

Minutes of the Village Board Meeting held on January 9, 2019 at 7PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Chris Graziano, Trustees
Absent: None
Also Present: Robert Weyant, Village Street Superintendent; Michael Phillips, Water/Sewer Superintendent; Jessica McClennan, Deputy Village Clerk; Christopher Gerver, Planning Board

Oath of Office Ceremony – New Terms of Office

Clerk Potvin administered the Oath of Office to Mayor Egan, Trustee Burek and Trustee Graziano.

I. Mid-Year Re-Organization 2020:

a. Deputy Mayor:

Mayor Egan stated he appoints Andrew Giacomazza as Deputy Mayor.

b. Board Liaisons/Appointed Positions:

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

Liaison to Town Board	Mayor Egan, Trustee Giacomazza
Liaison to Planning Board	Trustee Graziano, Trustee Gomez
Liaison to Zoning Board	Trustee Giacomazza, Trustee Burek
Liaison to Fire Department	Mayor Egan, Trustee Gomez
Liaison to Water/Sewer Department	Mayor Egan, Trustee Graziano
Liaison to Building Department	Mayor Egan, Trustee Burek
Liaison to Highway Department	Mayor Egan, Trustee Giacomazza
Employee Liaisons	Mayor Egan, Trustee Giacomazza
Insurance Liaisons	Trustee Burek, Trustee Gomez

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

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

Appeals Officer for FOIL's	Timothy Egan
Village Clerk/Treasurer/Registrar	Desiree Potvin
Procurement Officer	Timothy Egan

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to designate Richard Golden, with the law firm Burke Miele Golden Naughton, as attorney for the Village.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

c. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, 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.”

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to adopt 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 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Procurement Policy:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, 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	Gary Thomasberger, Maria Rubio, Marian Tipaldo,
Fire Department	Scott McClennan, Pasquale Prozzillo, Christopher Burke

Water/Sewer Department	Michael Phillips, Jason Braghirol, Jean Mundy
Mayor/Trustees	Timothy Egan, Desiree Potvin, Jessica McClennan
Clerk/Treasurer	Desiree Potvin, Jessica McClennan, Carol Herb
Highway Department	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:

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:

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;

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.

- c) Sole-Source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) 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 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Official Undertaking:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to approve the below form (in italics) of the official undertaking of municipal officers of the Village, pursuant to Section 11 of Public Officers Law, and the manner of execution and the sufficiency of the Village's insurance company surety. This undertaking will be administered to all elected officials upon the start of their elected term that handle funds on behalf of the Village of Woodbury:

VILLAGE OF WOODBURY, ORANGE COUNTY, NEW YORK
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, _____, of the Village of Woodbury, County of Orange, New York, has been elected to the office of _____ in the Village of Woodbury; and

NOW THEREFORE, he/she as respective officer above, do hereby undertake with the Village of Woodbury that he/she will faithfully perform and discharge the duties of the office, and will promptly account for and pay over all moneys or property received as a Village Officer, in accordance with the law; and

The Village does and shall maintain insurance coverage (presently with New York Municipal Insurance Reciprocal) in the sum of \$300,000 per loss (\$500,000 for the Village Clerk-Treasurer/Deputy Clerk-Treasurer) to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

II. Administrative Business:

a. Acceptance of Minutes – December 12, 2019

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept receipt of the minutes of the meeting held December 12, 2019.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Approval of Abstract 14 (dated December 27 – Checks Held to Tonight):

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to approve Abstract 14 (dated December 27, 2019 – checks held to tonight) containing vouchers 191199 – 191293(a) (voiding check 18750) and totaling \$284,460.55.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

c. Approval of Abstract 15:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 15 containing vouchers 191293(b) – 191353 and totaling \$923,827.87.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Appointment of MEO – T Schettig – Effective December 30, 2019:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to approve the appointment of the Troy Schettig to the position of MEO effective December 30, 2019.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

e. Fire Department Equipment Request:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2020-01 totaling approximately \$649.99 for the purchase of a portable radio.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

