

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 2, 2024
AGENDA**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:30 P.M.**

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

1. Introduction by Mayor Newhard.
2. Authorization to Pay all Approved and Audited Claims in the amount of \$ _____.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

3. **Public Hearing on the application of Warwick LLC for a special use permit to convert existing first-floor office space into two one-bedroom apartments and one two-bedroom apartment and to add two additional one-bedroom apartments and one two-bedroom apartment on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).**

To review site plan and special use permit documents for 8 Forester Avenue, please click here: <https://villageofwarwick.org/8-Forester-Avenue/>

Announcement

1. The Village of Warwick Water Billing Department introduces AutoPay - Never miss a water / sewer payment – enroll in AutoPay today!

Correspondence

1. Letter from Laroe Ridge Developers, LLC regarding 57 Ball Road.

Discussion

1. Grand Street parking meters.

Public Comment - Agenda Items Only

GUIDELINES FOR PUBLIC COMMENT

The public may speak only during the meeting’s Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

Motions

Trustee Foster’s Motions

1. **MOTION** to hold the General Village Election at the Goodwill Hook & Ladder Company, 25 Church Street Extension, on Tuesday, March 19, 2024. The polls will be open from 9:00 a.m. to 9:00 p.m.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___
Trustee McKnight ___ Mayor Newhard ___

2. **MOTION** to appoint Michael J. Batz, Sr. and Elizabeth Doty as Machine Operators and Noel Thompson as Alternate Machine Operator for the Tuesday, March 19, 2024, General Village Election at a rate of \$13.00 per hour.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___
Trustee McKnight ___ Mayor Newhard ___

3. **MOTION** to appoint Victoria Hague as Election Inspector Chair for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

4. **MOTION** to appoint Mary Singer, Nancy Thompson, and Donald Grenier as Election Inspectors and Debra Sattler as Alternate Election Inspector for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

5. **MOTION** to appoint Vanessa Mann as Poll Clerk/Alternate Election Inspector for the General Village Election on Tuesday, March 19, 2024, at a rate of \$13.00 per hour.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

Trustee McKnight's Motions

6. RESOLUTION INTRODUCING AND SETTING A PUBLIC HEARING ON PROPOSED LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 135, "VEHICLES AND TRAFFIC", TO ADD TRAFFIC SAFETY REGULATIONS AND TRAFFIC CONTROL DEVICES

WHEREAS, the Village Board of the Village of Warwick has a local law before it entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices "; and

WHEREAS, in order to enact the said local law it is necessary to introduce it and hold a public hearing upon it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law, and

2. That a public hearing on the proposed local law be set for February 5, 2024, at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

7. **MOTION** to rescind the resolution approved on December 18, 2023, introducing a proposed local law establishing a Community Choice Aggregate Program and scheduling a public hearing for January 15, 2024.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

8. RESOLUTION INTRODUCING A PROPOSED LOCAL LAW ESTABLISHING A COMMUNITY CHOICE AGGREGATE PROGRAM

WHEREAS, the Village Board of the Village of Warwick has a local law before it entitled: “A local law to amend the Village Code by enacting a new Chapter 60 entitled ‘Community Choice Aggregation Program’”, and

WHEREAS, in order to enact the said local law it is necessary to formally introduce it and to hold a public hearing on it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law, and

2. That a public hearing on the proposed local law be set for January 16, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

- Barry Cheney, Trustee, voting _____
- Carly Foster, Trustee, voting _____
- Thomas McKnight, Trustee, voting _____
- Mary Collura, Trustee, voting _____
- Michael Newhard, Mayor, voting _____

9. RESOLUTION GRANTING SPECIAL USE PERMIT FOR A SIX-APARTMENT MULTIPLE DWELLING AT 8 FORESTER AVENUE

WHEREAS, the applicant, Warwick LLC, owns certain real property located at 8 Forester Avenue, Warwick, New York (Section 207, Block 3, Lot 3); and

