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## VILLAGE OF WARWICK

INCORPORATED 1867

### **Village of Warwick Village Board Meeting – April 19, 2021**

Pursuant to Governor Cuomo's Executive Order 202.1, Village of Warwick meetings will be conducted virtually through Zoom Videoconference until further notice.

#### **To View the Meeting:**

**YOUTUBE LIVE** - The public may view the meeting live by the public on the Village of Warwick, NY YouTube channel:

<https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

**VILLAGE'S WEBSITE** – The public may view the meeting a day or so after its completion by going to the village's website: [www.villageofwarwick.org](http://www.villageofwarwick.org)

#### **To Comment - During Privilege of the Floor Only:**

**VIA EMAIL OR MAIL** - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org) or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor.

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
APRIL 19, 2021**

**8834**

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, April 19, 2021 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Corey Bachman, and George McManus. Also, present was Village Clerk, Raina Abramson, DPW Supervisor Mike Moser, Village Attorney, Stephen Gaba, and Village Accountant Michael Vernieri. Others present: Lou Marquet, Jessica Niskar, Aidan Sleeper, and Rich DiCostanzo. In consideration of the current COVID-19 health crises and pursuant to Governor Cuomo's Executive Order 202.1 the public was able view the meeting live by the public on the Village of Warwick, NY YouTube channel:  
<https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

The Mayor called the meeting to order and led in the Pledge of Allegiance.  
The Village Clerk held the roll call.

**1. Public Hearing on the Tentative Budget of the Village of Warwick for FY 2021-22.**

Village Clerk, Raina Abramson, read the below Legal Notice.

**LEGAL NOTICE**

**PLEASE TAKE NOTICE THAT THE PUBLIC HEARING ON THE TENTATIVE BUDGET OF THE VILLAGE OF WARWICK** for the fiscal year beginning June 1, 2021 will be held on Monday, April 19, 2021 at 7:30 p.m. at Village Hall, 77 Main Street, Warwick, NY at which time and place all interested persons will be given an opportunity to be heard. Copies of the Tentative Budget will be available for review on the Village's website, [www.villageofwarwick.org](http://www.villageofwarwick.org) beginning April 7, 2021. Hard copies will be made available to the public by mail upon receipt of written request.

Pursuant to Governor Cuomo's Executive Order 202.1, the public hearing will be conducted in the following manner: Members of the Village Board will attend the meeting via Zoom videoconference. The public hearing may be viewed live on the Village of Warwick, NY YouTube channel at <https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA> . Interested parties may submit comments to be received by 4:00 p.m. on April 19, 2021 via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email; [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org). Comments may also be made via YouTube during the public hearing by going to the Village of Warwick, NY YouTube channel.

The compensation proposed to be paid to each member of the Village Board is as follows:

Mayor	\$ 50,752.40
Deputy Mayor	\$ 9,032.79
Trustees	\$ 7,914.64 (each)

Mayor Newhard: Before the public hearing is opened up to the Board or to any public comments, I would like to give an overall summary of the budget for this year:

The New York State Comptroller, Thomas DiNapoli set the Tax Cap for 2021-22 at 1.31%. As defined by law the allowable levy growth is the lesser of the 2% law or the CPI, the index of the rate of inflation.

I am pleased to report we have remained within the Tax Cap for this coming fiscal year. In fact, the Village has maintained the Tax Cap levels since its inception except for fiscal year 2019-20 due to the costs associated to the ongoing Wastewater Treatment Plant Project. The Sewer Land Tax continues to help us save funds needed for the plant upgrade which has an estimated cost of \$12 million dollars. The Village has received a \$3 million dollar grant from the NYS Environmental Facilities Corporation (EFC). The Sewer Land Tax collected over the years will be used to repay the anticipated 15-year bond from the EFC.

There will be no Water Land Tax collected for the Water Fund - all Land Taxes will go to the Sewer Plant Improvements.

### **Budget Highlights**

Within the budget are funds for the following equipment purchases and projects.

