

Minutes of the Virtual Village Board Meeting held on August 27, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: None
Also Present: Richard Golden, Attorney for the Village; Sandra Capriglione, Planning Board;
Christopher Gerver, Planning Board, and various members of the public

I. Public Hearing:

a. Introductory Local Law 9 – Parking, Prohibited:

A public hearing is being held to entertain public comments on Introductory Local Law 9 of 2020 parking prohibited. The purpose of introductory local law 9 of 2020 is to amend Chapter 227 of the Village Code entitled “parking, prohibited” setting parking restrictions for a portion of Valley Avenue. The public notice was printed in the Times Herald Record on August 19, 2020, no comments were received from the public.

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

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

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to make a motion to accept written comments until close of business on September 4, 2020.

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

b. Introductory Local Law 10 – Building Moratorium:

A public hearing is being held to entertain public comments on Introductory Local Law 10 of 2020 instituting a moratorium on certain permits, certificates of occupancy and approvals. The purpose of Introductory Local Law No. 10 of 2020 is to protect the public health, safety, and welfare of the residents of the Village of Woodbury and to maintain the *status quo* of residential and nonresidential development in the Village. The public notice was printed in the Times Herald Record on August 19, 2020 and the following comments were received:

Mr. Neil Crouse stated he is in favor of this local law. He thinks keeping with where the board has been going recently with appointing a land preservation committee and reappointing a committee to update the comprehensive plan and passing the local law for the water protection that the board should wait for the committees to complete and compile and submit their reports prior to anything else being done in Woodbury.

Mr. Frank Collins from Printing Plus stated his property is where the Marriot Hotel is going in and he is concerned about a delay on the construction of it since it has already been two years since the project was started. He then stated the D.O.T was on site the other day working with the engineer for the project and he is just concerned that a six-month delay is going to turn into a year delay. He then went on to say the town will lose money from the hotel tax as well as losing money from tourism tax and the money that would be received is about a half of a million dollars. He then went on to say that his big concern is that he has had multiple town residents interested in his property and he made a commitment to the Marriot and delaying this is not helping him.

Mayor Egan stated he is understanding of Mr. Collin’s concerns. He then read in the following questions from Facebook live.

Mr. Aaron Lefton asked what the duration of the moratorium will be and how does that apply to commercial and residential.

Mayor Egan answered, the initial duration is six months and its of course subject to an extension and yes it does apply to both residential and commercial and he can find the full text of the proposed law on the Village website which is villageofwoodbury.com.

Mr. Christopher Gerver, chairman of the Planning Board stated no hotel has been approved yet.

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

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

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to make a motion to accept written comments until close of business on September 4, 2020.

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

II. Public Comment on Agenda Items Only

Mr. Neil Crouse stated under new business there is a discussion for 15 Julian Court sewer connection, and he said he investigated the property and it has an additional lot next door to it with the same property owners. He then stated there are ten other properties in that area with even larger lots next to that. He is concerned that if the board were to extend sewer connections there would be a flood or requests to hook up other sewer and water connections in that area. Mayor Egan stated that this will be something the board will discuss further; however, he doesn't want this to turn into a public hearing.

Mrs. Robin Crouse stated she has a lot of questions and concerns regarding this sewer connection; however, she is also hoping that the board will table this matter for tonight, speak to the water and sewer superintendent and council. She then went on to say that this initial agreement was between two private property owners. Brodsky being one of them and the other from Julien Court. Mayor Egan stated he understands her concerns, he has had a meeting with the Water and Sewer Administrator as well as the Village Engineer earlier in the afternoon. He then stated that he will hear what council has to say as well as the other board members later in the evening when the board discusses it further.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept receipt of the minutes of the meeting held August 13, 2020.

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

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 6 containing vouchers 20-0410 – 20-0502 and totaling \$328,751.75.

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

c. Fire Department Membership:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve the application of Thomas Sheehan for membership to the Highland Mills Fire Company.

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

IV. Old Business:

a. Melody Lane Discontinuance and Conveyance to The Shops of Woodbury LLC

A letter was received from Mr. Dominic Cordisco an Attorney at Drake Loeb stating the following: "On July 23, 2015, the then Village Board unanimously resolved to convey Melody Lane to Cabela's. Melody Lane is a paper road, meaning that it is an unimproved roadway area abutting Locey Lane. The Village agreed to sell this unimproved roadway to Cabela's for the fair market value of \$6,400, which was established by an independent appraisal." They Shops of Woodbury are requesting that the Village Board confirm its 2015 resolution to convey Melody Lane to the present owner of this site, in the wake of the Cabela's abandonment of the approved project.

