

Minutes of the Virtual Village Board Meeting held on May 27, 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; Michael Phillips, Water/Wastewater Superintendent; Pasquale Prozzillo and Christopher Burke, Fire Chiefs; Christopher Gerver and Sandra Capriglione, Planning Board; Craig Brady, Zoning Board

I. Public Comment on Agenda Items Only: *No comments received.*

II. 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 May 13, 2021.

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

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to approve Abstract 24 containing vouchers 202015 – 202180 and totaling \$451,228.29.

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

c. FY2021/2022 Holiday Schedule:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to adopt the following holiday schedule for the 2021/2022 fiscal year (these are the dates the Village offices will be closed): July 5, September 6, October 11, November 11, November 25, November 26, December 24, December 31, January 17, February 21, April 18 and May 30.

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

d. Acceptance of Resignation/Retirement – G Thomasberger:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to accept, with regrets, the resignation/retirement of Gary Thomasberger from the position of Building Inspector with his last day of work being June 18, 2021.

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

Mayor Egan noted Gary has been an employee of the Town/Village since June 1988 and has been an invaluable asset to all that work and live in our community.

e. Appointments to Planning Board/Zoning Board of Appeals – Terms 6/1/2021 – 5/31/2026:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to reappoint Sandra Capriglione to the Planning Board with a term of June 1, 2021 thru May 31, 2026.

ADOPTED AYES 4 Egan, Giacomazza, Gomez, Graziano
ABSTAIN 1 Burek

Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to appoint Evan Yan to the Zoning Board of Appeals with a term of June 1, 2021 thru May 31, 2026.

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

f. Schedule Special Meeting(s) – Interviews for Building Inspector Vacancy:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to schedule a special meeting to be held on June 7, 2021 (and June 9, 2021 if needed) at 6:30PM to interview candidates for the Building Inspector position.

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

g. Re-Levy of Previous Exempt Properties

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, 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 FY2022/2023 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:

210-1-5	215 Skyline Drive, HM	\$46.79
219-5-1	33 Townsend Avenue, HM	\$14.58
226-1-42.1	278 Estrada Road, CV	\$12.39
219-8-7	21 Hickory Street, HM	\$109.86
211-1-56	27 Pleasant Drive, HM	\$22.18
244-1-1.2	101 Magnolia Court, HM	\$13.81
226-1-61.1	297 Estrada Road, CV	\$22.59
246-1-37	30 Highland Woods Blvd, HM	\$28.43
238-4-11.1	4 Grant Court, HM	\$17.14
227-5-7	35 Oakland Avenue, CV	\$34.22
226-1-79.11	1 Tinny Lane, CV	\$33.02
248-1-46	54 Greenwich Avenue, CV	\$76.95

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

III. Old Business:

a. Further Discussion – Realignment of Turner Road – Courtyard by Marriot/Rainbow Group:

Mayor Egan noted this is the third meeting this issue is being discussed by the Board. At the last meeting, the Village Board raised some questions/issues that required input from Attorney Naughton. Attorney Naughton stated the applicant is looking to see if the Board is favorably disposed to the presentation made to change/realign Turner Road. The location of the traffic light will need to be discussed with NYSDOT as the Planning Board does not want Turner Road to become a “cut thru” as a

way to avoid the light. Trustee Gomez asked if the Board does not like the plan will the applicant need to come up with an alternative and Attorney Naughton stated yes or leave it as it currently is. Trustee Burek stated she is concerned that the Board does not know where the light is being erected and Trustee Giacomazza stated the light is being erected at the intersection of Route 32 and Corporate Drive. Attorney Naughton stated the Board could write to the NYSDOT and state where it would prefer the light be with the reason/justification as to why. Trustee Gomez asked if the Board does not agree with this plan will they come up with a different location and Attorney Naughton stated she believes the applicant will leave Turner Road in the condition it currently is in. Trustee Burek asked how the turn lane will be constructed and what property will be taken over to do so. Attorney Naughton stated Route 32 would be widened by using property the applicant owns and added these are all things the Planning Board will be responsible for reviewing. Trustee Burek stated she does not feel this plan will benefit the Village as the turn lane will cause more bottlenecks. Mayor Egan stated he feels the issues discussed fall under the Planning Board review and not something the Village Board addresses. The only issue that is before the Village Board at this time is whether or not they would find the realignment of Turner Road favorable. Trustee Giacomazza asked how the traffic coming southbound would affect Turner Road since it is an emergency access entrance for Woodbury Common. Attorney Naughton stated the road will not be open and will remain an emergency access entrance, adding the thought is the traffic light will make it easier for EMS to access the roadway. Trustee Giacomazza then asked Chief Prozzillo his opinion on the issue and Chief Prozzillo stated accessing the road currently is difficult. He feels permitting more homes/businesses in that area will only make it worse and he does not think it will work out. He does not feel that the realignment will work and it will be a recipe for disaster causing gridlock and encouraging U-turns. Chief Burke stated the Fire Department does not really utilize the access road (mostly just on Black Friday) so in his opinion he does not see how the realignment is a bad thing, adding it could make things cleaner. Trustee Giacomazza asked if the projects proposed on Corporate Drive will affect this plan and Attorney Naughton stated she does not think so. The only potential projects in this location are the two hotels and Beer World, all of which are permitted in this area under the Code. She does not think the realignment of Turner Road will affect anything on Corporate Drive. Mayor Egan then asked the Board if they are ready to make a decision on this issue. Motion was then offered by Trustee Giacomazza, seconded by Trustee Graziano, to acknowledge the Board is not favorably disposed to the realignment of Turner Road as presented.