- At Village Hall we will continue our 1<sup>st</sup> and 2<sup>nd</sup> floor security upgrades.
- At the Central Garage, the purchase of a new generator and new air compressor.
- Under the title of Special Items are consultant fees for the Villages Comprehensive Plan.
- Streets/Roads: Purchase of a new chipper and new asphalt roller. We received \$170,528.57 through CHIPS, PaveNY and Extreme Winter Recovery. Those numbers came directly from Senator Martucci's office on Friday, so that was quite a bump in those numbers. As far as CHIPS it was a 33% increase, in the Extreme Weather Funding was a 54% increase and in PaveNY a 50% increase. That will truly help us a great deal this coming year.
- Parks: New and replacement cameras in Stanley-Deming Park, repairs at the over 35 field in Memorial Park, new code blue unit at Stanley-Deming Playground, and paving of Memorial Park Drive.
- Storm Sewers: Maple Avenue trash rack replacement.
- Water Fund Projects: Well #3 construction, generators for Galloway and Hilltop Pump Stations SCADA systems for Southern Lane and Hilltop Pump Stations.
- Sewer Fund Projects: \$12 Million Dollar rehab and upgrade of the Waste Water Treatment Plant.

- Grant Applications: We have 7 grants that we are anticipating reimbursement in the total amount of \$247,162. We are in the process of multiple new grant applications for infrastructure projects, including a grant that went out Friday to Senator Maloney's office for the storage tanks at the reservoir, that's a \$2,000,000 project and that's what we asked for. Also, Barry was working on a Bridge NY Grant and do you want to chime in an explain what that is about.

Trustee Cheney: Yes, Bridge NY is a program that happens maybe every four or five years, so they funded it this year. We have submitted, the Village has submitted two applications under that program to replace the bridge in Memorial Park, which is quite old, it's unrated, probably was never designed and is in need of replacing and also the Wheeler Avenue culvert. We've gone after two culvert projects and those projects, if they're accepted, they would in all likely hood, be done at no cost to the Village and it would be done as part of a contract that the DOT would do the design, the State DOT would do the design, and get the construction bids for multiple culverts in the area, so we're hopeful that that is going to move forward. We did what was called a preliminary application, we should get comments back by about May 5<sup>th</sup> and then respond to the comments and hopefully that will go favorable.

Mayor Newhard: Thank you Barry and thank you for finding that and pursuing it. I think it's great and hopefully we will get it.

And back to the budget, there will be no increase in Sewer Usage Rates and an 8% increase in Water Usage Rates.

This of course is a brief summary. The complete tentative budget is available on the Village of Warwick website at [www.villageofwarwick.org](http://www.villageofwarwick.org). The summation of a budget that defines a healthy community is the continuation of critical infrastructure projects and uninterrupted daily operations as well as the important assurance of public safety and cultural and recreational amenities. Thank you to Village Treasurer, Sadie Becker, Village Accountant, Michael Vernieri, the Village Board of Trustees, and all department heads who helped form and establish a fiscally responsible and on time budget for the coming year.

And with that I will give the floor to our Accountant, Michael Vernieri. Michael, do you have some words of wisdom for us?

Michael Vernieri: I don't know if they're words of wisdom but just so people understand, we are doing other stuff besides the wastewater plant. We do have a reserve for the dam repair, which we've had in existence for a number of years. We believe we have enough in there to repair the

dam when that time comes and if there is extra funds necessary hopefully we will be able to secure those either from the State or the Federal Government. We also have an infrastructure reserve as well for which we are attempting to prioritize those type of items that we want, capital improvements that we want to do with the use of that fund. We added about \$250,000 to that fund each and every year. And of course, then the wastewater treatment, which we've had ongoing and for the second year in a row we're going to place over \$900,000 into that reserve. The goal is with the 12 million being spent and the 3 million from the State that leaves us with 9 million. We're hoping to have a 5.5-million-dollar loan that we think we can service over fifteen years or less and by putting money aside right now, at the end of the 2022 budget year we're going to have close to 3 million dollars in that reserve fund. So, with the 3 million dollars from the State, the 3 million we will have, that will be halfway there and we're pretty confident that we're going to be down to the 5.5 or less when the project is complete and therefore, we will be able to have a loan with the EFC at less than fifteen years and with a little bit of luck and low interest rates, it may even be less. Thank you.

