

Minutes of the Virtual Village Board Meeting held on January 28, 2021 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; Robert Weyant, Village Streets Superintendent;  
Michael Phillips, Water/Wastewater Administrator; Pasquale Prozzillo, Fire Chief;  
Christopher Burke, First Assistant Fire Chief

**I. Public Hearing:**

a. Introductory Local Law 1 of 2021 – Heavy Duty Towing:

A public hearing was held to entertain public comments on Introductory Local Law 1 of 2021 which amends the Village Code Chapter 283 (“Towing”) to establish regulations for heavy duty towing. The public notice was printed in the Times Herald Record on January 21, 2021 and the following comments were received:

Mayor Egan noted the law was referred to the Woodbury Police Department and they stated that it appears to address the issues they have had in the past.

Richard Sarajian, representing Loyal Tire and Apple Auto, stated he was disappointed that his client found out about this proposed law from reading a public notice. He noted in the past the towers were invited to participate in the creation of the towing law and were able to comment on it prior to the public hearing being held. Regarding Section 283-2, he noted the Board has tried to define light/medium towing. He feels the weight/length limits are appropriate but feels the types of vehicles listed do not fall within the weight limits as defined, they will significantly exceed. He then provided an example of an instance his client experienced in the Village of Monroe. Regarding Section 283-13B, he feels requiring this equipment to be on the wrecker is not the correct way to handle it. Some towers do not want some of that equipment on the wrecker (portable torches) and instead they use a separate service vehicle that contains all possible equipment that would be needed. He feels that stating the equipment needs to be on the scene would be sufficient. Regarding Section 283-14(E)(1)(J), he feels it is unclear as to what that amount (\$400/hour) can be charged for – the actual towing of the vehicle or does that include recovery? He then provided examples of a situation that would prove this to be difficult. He also noted had the meeting been held in person he would have distributed to the Board a memo with back-up documents to support his assertions proving why \$400 an hour is not enough to charge, adding a “one-size fits all” rate does not work. He added there is also an issue of “wait time” which the Board is not allowing towers to charge for. He feels that it is unfair to require the tower to respond within a specific time period when called but then have the wait until the scene is cleared but not be able to charge for that time. He also asked if a separate permit fee will be charged to be on a heavy-duty list. He then noted the storage fees for an average vehicle is much different than a storage fee for a heavy-duty vehicle and he gave an example for an experience his client had. He then asked the Board to keep the hearing open so he can email his written comments for consideration.

With no further comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to close the public hearing and accept written comments until close of business on February 5, 2021.

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

**II. Public Comment on Agenda Items Only:**

Steven Barshov stated he is available for questions about the item on the agenda which he and Attorney Naughton have been corresponding about.

Sandra Capriglione asked about Item C under New Business and if a sale amount has been determined. Mayor Egan stated not this evening and he will explain why when that item is discussed by the Board.

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held January 14, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve Abstract 16 containing vouchers 201291 – 201369 and totaling \$941,294.19.

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

c. Fire Department Equipment Requests:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve the following equipment requests for the Fire Department:

- 2021-01 totaling approximately \$4026.00 for the purchase of a structural firefighting fan
- 2021-02 totaling approximately \$1878.25 for the purchase of a ball valve for the deck gun on E521, a smoke machine for drill purposes and a 36" hook for the hand tool
- 2021-03 totaling approximately \$26,711.56 for the purchase of various pieces of turnout gear
- 2021-04 – totaling approximately \$39,974 for the purchase of a new replacement Chief's vehicle and a scanner
- 2021-05 – totaling approximately \$5200 for the purchase of pagers

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

d. Request for Refund – July 4 Ever Fireworks BP-2020-02-FW:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve a partial refund to July 4 Ever Fireworks Inc for Building Permit 2020-02-FW that was issued on November 30, 2020 for a wedding event scheduled for December 31 that was canceled. The fee paid was \$400. The amount to be returned is \$300 (\$100 retain for administrative costs).

