

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
AUGUST 16, 2021**

**8978**

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 16, 2021, at 7:30 p.m. at Town Hall, 132 Kings Highway, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, George McManus and Corey Bachman. Also, present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. DPW Supervisor, Michael Moser was absent. Others present: Nikki Grzegorzewski, Ernest VanderKruik, Freya Carlbom, John Gruen, Patricia Reinhardt, Sam Faella, Diana Clough, Tammy Scotto, Vikki Garby, Geoff Green, Jim Murphy, Kayleigh Maher, Robert Silber, Benn Silber, Lugene Maher, Raymond Maher, Jeanne Lung, Kirk Lung, Vicky Hague, Eric Hague, Nancy Sardo, Wayne Patterson, Lucyann Tinnirello, Kirk Rother, James Gerstner, Jay Myrow and others. Approximately 25 people were present.

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

**Acceptance of Reports**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried for the Acceptance of Reports - July 2021: Clerk's Office & Tax Collection Summary, Justice, Building, Planning Board & 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

**Discussion**

Trustee McManus asked Village Attorney, Stephen Gaba, why the Village of Warwick Code Enforcement Officer/Building Inspector hasn't heard back from him regarding old complaints detailed on the Open Complain Report. Mr. Gaba replied that he will review them.

**Acceptance of Minutes**

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried Acceptance of Minutes: August 2, 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 McManus, seconded by Trustee Lindberg, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$192,696.81.

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

**Police Report** – No report at this time.

**Announcements**

1. Revised Dates - Village of Warwick Bulk Trash Pick-Up.

Trustee Lindberg read the notice.

2. Warwick American Legion Post 214 & VFW Post 4662 public flag retirement ceremony on September 8, 2021, at 5:00 p.m. behind the American Legion building.

Mayor Newhard stated that if there are flags that need to be retired because they are faded or tattered, they can be placed in a bin right in front of the American Legion building on Forester Avenue. Mayor Newhard said that this is the first time this event has been open to the public.

**Correspondence**

1. Letter from the Historical Society of the Town of Warwick regarding the first annual George Washington Day 5K and Fun Run.

Trustee Bachman explained that the event had a great turnout and was very successful with over one hundred runners. Trustee Bachman stated that during the public tours of the historic properties there was a record turnout.

Mayor Newhard added that Trustee McManus mentioned that it was the 5k the Village of Warwick has had in almost forty years. Mayor Newhard thanked the police department who made it possible.

**Discussion**

1. Extending the Village of Warwick Outdoor Dining Program beyond September 5, 2021.

Mayor Newhard explained that September 5<sup>th</sup> is the date that the DOT application expires so if the Village Board feels it wants to continue the outdoor dining program into October, the Village would have to go back to the DOT and request an extension.

Trustee Cheney asked if the Village received feedback from the restaurants with their feelings on continuing outdoor dining. Mayor Newhard said that the restaurants feel it should continue, however there are staffing issues like many businesses are facing. Mayor Newhard said it would be easy to poll the restaurants that are involved.

Trustee Cheney inquired if the Executive Order that the Village was operating under expires on September 5<sup>th</sup>. Mayor Newhard explained that it was extended beyond that date. Trustee Cheney stated that with the Delta variant spreading, affording the opportunity to have outside seating will keep people more distant inside while allowing people who may not want to dine indoors, to have an opportunity to do so outside. Trustee Cheney said that the Village should request an extension and see what the DOT says.

Mayor Newhard said that the Delta variant is a very important part as the wearing of masks returns and the numbers in Orange County have been rising steadily.

Mayor Newhard said that as a sidenote and information for the public, Orange County is starting a program where five communities, including the Village of Warwick, will have their wastewater stream tested for COVID. Mayor Newhard stated that this free service through Orange County will provide a two-week window to be able to notify the hospital and community about a potential spike in cases.

**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.

1. Mayor Newhard read the following email from Maryann Buckley:

I am questioning the “small water pump station” to be built by the developer. I am assuming this is for the homes in the Village View Development. Has anyone taken into consideration the fact that this water will be taken away from the homes already in existence in that neighborhood?

I am very concerned about this issue and want it documented in case of legal issues in the future.