Mayor Newhard: Any comments from the Board and Raina, have we received any public comments.

Raina Abramson: No, there are no public comments.

Mayor Newhard: If there are no comments, then may I have a motion to close the public hearing.

**Close Public Hearing on the Tentative Budget of the Village of Warwick for FY 2021-22**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to close the public hearing on the tentative budget of the Village of Warwick for FY 2021-22.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Acceptance of Reports**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried for the Acceptance of Reports: March 2021: Clerk's Office, Building, Planning Board, AHDRB, & ZBA.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye  
Trustee McManus Aye Mayor Newhard Aye

**Acceptance of Minutes**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Cheney, and carried for the Acceptance of Minutes: March 1, 2021 & March 15, 2021.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye  
Trustee McManus Aye Mayor Newhard Aye

**Authorization to Pay all Approved and Audited Claims**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried for the Authorization to Pay all Approved and Audited Claims #21001771 – 21001867 in the amount of \$230,876.64.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye  
Trustee McManus Aye Mayor Newhard Aye

**Presentations**

1. Louis G. Marquet from Leyland Alliance Communities, LLC - Zoning for Senior Housing Development.

Mr. Marquet stated that over a year ago he sent a letter in seeking a one word change in the senior housing zoning definition because he feels there is a need for senior citizen rental housing. Mr. Marquet said that the Village's current zoning for senior citizen housing is pretty good except in the definition it says, 'senior housing which shall be constructed with the assistance of mortgage financing or other financial assistance from the State and Federal Government'. Mr. Marquet is proposing to change the word 'shall' to 'may' so he could build a private development with private money, not State or Federal subsidized, that can be built as very nice rental apartments for senior citizens.

Mr. Marquet said that he has a history of four or five years with people asking him to build rental apartments for the aging community. He stated that there are only a few pieces of property available in the Village, and if the Village Board changes that word, then he would come in with an application to request a zone change on a piece of property from R1 to Senior Housing Zoning and then proceed with an application through the regular processes.

Much discussion ensued about the idea of unsubsidized senior housing rentals. The Village Board agreed to hold a work session on the topic after Trustee Cheney and Mr. Marquet have an opportunity to meet for further discussions.

2. Jessica Niskar, Assistant Location Manager for the series 'Billions' - Film Permit.

Jessica Niskar and Aidan Sleeper presented to the Village Board their film permit application to film a scene for the series 'Billions' in the Village of Warwick on May 5, 2021 using the exterior of Village Hall and interior and exterior of Bairds Tavern. They explained proposed detours, coordination with the Warwick Police Department and NYS DOT, safety procedures, proposed parking plan, COVID-19 safety protocols, and how they plan to minimize the impact on the Village while filming.

Discussion ensued with the Village Board.

Village Attorney, Stephen Gaba, stated his concern on the proposed addition of language to the release and hold harmless agreement in the film permit application. Aidan Sleeper explained that the redline in the agreement is standard push back from their legal team and they will be happy to work with the Village Attorney to come up with the acceptable language. Mr. Gaba suggested that when the Village acts to approve the motion tonight, it should be made subject to resolution of the outstanding issues in the hold harmless agreement. After discussion about the length of time needed for filming, Mr. Gaba suggested to place at the end of the motion, subject to approval of modifications of such times by the Mayor on request of the applicant.

### **Correspondence**

1. Comments from the Village of Warwick Architectural and Historic District Review Board on the Village View Special Use Permit Application and site plan.
2. Letter of resignation from DPW Employee, Narciscus Key.

Mayor Newhard said that Nar has been an exceptional employee and that we love him in our presence and that he is full of energy and talent and is moving on to a career in photography and we really appreciated his input along the way.

DPW Supervisor, Mike Moser, said that Nar was a very valued employee who came to the Village as a seasonal employee right out of high school and got his CDL and did anything asked of him. Mr. Moser said that Nar moved into the water department and worked really well with the residents and seemed to have a very good repour with everybody he talked to and he will be missed.

Mayor Newhard said that he can attest to the number of times calls were received at Village Hall after Nar was working with one of our water customers to say what a gentleman he is and how professional he was. Nar is a great ambassador of our community.

