

Minutes of the Virtual Village Board Meeting held on February 25, 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 Superintendent

I. Public Hearings:

a. Introductory Local Law 2 of 2021 – Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2021 to adopt a local law to override the tax levy limit for FY2021-2022 established in General Municipal Law Section 3-c. The public notice was printed in the Times Herald Record on February 16, 2021 and the following comments were received:

Mayor Egan noted the tax cap for FY2021-2022 is 1.31% which will make it very difficult for the Board to stay under, especially due to unforeseen expenses/losses due to COVID. He assured the public the Board will do all it can to keep the tax levy as low as possible.

With no further comments received, a motion was offered by Trustee Burek, seconded by Trustee Gomez, 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 Gomez, to adopt Local Law 4 of 2021 as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Egan	YES
Trustee Burek	YES
Trustee Giacomazza	YES
Trustee Gomez	YES
Trustee Graziano	YES

b. Introductory Local Law 3 of 2021 – Property Maintenance:

A public hearing was held to entertain public comments on Introductory Local Law 3 of 2021 which will amend Chapter 240 (“Property Maintenance”) of the Village Code. The public notice was printed in the Times Herald Record on February 16, 2021 and no public comments were received.

Motion was then offered by Trustee Burek, seconded by Trustee Giacomazza, to continue to the public hearing to the March 11, 2021 meeting.

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

Attorney Naughton and the Board reviewed several sections of the proposed law. Some sections were deleted and some were reworded to clarify the Board’s intent. Attorney Naughton will prepare a revised version of the proposed law for the Board consideration.

II. Public Comment on Agenda Items Only: *None received.*

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Graziano, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held February 11, 2021.

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 18 containing vouchers 201441 – 201528 and totaling \$216,199.44.

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

c. Fire Department Equipment Request:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Fire Department Equipment Request 2021-06 totaling approximately \$88.00 for the purchase for a radio microphone to replace a broken one and Equipment Request 2021-07 totaling approximately \$3413.40 for the purchase of a smoke machine and personal masks for SCBA.

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

d. Fire Department Membership:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve the application for membership to the Highland Mills Fire Company as a junior member received from Caitlyn Jeannot.

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

EXTRA ITEM – Budget Modification:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve a modification to the FY2020/2021 budget of the Building Department by decreasing A3620.444 (BD – Schools/Dues) by \$800, A3620.408 (BD – Truss Roof/Safe Sign) by \$25 and increasing A3620.200 (BD – Equipment) by \$800, A3620.436 (BD – Books/Publications) by \$25.

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

EXTRA ITEM – Acceptance of Resignations:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to accept, with regrets, the resignation of Blake Braghirol from the position of Water/Wastewater Maintenance Worker effective March 9, 2021 (which will be his last day of work).

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

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept, with regrets, the resignation of Anthony Scavera from the position of Motor Equipment Operator effective March 19, 2021 (which will be his last day of work).

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

IV. Old Business:

a. Return of Restoration Bond – CV Property Management:

Mayor Egan stated this issue is still being reviewed by the applicant’s consultants so it will be tabled to a future meeting when all the paperwork is finalized and reviewed by Attorney Naughton.

b. Action on Bids Received – 19 Adams Street Interior Renovations:

Mayor Egan stated at the last meeting the bids received were read into the record. The Board was provided a copy of the specifications of the planned improvements and a decision needs to be made on how to proceed – either award the project or reject the bids. Mayor Egan recommended the Board award the project to ICON Construction, but he will leave it up to the Board as to how it wants to proceed. Trustee Burek stated, in light of discussions that were held last week, she feels there will be a lot of extra expenses, some big ones (retirement payouts, large equipment), coming up and she is not inclined to do anything right now. The bids came in double what was budgeted for this project and there are many unknowns within the budget. She feels the project should wait until concrete numbers clear. Trustee Giacomazza stated he was in agreed with the comments made by Trustee Burek. He is confident the Village will be fiscally fine but until the Board starts to discuss the upcoming budget and review the numbers, he does not want to take any chances with this expense. He suggested revisiting this project once the Board gets a better handle on the budget. The equipment purchases are some big ones and there are also infrastructure improvements which the Board has spoken about extensively. Trustee Gomez stated he agrees as well. A new roof was just put on the building so it should be okay for a bit. He feels the Board should wait and see what kind of money it has to play with and then do all the work in one shot. Trustee Burek also suggested bifurcating the project into phases that can split over multiple fiscal years. Trustee Egan stated he does not believe the project will come in lower than the bids that were received but perhaps the architect can meet with the Building Department to see if it is possible. Trustee Graziano stated he agrees with the comments of the Board members and noted the specifications may be able to be amended to get the price lower. Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to reject all bids received.

