

Minutes of the Virtual/In-Person Village Board Meeting held on April 19, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor  
Tara Burek, Victor Ferrarelli, Jesus Gomez and Christopher Graziano, Trustees  
Absent: None  
Also Present: Attorney Naughton, Attorney for the Village; Natalie Barber, Engineer for the Village;  
Michael Panella, Building Inspector; Michael Phillips, Water/Wastewater Administrator

EXTRA ITEM – Presentation of Plaque for Service – Sandra Capriglione:

Mayor Giacomazza presented a plaque to Sandra Capriglione for her service to Woodbury while serving on the Zoning Board of Appeals (2008-2012, 2014-2016) and Planning Board (2016-2021).

EXTRA ITEM – Presentation of Citation – Victor Ferrarelli:

Mayor Giacomazza read a citation from Senator Skoufis to Trustee Ferrarelli for his honor as the 2022 Hudson Valley Knight of the Year by the Hudson Valley Chapter of the Knights of Columbus

**Update/Presentation by Hydrogeologist:**

William Canavan, Hydrogeologist consultant hired by the Village, updated the Board on the status of the search for viable wells on Trout Brook Road. They have found an abundant of water quicker than they anticipated. The proposal was for 15 days, and they have only done four so far with positive results. They have done several soil samples for sieve analysis. Once all the information is gathered, he will make a recommendation to the Board for construction. He is confident two wells will be able to be on this site yielding sufficient water for many years.

**Public Hearings:**

a. Introductory Local Law 2 of 2022 – Water Rates:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2022 which would amend Section 298 of the Village Code entitled “Water” to provide for an amendment to the water rates. The public notice was printed in the Times Herald Record on April 12, 2022 and the following comments were received:

Mayor Giacomazza stated the Board is making large investments into our water infrastructure to ensure there will not be shortages or restrictions. Doing this is expensive, which requires an increase to the rates charged to users.

Engineer Barber gave a presentation about the analysis that was done when determining the water rates.

Trustee Graziano stated a great job was done by the Village’s consultants to ensure there is revenue to support the water infrastructure needs. He believes the fairest way to fund these improvements is through water usage fees rather than property taxes.

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

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

Motion was then offered by Trustee Ferrarelli, seconded by Trustee Gomez, to adopt Local Law 2 of 2022 entitled “Water” as printed at the end of these minutes.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Giacomazza	YES
Trustee Burek	YES

Trustee Ferrarelli	YES
Trustee Gomez	YES
Trustee Graziano	YES

**Public Comment on Agenda Items Only:**

Sandra Capriglione spoke about the consent order and stressed her opinion on the matter.

Robert Hunter spoke about the consent order and stressed his opinion on the matter.

Maria Hunter spoke about the consent order and stressed her opinion on the matter.

Teresa Luongo spoke about the consent order and stressed her opinion on the matter.

George Lithco, representing the owner of 14 Castleton Drive LLC, spoke about the consent order and stressed his opinion on the matter.

**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 March 24, 2022.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

Motion was then offered by Trustee Burek, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held March 30, 2022.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

b. Approval of Abstract:

Motion was offered by Trustee Ferrarelli, seconded by Trustee Giacomazza, to approve Abstract 20 containing vouchers 211924 – 212064 and totaling \$466,818.62.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

c. Fire Department Equipment Requests:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to approve Fire Department Equipment Request 2022-13 totaling approximately \$6354 for the purchase of LED lighting upgrades for Truck 522 and 503, 2022-14 totaling approximately \$1432 for the purchase for Class B badges for dress uniforms.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

d. Budget Modifications:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve the following budget modifications to the FY2021/2022 budget:

- Consolidated Sewer – increasing GC8110.452(Vehicle Fuel) by \$903, GC9050.800 (Unemployment Insurance) by \$700 and decreasing GC9010.800 (State Retirement) by \$1603

