

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
OCTOBER 15, 2018
AGENDA**

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

1. Introduction by Mayor Newhard.
2. Approval of Minutes: October 1, 2018
3. Acceptance of Reports: Clerk's Office (September 2018) & Tax Collection Summary (September 2018), Justice (September 2018), Building (September 2018), Planning Board & ZBA (September 2018).
4. Authorization to pay all approved and audited bills in the amount of \$ _____.
5. Police Report.

Announcement

1. Scare the Mayor - Village residents are invited to try their best to Scare the Mayor for the Village's Second Annual "Scare the Mayor" Contest. This is a contest for the scariest, most frightful, scream worthy Halloween decorated house in the Village of Warwick. To register your home, please contact Village Hall by Friday, October 26. Judging will begin at 7:00 p.m. on October 30, 2018.
1. There is a Halloween curfew for all persons under the age of 18 unless accompanied by a parent or guardian on all Village streets and parks and other public areas in the Village of Warwick between the hours of 8 p.m. on Tuesday, October 30th to 6 a.m. on Wednesday, October 31st, 2018 and again on Wednesday, October 31st from 8 p.m. to 6 a.m. on Thursday, November 1, 2018.
2. The Village of Warwick Recreation Department and the Warwick Lions Club will hold a Halloween Parade on Wednesday, October 31, 2018. Lineup will be at 4:30 p.m. on Church Street and the parade will start at 5 p.m. and proceed down Main Street to Railroad Green where Halloween treats will be handed out, ending in a Costume Contest.
3. Oakland Court, Welling Avenue and Orchard Street west of Elm Street will be closed on Wednesday, October 31, 2018 from 4:00 p.m. to 8:00 p.m.
4. No overnight parking within the Village of Warwick between the hours of 2:00 a.m. and 6:00 a.m. from November 1 until April 1 of the following year.

5. Leaf Pickup – Now that fall is here the Village of Warwick will begin picking up leaves on November 1. Leaves must be placed at the curb in paper bags. The last pickup will be during the week of December 10th. To ensure a final pickup, leaves must be placed at the curb prior to December 10th. Village residents may also bring bagged leaves to the Village Brush Pile which is open every Saturday and Sunday in October and November from 12:00 p.m. to 4:00 p.m.

Presentation

1. Village View Estates

Correspondence

1. Letter from Village Attorney, Stephen Gaba, regarding Village View Estates Special Use Permit Application.
2. Email from Village Attorney, Stephen Gaba, regarding Kennedy Apartments.
3. Letter from Pinsky Law Group regarding the Warwick Fire District fire station demolition and replacement.

Discussion

1. Kennedy Apartments Special Use Permit Application.
2. Water Billing

Privilege of the Floor

(Please limit your comments to **five (5)** minutes. If reading a document, please submit a copy to the Clerk. 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. **Resolution Amending Schedule of Fees In Regard To Fees For Bonus Density Lots In Cluster Development Subdivisions.**

WHEREAS, Village of Warwick Code §145-29 provides that property owners seeking cluster development approval for residential subdivisions may apply to the Village Board for a

special use permit modifying the zoning restrictions on density to permit the creation of bonus lots beyond the number of lots that could otherwise be created in the subdivision; and

WHEREAS, Village of Warwick Code §145-29(D)(4) provides that for each bonus density lot sought by the developer and approved by the Village Board the developer must pay a fee established by the Village Board; and

WHEREAS, the schedule of fees approved by the Village Board currently sets the fee imposed by Code §145-29(D)(4) at \$50,000 per lot; and

WHEREAS, the Village Board commissioned Fairweather Consulting to conduct a study of the additional costs incurred by the Village due to the creation of bonus density lots in order to more accurately establish and set the fee imposed by Code §145-29(D)(4); and

WHEREAS, the results of the said study indicate that the fee imposed by Code §145-29(D)(4) should be set at \$40,000 per bonus density lot; and

WHEREAS, local laws or resolutions setting municipal fees constitute Type II (exempt) actions under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board accepts and adopts the findings set forth in the study conducted by Fairweather Consulting, a copy of which is attached hereto; and
2. That the Village's Schedule of Fees is hereby amended to delete from the subheading "Planning Board Application Fees", the entry reading: "Additional dwelling units as allowed by §145-29, Residential cluster development - \$50,000 per dwelling unit"; and
3. That the Village's Schedule of Fees is hereby amended to add at the end of the fees listed under the subheading "Subdivisions" an entry reading: "Additional dwelling units as allowed by §145-29, Residential cluster development - \$40,000 per dwelling unit paid into the Village's Infrastructure Reserve Fund;

_____ presented the foregoing resolution which was
seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

William Lindberg, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Eileen Patterson, Trustee, voting _____

George McManus, Trustee, voting _____

2. **MOTION** to approve payment of \$102,829.90 to Fred Devens Construction for the New Water Main Valve Project on the Pioneer Farm property per the recommendation of Village Engineer, David Getz.
3. **MOTION** to approve payment #1 in the amount of \$3,850 to EcoVerde, LLC for Odor Control Equipment Procurement.

Trustee Lindberg's Motions:

4. **MOTION** for the Village of Warwick to adopt the Sexual Harassment Policy for All Employers in New York State effective October 15, 2018.
5. **MOTION** to grant permission to the Warwick Fire Department to use Veterans Memorial Park for the OCVFA Flag Raising/Memorial Service from 8:00 a.m. to 11:00 a.m. on September 22, 2019. Completed park permit, and proof of proper insurance has been received. Security deposit has been waived.
6. **MOTION** to grant permission to the Warwick Fire Department to use Veterans Memorial Park for the annual 9/11 Memorial Service on September 11, 2019 at from 5:00 p.m. to 7:00 p.m. Completed park permit, and proof of proper insurance has been received. Security deposit has been waived.

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 Awareness 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 Community Hospital, Bon Secour, and Orange County Department of Health.

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

Mayor Newhard's Report

Final Comments from the Floor

Final Comments from the Board

Executive Session, if applicable

Adjournment

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Emily R. Worden
Judith A. Waye

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

October 9, 2018

ATTN: MICHAEL NEWHARD, MAYOR
Village Board
Village of Warwick
77 Main Street – P.O. Box 369
Warwick, New York 10990

Re: Village View Estates – Special Use Permit
Our File No.: 14562-68970.09

Dear Mayor Newhard and Board Members:

Village View Estates, LLC, (hereinafter "VVE") owns approximately 21 acres of land on Woodside Drive and Locust Street in the Village of Warwick. In 2017, VVE submitted an application to the Village's Planning Board seeking approval of a cluster development subdivision on the property with a yield plan of 28 lots. VVE has also submitted an application to the Village Board seeking a special use permit approving 17 bonus density lots for its proposed cluster subdivision (i.e., bringing the total number of lots/dwelling units to 45). Kindly accept the following as my report letter on the requested special use permit for the density bonus lots.

If the Town Board has not already done so, it is my recommendation that an escrow amount for processing the special use permit application be set at \$2,500.

VVE's application is subject to review under the State Environmental Quality Review Act ("SEQRA"). In August of 2017, the Village Planning Board circulated a notice to act as lead agency in a coordinated SEQRA review on the project. The Planning Board has issued a positive declaration on the project and SEQRA review is still ongoing. The Village Board may, if it wishes to do so, process the application up to the point of making a decision on it, but it cannot take action until SEQRA review has been completed by the Planning Board.

Village Code §145-29(D)(4) authorizes the Village Board to grant a special use permit approving bonus density lots in cluster development subdivisions subject to payment of a fee of \$50,000 per lot. Village Code §145-120 and §145-161 govern the procedure for special use permit applications.

Village Code §145-161 provides that when an application for a special use permit is made to the Village Board, the applicant must simultaneously submit an application for site plan approval to the Planning Board and that the Planning Board is to submit the site plan application to the AHDRB for review and comment. So, at some point, the Town Board should solicit comments on the special use permit from the planning board and the AHDRB.

Under Village Code §145-161, the Village Board is to schedule and hold a public hearing on the special use permit application within 62 days after receipt of a complete application for a special use permit. However, the Code does not include any provision for a default approval, so the 62 day period prescribed by the Code is not a "hard" deadline. In light of the fact that SEQRA is not complete and that a number of issues remain to be vetted by the Planning Board, it is my recommendation that a public hearing on the special use permit for bonus density lots not be scheduled at this time.

When the Village Board eventually does schedule a public hearing, notice must be published and mailed as per the provisions of the Village Code. After holding and closing the public hearing, and completing SEQRA review, the Village Board has 62 days to vote upon the application for a special use permit. However, again, there is no default provision in the Code, so if the Village Board fails to act within 62 days the only potential consequence is that the applicant could bring an Article 78 proceeding to compel the Village Board to render its decision.

The criteria for granting or denying applications for special use permits for density bonus lots is the general criteria set forth in Village Code §145-120. These include considerations such as whether the proposed additional lots will be in harmony with the appropriate and orderly development of the district and/or neighboring properties; whether the proposed location, size and layout of the subdivision with the proposed bonus lots is satisfactory from a planning, engineering and traffic safety standpoint; and whether the proposed bonus lots will require additional public facilities or services such as would create fiscal burdens upon the Village.

If you have any questions or comments feel free to contact me.

Very truly yours,



STEPHEN J. GABA

SJG/694501

RECEIVED

OCT 10 2018

DRAKE LOEB ^{PC}

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

Raina Abramson

From: Stephen Gaba <sgaba@drakeloeb.com>
Sent: Wednesday, October 10, 2018 5:07 PM
To: Raina Abramson; Michael Newhard
Cc: Elaine Vigorito
Subject: RE: Kennedy Apartments
Attachments: Kennedy Apts SUP Approval Resolution.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Raina,

Attached is the draft approval resolution on the Kennedy Apartments SUP application. Two things about it: (1) the VB cannot act on it until the PB completes SEQRA review which, I believe, will occur on Oct 18th; and (2) I wasn't really sure what findings the VB wished to make or if it wanted to impose any conditions, so I just inserted some generic findings and left the conditions section blank – so, the VB will want to review the draft before the meeting and to discuss the terms of the draft at the meeting before taking any action. It might be a good idea to add it to the 10/15 agenda as a discussion only item and to circulate the draft to the VB members.

If you have any questions or comments let me know.

- Steve

Stephen J. Gaba, Esq.
Member

DRAKE LOEB P.L.C.
ATTORNEYS AT LAW

555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553

Tel. (845) 458-7310
Fax (845) 458-7311
www.drakeloeb.com

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Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.

From: Raina Abramson [mailto:clerk@villageofwarwick.org]
Sent: Wednesday, October 03, 2018 11:01 AM
To: Stephen Gaba
Cc: Elaine Vigorito
Subject: Kennedy Apartments

FOR DISCUSSION

Resolution Granting Special Use Permit For The Proposed Kennedy Apartments Development Project.

WHEREAS, Robert Kennedy, on behalf of Kennedy Companies, Inc., has submitted an application to the Village Board for a special use permit pursuant to Village Code §145-120 and §145-127 to construct a multiple dwelling; and

WHEREAS, the subject property is located at 77 Forester Avenue in the Village of Warwick and is zoned Residential ("R");

WHEREAS, a public hearing was held upon the application on September 17, 2018 and on October 1, 2018, at which time the public hearing was closed; and

WHEREAS, it appears from the information and materials before the Village Board that the applicant proposes to construct a 40-unit apartment building on a lot of approximately 97,574 square feet; and

WHEREAS, the Village of Warwick Planning Board, as lead agency SEQRA review of the project, has issued a negative declaration; and

WHEREAS, all required referrals on the application have been made and responses have been received;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby makes the following findings on the application herein for a special use permit:

(A.) The location, size and character of the proposed apartment building will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the site or adjacent properties. The project site is zoned for residential development. The applicant proposes to construct the apartment building in what is currently a

parking lot area of the existing Mechanical Rubber building that fronts on Forester Avenue. The construction of residential development in relatively close proximity to a commercial use is, in this instance, acceptable as a transitional lot. Particularly, the proposed development of the project site as a multiple residence will serve as a buffer of sorts and provide an appropriate transition from the Mechanical Rubber building to less intense uses.