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

e. Resolution – Relevy of Previously Exempt Properties:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, 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 FY2021/2022 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:

|             |                  |         |
|-------------|------------------|---------|
| 220-2-9     | 18 Park Avenue   | \$45.73 |
| 219-9-22    | 14 Tiros Avenue  | \$3.94  |
| 204-1-21.1  | 239 Ridge Road   | \$34.39 |
| 227-5-14.22 | 6 Midland Avenue | \$34.39 |
| 201-1-20    | 999 Route 32     | \$70.21 |
| 228-1-3     | 16 Dogwood Drive | \$42.35 |

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

**III. Old Business:**

a. Discussion/Vote – Introductory Local Law 10 of 2020 – Building Moratorium:

Mayor Egan stated the Board held a public hearing on this introductory law on August 27, 2020 and the Board accepted written comments until September 4. At the September 10 meeting the board reviewed all the comments received (none that were in favor of the law) and decided it would give due consideration to the comments. He asked the Board how they wish to proceed on this issue. He would like to either remove it from the agenda or take action. Trustee Graziano stated he does not believe that either can be done at this stage as he is waiting for reports from the engineer that he needs to be able to make an informed decision. Trustee Burek agreed the reports are needed that were assessing the water issue we think we have. Trustee Giacomazza stated he would like it tabled for now until the next meeting if the report is received by then. Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to table this discussion until the next meeting after the report is received from the engineer on the water assessment.

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

b. Discussion/Vote – Introductory Local Law 11 of 2020 – Bed/Breakfast/Boardinghouse:

Mayor Egan stated the Board held a public hearing on this introductory local law on November 12, 2020. The hearing was closed and additional information was sought from the Building Inspector. On December 10 the Board discussed the issue again and it was noted more information needed to be acquired. He asked the Board how they wish to proceed on this issue. Trustee Burek stated she thought the law was going to be revised to specify the zoning districts that these would be permitted. Attorney Naughton stated the Board can direct her in attorney/client session what are they want it permitted and she can then prepare the amended draft for the Board to review.

c. Change to Roofing Proposal – 19 Adams Street:

Mayor Egan stated the work on the roof of 19 Adams Street has been completed. The original proposal was for \$39,650. There was a \$3000 cost overrun which was due to the deterioration of the existing metal roof decking which needed to be repaired in several areas. These areas were not visible upon the inspection but were found when the old roof was removed. There was also deteriorated

perimeter roof blocking which was replaced with treated wood and built out to accept future stucco on the rear wall as well as the new gutter system.

**IV. New Business:**

a. Acceptance Resignations – Comprehensive Plan Committee:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to accept the resignation of Sue Limato from the Comprehensive Plan Committee.

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

b. Discussion – Public Employer Health Emergency Plan:

Mayor Egan stated this plan has been developed in accordance with the NYS Labor Law 27-c which was amended on September 7, 2020 by the passing of State legislation S8617B/A10832. It requires all public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan is required to identify essential positions, facilitation of remove work for non-essential positions, provision of personal protective equipment and protocols for supporting contact tracing. The plan is in the interest of the safety of our employees and contractors, and the continuity of our operations. The plan was prepared by Attorney Naughton and each Department Head was provided an opportunity to review. The State legislation requires the plan to be forwarded to all unions by February 4 and to be adopted by April 1. Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to refer the plan to the union.

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

c. Discussion/Decision – Sale of Property – 24 Catskill High Rail - SBL 254-7-1:

Mayor Egan stated the Village was approached by 24 Catskill High Rail Inc of their desire to acquire a parcel of land owned by the Village that is 0.29 +/- acres in size known on the Woodbury Tax Map as Section 254, Block 7, Lot 1. The Board has sought legal advice on this request and agreed the land is surplus and not needed for any future uses by the Village. However, the Board also feels this property should be restricted in use as a parking lot, which is why the lot is being requested to be sold. Mayor Egan stated information from the Assessor’s office regarding the fair market value of the property has not been received yet so the Board will be tabling this issue to the next meeting.