- Consolidated Water – increasing FC8310.461 (SCA Service Agreement) by \$112, FC8310.468 (Generator Fuel) by \$1000, FC8310.469 (Special Projects) by \$165,000, FC8310.471 (Water Master Plan Study) by \$45,000, FC8310.472(Trout Brook Well) by \$50,000, FC9050.800 (Unemployment Insurance) by \$700, FC599 (Appropriated Fund Balance) by \$120,000, FC2170 (Community Development Income) by \$83,707 and decreasing FC1930.400(Judgment/Claims) by \$2000, FC8310.101 (Compensated Absences) by \$51,001, FC8310.413 (Labor Attorney) by \$1500, FC8310.414 (Attorney) by \$1500, FC9010.800 (NYS Retirement) by \$2104
- Various Departments – increasing A1010.412(VB – Awards/Recognition) by \$425, A1010.414 (VB – Late Fees on Invoices) by \$104, A1210.200 (Mayor – Equipment) by \$638, A1210.411 (Mayor – Office Supplies) by \$43, A1410.201 (VC – Equipment) by \$600, A1410.411 (VC – Office Supplies) by \$214, A1420.402 (Attorney – Planning Board) by \$2000, A1420.405 (Annexation – Litigation) by \$1274, A1440.402 (Engineer – Planning Board) by \$1000, A1440.411 (Planner – Contractual) by \$5000, A1440.412 (Planner – Planning Board) by \$2000, A1610.406 (General – Buildings/Grounds) by \$7000, A1610.409 (General – Alarm System) by \$600, A9010.800 (NYS Retirement) by \$34,075, A9050.800 (Unemployment) by \$2400 and decreasing A1010.200 (VB – Equipment) by \$15,000, A1010.413 (VB – Grant Writer) by \$9000, A5182.401 (Street Lighting) by \$33,373
- Building Department – increasing A3620.101 (BD – Compensated Absences) by \$1615, A3620.417 (BD – Cellular Phone) by \$1250 and decreasing A3620.200 (BD – Equipment) by \$2865
- Fire Department – increasing A3410.204 (FD – Chief’s Vehicle) by \$8030, A3410.463 (FD – SCVA Testing) by \$952, A3410.471 (FD – Extinguisher Main/Equip) by \$657 and decreasing A3410.453 (FD – Vehicles Repairs) by \$9639
- Highway Department – increasing A5010.411 (HD – Office Supplies) by \$456, A5010.422 (HD – Drug Testing) by \$198, A5010.438 (HD – Maintenance of Building) by \$18,000, A5010.444 (HD – Schools/Dues) by \$105, A5010.448 (HD – Gasoline Used) by \$900, A5110.102 (HD – Compensated Absences) by \$2497, A5110.407 (HD – Traffic Control) by \$3549, A5110.451 (HD – Tools) by \$589, A5110.469 (HD – Drainage Pipe) by \$51, A5110.448 (HD – Gas Received) by \$10,000, A5130.454 (HD – Oil/Lubrication) by \$2710, A5130.456 (HD – Gas Pump Maintenance) by \$1227, A5142.200 (HD – Equipment – Snow) by \$6594, A5142.466 (HD – Salt/Liquid Calcium) by \$13,632 and decreasing A5130.200 (HD – Machinery Equipment) by \$37,000, A5142.447 (HD – Snow Truck Repairs) by \$3508, A5410.472 (HD – Sidewalk/Curbs) by \$20,000
- To recognize CHIPS – increasing A3501 (State Aid – CHIPS) by \$87,470, A5112.400 (Perm Improv Highway – CHIPS) by \$87,470.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                      NOES    0

e. Change May 26 Meeting to May 31:

Motion was offered by Mayor Giacomazza, seconded by Trustee Gomez, to change the May 26 meeting to May 31 at 7:30PM to enable as many invoices as possible to be paid within the current fiscal year.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                      NOES    0

**Old Business:**

a. Renew IT Services Control – Purchase Additional Hours – PC Surgeon:

Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Mayor to sign the Block Purchase renewal with PC Surgeon for 100 hours of IT Service at a cost of \$8500.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

b. Resolution – Establish Water Rates in Fee Schedule:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution updating water rates that will go into effect with the June 2022 billing:

**WHEREAS**, the Board of Trustees has determined that it will be in the best interests of the Village and its residents to update the rates charged in connection with water usage in the Village; and

**WHEREAS**, Section 298-29 of the Village Code provides that “Charges for water usage shall not exceed the rates established by the Board of Trustees, which rates may be modified by a Resolution of the Board”.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby adopts the following water rates, effective with the June 2022 billing cycle:

**Water Rates**

The following water rates are hereby established for and to be paid by all water users within the Consolidated Water area:

<u>Number of Gallons (four-month period)</u>	<u>Tri-annual Billing Rates</u>
Up to 15,000	\$25
15,001 – 20,000	\$25, plus \$3.25 per 1000 gallons over 15,000
20,001 – 25,000	\$41.25, plus \$4.25 per 1000 gallons over 20,000
25,001 – 40,000	\$62.50, plus \$7.25 per 1000 gallons over 25,000
40,001 – 70,000	\$171.25, plus \$11.50 per 1000 gallons over 40,000
Over 70,001	\$516.25, plus \$12.00 per 1000 gallons over 70,000

The following rates are hereby established for and to be paid by all water users within the Amdur Park (Water 6) Area:

<u>Number of Gallons (four-month period)</u>	<u>Tri-annual Billing Rates</u>
Up to 15,000	\$30
Over 15,000	\$30, plus \$2.25 per 1,000 gallons over 15,000

and be it further

**RESOLVED** that the Village Clerk is hereby directed to add these rates to the Fee Schedule adopted/reviewed by the Board of Trustees at its Annual Reorganization meeting held the first meeting of each fiscal year.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

**New Business:**

a. ARPA Annual Report Review/Approval:

Attorney Naughton provided a summary of the report that is required to be submitted relating to the ARPA funds and their planned use. The Village received \$736,701.50 around this time last year

and should receive the second/final payment of that same amount within the next few weeks. The total \$1,473,403, as discussed at several meetings, will be allocated as follows: Trout Brook Well 1 \$314,104.18, Trout Brook Well 2 \$253,125, Leoni Well testing \$225,370, Comminutors \$247,158. The remaining balance of \$433,645.82 will need to be discussed for the next reporting period. Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve the report to be submitted as summarized by Attorney Naughton.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

b. Advertise for Upcoming Vacancies – Planning/Zoning Board:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to authorize the Village Clerk to advertise for upcoming expiring terms/vacancies on the Planning Board and Zoning Board of Appeals. Letters of interest will be accepted by the Village Clerk until 4PM on May 13, 2022.

**ADOPTED**      AYES    5            Giacomazza, Burek. Ferrarelli, Gomez, Graziano  
                     NOES    0

c. Discussion – Consent Order –14 Castleton Drive LLC (SBL 202-1-70):

Attorney Naughton explained last fall the Building Department issued a notice of violation to Rushmore Estates asserting that a commercial business was operating at the property. The property was being used as an event venue for weddings and other gatherings, which it is not zoned for. A meeting was held with the property owner, their attorney, the Mayor and she to discuss the activities being held and the property owner asked the Village to entertain a proposal for zoning to allow and “event venue” by special permit. After the meeting, it was agreed that a Consent Order would be proposed to the Village Board which would permit 20 specific events that had already been booked/paid for by parties without pursuing the issue further in the courts while the property owner applies to the Planning and/or Zoning Board of Appeals for the proper permits. She added a violation was issued by Building inspector, which was appealed by the applicant to the Zoning Board, but no written decision has been rendered yet.

Trustee Graziano stated this issue is one of the most difficult decisions he has been required to make since becoming a Trustee. He understands that couples have planned/booked their weddings at this location and understands canceling them is devastating but the owner knew he was in violation and continued to accept money/book events. He stressed that what can and cannot be done at this location is well defined in the Planning Board resolution. Additionally, he noted when discussion about the consent order began several months ago, there was only nine events schedule and it has now increased to 20, even though the owner was aware he was in violation.

Trustee Burek asked Attorney Naughton if this consent order could be considered spot zoning and the answer was no. She asked if the consent order would stand on its own fact/circumstances, or would it create a precedent for similar violation that may exists elsewhere in the Village and the answer was it would stand alone las it has its own specific use. She asked if the Village would be at any liability risk and the answer was the property owner is required to indemnify the Village. She asked if each individual event would have to be approved by the Building Inspector or does the consent order provide a blanket approval and the answer was if an event is similar in size, a generic approval is fine but if an event differs sufficiently then the Building Inspector can impose different protections based on those differences.