(B.) The site layout of the apartment building and its relation to access streets is safe and suitable for both pedestrian and vehicular traffic. The Planning Board has reviewed the site plan and has found that the street layout is acceptable and poses no significant danger to pedestrian or vehicular traffic.

(C.) The site plan for the proposed apartment building, including the location and height of buildings, walls and fences and the proposed landscaping will not hinder or discourage the development and use of adjacent land and buildings. The Planning Board has reviewed the proposed site plan and reports that it does not pose any significant concerns in regard to the development and use of adjacent land and buildings.

(D.) The proposed apartment building will not create an undue fiscal burden on the Village in regard to public facilities or services. No doubt the addition of forty apartments will impose an additional burden on the Village in regard to the cost of municipal services. However, the Village is need of the type of housing proposed by this development and, therefore, finds that the fiscal burden will not be undue.

2. That the Village Board hereby grants the requested special use permit subject to the following conditions:

(A.) Compliance with the provisions of Village Code §145-127, provided, however, that the Zoning Board of Appeals may, upon an appropriate showing, grant variances from the requirements set forth therein;

- (B.) That the property owner shall be required to provide Village Officials with access to the property upon reasonable notice for inspection to determine compliance with the terms and conditions of any and all permits issued for the property by the Village;
- (C.) Payment of all fees, costs and expenses due and owing to the Village for inspections, review, approval and issuance, land use approvals granted for the property.
- (D.) *[Here add any additional standards, conditions and requirements the Village Board wishes to impose].*

_____ presented the foregoing resolution which was seconded
by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	_____
William Lindberg, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____
Eileen Patterson, Trustee, voting	_____
George McManus, Trustee, voting	_____

PINSKY

LAW GROUP, PLLC

5789 Widewaters Pkwy
Syracuse, New York 13214
(315) 428-8345
(315) 475-8230 (fax)

Bradley M. Pinsky, Esq.
David B. Garwood, Esq.

Nicole C. Brown, Paralegal
Natasha N. Falter, Paralegal

October 8, 2018

NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1750

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

Town of Warwick
132 Kings Highway
Warwick, New York 10990

Orange County Department of Planning
1887 County Building
124 Main Street
Goshen, New York 10924

**Re: Warwick Fire District, Village of Warwick, Orange County
Fire Station demolition and replacement**

To whom it may concern:

Please be advised that the Warwick Fire District, Village of Waterford, Orange County, proposes to demolish an existing firehouse and construct a replacement firehouse on a parcel of land: being parcel number 215-1-1.13 (132 South Street Extension, Warwick, New York) which consists of .94 acres of land, and which will disturb up to .04 acres of land on an adjacent parcel.

The Fire District has designated this as an unlisted action.

Please take notice that Fire District proposes that the Fire District serve as lead agency for the project, although the Fire District plans to coordinate with the New York State Department of Environmental

Conservation regarding issues pertaining to wetland disturbance along with the potential presence of bog turtles and Indiana bats or their habitats.

Should you agree with or dispute this proposal, please provide us confirmation in writing to that fact. Providing a "no objection" letter, sooner than the 30 day deadline, will assist the Fire District with moving the project forward in a more timely fashion. The Fire District also requests all other involved agencies to state their interests and concerns regarding selection of lead agency and the potential impacts of the overall action. **The failure to respond within 30 days of the date of the letter will be interpreted as your agency having no interest in the choice of lead agency and having no comments on the action at this time.**

Enclosed please find a copy of the completed short environmental assessment form (EAF). Also please find a location and plan map showing the site and general layout of the proposed action. Finally, enclosed are the basic schematic drawings of the proposed construction.

Should you have any questions, please advise our office.

Very truly yours,

PINSKY LAW GROUP, PLLC

By:



David B. Garwood, Esq.

cc: Warwick Fire District

RECEIVED

OCT 11 2018

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

Short Environmental Assessment Form

Part 1 - Project Information

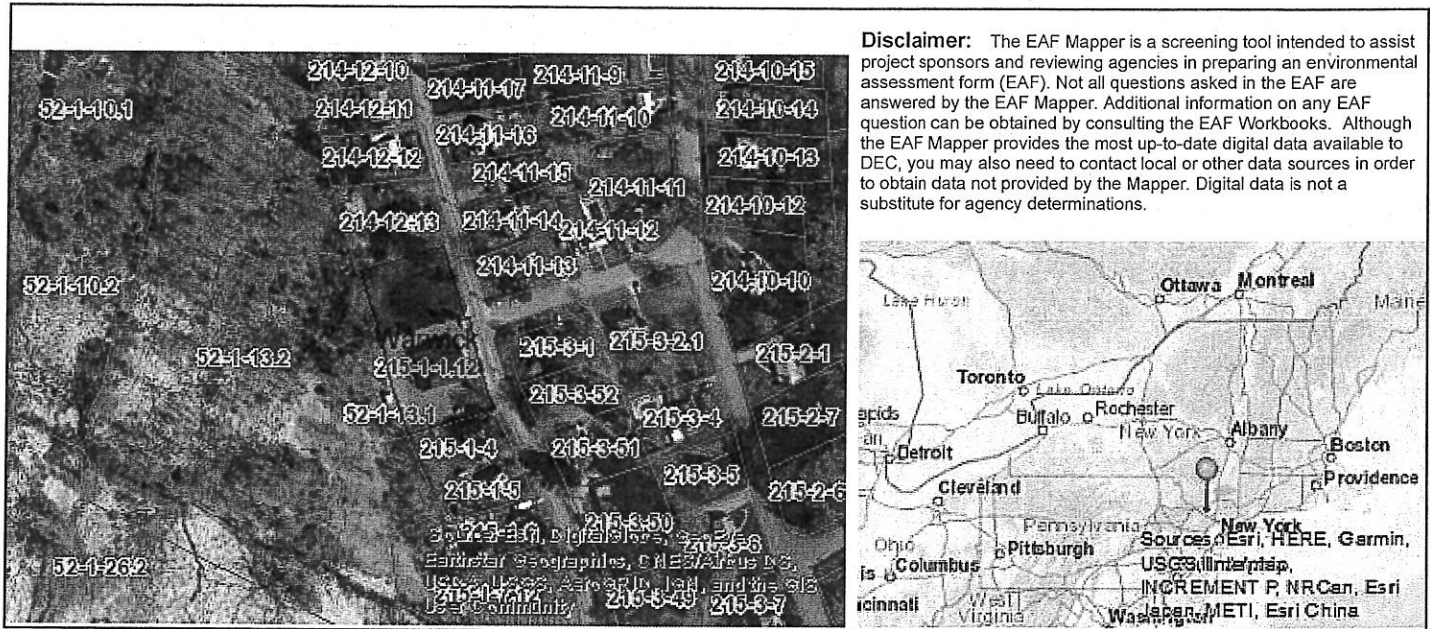
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

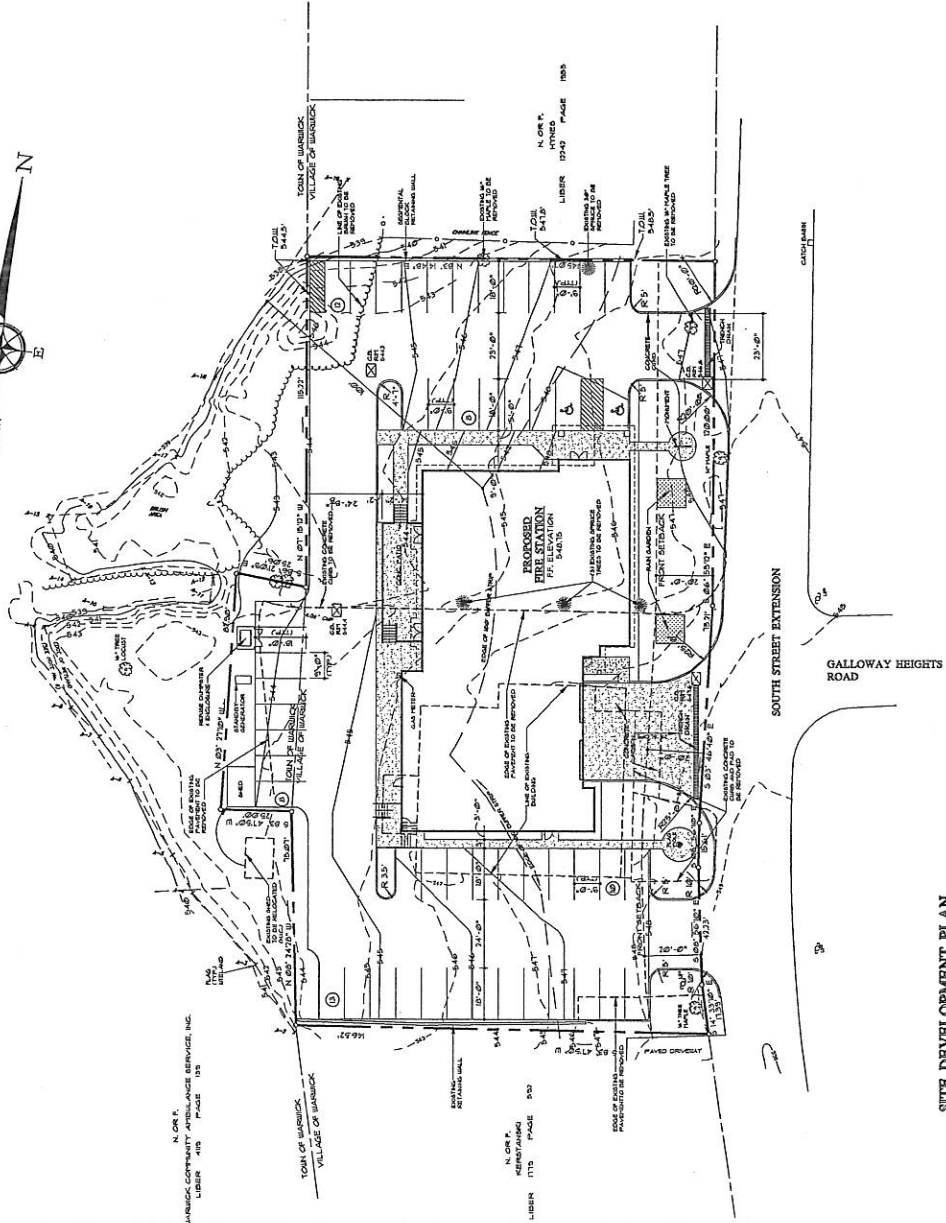
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Warwick Fire District							
Name of Action or Project: Station 3 Replacement							
Project Location (describe, and attach a location map): 132 South Street Ext., Warwick, New York 10990; Village of Warwick; Orange County							
Brief Description of Proposed Action: Demolition of existing fire station, Construction of new fire station in new location on lot, & Expansion of existing parking area							
Name of Applicant or Sponsor: Warwick Fire District		Telephone: (845) 986-3473					
		E-Mail: wfdbusiness@gmail.com					
Address: PO Box 421							
City/PO: Warwick		State: New York	Zip Code: 10990				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDEC - wetland disturbance permit; Town Highway Department - entrance; Town Planning Board - Site Plan approval			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		±0.94 acres					
b. Total acreage to be physically disturbed?		±0.98 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		±0.94 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Wetland <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
NYSDEC Wetland GR-2: ±500 s.f. dredging to remove accumulated sediment in the wetland channel at the existing culvert outlet. ±0.5 acres of buffer disturbance (including redevelopment of existing improved areas)			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional			
<input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
Bog Turtle, Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,			
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		
If Yes, briefly describe: _____			
Runoff will be conveyed to the existing drainage course tributary to the off-site NYSDEC wetland located to the west of the site. The existing storm sewer (pipe & catch basins) will be redirected through the site to accommodate the proposed building expansion. The storm sewer improvements will connect to the existing culvert, the outlet discharge point will remain the same.			