III. Old Business:

a. Return of Maintenance Bond – Mercedes Way:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve the return of the road maintenance bond for Mercedes Way, pending payment of all consultant fees, as recommended by Engineer Lindsay, Building Inspector Thomasberger and Superintendent Weyant.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Acceptance of Dedication – Smith Clove/Trout Brook Transmission Main:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept the Smith Clove/Trout Brook Road transmission main as constructed pursuant to the recommendation of the Village Engineer and the Water Department.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

IV. New Business:

a. Amendment to Employee Handbook – Reproductive Health Decision Making Policy:

Due to the recent enactment of NYS Labor Law Section 203-e, an amendment needs to be made to the employee handbook. Motion was offered by Trustee Burek, seconded by Trustee Graziano, to add the following language to the employee handbook: *“908 - Reproductive Health Decision Making: It is the policy of the Village of Woodbury to prohibit employment discrimination and retaliation based on*

an employee's and an employee's dependent's reproductive health decision making, which includes, but is not limited to, decisions to use or access a particular drug, device or medical service. It is the policy of the Village of Woodbury to prohibit access to an employee's personal information regarding an employee's or the employee's dependent's reproductive health decisions making without first obtaining informed affirmative written consent. No employee shall be required to sign a waiver or other document denying the employee the right to make their own reproductive health care decisions. All employees are entitled to bring a civil action alleging that the Village of Woodbury has violated this policy or the New York State Labor Law 203-e and to seek remedies afforded to them under this policy and Labor Law 203-e."

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Appointment of Site Inspector – 14 Corporate Drive Office Building:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to appoint H2M as site inspectors for the project known as "14 Corporate Drive Office Building" as recommended by the Building Inspector.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

c. Appointment of Site Inspector – Timber Trail Subdivision:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to appoint H2M as site inspectors for the project known as "Timber Trail Subdivision" as recommended by the Building Inspector.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

d. Return of Building Permit Fee – Sunrun Installation Services BP#19-4041:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve the return of the fee paid for Building Permit 19-4041, less a \$50 administration fee, as recommended by the Building Inspector.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

V. Public Comment:

Robin Crouse asked about the payment made to the OC Sewer District and Clerk Potvin stated it is the semi-annual payment to the County for operations/maintenance of the County Sewer District. Mrs. Crouse then thanked Mayor Egan, Trustees Burek and Graziano and noted she looks forward to Woodbury moving forward under their leadership.

John Smith congratulated the new Board members and stated he hopes the residents of Woodbury will be well represented on issues that will arise during the year, especially with "our neighbors to the west". He then noted he received his cable bill and the rates increased a lot. He feels it is time that a stand is taken against this as the residents are disenfranchised. He would like alternative providers to be solicited to cover our area. Mayor Egan stated the Town is the entity that holds the cable franchise contract but each member of the Village Board has been discussing their concerns about this issue for some time now. Trustee Graziano stated the rates are approved by the NYS Public Service Commission so they should be contacted about these frustrations.

Maria Hunter congratulated the new Board members on their election and wished Mayor Egan the best of luck. She added she was one of the first people to invite him to join the slate to run for office and with his leadership she believes Woodbury will move forward. She feels this is a good team to work with. She then stated she personally spoke with Town Councilman Hunter about the cable issue and he is working with the other Town Board members by reviewing the contract. She believes it will be discussed at a Town Board worksession in February. She then noted there is a Town Board worksession scheduled to be held this Monday which starts at 7PM and a discussion regarding the Central Valley pool improvements will be held. She urged all residents to attend to hear what is planned.