Trustee Gomez stated he also has sympathy for the individuals that have booked their events and does not want to see them hurt. He also stressed these discussions about been held for quite so time and, while it was delayed by the applicant, more events were booked/scheduled. He also agrees

the Village should be indemnified in case something happens at an event due to the property owner not going through the proper application process to ensure all safety requirements are in place.

Mayor Giacomazza stated these discussions because with the previous administration and it took quite some time to get the list of events booked from the owner. This slow pace will not be acceptable moving forward. This afternoon the owner's attorney sent a draft law for the Board to review, and it will be discussed at a future meeting.

Trustee Ferrarelli stated he agrees with all the comments made, especially that the applicant should be going through the proper permitting procedures.

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to authorize the Mayor to sign the consent agreement with 14 Castleton Drive LLC permitting 20 specific events to occur while the applicant obtains the needed approvals/permits as an event venue.

**ADOPTED**      AYES    4            Giacomazza, Burek, Ferrarelli, Gomez  
                     NOES    1            Graziano

d. Authorize Mayor to Sign – Marshall & Sterling Business Associate Agreement:

Motion was offered by Trustee Gomez, seconded by Trustee Graziano, to authorize the Mayor to sign the "Business Associate Agreement" with Marshall & Sterling as it relates to their managing of the dental benefits for the Village.

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

e. Authorize Mayor to Sign – Stormwater Control Facility Maintenance Agree – Shops at Woodbury:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to authorize the Mayor to sign the "Stormwater Control Facility Maintenance Agreement" for Shops at Woodbury, as required by the Planning Board and the Village's responsibility as an MS4.

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

f. Authorize Mayor to Sign – Evoqua Bioxide Monitoring Agreement:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to authorize the Mayor to sign the "Full Service Advanced Dosing and Remote Monitoring Program" proposal from Evoqua in relation to the odor and corrosion control at the Highland Mills, Pine Hill, Smith Clove and Hollett Pump Stations.

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

g. Authorize Mayor to Sign – LaBella (fka Chazen) Well Monitoring:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to authorize the Mayor to sign a proposal from LaBella (formerly Chazen) for them to maintain the existing monitoring and reporting in 2022 of the Woodbury Creek tributary of the Moodna Creek. The cost for this continued monitoring is \$16,000 and is shared evenly with the Town of Woodbury, Village of Woodbury, Town of Cornwall and Village of Cornwall-on-Hudson.

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

h. Schedule Public Hearing – Moratorium Waiver Request – Popeye's:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to schedule a public hearing to be held on May 12, 2022 at 7:30PM at Village Hall to consider a request for relief from Local Law 9 of 2021 for the property located at 20 Centre Drive in the Woodbury Centre (Popeye's).

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

i. MS4 Annual Report – Draft Available for Review on Website:

Mayor Giacomazza announced the State Pollutant Discharge Elimination System (SPDES) permit procedures require the Village, as an operator of a regulated Municipal Separate Storm Sewer System (MS4), file an Annual Report to maintain permit coverage. A draft of the Annual Report for the period ending March 9, 2022 has been posted on the website for public information and comment. The report complies with the DEC mandatory format. The final report will be filed with the state prior to the June 1, 2022 deadline.

j. Resolutions – Delinquent Water Billing Re-levy:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the following resolution for the levy of 854 delinquent water bills from the Consolidated Water Fund that totals \$234,595.12 (complete list on file in Village Clerk's Office):

**WHEREAS**, the Water/Wastewater Administrator, Michael Phillips, prepared a list of delinquent water bills on April 8, 2022 in the Village of Woodbury Consolidated Water Fund which has been submitted to the Village Clerk, and

**WHEREAS**, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2022/2023 Village property tax bill, and

**WHEREAS**, it is necessary for the Village Board adopt such resolution so the County, when printing the 2022/2023 Village property tax bills, may levy the delinquent water bills against the property.