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bog Turtle, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



N. OR P.
WARBUCK CONTINENTAL SERVICE, INC.
LIBER 415 PAGE 125

N. OR P.
REINSTATEMENT
LIBER 1715 PAGE 910

SITE DEVELOPMENT PLAN

TOTAL PARKING = 51 SPACES

CALL BEFORE YOU DIG!!
NEW YORK INDUSTRIAL CODE REQUIRES
2 WORKING DAYS NOTICE BEFORE ANY
UNDERGROUND UTILITIES CALL CENTER
811

**PROPOSED
SITE DEVELOPMENT PLAN**

NEW YORK STATE
WARBUCK FIRE DISTRICT
SOUTH STREET EXTENSION
VILLAGE OF WARBUCK, NEW YORK

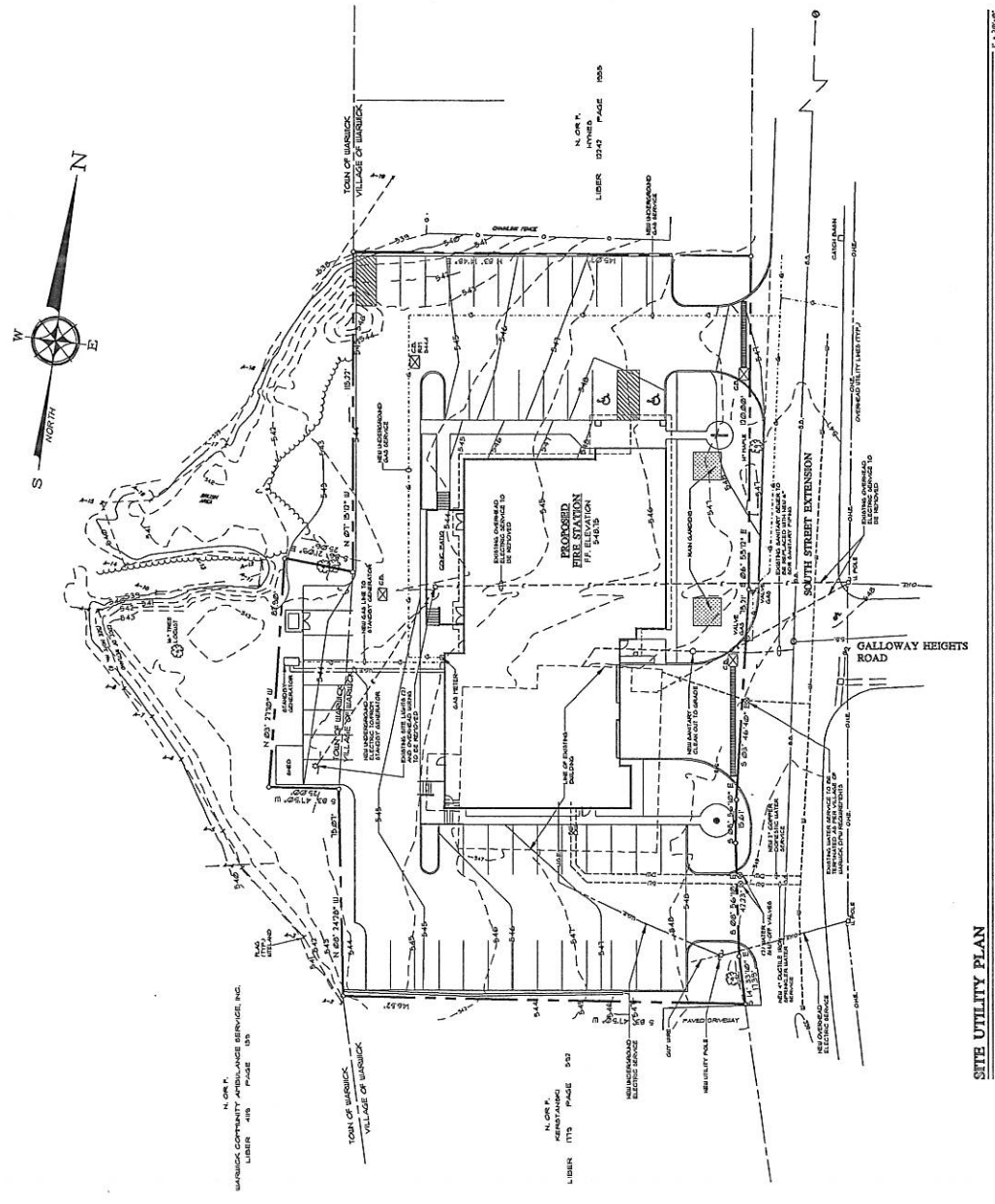


**CIRILLO
ARCHITECTS, P.C.**
200 CLOVER DRIVE
MADISON, N.Y. 10540
PHONE NO. 845-344-4300
FAX NO. 845-344-4351
E-MAIL: pc@cirilloarchitects.com

PROJECT NORTH

DATE	3-27-17	SHEET NO.	SP-1
PROJECT	WARBUCK FIRE DISTRICT	DATE	3-27-17
BY	PC	DATE	3-27-17
CHKD BY	PC	DATE	3-27-17
APP'D BY	PC	DATE	3-27-17

LEGEND	
— CS —	SEWAGE SANITARY LINE
— WT —	WATER MAIN
— TW —	NEW 4" DUCTILE IRON TANGIPAL
— OHE —	OVERHEAD ELECTRICAL SERVICE
— UGE —	NEW UNDERGROUND ELECTRICAL SERVICE
— G —	AND/OR COMMUNICATION CONDUITS
— RL —	MUNICIPAL GAS SERVICE PIPING
— RL —	ROOF LEADER DRAIN PIPING
— RL —	ROOF LEADER
— RL —	WATER VALVE AND CARG BOX
— RL —	UTILITY POLE
— RL —	CLEAN OUT TO GRADE



SITE UTILITY PLAN

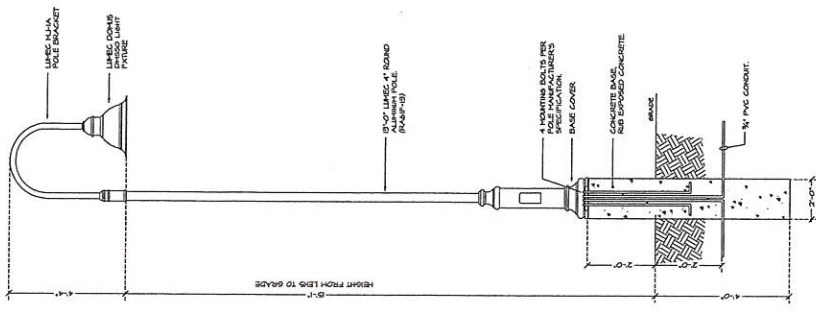
CALL BEFORE YOU DIG!!
 NEW YORK INDUSTRIAL CODE REQUIRES
 2 WORKING DAYS ADVANCE NOTICE
 BEFORE ANY EXCAVATION OR
 UNDERGROUND UTILITIES CALL CENTER
 811

1001 NEW BRIDGE ROAD
 WARWICK FIRE DISTRICT
 SOUTH STREET EXTENSION
 VILLAGE OF WARWICK, NEW YORK

CIRILLO
 ARCHITECTS, P.C.
 20 COUNTRY STREET
 WARWICK, NY 10940
 PHONE NO. 845-344-1811
 FAX NO. 845-344-1851
 E-MAIL: pcirillo@cirilloarchitects.com

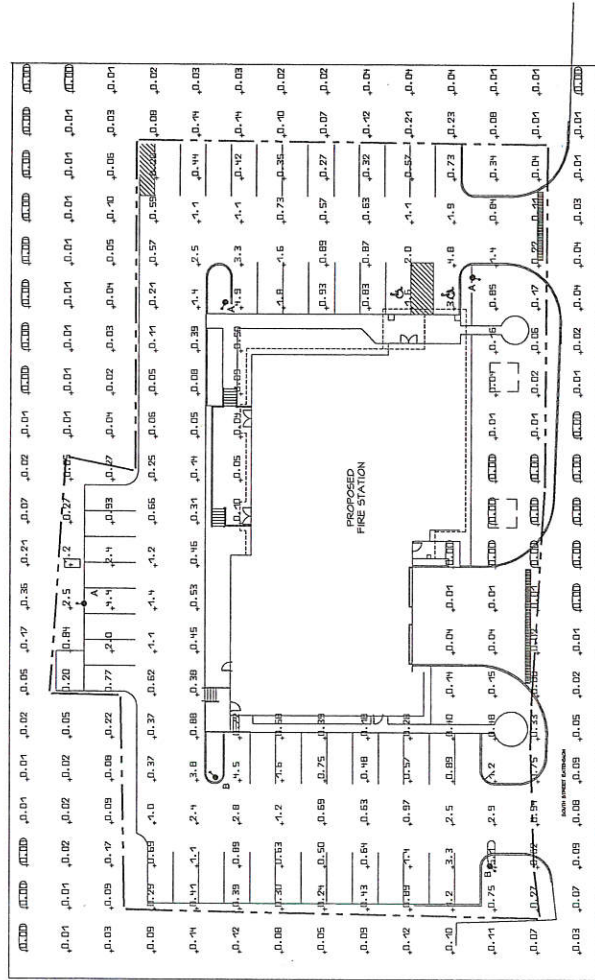
PROJECT NORTH

SITE UTILITY PLAN	
SHEET NO. 811	PROJECT NO. SP-2
DATE 2	OF 13



POLE MOUNT LIGHT DETAIL

NOT TO SCALE



PROJECT NORTH

SITE LIGHTING

SCALE 1" = 20'-0"

ELECTRICAL FIXTURE SCHEDULE					
DESCRIPTION	MANUFACTURER	CATALOG #	SOURCE	LUMENS	WATTS
1. A	LUXE	DP500-100-100-100-100-100	LED	7000	70
2. B	LUXE	DP500-100-100-100-100-100	LED	6000	60

UNAPPROVED ADDITION OR ALTERATION OF THE PLAN
 THIS DOCUMENT IS THE PROPERTY OF THE CITY OF NEW YORK
 STATE ENGINEERING LAW

GERARD ASSOCIATES
 CONSULTING ENGINEERS, P.C.
 100 WEST 17TH STREET
 NEW YORK, NY 10011
 TEL: 800-333-1337 FAX: 800-333-1337
 WWW.GERARDASSOCIATES.COM

UNAPPROVED ADDITION OR ALTERATION OF THE PLAN
 THIS DOCUMENT IS THE PROPERTY OF THE CITY OF NEW YORK
 STATE ENGINEERING LAW

CIRILLO ARCHITECTS, P.C.
 100 WEST 17TH STREET
 NEW YORK, NY 10011
 TEL: 800-333-1337 FAX: 800-333-1337
 WWW.CIRILLOARCHITECTS.COM

SITE LIGHTING PLAN			
DATE	DATE	DATE	DATE
2011.11.11	2011.11.11	2011.11.11	2011.11.11
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
SP-3	SP-3	SP-3	SP-3
DATE	DATE	DATE	DATE
3	3	3	3

[illegible]