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

c. Approve Request to Temporarily Close Smith Clove Road – We Are Woodbury:

Mayor Egan stated We Are Woodbury sent him an email stating they are revising their plans for their planned Saint Patrick’s Day celebration. They are now requesting the closure of Valley Avenue on March 13 from 1PM – 3PM. They will have bagpipers and dancers there with Irish music being played, noting no alcohol will be involved as it is a family event. They estimate the entire event lasting about an hour, but they are requesting additional time for set-up and clean-up. They are also asking for the Village to sanction the event under the Village’s insurance. The insurance company was contacted to determine if this was possible. The cost would be \$275 to add this liability coverage to the Village’s existing policy. He reached out to the County Health Commissioner for guidance and she stated that, from a public health perspective, anytime people gather there is an increased chance of COVID spreading. She recommended the Board consider the well-known health and safety risks and the ways to mitigate risks. The CDC recent guidelines for events and gatherings recommends that you “do not gather with people who do not live with you at this time”. His opinion, based on his experience in healthcare, is that the Board has an obligation to protect the public welfare. He feels the event is a great idea but not worth the risk. Trustee Burek stated she agrees with the points made at the last meeting and those this evening by Mayor Egan. She feels if there was a way to do the event safely, like as a drive by, she would then be in favor of it as it adds something positive to the community. She does not know how that would be regulated or enforced that it would be something that their group would need to coordinate. Mayor Egan noted their previous event, the tree lighting ceremony, was mentioned

as an example at the last meeting. He did attend that event and thought it was successful but did not witness much social distancing being followed. He added that after the event it was known that some residents had tested positive who were in attendance and he does not believe any contact tracing was conducted. Trustee Gomez stated all guidelines will be followed and hopefully the adults there will do what they are required to do. He added that we need to give back to the community and give them an opportunity to socialize safely as they are going stir-crazy. Mayor Egan stated he is not sure how anyone involved would be able to regulate social distancing and Trustee Gomez stated that people make the choice to come or not to come – if they come they will need to follow the guidelines. Mayor Egan stated he feels it will be crowded, which will be risky since there is too much uncertainty with COVID right now. Trustee Giacomazza stated he thinks this Village Board is taking COVID more seriously than any other Board has been. The tree lighting did have a lot of people there and it was probably considered a “perfect storm” and it was the first event held since the pandemic began. He is in favor of this event and feels the community needs it. Trustee Graziano state he feels the Village should support future events by co-sponsoring them as they are a good thing for the residents. For this event at this particular time he is not in favor of it, especially since it will involve the blowing of wind instruments. Mayor Egan stated the insurance rider for this event will cost \$275 and then there is the cost of Highway personnel to close the road, which will be about \$250. He agrees the Village should sponsor these types of events for the public but we need to decide how to handle the costs that are incurred, noting what is decided now will establish a precedent. Trustee Graziano stated he feels forcing a private entity to do these vents would be too costly for them to do so. He feels people should bring these event ideas to the Board and then the Village can manage them. Mayor Egan suggested a line-item could be created within the budget for event costs. Trustee Burek stated she feels the Village is justified to cover these costs as it wants to promote activities which will attract businesses to the area. Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve the temporary closure of Valley Avenue on March 13, 2021 from 1PM-3PM for the purpose of the “We Are Woodbury” group to host a Saint Patrick’s Day event.

AYES	2	Giacomazza, Gomez
NOES	3	Egan, Burek, Graziano

V. New Business:

a. Introductory Local Law 4 – Environmental Conservation Commission:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to introduce Introductory Local Law 4 which will amend Chapter 36 (“Environmental Conservation Commission”) of the Village Code. This law will assign the duties of this commission to the Planning Board members.

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

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to schedule a public hearing to be held on March 11, 2021 at 7:30PM on Introductory Local Law 4 of 2021.

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

b. Resolution – COVID Relief for LOSAP Qualifications:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to adopt the following resolution amending the Length of Service Awards Program (“LOSAP”) pursuant to General Municipal Law Section 217(p):

WHEREAS, as authorized by Article 11-A of the New York State General Municipal Law the Village of Woodbury Board of Trustees has by appropriate resolution and referendum previously

established a Length of Service Awards Program (hereinafter referred to as “LOSAP”) for the active volunteer firefighters of the Woodbury Fire Department; and

WHEREAS, the Board of Trustees has established a Point System for the LOSAP in accordance with General Municipal Law § 217 in order to determine which active volunteer firefighter program participants qualify each year to be awarded a year of service credit under the LOSAP; and

WHEREAS, in response to the outbreak of the novel coronavirus COVID-19, New York State Governor Andrew Cuomo declared a State Disaster Emergency, and issued Executive Order 202 of 2020. In response to the State Disaster Emergency, the Village of Woodbury adopted its own Executive Orders, which resulted in restricting the holding of activities for which points could be earned during the period set forth therein, and therefore affected the ability of active volunteer firefighters to earn points in the Service Awards Program; and

WHEREAS, in recognition of the negative effect this pandemic has had on the ability of active volunteer firefighters to earn service credit during 2020 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit during 2020 from failing to earn a year of service award program service credit during 2020; and

WHEREAS, this legislation, Chapter 113 of 2020 of the Laws of the State of New York, authorizes the Board of Trustees of the Village of Woodbury to adopt a resolution to amend the Village of Woodbury Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighter members of the Woodbury Fire Department during the period when the aforementioned limitations are in effect; and

