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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – June 21, 2021

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:

YOUTUBE LIVE - The public may view the meeting live by the public on the Village of Warwick, NY YouTube channel:

<https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

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

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 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
JUNE 21, 2021**

8941

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, June 21, 2021, 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, DPW Supervisor Mike Moser, and Village Attorney, Stephen Gaba. 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 live by the public on the Village of Warwick, NY YouTube channel: <https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

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 Lindberg, seconded by Trustee McManus, and carried to approve the Acceptance of Reports - May 2021: Clerk's Office, Justice, Building & 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

Discussion

Trustee Cheney stated that one of the things that came up at the last meeting, was a discussion about notices of violation and asked to consider having the Building Department Report include, on a monthly basis when the reports done, a listing of the active notice of violations with the current status so the Village Board can remain up to date. Mayor Newhard stated that it was a good idea. Stephen Gaba stated that he thought it was a fine idea and allows the Village Board to keep tabs on outstanding violations and what's being done to clean them up. Mike Moser and the Village Board agreed it was a good idea.

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to approve the Acceptance of Minutes: May 17, 2021, and May 20, 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 Lindberg, seconded by Trustee Cheney, and carried to approve the Authorization to Pay all Approved and Audited Claims the amount of \$297,101.37.

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

Correspondence

1. Letter of resignation from Part Time Village Court Attendant/Bailiff, Grace Giulini.

Mayor Newhard said that he was sorry to see Grace leave and that she was a wonderful bailiff and has been with the Village for a good period of time.

Privilege of the Floor

VIA EMAIL OR MAIL - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: 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. Please limit your comments to **three (3) minutes**.

1. Mayor Newhard read an email received from Raymond and Lugene Maher:

Regarding the petition of Village View to annex 0.6 acres of Town property into the Village, in a letter to the Board, counsel for Village View stated they would consider putting a restrictive covenant in place for their Town property but only if the Special Use Permit is approved. The two matters should be assessed on their own merits and the impact each will have on the Village. Since the vote on the Special Use Permit has not occurred, we ask the Board to vote “no” on the annexation petition. Thank you.

Raymond and Lugene Maher

Mayor Newhard asked Stephen Gaba if he has any comments. Stephen Gaba stated that there was some desire to have a restrictive covenant placed on the rest of the property that Village View owns in the Town, saying that it would never be annexed into the Village but how connected that was as an enforceable condition with the annexation of 0.6 acres into the Village is a debatable point, but it was something that the Town and Village had wanted. Mr. Gaba said

that Village View agreed to it but attached a string saying that they will agree to the restrictive covenant if they get approval for the density bonus lots/units. Mr. Gaba stated that how acceptable that string is to the Village and the Town is for the Board's to decide on their own, whether that is a deal breaker or if it's enough good faith that if they don't get the density bonus units, they probably won't be looking to go forward with it or maybe not annexing more property in, but these are decisions that the Board would need to make. Mr. Gaba added that in looking at the legal requirements for approving an annexation, saying that you can't annex more land into a municipality as a condition of approving it, is going out on a limb a little bit unless you have some strong reasons for it, the other annexation would have to be considered on its merits, with a number of considerations and SEQRA review that would go into it. Mr. Gaba stated that he wasn't saying the Board can't say that it's a deal breaker and won't accept the condition with the string attached, but legally he thinks that the Board would have to do their homework and put thought into in before making a determination to deny the annexation based on giving the condition of the restrictive covenant but only if they get this approval.

Mayor Newhard asked if he was correct in his understanding when it comes to Village versus Town because of the services, the greater extent of services that are offered on Village lands which in essence creates a threshold (inaudible). Mr. Gaba stated, yes, and that there are three considerations, besides SEQRA, in any annexation; impact the receiving municipality, impact on the donating municipality, and the impact on the property that is being annexed. Mr. Gaba said that in the case of an annexation into a village, the impact is almost always salutary for the property because the property is going to be receiving central water or central sewer and whatever other municipal services being provided by the Village, which is not always, but not often available in the Town that it's being annexed from. Mr. Gaba said that in this case you are weighing the benefit to the property, and clearly there is a benefit to the property here, the detriment to the Town, and the detriment to the Town from losing 0.6 acres is negligible, and the detriment to the Village in gaining the 0.6 acres, which does play into the subdivision so it's something to consider, but 0.6 acres is probably not going to have any substantial impact on anything the Village does fiscally or otherwise.

