

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 17, 2017
AGENDA**

**Call to Order
Pledge of Allegiance
Roll Call**

1. Introduction by Mayor Newhard.
2. Acceptance of the Minutes of January 3, 2017.
3. Acceptance of Reports: Building (Annual Report), Justice (month of December).
4. Authorization to Pay all Approved and Audited Bills in the Amount of
\$ _____.
5. Police Report.

Discussion:

1. 12 Main Street - request for lot line change.
2. Adopt-A-Street Program – document review.

Privilege of the Floor

(Please limit your comments to five (5) minutes. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials

Motions:

Trustee Cheney's Motions:

1. Motion to approve final payment to Regal Utility Services in the amount of \$24,968.85 for the Spring Street Drainage Improvements as per the Village Engineer's recommendation.
2. Motion to accept from Regal Utility Services a Maintenance Bond in the amount of 100% of the final contract price of \$302,766.64 in lieu of the 5% retainage required by the contractor as per the Village Engineer's recommendation.

3. Motion to advertise to hire a full time laborer at a rate of \$15.00 an hour as per the DPW Supervisor's recommendation.
4. Motion to schedule a Public Hearing for Monday, February 6, 2017 at 7:30 p.m. to consider the improvements to and extension of Orchard Street creating a connection to River Street and the realignment of River Street for the Howe Street Bridge Reconstruction Project.

Trustee Lindberg's Motions:

5. Motion to grant permission to the Warwick American Legion Post #214 to hold their annual Memorial Day Parade on Monday, May 29, 2017 at 11 a.m. as per their letter dated January 1, 2017. The proper insurance has been received.

Trustee Patterson's Motions:

6. Motion to grant permission to the Warwick Valley Chamber of Commerce to hold the Warwick Valley Farmers' Market at the South Street Parking Lot from May 14th through November 19th, 2017. The proper insurance has been received.

Reports:

Trustee Cheney's Report: Liaison to Planning & Zoning, Town of Warwick, Public Works Daily Operations, Engineering and Infrastructure, Green Building Practices/Alternative Energy Options, Citizens Advisory Panel/Jones Chemical, Orange County Planning.

Trustee Lindberg's Report: Liaison to Parks & Recreation, Weekender Bus & Transportation Issues, Traffic and Parking, Liaison to Warwick Fire Department, Safety Committee, Crosswalk & Pedestrian Issues, and Employee Training – Workplace Violence/Sexual Harassment.

Trustee Patterson's Report: Liaison to Merchants, Chamber of Commerce, Tourism, Issues of Public Health, Senior Citizens, Public Interface and Outreach, Government Efficiency, St. Anthony's Community Hospital and Bon Secour, Orange County Department of Health.

Trustee McManus's Report: Liaison to Albert Wisner Library, Warwick Valley Schools, Police, Ethics, Cablevision, Alteva (WVT), Issues of Emergency and Homeland Security, WYDO and Warwick Valley Community Center, Historical Society.

Mayor Newhard's Report

Final Comments from the Floor

Board of Trustee
Village of Warwick
January 17, 2017
Page Three

Final Comments from the Board

Executive Session, if Applicable

Adjournment

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@dddllplaw.com
Fax (845) 294-6553
(Not for Service of Process)

January 9, 2017

Mayor Michael Newhard
Village of Warwick
77 Main Street
PO Box 369
Warwick, New York 10990

RE: 12 Main Street / Request for Lot line Change

Dear Mayor Newhard:

The above captioned matter was referred to me by the Planning Board secretary for advice on the manner in which to respond to the request for a "lot line change" for the subject property.

My investigation reveals the following:

Jay Zeiger, Esq., as attorney for Alfred Nazari, has requested that the Village of Warwick enter into a conveyance of lands identified on a survey drawn by John McGloin to his client. In order to accomplish that conveyance, it is suggested that approval of the Village Planning Board may be required to accomplish the "lot line change." Mr. Zeiger's client does not presently own the subject premises but is rather a contract vendee thereof and the contract is subject to a resolution of the ownership issue presented.

Apparently, the existing building on Main Street has been constructed out to the edge of the sidewalk and encroaches upon lands not included in the deeded title of the present owner. Similarly, the overhang of the existing building encroaches upon other lands alongside of the Wawayanda Creek which are also not presently included in the deeded title of the present owner.

At this time, it is not definitely known who the actual owner of the lands upon which the building encroaches may be but for this discussion it is not important. This is so because

the deed that would be delivered by the Village, should it be so decided, would be a "quitclaim" deed. A quitclaim deed makes no representation that the grantor (the Village in this case) owns the premises, but rather simply conveys whatever that interest may be. It may be none. It may be some. It may be full ownership.

For these purposes a quitclaim deed from the Village will apparently satisfy the ownership concerns of the title company sufficiently that they will insure title to Mr. Zeiger's client. Mr. Zeiger advises that if the Village will convey its ownership of the lands in question, whatever that ownership may be, that Hill N Dale Abstracters will then insure title to his client upon his taking ownership.

If the Village determines it to be in its interest to make the requested conveyance you may wish to request that the current owner, as part of a lot line exchange agreement, in turn agree to convey to the Village that portion of its lands that encroach upon the sidewalk area. You will see that area at the top of the McGloin survey.

If the Village is amenable, I suggest that the Village enter into a lot line exchange agreement with the present owner of the premises in question to make the exchanges referred to herein at their cost. Thereupon, the current owner or, Mr. Zeiger's client with appropriate owner's authorization, should proceed with a Lot Line Change application to the Planning Board pursuant to Section 121 of the Code of the Village of Warwick.

If any other questions remain please feel free to contact the undersigned.

