

Minutes of the Virtual Village Board Meeting held on October 8, 2020 at 7:30PM

Present: Timothy Egan, Mayor  
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees  
Absent: None  
Also Present: Kelly Naughton, Attorney for the Village; various members of the public

### **I. Public Comment on Agenda Items Only**

Matt Higgins spoke about the Pulver fill application. He feels Ice House Road is a very narrow, gravel road and if the route to dump id from Quaker it could present a danger with oversized, super-sized trucks on Brigadoon. He does not think “you can pass through vehicles never mind a truck and a car on that road”. He feels the application is blank as to where the fill is coming from and he would like to Board to consider not allowing contaminated – another office of environmental remediation contaminated site – to get fill from. He has a feeling it is an awful lot of fill and the last time that happened the Building Inspector could not keep up with the grids from Yonkers. He feels there is a difference between restricted and unrestricted fill. The applicants for mentions restricted fill on it along with groundwater. He feels the law requires only unrestricted fill being allowed to come into the Village. He noted again he feels the application is blank and he does not know how this even “came up” and he feels the Board needs to know where the fill is coming from. This amounts to filling in a huge area and it needs to be quantified as well as to how much fill and how many trucks and that is something he feels should be considered. He feels the applicant is taking a mountainside and filling it in. The applicant has been filling there for at least five years to put a parking lot in. He does not know how long this is going to take but it sounds like a huge thing. He would like the Board to not allow the fill from a remediation site, adding there is a lot of dirt coming from the city that they have to get rid of and they want to dump it here. He is not sure if this is what the applicant is asking because the form is blank. Mayor Egan stated he has taken notes and he appreciates the comments received. Mr. Higgins then asked about the police grant – how much was it for - and he does not understand the policy on excessive force. Attorney Naughton stated the policy needs to be adopted in connection with the Community Development Grant we were awarded for the replacement of fire hydrants. Clerk Potvin stated the amount of the grant is \$74,100.

### **II. Administrative Business:**

#### **a. Acceptance of Minutes:**

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held September 24, 2020.

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

#### **b. Approval of Abstract:**

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to approve Abstract 9 containing vouchers 200681 – 200750 and totaling \$133,035.27.

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

#### **c. Accept Resignation from Land Preservation Committee:**

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept the resignation of Christopher Perino from the Land Preservation Committee.

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

NOES 0

d. Appointment to Land Preservation Committee Vacancy:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to appoint Michael Coco to the Land Preservation Committee.

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

EXTRA ITEM – Accept Resignation from Comprehensive Plan Review Committee:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to accept the resignation of Karen Ungerer as ZBA Liaison on the Comprehensive Plan Review Committee.

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

EXTRA ITEM – Appointment to Comprehensive Plan Committee:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to appoint Andrew Zoumas as the ZBA Liaison on the Comprehensive Plan Review Committee.

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

e. Call for List/Advertise for Position – Custodian for 29 hours/week:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to authorize the Village Clerk to call for the list from the Orange County Department of Human Resources (Civil Service) for the position of part-time Custodian. If a list does not exist then the Village Clerk is authorized to advertise for the position following the procedure dictated by the County.

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

**III. Old Business:**

a. Adoption of Excessive Force Policy – CDBG:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to adopt the Orange County Community Development Block Grant Excessive Force Policy as follows: *“The Village of Woodbury will prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations, and enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.”*

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

b. Adoption of Drug Free Workplace Policy – CDBG:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to adopt the following statement as required by the New York State Community Development Block Grant program as it relates to the project we are receiving funds for (Fire Hydrant Replacement): *“Effective immediately, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Village of Woodbury workplace. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment. In addition to disciplinary action, an employee who violates this prohibition will be subject to criminal and civil penalties. Any work-related accident or injury involving a Village vehicle, equipment, and/or property*

where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributed factor will constitute a separate violation of this prohibition.” It was noted that as a condition of employment under the performance of this project, all Water Department employees are required to abide by these terms and shall notify the Department Head or Mayor of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

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

c. Adoption of Affirmative Action Plan – CDBG:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to adopt the following resolution adopting an Affirmative Action Plan as required under the New York State Community Development Block (CDBG) Program:

**WHEREAS**, the Village of Woodbury is a subrecipient receiving New York State Community Development Block Grant (CDBG) funds, from the United States Department of Housing and Community Development (“HUD”) under Title I of the Housing and Community Development Act of 1974, (“HCD Act”), as part of the Orange County Urban County Consortium for the Fiscal Year 2020; and

**WHEREAS**, participation in the New York State CDBG Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and

**WHEREAS**, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Board of Trustees that the attached Affirmative Action Plan be hereby officially adopted for implementation in the Village of Woodbury’s New York State CDBG Program.

