

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JULY 6, 2021**

8952

The regular meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, July 6, 2021, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, and Corey Bachman. Trustee McManus was absent. Also, present was Village Clerk, Raina Abramson and DPW Supervisor, Mike Moser. Others present: Amy Sweetman and Dave Getz.

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

Mayor Newhard stated that this is a bit of a historic moment because the Village Board has not been in the conference room in this form in a long time, over a year, and that in the meantime there is a new elected official, with their first in-person Board Meeting. Mayor Newhard stated that he feels everyone is all very excited to be back together which is another sign that normalcy may prevail.

Mayor Newhard thanked the Warwick Fire Department and stated that they did a great job with their carnival and the fireworks, which really brought the community together, making people feel like there was going to be a silver lining after all.

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried for the Acceptance of Minutes: June 21, 2021.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent 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 in the amount of \$200,769.82.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Presentation

1. Amy Sweetman – 9/11 Memorial.

Mayor Newhard provided a background on the 9/11 Memorial Presentation, stating that twenty years ago the Village received word from Senator Morahan that it was eligible to receive an I-beam from the World Trade Center. Mayor Newhard said that it was, as he believed, many communities struggled with what this I-beam represents as it is raw, it is a piece of a damaged building that hurt many, many people in its descent, and so how do you display that and make that something that can change our sensibility and give us the memory but also give us hope. Mayor Newhard said that for the past twenty-years they have been thinking about that, a long time to ruminate but this year is the twentieth anniversary and felt that it was very important that the incredible piece is somewhere on display. Mayor Newhard stated that when the Master Plan for Stanley-Deming Park was created the Village made a place for the I-beam, recognizing that the Village was going to create an arboretum on one side of the park and as part of the arboretum, felt it was fitting to create a place of solace. Designer, Architect, and Sculptor Amy Sweetman, Village Engineer, Dave Getz, Trustee Corey Bachman, and DPW Supervisor Mike Moser have been meeting for the past couple of months to figure out how to do this. Mayor Newhard stated that Amy Sweetman is here this evening to give a presentation on what the mayor hopes to be a very beautiful piece of sculpture and specifically a place for it to be put.

Amy Sweetman stated that they have explored what it means to have a piece of the World Trade Center and guided the Village Board through the project she is calling the 9/11 Memorial Sculpture.

Village Engineer, Dave Getz, explained that the sculpture garden will be in a quiet, open lawn area of Stanley-Deming Park, closer to Galloway Road. Mayor Newhard said that there will be an arboretum walkway that stretches from Park Place, but splits so people can choose to just walk through the arboretum or have solitude at the monument.

Amy Sweetman explained that the I-beam will be placed vertically in the center of a reflecting pool which will appear floating in the water, with two bubblers on either side for a spiritual, memorial purpose, and in a practical sense, moving water will keep the surface clean. There will be two benches with I-beams as bookends for supports and on either side, there will be two informational signs created out of I-beams with text that goes over the top. Flanking the fountain will be two gardens with native, perennial plants, and fourteen dwarf apple trees surrounding the area on the north and south side. The garden will be a sixty-two-foot diameter circle, including the spread of the trees as the exterior wall and inside would be a thirty-two-foot diameter circle walking path made of crushed gravel of some sort. Ms. Sweetman explained that she will remove from the I-beam the spray-painted number, concrete, asbestos, and fire damage but will not

damage the I-beam at all. Ms. Sweetman said the idea is a very clean, rusty surface, with the texture and color of rust but without flaking or chipping pieces.

The presentation continued regarding the design and details of the project. Discussion ensued with the Village Board.

Correspondence

1. Letter from Dean Cameron regarding the proposed purchase of 2.8 acres of land behind 5 Arthur's Court.

Mayor Newhard stated that it is not 2.8 acres, but 1.5 acres of land. Trustee Cheney said that the total property is 2.8 acres. Mayor Newhard said that to begin the investigation, the Village sent the request to the Building Inspector to obtain the history of the property and to the Village's legal counsel, with the question remaining if the land is parkland that was given to the Village from the developer.

2. Letter from Travis Stella regarding traffic safety.

Mayor Newhard stated that he passed the information to DPW Supervisor, Mike Moser to take a look at the concerns about the intersection of Woodside, Locust, and Sleep Valley. Mike Moser said that there are stop signs on every corner with a sign in each direction to notify people that the intersection is coming. Discussion ensued with Mayor Newhard and DPW Supervisor, Mike Moser.

3. Letter from Jake Jordan regarding smart electronic parking meters.

Mayor Newhard asked Trustee Lindberg to please follow up with because it sounded very interesting.

Privilege of the Floor

Please limit your comments to **three (3)** minutes. If reading a document, please submit a copy to the Clerk. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking. These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

No comments were made.

