

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
AUGUST 1, 2022**

9324

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 1, 2022, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney and Tom McKnight. Also, present was Deputy Village Clerk, Jennifer Mante. Trustees Corey Bachman and Carly Foster were absent. Others present: Linda Moser, Cheryl Rogowski, Emily Downs, Annette Sanchez, and Matt Sullivan.

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

Acceptance of Minutes

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried for the Acceptance of Minutes: July 18, 2022.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$161,157.18

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Announcement

1. The Village of Warwick Department of Public Works is recognized in the New York State LTAP Center – Cornell Local Roads Program’s 2022 Build a Better Mousetrap Competition for their outstanding achievement and innovation in the development of the “FinzBoni” named after DPW Employee, Mike Finelli who, with the help of John Santiago and Justin Trone, created this display of ingenuity.
2. The Village of Warwick Bocce Ball Court near the pavilion in Veterans Memorial Park is now open to the public.
3. National Night Out to take place on August 2, 2022, from 5:30 p.m. to 8:30 p.m. at Veterans Memorial Park.

Privilege of the Floor

Please limit your comments to **three (3)** 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.

Cheryl Rogowski:

Ms. Rogowski, on behalf of the Warwick Valley Farmer's Market, thanked the Board for their support over the years. Ms. Rogowski explained that the Warwick farmer's market was in the running to be one of the top three farmer's markets from the People's Choice Awards and that the results would be known shortly. Ms. Rogowski went over the attendance numbers for the market and how much they had increased since 2019. Ms. Rogowski spoke of how the farmer's market was a sponsor for the pilot composting program that Sustainable Warwick had undertaken. Ms. Rogowski stated they will have master gardeners present every week at the market who will be handling the education of proper composting and facilitating the process of getting everything collected and distributed.

Ms. Rogowski voiced concern over recent negativity that the farmer's market had endured from a few local business owners, such as complaints over the condition of the parking lot after the market and taking away business from local merchants. Ms. Rogowski said that these same persons had tried to coerce negative information from fellow merchants. Ms. Rogowski stated that the market had been around for over twenty-nine years and how the market space was kept clean. Ms. Rogowski brought up past instances of the uncleanly condition of the parking lot on Sunday mornings prior to the opening of the market and how members had to clean up the area. Ms. Rogowski continued saying they would not want anyone else to experience what they had experienced. Ms. Rogowski emphasized the poor condition of the parking lot on Sunday mornings was not something that was recent, but something that had been experienced in the past. Ms. Rogowski asked everyone involved to please take all things into consideration before making any decisions.

Mayor Newhard:

Mayor Newhard said that he was sorry to hear of the negativity against the farmer's market and that and it was distressing.

Linda Moser:

Ms. Moser spoke about how upset she felt about merchants going around town claiming phony farms.

Mayor Newhard:

Mayor Newhard wanted to find out who the instigators were so that he could speak with them.

William Ashby Jr.:

Mr. Ashby stated that he was a vendor at the market and was also a vice chairman. Mr. Ashby explained that his introduction to Warwick was through the farmer's market. Mr. Ashby wanted clarification about the possible relocation of the market that had been brought up in previous discussions.

Mayor Newhard:

Mayor Newhard said the discussion of moving the market was a sidebar, and that the real conversation was about closing Bank Street and safety. Mayor Newhard stated that the movement of the market was brought up in a 'what if' scenario, such as investigating if there were a better or safer place. Mayor Newhard added that nothing would be forced but would be more of a cooperative dialog and if it did not make sense to move the market then it would not be pushed. Mayor Newhard continued stating that the article in the paper alluded toward a move, but that wasn't what the Board meeting was about.

William Ashby Jr.:

Mr. Ashby stated that if Bank Street were to be reopened it was determined that they would only need twenty orange barriers and would do some shifting around. Mr. Ashby said that he didn't want to see Bank Street open, but if it had to, would try to make it work.

Matt Sullivan:

Mr. Sullivan brought up the topic of the sewage treatment plant and asked why the project was necessary.

