

A Village Board Regular Meeting was held on Monday, December 4, 2023 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.

PRESENT:

Mayor Thomas DeVinko; Deputy Mayor Susan Walski; Trustee Donna Jacaruso; Trustee Steve Presser; Trustee Vernon Coleman.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Thomas DeVinko led the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE:

Mayor Thomas DeVinko observed a moment of silence in memory and honor of all Armed Services that were involved in Pearl Harbor Day on December 7.

PUBLIC HEARING – " LOCAL LAW ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE CODE REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR REPLACED UTILITY POLES WITHIN VILLAGE BOUNDARIES":

Trustee Jacaruso made a motion, seconded by Trustee Presser and adopted to open the Public Hearing regarding Local Law entitled "Adding Article V (Utility Poles) to Chapter 260 of the Village Code Requiring Utility Companies to Remove Inactive, Broken or Replaced Utility Poles within Village Boundaries"; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

Mayor DeVinko explained this Local Law would require Utility Companies to remove inactive, broken or replaced Utility poles within Village Boundaries in a timely manner.

Mayor DeVinko stated audience comments will now be accepted.

There being no comment:

Deputy Mayor Walski made a motion, seconded by Trustee Coleman and adopted to close the abovestated Public Hearing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

PUBLIC HEARING – "LOCAL LAW ESTABLISHING EXPANSION OF RESIDENCY REQUIREMENTS FOR VILLAGE EMPLOYEE-OFFICER MEMBER OF THE BOARD OF ETHICS":

Trustee Jacaruso made a motion, seconded by Trustee Presser and adopted to open the Public Hearing regarding Local Law entitled "Establishing Expansion of Residency Requirements for Village Employee-Officer Member of the Board of Ethics."

PUBLIC HEARING – “LOCAL LAW ESTABLISHING EXPANSION OF RESIDENCY REQUIREMENTS FOR VILLAGE EMPLOYEE-OFFICER MEMBER OF THE BOARD OF ETHICS” – (CONTINUED):

Trustee Jacaruso explained this Local Law is being implemented due to the fact the Village cannot find an employee of the Village of Washingtonville who lives in the Village of Washingtonville to join the Code of Ethics Board so therefore the Village has expanded its requirements to include the County of Orange.

Mayor DeVinko stated audience comments will now be accepted:

There being no comment:

Trustee Jacaruso made a motion, seconded by Trustee Presser and adopted to close the abovestated Public Hearing; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

PUBLIC COMMENT:

Village resident John Donaldson of 4 Emerson Drive complimented the Department of Public Works (D.P.W.) regarding the terrific paving project conducted on Emerson Drive and Seacord Lane.

Village resident Matthew Versweyveld of 35 Lark Street expressed concerns regarding the commercial business operating on Lark Street. Mr. Versweyveld stated the residents of Lark Street are opposed to this business because this is a residential neighborhood. “This matter was discussed with the prior Administration and the situation has not been rectified. A Petition is being prepared.” Mayor DeVinko indicated the Judge involved in this issue wishes it to be reviewed by the Planning Board, then the Zoning Board of Appeals (Z.B.A.) but due to the moratorium in place in the Village matters have been put on hold.

Trustee Jacaruso explained currently a Village Comprehensive Plan is being worked on, and once the moratorium is lifted changes will occur in the Village Code.

Mr. Versweyveld stated he has videos and pictures of the behavior going on in this location, and he brought this problem to the attention of the Village Building Inspector in the past and present. Mayor DeVinko commented the Village Board will look into this matter.

Village resident Michael Graziano of 3 Lark Street responded this is a major problem, and what is taking the Village Building Department so long to shut the business down since it is against Village Code. Trustee Jacaruso replied it is now a legal matter.

Village resident Sean Hegarty of 4 Belvoir Drive questioned what does it cost the Village to send robo telephone call messages, how much does the Village pay for refuse cans, and what is the amount of revenue received from selling Village water. Mayor DeVinko stated he will obtain these figures and contact Mr. Hegarty.