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

**IV. New Business:**

a. Fill Permit Application – Pulver:

*Tabled to the next meeting at the request of the applicant.*

b. Engage Services of Architect for Building Department Office Building:

Mayor Egan stated three proposals were received for the improvements/work needed at the soon-to-be Building Department building on the corner of Park Avenue and Adams Street (f/k/a Osweiller Building). Based on the proposals, the estimated architect costs submitted are as follows:

LAN Associates, Goshen, NY	\$22,580
H2M architects + engineers, Suffern, NY	\$23,750
Lothrop, White Plains, NY	\$49,900

Correspondence was received from Inspector Thomasberger stating he reviewed the proposals and recommends the Board employ the services of either LAN or H2M. He feels both companies are qualified to handle the proposal. After Board discussion, a motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept the proposal received from LAN Associates for architectural work at the Building Department building.

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

c. Introductory Local Law 11 of 2020 – Bed & Breakfast Prohibition:

Motion was offered by Councilman Burke, seconded by Trustee Graziano, to introduce Introductory Local Law 11 of 2020 which will amend Chapter 310 (“Zoning”) of the Village Code to remove Bed-and-Breakfasts and Boarding Houses as permitted uses within the Village of Woodbury.

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

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to declare the Village of Woodbury Board of Trustees as Lead Agency for this project under SEQRA.

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

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to preliminary classify this project under SEQRA as Type 1 action.

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

Attorney Naughton stated she sent the Board the Full Environmental Assessment Form Parts 1, 2 and 3. She asked if they had any questions and they stated they did not. They reviewed the form and felt there would be no negative effects to the environment. Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to declare a negative declaration for this project.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Giacomazza, to refer Introductory Local Law 11 of 2020 to the Orange County Planning Department and the Village of Woodbury Planning Board for comments.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30PM on November 12, 2020 on Introductory Local Law 11 of 2020.

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

EXTRA ITEM – Meetings Conflicting with Holidays in November/December –

Mayor Egan stated the second meeting in November and December falls on holidays (Thanksgiving in November, Christmas Eve in December). In the past the Board has either combined the meetings to have one meeting each month, held a quick morning meeting to just approve the paying of bills or rescheduled the meeting to a different day. He suggested the second option. The other Board members decided they wanted third option. The Board will review their plans for the upcoming months and a decision will be made at the next meeting.

**V. Public Comment:**

Jerry Freund (via Facebook©) stated he is “curious to know when the village will give decision on the building moratorium proposed last month but was shelved”. Mayor Egan stated the decision was tabled while the Board researches additional information on how it wants to craft the moratorium. He expects that a decision will be made between Thanksgiving and Christmas.

Joe Zlata asked if there will be an autumn electronic collection. Superintendent Weyant stated the event will be held on November 14, 8AM-Noon, at the highway garage. Shredding will also be available.

## **VI. Board Member/Department Comment**

Mayor Egan commended and thanked the newly formed “We Are Woodbury” Group, and particularly Trustees Giacomazza and Gomez, for the beautification and cleanup work they have been doing around the village. He feels The Savory and Jay’s Deli are looking great and their efforts are appreciated by all. Regarding COVID, he noted it appears as if we are starting a second wave in the Hudson Valley Region, especially in the lower Hudson Valley. In the past 24 hours there has been an increase of 100 cases in Orange County, 47 of which were in Palm Tree. This is the single largest increase of cases in the county since April. He noted by working together, we can get through this safely. He wants our residents to stay healthy and safe, our local businesses to be open, and be successful. The most important thing you can do is to be considerate, respect each other and follow the recommendations of the Orange County Health Department. By following simple guidelines, you can stay healthy, and protect others. Wear a mask, wash your hands for at least twenty seconds, follow social distancing guidelines, avoid close contact with people who are sick, keep a distance of at least six feet to help slow the spread of the virus. If you are sick, stay home and isolate yourself - follow the recommendations of your physician. He then noted we are at the start of flu season and COVID-19 has symptoms similar to the flu. If you present to a healthcare provider with flu symptoms, you will be considered to be COVID positive until proven otherwise. To prevent this possibility, there is a simple solution - get a flu shot. They are widely available and either free or low cost. You can also get alerts on your smart phone for potential exposures on a mobile app. COVID Alert NY is a voluntary anonymous exposure notification smartphone app that provides an alert if you were in close contact with someone who tests positive for COVID-19. By getting these notifications you can begin self-quarantine sooner, which will protect your friends, family and coworkers by preventing further spread of the virus. It is free, and available in the Google Play Store or Apple App store. He then noted Election Day is a little over three weeks away and early voting begins on October 24. There is a lot of information available on the Orange County Board of Elections website regarding when and where you can vote, either for early voting or on election day, as well as on absentee ballots, becoming a poll worker, lists of candidates running and a FAQ section. You can find this info at <https://www.orangecountygov.com/783/Board-of-Elections>. There are about 6900 registered voters in Woodbury. Last year about 35% of the registered voters participate in the election, which was considered a good turnout based on past election numbers. As a community we need to drive that number much higher. He feels we deserve representation that reflects our views not just at the national level, but at the local level. Elected village and town board members have significant impact on your lives. At the village level decisions are made about zoning code, water and sewer resources, village roads, building permits and many other areas. All of this translates to how much you pay in taxes for the services we provide as a village. Participation at village board meetings is appreciated and the Board does everything it can do to make participation possible.