Mayor Egan stated before we draft a new resolution, he wanted to lay a little groundwork and have the board have the opportunity for a discussion on this due to it being a five-year-old matter. He then stated personally he doesn't see a problem in drafting a new resolution to convey the unimproved roadway to the developer especially as it's a pretty critical component to that project.

Trustee Giacomazza stated he doesn't know how comfortable he is conveying a parcel of Woodbury even if it's a road that is going to be used for that project, he also says he is not comfortable setting a precedent with the possibility of other developers moving forward. He then stated that he is going to have to look back on the 2015 decision and the board's minutes and why they voted to allow this and he would also like to know how the present board members feel about this.

Trustee Graziano, stated the board is trying to preserve land; so, selling land is kind of the opposite of what we are trying to do. However, he stated that this is new due to the present board not being the one to make the previous decision, so he is going to need more time to look further into the reasonings of the previous board. He then stated there could be compelling reasons that he is not aware of and he needs to investigate it. He can't just say yes to something that is five years old. Trustee Burek wanted to know the length and width of the undeveloped road she said she utilizes the park and ride and has never seen this road. Attorney Golden stated that he doesn't have the plans in front of him and he can't recall it off the top of his head, but he recalls it to be relatively short section of property and it was considered back then because the Village doesn't use it at all and it was needed by Cabela's in order for them to have the access that they needed. At the time the Village Board of Trustees felt that Cabela's was going to be a good project for the Village and if this was what they needed in order to get that underway then it made sense because it discussed specifically Cabela's. Attorney Golden then stated his advice to the board was not to directly convey it to them and for the same reasons as I'm going to say it would be the same condition on this project but it said that although we the Village were agreeing to do is conditioned upon Cabela's obtaining at least substantial completion of the project so that it was going to go forward. That is the reason why they never did obtain substantial completion and it never actually went to the ownership of Cabela's and instead stayed with the Village. It was considered and the Village felt that they would never utilize that parcel in the future. There are provisions in Village law that allow Villages to go ahead and get rid of property that it no longer needs and can abandon that roadway.

Trustee Burek asked if this is an instance that can stand on its own or if it is something that the Village will feel obligated to do for others that request it as well. Attorney Golden stated it is a very discretionary step by the Village and the Village can sell it to whomever they want, they don't have to go out for bidding. The Village can set its own terms upon what is fair and reasonable, and it doesn't have to go by market value and the value of it could be something other than monetary. For this parcel particularly an appraisal was done in the amount of \$6,400 by an independent appraisal and the value of that land along with Cabela's coming in was what went into the consideration of the Village Board at that time. He then stated this does not create a precedent in any way that the Village would be forced to sell a piece of Village property to anybody else. Trustee Burek then asked if the entire project is dependent upon the Village conveying the land to them, she thinks that it is worth more than \$6,400

when this is a multi-million dollar project and she would like to see the appraisal that was done initially and see how and what the factors were that they considered. She then went on to say that she is open for discussion on anything but would like to understand how the process works and what goes into calculation of the fair market value, especially if the board knows they are going to go forward with this sale. Trustee Gomez stated he was not on the board when the original decision was made and he would like a new appraisal to be done since a lot of things have changed since 2015 and he can't base his decision on information from 2015. He then requested all new information be given to the current board so they can look it over and come to a decision. He stated he doesn't want to give something away for nothing and get nothing in return, so he is requesting a new appraisal to be done. He then stated he doesn't like that the shops sent this letter, stating the Village Board should automatically give it to them because a different board approved it for Cabela's; they are a different entity, this is a new board, so they need to come to us with new information.

Trustee Burek asked if the board was to vote on this tonight. Mayor Egan stated this was brought up for discussion at the request of the current developer of the property. He then stated that a few board members pointed out that this is a whole new board; the Mayor stated he was on the board in 2015 but absent due being on a 20-year anniversary cruise with his wife. He then said the previous board did consider all the factors back then and the project was contingent upon the acquisition of that roadway simply because they needed that back-end egress and access. That applies even more now simply because there has been more taking of the original parcels from the D.O.T., because of that the Shops of Woodbury has a smaller parcel to work with, so they need it more than ever. He then stated it is as Attorney Golden pointed out - a very short roadway, but he doesn't have the dimensions or plans in front of him; but the board at the time carefully evaluated this and felt it was a good idea at the time and asked the board to at least take that into consideration and not blow off anything that was said or done back then. Mayor Egan then asked Attorney Golden if the board needs a resolution or should they just discuss and vote on this. Attorney Golden stated a public hearing should be scheduled just to be on the conservative side to ensure things were done on a defensible side and that everything was handled properly and the public has an opportunity to weigh in and discuss. He suggested the board read the minutes from 2015 and he will gather more information if possible as well as the site plan and possibly a new appraisal.