Mr. Hegarty informed the Village Board that at the pump station on Woodfield Drive a shopping cart was pushed onto the side of the road by the

PUBLIC COMMENT – (CONTINUED):

Contract Company. Also, Decker Drive has two (2) cuts from electric or service lines, and why is it being dug up when a snake can be utilized to go under the road. In addition, Toleman Road and North Street is sinking in different areas. Mayor DeVinko will investigate Mr. Hegarty's concerns.

Shayla Perlesso from Rand Realty explained she is sponsoring an adult networking event for the community, local vendors and business owners. Ms. Perlesso indicated she recently became a member of the Blooming Grove-Washingtonville Chamber of Commerce, and would like to place a banner in E.J. McLaughlin Square to advertise the event. Mayor DeVinko explained that the Village of Washingtonville normally only post banners for volunteer nonprofit organizations, not individual business owners. If the Blooming Grove Chamber of Commerce was to sponsor the event then it would not pose a problem. Trustee Jacaruso stated the event can be posted on the Village social media accounts.

FIREWORKS – JULY 5, 2024 – L. VERNON ALLEN PARK:

The Village Firework Display is scheduled for Friday, July 5, 2024 with a rain date of Saturday, July 6 at L. Vernon Allen Park.

UPDATE – WHOVILLE AND CHRISTMAS PARADE 2024:

Mayor DeVinko stated Whoville and the Christmas Parade will be held on Saturday, December 2, 2024 in the Village of Washingtonville. The Mayor expressed gratitude and thanks to the Events Committee for their dedication in making this event a great success. A follow up recap meeting and planning for next year's Parade will take place with the Committee.

HIGHGROVE ROAD DEDICATION:

The Highgrove Development road dedication is now complete. The Village of Washingtonville Department of Public Works (D.P.W.) is now responsible for plowing and road maintenance. All documentation is filed with Orange County, and the Village received \$85,000 in Recreation fees from Rieger Homes.

BUDGET AUDIT STATUS FOR VILLAGE FISCAL YEAR 2020:

The Mayor indicated all available documents for the Village Budget fiscal year 2020 have been sent to Village Auditing Firm P.K.F. O'Connor Davies.

CENSUS AND BADGER WATER METER DEMONSTRATIONS COMPLETED:

Census and Badger Companies water meter demonstrations with the Village Board have been completed. Each Company will submit a proposal to the Board for review. The Village is changing water meters on a daily basis, and

CENSUS AND BADGER WATER METER DEMONSTRATIONS COMPLETED – (CONTINUED):

the meters have a life span of twenty (20) years. Some Developments have meters that are twenty (20) – thirty (30) years old.

DEMONSTRATION OF THE BADGER SYSTEM FOR RESIDENTS:

A demonstration of the Badger water meter system will be scheduled for residents in January of 2024.

VILLAGE DEPARTMENT HEAD BUDGETS:

The Village Department Head Budgets have been submitted to the Village Board for review.

UPDATE – SEWELL PARK:

Mayor DeVinko commented the Village is waiting for approval regarding plans submitted to New York State and F.E.M.A. to upgrade Sewell Park. Homes cannot be built on this property due to previous flooding in this area.

167 – RESOLUTION - DECLARE THE VILLAGE OF WASHINGTONVILLE LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT – UTILITY POLES:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to declare the Village of Washingtonville Lead Agency under New York State Environmental Quality Review Act (S.E.Q.R.A.) regarding Local Law adding Article V (Utility Poles) to Chapter 260 of the Village of Washingtonville Code; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

168 – RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 9 OF 2023 "ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE CODE REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR REPLACED UTILITY POLES":

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to authorize Local Law number 9 requiring utility companies to remove inactive, broken or replaced utility poles within village boundaries; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstention.

WHEREAS, the Village Board of the Village of Washingtonville, New York ("Village Board") from time to time reviews its laws, rules, and regulations to be certain the same are consistent with all current lawful

**168 – RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 9 OF 2023 –
“ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE
CODE REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR
REPLACED UTILITY POLES” – (CONTINUED):**

practices as well as best practices to protect the health, safety, and welfare of Village residents; and

WHEREAS, the Village Board desires to adopt a Local Law adding Article V (Utility Poles) to chapter 260 of the Village of Washingtonville Code requiring Utility Companies to remove inactive, broken or replaced utility poles within Village boundaries; and