NOW, THEREFORE, BE IT

RESOLVED, by the Village of Woodbury Board of Trustees that, in accordance with the above-referenced statutory authority the Woodbury Fire Department LOSAP Points System is hereby amended to afford active volunteer firefighter program participants credit for an additional five (5) points per month, prorated for periods of less than one month, from April 1, 2020 through December 31, 2020, and LOSAP coordinators who maintain Point System records are directed to adjust the point totals for each active volunteer firefighter program participant for the time during such period that he or she was listed as an active volunteer firefighter; and be it

FURTHER RESOLVED, that volunteer firefighters that were not on the active rolls during all or part of the aforesaid period due to a leave of absence, suspension or other reason shall not be eligible for these special COVID-19 points during any period that they were not active firefighters participating in the accumulation of points under the LOSAP; and be it

FURTHER RESOLVED, that the Board of Trustees reserves the authority under this Resolution to grant special COVID-19 points during 2021 if circumstances warrant.

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

VI. Public Comment:

VII. Board Member/Department Comment:

Mayor Egan reminded everyone that local businesses depend on your support, now more than ever due to the pandemic. The one-year mark is approaching and in order for businesses to survive they need our help. Local businesses are run by local families and he feels they deserve our support.

Trustee Graziano thanked everyone for attending the meeting and encouraged all to continue to be diligent with the pandemic. The numbers are declining once again but we cannot let our guard down. He understands the fatigue with the restrictions and with wearing the masks but feels it is necessary until the pandemic is over. He urged all that are waiting to get an appointment for vaccine to hang in there and keep trying. He noted that social distancing and wearing masks is way more comfortable than being hooked up to a ventilator in the hospital. Over 500,000 Americans have lost their lives this year to the pandemic and that should give everyone pause. He then noted moving forward the public will hear a lot about “One Woodbury” which are two words that mean something to all of us: one community, one set of neighbors, one geographical area. He takes these two words very seriously and he asked all to remember it does not mean “One Woodbury” only if I agree with you. It is not looking at things in a myopic way or pushing a single viewpoint. It is all of us – friends, neighbors, family – not just the chosen few. It is inclusionary of all people within our borders. He feels we are going to have to work hard to get along, we are all going to have to make sacrifices and we are all going to have to compromise occasionally for the common good.

Trustee Gomez thanked all that attended the meeting this evening. He thanked the Highway Department for provided a great service during the last round of snow and ice we had. He also thanked all the Village departments for the great service they provide to the community. He urged all to look out for their neighbors, especially the elderly, who might have no one there to help them. He asked all to continue wearing masks and he will continue to pray that this pandemic will be over soon.

Trustee Burek thanked everyone for attending this evening. She noted the last few weeks have been brutal for our Highway and Fire Departments and she thanked all the men and women who show up everyday to do a remarkable job and for keeping our roads safe. February is Black History month and she feels it is important to celebrate the success and achievements of African Americans everywhere. It is also a time to renew the work, dedication and struggle for justice and equality, adding this historical work and activism should not be just highlighted in the month of February. March begins Women’s History month and March 8 is International Women’s Day. The 2021 global theme for this day is “Choose to Challenge” and she noted it is an order to inspire change. On this day we celebrate all women and all of their diversities – their facets of faith, race, ethnicity, gender, sexual orientation or disability. We celebrate those who came before us, those that stand beside us and those who will come after us. COVID 19 as impacted women in a profound way professionally which only highlights the inequalities women face each and every day. She feels it is fundamental that diverse women’s voices and experiences be incorporated into the national and global recovery plans to address those inequalities. There needs to be more women that take the global stage and leadership roles, more women need to be given the opportunity to take active roles in molding the policies of the future. She asked men and women to use this day as a time to show solidarity with those special women in your lives and let them know that their voice matters and is valued.

Trustee Giacomazza sent thoughts and prayers for a speedy recovery to former Town Councilman Michael Essig who is battling a combination of COVID with pneumonia. He noted he is working with Clerk Potvin to get street lighting on Valley Avenue due to it being a safety concern and also for the events We Are Woodbury or the Revitalization Committee may have planned. There has been talk about hosting outdoor dining or events of that nature in this location and he feels better lighting would be handy. He then announced the second annual blood drive in memory of Michael Hanson has been scheduled for April 10 at Village Hall from 9AM-3PM. He noted this year the drive will also be done in honor of Anthony Maggio. He then noted he is working with Mayor Egan and Clerk

Potvin on the cable franchise agreement, which expires in June. They are currently negotiating to get the agreement in place and he will have more details on that soon. He then wished all of the Jewish faith a happy Purim and he thanked all that attending the meeting this evening.

8:40PM - Executive Session – Public Officers Law 105(1)(d):

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to enter into an executive session pursuant to Public Officers Law Section 105(1)(d) to discuss one item relating to proposed/pending/current litigation.

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

IX. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Graziano, seconded by Trustee Gomez, to end the executive session and adjourn the meeting at 9:44PM.

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

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney

Local Law No. 4 of the year 2021

Village of Woodbury, County of Orange

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Woodbury to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.