**V. Public Comment:**      *No public comment received.*

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

Mayor Egan stated there have been several comments on social media directed to the Village Board about the Village of Kiryas Joel’s proposed water treatment facility and their proposed well to be located in our village. He noted any property owner, even a municipality, has the right to use their property for any lawful purpose. The ability to control something we do not agree with to regulate this use is limited, but that is not to say we do not have nay options or review capabilities. Woodbury has not waived its right to enforce appearances before the Planning Board. During those meetings, the public will have a right to provide comment and he encourages them to do so at the proper time, which is at the public hearings on the project. The Village has also availed itself of the right to submit documents to the DEC during the appropriate comment periods on both Village of Kiryas Joel’s well application and the Speyside Quarry expansion project. Village engineers prepared documents detailing our concerns about our nearby wells in Amdur Park, as well as residential wells in the area, and those

comments were submitted to the DEC. The Village is performing reviews to protect the rights of the residents as well as this important environmental resource. The Village Board continues to be vigilant on behalf of the residents to protect resources. It continues to be proactive and work hard by reviewing the Code, proposing amendments and moving forward on infrastructure improvements to protect the future of Woodbury.

Trustee Graziano thanked everyone for attending the meeting this evening. He noted he likes to see more participation. He then stated he agreed with Mayor Egan that there is a lot of misconceptions regarding what a water plant is and what it is not. When you are building a water plant, it is not some sort of stealing mechanism, it is not an annexation. Somebody owns a piece of property and will go through the proper planning/zoning channels like any other property owner would have to do. There are a couple of questions that are being asked on social media. One is can Woodbury get some of that water? For us who have the groundwater source, it is plentiful and you would not want to tap into the NYC pipeline because the water they sell is not great and they charge close to \$2000 per million gallons just to get it and that is before it is treated. The treatment costs to get rid of the waste, the labor and all the other invasive charges would quadruple the water rates easily. He added once it goes through the proper planning process it is not a bad thing - if their design engineer is correct they will be using this as their primary source of water. It would regulate all the groundwater sources which would be a plus for the aquifer. He then noted there is a difference an aqueduct and an aquifer – an aqueduct carries the water down from the Catskills to NYC and the aquifer is what is on the ground. It is very beneficial to the aquifer to stop pumping so much out of it to allow it to recharge which will raise the submergence levels. This is also cause it to be a much more useful source for the other wells in the area. He then noted the Village Board implicitly trusts the members of the Planning and Zoning Board that they will do their jobs well and that all applications will follow the Village Code requirements. He urged the public to calm down and let this play out.

Trustee Gomez thanked all the attended the meeting this evening. He urged all to be safe and stay warm this weekend during the predicted nor'easter we will be experiencing, asking all to look out for their neighbors and others that may be in need. He asked that all remember to choose kindness.

Trustee Burek thanked Mayor Egan and Trustee Graziano for their comments this evening, adding that she learned a lot from them. She also thanked everyone that attended the meeting tonight. At the first meeting of the year the Board passed two local laws that are meant to protect the very character and charm of our community. One deals with strengthening the architectural review process and the other was tightening the laws around ridge preservation so that the beautiful, picturesque, mountainous landscapes which encompass Woodbury are better protected. She thinks the Board did a great job in 2020 focusing on environmental initiatives but she is requesting that the agenda for 2021 be equally as environmental conscious. She feels the Board should continue to focus on concepts such as the establishment of separate environmental conservation boards – whose responsibility will be to advise on matters affective preservation, development and use of natural resources within the Village. She feels this commission or board could also participate in programs of public information that are designed to increase community awareness regarding the environment. They can also work to maintain a current inventory of publicly and privately owned spaces which would include streams, lakes, ponds, wetlands, scenic areas and other unique biological communities along with natural landmarks. Once there is an inventory, the Board would be able to make recommendations on which actions may be necessary to conserve and properly utilize these resources and protect them. She noted that doing so now will ensure that our future is sustainable and that Woodbury will remain the beautiful community

we all love. We have to utilize all available tools in order to do so and she believes the Village Board should make this a priority this year.

Trustee Giacomazza passed on prayers and condolences to the Maggio family. Tony Maggio had a lifetime of public service. When you lose active members of the community that need to be replaced with people that need to step up and volunteer for the right reasons – not because they are running for office. They need to be people involved and we need to get these committees set up for our residents to benefit and for our Village to benefit.

**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 8:15PM.

|                |      |   |  |
|----------------|------|---|--|
| <b>ADOPTED</b> | AYES | 5 | Egan, Burek, Giacomazza, Gomez, Graziano |
|                | NOES | 0 |  |

Desiree Potvin, Village Clerk

**Attorney/Client Session with Village Attorney**