WHEREAS, the said property is located in a Central Business District (“CB”); and

WHEREAS, the applicant has submitted an application proposing to convert existing first floor office space to two one-bedroom apartments and one two-bedroom apartment and to establish two one-bedroom apartments and one two-bedroom apartment on the second floor of the building on the said property;

WHEREAS, under the Village Zoning Code the proposed apartment building constitutes a “Multiple Residence”; and

WHEREAS, the Table of Use Requirements in the Village Zoning Code lists Multiple Residence as a use permitted in the CB District subject to grant of a special use permit from the Village Board and grant of site plan approval by the Planning Board; and

WHEREAS, the Planning Board, as lead agency in review of the project under the State Environmental Quality Review Act, has determined that it is an Unlisted Action and has issued a Negative Declaration; and

WHEREAS, the applicant has now applied to the Village Board for a special use permit pursuant to Village Code §145-127 for establishment of the proposed multiple dwelling; and

WHEREAS, under the Village Code, an application for approval of a multiple dwelling must meet the standards set forth in in §145-120 as well at the particular requirements set forth in §145-127; and

WHEREAS, the Village Board has duly noticed and 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 development of the subject property is of such location, size, and character that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to adjacent properties. The subject property is an existing building located in a neighborhood in which re-use of it as an apartment building will be consistent with existing uses in the area. Further, it will help increase the Village's stock of entry level housing.

B. The proposed use and development of the subject property as multiple dwelling does not pose any undue hazards to pedestrian and vehicular traffic. There is ample off-street parking on the property, and sight distances are not a concern for ingress and egress from the property.

C. The location and height of the building on the property is not of such nature, size, appearance or location that it will hinder or discourage use or development of other properties in the neighborhood or the district. Most of the property in the neighborhood is already built out. Thus, the physical dimensions of the building will not hinder or discourage use or development or re-development of other properties in the neighborhood or the district.

D. The proposed development of the property as a multi-family dwelling will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right under applicable zoning. If the new residential use on the property results in any increase in the need for public facilities or

services, or creates a greater fiscal burden upon the Village than the commercial use would create, it will be nominal.

2. That the Village Board does hereby make the following findings in regard to the applicant's ability to meet the "special conditions" criteria set forth in Village Code §145-127:

A. The applicant's property consists of .62 acres, and therefore meets the requirement that the subject property have a minimum lot size of 22,500 square feet.

B. The applicant has satisfied the requirement that the multiple residence must be constructed to resemble a single-family dwelling. The building is being constructed with a single main entrance for the apartments and, overall, it "resembles" a single-family dwelling to extent that it can.

C. The applicant meets the requirement that the multiple residence must be consistent with the character of the immediate surrounding neighborhood on the grounds set forth above.

D. Village Code §145-127 goes on to state additional standards which must be met if the applicant proposes to construct multiple buildings on a lot, but here the applicant proposes only to construct a single residential structure with attached garages and on accessory buildings, so these considerations do not apply here.

3. That the Village Board hereby grants the requested special use permit.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

10. RESOLUTION AMENDING SCHEDULE OF FEES FOR THE ADDITION OF PLANNING BOARD ESCROW FEES

WHEREAS, Village of Warwick Code §64-1 provides that a comprehensive schedule of fees, including Planning Board fees, be approved by the Village Board; and

WHEREAS, in order to amend the Village's Schedule of Fees to add a Planning Board Application base escrow fee for Subdivision Applications it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees is hereby amended as follows:

In the Schedule of Fees, under heading "Planning Board Application Fees" the following fee shall be added:

Category	Sub-Category	Type of Fee	Amount	Notes	Code
Planning Board Application Fees	Escrow	Base escrow fee - Preliminary Subdivision Review and Final Subdivision Review.	\$2,500	Base escrow for Preliminary Subdivision Review will be applied toward Final Subdivision Review escrow.	64-3

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

Carly Foster, Trustee, voting _____

Thomas McKnight, Trustee, voting _____

Mary Collura, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Public Comment – *Non-Agenda Items*

Final Comments from the Board

Executive Session, if applicable

Adjournment

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK
INCORPORATED 1867

**VILLAGE OF WARWICK
VILLAGE BOARD
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Village Board of the Village of Warwick at Village Hall, 77 Main Street, Warwick, New York 10990 on the 2nd day of January 2024 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the revised application of Warwick LLC for a special use permit to convert existing first-floor office space into two one-bedroom apartments and one two-bedroom apartment and to add two additional one-bedroom apartments and one two-bedroom apartment on the second floor in the building at 8 Forester Avenue in the Village of Warwick (Tax Map Section 207, Block 3, Lot 3).