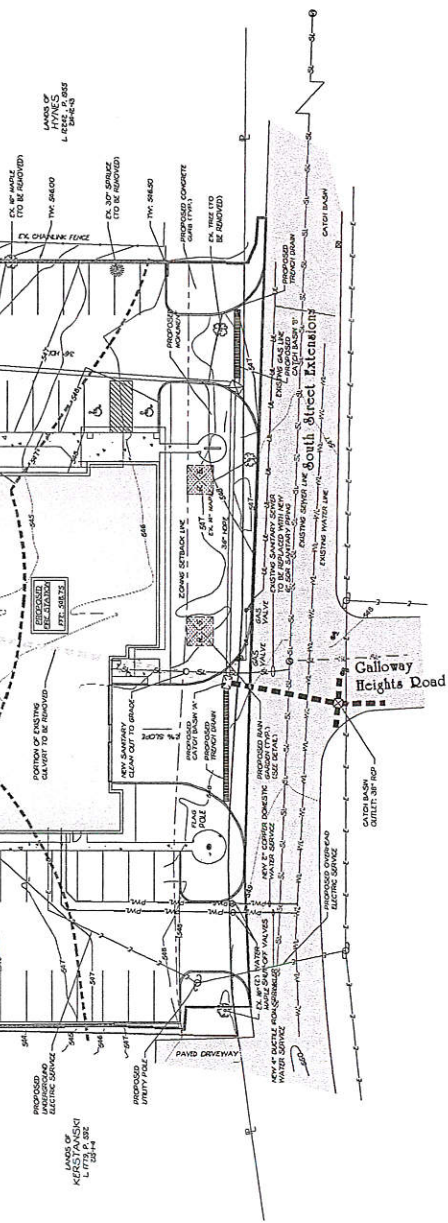
WARWICK COMMUNITY AMBULANCE
SOUTH STREET
L 1779.4.302
S 1779.4.302

NYSDOT Wetland CD-2

Town of Warwick
Village of Warwick

Town of Warwick
Village of Warwick

LANDS OF
KURSTANSKI
L 1779.4.302
S 1779.4.302



GRAPHIC SCALE
1 inch = 20 feet
1/8" = 5 feet
1/4" = 10 feet
1/2" = 20 feet
3/4" = 30 feet
1" = 40 feet

NOTES:
1. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE ENGINEERING CONSTRUCTION CODES AND THE LATEST EDITIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.

NO.	DATE	BY	REVISION
1	11/11/11	W. J. KURSTANSKI	ISSUED FOR PERMIT
2	11/11/11	W. J. KURSTANSKI	REVISED
3	11/11/11	W. J. KURSTANSKI	REVISED
4	11/11/11	W. J. KURSTANSKI	REVISED
5	11/11/11	W. J. KURSTANSKI	REVISED

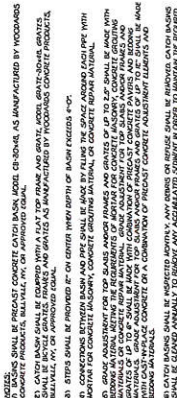
Site Plan
for
Warwick Fire District

Architects, P.C.
Architects, P.C.
1000 ROUTE 9
PO BOX 1000
MONTICELLO, NY 12548
TEL: 518-537-1111
FAX: 518-537-1112
WWW.ARC-PC.COM

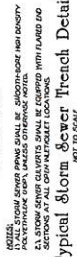
NEW FIRE STATION FOR
WARWICK FIRE DISTRICT
SOUTH STREET EXTENSION
VILLAGE OF WARWICK, NEW YORK

PROPOSED SITE DRAINAGE PLAN

DATE: 11-11-11
SCALE: 1" = 20'
SHEET: 5
OF: 13



NOT TO SCALE

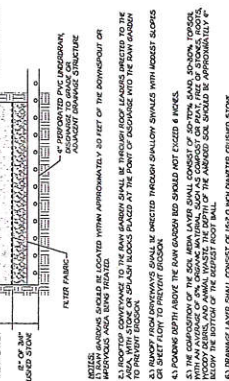


Typical Storm Sewer Trench Detail

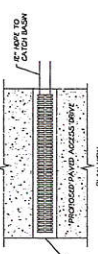


Wetland Ditch Improvement Detail

BASIN	WIDTH (IN)	LENGTH (L)	SLAP (S)
A	36"	48"	18"
B	36"	48"	18"
C	36"	48"	18"
D	60"	60"	36"

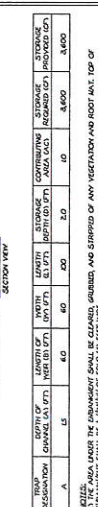


NOT TO SCALE

[illegible][illegible]

PLAN VIEW

TYPICAL TRENCH DRAIN DETAIL



NOT TO SCALE



Bilt Fence Detail

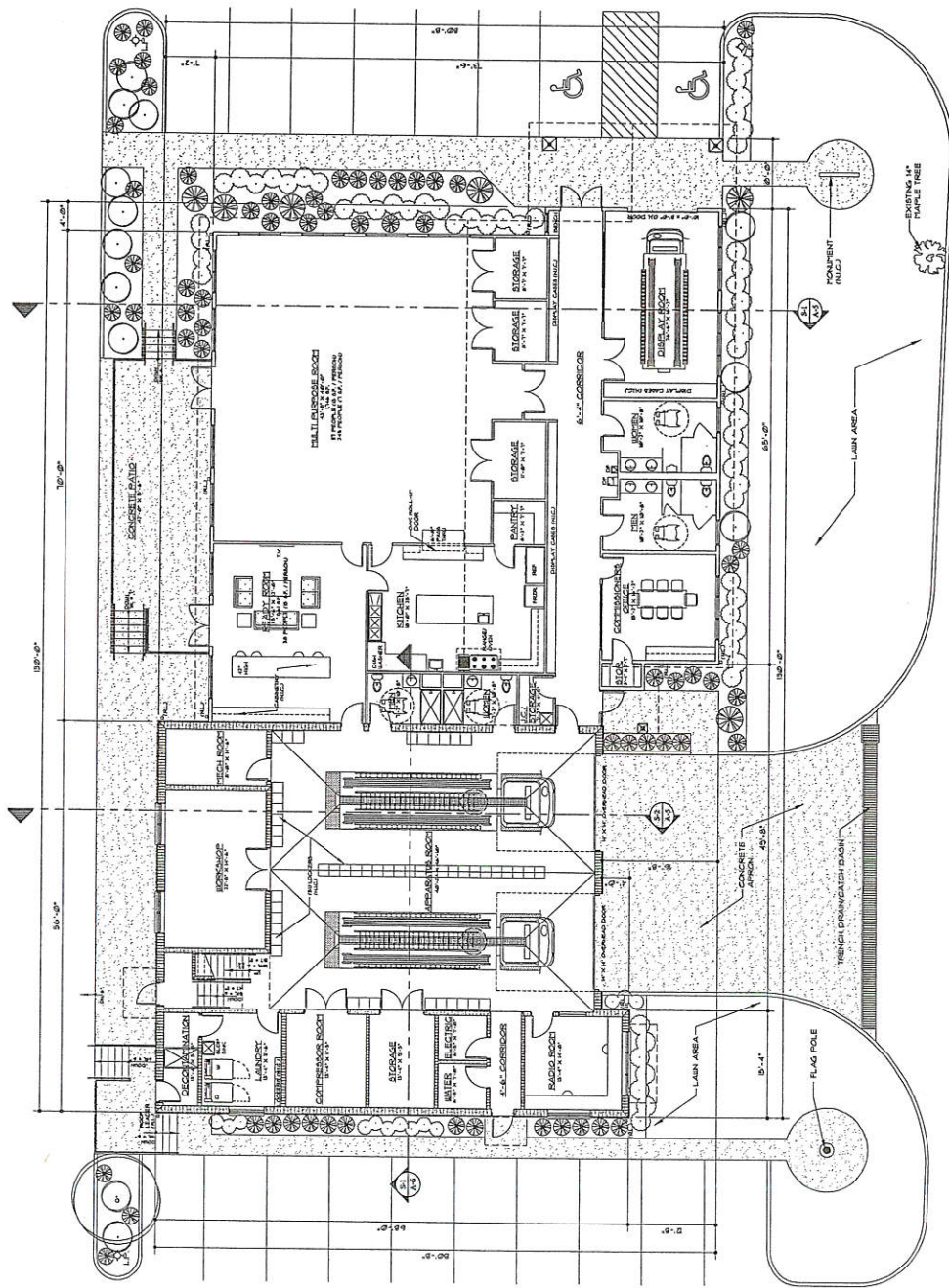
NEW YORK STATION FOR:
WARWICK FIRE DISTRICT
 SOUTH STREET EXTENSION
 VILLAGE OF WARWICK, NEW YORK

Detail Sheet
for
Warwick Fire District

Mercurio Norton, Town of Marshall
PO BOX 1045 43 MAIN STREET FINE MAINE, ME 13546

[illegible]

Typical Trench Drain Detail
NOT TO SCALE



MAIN LEVEL FLOOR PLAN

\$765 GROSS SF
SCALE: 1/8" = 1'-0"

NEW FIRE STATION FOR
WARWICK FIRE DISTRICT
SOUTH STREET EXTENSION

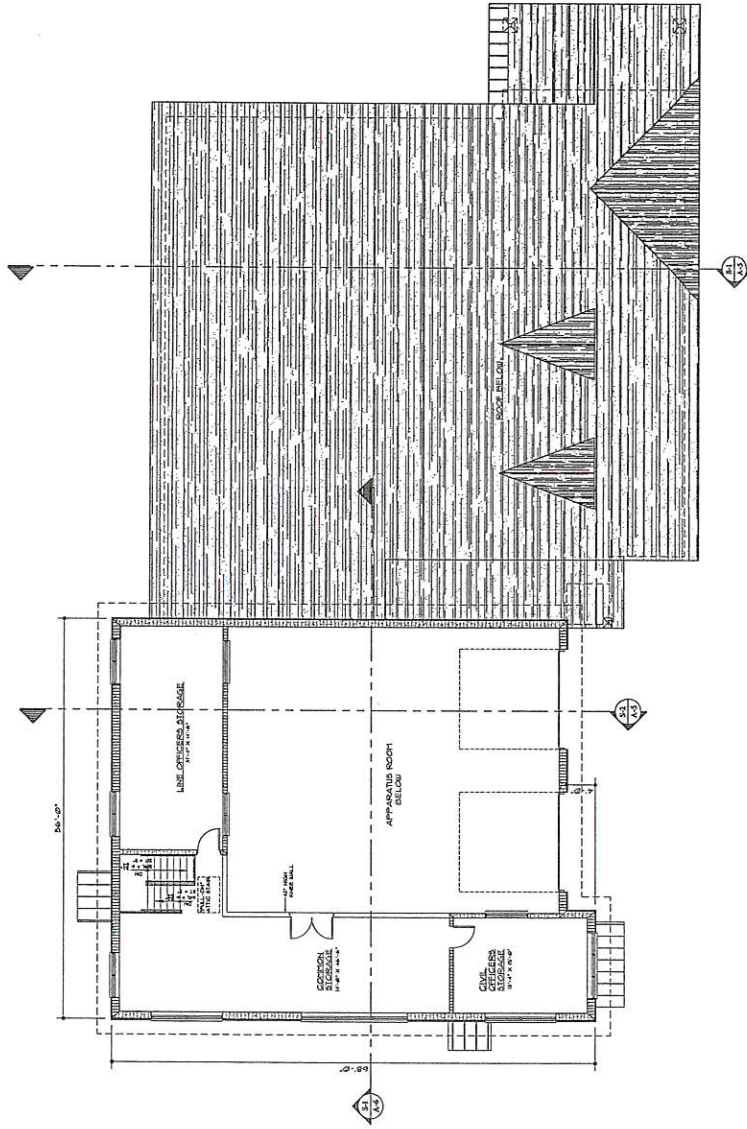
CIRILLO
ARCHITECTS, P.C.
516 COURTLAND STREET
WARWICK, RI 02894
PHONE: 401-344-1800
FAX: 401-344-1801
WWW.CIRILLOARCHITECTS.COM