Mayor Newhard:

Mayor Newhard answered that the sewage treatment plant was antiquated with repairs occurring on an ongoing basis. Mayor Newhard compared the scenario to an old car that suddenly was no longer sustainable because it costs so much. Mayor Newhard said that he thought the DEC was involved and asked for Trustee Cheney's input.

Trustee Cheney:

Trustee Cheney stated that everything that occurs is reported and the plant was meeting the discharge standards but at the same time the equipment, particularly the rotating biological contactors, had become very fragile and were breaking down a lot. Trustee Cheney said that very expensive repairs had to be done and that a major repair on the contactors would have been about \$40,000 per unit and at that point more were failing. Trustee Cheney recalled that in 2010 or 2011, seven of the fifteen contactors were out of service and that work had been done to put them back into service and a program helped limp them along. Trustee Cheney said the Board saw that it was necessary to do a major overhaul of the units and therefore it was decided to take a look at whether there were other technologies that would provide the Village with the ability to upgrade the plant technologically and create a better situation for residence.

Matt Sullivan:

Mr. Sullivan asked for clarification if the analysis determined it would be less expensive to modernize and expand than to continue to repair.

Trustee Cheney:

Trustee Cheney replied that the repair aspect had been dismissed because it had gotten to the point where replacement of the technology would have been better than trying to repair and limp along and when that came about it was decided to look at newer alternative technologies.

Matt Sullivan:

Mr. Sullivan asked if it was fair to say that investing made more sense than continuing to repair the current facility.

Trustee Cheney:

Trustee Cheney answered most definitely because the shafts, bearings, and alignment were very important and explained when things get out of alignment the shaft ends up being scored and then the shaft and bearings would need to be replaced.

Matt Sullivan:

Mr. Sullivan asked if there was currently any authority such as the DEC compelling the Village to do the repairs and if there were any deadlines or potential fines if not completed by a certain date.

Trustee Cheney:

Trustee Cheney replied that the Village was not under any order of consent relative to the plant but added that as units go out of service due to bearing or shaft failure it would impact the ability to treat the wastewater and would then potentially cause the Village to violate permit conditions which would very quickly result in a consent order.

Matt Sullivan:

Mr. Sullivan asked if it was preemptive.

Trustee Cheney:

Trustee Cheney replied yes.

Matt Sullivan:

Mr. Sullivan wanted to know how the update was being paid for and spoke of a three-million-dollar grant.

Mayor Newhard:

Mayor Newhard said that the Village had an infrastructure reserve and explained when it was put in place it was not very robust, but that over the past five years money had been put in that would end up covering the cost of the entire project.

Matt Sullivan:

Mr. Sullivan asked if there was full capitalization at this time.

Mayor Newhard:

Mayor Newhard said not yet.

Matt Sullivan:

Mr. Sullivan wanted to know how far away the amount was.

Trustee Cheney:

Trustee Cheney explained that the Village was getting three million of the twelve million.

Matt Sullivan:

Mr. Sullivan asked if the twelve million was locked-in or if inflation would be an aspect.

Trustee Cheney:

Trustee Cheney said that inflation could be an aspect and that the Board had not gotten an update as the plant was still in the design phase and once the design was complete, which should be at the end of the year, then there will be a better idea as to the cost.

Matt Sullivan:

Mr. Sullivan asked how much was saved up so far for the project.

Trustee Cheney:

Trustee Cheney believed there was a million and half or two.

Mayor Newhard:

Mayor Newhard interjected that he believed it was closer to almost three.

Trustee McKnight:

Trustee McKnight brought up the sewer land tax that was instilled that brings around \$900,000 per year and it had been a couple years building up those reserves.

Matt Sullivan:

Mr. Sullivan wanted to know where the rest of the capital was coming from.

Trustee Cheney:

Trustee Cheney said there were two options, the Village can go through funding from the New York State Environmental Facilities Corporation through a low interest loan, which was part of a revolving door fund. Trustee Cheney continued saying the Village could also go out for borrowing if the interest rates were better with a bond. Trustee Cheney stated that the way the Village structured the land tax assessment, which was created two or three years ago, would be used in its entirety to pay the remaining interest and principal on the years that are left.