Trustee Giacomazza requested a new appraisal and would like to request to see the specs and the map for the site. He then stated he just wants to make sure the board isn't giving something away that the Village might need in the future. Trustee Graziano stated he is looking at Google maps and Melody Lane goes from Larkin to Bailey so he is confused as to how big the road is because Melody Lane is long road that stretches from the Mercedes dealer all the way to Bailey Farm. Attorney Golden stated that he recalls its not even an improved road, it is a paper street called Melody Lane and that is not the road the Village would be selling. Trustee Giacomazza asked if the board needed to vote on getting an appraisal and Mayor Egan stated we don't have to vote on it we will just get an appraisal, he then asked the Board if they would like to request the applicant to get a new appraisal or does the board want to get our own separate appraisal. Trustee Burek and Trustee Graziano asked Attorney Golden what he recommends, Attorney Golden stated he really thinks that under these circumstances the value back would be over six thousand dollar and the chance that it has gone up is substantially miniscule. But the board is not bound by that figure, so whatever the board feels is a fair price is what the board should demand. He then stated he wouldn't recommend spending the money on an appraisal, because it could come out costing more than the money the board would receive from the property itself. He then suggested that the board reach out to Mr. Dominic Disco and request that he make a more formalized application to the Board of Trustees to include updated maps highlighting the bounds and the Village's portion that would be considered to be abandoned and sold to them in connection with the updated proposal, an updated appraisal, and any narrative or explanation of why

they would want and need to purchase it. Mayor Egan asked Attorney Golden to reach out to the applicant to make a formal request for the documentation and new appraisal as requested by the board.

V. New Business:

a. Discussion – 15 Julien Court Sewer Connection

A letter was received from Mr. Solomon Rabi on July 20, 2020, requesting a to hook up to the Woodbury Junction Sewer System. He states that his septic system has failed him and would like to be tied into the sewer system. He goes on to say that currently there is a lateral connection to the main sewer pipe less than 100 feet away from his house which was part of the Woodbury Junction agreement signed in March of 2014. He states that his tenant doesn't have any sewer and he would really like it if the Board of Trustees and the Mayor look into this and expedite the process for him. Mayor Egan stated that this type of request has not occurred in the collective memory of the Village Engineer Dennis Lindsay, Attorney Golden or his own. He then went on to say sewer hookups within the system are not complicated or difficult but for us to grant this request we first need to decide if the board is agreeable to do so and then decide on the rates involved. After reaching out to the Engineer and the Attorney, it was stated that with a connection from an outside tax scenario there are connections and inspection fees that should line up with an existing fee structure and the board would have to set up an out-of-area user charge. He then stated the Engineer is currently looking into other areas of the Village that could be similarly affected to determine the overall impact of the taxing area and the rate that would be determined for requests of this nature moving forward.

Attorney Golden stated villages are different from towns in this respect, towns can create a sewer district or extend the sewer or water district out to include the property that's within the town. Village's don't have the same construct, village's aren't required to have any services for water and sewer; however if a village does decide to have one typically it should be village wide which is obviously a problem for the size of the Village of Woodbury. The reason for the difference is that when the laws were written they were assuming that the villages were small little hamlets which would be easy to get services to all the properties within the village. Towns are much more rural and therefore they needed to have balkanized districts and only charge the properties that were affected and benefited by these services. With the Village of Woodbury, it is different because when the Village was created all these districts already existed. The law states that when a Village is formed within the new formation boundaries of the village there exists existing water and sewer districts that can continue, but the Village doesn't have the ability to expand them. So the way that the Village would do it, is the way that other villages and towns supply their water and sewer services to places outside of their boundaries by a contract or an agreement with the interested party as to how much the hookup would cost and that cost is included in the memo the board received from the Engineer. He then went on to say that this is completely discretionary, the board can choose to do it for one and not the other, but these circumstances with this specific project make sense due to their septic system failing and a sewer line that presently goes right through that property. He then stated that he suspects one of the boards concerns will be how many other people might this affect, and he goes on to say how unusual this is to have a line that connects to the sewer district this is not in the sewer district, he then went on to say the Village Engineer is looking into how many other parcels are like this within Woodbury.