DATE: 5-27-11
DRAWN BY: JAC
CHECKED BY: JAC
DATE: 8-13

SHEET NO. A-1 OF 13

MAIN LEVEL FLOOR PLAN

PROJECT NORTH

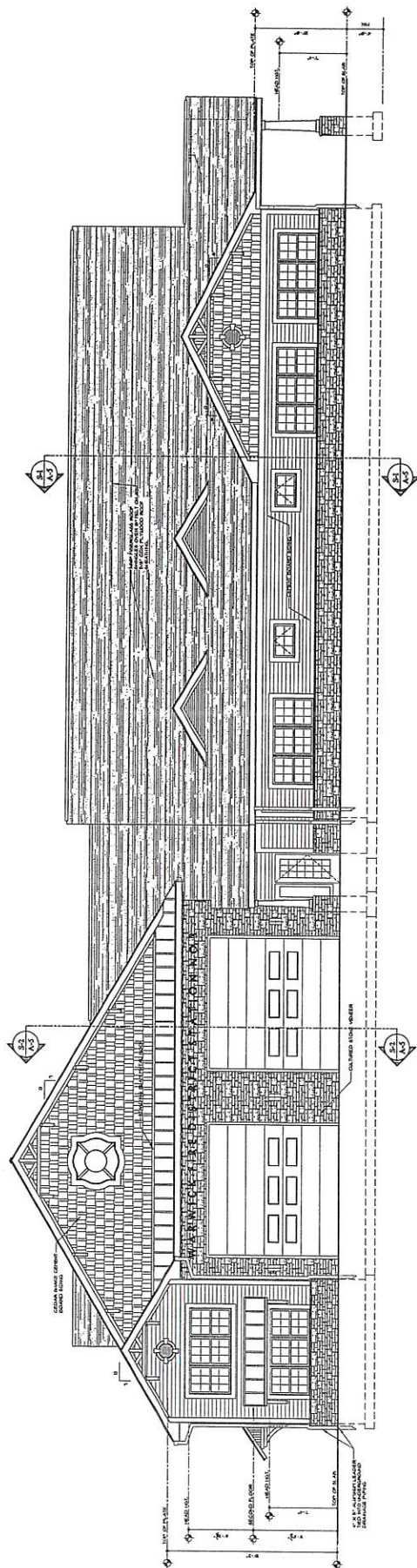


SECOND LEVEL FLOOR PLAN
1/8" = 1'-0" SEE CROSS SECT.
SCALE: 1/8" = 1'-0"

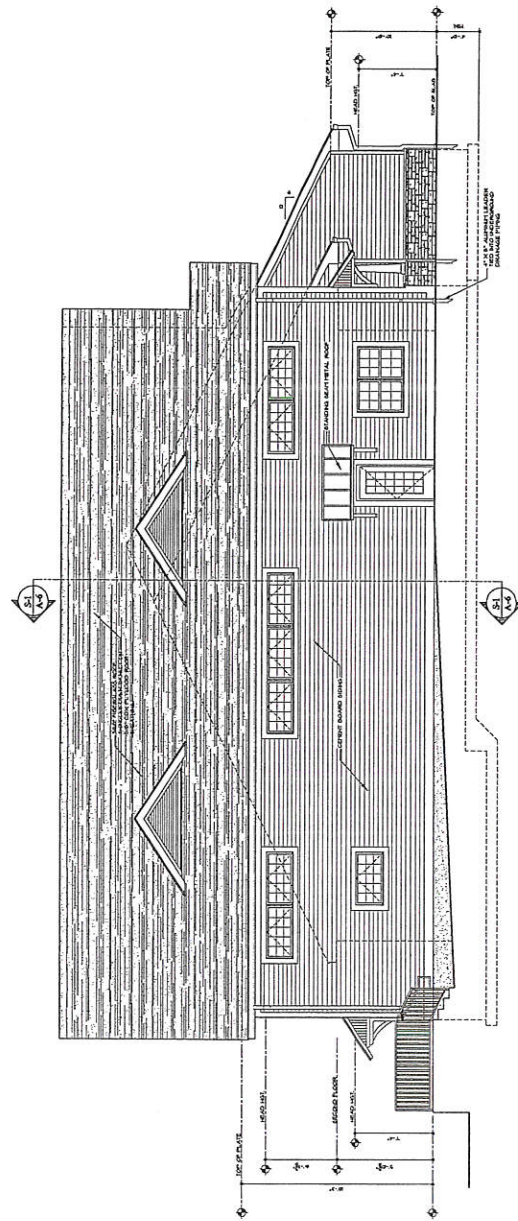
PROJECT LOCATION:
WILMINGTON FIRE DISTRICT
 SOUTH STREET EXTENSION
 VILLAGE OF WILMINGTON, NEW YORK

SECOND LEVEL FLOOR PLAN
 SHEET NO. **A-2**
 OF **9**
 DATE **9-27-17**
 DRAWN BY **P.A.C.**
 CHECKED BY **P.A.C.**
 PROJECT NORTH

CIRILLO
ARCHITECTS, P.C.
 100 CLOVERDALE AVENUE
 WILMINGTON, N.Y. 10810
 PHONE: 845-344-1800
 FAX: 845-344-1800
 E-MAIL: pc@cirilloarchitects.com



FRONT ELEVATION



LEFT SIDE ELEVATION

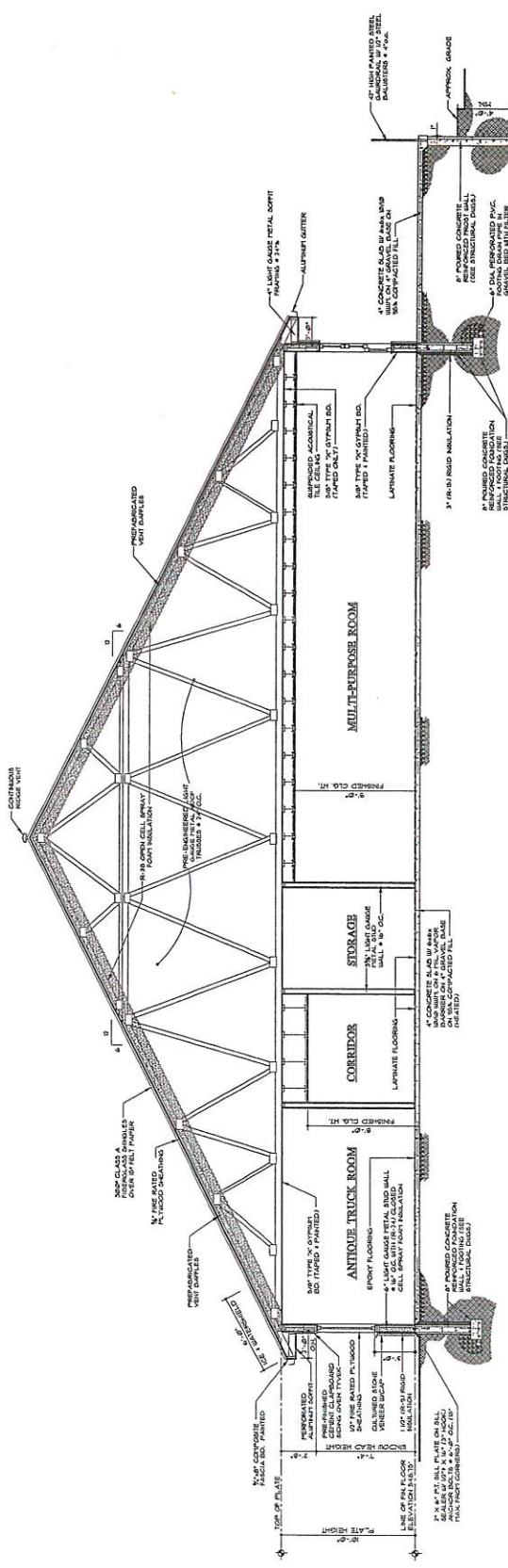
238

NEW FIRE STATION FOR
WARWICK FIRE DISTRICT
SOUTH STREET EXTENSION
VILL.

ST
VILLAGE OF ELARUCK, NEW YORK

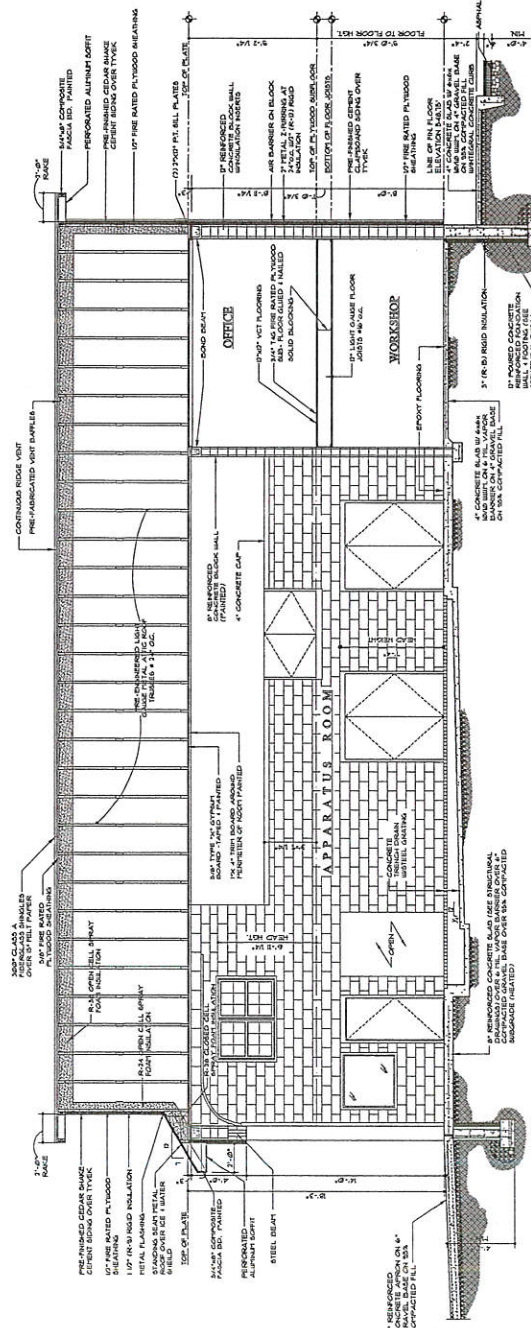
EXTERIOR ELEVATIONS

CIRILLO ARCHITECTS, P.C.		SIX COURTLAND STREET HICKLESTOWN, N.Y. 10040 TEL. 845-344-1451 FAX NO. 845-344-1451 E-MAIL pc@cirilloarchitects.com	
DATE 02/27/04	PROJECT NO. 020404	SHEET NO. A-3	TOTAL SHEETS 13
DRAWN BY C.A.C.		CHECKED BY G.P.	