Trustee Graziano acknowledged the Highway Department for all the work they have been doing on Roselawn Road and how professional that have been directing traffic, wearing full PPE and working safely. He then thanked everyone for attending this evening and urged all to be diligent as the COVID virus shows no signs that it will be slowing down. He implored everyone to continue to follow the safety guidelines and not to give up hope. He feels that only by working together we can beat back this pandemic and have our lives finally return to normal. He then thanked Trustee Giacomazza and Trustee Gomez for all that they do in our community. Both have freely volunteered countless hours for community events and are the first to respond when any resident has an issue. He is proud to work beside them.

Trustee Gomez noted there are 26 more days until Election Day and he cannot wait for it to be over as this is the part of political service that he dislikes the most. At times it feels like certain people

only remember the one thing you did or could not do but forget all the good you tried or did do. He feels we must take the time to try and see others point of view especially when it doesn't align with what you believe. It is very easy to tear each other down on social media where a person feels they can say whatever they want because there are no real consequences. In order to heal we need to remember to be kind and understanding. We need to work together to make Woodbury one great place to continue to live in for ourselves and our children.

Trustee Burek thanked everyone for attending the meeting this evening. She then noted the Land Preservation Committee had its first meeting two weeks ago at which they assigned different roles to each member and brainstormed about what the vision of the group will be and what they hope to accomplish. The group selected Neil Crouse and Rachel Bruce to serve as co-Chairs. Last week each member of the Board of Trustees and the Land Preservation Committee attended the County sponsored webinar about community preservation at which Warwick Town Supervisor Michael Sweeten spoke. He explained the process Warwick went through to form their Land Preservation Plan – noting it was no easy feat and overwhelmingly difficult. She stressed that each Board member is very serious about bringing this idea to fruition in Woodbury and will work tirelessly to do so. It is one of the reasons she ran for office and she thanked the other Board members for their support.

Trustee Giacomazza spoke about the water bills that were recently sent out and the fact that many residents took to social media to express their concerns feeling there was a rate increase. He thanked the Water Department and Clerk's Office for their assistance in helping him research several accounts to determine the history. In reviewing the bills, he cannot determine exactly why usage was higher for some accounts but with more people being indoors it seems more water is being used. The Water Department did investigate at one residence and it turned out she had a leak in her sprinkler system. He appreciates the attention to detail and assistance to the residence. He feels one of the great things about being a Trustee is that it has great people running each Departments willing to go the extra step for all residents. He urged residents to continue contacting him about their water bills and he will continue to investigate the issue. He then spoke about Colleen Pearce (owner of Jay's Deli) and the difficult time she has been having this year. She lost her mother earlier in the year and recently had to temporary close due to a COVID related event. The "We are Woodbury" group recently go together and tried to brighten her day by cleaning and decorating the outside of the deli. While doing so she made an appearance and handed out food to all the volunteers. He referred to her as the "Patron Saint" of Woodbury and that she is the heart of what the "We are Woodbury" initiative is about. This Sunday the group will be cleaning up Park Avenue. He thanked Kate Luciani who has done a great job and has been an inspiration, adding her drive is fueling this effort. He also thanked Maria Hunter from the Beautification Committee who has taken part in the group as well.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Gomez, seconded by Trustee Burek, to adjourn the meeting at 8:24PM.

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

Desiree Potvin, Village Clerk

**Attorney/Client Session with Village Attorney**