Trustee Graziano questioned the wording of the law and the code and wants to know why the Village can't expand its districts. Attorney Golden stated because the law says you can't, it's not found in our code you can find it in comptroller decisions. Trustee Gomez stated he has not looked at it enough, but he would like to get the rates first and be able to charge the right amount, he feels that once we do it for one, there is a potential to have to do it for everyone. Mayor Egan stated he would like to wait for the report from the Engineer to see how many homes are in Woodbury that are not connected to the district, specifically to know in terms of capacity. Trustee Burek asked if the Engineers

are looking into the capacity of each house while they simultaneously investigate how many houses have septic tanks and are not connected to the Village sewer system. Mayor Egan stated he would imagine each to be different, capacity for each is based on what he believes to be 350 gallons per day; ultimately that information will come from the Engineers. Trustee Burek then asked when to expect that report, Mayor Egan stated they are working on it; however, he doesn't know when it will be finalized. Trustee Burek then asked the pipe runs down Julian Court in its entirety and Attorney Golden stated his understanding is yes it did, and he would suspect the other residents on Julien Court would request this in the future. Trustee Burek then asked if this is a recurring problem for the resident that always existed on this property or is it something that has just happened. Mayor Egan stated after correspondence with Mr. Rabi he recently purchased the property and after doing so it happened shortly after. He then explained to the resident that he as the Mayor can't make an immediate decision because of the issue and the gravity of the problem. He then explained to him that he would have to fix the problems that he is having with the septic tank and leech field because it would not be a quick fix to tie him into the sewer system. Trustee Giacomazza, stated he is worried about setting a precedence, even though he tries to bend over backwards for the residents of Woodbury he would like to wait till the board receives the analysis from the Engineers and he speaks to the Water and Sewer Administrator.

VI. Public Comment

Mr. Solomon Rabi the applicant for the Julien Ct. project stated that he heard the conversation of the board and he understands their concerns. He then brought up the agreement and the minutes from 2014, where he states that it was an agreement between Brodsky, Woodbury Junction and the Village where it clearly states if something were to happen the Village would allow the residents to be hooked up into the sewer system. He then stated the pipe is a 10-20-foot pipe that goes directly through 15 Julien Court and the previous owner was never in the house and now there is a family of six people living there. Attorney Golden questioned which agreement Mr. Rabi was referring to. He stated he is aware of an easement agreement between WP3 and Gary Rosner who was the previous owner in which there were obligations of WP3 and what WP3 would do for the owner. It also grants an easement to the Village if and when they would proceed; however, there is no obligation of the Village to go ahead and require a tie-in if something happened. Mr. Solomon then states that within the minutes in 2014, WP3 and the Village discuss the agreement, and even though it was not a formal agreement, he feels that it is something the Village should recognize. Attorney Golden then states that he is going to have to go through the minutes again and look at it more closely because he didn't get that same impression and he just wants to make sure there was no other agreement that Mr. Solomon was referring to other than the one between WP3 and Gary Rosner. He then stated there is a lot of information here and before the board can move forward, they will need to acquire additional information.

VII. Board Member/Department Comment

Mayor Egan stated earlier this year at the February 27th meeting the board voted to authorize him to sign a contract with Millennium Strategies to be grant writers for the village. The cost of that contract is \$36,000 annually. As a result of the efforts of Millennium Strategies earlier this week, the Village was awarded a grant from the Department of Homeland Security in the amount of \$146,660 for the purpose of supporting fire department member recruitment and retention efforts. This grant, which will assist the Woodbury Fire Department by funding a variety of needs, was awarded through the FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) Program. This program was created to provide funding directly to fire departments to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The Village can use the funds to hire a volunteer coordinator, purchase and install electric signage, purchase personal protective equipment, develop media, create printed materials, provide for new member training,

tuition assistance, and reimbursement for books and lab fees. The Village is in the beginning stages of this process and the Mayor stated he is excited about the opportunities this presents to the Village to enhance the recruitment and retention of the invaluable volunteers.

He also stated the Village is moving forward with the annual 9/11 Memorial Service in front of the Highland Mills Firehouse, 455 Route 32, Highland Mills, NY. The ceremony will begin promptly at 7:00 PM. If you are attending, please practice social distancing and wear a mask.