BUILDING SECTION
S-1
A-5

SCALE: 1/4" = 1'-0"



BUILDING SECTION
S-2
A-5

SCALE: 1/4" = 1'-0"

BUILDING SECTIONS

100 WEST 100TH STREET
WARWICK FIRE DISTRICT
SOUTH STREET EXTENSION
VILLAGE OF WARWICK, NEW YORK

CIRILLO ARCHITECTS, P.C.
200 WEST 100TH STREET
ARLINGTON, N.Y. 10940
PHONE: 516-334-1111
FAX: 516-334-1111
E-MAIL: pc@cirilloarchitects.com

DATE	9-27-11	SHEET NO.	A-5
PROJECT	WARWICK FIRE DISTRICT	DATE	12
DESIGNER	CIRILLO ARCHITECTS, P.C.	DATE	13

FAIRWEATHER CONSULTING

124 MAIN STREET, SUITE 2
NEW PALTZ, NY 12561
PHONE: 845-255-0611
FAIRWEATHERCONSULTING.COM

STRATEGIC SOLUTIONS FOR:
LOCAL ECONOMIES
NOT-FOR-PROFIT ORGANIZATIONS
HIGHER EDUCATION

TO: Mayor Newhard

FROM: Peter Fairweather

DATE: September 18, 2018

SUBJECT: Final draft of letter on analysis of the fiscal impact of unanticipated density associated with the Village cluster provisions

Pursuant to our discussion of my draft report letter dated August 28, 2018, I have undertaken further review of the calculations for the fiscal impact of so-called bonus lots allowed under the Village's cluster subdivision regulations. The further review disclosed that it would be appropriate to revise the figure listed in Table 1 for "Other Services" and, concomitantly, to adjust the figure listed for the realistic estimate of the costs due to increasing density. Attached please find the final draft of my report letter.

In regard to the reasons for the revision in the final draft, as you know, the analysis in the report letter is intended to isolate the increase in costs per unit over 30 years that is attributable to an unanticipated increase in density (i.e., from bonus lots in cluster subdivisions). The original estimate of "Other Services" (\$11,798) was the sum of the TOTAL cost per unit of those services over 30 years, including a 7.5 percent increase due density. However, the existing cost of services per unit would be covered by the property taxes paid by that unit and should be excluded from this analysis. What wouldn't be covered is that 7.5 percent INCREASE in total costs per unit that results from increased density. That number is \$394, rather than the \$11,798 figure contained in Table 1 of the prior draft of the report letter. (Note that this revised number is consistent with the \$565 figure for public safety spending that represents the 15 percent increase in public safety costs over 30 years.) The final draft of the report letter (including Table 1) has been revised to reflect this change.

As is set forth in the final report letter, establishing an estimate of the increases in costs attributable to unanticipated increases in density in the Village necessarily involves projections and forecasts of future costs. My calculations take a very conservative approach in providing those figures. Although my very conservative calculations show that the \$40,000 figure is fully justified based upon the data from the Village and my economic research on the costs of increasing density in settings like the Village, it remains my opinion that a fee in the neighborhood of \$50,000 would still be justified to ensure that the Village can cover long-term costs associated with unanticipated increases in density.

Please let me know if you have any questions.

FAIRWEATHER CONSULTING

124 MAIN STREET, SUITE 2
NEW PALTZ, NY 12561
PHONE: 845-255-0611
FAIRWEATHERCONSULTING.COM

STRATEGIC SOLUTIONS FOR:
LOCAL ECONOMIES
NOT-FOR-PROFIT ORGANIZATIONS
HIGHER EDUCATION

August 28, 2018

Honorable Michael J. Newhard, Mayor
Village of Warwick
Village Hall
77 Main Street, PO Box 369
Warwick, NY 10990

Dear Mayor Newhard:

As requested, I have conducted an analysis of the fiscal impact of increases in density in the Village that may occur through the granting of additional units above "as of right" densities through the Village's clustering provisions. The question before me was whether or not the \$50,000 per unit charge was a reasonable way for the Village to build the capacity it needs to address the long-term issues such unanticipated density increases would raise for the Village. This analysis is intended to reflect costs that would face Village government village-wide, given increases in density that are currently unanticipated in the "as of right" densities in Village zoning. Based upon a conservative analysis, the \$50,000 seems to be a reasonable charge to enable the Village to provide a long-term response to density increases in a manner that can safeguard and improve the quality of life in the Village. One implication of this analysis is that it is very important that the revenue from such a fee be placed in a special fund or funds to prepare the Village to make the investments it needs to successfully accommodate this higher level of density. A full explanation of my analysis follows. Please let me know if you have any questions regarding it.

THE ASSIGNMENT:

The Village of Warwick cluster provisions create incentives for developers to provide housing at a density above what would normally be allowed "as of right" in the Village zoning. To extent applicants use such provisions, it creates unanticipated density in the Village. While there are many social, cultural and economic advantages to such increases in density, research shows that, as an already-dense village increases its density, this will in turn increase the costs of providing such services as:

- Capital improvements in sewer and water systems
- Capital improvements in streetscape toward a "complete streets" approach to accommodate increased density
- Increased in operating budgets to provide enhanced police protection and other municipal services¹

This analysis looks at costs likely to accompany increased density on a per unit basis over a 30-year time frame, treated as current dollars. This should not be considered a detailed fiscal analysis. Rather it is an

¹ Cf., Helen F. Ladd, "Population Growth, Density and the Costs of Providing Public Services," *Urban Studies*, Vol. 29, No. 2, 1992 273-295. Randall G. Holcombe and DeEdgra W. Williams, "The Impact of Population Density on Municipal Government Expenditures," *Public Finance Review*, Volume 36 Number 3. May 2008 359-373.

attempt to compile reasonable estimates of the order of magnitude of the costs associated with unanticipated increases in density to determine if the current \$50,000 fee properly captures those costs.

THE RESULTS

The results of the analysis are presented in Table 1. Two estimates have been provided. The first provides a very minimal estimate with few attempts to adjust the estimated costs for inflation or to reflect differences between costs in New York State and the costs in the State in which the data have been derived. The second estimate is more realistic.

The “minimal estimate” uses studies conducted several years ago, drawing upon data from states that have lower costs than New York. The “realistic estimate” updates older cost data to 2017 dollars and adjusts the costs derived from other states to reflect the higher costs of public services in New York State. As shown in the Table, the minimal analysis suggests that the costs associated with unanticipated increases in density would be approximately \$20,672 over a 30-year time period. However, when these numbers are adjusted to better reflect inflation and the location-related cost differential, the estimated costs increase to \$40,115.

TABLE 1. Per Unit Estimate of Density Related Cost Increases, Current Dollars		
	Minimal Estimate	Realistic Estimate
Total Increase in Capital Costs over 30 years:		
Municipal Water	\$ 508	\$ 1,750
Municipal Sewer	6,500	22,391
Sidewalks/Streetscapes/Amenities	11,550	11,550
Stormwater Systems	1,155	3,465
Total Per Unit Increase in Annual Operating Costs over 30 years due to density increase:		
Public Safety	565	565
Other Services	394	394
TOTAL COSTS OVER 30 YEARS:	\$ 20,672	\$ 40,115
Compiled by Fairweather Consulting from the sources cited in this memo. Cost per housing unit, based upon ESRI Estimate of 2,960 housing units in the Village, 2017		

As noted below, this analysis has attempted to be conservative in estimating costs and how they would increase as density increases due to use of the clustering provisions in the zoning not anticipated in the “as of right” density in the Village’s zoning. Thus, it may be quite reasonable to anticipate costs approaching \$50,000 as Village density is increased using the clustering provisions.² The analysis suggests that the \$50,000 fee is a reasonable amount for the Village to levy as it seeks to prepare itself to deal with long-term increases in the costs of local government due to such anticipated increases in density.

THE ANALYSIS: The analysis looks at the following costs using the data described below.

² NOTE: This analysis focused solely on costs to the Village and does not address costs that may accrue to the Fire District due to density increases (e.g., the need to add paid fire fighters). This could add significantly to the estimates of the future cost of unanticipated density increases.

CAPITAL COSTS:

Municipal sewer and water infrastructure: The cost of new sewer and water infrastructure was derived from the New Mexico Environmental Finance Center's *Cost Estimating Guide for Water, Wastewater, Roads, and Buildings* published in June, 2006. The estimates for new water system costs were calculated using a model for estimating the costs for a system serving 500 housing units, expressed on a per unit basis.³ The cost of the municipal sewer system was also calculated from that same source, using a worksheet that estimated costs on a per housing unit basis.⁴ For the more realistic alternative, these costs were adjusted upward based upon a US General Services Administration analysis of differences in highway construction costs between New Mexico and New York State and inflated using the Federal Reserve Bank of St. Louis's State and Local government consumption expenditures index.^{5 6} NOTE: the report indicated that, in 2003, costs in New York State were 5.5 times higher than in New Mexico. In order to provide a conservative estimate, my analysis assumed that New York's costs were only 2.8 times higher (half the original estimate).

Sidewalks, Streetscapes and Amenities: The estimates for this category of capital expenditures comes from a guide to streetscape improvements published by the University of North Carolina's Highway Research Center in 2013.⁷ The assumption used here is that, as density increases, the associated streetscape needs to be either upgraded or constructed to meet "complete street" standards. The analysis assumed the costs associated with this would affect 75 linear feet of sidewalk (50 feet along the lot of a new housing unit along with an additional 25 feet located throughout the Village (e.g., rights of ways to parks, connections between the neighborhoods and the downtown, etc.). The per-linear foot cost used was \$154, the difference between the costs of a basic asphalt walk (\$16/linear foot) and a concrete, curbed walk (\$170/linear foot). This per linear foot cost falls between two recent projects in the Village that came in between \$95 and \$343 per linear foot.⁸

Stormwater Management Systems: As the streetscape becomes more elaborate to accommodate density, there is a need to extend stormwater management systems as well. "Ballpark" estimates for the systems were derived from a study by the US Environmental Protection Agency of best

³ New Mexico Environmental Finance Center, *Cost Estimating Guide for Water, Wastewater, Roads, and Buildings*, June, 2006., p. A-4.

⁴ New Mexico Environmental Finance Center, *Cost Estimating Guide for Water, Wastewater, Roads, and Buildings*, June, 2006., p. 2-8.

⁵ Federal Reserve Bank of St. Louis, *State and Local government consumption expenditures* (chain-type price index), Index 2009=100, Quarterly, Seasonally Adjusted

⁶ US General Accounting Office, *States' Highway Construction Costs*, GAO-04-113R, November, 2003.

⁷ Max A. Bushell, Bryan W. Poole, Charles V. Zegeer, Daniel A. Rodriguez, *Costs for Pedestrian and Bicyclist Infrastructure Improvements*. Chapel Hill, UNC Highway Research Center, October 2013.

⁸ Conversation with David Getz, Lehmann and Getz on recent work done for the Third Street sidewalk replacement and the Orchard Street pavement and sidewalk repairs.

management practices in stormwater management systems.⁹ Case studies in the analysis showed stormwater management costs running between 10 and 30 percent of total costs. The lower bound of 10 percent of sidewalk costs was used for the minimal estimate. The upward bound of 30 percent was used to generate the more realistic estimate.

OPERATING COSTS¹⁰

Public safety: In the 1990s, economist Dr. Helen F. Ladd conducted econometric analyses to estimate the ways in which population density increases affect the cost of municipal services.¹¹ Her analysis directly addressed public safety expenditures. As population density increases from 1,750 to 24,000 per square mile, the research suggests that public safety spending will increase by 20 percent, just due to the change in density. Since it is not anticipated that Warwick's density would every approach 24,000 per square mile, thus, we assumed that the per-unit public safety spending would increase a total of 15 percent over 30 years. The increase in public safety spending shown in Table 1 is the total amount of increase in per-unit public safety spending that will occur due to increase in density.¹²

Other services: This figure is derived from actual 2017 expenditures in the Village of Warwick for services likely to be affected by increased density: Building Inspection, Street Administration, Parks, Recreation, Youth Services, Sanitation and Shade Tree Services. It assumes that the per unit cost of these services increases by a total of 7.5 percent over 30 years due to increased density. While that increase may, in fact, be likely to match the 15-percent increase used for public safety, we used the lower rate of increase in the interest of generating a conservative estimate of how much expenses would be incurred over 30 years due to increased density.

