

Minutes of the Village Board Meeting held on September 14, 2023 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Susan Ciriello, Victor Ferrarelli and Christopher Graziano, Trustees  
Virtually: Tara Burek, Trustee  
Absent: None  
Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent; Michael Panella, Building Inspector

**Public Hearings – Continued:**

a. Introductory Local Law 8 of 2023 – ARB Revisions:

Mayor Giacomazza stated the revised law is still being worked on so the hearing will need to be continued at this time. Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, to continue the public hearing on Introductory Local Law 8 of 2023 to the September 28, 2023, meeting.

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

b. Introductory Local Law 9 of 2023 – Ridge Preservation:

Mayor Giacomazza stated the revised law is still being worked on so the hearing will need to be continued at this time. Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to continue the public hearing on Introductory Local Law 9 of 2023 to the September 28, 2023, meeting.

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

**Public Hearings**

a. Moratorium Waiver Request – 140 Route 32

b. Moratorium Waiver Request – 96 Turner Road

Mayor Giacomazza stated the applicant has failed to submit the required banking forms needed to open the escrow account for these two applications. Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to continue the hearings to the September 28, 2023, meeting.

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

c. Introductory Local Law 16 of 2023 – Procurement – Best Value Criteria:

A public hearing was held to entertain public comments on Introductory Local Law 16 of 2023 entitled ‘Procurement’ to permit procurement and awards based upon best value criteria. The public notice was printed in the Times Herald Record on September 7, 2023 and the following comments were received:

Attorney Naughton explained the purpose of the law is pursuant to General Municipal Law Section 103, which allows municipalities to authorize the award of purchase contracts and contracts for services subject to competitive bidding based on either lowest responsible bidder or “best value” as defined in Section 163 of New York State Finance Law.

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

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

Motion was then offered by Trustee Graziano, seconded by Trustee Ferrarelli, to adopt Local Law 12 of 2023 entitled "Procurement" and to direct the Village Clerk to print a copy of the law in the minutes of this meeting.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

**Public Comment on Agenda Items Only:**                    *No comments were received.*

**Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held August 24, 2023.

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

b. Approval of Abstract:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to approve Abstract 7 containing vouchers 23240589 – 23241018 and totaling \$556,031.05.

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

c. Approve Closure of Escrows:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the closing of the following escrow accounts, as requested by Building Inspector Panella and Clerk/Treasurer Potvin: P546 Falkowitz, VB7009 EMS SR, VB7010 Klein, VB7011 HLB Beckett, VB7012 22/24 Catskill High Rail, VB7013 Ross, VB7014 Mian and VB7015 8 Laura Lane.

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

d. Relevy of Previous Exempt Properties:

Motion was offered by Trustee Ciriello, seconded by Trustee Ferrarelli, 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 FY2024/2025 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: 224-1-6 (40 East View Road) \$9.29, 245-2-1 (1 College Drive) \$12.98, 219-3-

18.22 (6 Rock Avenue) \$47.79, 245-1-3 (5 Princeton Drive) \$3.57, 218-2-43.42 (15 Overlook Drive) \$226.24 and 219-10-8 (39 Sunset Terrace) \$223.43.

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

e. Fire Department Equipment Requests:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2023-25 totaling approximately \$3219.40 for the purchase of ten helmet.

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

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to approve Fire Department Equipment Request 2023-26 totaling approximately \$1965.50 for fire prevention materials.

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

**Old Business:**

a. Authorize Village Clerk to Advertise for Bids – Country Crossing Comminutor:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Village Clerk to advertise for bids for the project known as “Country Crossing Pump Station Comminutor”.

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

b. Establish of Fees – Short Term Rental Permits:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to establish the fees for short term rental permit applications as recommended by Building Inspector Panella as follows:

Application Fee:

Owner Occupied Dwelling - \$250.00  
Owner Non-Occupied Dwelling - \$500.00

Renewal Application Fee:

Owner Occupied Dwelling - \$125.00  
Owner Non-Occupied Dwelling - \$250.00

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

**New Business:**

a. Authorize Mayor to Sign Proposal – Security System at Adams Street Building:

Motion was offered by Trustee Graziano, seconded by Mayor Giacomazza, to authorize the Mayor to sign the proposal from Stratagem Securities totaling \$42,112.64 to install a security system, network video system and access system at the Adams Street Building.

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

b. Acceptance of Proposal – Wiring of Network Cables at Adams Street Building:

Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to accept the proposal from Knight Watch Security Systems for the installation of all data cables required for the network at the Adams Street Building at a cost of \$9585.

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

c. Introductory Local Law 17 of 2023 – Hotel/Motel Occupancy Tax:

Motion was offered by Trustee Ciriello, seconded by Trustee Graziano, to introduce Introductory Local Law 17 of 2023 amending the Village Code to add a new article providing for the collection of a hotel/motel occupancy tax.

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Graziano, to schedule a public hearing to be held on September 28, 2023, at 7:30PM to entertain public comments on Introductory Local Law 17 of 2023 entitled “Hotel/Motel Occupancy Tax”.

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

**Public Comment:**

Supervisor Burke congratulated the Village Board on their efforts working with Senator Skoufis to be able to impose an occupancy tax.