Motions

Out-of-Village Water Customer – 85 Kings Highway

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to allow the property at 85 Kings Highway (S/B/L 44-1-91) in the Town of Warwick to create an additional connection to the private water line that connects to the Village water system as an Out-of-Village customer to serve the horse barn located on the property conditioned upon filing an application, submission of connection plans, executing an Outside User Agreement, and payment of all required fees. Installation of the water service line shall be in accordance with the requirements of the Water Department, and installation of the tap and the meter shall be performed by the Village Water Department.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

UV Disinfection Project Electrical Contract – Payment #3, O’Connell Electric

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve payment #3 in the amount of \$23,328.67 to O’Connell Electric for the electrical work associated with the installation of the UV equipment completed as part of the Wastewater Treatment Plant UV Disinfection Improvements Project, per the recommendation of 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 Absent Mayor Newhard Aye

Seasonal Laborer – James Quackenbush

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to hire James Quackenbush to the position of Seasonal Department of Public Works Laborer at a salary of \$15.00 per hour at for up to 20 hours per week for 12 weeks with a start date of July 7, 2021, per the recommendation of DPW Supervisor, Michael Moser.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Vacation Carry Over – Arthur Wendel

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to Village Employee, Arthur Wendel, to carry over ten (10) vacation days.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Vacation Carry Over – Robert Remo

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to Village Employee, Robert Remo, to carry over ten (10) vacation days.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Budget Modification

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to approve the budget modification request as per the Village Treasurer's memo dated June 30, 2021.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Roger Metzger Arboretum

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to name the arboretum in the area based on the configuration of the Stanley Deming Park Master Plan the ‘Roger Metzger Arboretum.’

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Discussion

Mayor Newhard stated that Roger Metzger was the Village’s Shade Tree Commissioner for over forty-years as well as a Village Trustee and Deputy Mayor when Mayor Newhard first took office for many years. Mayor Newhard said that he was a remarkable man, a moral compass for the Board for many years that kept things in line and kept everything going. Trustee Cheney stated that Mr. Metzger also served as Chairman of the Planning Board and a Planning Board Member prior to that. Mayor Newhard stated that Mr. Metzger gave a lot to the community and a lot to the Village.

Facility Use – Memorial Park Pavilion, Travis Podolec

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to grant permission to Travis Podolec to use the pavilion in Memorial Park on Sunday, July 18, 2021, from 12:00 p.m. to 4:00 p.m., with the event beginning at 1:00 p.m. and ending at 3:30 p.m., to hold a birthday party, including use of electricity, restrooms, Ahearn Field, and the grass area across from Ahearn Field. The event is in coordination with the Warwick Little League. All activities must be in accordance with the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Facility Use – Memorial Park Pavilion, Warwick Valley Gardeners - WITHDRAWN

MOTION to grant permission to the Warwick Valley Gardeners to use the pavilion in Memorial Park on Tuesday, July 20, 2021, at 7:00 p.m. to hold their monthly meeting, with set up to begin at 6:30 p.m. and break down to be completed by 8:45 p.m. as per the letter dated June 25, 2021. All activities must be in accordance with the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Facility Use – Memorial Park Football Field, Highlander Rugby

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to grant permission to Highlander Rugby to use the football field in Memorial Park for a ‘Rugby’s 7s’ tournament on Sunday, July 11, 2021, from 11:00 a.m. to 5:00 p.m. Event is in coordination with Warwick Youth Football, including use of the football snack shack. All activities must be in accordance with the Orange County and NYS Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received. It is the responsibility of Highlander Rugby to enforce that parking is in the designated parking lot and not in the grass on the entrance roads.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

9/11 Memorial Project – Stanley Deming Park

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to authorize the mayor to proceed with the 9/11 Memorial Project located at Village Arboretum in Stanley Deming Park. Project to be performed by Amy Sweetman based on the presentation made at the July 6, 2021, Board meeting at a cost not to exceed \$8,150 and pending receipt of proof of proper insurance.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Absent Mayor Newhard Aye

Discussion

Trustee Cheney made a point of clarification that the \$8,150 has to do with what Amy Sweetman is going to be doing for the Village. Trustee Cheney said that there will be landscaping, hardscaping, and things that are going to be done by the Village of Warwick DPW that aren't included in those costs. Mayor Newhard stated that there is a higher budget number overall.