Trustee Bachman inquired why they are conditioned in the motion and tied together when the Village had two separate public hearings for each of the separate issues, both the annexation and the special use permit.

Mr. Gaba replied that it is his opinion that the applicant is doing it because they feel that they don't need legally to impose the restrictive covenant in the first place and it's just a benefit that they are providing to the Village and the Town and they'd like to get something back out of that, and the something back is to have a little bit of leverage to say that if you want this to go forward, approve the density bonus lots. Mr. Gaba said that how much the Village Board lets it affect their decision on the density bonus lots is a whole other question because it's an

annexation of 0.6 acres, which is all it does. Mr. Gaba stated that it shouldn't make or break the decision to grant the density bonus lots or play into it very much.

Trustee Cheney stated that since the obvious, immediate sole purpose of this is to take a sliver of proposed road and put it all within one municipal jurisdiction so that other mechanisms don't have to be done and then renewed, he inquired if this could be covered with an intermunicipal agreement and not have the annexation. Mr. Gaba said that it could be, but the applicant wanted it for purposes of their subdivision plat, which is the benefit that they are looking for. Trustee Cheney said that he thinks the Village also wanted it just so it was clear that the road was under one municipal jurisdiction. Mr. Gaba said, yes, he supposed.

Motions

**STATE OF NEW YORK: COUNTY OF ORANGE
THE TOWN OF WARWICK AND THE VILLAGE OF WARWICK**

-----X

In the Matter of the Petition of

VILLAGE VIEW ESTATES, LLC,

**For annexation of land within the Town of Warwick, comprised of
approximately 0.6 acres of real property identified on the Town Tax
Map as Section 43, Block 1, Lot 4.2. into the Village of Warwick**

-----X

**RESOLUTION, FINDINGS AND ORDER
OF THE VILLAGE BOARD OF THE VILLAGE OF WARWICK**

WHEREAS, VILLAGE VIEW ESTATES, LLC, filed an annexation petition on or about July 31, 2018 seeking to annex approximately 0.6 acres of real property located in the Town into the Village; and

WHEREAS, the land to be annexed is more particularly described in the metes and bounds description attached to the petition for annexation, a copy of which is annexed hereto; and

WHEREAS, on January 14, 2021 the Village Board of Trustees of the Village and the Town Board of the Town held a joint public hearing as required by General Municipal Law Article 17 to determine the sufficiency of the petition and whether or not the annexation is in the over-all public interest; and

WHEREAS, the said public hearing was held open until February 25, 2021, at which time it was closed, after all persons wishing to be heard were given an opportunity to speak; and

WHEREAS, the Planning Board of the Village, as lead agency in a coordinated review under the New York State Environmental Quality Review Act ("SEQRA"), has completed SEQRA review which encompassed the proposed annexation; and

WHEREAS, the Village Board has duly considered all of the facts and proof before it in regard to the petition for annexation and has performed the analysis mandated by General Municipal Law Article 17;

NOW, THEREFORE, IT IS HEREBY FOUND, RESOLVED AND ORDERED, as follows:

1. THAT the Petition is proper in form and complies with Municipal Annexation Law §703 in that it has been duly executed by the owner of the subject property; it was notarized and contains the statutorily-prescribed authentication.
2. THAT the Village Board makes the following findings of fact:
 - (A.) The property to be annexed consists of approximately 0.6 acres of real property located in the Town and is more particularly described in the metes and bounds description attached to the petition for annexation, a copy of which is annexed hereto.
 - (B.) The Petitioner is owner of 100% of all the assessed valuation of the real property at issue as assessed upon the last preceding Assessment Roll of the Town of Warwick.
 - (C.) The property to be annexed is vacant land contiguous with the municipal boundary between the Town and the Village and with property owned by the Petitioner within the Village.
 - (D.) The Petitioner proposes to use the subject property in development of its land within the Village as a residential subdivision.
 - (E.) The annexation of the said property will allow the Petitioner to better manage the development of its land within the Village as a residential subdivision.
 - (F.) The annexation of 0.6 acres of land from the Town into the Village would not result in any negative impacts on public services; and

(G.) The Petitioner has submitted a letter to the Village and the Town agreeing to impose a deed restriction against the remaining land that it owns in the Town (i.e., tax parcel SBLs: 31-2-84; 31-2-84.2; 31-2-85.2; 43-1-3; and 43-1-4.2) stating that the Petitioner and any future owners of the said parcels shall not petition the Village and Town of Warwick to annex the parcels into the Village; conditioned upon the approval of the annexation and the grant of the Petitioner's pending application for a Special Use Permit from the Village Board.