Mayor Newhard:

Mayor Newhard said that when and if the Village goes go out to bond, then it would probably be a bond anticipation note, which was a five-year note, and hopefully pay it off by then so that there was no long-term bond commitment or debt. Mayor Newhard explained how that was

something the Village had done with infrastructure projects all along the way, because once a project is complete there will be another one.

Matt Sullivan:

Mr. Sullivan said the water system was another huge obstacle to face. Mr. Sullivan continued saying that it seemed as though the Village was not putting aside the funds that were needed for the water treatment project and wanted to know how the Village was doing with other replacement costs reserves such as street, sewer, and water repairs in order to catch up for the future.

Mayor Newhard:

Mayor Newhard replied that the Board was looking at replenishing funds and explained how it was a fine balance because it meant raising taxes and stated that the Board tries to stay within the tax cap limit. Mayor Newhard said the Board aims to find out the best way to replenish funds and how it was definitely a challenge, but that it was not impossible. Mayor Newhard continued saying there are grants that are available and how the Board goes after them. Mayor Newhard gave an example of a grant for well #3 that would hopefully be approved.

Matt Sullivan:

Mr. Sullivan said that he hoped the Board members leave the Village in a better place than before and declared that these types of things had not been kept up for a long time.

Trustee Cheney:

Trustee Cheney replied that a lot of those things had not been brought to light and that there was a long period of time when the thought process was, 'don't confuse me with the problems that we're faced with'. Trustee Cheney said that one of the things that the Board tried to do in the last ten plus years had been to assess what the needs were and look at what infrastructure needed to be updated if it was no longer serving the way it should.

Mayor Newhard:

Mayor Newhard gave examples of current and completed water projects such as well #2, which was a microfiltration plant, brand new and a great asset and how well #3 was currently being worked on, as well as bringing the water treatment plant into the 21st century.

Matt Sullivan:

Mr. Sullivan said the water pipes out in the streets also needed work and brought up a leak that occurred on Clinton that created some damage. Mr. Sullivan asked to be on a water treatment plant tour that was coming up.

Mayor Newhard:

Mayor Newhard stated Mr. Sullivan could attend the tour.

Cheryl Rogowski:

Ms. Rogowski introduced Emily Downs, the owner of Emily's Hearth Pizza at the farmer's market. Ms. Rogowski stated that Ms. Downs had been in direct fire from the anti-farmer's market campaign in that pizzas were still being sold and baked at 3 o'clock in the afternoon when the market closes at 2 p.m.

Emily Downs:

Ms. Downs stated that orders were typically taken until 2 p.m. and explained that as a lunch food the busiest time was between 12:30 p.m. and 2 p.m. Ms. Downs explained the time-consuming process of prepping and baking fresh foods as well as the time it takes to clean up and break down a miniature restaurant. Ms. Downs clarified that the intent was not to compete with other businesses but to fill the orders that had been taken by 2 p.m.

Mayor Newhard:

Mayor Newhard said that it made sense and thanked Ms. Downs for coming.

Emily Downs:

Ms. Downs was not sure what the issues were and asked if it was staying open later, not breaking down soon enough, or the orchestration of where she was located within the market.

Mayor Newhard:

Mayor Newhard described the situation as a game of telephone around the Village and that the Board had not received any complaints but would try to get to the bottom of it.

Emily Downs:

Ms. Downs described where her booth was set up within the market and how they were not blocking any parking spaces where their location was. Ms. Downs stated that she would be happy to work it out with people and that she tried to be informed and be honest.

Mayor Newhard:
Mayor Newhard thanked Ms. Downs.

No further comments were made.

Vacation Carry Over – Arthur Wendel

A **MOTION** was made by Trustee Cheney, seconded by McKnight, and carried to grant permission to Village of Warwick Employee, Arthur Wendel, to carry over 5 vacation days.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Facility Use – Veterans Memorial Park Pavilion - Everett Cox

MOTION to grant permission to Everett Cox to use the Veterans Memorial Park Pavilion for a birthday party on Sunday, August 7, 2022, from 2:00 p.m. to 6:00 p.m. Request includes use of electricity, restrooms, and Village-owned tables and chairs. Completed park permit, proper insurance and security deposit have been received.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Bachman ____