3. Letter from the Village of Warwick Planning Board regarding the proposed zone change of 15 Elm Street (SBL 210-7-3) from Light Industrial to Central Business.

### **Privilege of the Floor**

**VIA EMAIL OR MAIL** - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: clerk@villageofwarwick.org or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor. Please limit your comments to **three (3) minutes**.

The Village Clerk read the emails received for privilege of the floor.

1. Raymond and Lugene Maher – via email:

‘We have the following comment for the Board during the Budget Public Hearing for the tentative 2021 Village budget:

Upon our review of the tentative 2021 Village budget, we noticed there is no specific line item for a new pump station at Robin Brae. Is it accommodated for in this year’s budget?

Thank you.

Raymond and Lugene Maher’

Mayor Newhard said that ultimately, it’s a great question and he doesn’t believe it was put in the budget because nothing has been approved so it’s difficult to speculate until all of the approvals are final. And the question is whether that would happen in this fiscal year or next fiscal year.

Trustee Cheney stated that there is going to be no cost incurred by the Village as it stands now, so unless it's done by the developer there's no money that is being planned by the Village for that upgrade.

2. Carmine Garritano, Sr. Vice Commander, Adjutant, Director of Communications  
Warwick Valley VFW Post 4662 – via email:

'To the Village of Warwick Board:

The Warwick Valley VFW Post 4662 has been made aware of proposed changes to two of the ball field scoreboards at Memorial Park.

This email is meant to inform the Village board that, after informing our membership of the proposed changes, the membership has received no objections to the proposed changes.

Carmine Garritano, Sr. Vice Commander, Adjutant, Director of Communications  
Warwick Valley VFW Post 4662

Cc: José Morales, Commander  
Warwick Valley VFW Post 4662'

3. Stanely Martin, Post 214 Commander – via email:

'On behalf of the Nicholas P. Lesando, Jr., American Legion Post 214, I am pleased to support the Warwick Little League application for placement of new scoreboards and the touching sign honoring our military veterans at our community ball fields in the Village's Veterans Memorial Park.

--Stan Martin, Post 214 Commander'

### **Motions**

#### **Warwick Little League Scoreboards - AMENDED**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus to grant permission to the Warwick Little League to install new state-of-the art scoreboards on the Brown and Koch ballfields in Memorial Park as per their letter dated April 13, 2021.

The vote on the foregoing **motion** was as follows:       **AMENDED**

Trustee Cheney \_\_\_\_ Trustee Lindberg \_\_\_\_ Trustee Bachman \_\_\_\_

Trustee McManus \_\_\_\_ Mayor Newhard \_\_\_\_

**Discussion:**

Trustee McManus stated that he disapproves of the big advertisement sign on the backside of the scoreboard because he feels it's too large. President of Warwick Little League, Rich DiCostanzo, said that the advertisement won't be the same size as the scoreboard but that the back of the scoreboard is 8' wide x 6' high. Mr. DiCostanzo stated that M&S Septic graciously volunteer to purchase both scoreboards and take on the installation fees at Memorial Park in leu of moving the scoreboard to the left side of the field in Brown Field and putting an advertisement on the back for their business and the Warwick Little League Board of Directors asked M&S Septic to include messages thanking veterans.

Discussion ensued about the size, colors, and language of the advertisement on the back of the scoreboard. The Village Board decided to move forward with a motion for the installation, excluding the advertisement at this time.

**Warwick Little League Scoreboards**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to grant permission to the Warwick Little League to install new state-of-the art scoreboards on the Brown and Koch ballfields in Memorial Park as per their letter dated April 13, 2021 omitting the approval of the proposed sign on the back of the scoreboard for the Brown Field subject to further consideration of the Village Board.

