

77 Main Street  
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**VILLAGE OF WARWICK**  
INCORPORATED 1867

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**Village of Warwick  
Village Board Meeting – December 21, 2020  
Minutes**

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:**

**FACEBOOK LIVE** - The public may view the meeting live by going to the Village of Warwick’s Facebook page: <https://www.facebook.com/VillageofWarwick>

**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  
DECEMBER 21, 2020**

**8703**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 21, 2020 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, Village Attorney, Stephen Gaba and DPW Supervisor, Mike Moser 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 at the above date and time via Facebook Live on the Village's FB page <https://www.facebook.com/VillageofWarwick>.

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

**Acceptance of Minutes**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Acceptance of Minutes: December 7, 2020

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 Cheney, and carried for the Acceptance of Reports, November 2020: Clerk’s Office, Justice, Building, and Planning.

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 Cheney, and carried for the Authorization to Pay all Approved and Audited Claims #21001049 – 21001134 in the amount of \$232,787.68.

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

**Correspondence**

1. Letter from the residents of Ridgefield Meadows regarding Warwick Commons.
2. Letter from Village Accountant, Michael Vernieri, regarding the recommendation that Orange Bank and Trust Company replace ConnectOne as the Village of Warwick's primary bank.

**Discussion**

1. Procurement Policy

Mayor Newhard thanked Trustee Lindberg for all the hard work he completed on the Procurement Policy.

Mayor Newhard had a question about the approval of purchases listed below:

- **Approval of Purchases-** All purchases and contracts not budgeted for goods or services over \$500.00 shall require the Mayor's approval and consensus of the Board unless they are part of a previously approved project or activity. All purchases and contracts not requiring independent Village Board approval must be authorized by an elected Village Official or Village Clerk before initiating.

Trustee Lindberg stated that the statement comes directly from the current policy.

Mayor Newhard stated the, "not budgeted" is what he is questioning. Trustee Cheney asked Mayor Newhard if he is signing contracts now that he does not need to. Mayor Newhard stated yes, that is what is happening.

Trustee Lindberg stated the approval of purchases is not in anything he has read as far as municipal law or state requirements, it is something that the Village of Warwick does. Mayor Newhard stated he does not mind having that oversight and if it was just for the not budgeted items, that makes it simpler. Budgeted items are already vetted to some degree.

Trustee Lindberg stated he has been working on the policy and was able to get it down to eight pages and the first draft was twenty pages. Trustee Lindberg stated that he talked to Cathy Richards, the Village Treasurer, and had help from Trustee Cheney, and the new procurement policy comes from NYCOM's policy.

Trustee Lindberg stated the Best Value section on page three of the policy needs a Local Law drafted before they implement the new policy. Trustee Lindberg stated it gives them a little bit of freedom for when they go out to bid for items. For example, when purchasing a new tractor or truck, the prices vary from each vendor. After doing some research and analyzing what fuel costs, it might be cheaper to go with the more expensive tractor or truck. Also, maintenance costs may be cheaper on the more expensive tractor or truck.

Trustee Cheney asked Village Attorney, Stephen Gaba, what the last sentence in article six means. It states, "All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows." Mr. Gaba stated that severally means the two of you together, jointly. If somebody approves a payment in the Village and it has not been approved by the Board of Trustees beforehand, then that person can be personally liable.

Mayor Newhard asked DPW Supervisor, Mike Moser, how the policy is since his department does a lot of purchasing for the Village of Warwick. Mr. Moser stated the policy works for him and he spoke with Trustee Lindberg while he was completing it.

Mayor Newhard stated the policy clarifies and brings things up to date and the clarification is really the critical piece.

Trustee Cheney asked what the Village Board should do to make a resolution. Mr. Gaba stated that anytime there is a purchase subject to a competitive bid it must go through the Village Board. Mr. Gaba stated that next steps are to draft a Local Law. The Village Board needs to have a resolution adopting the procurement policy, and it can be done before or after the Local Law is in place.

Mayor Newhard stated he would like clarification on the section about all purchases and contracts not requiring independent Village Board approval must be authorized by an Elected Village Official or Village Clerk before initiating. Mayor Newhard stated an example would be helpful. Trustee Lindberg stated he will get back to Mayor Newhard about that.

Trustee Cheney asked for clarification on the Best Value Local Law and wanted to know when the Village is going to procure an item, does it procure by using the best value method and the

Village does not have to take the lowest bid? Mr. Gaba stated the local law authorizes the Board of Trustees to do either, procure the lowest bid or the best value method depending on which will be best for the item being procured.

Trustee Cheney asked if Sole Source is done on an individual procurement basis. Mr. Gaba stated yes, when contracts come up and are subject to a competitive bid and the Village Board of Trustees feels it will be a waste of time to put it out to bid because only one company makes the item. For example, the water meters, if no other company makes the meters the Village can use Sole Source.

### **Privilege of the Floor**

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Mayor Newhard read the following email from Melanie Wesloske that was submitted prior to the Village Board meeting:

“I live on Sheffield Drive and would like to share my thoughts on the efforts of my neighborhood regarding the Warwick Commons Development. It is so important for this new development to include a crash gate on Sheffield Drive. For years there were significant issues with the road being used as a cut-through between Brady Road and 17A. While this was significantly worse during apple season, the problem persisted all year long. These traffic problems lead to the petition by a group of homeowners in 2012 to allow the road to remain closed after damage sustained during Hurricane Sandy. In considering a crash gate as part of this new development, it is important to remember that traffic concerns are not something the neighborhood is just fearing will be a problem. It's a problem we KNOW we will have. It's a problem we have had in the past when there weren't 90 condos. Please do try to picture yourselves living here and your children or grandchildren playing in the yard or riding bikes. There is no benefit to the road being open, for either our neighborhood, nor for the new development. I appreciate your serious consideration of this request. Thank you.”

### **Partners in Safety - 2021 DOT and NON-DOT Service Agreement**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize the Mayor to execute the 2021 DOT and NON-DOT Service Agreements with Partners in Safety to administer random drug and alcohol testing for Village employees at a cost of \$42.50 per employee.

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**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to accept the budget modification as per the Village Treasurer's letter dated December 16, 2020.

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

**Appointment of Orange Bank and Trust Company**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to appoint Orange Bank and Trust Company as the primary bank for the Village of Warwick and authorize the Mayor to sign the proposal dated December 7, 2020, per the recommendation of Village Accountant, Michael Vernieri.

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 Revised Investment Policy – Effective December 21, 2020**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to adopt the revised Village of Warwick Investment Policy effective December 21, 2020, per the recommendation of Village Accountant, Michael Vernieri.

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

**PK Songer Plumbing – Payment #4 - Wastewater Treatment Plant UV Disinfection**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to make payment to PK Songer Plumbing in the amount of \$42,750.00 for the Wastewater Treatment Plant UV Disinfection Project per Payment Application #4 as certified by Barton & Loguidice. Funds are appropriated in budget code G.8120.4950 in the 2020-21 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

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

**Final Comments from the Floor**

Mayor Newhard wished all the Christian residents a Merry Christmas and all residents a Happy New Year.

**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 for the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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

**Exit Executive Session**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to exit executive session and resume the regular meeting.

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**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to adjourn the regular meeting at approximately 8:15 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