Trustee McKnight ____ Mayor Newhard ____

Village of Warwick Policy Against Discrimination and Harassment

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to adopt The Village of Warwick’s Policy Against Discrimination and Harassment effective August 1, 2022. The policy will replace Section 9.6 of the Village of Warwick Employee Handbook entitled ‘Sexual Harassment’ and the Village of Warwick’s Policy Against Discrimination and Harassment that was adopted on December 6, 2019.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent
Trustee McKnight Aye Mayor Newhard Aye

FY 2018–19 to 2022-23 PILOT Refund due to Clerical Error

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to refund Liberty Green III in the amount of \$5,000 total for PILOT overpayments made during fiscal years 2018-19 to 2022-23 for Liberty Green III, Section 230 Lot 1 Block 1.13, due to a billing statement error.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent
Trustee McKnight Aye Mayor Newhard Aye

New York Sate Retirement Reporting – Planning Board Member and Chairman, Jesse Gallo

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to approve the New York State Local Retirement System Standard Workday and Reporting Resolution for Village of Warwick Planning Board Member and Chairman, Jesse Gallo, with a Record of Activities of 0.89 days worked per month.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent
Trustee McKnight Aye Mayor Newhard Aye

Appointment of Zoning Board of Appeals Member, Wayne Greenblatt

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to appoint Wayne Greenblatt as Zoning Board of Appeals Member with a term of August 1, 2022, to April 5, 2027.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent
Trustee McKnight Aye Mayor Newhard Aye

Appointment of Alternate Planning Board Member, Vanessa Holland

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to appoint Vanessa Holland as Alternate Planning Board Member with a term of August 1, 2022, to April 3, 2023.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Valve Vault, Robert Drive - Payment Application #1, TAM Enterprises

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to authorize payment to TAM Enterprises, Inc. in the amount of \$14,088.50 for the Robert Drive Valve Vault per Payment Application #1 as certified by Village Engineer David Getz of Engineering Properties. Funds are appropriated in budget code F.8340.4 in the 2022-23 budget.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight asked Trustee Cheney what the valve vault was. Trustee Cheney clarified that the valve vault reduced pressure in places where there was too much pressure such as lower properties on Robert Drive and explained that if the valve was not in place the pressure would be too high in the homes. Trustee Cheney explained that when going down the hill the pressure rises because the tank is at the top and that there are a number of pressure valves throughout the Village. Mayor Newhard added that without the valve it would blow the homes plumbing out. Trustee McKnight asked if a valve vault was already installed and that this was for a replacement. Trustee Cheney confirmed and added that the vaults wear out over time.

Final Comments From the Board

Trustee Cheney reminded residents that the Village annual water quality report was available online on the Village website or if anyone would like a copy of the report, they could contact Village Hall.

Trustee McKnight said that he spoke to Chief Rader and the first Junior Police Academy session had just wrapped up and graduated and that the second session would be starting that day. Mayor Newhard stated that it was a well-received program and how great it was to have an activity like that and brought up the Leadership Academy for middle schoolers, which was a great time to instill leadership skills. Trustee McKnight wanted to add that he appreciated the farmer's market.

Mayor Newhard mentioned the activities of the Board that go on behind the scenes and how each Board member had responsibilities and was a liaison and how it is taken very seriously. Mayor Newhard spoke of how Trustee Bachman was working on the Certified Local Government program, which was a revamping of the Village's Architectural Review Board and explained that it allowed the ability to get tax credits for historic preservation and opens up grants. Mayor Newhard said that Trustee McKnight was working on an environmental advisory board and a work session would be coming up. Mayor Newhard described Trustee Foster's work on the Memorial Park master plan committee. Mayor Newhard explained that Trustee Cheney was working on LED streetlights, well #3, and the wastewater treatment plant. Mayor Newhard explained that sometimes people don't realize how much activity happens behind the scenes and that the results are not from magic but from a lot of hard work.

Adjournment

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to adjourn the regular meeting at approximately 8:05 p.m.

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

Trustee Cheney Aye Trustee Foster Absent Trustee Bachman Absent

Trustee McKnight Aye Mayor Newhard Aye

Deputy Village Clerk, Jennifer Mante