Again, taken as a whole, this analysis provides a general sense of the magnitude of investment the Village would have to make to accommodate new density that results from the cluster provisions and is currently not anticipated in the Village's "as of right" zoning. As I indicated earlier, please let me know if you have any questions regarding this analysis.

Regards,

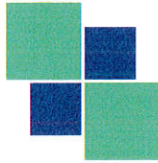
 Peter Fairweather

⁹ *Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices*, United State Environmental Protection Agency, EPA 841-F-07-006, December, 2007.

¹⁰ Operating costs were calculated from the 2017 Actual Expenditures for the Village of Warwick divided by an estimate of the number of housing units in the Village in 2017 (2,960) estimated by commercial database service ESRI based upon the US Census Bureau's American Community Survey 5-year average for 2017.

¹¹ Helen F. Ladd, "Population Growth, Density and the Costs of Providing Public Services," *Urban Studies*, Vol. 29, No. 2, 1992 273-295.

¹² As of 2017, the Village was spending \$736,348 on public safety (\$716,883 on the police contract and \$ 19,465 on parking enforcement) for a per unit cost of \$249.



LEHMAN & GETZ
CONSULTING ENGINEERS

October 3, 2018

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

Att: Mayor Michael Newhard

Re: New Water Main Valve Project
Pioneer Farm property
L&G #1800.71

Dear Mayor Newhard and Trustees:

Our office has conducted inspections of the installation of the new valve on the Village's water main on the Pioneer Farm property. Representatives of the Village DPW and Water Department have also performed inspections, and yesterday I met at the site with them and with the contractor.

We hereby establish the date of October 2, 2018 as the date of substantial completion.

We have reviewed the Application and Certificate for Payment dated September 24, 2018 submitted by Fred Devens Construction, and recommend approval of the requested payment of \$102,829.90.

Sincerely,

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

cc: Chris Bennett, Water Dept.
Mike Moser, Dept. of Public Works
Bob Hamilton, Fred Devens Construction

APPLICATION AND CERTIFICATION FOR PAYMENT

TO (Owner): Village of Warwick PROJECT: New Valve Warwick, NY APPLICATION NO: war 1804-1

ATTENTION: Fred Devens Construction CONTRACTOR: Fred Devens Construction

PERIOD FROM: 9-4-18 TO: 9-24-18

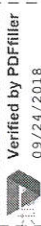
ENGINEER'S: 403 Stonetown Road PROJECT NO: Ringwood, NJ 07456

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY			DEDUCTIONS
Change orders approved in previous months by Owner			
TOTAL			
Approved this Month			
Number	Date Approved		
CO1			
TOTALS			\$0.00
Net change by Change Orders			

The undersigned Contractor certifies to the best of his knowledge, information, and belief that the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid to him for Work for which previous Certificates for Payment were issued and payments received from the Owner, that all previous progress payments received from Owner have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by this Contract, and that current payment shown herein is now due.

CONTRACTOR: Fred Devens Construction
By: Robert W. Hamilton Date: 9-24-18
Robert W. Hamilton gm



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that the Work has progressed to the point indicated; that to the best of his knowledge, information and belief, the quality of the Work is in accordance with the Contract Documents; and that the Contractor is entitled to payment of the AMOUNT CERTIFIED.

Application is made for Payment, as shown below, in connection with the Contract.
(Tabulation of Contract Detail is attached)

The present status of the account for this Contract is as follows:

ORIGINAL CONTRACT SUM 112,460.00

Net change by Change Orders -0-

CONTRACT SUM TO DATE 112,460.00

TOTAL COMPLETED & STORED TO DATE 108,242.00

Retainage ⁵ reduction % 5,412.10

TOTAL EARNED LESS RETAINAGE 102,829.90

LESS PREVIOUS CERTIFICATES FOR PAYMENT -0-

CURRENT PAYMENT DUE 102,829.90

State of: New Jersey County of: Passaic
Subscribed and sworn to before me: 24th September 2018
Notary Public
My Commission expires: 10-1-21

AMOUNT CERTIFIED \$102,829.90

(Attach explanation if amount certified differs from the amount applied for)
ENGINEER:

By: David A. Smith Date: 10/3/18
This Certificate is not negotiable. the AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract

[illegible]

Raina Abramson

From: Karen W. Clark <kclark@bartonandloguidice.com>
Sent: Tuesday, October 02, 2018 2:11 PM
To: Cheney; Michael Newhard; Cathy Richards; Raina Abramson
Subject: Odor Control - Pay Application 1 (ID 1590050).pdf
Attachments: Odor Control - Pay Application 1 (ID 1590050).pdf

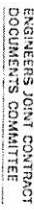
Barry,

Attached as we discussed is the first payment request from Ecovarde for approved odor control equipment submittals.

If you need anything else from us for this please let me know.

Karen

The information in this message is confidential and is intended for the identified recipient(s). If you are not an intended recipient, please delete the message and notify the sender immediately. Any unauthorized use, disclosure or copying of this message is strictly forbidden and may be subject to legal action.



1

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE	Application Period:	Application Date
To Village of Warwick (Owner)	From (Contractor): Ecoverde	Via (Engineer) Barton and Loguidice, D.P.C
Project: Prepurchase of Odor Control Equipment	Contract: Odor Control Equipment Procurement	
Owner's Contract No.	Contractor's Project No.: 1793	Engineer's Project No.: 1334.012.001

Application For Payment Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
1.	ORIGINAL CONTRACT PRICE.....	
2.	Net change by Change Orders.....	
3.	Current Contract Price (Line 1 + 2).....	
4.	TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	
5.	RETAINAGE:	
	a.	X 5% Work Completed.....
	b.	X 5% Stored Material.....
	c.	Total Retainage (Line 5a + Line 5b).....
6.	AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	
7.	LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	
8.	AMOUNT DUE THIS APPLICATION.....	
9.	BALANCE TO FINISH, PLUS RETAINAGE.....	

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All unexpired progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment.
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment first and clear of all liens, security interests, and encumbrances (except such as are covered by a bona fide applicable to Owner indemnifying Owner against any such liens, security interest, or encumbrance), and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature	
By LUIS ORIBE	Date 09/24/2018

Payment of	\$	33,850.00
is recommended by	(Line 8 or other - attach explanation of the other amount)	
Payment of	(Engineer)	(Date)
is approved by	(Owner)	(Date)
Approved by	Funding or Financing Entity (if applicable)	(Date)

Contractor's Application

11,550

Sexual Harassment Policy for All Employers in New York State



Combating Sexual Harassment

VILLAGE OF WARWICK

Introduction

The Village of Warwick is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Village of Warwick commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Village of Warwick. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Village of Warwick policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Village of Warwick. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village of Warwick will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Village of Warwick who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Mayor. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject The Village of Warwick to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village of Warwick will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Village of Warwick will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Village of Warwick will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Mayor.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an

individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Village of Warwick cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Mayor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Mayor.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Mayor.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village of Warwick will not tolerate retaliation against employees who file

complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Mayor will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Village of Warwick but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Village of Warwick employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Village of Warwick does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Model Complaint Form for Reporting Sexual Harassment



Combating
Sexual Harassment

Village of Warwick

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Mayor. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Sexual Harassment Prevention Policy Notice



**Combating
Sexual Harassment**

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and The Village of Warwick is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, The Village of Warwick has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or the Mayor so we can take action.

Our complete policy may be found: [Village of Warwick Employee Handbook](#)

Our Complaint Form may be found: [Village of Warwick Employee Handbook & Clerk's Office](#)

If you have questions and to make a complaint, please contact:

Mayor, Michael J. Newhard

mayor@villageofwarwick.org

(845) 986-2031 ext. 101

For more information and additional resources, please visit:

www.ny.gov/programs/combating-sexual-harassment-workplace

VILLAGE OF WARWICK
FACILITY USE REQUEST

Today's Date _____

Date(s) Requested: September 22, 2019

Time of Event: 8am - 11am

Village Park/Facility Requested: Memorial Park
****Please use attached map to indicated areas to be used****

Information about Group/Organization:

Name of Organization or individual: Warwick Fire Department

Check One: ☒ Non-Profit ☐ 501(c)3 ☐ For Profit ☐ Private Event

Proof of Residency: _____ Designated Contact: Melissa Stevens, President

Mailing Address: P.O. Box 31, Warwick, NY 10990

Telephone: (Day) _____ (Evening) _____ (Cell) _____

Information about intended use of Village Facilities:

Purpose of Use: OCVFA Memorial Service / Flag Raising

Total Participants Expected: 30 Adults 10 Children

How will the event be advertised? website / Facebook

Is Village equipment required? ☐ Yes ☒ No

If needed, state type and for what purpose: _____

Village of Warwick Participants: ☒ Non-Resident Participants: ☒

Is an admission fee charged? ☐ Yes ☒ No

If so, what will proceeds be used for: _____

Will food be served? NO Will food be sold? NO

Please give details: _____

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village for the use and care of the facilities. He/she, on behalf of Warwick FD (name organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by Warwick Fire Dept (name organization).

Melissa Stevens
Signature of Organization's Representative (must be a Village of Warwick Resident)

Address: P.O. Box 31, 25 Church St Telephone: 845-986-3473
Warwick, NY 10990

RECEIVED

OCT 04 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

Village of Warwick Facility Use Requirements

The use of all Village recreational and park facilities shall be subject to the approval and rules of the Village Board of Trustees administered by the Village Clerk or other Board designee.

1. Organizations wishing to use Village facilities shall first apply to the Village Clerk using the prescribed form. Such form shall then be forwarded to the Village Board of Trustees for approval. All forms and insurance information shall be submitted to the Village Clerk for inclusion on the Village Board Meeting Agenda by the Wednesday prior to the upcoming meeting. Meetings normally take place on the first and third Monday of each month.
2. In the event of inclement weather, the Village Board or their designee has the final authority on whether facilities are usable.
3. Intoxicants are not permitted in any Village Parks with the exception of Memorial Park. A Facilities Use Permit is required for all Park use. A request for alcohol in Memorial Park is through Board approval. Additional liability insurance (Host Liquor) will be required if alcohol is part of your event.
4. All posted rules must be adhered to.
5. Profanity, objectionable language, disorderly acts, excessive noise or illegal activities of any kind are absolutely prohibited, and those violating this prohibition will be ejected from the premises.
6. Any damage to Village facilities shall be promptly repaired at the user's expense. No exceptions. If Village personnel are not available, make sure all doors are locked and lights are turned out when leaving.
7. Organizations using the facilities must clean up afterward. It is the responsibility of the permit holder to remove any garbage it generates. The Village may assess a charge for garbage generated from events that is not removed by the Permit Holder. Applicants are urged to bring extra plastic garbage bags to facilitate cleanup.
8. Permits may be revoked at any time.
9. Any organization with youths under 18 years old requires the presence of adequate adult supervision at all times.
10. A deposit of \$100.00 is required at the time the permit application is submitted to the Village Clerk. If the grounds are restored to proper condition, the \$100.00 deposit will be refunded 30 days following the conclusion of the event.

11. A fee as listed on the Village Schedule of Fees will be charged for use of buildings or park lands where admission is being charged.
12. A fee as listed on the Village Schedule of Fees will be charged for use of lights at the parks where admission is being charged.
13. All persons using Village parks must confine any fires to proper fireplaces or portable burners. Before leaving, all fires must be extinguished.
14. Permits must be requested by a Village of Warwick resident. Said resident shall be responsible for the club, team or group to which this permit is issued.
15. Organizations shall indicate areas to be used during event or season on the attached map.
16. In the event of a scheduling conflict, the Village of Warwick will arbitrate a resolution.
17. The emergency telephone number for police is 911 or 986-5000; fire and ambulance 911.
18. No field or building alterations (lining of fields, erecting goal posts or structures, etc.) are allowed without prior approval.
19. The Village of Warwick does not discriminate on the basis of race, color, national origin, physical impairment or sex in its programs or employment services.
20. All users must provide the following insurance. **Insurance certificates must accompany the Facilities Use Permit.**
 - I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the Village as an additional insured on the permittee's insurance policies.
 - II. The policy naming the Village as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated "secure" or better insurer, licensed in New York State.
 - State that the organization's coverage shall be primary and non-contributory coverage for the Village, its Board, employees and volunteers.