The vote on the foregoing resolution was as follows:

**APPROVED**

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Nay

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**Refuse Bid Award – County Waste**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to accept the refuse bid from County Waste in the amount of \$175/haul and \$113/ton per thirty-yard roll-

off box for refuse & no charge, no rebate, per thirty-yard roll-off box for metal, and \$21.94 per pickup/\$95.00 per month per 2 cy container, as per the recommendation of DPW Supervisor, Mike Moser. The contract period will be June 1, 2021 to May 31, 2022.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Chemical Delivery Bid Award – Coyne Chemical Company**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to accept the bid from Coyne Chemical Company for the delivery of Sodium Hydroxide Caustic Beads, Blended Ortho Phosphate, and Potassium Permanganate per the recommendation of DPW Supervisor, Mike Moser and JCO Regional Manager, Keith Herbert. The contract period will be June 1, 2021 to May 31, 2022.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Chemical Delivery Bid Award – ESC Environmental Inc.**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to accept the bid from ESC Environmental Inc. for the delivery of Sodium Hypochlorite 12.5%, Sodium Bisulfite 38%, and Citric Acid 50% per the recommendation of DPW Supervisor, Mike Moser and JCO Regional Manager, Keith Herbert. The contract period will be June 1, 2021 to May 31, 2022.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Chemical Delivery Bid Award – Slack Chemical**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to accept the bid from Slack Chemical for the delivery of PACl, Sodium Hydroxide Liquid Caustic 25%, and Sodium Permanganate 20% per the recommendation of DPW Supervisor, Mike Moser and JCO Regional Manager, Keith Herbert. The contract period will be June 1, 2021 to May 31, 2022.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Purchase of 2020 Caterpillar Model CB1.8 Compactor**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve the purchase of a 2020 Caterpillar Model CB1.8 Compactor from H.O. Penn in the amount of \$30,000 as part of the NYS Bid/Sourcwell Purchasing Network per the recommendation of DPW Supervisor, Mike Moser. This is an emergency purchase that will be funded under budget code A.5110.2350.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Advertise – (4) Seasonal DPW Laborers**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to advertise for four (4) Seasonal DPW Laborers at a rate of \$15.00 per hour. Each laborer will be hired for a 12-week period at 40 hours per week. Start date to be determined by DPW Supervisor, Mike Moser.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Budget Modification and Transfer**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to approve the budget modification and transfer request as per the Village Treasurer's letter dated April 13, 2021.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Adoption of FY 2021-2022 Budget of the Village of Warwick**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to adopt the Budget of the Village of Warwick for the fiscal year beginning June 1, 2021.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Facility Use – Warwick Youth Football and Cheerleading, Memorial Park**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to grant permission to Warwick Youth Football and Cheerleading to use the Memorial Park football field and the area across from the Cassin baseball field for practices and games from May 1, 2021 to November 30, 2021. All activities must be in accordance with Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received. It is the responsibility of Warwick Youth Football and Cheerleading to enforce that parking is in the designated parking lot and not in the grass on the entrance roads. Warwick Youth Football and Cheerleading will also be responsible to reimburse the Village of Warwick for Orange & Rockland electric charges for use of the lights in Memorial Park. All events must be in coordination with the other activities taking place in the park such as Warwick Little League, Highlander Rugby, OC Bombers Softball, Warwick Adult Kickball, and the Warwick Wascals.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Warwick Youth Football and Cheerleading Welcome Sign**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to grant permission to Warwick Youth Football and Cheerleading install a welcome sign at the entrance of the youth football field in Memorial Park per the letter received on March 22, 2021 from May 1, 2021 to November 30, 2021.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Facility Use – Quilt Guild Rain Date, Memorial Park Pavilion**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to amend the motion made on March 1, 2021 granting permission to Warwick Quilt Guild to use the pavilion in Memorial Park on Saturday, September 18, 2021 from 7:00 a.m. to 6:00 p.m. to include a rain date of Sunday, September 19, 2021 from 7:00 a.m. to 6:00 p.m. All activities must be in accordance with Governor Cuomo’s Executive Orders, NYS Regional Phased Reopening Plan, and the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Facility Use – Christ Church/P.O.W.E.R., Railroad Green**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to grant permission to Christ Church/P.O.W.E.R (Power of Words Exposing Racism) to use Railroad Green and Railroad Avenue on Saturday, June 19, 2021 from 9:00 a.m. to 5:00 p.m., with the event beginning at 11:00 a.m. and ending at 3:00 p.m., to provide a space for those affected by racism to have their voice heard through poetry. All activities must be in accordance with Governor Cuomo’s Executive Orders, NYS Regional Phased Reopening Plan, and the

Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Road Closure – Christ Church/P.O.W.E.R, Railroad Avenue**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to close Railroad Avenue on Saturday, June 19, 2021 from 9:00 a.m. to 5:00 p.m. for the benefit of Christ Church/P.O.W.E.R (Power of Words Exposing Racism) and to place 16 ‘No Parking’ bags on the meters on Railroad Avenue beginning at 7:00 a.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Discussion:**

Trustee Lindberg asked the Village Clerk to inform the applicant that they must pickup and place the bags on the meters.