Very truly yours,



ROBERT J. DICKOVER

Enclosure:

cc: Michael Meth, Esq.

KALTER, KAPLAN, ZEIGER & FORMAN

ATTORNEYS AT LAW

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WOODBOURNE, NEW YORK 12788

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47 NORTH MAIN STREET, P.O. Box 186
ELLENVILLE, NEW YORK 12428
TEL. (845) 647-4110
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Email: jkaplan.kkzf@gmail.com

December 21, 2016

RECEIVED

DEC 28 2016

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

Mayor Michael Newhard
Village of Warwick
77 Main Street
PO Box 369
Warwick, New York 10990

RE: 12 Main Street

Dear Mayor Newhard:

In accordance with our recent telephone conversation, I am enclosing the maps that our surveyor prepared in connection with this matter. The first map (the map signed by the surveyor) shows the existing conditions as of today's date. You will note that the building located at 12 Main Street is partially located within the boundaries of land that is now owned by the Village of Warwick. The second map shows the property lot line change recommended by our surveyor, John McGloin (the map shows 2 parcels designated as proposed conveyance area, one of 71.2 square feet and one of 289.3 square feet).

As discussed, my client has entered into a contract to purchase this property, subject to resolving the lot line issues discussed herein and in our telephone conversation.

Please advise if the Village Board would be agreeable to the proposed lot line change and to the conveyance of the two parcels to our client. If so, we will make application to the Village Planning Board to approve the proposed lot line change map.

If you would like me to attend a meeting with the Village Board, please advise me of the date and time.

Please call me if you have any questions.

Thank you for considering this matter.

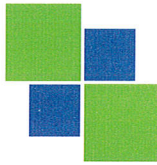
Very truly yours,


JAY L. ZEIGER

JLZ/ma

Enc.

cc: Mr. Alfred Nazari (via e-mail)



LEHMAN & GETZ
CONSULTING ENGINEERS

December 28, 2016

Village of Warwick Board of Trustees
77 Main Street
Warwick, NY 10990

Att: Mayor Michael Newhard

Re: Spring Street Drainage Improvements
Regal Utility Services – Final Payment
L&G #1800.32

Dear Mayor Newhard and Trustees:

Our office performed a final inspection of the construction at the Spring Street Drainage project. The project was completed in substantial accordance with the contract plans and specifications. We have reviewed the Application and Certificate for Payment #3, dated December 13, 2016, submitted by Regal Utility Services, and recommend approval of the requested payment of \$24,968.85.

A maintenance bond for 100% of the final contract price totaling \$302,766.64, has been issued in lieu of the 5% retainage that is required in the contract. The final payment includes the 5% retainage as the maintenance bond covers the 5% retainage required under the contract.

Sincerely,

Lehman & Getz, P.C., Village Engineers
David A. Getz, P.E.

INTEROFFICE MEMORANDUM

TO: MAYOR NEWHARD & THE VILLAGE BOARD
FROM: MIKE MOSER, DPW SUPERVISOR
SUBJECT: DPW LABORER
DATE: JANUARY 13, 2017

Request a motion to advertise to hire a Full Time Laborer at the rate of \$15.00per hour.
This position will fill the open position that was left by Eric Bezares.

Nicholas P. Lesando Jr.

Warwick American Legion
Township Post #214
P.O. Box 491
Warwick, N.Y. 10990
Laura D. Smykla Commander
(845)986-1290

January 1, 2017

Mr. Michael Newhard, Mayor
Village of Warwick
& Village Board Members
77 Main Street
Warwick, NY 10990

SUBJECT: PERMISSION TO HAVE A PARADE ON MAY 29, 2017
IN HONOR OF DEPARTED VETERANS

Dear Mayor Newhard and Village Board Members,

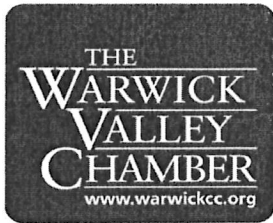
The Nicholas P. Lesando, Jr., Warwick Township Post of the American Legion requests permission to hold a parade in the Village of Warwick on May 29, 2017, starting at 11:00 A.M. and terminating at approximately 12:00 P.M.

The parade route will be as follows: start at 11:00 A.M. from the Village Hall on Main Street, down Main Street to Oakland Avenue, up Oakland Avenue to Warwick Cemetery, where ceremonies will be held. It will then continue to St. Stephen's Cemetery along Galloway Road where ceremonies will be held for our veterans buried there. After the ceremonies, the parade will regroup and go down Forester Avenue to the Firemens Monument for their ceremonies. The parade will end there.

Thank you.

Sincerely,


Laura Smykla
Post Commander



WARWICK VALLEY CHAMBER OF COMMERCE INC.

POST OFFICE BOX 202 • WARWICK, NEW YORK 10990

PHONE: 845-986-2720 • FAX 845-986-6982

WEB ADDRESS: <http://www.warwickcc.org> • E-mail: info@warwickcc.org

December 1, 2016

The Honorable Michael Newhard
Mayor of the Village of Warwick
Village Board of Trustees
77 Main Street
Warwick, New York 10990

Dear Mayor Newhard and Board of Trustees;

The Warwick Valley Chamber of Commerce would like to formally request permission to hold the Warwick Valley Farmers' Market at the South Street Parking Lot for this coming 2017 season.

The season runs from May 14 (Opening Day) through November 19 as in former years. I have requested that Sanford Insurance Company send you the required Certificate of Insurance.

We thank you in advance for all your cooperation over the years with Farmers' Market and look forward to seeing you on Opening Day.

Thank you for your attention to this matter.

Very truly yours,

Michael Johndrow, Executive Director
Warwick Valley Chamber of Commerce