- The Village shall be listed as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
- At the Village's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.

- III. The permittee agrees to indemnify the municipality for any applicable deductibles and self-insured retentions.
- IV. The insurance producer must indicate whether or not they are an agent for the companies providing the coverage.
- V. Required Insurance:

No less than the following:

- **Commercial General Liability Insurance**

\$1,000,000 per occurrence/ \$2,000,000 aggregate, with coverage for athletic participants.

Excess Insurance:

\$_____ each Occurrence and Aggregate. Excess coverage shall be on a follow-form basis.

- VI. User acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the municipality. The user is to provide the municipality with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the Village to object to the contents of the certificate or the absence of it shall not be deemed a waiver of any and all rights held by the Village.
- VII. The Village is a member/owner of the NY Municipal Insurance Reciprocal (NYMIR). The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the Village but also NYMIR, as the Village's insurer.

Individuals:

Required Insurance:

- **Homeowners Insurance**

Section Two – Liability: \$100,000 limit of liability. Policy shall not exclude the off-premises activities of the insured.

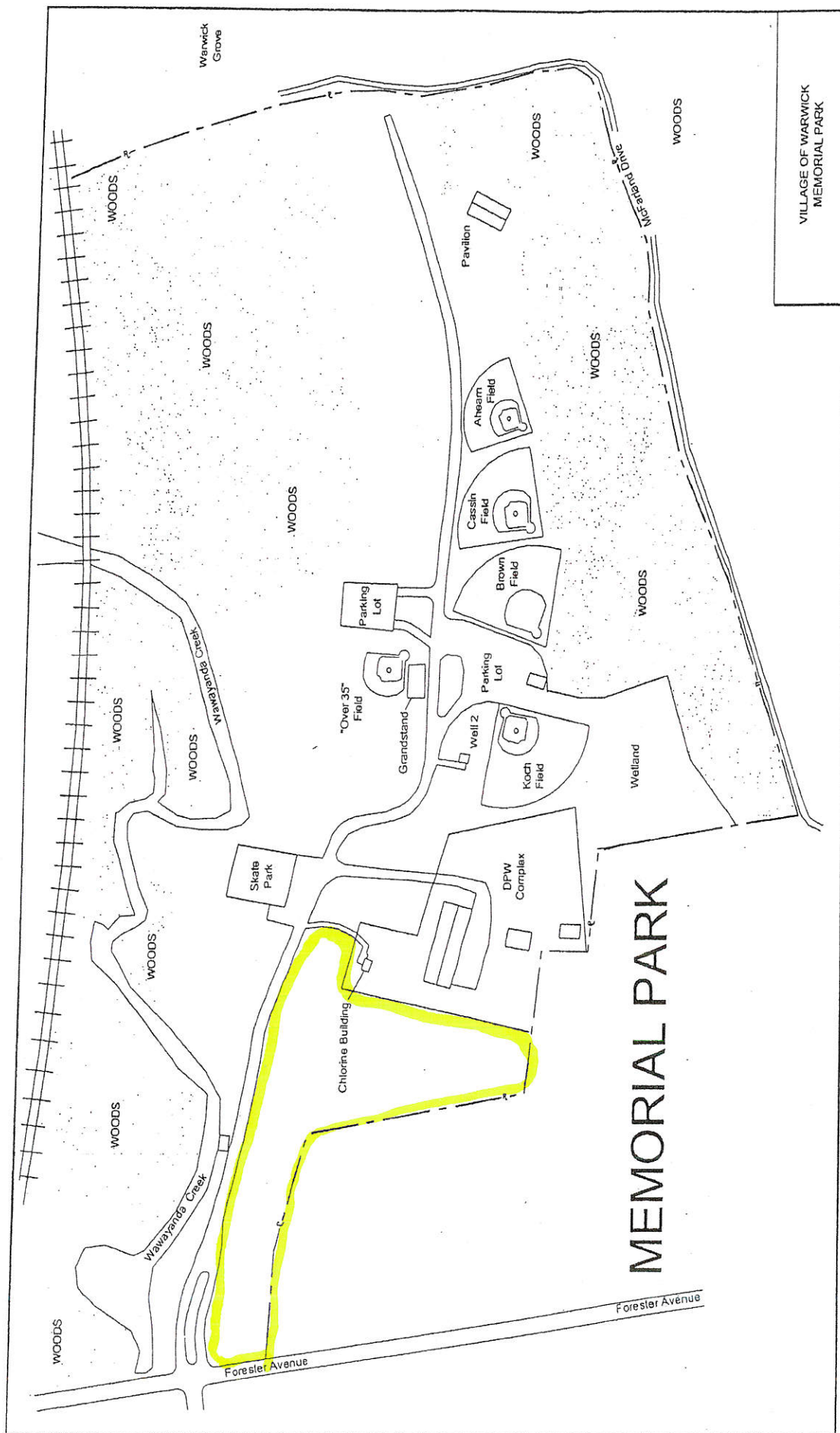
21. Prior to the start of the event, an announcement should be made to your group regarding emergency evacuation procedures, for example pointing out posted procedures, direction for exiting, procedures for emergency helicopter landing, etc.
22. In the event of an accident, please notify the Village Clerk before the end of the next business day.

FACILITY USER does hereby covenant and agree to defend, indemnify and hold harmless the Village of Warwick from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the Village of Warwick property, facilities and/or services.

I have read the Facilities Use Requirements


Signature

Date



VILLAGE OF WARWICK
FACILITY USE REQUEST

Today's Date _____

Date(s) Requested: September 11, 2019

Time of Event: 5pm - 7pm

Village Park/Facility Requested: Memorial Park
****Please use attached map to indicated areas to be used****

Information about Group/Organization:

Name of Organization or individual: Warwick Fire Department

Check One: ☒ Non-Profit ☐ 501(c)3 ☐ For Profit ☐ Private Event

Proof of Residency: _____ Designated Contact: Melissa Stevens President

Mailing Address: P.O. Box 31, Warwick, NY 10990

Telephone: (Day) _____ (Evening) _____ (Cell) _____

Information about intended use of Village Facilities:

Purpose of Use: 9/11 Memorial Service

Total Participants Expected: 50 Adults 20 Children

How will the event be advertised? Newspaper / Facebook

Is Village equipment required? ☐ Yes ☒ No

If needed, state type and for what purpose: _____

Village of Warwick Participants: Yes Non-Resident Participants: Yes

Is an admission fee charged? ☐ Yes ☒ No

If so, what will proceeds be used for: _____

Will food be served? NO Will food be sold? NO

Please give details: _____

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village for the use and care of the facilities. He/she, on behalf of Warwick FD (name organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by Warwick Fire Dept (name organization).

Melissa Stevens
Signature of Organization's Representative (must be a Village of Warwick Resident)

Address: P.O. Box 31, 25 Church Street Telephone: 845-986-3473
Warwick, NY 10990

RECEIVED

OCT 04 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

Village of Warwick Facility Use Requirements

The use of all Village recreational and park facilities shall be subject to the approval and rules of the Village Board of Trustees administered by the Village Clerk or other Board designee.

1. Organizations wishing to use Village facilities shall first apply to the Village Clerk using the prescribed form. Such form shall then be forwarded to the Village Board of Trustees for approval. All forms and insurance information shall be submitted to the Village Clerk for inclusion on the Village Board Meeting Agenda by the Wednesday prior to the upcoming meeting. Meetings normally take place on the first and third Monday of each month.
2. In the event of inclement weather, the Village Board or their designee has the final authority on whether facilities are usable.
3. Intoxicants are not permitted in any Village Parks with the exception of Memorial Park. A Facilities Use Permit is required for all Park use. A request for alcohol in Memorial Park is through Board approval. Additional liability insurance (Host Liquor) will be required if alcohol is part of your event.
4. All posted rules must be adhered to.
5. Profanity, objectionable language, disorderly acts, excessive noise or illegal activities of any kind are absolutely prohibited, and those violating this prohibition will be ejected from the premises.
6. Any damage to Village facilities shall be promptly repaired at the user's expense. No exceptions. If Village personnel are not available, make sure all doors are locked and lights are turned out when leaving.
7. Organizations using the facilities must clean up afterward. It is the responsibility of the permit holder to remove any garbage it generates. The Village may assess a charge for garbage generated from events that is not removed by the Permit Holder. Applicants are urged to bring extra plastic garbage bags to facilitate cleanup.
8. Permits may be revoked at any time.
9. Any organization with youths under 18 years old requires the presence of adequate adult supervision at all times.
10. A deposit of \$100.00 is required at the time the permit application is submitted to the Village Clerk. If the grounds are restored to proper condition, the \$100.00 deposit will be refunded 30 days following the conclusion of the event.

11. A fee as listed on the Village Schedule of Fees will be charged for use of buildings or park lands where admission is being charged.
12. A fee as listed on the Village Schedule of Fees will be charged for use of lights at the parks where admission is being charged.
13. All persons using Village parks must confine any fires to proper fireplaces or portable burners. Before leaving, all fires must be extinguished.
14. Permits must be requested by a Village of Warwick resident. Said resident shall be responsible for the club, team or group to which this permit is issued.
15. Organizations shall indicate areas to be used during event or season on the attached map.
16. In the event of a scheduling conflict, the Village of Warwick will arbitrate a resolution.
17. The emergency telephone number for police is 911 or 986-5000; fire and ambulance 911.
18. No field or building alterations (lining of fields, erecting goal posts or structures, etc.) are allowed without prior approval.
19. The Village of Warwick does not discriminate on the basis of race, color, national origin, physical impairment or sex in its programs or employment services.
20. All users must provide the following insurance. **Insurance certificates must accompany the Facilities Use Permit.**
 - I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the Village as an additional insured on the permittee's insurance policies.
 - II. The policy naming the Village as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated "secure" or better insurer, licensed in New York State.
 - State that the organization's coverage shall be primary and non-contributory coverage for the Village, its Board, employees and volunteers.

- The Village shall be listed as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
- At the Village's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.

III. The permittee agrees to indemnify the municipality for any applicable deductibles and self-insured retentions.

IV. The insurance producer must indicate whether or not they are an agent for the companies providing the coverage.

V. Required Insurance:

No less than the following:

- **Commercial General Liability Insurance**

\$1,000,000 per occurrence/ \$2,000,000 aggregate, with coverage for athletic participants.

Excess Insurance:

\$_____ each Occurrence and Aggregate. Excess coverage shall be on a follow-form basis.

VI. User acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the municipality. The user is to provide the municipality with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the Village to object to the contents of the certificate or the absence of it shall not be deemed a waiver of any and all rights held by the Village.

VII. The Village is a member/owner of the NY Municipal Insurance Reciprocal (NYMIR). The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the Village but also NYMIR, as the Village's insurer.

Individuals:

Required Insurance:

- **Homeowners Insurance**

Section Two – Liability: \$100,000 limit of liability. Policy shall not exclude the off-premises activities of the insured.

21. Prior to the start of the event, an announcement should be made to your group regarding emergency evacuation procedures, for example pointing out posted procedures, direction for exiting, procedures for emergency helicopter landing, etc.
22. In the event of an accident, please notify the Village Clerk before the end of the next business day.

FACILITY USER does hereby covenant and agree to defend, indemnify and hold harmless the Village of Warwick from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the Village of Warwick property, facilities and/or services.

I have read the Facilities Use Requirements


Signature

Date