**Facility Use – Jennifer Echevarria, Memorial Park Pavilion**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to grant permission to Jennifer Echevarria to use the Memorial Park pavilion on Friday, May 14, 2021 from 2:00 p.m. to 8:00 p.m., with the event beginning at 4:00 p.m. and ending at 7:00 p.m., to hold a birthday party, including use of electricity, restrooms, and tables and chairs provided by the Village. The event is in coordination with other organizations that received prior approval for use of the pavilion. All activities must be in accordance with Governor Cuomo’s Executive Orders, NYS Regional Phased Reopening Plan, and the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**RESOLUTION SETTING A PUBLIC HEARING ON THE APPLICATION OF  
VILLAGE VIEW ESTATES, LLC FOR A SPECIAL USE PERMIT FOR DENSITY  
BONUS LOTS**

WHEREAS, the Village of Warwick has received an application from Village View Estates, LLC, for a special use permit pursuant to Village Code §145-29(D)(4) for approval of density bonus lots in a cluster development subdivision; and

WHEREAS, the Village Code requires the Village Board to hold a public hearing on the said application;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby schedules a public hearing on the application of Village View Estates, LLC, for a special permit for approval of density bonus lots in a cluster development subdivision pursuant to Village Code §145-29(D)(4) for May 20, 2021 at 7:00 p.m. o'clock to be held at Warwick Town Hall, 132 Kings Highway, Warwick, New York; and

2. That, as required by Village Code §145-161: (i) the Village Clerk shall publish and post notice of the said public hearing; (ii) the Village Clerk shall mail notice of the said public hearing to the applicant; (iii) the applicant shall mail notice of the said public hearing by certified mail at least ten days before such hearing and to all property owners within three hundred feet (300') of the property line of the subject property; (iv) the Village Clerk shall mail notice of the said public hearing to the Orange County Planning Board at least ten days prior to the public hearing as required by section 239M of the General Municipal Law; (v) the Village

Clerk shall mail notice of the said public hearing to the Town of Warwick Planning Board at least ten days prior to the public hearing.

Trustee Bachman presented the foregoing resolution which was seconded by Trustee Lindberg,

The vote on the foregoing resolution was as follows:                   **APPROVED**

Barry Cheney, Trustee, voting           Aye

William Lindberg, Trustee, voting   Aye

George McManus, Trustee, voting   Aye

Corey Bachman, Trustee, voting      Aye

Michael Newhard, Mayor, voting    Aye

**Film Permit – Possible Productions Inc. - AMENDED**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg to grant permission to Possible Productions Inc. to film a scene for the series ‘Billions’ at the front entrance of Village Hall, on Main Street to the intersection of South Street and High Street, and on High Street, including sidewalks, on Wednesday, May 5, 2021, with a rain date of Tuesday, May 4, 2021, from 6:00 a.m. to 12:00 p.m., subject to approval of modification of said times by the Mayor upon request of the applicant, including: no parking on both sides of Main Street between Church Street and High Street for the picture, film truck parking on Church Street and Wheeler Avenue, ‘picture parking’ in the upper CVS parking lot, and crew parking in the municipal parking spots in the Chase parking lot, per the attached film permit application, detour and intermittent traffic control map, and parking map. Approval is pending a fully executed Village of Warwick Film Permit and Village of Warwick Release and Hold Harmless Agreement for Production Filming as approved by the Village of Warwick Attorney, security deposit, permit fee, shooting fee, parking lot rental fee, street closure fee, sidewalk closure fee, and written approval from the NYS Department of Transportation for the closure of Route 94/Main Street. Proper insurance has been received. Warwick Police Department approval, including the assistance of traffic control, has been received but is pending the applicant file the proper

paperwork with the Town of Warwick Clerk's Office subject to the resolutions of the two (2) issues with the application raised by the Village Attorney.