Thank you. Mary Ann Buckley

2. Mayor Newhard read the following email from Peter Spsychalski:

Preservation is defined as conservation, protection, care or safeguard. It's no wonder this term is used by various municipalities and community planning boards to ensure residents that they are concerned about the sustainability and future of their respective communities. When my wife and I bought our house in Warwick in 2017 we were delighted to learn that Warwick already had measures in place to preserve its rural charm and character by means of the Community Preservation Protection Plan (CPPP). Legislation has recently been signed into law to ensure this preservation fund continues for another 25 years until 2050. Why? State Senator Mike Martucci said it best (Mr. Martucci's comments were recently published in the Warwick Advertiser (Aug 13-19, 2021) on page 2) “No single issue is more important to Warwick's residents than preserving open space and the rural character of their community. The long-term extension of this program ensures that control of Warwick's future remains firmly where it belongs - in the hands of its own residents.” He also highlighted that the CPPP would allow for responsible growth and respect the environment and historical context. The Village View Cluster Subdivision is a prime example of irresponsible growth. Specific concerns have been clearly communicated a number of times regarding the unsafe width of Sleepy Valley Rd as well as of Locust from Woodside Dr to Maple Ave (94) and the multiple traffic complications and concerns this subdivision will cause. There is also concern regarding the proposed Town Rd that intersects Sleepy Valley Rd. None of the project documentation addresses the scope, design and feasibility of this road which is needed in order to provide the required number of access points for this type of subdivision. These are serious issues that have not been seriously received, considered or addressed by the planning board! The Village View Cluster Subdivision should not be approved. If it is approved, it should be limited to the smallest number of lots. The words quoted earlier by State Senator Martucci really do reflect what each Warwick resident wants. I urge you as a planning board to bring these words to life through your actions! Work to preserve Warwick! Show that Warwick's future is in the hands of its residents! Please preserve our home!

Regards,

Peter Spsychalski

Trustee McManus asked for the record the residences of the two letters. Mayor Newhard stated that it was not indicated on the emails.

3. Raymond Maher, 52 Woodside Drive: I'm concerned about the development project and that it seems to me that there is a potential that the Village Board is up for sale. If a developer comes in and says, 'We will build you a sewer plant and you give us everything we want.' Quid pro quo, up for sale, whatever you want, it doesn't sit right. With the traffic in the paperwork, it says that the traffic had been resolved. Buy them some stripes on the road and put a sign up that tells them how fast they are going through the stop sign. Buy them something. Come to Warwick. Warwick is for sale. I don't know if that's what your legacy is going to be about, but it looks like that to the public. Also, the development doesn't fit in with that neighborhood. Part of the paperwork tonight says it doesn't go against the development. There's nothing in that development that looks like that. The other problem is that this whole system is rigged against the public. The Village Planning Board was woefully inept. The citizens here have to pay a lot of money to find out what they didn't know. They're supposed to represent us. That didn't happen. It was suggested to my wife and I that we go speak to one of the Planning Board members and they refused to speak to us because they said it was a conflict of interest. We weren't there to speak about Village View, we were there to speak up because we don't know the rules. We do not have the ability to challenge this unless we hire expensive lawyers and engineers. The engineer really put it to the Village Planning Board, or this project would've been a lot more catastrophic. Don't be the Village Board that gives the impression that the Village of Warwick is up for sale. Thank you.
4. Freya Carlbon, 43 Woodside Drive read the following letter:

Dear Village Trustees and Mayor Newhard,

Residents' concerns regarding potential traffic problems in the Village View 'vicinity' were rendered invisible at the June 16, 2021, Village Board Meeting. The Board granted the Special Use Permit to the petitioner without acknowledging even the existence of our concerns regarding traffic conditions.

Concerns were raised concerning (1) the apparent obsolescence of the 2007-08 traffic report. This report was linked to the original 2008 approval of 28 houses. (2) In addition, questions were raised about the quality of petitioner's traffic engineer Kenneth Wersted's observations. These appeared in the most recent traffic report itself and in interviews he conducted with members of the Planning Board in 2020.