WHEREAS, such introductory Local Law was introduced before the Village Board on November 6, 2023; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on December 4, 2023, wherein public discussion was heard concerning the merits of said Local Law and after hearing from all those present wishing to speak and acknowledging that no written comments had been received, the Village Board declared the Public Hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

- Section 1.**

All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full.
- Section 2.**

The Village Board hereby adopts Local Law entitled, “LOCAL LAW NUMBER 9 OF 2023 ENTITLED LOCAL LAW ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE OF WASHINGTONVILLE CODE REQUIRING UTILITY COMPLANIES TO REMOVE INACTIVE, BROKEN OR REPLACED UTILITY POLES WITHIN VILLAGE BOUNDARIES” as attached hereto as Schedule “A”.
- Section 3.**

The Village Clerk is hereby directed to enter said Local Law into the Minutes of this meeting and in the Local Law book of the Village of Washingtonville, and to give due notice of the adoption of said Local Law.
- Section 4.**

The Mayor and any officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carryout the provisions of the Resolution.
- Section 5.**

This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTENTIONS</u>
Mayor Thomas DeVinko	[X]		
Deputy Mayor Susan Walski	[X]		
Trustee Donna Jacaruso	[X]		
Trustee Steve Presser	[X]		

**168 RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 9 OF 2023 –
“ADDING ARTICLE V (UTILITY POLES) TO CHAPTER 260 OF THE VILLAGE
CODE REQUIRING UTILITY COMPANIES TO REMOVE INACTIVE, BROKEN OR
REPLACED UTILITY POLES – (CONTINUED):**

Trustee Vernon Coleman [X]

Said Resolution passed by a unanimous vote of the Village Board and was thereupon duly adopted. 5 Ayes, 0 Nays, 0 Abstentions.

**169 – RESOLUTION – ADOPTION OF LOCAL LAW NO 10 OF 2023 -
“ESTABLISHING EXPANSION OF RESIDENCY REQUIREMENTS FOR THE
VILLAGE EMPLOYEE-OFFICER MEMBER OF THE VILLAGE BOARD OF ETHICS:**

Trustee Jacaruso made a motion, seconded by Trustee Presser and adopted to authorize Local Law Number 10 Establishing the Expansion of Residency Requirements for Village Employee/Officer Member of the Board of Ethics in the Village of Washingtonville; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

WHEREAS, the Village Board of the Village of Washingtonville, New York (“Village Board”) from time to time reviews its laws, rules, and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Village residents; and

WHEREAS, the Village Board desires to adopt a Local Law to Establish the Residency Requirements for the Village Employee/Officer Member of the Board of Ethics in the Village of Washingtonville; and

WHEREAS, such introductory Local Law was introduced before the Village Board on November 20, 2023; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on December 4, 2023, wherein public discussion was heard concerning the merits of said Local Law and after hearing from all those present wishing to speak and acknowledging that no written comments had been received, the Village Board declared the Public Hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

Section 1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Village Board hereby adopts Local Law entitled, “LOCAL LAW NO. 10 OF 2023 ESTABLISHING THE EXPANSION OF RESIDENCY REQUIREMENTS FOR THE VILLAGE EMPLOYMEEE/OFFICER MEMBER OF THE BOARD OF ETHICS IN THE VILLAGE OF WASHINGTONVILLE” as attached hereto as Schedule “A.”

Section 3. The Village Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Village of Washingtonville, and to give due notice of the adoption of said Local Law.

**169 RESOLUTION – ADOPTION OF LOCAL LAW NUMBER 10 OF 2023 –
“ESTABLISHING EXPANSION OF RESIDENCY REQUIREMENTS FOR VILLAGE
EMPLOYEE-OFFICER MEMBER OF THE BOARD OF ETHICS” – (CONTINUED):**

Section 4. The Mayor and any officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of the Resolution.

Section 5. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on Roll Call, which resulted as follows:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTENTIONS</u>
Mayor Thomas DeVinko	[X]		
Deputy Mayor Susan Walski	[X]		
Trustee Donna Jacaruso	[X]		
Trustee Steve Presser	[X]		
Trustee Vernon Coleman	[X]		

Said Resolution passed by a unanimous vote of the Village Board, and was thereupon duly adopted. 5 Ayes, 0 Nays, 0 Abstentions.