The vote on the foregoing **motion** was as follows:       **AMENDED**

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

**Film Permit – Possible Productions Inc. – MODIFIED**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman to grant permission to Possible Productions Inc. to film a scene for the series 'Billions' at the front entrance of Village Hall, on Main Street to the intersection of South Street and High Street, and on High Street, including sidewalks, on Wednesday, May 5, 2021, with a rain date of Tuesday, May 4, 2021, from 6:00 a.m. to 12:00 p.m., subject to approval of modification of said times by the Mayor upon request of the applicant, including: no parking on both sides of Main Street between Church Street and High Street for the picture, film truck parking on Church Street and Wheeler Avenue, 'picture parking' in the upper CVS parking lot, and crew parking in the municipal approved parking spots in the Chase parking lot, per the attached film permit application, detour and intermittent traffic control map, and parking map. Approval is pending a fully executed Village of Warwick Film Permit and Village of Warwick Release and Hold Harmless Agreement for Production Filming as approved by the Village of Warwick Attorney, security deposit, permit fee, shooting fee, parking lot rental fee, street closure fee, sidewalk closure fee, and written approval from the NYS Department of Transportation for the closure of Route 94/Main Street. Proper insurance has been received. Warwick Police Department approval, including the assistance of traffic control, has been received but is pending the applicant file the proper paperwork with the Town of Warwick Clerk's Office subject to the resolutions of the two (2) issues with the application raised by the Village Attorney.

The vote on the foregoing **motion** was as follows:       **MODIFIED**

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

**Film Permit – Possible Productions Inc.**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to grant permission to Possible Productions Inc. to film a scene for the series 'Billions' at the front entrance of Village Hall, on Main Street to the intersection of South Street and High Street, and

on High Street and/or Wheeler Avenue, including sidewalks, on Wednesday, May 5, 2021, with a rain date of Tuesday, May 4, 2021, from 6:00 a.m. to 12:00 p.m., subject to approval of modification of said times by the Mayor upon request of the applicant, including: no parking on both sides of Main Street between Church Street and High Street for the picture, film truck parking on Church Street and Wheeler Avenue, 'picture parking' in the upper CVS parking lot, and crew parking in the municipal approved parking spots in the Chase parking lot, per the attached film permit application, detour and intermittent traffic control map, and parking map. Approval is pending a fully executed Village of Warwick Film Permit and Village of Warwick Release and Hold Harmless Agreement for Production Filming as approved by the Village of Warwick Attorney, security deposit, permit fee, shooting fee, parking lot rental fee, street closure fee, sidewalk closure fee, and written approval from the NYS Department of Transportation for the closure of Route 94/Main Street. Proper insurance has been received. Warwick Police Department approval, including the assistance of traffic control, has been received but is pending the applicant file the proper paperwork with the Town of Warwick Clerk's Office subject to the resolutions of the two (2) issues with the application raised by the Village Attorney.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Facility Use – Warwick Community Bandwagon Inc., Stanley-Deming Park**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Community Bandwagon Inc., in collaboration with Wickham Works and the Warwick Valley High School Gay Straight Alliance, to use the lawn, pavilion, and gazebo area by the front entrance of Stanley Deming Park on Saturday, June 5, 2021, with a rain date of Sunday, June 6, 2021, from 1:00 p.m. to 10:00 p.m., with the event beginning at 5:30 p.m. and ending at 8:30 p.m., for a PRIDE Day of Acceptance celebration, including use of electricity, restrooms, and tables and chairs provided by the Village. All activities must be in accordance with Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**RESOLUTION ENACTING A LOCAL LAW TO CHANGE THE ZONING DESIGNATION OF CERTAIN REAL PROPERTY FROM “LIGHT INDUSTRIAL” (“LI”) TO “CENTRAL BUSINESS” (“CB”).**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend Village Code Chapter 145 entitled 'Zoning' by revising the Village's Zoning Districts Map to change the zoning designation of certain real property from 'Light Industrial' ('LI') to 'Central Business' ('CB')"; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law; and

WHEREAS, the Village Planning Board, as lead agency in SEQRA review, has adopted a Negative Declaration on the development project for which the proposed zoning change is being enacted;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is attached hereto;
2. That the Village Clerk is hereby requested and directed to publish, post, and file the same in the Office of the Secretary of State in Albany; and
3. That the said local law shall be effective upon filing with the Secretary of State.