We are disappointed that the Trustees voted to approve the Special Use Permit while electing to disregard concerned residents' emails of May 20 and June 2, 2021. These e-

mails were our good faith effort to begin a useful conversation focused on various aspects of the traffic situation

Thank You,  
John Gruen  
Freya Carlborn

5. Lugene Maher, 52 Woodside Drive:

I would like to stress several key points as you consider your vote on the Special Use Permit:

- 1) Over 200 residents have voiced their opposition to this development. Not one resident in the Town or the Village other than those on the developer's team, have said one word in favor or support of this development. This is because the development is not in the best interest of the residential community and represents a total disregard for the health, safety and wellbeing of the residents who live nearby.
- 2) Change is not always progress. Progress should make things better and more advanced. Village View does neither. It is solely a money-making venture for the developer and his team.
- 3) Most importantly, the Village View application violates NY State law as it pertains to cluster subdivisions and incentive zoning. The legal violation has been intentionally ignored. A vote of "yes" knowingly disregards this violation and represents a betrayal of the Code of Ethics a Village Board should conduct itself by. A vote of "yes" lacks the values, ethical principles, and standards to which professionals elected to a Board should aspire and by which your actions will be judged.

The residents of this Village, your constituents, need you to listen to us. You were elected to represent the best interests of the residents of the Village of Warwick. We need you to honor our requests, without compromise or favor for the developer and the real estate agents, or for monetary gain in the form of fees, tax revenue and incentives the Village will receive for this development. We need you to do the right thing and vote "no" on the Special Use Permit. You should do it knowing that you did not let the developer and his team control and influence you and the outcome. They do not and should not run this Village.

Thank you.

6. Geoff Green: I am a real estate broker with the GreenTeam Realty and also a proponent of the subdivision. Full disclosure of course, I stand for financial gain from the development but I'm also a citizen here of Warwick and a long time resident and I'm raising my kids here like everyone else. I just want to address some of the things that were said because I feel like I need to stick up for your guys, quite frankly. Some of the things that have been said are just a little bit appalling in my opinion. Look, every landowner has the right to develop their properties so long as it's within the zoning laws. It is the nature of our country, the nature of our state. I'm all about conservation. I think what the Town of Warwick and the Village of Warwick have done over the course of decades with the PDR money, buying up farms, it's a fantastic thing. But unless those development rights are taken away in the right way, the developer has the right to do with the property as they say fit, providing that they are abiding by the rules. This has gone on for, I think, three years, much longer than that in total, but the Special Use Permit has gone on for a very, very long time. The amount of due diligence that has been done by very good professionals, both attorneys and engineers, very respectable people in the Village of Warwick. I find it very offensive for somebody to come up here and say that the Board is up for sale. It's just not true. I never met with any of you during this whole period of time. I never tried to sell you on anything. We've stepped back and let the process go and I think that needs to be said. Rigged against the public. No one in favor of the development. I just don't see that as being accurate and I think the reality is that there are a lot of people in favor of this. It's hard to stand up and be for something when there is an opposition force because you're going to be ridiculed, shots taken at you. It takes a lot of courage for me to stand up here; running a business knowing that bad reviews could show up online and all these sorts of things, but at a certain point you have to take a stand for what's right. I'm a true believer in individual property rights and that's all that this developer is exercising. Nothing more. There's nothing underhanded going on so far as I can see. I just want you guys to know that I respect that job that you've done. It's been a long haul, and this has been hard and whichever way it goes, I respect everybody on this Board. Thank you.
7. Patricia Reinhardt: I truly wasn't going to go tonight, and it seems that I always have to follow Geoff. I don't feel anything that was said so far tonight was appalling and I know four of you pretty well. I'm impressed with our new member, trustee. But you've made mistakes. I haven't followed them as well as some people as I should. Living in the village, I feel privilege to live there. But we all make mistakes. The one thing I'd like to say over this stuff today, I kept seeing words like 'special', 'bonus'. To me bonus was always a reward for good behavior. I don't know about bonus density and special permit. A specialist is supposed to be better or greater. And also, the word mitigated, that you mitigated things to the extent, well mitigated isn't a positive word, but it's lessening severity of something in my vocabulary. So, if it has to be mitigated, we're already saying there's some pain there, there is something severe there. But I'm not going to get into what everybody else said because I feel like everything that was said so far is truthful

and even what Geoff says, except appalling, that we all have property rights. I know my property rights. The last time I stood up here I talked about legal rights and honestly the word moral came to me, it just came out of my mouth because it came from me, but what I want to say to you tonight is 'trust'. I'd be honored if I was a trustee, I don't want your job, but to call myself a trustee that means something. A trustee is to be relied on for truthfulness, your accuracy. That means you looked into everything, you've listened to everything, all points of view. And also, trust is to hope and expect confidently, so I hope and expect confidently that you will do the right things for our village. I know that it comes down to a personal decision, but you can't make personal decisions unless you look at the whole picture. And I do have just one more question. I was trying to understand that whole traffic study and I think Freya was saying there were so many emails and letters telling you people's anxiety and observations and their experiences and it seems like they were ignored. Nobody ever heard them. By the way, did you see the two hundred names on the list, Barry? Did you see it, Corey? Did you see it, Bill? Ok, thanks. Michael, did you see it? Ok, because there was no way of knowing whether, but Eugene said over two hundred people, I think there were a lot more than over two hundred people and honestly Geoff, honestly, I haven't talked to anybody in the village and somebody would attest that I talk to a lot of people, I haven't heard anybody who said this is a good idea in any way shape or form. And when you do a cluster development, I know there's a benefit that is supposed to go with it. We're calling a sewer plant the benefit. Believe me we need sewer plants, believe me, I know. But a benefit to me is like a park for kids or an extension to the library. So, I'm just saying, I don't disrespect you at all. I honor you because you're my trustee and I trust that you will do, because I privilege to live where I'm living and hope to live there a little longer. Thank you.

### **Motions**

#### **RESOLUTION GRANTING SPECIAL USE PERMIT FOR BONUS DENSITY LOTS IN VILLAGE VIEW CLUSTER SUBDIVISION**

WHEREAS, Village View Estates, LLC, is the owner of approximately 20.3 acres of land located at the northwest corner of the intersection with Woodside Drive and Locust Street; and

WHEREAS, Village View Estates, LLC, applied for and received site plan approval from the Village Planning Board to subdivide its land into 28 residential building units/parcels; and

WHEREAS, Village View has now submitted to the Village Planning Board an amended site plan, special use permit and subdivision application (the "Application") entitled "Village



View Cluster Subdivision Reduced Scale Alternative” prepared by Kirk Rother, PE Consulting Engineer, PLLC (the “Amended Site Plan”) proposing development of its land as a cluster subdivision of 33 lots containing 32 single family residential buildings plus 5 townhouse buildings containing an additional 10 single family residential units for a total of 42 residential building units; and

WHEREAS, in regard to the said application, Village View Estates, LLC, has applied to the Village Board for grant of a special use permit for creation of 14 bonus density units in the said subdivision pursuant to Village of Warwick Village Code §145-29(D)(4); and

WHEREAS, the Village of Warwick Planning Board, as lead agency in a coordinated SEQRA review has issued a Findings Statement determining that all potential significant adverse environmental impacts of the proposed development have been mitigated to the maximum extent practicable, in which the Village Board joins; and

WHEREAS, following due notice the Village Board held a public hearing on the application for a special use permit;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby make the following findings pursuant to Village Code §145-120

A. The proposed bonus density units are of such location, size and character that they will be in harmony with the appropriate and orderly development of the neighborhood in which they are to be situated and will not be detrimental to adjacent properties. As an initial matter, the Village Board finds that the amended site plan is of a much better design and layout than the prior subdivision plan, both in terms of preserving open space and in regard to traffic impacts. The cluster subdivision protects sensitive wetlands and a stream corridor, as per the SEQRA Findings Statement, all potential significant adverse environmental impacts have been mitigated to the maximum extent practicable. Further, most of the proposed density bonus units are being built as duplex townhouses, which should increase the Village's stock of more affordable housing.

B. The proposed density bonus units do not pose any undue hazards to pedestrian and vehicular traffic. While additional units may result in some additional traffic, as per the traffic information in the SEQRA Environmental Impact Statement and as determined by the SEQRA lead agency in its Findings Statement, all potential significant adverse traffic impacts have been mitigated to the maximum extent practicable, and the additional vehicle trips generated by the density bonus units will not have any significant adverse impacts.

C. The location and height of buildings for the proposed density bonus units are not of such nature, size, appearance or location that they will hinder or discourage use or development of other properties in the neighborhood or the district. The single family homes in the development are fully in keeping with existing development in the neighborhood and, as noted, the units in the duplex townhouses should increase the Village's stock of more affordable housing and promotes a balance of housing types within the proposed subdivision.

D. The need for increased public facilities or services resulting from approval of the proposed bonus density lots will not create an undue fiscal burden upon the Village greater than those which characterize uses permitted by right. In this regard it is noted that in addition to paying the bonus density lot fee required by the Village Code, the applicant is constructing and dedicating a new sewer pump station to the Village as well as a small water pump station.

E. Lastly, under the Village Code a bonus density lot fee is charged for each bonus density lot approved by the Village Board. The funds from these fees are used to offset the anticipated municipal expenses generated by reason of creation of the density bonus lots. The applicant has agreed to enter into a Developer's Agreement for the aforesaid sewer pump station in which it has committed to payment of all applicable fees, and receipt of such funds constitutes a substantial benefit to the Village.

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

- (i.) Grant of site plan and subdivision approval from the Planning Board of a plat and site plan in substantially the format and layout presented to the Village Board on this application;
- (ii.) Execution by the applicant of the Developer's Agreement approved by the Village Board;
- (iii.) Payment of all fees due under the Village Code.

Trustee Cheney 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

Corey Bachman, Trustee, voting Nay

George McManus, Trustee, voting Nay

Michael Newhard, Mayor, voting Aye

**Discussion**

Trustee McManus asked if the permit is approved, when does the developer pay the density fees, as soon as the approval or when they sell the units or when they build the unit and get the CO. Mr. Gaba replied that payments for bonus density fees is due upon issuance of the building permits. Trustee McManus asked if each time they get a building permit, the fee is retained. Mr. Gaba replied that that is when the fee is absolutely required and that you can't get a building permit without getting the fee.

**RESOLUTION APPROVING VILLAGE VIEW SUBDIVISION**  
**DEVELOPER'S AGREEMENT**

WHEREAS, Village View Estates, LLC, is the owner of approximately 20.3 acres of land located at the northeast corner of the intersection with Woodside Drive and Locust Street; and

WHEREAS, Village View Estates, LLC, has applied to the Village of Warwick Planning Board for approval of a cluster subdivision; and

WHEREAS, the subdivision development proposed by Village View Estates, LLC, will necessitate the upgrade and replacement of the Village's existing Robin Brae sanitary sewer pump station; and

WHEREAS, Village View Estates, LLC, has requested that the Village enter into a Developer's Agreement with it under which Village View Estates, LLC, will construct and dedicate to the Village a new sanitary sewer pump station to replace the existing Robin Brae sanitary sewer pump station; and

WHEREAS, the Village Board has before it a draft of the said Developer's Agreement, a copy of which is attached hereto; and

WHEREAS, SEQRA review on the cluster subdivision proposed Village View Estates, LLC, including the proposed upgrade and replacement of the Robin Brae pump station has been concluded by a Findings Statement adopted by the Village Planning Board, in which the Village Board joins;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the draft Developer's Agreement as revised for the upgrade and replacement of the Robin Brae pump station; and
2. That the Mayor is hereby authorized to execute the Developer's Agreement and take such actions as may be necessary to finalize and put the same into effect.

Trustee Cheney 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

Corey Bachman, Trustee, voting Nay

George McManus, Trustee, voting Nay

Michael Newhard, Mayor, voting Aye

### **Discussion**

Village Attorney, Stephen Gaba, stated that Draft Developers Agreement that was presented to the Board has one omission and one typographical error. Mr. Gaba explained that the omission occurs at paragraph nine. It should begin with the words, 'It is expressly understood and agreed that Village View's obligations hereunder are conditional upon grant of the aforesaid amended site plan approval and subdivision approval, but subject thereto' and then rest of nine which says they're obligated to build a pump station. Mr. Gaba said that the idea there, as it has always been,

is that the obligation to build a pump station, which is necessitated by the post amended site plan is undertaking on condition that the amended site plan would be approved. Mr. Gaba added that if it isn't approved, then they're not going to build the additional bonus density lots, then there's no need to build a pump station because it isn't required by the SEQRA findings, so that should be added to it. Mr. Gaba also explained that in paragraph six, there's a typo on line seven in which Village View is referred to as Vacation View that should be changed.

**Chemical Delivery – ESC Environmental, Sodium Hypochlorite**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize an increase in the delivered price for Sodium Hypochlorite (Liquid 12.5%) from \$1.30/gallon to \$1.75/gallon effective July 30, 2021 through December 31, 2021 under the contract currently in effect with ESC Environmental Inc. for services to deliver chemicals to the Village under reservation of all rights, on an emergency basis under General Municipal Law §103(4) due to unforeseen circumstances affecting operation of public utilities, particularly a nationwide shortage of such chemicals due to natural disasters and the Village's immediate need for the same to keep its public water facilities in operation.

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

**NYSDOT – Temporary Closure of Main Street - September 10, 2021 – October 30, 2021**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to close a portion of Main Street (Route 94) to permit outdoor dining on Fridays and Saturdays from 5:30 p.m. to 11:00 p.m. starting September 10, 2021, through October 30, 2021, pending approval of an extension of the New York State Department of Transportation COVID-19 Recovery Temporary Use Permit.

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

**Temporary Closure of Parking Spaces on Main Street – Sept. 12, 2021 – Oct. 31, 2021**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to allow restaurants on Main Street that are enrolled in the Village of Warwick Outdoor Dining Program to place tables on the sidewalks in front of their property for dining and to close the parking spaces in front of their property to allow room for pedestrian access on Sundays from September 12, 2021, through October 31, 2021, from 12:00 p.m. to 4:00 p.m., pending approval of an extension of the New York State Department of Transportation COVID-19 Recovery Temporary Use Permit.

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

**Temporary Closure of Parking Spaces on Railroad Ave. & Spring St. – Sept. 10, 2021 – Oct. 31, 2021**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to allow restaurants on Railroad Avenue and Spring Street that are enrolled in the Village of Warwick Outdoor Dining Program to place tables on the sidewalks in front of their property for dining and to close the parking spaces in front of their property to allow room for pedestrian access on Fridays and Saturdays from 5:30 p.m. to 11:00 p.m. and Sundays from 12:00 p.m. to 4:00 p.m. from September 10, 2021, through October 31, 2021, pending approval of an extension of the New York State Department of Transportation COVID-19 Recovery Temporary Use Permit.

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

**Vacation Carryover – Mike Moser**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to DPW Supervisor, Mike Moser to carry over nine (9) vacation days.

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

**Request to Purchase – 12’ Long Tilt Trailer**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, to approve the purchase of a 12’ Long Tilt Trailer, 6900 LB GVW from Hudson River Truck & Trailer in the amount of \$4,901 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: **DENIED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Nay

Trustee McManus Nay Mayor Newhard Nay

**Discussion**

Trustee McManus inquired what constitutes the purchase as an emergency. Trustee Cheney explained that the DPW were using the trailer and that his understanding is that one of the tires went flat and the axel broke. Trustee Cheney said that it was a 1980’s vintage trailer that was used to move the roller from site to site during paving. Mayor Newhard asked if this was part of a state bid. Trustee Cheney replied, no, because it was an emergency. Trustee McManus said that he rather the Village rent one and go and get two or three different prices. Trustee Cheney said that he doesn’t know how available they are for rental and that with the work that needs to be done, especially on River Street to pave over the trenches that were cut across the road and along the road, it’s something that the DPW Supervisor felt couldn’t wait. Trustee McManus said that he understands the need and the workload but thinks that it’s a way of not looking competitive bids. Mayor Newhard stated that he agrees with Trustee McManus and feels like the Village should be able to find a rental without too much difficulty. Trustee McManus said that the roller only has to be transported to the location once and doesn’t have to go back and forth each day. Trustee Lindberg asked how often the trailer is used. Trustee McManus believed the roller was being used a lot right now because it’s paving season. Mayor Newhard said that he would prefer to find a rental and then get prices on this particular piece of equipment,

**Request to Purchase – 2022 Ford F250 XL 6.2 V8 Engine**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to

approve the purchase of a 2022 Ford F250 XL 6.2 V8 Engine from Leo Kaytes Ford in the amount of \$33,538.46 per the recommendation of DPW Supervisor, Mike Moser. Funds are appropriated in budget code A 5110-2350 in the FY 2021-22 budget.