ADOPTED AYES 4 Burek, Giacomazza, Gomez, Graziano
 NOES 1 Egan

IV. New Business:

a. Introductory Local Law 7 – Gathering Places:

Motion was offered by Trustee Graziano, seconded by Trustee Giacomazza, to introduce Introductory Local Law 7 of 2021 which will amend Chapter 310 (“Zoning”) of the Village Code to provide regulations for gathering places.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to assume the Village Board as Lead Agency under SEQRA for this action.

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

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to type this action as a Type I under SEQRA.

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

NOES 0

The Board then reviewed the Full Environmental Assessment form, Parts 1 and 2, as prepared by Attorney Naughton. Attorney Naughton highlighted portions of the report for the Board to be aware of and they each agreed the report was complete and extremely detailed.

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to issue a negative declaration for this action under SEQRA.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Giacomazza, to refer the local law to the Planning Board, the Building Department and the Orange County Planning Department for comments.

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

Motion was then offered by Trustee Giacomazza, seconded by Trustee Burek, to schedule a public hearing to be held on June 24, 2021 at 7:30PM to entertain public comment on Introductory Local Law 7 of 2021.

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

b. Introductory Local Law 8 – Sign Law Revision:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to introduce Introductory Local Law 8 of 2021 which will amend Chapter 310 (“Zoning”) of the Village Code Section 310-30(D)(1)(e) – Sign Law Regulations.

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

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to assume the Village Board as Lead Agency under SEQRA for this action.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to type this action as a Type I under SEQRA.

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

The Board then reviewed the Full Environmental Assessment form, Parts 1 and 2, as prepared by Attorney Naughton.

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to issue a negative declaration for this action under SEQRA.

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

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to refer the local law to the Planning Board, the Building Department and the Orange County Planning Department for comments.

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

Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to schedule a public hearing to be held on June 24, 2021 at 7:30PM to entertain public comment on Introductory Local Law 8 of 2021.

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

c. Schedule Public Hearing – Cable Franchise Agreement – June 10, 2021:

Motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to schedule a public hearing to be held at 7:30PM on June 10, 2021 to consider a proposed non-exclusive cable television franchise agreement between the Village and Cablevision of Wappingers Falls, Inc., a wholly owned subsidiary of Altice USA, Inc.

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

d. Return of Water Booster Bond – Woodbury Junction (WP3)

A request has been received from William Brodsky requesting return of the bond that was posted for the Water Booster at the Woodbury Junction (WP3) development. Correspondence has been received from the Building Department and Village Engineer stating they agree the bond can be returned. Motion was then offered by Trustee Giacomazza, seconded by Trustee Graziano, to return the bond as recommended.

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

EXTRA ITEM – Approval of ZBA Attorney Appointment:

Mayor Egan stated the Board conducted an RFP for a Zoning Board of Appeals Attorney and only one firm submitted a proposal. A letter was received from ZBA Chair Karen Ungerer requesting the Board approve the appointment of Burke, Miele, Golden & Naughton LLP. Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to appointment Kelly Naughton, and the law firm Burke, Miele, Golden & Naughton LLP, as attorney for the Zoning Board of Appeals.

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

V. Public Comment:

Sandra Capriglione thanked the Board for her reappointment to the Planning Board. She then thanked Gary Thomasberger for his years of service – noting he was always prompt with his responses and patient with all her questions. She wished him the best in retirement.

Craig Brady asked for the status update of the litigation between the Town and the Village. Mayor Egan stated the lawsuit has been settled. All documents have been signed and the payment agreed upon has been made to the Town. Attorney Naughton added the Mayor has signed the deed and it has been forwarded to the Town for their signature and filing with the County. The second deed has been signed but cannot be filed until the Planning Board signs off on the two-lot subdivision. Trustee Giacomazza asked if it is known why the Town is taking so long to sign and Attorney Naughton stated there seems to be a lack of communication.