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Village Board must be received by the Village Board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF WARWICK
RAINA ABRAMSON
VILLAGE CLERK

Dated: December 6, 2023

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

Never miss a water/sewer payment – enroll in AutoPay!

By enrolling in AutoPay, your water/sewer bill(s) will be *automatically paid 7 days prior to the bill due date* using your selected payment method.

Enrollees will receive a 'Payment Scheduled' email 2 weeks before the payment is processed. This email notification will include the payment amount, scheduled payment date, and confirmation number.

A receipt will be emailed to you when your payment is processed.

How to enroll in AutoPay – Go to www.villageofwarwick.org. Under 'Payment Center' click 'Pay Utility Bills' and follow the instructions to enroll in AutoPay.

Please note, when enrolling or unenrolling in AutoPay within 3 weeks prior to your bill due date, changes may not apply to the current bill.

Go Paperless / Sign Up for Ebills – Go to www.villageofwarwick.org. Under 'Payment Center' click 'Pay Utility Bills' and follow the instructions to sign up to receive your quarterly water/sewer bill via email.

For additional information and to view the payment schedule please go to www.villageofwarwick.org or contact the Water Billing Department via email at waterbilling@villageofwarwick.org or by phone at 845.986.2031 ext. 105.

RECEIVED

DEC 19 2023

VILLAGE OF WARWICK
CLERK

Laroe Ridge Developers, LLC

PO BOX 233 Sugar Loaf, NY 10981

Village Of Warwick
Village Board
77 Main St.
Warwick, NY 10990
12/17/23

I purchased the property at 57 Ball Rd. in the Village of Warwick on August 4, 2023 (from Erik Johnson) and prior to the closing I did my due diligence and part of that was to discuss the water and waste connections that existed with respect to the uninhabited home on the property. The sewer was connected, and the house was using water from a well that was drilled across the street for the existing uninhabited house at 62 Ball Rd.

I explained to the Town (Maureen Evans – Planning and Building Secretary and building inspector Boris Rudzinski) that I didn't want to build a new house using water from another house across the street but would need to drill a well since the Village water does not run to the lot.

Attached is a letter from the Village which states the ability and requirements to obtain a building permit for a new home. I have since received a demolition permit and took down the house, and then a building permit and have constructed the house as well as hooked up to the existing sewer line (inspected by the DPW Supervisor) and would like to drill a well for water to the house.

As stated in the letter from the building inspector I need to show severe hardship and the fact that there isn't a village water line a reasonable distance to the project I would please request the ability to drill a well on my property. I have spoken with the building inspector about the need for me to pay a tap fee and have a meter installed and I am in agreement with that.

Please contact me to tell me if there is anything else needed at this point.

Thanks,
Jon Shafran

PO Box 233 Sugar Loaf, NY 10981
O: 845-928-8196 C: 845-234-1321
jkdevelopmentcorp.com
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VILLAGE OF WARWICK
INCORPORATED 1867

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clerk@villageofwarwick.org

July 26, 2023

Mr. Erik Johnson
26 Horton Rd.
Washingtonville, NY 10992

Re: Ball Rd. property – 219-1-1.2

Dear Mr. Johnson:

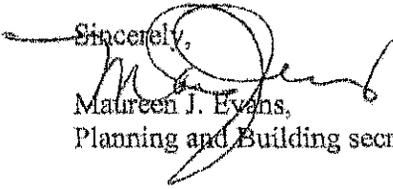
The Village property located on Ball Rd. Sec. 219-1-1.2 is 0.76 acres. A buildable lot in the Village of Warwick is required to be 20,000 sq. ft. with side yards of 20ft. minimum and a total of 50ft. with front and rear yards being 35ft.