RESOLUTION REINSTATING WATER & SEWER PENALITIES

WHEREAS, the Village of Warwick maintains a schedule of fees which includes a section entitled "Penalty Assessments" which imposes a penalty on utility payments made more than 30 days after the bill date in the amount of 5% of the total bill on payments received 1 to 30 days after the due date and an additional 3% of the total bill on payments received 31 to 60 or more days after the due date; and

WHEREAS, on March 26, 2020, in response to COVID-19 and the economic hardship caused by the COVID-19 virus, the Village Board of the Village of Warwick waived the penalties for late payments of the said utility bills beginning April 1, 2020, to be continued until further action of the Village Board; and

WHEREAS, on June 24, 2021, the New York State COVID-19 State of Emergency expired therefore the Village of Warwick wishes to reinstate the Schedule of Fees section entitled "Penalty Assessments" for failure to make utility payments within 30 days of the bill date in accordance with the following penalty reinstatement schedule:

1. Account numbers beginning with a 1, 2, 3 or 5, penalties will begin with the November 1st billing cycle.
2. Account numbers beginning with a 0, 4, 6, 7, 8 or 9 or the property is in Warwick Grove, penalties will begin with the September 15th billing cycle.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That effective immediately the penalty imposed under the Schedule of Fees section entitled "Penalty Assessments" in the aforesaid provision for failure to make utility payments within 30 days of the bill date is hereby reinstated in accordance with the aforesaid penalty reinstatement schedule; and

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

George McManus, Trustee, voting Absent

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

RESOLUTION REINSTATING THE PRACTICE OF TERMINATION OF WATER SERVICE FOR FAILURE TO PAY UTILITY BILLS

WHEREAS, Village of Warwick Village Code §141-40 provides that if a utility bill for water service remains unpaid for a period of 60 days from the invoice date, water service shall be discontinued until such bill, together with penalties and charges, is paid in full; and

WHEREAS, on March 26, 2020, in consideration of the current health crises and economic hardship caused by the COVID-19 virus, the Village Board temporarily suspended the practice of termination of water service for failure to pay utility bills when due, including issuance of notices by the Village of potential termination of water service; and

WHEREAS, on May 11, 2021, Governor Cuomo signed into law amendments to the Public Service Law that prevent municipalities and public utilities from terminating water service provided to residents and small businesses for non-payment during the COVID-19 state of emergency until the end of the New York State COVID-19 State of Emergency; and

WHEREAS, the New York State COVID-19 State of Emergency expired on June 24, 2021; and

WHEREAS, under New York State Chapter 106 of the Laws of 2021, municipal utility providers must grant the opportunity to residential and small business customers to enter into a deferred payment agreement for customers that have experienced a change in financial circumstances due to the COVID-19 state of emergency for the 180 days following the expiration of the state of emergency upon request; and

WHEREAS, if no such request is received, the Village of Warwick may proceed with terminating service in accordance with the procedures set forth by Village of Warwick Village Code §141-40 authorizing service termination upon the expiration of 30 days written notice informing customers of the Village's intent to terminate service; and

WHEREAS, in consideration of the expiration of the New York State COVID-19 State of Emergency the Village Board wishes to reinstate Village of Warwick Village Code §141-40 providing that if a utility bill for water service remains unpaid for a period of 60 days from the invoice date, water service shall be discontinued until such bill, together with penalties and charges, is paid in full, in consideration of the aforesaid protections offered by New York State Chapter 106 of the Laws of 2021, and in accordance with the following reinstatement schedule:

1. Account numbers beginning with a 1, 2, 3 or 5, termination of water services for bills remaining unpaid for a period of 60 days from the invoice date will begin with the November 1st billing cycle.
2. Account numbers beginning with a 0, 4, 6, 7, 8 or 9 or the property is in Warwick Grove, termination of water services for bills remaining unpaid for a period of 60 days from the invoice date will begin with the September 15th billing cycle.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That effective immediately the Village of Warwick shall reinstate the practice of termination of water service for failure to pay utility bills when due, including issuance of notices by the Village of potential termination of water service, in accordance with the aforesaid reinstatement schedule and protections offered by New York State Chapter 106 of the Laws of 2021; and

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
George McManus, Trustee, voting Absent
Corey Bachman, Trustee, voting Aye
Michael Newhard, Mayor, voting Aye

Final Comments from the Board

Trustee Lindberg stated that he wanted to give another shoutout to the Warwick Fire Department for doing such an excellent job with the carnival and fireworks and that he's never seen so many people at a carnival in Warwick before. Trustee Lindberg said that the Fire Department was very much prepared to do anything they needed to do in regard to COVID safety and that just a few days prior, Governor Cuomo opened up the state and relaxed what they needed to do but that the Fire Department took all the necessary steps.

Mayor Newhard said that this weekend coming up there is the Merchants Guild and Chamber of Commerce Annual Sidewalk Sale which is a great way to bring people downtown. Warwick Valley Gardeners are having their annual Garden Tour, which is something a lot of people have looked forward to. Mayor Newhard stated that all of these events did not happen last year, so it's just great to see them, along with new events such as Juneteenth which was very successful as well, so let's hopefully keep on going in the right direction.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to adjourn the regular meetings 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 Absent Mayor Newhard Aye