Steven Gargano, with Janelle Barsuhn, thanked Superintendent Weyant and his crew for the help they provided with the flooding he experienced during the recent rainstorm. He is requesting the Board to support the Highway Department find a permanent solution to this flooding problems that exist in this area. The stormwater runoff is unruly and overflowing on all properties in the area. He noted the Town did some work last year to help mitigate which has helped but has not solved the problem. He would like short-term solutions to be implemented while long-term solutions are being researched. Superintendent Weyant stated the stream is a drainage stream that is generally dry during the rest of the year and there is very limited public access to gain access to where it is located. He has spoken to Supervisor Burke about creating a retention pond at the JPB Pool, which he believes could help. He also spoke with Wayne Corts, owner of the Morgan Court retention pond, about maintain the pond, which will help the water find a place to go. He added Woodbury Junction should be asked to pump down their retention pond to help reduce the flooding downstream. Trustee Graziano stated he would like to partner with the Town to help solve this issue. Supervisor Burke stated he conducted a site visit with the Town Engineer and possible solutions are being researched. Attorney Naughton suggested Building Inspector Panella be asked to look runoff that may be coming from the construction at Woodbury Junction to see if that is contributing as well. Superintendent Weyant stated it should be researched to see if the development was supposed construct offsite drainage solutions as part of their subdivision approvals. Attorney Naughton stated she will work with Superintendent Weyant, Engineer Barber and Inspector Panella to do some research.

Maria Hunter stated when she served on the Planning Board there was a requirement that the retention ponds, stream, and Morgan Court pond be maintained regularly. She noted that only a certain number of homes could be built at one time and then infrastructure needed to be addressed but she does not believe that is not being enforced. She thanked the emergency services, Highland Mills Ladies Auxiliary and the Village Board for hosting the 9/11 remembrance ceremony earlier this week.

Jimmy Ng spoke about the arguing that took place at the recent Town Board meeting. He stated officials should be focusing on preserving and saving Woodbury. He spoke about the hotels that are being proposed for Woodbury and how he feels the individuals staying at them

will be migrants, former inmates or the homeless. He then spoke about how New York City recently adopted short-term rental restrictions and that it is causing AirBnB® troubles and he feels this should be the same in Woodbury. He concluded by stating he is scared that if Board members cannot get along, they will not be able to get things done to benefit the community.

Nikhil Melnechuk stated he is glad to see the cooperation between the Town and Village has improved. He noted he is experiencing a similar drainage runoff issue at his home that is also coming from the Woodbury Junction construction and from his neighbor at 47 Hadley Farm Road. He requested that a meeting be held with a representative from the Town, Village, Woodbury Junction, and 47 Hadley Farm Road to discuss all the concerns. He noted there are several issues that have been fraught causing decisions to be made that have led to consequences that have not benefited everyone. He did not that their situation began two years ago and, although there have been no substantive changes, the relationship with his neighbors has improved. Mayor Giacomazza and Supervisor Burke both agreed that a meeting is a good idea.

Melissa Jackson thanked the Woodbury Ambulance, specifically Debbie, for rescuing her when she was in a bad accident.

**Board Member/Department Comment:**

Inspector Panella thanked Robert Blair for all the work he has done at the Adams Street building, as well as the other Departments that have been assisting.

Trustee Graziano thanked all for attending the meeting this evening. He stressed that he believes the cooperation between the Town and Village has come a long way which is due to the efforts of Supervisor Burke and Mayor Giacomazza. He encouraged the public to ignore the posturing that will be occurring during the next few months.

Trustee Ferrarelli thanked all for coming to the meeting tonight. He then announced some upcoming fundraising events in the community.

Trustee Ciriello thanked the Monroe-Woodbury Voice Ensemble for singing the National Anthem at the 9/11 remembrance ceremony.

Mayor Giacomazza commended the volunteers of the Fire Department for hosting the respectful 9/11 remembrance ceremony. He felt all involved did a great job to make it a successful, solemn event for the community.

**Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to adjourn the meeting at 8:35PM.

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

Desiree Potvin, Village Clerk

## LOCAL LAW 12 OF 2023

### A LOCAL LAW TO PERMIT THE VILLAGE OF WOODBURY TO PERMIT PROCUREMENT AND AWARDS BASED UPON BEST VALUE CRITERIA

#### **SECTION 1 INTENT**

It is the intent of this local law to allow the Village of Woodbury the option to award certain contracts, which are subject to competitive bidding pursuant to General Municipal Law § 103, on the basis of “best value” as defined in State Finance Law § 163.

#### **SECTION 2 AUTHORITY AND PURPOSE**

This local law is adopted pursuant to New York State General Municipal Law § 103, which allows municipalities to authorize, by local law, the award of purchase contracts and contracts for services subject to competitive bidding on the basis of either lowest responsible bidder or “best value” as defined in § 163 of the New York State Finance Law. The “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder, based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

#### **SECTION 3 AWARDING CONTRACTS BASED ON BEST VALUE**

- A. Award Based on Best Value - Goods and services procured and awarded on the basis of best value are those that the Board of Trustees determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.
- B. Applicability - These sections apply to all Village purchase contracts, including those involving an expenditure of more than \$20,000 and Village contracts for services involving an expenditure of more than \$35,000, but excludes purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law as well as excluding any other contracts in accordance with current or future state law. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.
- C. Standard for Best Value
  1. State Finance Law § 163 defines “best value” as “the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis.” Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises or service-disabled veteran-owned business enterprises as defined in New York State Executive Law to be used in evaluation of offers for awarding of contracts for services.
  2. The Board of Trustees has determined that appropriate criteria to determine best value includes, but shall not be limited to: cost of maintenance, longer product life, product performance criteria, durability, and quality of craftsmanship.

- D. Documentation - Whenever any contract is awarded on the basis of best value, the basis for determining best value shall be documented, and shall be filed with the Village Clerk.
- E. Procurement Policy Superseded - Any inconsistent provision of the Village's procurement policy, as adopted prior to the effective date of this local law, shall be deemed superseded by the provisions of this local law.

#### **SECTION 4 SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be determined by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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.