VI. Board Member/Department Comment:

Mayor Egan stated he would like to address the water supply issue the Village experienced recently. One of the high producing wells was due for maintenance, since yield rates had been declining. A contractor was hired to pull and redevelop the well, which was scheduled to be completed prior to the start of the summer. This work began the last week of April and was supposed to take a

week. The process of reinstalling, sanitizing and laboratory testing the work would begin with the goal of putting the well back in service before the middle of May. Unfortunately, as the well was being redeveloped, the contractor informed the Water Department that the well would require further work to remove excessive sediment which has built up much greater than anticipated. That extra work was scheduled and completed the week of May 16. On May 20, a sharp decline was noted in water tank levels, coinciding with much warmer outdoor temperatures and a lack of rainfall. The declining trend continued and ramped up into last weekend with several water tanks approaching their set points for “low level”, which can lead to decreased water pressure throughout the entire system. The Water Department closely monitored the situation, adjusting pumps as needed. The possibility of a water leak was investigated but none was found. At that point, the Water Administrator asked Village residents to begin conserving water. On May 25, the contractor finished the work on the well and began putting it back into service. Yesterday, the Health Department approved the well and it began pumping. The levels are increasing as expected but it will take a little more time to build the system back up to normal levels, which is why the restriction will need to remain in effect for a few more days. He then noted Memorial Day is this weekend. Memorial Day is a Federal holiday in the US for honoring and mourning the military personnel who have died in the performance of their duties while serving in the US Armed Forces. He urged all to take a moment this weekend to think about the ultimate sacrifice paid by Americans to protect the freedoms we all enjoy. He concluded by stating the parade will step off at 1PM on Sunday.

Trustee Graziano stated he is glad to see that the COVID numbers are decreasing as fast as they have been – we are currently below a 1% infection rate which he feels is a fantastic accomplishment. He hopes we can now return to some semblance of normal. He is also thankful that the graduating seniors will be able to have as close to a normal ceremony as possible. He also thanked the volunteers that participated in Clean-Up Day this year. He felt it was great to see so many from different walks of life working together and taking so much pride in our community. Regarding the water issue, there is a lot of misinformation out on social media, with some inappropriate comments. He wants to assure the public that this Board has been carefully looking at the issues very closely, currently a study is being performed evaluating our infrastructure. He is fully involved in working through it to ensure that the infrastructure is sound and plentiful for our future generations. It is not something that can be accomplished overnight – it will take time and patience for all to get where we need to be and where we need to go. This is a priority for the Board and transparency will remain the very essence as well. He then noted water rates will need to increase – proper investment in the infrastructure cannot be done without the revenue to pay for the work. He will continue to try to correct the misinformation that gets posted on social media. Lastly, he stressed the staff in the Water Department are some of the hardest working and professional people he has had the pleasure to work with. Just because there are mechanical issues, please not do take that out on the staff that are working hard to serve the public.

Trustee Gomez thanked all for attending the meeting this evening. He thanked Robert Weyant and the Highway Department for the planning of Clean-Up Day this year. There were less volunteers than years past but it was still a huge success. He also thanked all that volunteered at the event to make it as successful as it was. He feels one of the reasons the Woodbury community is so special is due to all the love and care that people put into keeping Woodbury a beautiful place.

Trustee Burek thanked everyone for attending this evening. She congratulated Sandra Caprigione on her reappointment to the Planning Board, Evan Yan to his appointment to the Zoning Board and thanked Joseph DeVenuto for the time he served on the Zoning Board. She noted that members of both Boards volunteer and commit an extraordinary amount of time and energy and she is

happy to see new residents volunteering to serve and participate. She also asked that everyone pause during this weekend to remember those that made the ultimate sacrifice for us. She also asked all to attend the parade.

Trustee Giacomazza stated since 1868 the country has come together to place flowers and flags on the graves of those who have given their last full measure of devotion to our country. Memorial Day is a time to remember and honor those who have done their duty and never asked for anything in return – just to be respected and remembered for what they did to protect our freedom and way of life. Millions of soldiers paid the ultimate sacrifice with their lives. Memorial Day was originally called “Decoration Day” because families and friends of the fallen would come together and decorate the graves of those brave men. He then recognized Woodbury residents that are to honored at the parade this weekend – Anthony “Tinny” Capriglione, Henry Corts II, Donald O’Dell, Frank Reynolds and Peter Rossachi.

Clerk Potvin stated Gary Thomasberger is one of the hardest working and nicest individuals she has had the honor to know and work with. His dedication to this community is unmatched and he will be sorely missed. She wished him the best in his retirement. She then congratulated the Dug Out for being recognized as Assemblyman Colin Schmitt’s Business of the Month. She also thanked the Village Board for nominating her, and Assemblyman Schmitt’s for presenting her, with the “Women of Distinction Award” on May 17.

Chief Prozzillo stated the Department is back to normal – drill schedule is going well. Regarding emergency access at Turner Road, he noted when the gate was put in years ago it was put in because there was not much overflow of traffic north on Route 32. Where the problem lies, whether it is from the Woodbury Common or from more infrastructure (residential or commercial), it will defeat the purpose of the emergency access. He understands the point raised by Chief Burke earlier but the more that is constructed in that area the harder it will be to navigate should an emergency arise. He suggested that maybe a second entrance be constructed, which could help eliminate the access concerns - maybe along the railroad coming off of Bond Street. Mayor Egan stated he will reach out to Woodbury Common management and see what can be done.

Chief Burke wished Gary Thomasberger a happy and healthy well-deserved retirement. He was a life member of the Highland Mills Fire Company and put in many years with the Fire Department. He was always a pleasure to work with and he will be missed. He hopes the same level of comfort will be experienced with whoever will be filling his position.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Graziano, seconded by Trustee Burek, to adjourn the meeting at 8:42PM.

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

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney