

Minutes of the Village Board Meeting held on August 16, 2022 at 7:30PM

Present: Andrew Giacomazza, Mayor
Tara Burek, Susan Ciriello, Victor Ferrarelli and Christopher Graziano, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village; Natalie Barber, Engineer for the Village; Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Administrator

Public Hearing:

a. Moratorium Hardship Waiver Request – 20 Abrams Road:

A public hearing was held to entertain public comments to consider a request for relief from Local Law 5 of 2022 (continuing the moratorium on the issuance of certain permits, certificates of occupancy and approvals) for property located at 20 Abrams Road. The purpose of this public hearing is to provide the public with an opportunity to comment on the application whereby the property owner is alleging that it suffers unnecessary or extraordinary hardship from the continued moratorium. The public notice was printed in the Times Herald Record on August 9, 2022, and the following comments were received:

Mayor Giacomazza noted a memo has been received from Engineer Barber regarding this application.

Rosemary Valdes, property owner, stated she purchased the home in 2016 and wanted to make the downstairs a business/office and waiting area for her business, which is to meet with disabled children, individuals, and the elderly with special needs. She noted this business was approved by the NYSOP and former Building Inspector Thomasberger conducted an inspection with no concerns being found. In February 2021 she had to give up her business for family reasons and instead change her requested use to a mother-daughter (application is still pending). She has a total of nine family members (children/grandchildren/siblings) living with her which is why she applied to do an extension on the home. To be able to reopen her practice, she is required to have a separate entrance, office and waiting area. Her property size is an acre, and she believes the setbacks are within the guidelines. She has engaged the services of an architect. The total size of the home, when extended, would be about double the size of the existing home.

Trustee Graziano stated reason for the request is to return the applicant practice to be within her home and Mrs. Valdes stated that was correct because she is currently paying high rent elsewhere. She also noted some of her family members are sharing a bedroom and she feels they should have their own. Trustee Graziano stated he feels adding an office space and adding additional bedrooms are two different considerations under the waiver exemptions.

Trustee Ferrarelli asked if the applicant has applied for a use variance and Mrs. Valdes stated she did not. Trustee Ferrarelli asked if the home is still a mother/daughter and Mrs. Valdes stated she has an application before them now because she was unaware that an annual special permit was required to keep the mother/daughter status. He asked how long the extended family is expected to be staying with the applicant and Mrs. Valdes stated long-term.

Trustee Burek what is the current square footage of the home is and Mrs. Valdes stated about 2000.

Attorney Naughton clarified a mother/daughter special permit would not require a use variance, but the office use would be considered an accessory use and application before the Planning Board would be required, as well as ARB if there are changes to the outside of the home.

Maria Hunter strongly urged the Board to vote in favor of this application, noting there are homes in the Village that are 4500sf on similar or smaller sized lots.

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, Ciriello, Ferrarelli, Graziano
 NOES 0

Trustee Burek asked Attorney Naughton if this application meets the criteria the Board has set to be applicable for a waiver. Attorney Naughton stated the applicant has demonstrated she has a financial burden but could be a delay standpoint. The process can be started with the Planning Board and Zoning Board, but she will not be able to have anything approved or final action taken until the moratorium is lifted. Mrs. Valdes stated all the plans have been submitted but she was told she needed the Village Board to rule on her hardship request before it can begin. Trustee Ferrarelli stated he is okay with application but has concerns about the additional bathrooms due to water. Trustee Graziano stated he feels bad and understands the request, but the Board has denied similar application because of the additional bathrooms.

After discussion, motion was offered by Trustee Graziano, seconded by Mayor Giacomazza, to deny the waiver request and authorize Attorney Naughton to send a denial letter to the applicant.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

b. Introductory Local Law 7 of 2022 – Late Water Payment Penalty:

A public hearing was held to entertain public comments on Introductory Local Law 7 of 2022 which would amend Section 298-25 of the Village Code entitled “Failure to Pay Water Bill; Late Charge” to increase the delinquent service charge. The public notice was printed in the Times Herald Record on August 9, 2022, and the following comments were received:

Mayor Giacomazza about 33% of our billed accounts do not pay their triennial bill on time. This increase will be effective with the October billing cycle.

With no further comments received, a motion was offered by Trustee Ferrarelli, seconded by Mayor Giacomazza, to close the public hearing.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was then offered by Trustee Burek, seconded by Trustee Ferrarelli, to adopt Local Law 8 of 2022.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Giacomazza	YES
Trustee Burek	YES
Trustee Ciriello	YES
Trustee Ferrarelli	YES
Trustee Graziano	YES

A copy of the local law is printed at the end of these minutes.

Update on Water Infrastructure Improvements

William Canavan provided a status update on the wells. The first well tested positive for contaminates twice and now it needs to be decided on how to treat the water so that it is usable. After a long presentation/discussion, the Board granted Mr. Canavan permission to work with Engineer Barber and reach out to the Nature Conservatory (owners of property adjacent to our proposed site to construction the well(s)/filtration structure). The estimated cost for the entire project is \$2.5 million.

Public Comment on Agenda Items Only:

Zev Weisenfeld thanked the Board for considering additional exemptions to the hardship waiver but asked about properties that have water supplied by the Village of Kiryas Joel or the Village of Harriman. Mayor Giacomazza received a report from H2M that stated those types of properties would have minimum effect on our water situation. The report came in after the resolution was already prepared. Another resolution addressing this type of exemption will be on the agenda for the September 8 meeting.

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept receipt of the minutes of the meeting held July 28, 2022.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve Abstract 5 containing vouchers 220306 – 220429 and totaling \$894,819.34

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

c. Appointment of Part-Time Assistant Building Inspector:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to approve the appointment of William Press to the position of part-time (up to twenty hours per week) Assistant Building Inspector III with a start date of August 22, 2022, at an hourly rate of \$29.51.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Mayor Giacomazza stated Mr. Press working be working sporadically on weekends.

d. Fire Department Equipment Request(s):

Motion was offered by Trustee Ciriello, seconded by Trustee Burek, to approve Fire Department Equipment Request 2022-23 totaling approximately \$674.85 for the purchase of three elevator keys for elevator rescue.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

e. Fire Department Membership(s):

Motion was offered by Trustee Ferrarelli, seconded by Trustee Graziano, to approve the following applications for membership with the Woodbury Fire Department: Moise Daniel (Highland Mills, Junior), Rohan Sonakya (Highland Mills, Junior), Avery Javier (Highland Mills, reinstatement).

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Old Business:

a. Authorize Mayor to Sign – MOA Highway Union Agreement:

Mayor Giacomazza noted Superintendent Weyant has requested this amendment. Motion was offered by Trustee Burek, seconded by Trustee Ciriello, to authorize the Mayor to sign the Memorandum of Agreement with the Laborers' Local 17 to provide for a stipend of employees in the Highway Department of \$40/day when they fill in or assist the Heavy Equipment Mechanic.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

b. Appointment of Election Workers for September 13 Special Election:

Motion was offered by Trustee Graziano, seconded by Mayor Giacomazza, to approve the appointment of the following individuals to serve as workers for the September 13 special election: Maria Hunter, Kathleen McKeivitt, Kevin McKeivitt, Carol Herb, Donna Binder and Marisol Taveras. All appointments are pending confirmation.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

c. Establish Payrate for Election Workers for September 13 Special Election:

Motion was offered by Trustee Burek, seconded by Trustee Ferrarelli, to approve the payrate of \$250 for the individuals appointed to work as election workers for the September 13 special election.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
NOES 0

d. Resolution – Additional Exemptions for Moratorium Waiver:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution amending the promulgated regulations relative to the hardship waiver process adopted in accordance with Local Law 5 of 2022 (continuing the moratorium on certain permits, certificates of occupancy and approvals):