Trustee Graziano thanked everyone attending the meeting and stated as we begin to say goodbye to summer, the big thing on everyone's minds lately is the return to school. It has been the same agonizing choice for all of us as parents to decide to either send our children back or keep them home and it's a decision that no one has taken lightly; there will be long lasting ramifications regardless of what the eventual choice is. The question on most people's minds is how we can have some reassurance that our kids and our families will be safe as they re-enter the schools. This has been a virus, that has never been seen before and everything so far is speculation as to what we can do to keep each other safe. As we continue to wear our masks and social distance and be vigilant in washing our hands and disinfecting all our items; we can work together to make this as successful as possible. If we continue to keep this virus at bay as we have for the past few months, then we can help minimize the risk inside of our schools on both the children and the teachers. Although this may not be a perfect situation the more, we work together as a community to fight this virus from spreading the better off we all will be in moving forward. He then stated that he is extremely happy to mention that the grant writer helped secure an outstanding \$146,000 for our fantastic Village fire Department for recruitment and retention. In the short time since February when Trustee Giacomazza and Clerk Potvin first met with them the initiative is more than paid for itself with great work that led to a great result. He stated that we are currently in the middle of a highly active hurricane season and he would like to remind all the residents to remain vigilant and prepared. Lastly, he stated his heart goes out to all those in Texas and Louisiana right now who were absolutely battered by a monster storm hurricane; the path of destruction has been devastating to the people in that area and we still have several months to go, in a very active hurricane season. He wished everyone to be safe, well and remember if we can move forward as one, we all must work together to live together.

Trustee Gomez stated he and Trustee Giacomazza had the pleasure of sitting down with Debbie Vobroucek, the President of the Woodbury Ambulance Corps. The purpose of the meeting was to help the WCA host the annual blood drive; the WCA had no plans of hosting this year due to the ongoing precautions due to the virus. After meeting with Ms. Vobroucek and discussing this venture with the rest of the Village Board we came to an agreement and have scheduled a blood drive to be held on September 26, 2020 at Village Hall, the need for life giving blood is at its highest due to the pandemic; now more than ever donors are needed, he then urged the public to come out if they can and give blood. He also stated that they had a conversation about working together to help grow and recruit new members for the Fire Department as well as the Ambulance Corps and they have a lot of work ahead of them in order to increase the number of volunteers, and urged the public to volunteer if they can. He then reiterated what the Mayor had said about September 11th and stated they are going to attempt to stream it using Facebook live to assist with social distancing.

Trustee Burek stated her thoughts and prayers are with all those affected by hurricane Laura on the gulf coast, the devastation is heartbreaking to watch on tv let alone having to live through it. She then went on to say that her heart goes out to all of those affected and that 2020 has been one of the most trying years in most of our lifetimes; from the pandemic to an unprecedented number of hurricanes to a country that is probably the most divided its ever been. All the events as of late can be overwhelming to process, and too much of our day-to-day lives focuses on the negative. She states, there is so much ugly in the world lately that she thinks its important for us to look at the silver lining and always do the right thing. On top of everything else, election season is upon us and emotions are

always heightened, this year more so than ever. Despite being an elected official, she states she tries to follow the rules and never talk politics with most people. She states her opinions, are hers and hers alone and she doesn't feel that they are superior to anyone else's. She states she has always believed maintaining relationships are far more important than who we all vote for; however lately she needs to constantly remind herself to take the higher road, despite it being lonely, frustrating, and unfair. She goes on to say, in the end you will never regret walking it just because people don't see eye to eye on an issue, respectful discourse will always prevail. She then states that a lot of work must be done to heal and move forward nationally and locally. She then urged the public to do their own research on the issues and candidates and not rely on the news and social media to be the only source of reliable information.

Trustee Giacomazza stated political polarization has reached new highs which are evident in the inflammatory headlines that flood Facebook feeds, what is even more worrisome is the unwillingness to engage with the other side when we don't agree on issues. He stated, disagreement can be good when someone is truly listening, then you can truly understand the merits of the arguments that people are trying to convey; and then at that point we could agree that we are all in this together and work towards a goal. At the heart of the One Woodbury Initiative, we want people to connect and inspire each other despite their differences. We want people to understand and care about each other and work together for the betterment of Woodbury. Woodbury is not about blues and reds, its about the people int the community and the barometer in which to vote is not by the national political scene but for what is best for Woodbury. He then states that he as well as Trustee Gomez are republicans but they have been doing things for the Woodbury community long before they were ever Trustees, and his hope is to build One Woodbury into a political movement that embraces people of all backgrounds and ideas across the political spectrum to come together for Woodbury because that's what it should be about. It should not be about power and egos but coming together to become one. He stated as election season is upon us, he requests the residents to come out, vote and do their due diligence.

VIII. Adjournment

With no further comments received or business to discuss, a motion was offered by Trustee Gomez, seconded by Trustee Graziano, to adjourn the meeting at 8:29 PM.

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

Attorney/Client Session with Village Attorney

Jessica McClennan, Deputy Village Clerk