If there is pre-existing non-conforming building on the lot you have one year to re-build if the building has been compromised.

Per the DPW Supervisor, the existing building is connected to the Village of Warwick sewer system and has a pre-existing well for water use.

A new well may be drilled with Village Board approval.

Sincerely,


Maureen J. Evans,
Planning and Building secretary

VILLAGE OF WARWICK
LOCAL LAW NO. 2 OF THE YEAR 2024

A local law to amend Village Code Chapter 135, "Vehicles and Traffic" to add traffic safety regulations and traffic control devices.

Section 1. Purpose:

The purpose of this local law is to promote the public health, safety and welfare by amending Village Code Chapter 135, "Vehicles and Traffic" to add traffic safety regulations and traffic control devices.

Section 2. Amendment Of Village Code:

Village Code Chapter 135, "Vehicles and Traffic", is hereby amended as follows:

(A.) Article VIII, "Parking, Standing and Stopping", Section 135-19, "Standing prohibited in certain locations", is hereby amended as follows under the existing header:

	Name of Street	Side	Location
(i.) Add:	Pond Hill Ave.	West	From a point 0 feet north of the southwest corner, at the intersection of West St., running for a distance of 125 feet north thereof
(ii.) Add:	Pond Hill Ave.	East	From a point 0 feet north of the southeast corner, at the intersection of West St., running for a distance of 20 feet north thereof

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

VILLAGE OF WARWICK

LOCAL LAW NO. 1 OF THE YEAR 2024

A local law to amend the Village Code by enacting a new Chapter 60 entitled "Community Choice Aggregation Program".

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a Community Choice Aggregate Program allowing Village residents to incur lower utility costs.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact a new Chapter 60 entitled "Community Choice Aggregation Program" which shall read as follows:

§ 60-1 Purpose and Authority.

Under Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and determinations of the New York State Public Service Commission municipalities, including the Village of Warwick, are empowered to establish Community Choice Aggregation Programs ("CCA"). The purpose of a CCA is to benefit residents of the municipality by reducing energy costs, providing energy cost certainty, and promoting deeper penetration of energy efficiency and renewable energy resources. This Chapter establishes a CCA program that will allow the Village, in partnership with other municipalities, to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the Village. Eligible consumers will have the opportunity to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to help protect the environment.

§ 60-2 Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA

Aggregated Data shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy

(kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

CCA ADMINISTRATOR

CCA Administrator shall mean the Village of Warwick or its duly authorized CCA Administrator authorized to request aggregated and customer-specific data to competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. The CCA Administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the Public Service Commission Community Choice Aggregation Order (PSC CCA Order), unless otherwise specified.

COMMUNITY CHOICE AGGREGATION (CCA)

Community Choice Aggregation (CCA) shall mean a Village-sponsored program, either alone or in concert with other municipalities, under which the aggregate buying power of individual energy customers within a defined jurisdiction is used in order to secure alternative energy supply contracts on a community-wide basis, while allowing consumers not wishing to participate in the program to opt out.

CUSTOMER-SPECIFIC DATA

Customer-Specific Data shall mean customer specific information, personal data and utility data for all consumers in the Village eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Village that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

DEFAULT CONSUMERS

Default Consumers shall mean customers of electricity and/or natural gas within opt-out-eligible service classes (as delineated in the PSC CCA Order) who receive supply service from the distribution utility as of the date the supply contract goes into effect.

DEFAULT SERVICE

Default Service shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Village that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.

DISTRIBUTED ENERGY RESOURCES (DER)

Distributed Energy Resources (DER) shall mean local renewable energy projects, community-distributed generation (e.g., shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA Program.

DISTRIBUTION UTILITY

Distribution Utility shall mean the owner or controller of the means of distribution of the natural gas or electricity in the Village. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA Program.

ELIGIBLE CONSUMERS

Eligible Consumers shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Village, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Village, as such boundaries exist on the effective date of the ESA.

ENERGY SERVICES COMPANY (ESCO)

Energy Services Company (ESCO) shall mean an entity duly authorized to conduct business in the State of New York as an ESCO.

NEW CONSUMERS

New Consumers shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the Village.

PARTICIPATING CONSUMERS

Participating Consumers shall mean default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PSC CCA ORDER

PSC CCA Order shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016, in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

PROGRAM ORGANIZER

Program Organizer shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PUBLIC SERVICE COMMISSION (PSC)

Public Service Commission (PSC) shall mean the New York State Public Service Commission.

SUPPLIERS

Suppliers shall mean ESCOs that procure electric power and natural gas for participating consumers in connection with this article or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 60-3 Program authorized.

- A. A CCA Program is hereby authorized by the Village, whereby the Village may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The Village may enter into contracts with one or more suppliers for electric and/or natural gas supply and other services on behalf of default consumers.

- C. The Village may enter into agreements and contracts with other municipalities, nonprofits, consultants, and/or other third parties to
 - (i) develop and implement the CCA Program;
 - (ii) act as CCA Administrator, and/or
 - (iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.

- D. The operation and ownership of the utility service shall remain with the distribution utility. The Village's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.

§ 60-4 Eligibility.

- A. All consumers within the Village, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or unenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- C. All non-default consumers within the Village, regardless of service class, shall be eligible to participate in the CCA Program on an opt-in basis.
- D. New Consumers shall be enrolled on an opt-out basis.

§ 60-5 Opt-out process.

- A. A program notification letter, printed on Village letterhead, shall be mailed to default consumers at least thirty (30) days prior to customer

enrollment. The letter shall include information on the CCA Program and the contract signed with the selected supplier(s), including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA Program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data, will be provided to the ESCO.

- B. After the thirty-day opt-out period, all consumers shall have the option to unenroll from the CCA Program at any time without penalty.

§ 60-6 Data protection requirements.

- A. The Village, or CCA Administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:
 - (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information;
 - (2) The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information; and
 - (3) The PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the Village shall enter into an agreement with the distribution utility that obligates each party to meet, collectively:
 - (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default consumer or participating consumer with respect to the CCA Administrator or its representative's processing of confidential utility information;
 - (2) The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to

identify individual default consumer or participating consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and

(3) The PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

§ 60-7 CCA Advisory Committee.

- A. A CCA Advisory Committee is hereby established.
- B. The CCA Advisory Committee shall develop and review CCA related proposals, report to the Village Board on the same, monitor and report to the Village Board on the Village's progress in establishing a CCA program, and assist in preparation of all agreements related to establishment of the CCA;
- C. The CCA Advisory Committee shall consist of members appointed by resolution of the Village Board; the members shall serve at the pleasure of the Village Board, without compensation; and the Committee and the terms of office of its members shall continue until such time as the Committee is dissolved by resolution of the Village Board;
- D. The CCA Advisory Committee shall meet at such times and on such dates as it determines is appropriate, it shall establish its own rules of procedure, and it shall determine its own Chairman from its membership by majority vote.

§ 60-8 Administration fee.

The Village or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA Program.

§ 60-9 Reporting.

- A. Annual reports shall be filed with the Warwick Village Board by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted out in response to the initial opt-out letter or letters.

- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA Program.

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 2, 2024
ADDENDUM NO. 1**

**11. RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
TO REVISE THE VILLAGE’S CODE OF ETHICS**

WHEREAS, the Village Board of the Village of Warwick has before it a local law entitled: “A local law amending the Village Code of the Village of Warwick by repealing Chapter 9 ‘Ethics, Code of’, and re-enacting the same with revised provisions”; and

WHEREAS, in order to enact the said local law it is necessary to formally introduce it and to hold a public hearing on it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law, and
2. That a public hearing on the proposed local law be set for February 5, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	_____
Carly Foster, Trustee, voting	_____
Thomas McKnight, Trustee, voting	_____
Mary Collura, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____

VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2024

A local law amending the Village Code of the Village of Warwick by repealing Chapter 9 “Ethics, Code of”, and re-enacting the same with revised provisions.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Village Code to revise the provisions to the Village Code of Ethics.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

The Village Code of the Village of Warwick is hereby amended to repeal Chapter 9, “Ethics, Code of”, and to re-enact in its place a new Chapter 9 entitled “Ethics, Code of” which shall read as follows:

**“Article I
General Provisions**

§ 9-1 Purpose

Standards and rules of ethical conduct for public officers and employees should be clearly set forth to guide public officers and employees in performance of their duties and must be observed if public confidence is to be maintained in local government. It is the purpose of this chapter to promulgate standards and rules of ethical conduct for the officers and employees of the Village of Warwick.

§ 9-2 Applicability

This Code of Ethics applies to the elected officials, officers and employees of the Village of Warwick and shall supersede any prior municipal Code of Ethics. The provisions of the Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law, and all rules, regulations, policies and procedures of the Village of Warwick.

§ 9-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

VILLAGE

The Village of Warwick as a municipal corporation, including any board, commission, district, council or other agency, department, or unit of the government of the Village of Warwick.

VILLAGE EMPLOYEE

Any officer, employee, elected official, or appointed board or committee member of the Village of Warwick, whether paid or unpaid, and whether serving in a full-time, part-time, or advisory capacity.

CHILDREN

As used in this chapter the term Children shall include all biological offspring, adopted persons, and step-children of oneself and one's spouse or partner.

CONTRACTS

All contracts, written or oral, including any claim, account or demand against or agreement with the Village, express or implied.

CONFIDENTIAL INFORMATION

Any information that is not subject to disclosure under the Freedom of Information Law including, without limitation, any discussions held in executive or closed sessions.

PERSONAL INTEREST

For the purpose of this chapter, an officer or employee of the Village whether paid or unpaid shall be deemed to have a direct interest in the affairs of his or her:

- a. Spouse, children and dependents; or
- b. A corporation, business, partnership or association of which officer or employee is a member, partner, owner, director or employee.

FAMILY RELATIONSHIP

As used in this chapter the term Family Relationship means a spouse, parent, step-parent, sibling, step sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a Village employee, and individuals having any of these relationships to the spouse of a Village employee.

LOBBYING FOR APPOINTMENTS

As used in this chapter the term Lobbying For Appointments means canvassing members of the Village Board or other Village Officers, directly or indirectly, in order to obtain preferential consideration in connection with any appointment in the Village.

Article II Code of Ethics

§ 9-4 Standards of conduct.

Every Village employee of the Village of Warwick shall be subject to and abide by the following standards of conduct:

- A. Disclosure Statements. All elected officials of the Village of Warwick are required to annually file a disclosure statement, in writing, with the Village Clerk, disclosing their business positions, investments, real estate holdings and interests in contracts. Such disclosure shall be limited to interests which could present potential conflicts of interests in execution of the elected official's duties, as provided upon the standard disclosure form approved by the Village Board.
- B. Employment. No Village employee shall accept other employment which will impair his/her independence of judgement in the exercise of his official duties.
- C. Conflict of interest. No Village employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would impair his/her independence of judgment or action in the performance of official duties. Personal, as distinguished from financial, interest includes an interest arising from family relationships or close business or political association. No Village employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties
- D. Representing private interests before Village agencies or courts. Except for self-representation, no Village employee whose salary is paid in whole or in part by the Village shall appear before any agency of the Village. He/she shall not represent private interests in any action or proceeding against the Village in

any litigation to which the Village is a party, nor shall he receive any compensation or retainer that may be contingent upon a specific action by a Village agency.

E. Contracts with Village. No Village employee shall have any interest directly or indirectly in any business entity, transaction, or contract with the Village or in the sale of real estate, materials, supplies or services to the Village except as may be permitted by § 801 and 802 of the General Municipal Law.

F. Gifts. No Village officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more. Provided, however, that this section shall not apply to unsolicited campaign contributions and fees paid for attendance at or sponsorship of election fund raising events.

G. Confidential information. No Village employee shall disclose confidential information acquired by him/her in the course of his official duties or use such information to further his personal interest. He/she shall not disclose, without proper authorization from the Village Board, any confidential information concerning the affairs of the Village of Warwick. Any inquiring person shall be directed to the public records of the Village. Records of all Village departments not stated to be public records shall be considered confidential.

H. Use of municipal position for personal or private gain. No municipal officer or employee shall use his or her municipal position or official powers and to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest. No Village employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself or others.

I. Improper influence. A Village employee shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.

J. Future employment. A Village employee shall not, after termination of service or employment with the municipality, appear before any board, commission, or agency of the Village in relation to any case, proceeding or application in which he personally participated during the period of his/her service or employment, or which was under his/her active consideration for the two-year period after serving as a village officer or employee.

K. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Village Board and any Village employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village Board, shall publicly disclose on the official

record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

L. Private employment. No Village employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties. The following regulations concern the office or department stated:

- (1.) Office of Building Inspector. The Building Inspector Board shall not engage within the Village in the real estate, insurance, building contracting or building material business during their employment. This shall not prevent the Building Inspector who has a real estate license or an insurance license in effect at the time he acquired his position from continuing such license in effect.
- (2.) Planning Board and Zoning Board of Appeals. Members of the Planning Board and/or of the Zoning Board of Appeals shall not engage within the Village in the real estate, insurance, building contracting or building material business during their employment on such boards. This shall not prevent or member of the Planning Board or Zoning Board of Appeals who has a real estate license or an insurance license in effect at the time he acquired his position from continuing such license in effect.
- (3.) Office of Assessor. The Assessor, or any employee thereof shall not use the records and information of his department for any private use whatever.

M. Lobbying for appointments. No person shall, either directly or indirectly, pay, render, or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned. Lobbying for an appointment shall disqualify the individual engaging in such activity from appointment to the position at issue for the current or upcoming term thereof as applicable to the violation.

N. Treatment of the public. An officer or employee of the Village of Warwick shall treat all members of the public, whether a person, firm or other organization, with respect and in a professional manner, with equal consideration and without special advantage in carrying out his or her official duties.

§ 9-5 Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Village employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended, or removed from office or

employment in the manner provided by law.

Article III Board of Ethics

§ 9-6 Establishment.

- A. There is hereby established a Board of Ethics consisting of five members to be appointed by the mayor and approved by the Village Board of Trustees.
- B. Members of the Board of Ethics must reside in the Village of Warwick and shall serve without compensation and at the pleasure of the Village Board.
- C. Appointments to the Board of Ethics shall be made at the annual reorganization Village Board Meeting. The mayor will appoint the Chairman.
- D. The Board of Ethics shall have the following duties:
 - (1.) To render advisory opinions to the Mayor, the Village Trustees, and Village Department Heads on written request of the same. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Village employees be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of the Village Attorney.
 - (2.) Upon written request of the Village Board, to conduct investigations and recommend appropriate sanctions for alleged violations of this Chapter.
 - (3.) Upon request of the Village Board, to make recommendations to such Village Board as to any amendments of this chapter; and
 - (4.) To review the annual disclosure statements required by this Chapter and report to the Village Board regarding the submission of such statements.

§ 9-7 Rules and regulations; records of proceedings.

Such Board of Ethics shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

Article IV Administration

§ 9-8 Distribution of copies.

Upon the adoption of this chapter, the Village Mayor shall cause a copy thereof to be distributed to every Village employee. Failure to distribute any such copy or failure of any Village employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Village Mayor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Village. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

§ 9-9 Appropriations.

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Village moneys except within the appropriations provided herein.

9-10. Cooperation with Board of Ethics.

All Village Board members and employees of their Village of Warwick shall furnish to the Board of Ethics such data, information and statements as may in the opinion of the Board be necessary for the proper exercise of its function, powers and duties as set for in the General Municipal Law or in this chapter.”

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.