WHEREAS the Village of Woodbury adopted Local Law No. 5 of 2022 entitled “A Local Law Continuing the Moratorium on Certain Permits, Certificates of Occupancy and Approvals” (the “Moratorium”), after having received reports that the Village’s water supply is at a critical juncture; and

WHEREAS the purpose of the Moratorium is to protect the public health, safety and welfare of the residents of the Village and to maintain the status quo of residential and nonresidential development in the Village; and

WHEREAS on July 14, 2022, the Board of Trustees adopted a Resolution promulgating regulation establishing a hardship waiver process to the Moratorium; and

WHEREAS the Board of Trustees finds it necessary to further amend those regulations to account for single-family residences with private water supply wells.

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Woodbury Board of Trustees hereby determines that the waiver process is hereby amended as follows:

- E. Exemptions. Should any owner of property affected by Local Law No. 5 of 2022 seeking to construct, or having already constructed, a single-family dwelling located outside of the Consolidated Water Area, be served by a private well for use as potable water, said property owner shall be permitted to provide proof of such connection to the Building Department, Water Department and Village Clerk, which may be referred to the Village Engineer. Upon a determination that the information provided is accurate, said property shall be eligible for a hardship waiver, the fee and the public hearing for which may be waived by the Board of Trustees.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

New Business:

a. Public Education and Outreach Document on Website for Public Information:

Mayor Giacomazza noted the Village website has a document posted on it for public education and outreach that address the sanitary sewer overflows, infiltration/inflow, water conservation and “think before you flush”.

b. Authorize Mayor to Sign – Upgrading of Lights at Village Facilities:

Mayor Giacomazza explained he recently had a site inspection conducted at the three Village buildings to explore ways to reduce the energy consumption. An energy assessment was done and recommendations to upgrade the lights to energy efficient LED lighting has been prepared. The proposal includes incentives from Orange & Rockland. Motion was offered by Trustee Graziano, seconded by Trustee Ferrarelli, to authorize the Mayor to sign the proposal for the Highway Department Office Building/Garage at a cost of \$10,975, the Village Hall/Highland Mills Firehouse at a cost of \$24,999, and the Water/Sewer Office Building/Garage at a cost of \$1493.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

c. Various Grant Applications - SEQRA Action/Authorizing Resolutions:

Trout Brook Well:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to assume the Village of Woodbury Board of Trustees as Lead Agency for this project under SEQRA. Mayor Giacomazza noted no objections to the notice of intent have been received.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Based on the review of the Short Environmental Assessment Form Part 2, a motion was offered by Trustee Burek, seconded by Trustee Ciriello, to declare a negative declaration under SEQRA for this application.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to adopt the following resolution authorizing the Village Mayor to apply for a grant to the New York State Environmental Facilities Corporation (EFC) under the New York State Water Infrastructure Improvement Act (WIIA):

WHEREAS the Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS the Village of Woodbury has an identifiable need to connect a new raw water transmission main from the Trout Brook Well No. 11 to the Village’s Consolidated Water Area, and PFOA & PFOS treatment for the existing Trout Brook Well (TW-01), Trout Brook Well No. 11, and any additional wells that may be developed at the Trout Brook wellfield; and

WHEREAS it is anticipated that costs for all work associated with conducting these improvements may exceed \$2,500,000; and

WHEREAS the Village of Woodbury is requesting \$1,500,000 in grant funding through the WIIA program with a committed 40% grant match of \$1,000,000 from municipal contributions.