**170 – RESOLUTION - AUTHORIZE MAYOR THOMAS DEVINKO TO SIGN THE
CONTRACT FOR THE FIREWORKS DISPLAY:**

Trustee Coleman made a motion, seconded by Trustee Presser and adopted to authorize Mayor Thomas DeVinko to sign the Contract between July 4 Ever Fireworks Inc., and the Village of Washingtonville regarding the Fireworks Display to be held on Friday, July 5, 2024 at L. Vernon Allen Park at a cost of \$8,900.00; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

**171 – RESOLUTION - AUTHORIZE FEERICK, NUGENT AND MACCARTNEY TO
HANDLE VILLAGE OF WASHINGTONVILLE JUSTICE COURT WORK:**

Deputy Mayor Walski made a motion, seconded by Trustee Presser and adopted to authorize Feerick, Nugent and MacCartney to handle Village of Washingtonville Justice Court work; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

WHEREAS, the Village of Washingtonville, New York (“Village) desires for Village counsel, Feerick Nugent MacCartney PLLC (“Counsel”), to handle a certain Village Justice Court Matter for the Village; and

WHEREAS, Counsel will make all appearances as needed at any scheduled Village Justice Court sessions for the matter.

NOW THEREFORE, BE IT RESOLVED that:

171 – RESOLUTION – AUTHORIZE FEERICK, NUGENT AND MACCARTNEY TO HANDLE VILLAGE OF WASHINGTONVILLE JUSTICE COURT WORK – (CONTINUED):

- Section 1. The above “WHEREAS” clauses are hereby incorporated by reference as though set forth in full herein.
- Section 2. The Village Board hereby authorizes Feerick Nugent MacCartney, PLLC to handle Justice Court and Code Enforcement matters for the Village on an as needed basis at the hourly rate set forth in the Retainer Agreement.
- Section 3. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTENTIONS</u>
Mayor Thomas DeVinko	[X]		
Deputy Mayor Susan Walski	[X]		
Trustee Donna Jacaruso	[X]		
Trustee Steve Presser	[X]		
Trustee Vernon Coleman	[X]		

Said Resolution passed by a unanimous vote of the Village Board, and was thereupon duly adopted.

172 – RESOLUTION - ACQUISITION OF DUMP TRUCK FOR THE VILLAGE DEPARTMENT OF PUBLIC WORKS – (D.P.W.):

Trustee Coleman made a motion, seconded by Deputy Mayor Walski and adopted to authorize the stating of the estimated maximum cost thereof is \$135,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of and not to exceed \$135,000 to finance said appropriation; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

173 – ABSTRACT RESOLUTION - BUDGET TRANSFERS AND AMENDMENTS:

Deputy Mayor Walski made a motion, seconded by Trustee Presser and adopted to authorize Budget transfers and amendments as necessary to affect necessary transfer of funds and to pay Warrants; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

PUBLIC COMMENT:

Village resident Michael Graziano of 3 Lark Street questioned if the water meters have a ten (10) year life span, and how to determine the signs of meter failure. Deputy Mayor Walski explained there are three (3) ways to

PUBLIC COMMENT – (CONTINUED):

tell if a meter is not working. The meter will stop, slow down or flip to numbers that do not make sense.

Audience members asked if the meter displays any indication of low battery, and the Deputy Mayor responded it will be noted in the meter reading books. Currently the Village has four-hundred (400) open tickets regarding meter replacement.

EXECUTIVE SESSION:

Trustee Jacaruso made a motion, seconded by Trustee Coleman and adopted to adjourn the Village Board Regular Meeting, and enter into Executive Session to discuss personnel and contract matters; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESUMPTION OF MEETING:

Trustee Presser made a motion, seconded by Deputy Mayor Walski and adopted to adjourn the Executive Session, and resume the Village Board Regular Meeting; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

ADJOURNMENT:

Trustee Coleman made a motion, seconded by Deputy Mayor Walski and adopted to adjourn the December 4, 2023 Village Board Regular Meeting; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Abstentions.

RESPECTFULLY SUBMITTED,

CHRISTINE SHENKMAN

VILLAGE CLERK