Trustee McManus presented the foregoing resolution which was seconded by Trustee Lindberg,

The vote on the foregoing resolution was as follows: **APPROVED**

Barry Cheney, Trustee, voting Nay

William Lindberg, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

George McManus, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**Discussion:**

Trustee Cheney stated that he had a couple of issues, one being the proposal by the applicant initially stated that they were going to construct a number of one-bedroom apartments on a portion of the property, which hasn't come before any of the Boards at this point, but the change would allow that to happen. Trustee Cheney said that the property is totally surrounded by commercial endeavors, with the exception of one property, and that potential doesn't seem to be a fit. Trustee Cheney stated that the Village is basically giving up the ability of anyone who wants to develop any type of an establishment that is allowed in the LI zone from being ever able to develop anywhere in the Village unless the Village changes another piece of property to LI.

Mayor Newhard asked Trustee Cheney to clarify the process of an applicant going to the Planning Board, for example if this zone change is made and then the applicant wants to create the housing, which is some ways is mixed use because there are offices and other activities that are more commercial, the applicant would have to go to the Planning Board and probably go through SEQRA for that particular piece. Trustee Cheney confirmed that whatever change from what they've been given a building permit for now, would have to go to the Planning Board and at least get a negative declaration by SEQRA. Mayor Newhard asked if there was a level of protection there in terms of what the applicant can and can't do. Trustee Cheney stated that the applicant is allowed to do what's allowed by the zone and that the Planning Board would have difficulty stopping the applicant from doing something that's allowed within the zone. Trustee Cheney stated that he felt it was an insignificant change being made to the piece of property, mostly because if the Village had acres and acres of property in the LI zone, then it probably wouldn't matter as much, but this is basically the last piece. Mayor Newhard said that Georgia Pacific is in the LI zone. Trustee Cheney said that he believes Georgia Pacific is built out and Kuiken's is also in the LI zone and pretty much built out. Mayor Newhard said that things may change on any piece of property at any given time and that in this case the Village has an applicant that has a vision that doesn't fit in the LI zone and it's right in the center of the Village. Mayor Newhard stated that it seems like the LI is more permissive to activities that maybe are not that great in the center of the Village.

**PK Songer Plumbing – WWTP UV Disinfection – Intent to Correct Defective Work**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize the Mayor to execute and issue a Notice of Intent to Correct Defective Work to PK Songer Plumbing in regard to the Wastewater Treatment Plant UV Disinfection Improvements

Project, and to further execute any and all documents necessary to carry out the Notice of Intent to Correct Defective Work.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Discussion:**

Trustee McManus asked Trustee Cheney if the Village is asking for Songer to come back and fix the problem. Trustee Cheney said that the Village has asked them to, and they have failed to do so, therefore the Village is letting them know. Mr. Gaba said that under the contract the Village is given certain remedies in the event there is a disagreement as to proper completion of work. Mr. Gaba explained that the Village previously sent a letter to PK Songer in regard to issues that have arisen and how they should be properly remedied and that has not happened, so this is the next step in getting the work completed and resolving the outstanding contract issues PK Songer. Mayor Newhard added that this is the UV system project for the wastewater treatment plant and that Mr. Songer has not performed in terms of the timeliness of it and the Village has to move forward.

**Reports:** *Suspended to Streamline Meeting due to COVID-19*

**Final Comments from the Floor** – No comments were made.

**Final Comments from the Board** – No comments were made.

**Executive Session**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to go into executive session to seek the confidential advice of counsel.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Adjournment of Executive Session and Regular Meeting**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried close the executive session, resume the regular meeting, and adjourn the regular meeting at approximately 10:00 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

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Raina M. Abramson, Village Clerk