NOW, THEREFORE, BE IT

RESOLVED the Village of Woodbury Village Board does hereby authorize the Village Mayor to submit an application to the Environmental Facilities Corporation through the Water Infrastructure Improvement Act Grant Program to fund the installation of a new water transmission main connecting Trout Brook Well No. 11 to the Village’s Consolidated Water Area and PFOA & PFOS treatment for the existing Trout Brook well (TW-01), Trout Brook Well No. 11, and any additional wells that may be developed at the Trout Brook wellfield and to execute any formal agreements and associated documents with EFC as part of the funding agreement.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

EPA Compliance “Evaluation/Mitigation of Sanitary Sewer Overflows in the Village Collection System”:

Motion was offered by Trustee Graziano, seconded by Trustee Ciriello, for the Village of Woodbury Board of Trustees to assume Lead Agency under SEQRA for this project. Mayor Giacomazza noted no objections to the notice of intent have been received.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Based on the review of the Full Environmental Assessment Form Part 2, motion was offered by Trustee Burek, seconded by Trustee Ciriello, to declare a negative declaration under SEARA for this application.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was then offered by Mayor Giacomazza, seconded by Trustee Burek, to type this action as a Type II under 6 NYCRR 617.5(c)(1) and (2).

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution authorizing the Village Mayor to apply for a grant to the New York State Environmental Facilities Corporation (EFC) under the New York State Water Infrastructure Improvement Act (WIIA):

WHEREAS the Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS the Village of Woodbury has an identifiable need to conduct infrastructure improvements to the address sanitary sewer overflows in the service areas of Hollet and Pine Hill Pump Stations

WHEREAS it is anticipated that costs for all work associated with conducting these improvements may exceed \$147,000; and

WHEREAS the Village of Woodbury is requesting \$36,750 in grant funding through the WIIA program with a committed 75% grant match of \$110,250 from municipal contributions in the form of funds from the American Rescue Plan Act (ARPA).

NOW, THEREFORE, BE IT

RESOLVED the Village of Woodbury Village Board does hereby authorize the Village Mayor to submit an application to the Environmental Facilities Corporation through the Water Infrastructure Improvement Act Grant Program to fund necessary assessments and infrastructure improvements to the areas serviced by Pine Hill Station, and Hollet Avenue Station and to execute any formal agreements and associated documents with EFC as part of the funding agreement.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Public Comment: *There was no public comment received.*

Board Member/Department Comment

Superintendent Weyant stated several site meetings at Ridge Road with various state and FEMA agencies have been held. He noted the entire project will be paid in full by FEMA. The DEC asked for a few things to be corrected to the plan and we are now waiting for a survey to be done. He stated the DEC has promised to fast track the application and then we can go out to bids.

Superintendent Phillips reminded everyone that the Village is in a full water restriction and no outdoor watering is permitted at this time. Trustee Graziano stated the water situation needs to be resolved quickly and he offered his assistance to the Water Department for anything they need.

Trustee Ferrarelli thanked all for attending the meeting. He was disappointing to hear the results of the water testing but hopes it will be resolved quickly.

Trustee Burek sent her condolences to the two families that lost their homes during the structure fire this afternoon. She noted the volunteers did an amazing job.

Mayor Giacomazza stated the two families that lost their homes today was a tragedy and they will need the support of their neighbors. He stressed we are in desperate need of first responders – fire and ambulance. He added we are also in desperate need of water and stressed therefore it is so important that the water restrictions are enforced. He stated everyone needs to understand that there is no outdoor watering permitted and fines/violations will be issued. He also asked all to conserve indoor water use as well.

Adjournment

With no further comments received or business to discuss, a motion was offered by Trustee Graziano, seconded by Trustee Ciriello, to adjourn the meeting at 8:50PM.

ADOPTED AYES 5 Giacomazza, Burek, Ciriello, Ferrarelli, Graziano
 NOES 0

Desiree Potvin, Village Clerk

LOCAL LAW 8 OF 2022

A LOCAL LAW AMENDING SECTION 298-25 OF THE CODE OF THE VILLAGE OF WOODBURY ENTITLED "FAILURE TO PAY WATER BILL; LATE CHARGE" TO INCREASE THE DELIQUENT SERVICE CHARGE

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 increase the delinquent service charge for those persons failing to pay a water bill within 30 days of receipt. 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 298-25 of the Code of the Village of Woodbury is hereby repealed and replaced with the following:

Any person failing to pay a water bill within 30 days after receipt shall be required to pay a delinquent service charge of 20% of the balance owed to the Water Department.

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.