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**

Village Attorney, Stephen Gaba, said that this is the equivalent of a purchase off of a state bid which is why it doesn't need to go out to bid. Mayor Newhard clarified that it is not off a state bid. Trustee McManus said that it is the equivalent of a state bid and that the paperwork shows it.

### **Budget Modification**

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 August 11, 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 Request – Warwick Valley Gardeners, Memorial Park Pavilion**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to grant permission to the Warwick Valley Gardeners to use the pavilion in Memorial Park on Tuesday, September 21, 2021, at 7:00 p.m. to plan their barn sale fundraising event, with set up to begin at 6:30 p.m. and break down to be completed by 8:30 p.m. as per the letter dated August 11, 2021. All activities must be in accordance with NYS and Orange County 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

**Authorization to Accept Funding – 2021 Village of Warwick ‘Project for Youth’ Recreation Program**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to accept funding in the amount of \$4,000 from the New York State Office of Children and Family Services Youth Development Program through the Orange County Youth Bureau for the 2021 Village of Warwick ‘Project for Youth’ Recreation Program.

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

**Reports**

**Trustee Cheney’s Report:**

Trustee Cheney stated that in line with the Village’s Bulk Trash Pickup he wanted to make the residents aware that the County is hosting a hazardous waste collection event at the New Hampton Transfer Station on Friday, October 1<sup>st</sup> for school districts, farms, municipalities, and businesses and on Saturday, October 2<sup>nd</sup> from 9 a.m. to 3 p.m. for residents with a valid ID showing County residency. The address of the New Hampton Transfer Station is 21 Training Center Lane, New Hampton. Trustee Cheney said that as residents are cleaning things up and getting ready to drag items to the street, if they come across any household hazardous waste materials such as adhesives, aerosol cans, automotive products, gas, oil, mixtures of gas and oil, car and truck batteries, corrosives and cleaners, dental amalgam, florescent light tubes, mercury, oil based paint, no latex paint because there is another method for that disposal, pesticides and herbicides, photographic chemicals, pool chemicals, solvents, thinners, varnishes, shellacks and stains. Trustee Cheney stated that the Village DPW will not be picking up these materials so residents have an opportunity to get rid of it a little later on.

**Trustee Lindberg’s Report: No report at this time.**

**Trustee Bachman’s Report: No report at this time.**

**Trustee McManus' Report:**

Trustee McManus stated that Ben's Garden dedication will be Saturday, August 28, 2021, at 12:00 p.m. It is a garden that was installed in Memorial Park in the center island to honor specifically a World War II Veteran who passed away at 103 years of age, so 103 yellow stella d'oro daisies are planted there for him, but it is really to honor all veterans.

**Mayor Newhard:**

Mayor Newhard stated that he, Trustee Bachman, and a small committee has been working on the 9/11 memorial in Stanley Deming Park which showcases an I-beam from the World Trade Center. Mayor Newhard explained that the Village is working with artist Amy Louis Sweetman and the DPW is doing the lion share of the work and that it is coming along. Mayor Newhard said that a lot of people have asked what is happening there and clarified that it is not a splashpad but will be a very beautiful monument that will be dedicated on 9/11. Mayor Newhard said that the Village is working with the firemen because they are going to have their ceremony at Memorial Park and from there everyone will switch over the Stanley Deming. Mayor Newhard said that potentially there will be a concert that evening as well dedicated to 9/11. Mayor Newhard said that he is very excited and believes it will come out beautifully. Mayor Newhard thanked all of the organizations that have been very generous, the Lions, Rotary, Fire Department, Town of Warwick, Ambulance Corp., stating that they all helped financially to make the project work and will be recognized as part of the final memorial. Mayor Newhard added that their support is truly appreciated.

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

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

**Adjournment**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to adjourn the regular meeting at approximately 8:30 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