of the Town of Woodbury serve as Lead Agency in this application and request that the Village continue to be notified on filings and hearings in this matter.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                      NOES    0

Motion was then offered by Trustee Ciriello, seconded by Trustee Graziano, to rescind the Village of Woodbury Board of Trustees Lead Agency status previously designated for this project.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                  NOES    0

d. Authorize Purchasing – Revitalization Grant Expenditure:

Mayor Giacomazza explained the Revitalization Committee has put forth a recommendation to purchase enhancements for Smith Clove Road/Perrone Circle to be paid for with the \$100,000 grant given to the Village by Senator Skoufis. They are recommending the purchase of 30 solar powered streetlights/poles (to be installed along Smith Clove Road and lower Valley Avenue) at a cost of \$20,549.40, 20 gooseneck wall-mounted solar lights (to be installed along the MTA retaining wall in Perrone Circle) at a cost of \$5999.80 and 30 two-arm brackets for each lamppost at a cost of \$2398.50 (plus shipping). The procurement policy was adhered to for all purchases. Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to authorize the Village Clerk and Village Streets Superintendent to order the items listed, funds to be expended through the \$100,000 Revitalization Grant given by Senator Skoufis.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                  NOES    0

**Public Comment:**

Cathy Schmidt spoke about the Central Valley library.

**Board Member/Department Comment:**

Inspector Panella thanked Robert Blair for all the work he has been doing at the Adams Street building.

Trustee Ferrarelli announced some upcoming fundraising events and the Village newsletter.

Trustee Ciriello spoke about recruitment of high school students for the fire/ambulance.

Mayor Giacomazza spoke about the moratorium exemptions and the Trout Brook Wells.

**Adjournment:**

With no further business to discuss or comment received, a motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to adjourn the meeting at 8:20PM.

**ADOPTED**      AYES    4            Giacomazza, Ciriello, Ferrarelli, Graziano  
                  NOES    0

Desiree Potvin, Village Clerk

## LOCAL LAW 1 OF 2023

### A local law to override the tax levy limit established in General Municipal Law §3-c

#### Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Woodbury to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

#### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.