**NOW, THEREFORE BE IT RESOLVED**, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2022/2023 Village property taxes; and be it

**FURTHER RESOLVED**, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ferrarelli	YES
Trustee Gomez	YES
Trustee Graziano	YES

Motion was then offered by Trustee Gomez, seconded by Trustee Burek, to approve the following resolution for the levy of 22 delinquent water bills from the Water #6 Fund (Amdur Park) that totals \$5662.68 (complete list on file in Village Clerk's Office):

**WHEREAS**, the Water/Sewer Administrator, Michael Phillips, prepared a list of delinquent water bills for April 8, 2022 in the Village of Woodbury Water #6 Fund which has been submitted to the Village Clerk, and

**WHEREAS**, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2022/2023 Village property tax bill, and

**WHEREAS**, it is necessary for the Village Board adopt such resolution so the County, when printing the 2022/2023 Village property tax bills, may levy the delinquent water bills against the property.

**NOW, THEREFORE BE IT RESOLVED**, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2022/2023 Village property taxes; and be it

**FURTHER RESOLVED**, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ferrarelli	YES
Trustee Gomez	YES
Trustee Graziano	YES

**Public Comment:**

Maria Hunter thanked the Board for holding this meeting in-person and virtually. She asked if the Village is doing drilling on property along the east side of Route 32 past Hazard Lane and she was told that the property owner is doing drilling there. Mrs. Hunter then noted the Village of Kiryas Joel water tank on Ridge Road continues to overflow into the creek and she feels that someone should be inspecting this so it can stop. She thanked Trustee Graziano for voting against the consent order. She announced the Memorial Day Parade is scheduled for May 29 and that it is a parade to honor those that served for our community. She also announced June 25 is First Responder Day and that all three branches of the EMS have representation in the planning.

**Board Member/Department Comment:**

Chief Burke stated the Fire Department Open House is this Saturday and he urged the public to attend to see what the volunteer do.

Clerk Potvin, on behalf of Superintendent Weyant, stated the engineers are finalized the design plans for the Ridge Road bridge repairs and, once that plan is approved, the project will be bid. This will be a FEMA project.

Trustee Graziano thanked the Water/Sewer Department for all the work they did on the most recent water main break. He urged all to continue to be safe and healthy as COVID cases have been increasing.

Trustee Ferrarelli thanked all for attending the meeting this evening. He congratulated Mrs. Capriglione on her recognition and thanked Senator Skoufis for the citation.

Trustee Burke thanked all for attending the meeting this evening. She provided an update on the work done by the Land Preservation Committee, noting a presentation is planned for one of the



summer meetings. There are also public information videos being created to help education the public on ways to preserve our natural resources.

Trustee Gomez thanked all for attending the meeting and all the Village employees for their dedication. He also congratulated Mrs. Capriglione and Trustee Ferrarelli on the recognition they received.

Mayor Giacomazza thanked Trustee Graziano for setting up the hybrid meeting, adding he is glad to see the Board is offering the public more ways to participate. This Saturday the Highway Department will be hosting their annual Spring Clean Event with the Woodbury Community Association doing the cooking for at the end of the event. He then noted volunteerism is down everywhere and our Fire Department is in desperate need of volunteers. He urged the public and anyone that may have an interest in volunteering to attend the open house this weekend. He then announced the Third Annual Michael Hansen Blood Drive will be held on May 14 at Village Hall, which is also the same day at the next electronic collection event held by the Highway Department.

**Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Burek, seconded by Trustee Graziano, to adjourn the meeting at 9:15PM.

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

Desiree Potvin, Village Clerk

## LOCAL LAW 2 OF 2022

A LOCAL LAW AMENDING SECTION 298 OF THE CODE OF THE VILLAGE OF WOODBURY ENTITLED “WATER” TO PROVIDE FOR AN AMENDMENT TO THE WATER RATES

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

### **SECTION 1. PURPOSE**

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 298 (“Water”) of the Village of Woodbury Code to provide that water rates be modified by Resolution of the Board of Trustees. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

### **SECTION 2. CHAPTER 298 (“WATER”)**

Section 298-29 of the Code of the Village of Woodbury is hereby repealed and replaced with the following:

*Charges for water usage shall be in the amount of such rates established by the Board of Trustees by Resolution, which rates may from time to time be modified by a Resolution of the Board. The water rates shall be posted in the office of the Village Clerk and may reflect different rates for consumers situated in different Water Areas and/or situated outside the Village.*

### **SECTION 3. SUPERSEDING PROVISION**

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

### **SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

### **SECTION 5 EFFECTIVE DATE**

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.