VI. Board Member/Department Comment:

Trustee Graziano thanked the voters of Woodbury for electing him as Trustee. He also thanked his family for their support. He then thanked the previous Board members for the work they have done. He feels that adaption and change is required to be successful. His goal is to provide a new set of eyes and a fresh perspective to the issues that face Woodbury and to provide a solution that will lead to successful outcomes. He then requested that the Board consider enacting a temporary building moratorium. He feels that development and growth are not bad things but they need to be done correctly and with a plan. He feels that every piece of open land does not need to be developed and preserving open spaces is just as important to preserving the character of the community. He also feels the Board needs to ensure there is proper infrastructure in place, with enough water/sewer capacity, to support further growth. He would like to institute water/sewer capacity applications as part of any application before the Planning Board which would require every application to submit demand projections that are certified and stamped by a licensed professional engineer. He would like a full accounting of the Village's current water/sewer capacity and what the already allocated demand on that capacity is. He feels that proper and prudent planning cannot move forward without a full assessment. He also feels that a supply needs to be kept available in reserve for potential emergencies. He would also like the Board to create a committee that will take a fresh look at the Comprehensive Plan. His thoughts are that the committee would be diverse and consist of citizens, small and large business members and representatives from the Town and Village. He believes now is the time to plan and build a strategy that will carry Woodbury into the future with bold ideas, willingness to question status quo and the ability to work together to accomplish goals.

Trustee Gomez congratulated the new board members and looks forward to working with them. He will be running for re-election this year and he looks forward to going through that process.

Trustee Burek thanked the residents of Woodbury for putting their faith in her and trusting her with their vote. She promised to work as hard as possible to make sure all the decisions she makes is in the best interest of the residents. She also thanked her family for being by her side and noted her decision to run for office was based on her family's love of the community and her recognizing that more voices are needed to be heard to preserve the very things they fell in love with. She believes that Woodbury is at a critical juncture in its history and it is important, especially for residents with little children, to become involved to make sure their interests are being represented and heard. She feels that uncontrolled development has proven to be detrimental to so many aspects which impact the quality of life and understanding the delicate balance between the preservation of our natural resources and development needs to be accomplished. She feels that smart growth is possible if properly monitored and if respect is maintained for the natural beauty surrounding us. Based on this, she requests that Board begin exploring the concept of a "Community Preservation Plan". This is something

that was implemented in the Town of Warwick about a decade ago when they recognized the importance of maintaining its character and sought out a plan that was inevitably implemented to do just that. She believes there are several steps that would need to occur for this plan to become a reality but it is something that she feels is essential to be implemented to preserve our natural beauty, protect our water sources and our green open spaces.

Trustee Giacomazza stated he agrees a discussion should be held at the next meeting regarding the enactment of a moratorium on building to at least allow time for a study of the water/sewer infrastructure to be conducted. He noted the County is also having a sewer capacity issue. Woodbury is also having a volunteer problem. He is hopefully that by the next meeting something more tangible can be discussed. He then noted concerns he has about the new bail reform that was adopted by the State Legislature that went into effect January 1. He proposed a resolution that he prepared urging the Senate and Assembly to reconsider this law and he asked that it be adopted this evening. Mayor Egan stated he will place it on the agenda for the January 23 meeting for discussion.

Mayor Egan thanked his family for standing behind him during this latest venture for public office. He discussed the concerns he has about Woodbury's resources and what the future will hold. He agrees the County has a sewer capacity issue and they are looking into many options that they discussed recently at a forum he attended. He does not believe the solutions they are considering will be enough based on the growth that is occurring in the neighboring communities. He feels the Board needs to hold the County accountable to ensure the entire region will have capacity. He then urged the Planning Board to be cognizant of water/sewer capacity concerns when reviewing applications that are before them for consideration.

7:35PM - Executive Session – Contractual Issue – Highway Department Personnel:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to enter into an executive session pursuant to Public Officer Law Section 105(1)(e) to discuss the collective bargaining negotiations relating to the Highway Department employment contract that is expiring May 31, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

No minutes of the executive session were recorded.

VIII. Adjournment:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to end the executive session and adjourn the meeting at 8:20PM.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Desiree Potvin, Village Clerk