3. THAT in weighing the benefit or detriment of the proposed annexation to the Village, the Town, and the property proposed to be annexed, the Village Board finds that the proposed annexation is in the overall public interest; and

4. THAT IT IS HEREBY ORDERED that the Petition for annexation is granted on condition that the Petitioner shall submit for approval and record the aforesaid deed restriction under the terms set forth in the Petitioner's offer to do so.

Trustee Cheney presented the foregoing resolution, findings and order which was seconded by Trustee Lindberg,

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Nay

Corey Bachman, Trustee, voting Nay

Michael Newhard, Mayor, voting Aye

O'Connell Electric, Payment #2 WWTP UV Disinfection Improvement Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve payment #2 in the amount of \$37,097.50 to O'Connell Electric for the electrical work associated with the installation of the UV equipment completed as part of the WWTP 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 Aye Mayor Newhard Aye

DPW Seasonal Laborer – Anthony Lorenzo

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to hire Anthony Lorenzo to the position of Seasonal Department of Public Works Laborer at a salary of \$15.00 per hour at 40 hours per week for 12 weeks with a start date of June 23, 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 Aye Mayor Newhard Aye

Tree Dedication – In Memory of Thom Woglom

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to grant permission to the Lopez Family to provide dedication of a tree in memory of Thom Woglom at Stanley-Deming Park near the memorial bench located at the far end of the playground near the stream in coordination with Mayor Newhard, DPW Supervisor Mike Moser, and Shade Tree Commissioner Robert Scheuermann.

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

Mayor Newhard said that he wanted everyone to know that the Village is receiving more requests for memorial trees and benches so Bill Lindberg has been working to standard it so that there will actually be a form and a structure of costs so it's much more consistent. Mayor Newhard stated that right now there is nothing but doesn't believe the Village should wait until that form is ready because the folks would really like to see these memorials but probably within the next month the Village will have a more systemized approach to memorials.

Tree Dedication – In Memory of Cushman May

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to grant permission to Betsy Bowes to provide dedication of a tree in memory of Cushman May at Stanley-Deming Park in coordination with Mayor Newhard, DPW Supervisor Mike Moser, and Shade Tree Commissioner Robert Scheuermann.

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

Mayor Newhard thanked Trustee McManus for recognizing that even though there has been conversation, the area has often been called the Roger Metzger Arboretum but there has never been a formal motion to put that in place and that will happen at the next meeting.

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 June 17, 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 – Stanley-Deming Park Stage, Warwick Dance Collective

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to grant permission to the Warwick Dance Collective and the Warwick Center for the Performing Arts to use the stage at Stanley Deming Park for the performance of Madagascar Jr. on Thursday, July 8, 2021, from 4:00 p.m. to 8:00 p.m. for rehearsal and Friday, July 9, 2021, from 9:00 a.m. to 8:30 p.m. for rehearsal, setup, and performance beginning at 6:00 p.m. Request includes use of electricity for a sound system provided by the applicant. Placement of applicant provided porta-johns to be coordinated with DPW Supervisor, Mike Moser. All activities must be in accordance with Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and 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

Advertise for Part-Time Court Attendant/Bailiff

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to advertise for a Part-Time Court Attendant / Bailiff.

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

Road Closure – Park Avenue, Park Avenue Elementary School Picnic & Sports Day

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney, and carried to close Park Avenue between Galloway Road and Burt Street on Wednesday, June 23, 2021, from 9:15 a.m. through 2:30 p.m., with a rain date of Thursday, June 24, 2021, for the benefit of the Park Avenue Elementary School Picnic and Sports Day.

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

Mayor Newhard said that it was wonderful to see this on the agenda because this was an event that happened yearly, and it's welcome back.

Reports: Suspended to Streamline Meeting due to COVID-19

Final Comments from the Floor – No comments were made.

Final Comments from the Board

Trustee Cheney stated that he wanted to bring the Board and the public up to date that work started today on the new River Street Water Main that replaces a two-inch galvanized line that is installed under the creek bed. Trustee Cheney said that the new line will be constructed all the way to the existing water line that originates on West Street and comes into the Jones Chemical Facility which is one of our customers. Trustee Cheney added that this new line will allow a loop and a connection near there that will allow continued service to Jones Chemical and also the wastewater treatment plant, should there be a water main break elsewhere in the system that is close to these two facilities. Trustee Cheney said that the crossing of the Wawayanda Creek will be hung on the Howe Street bridge which was reconstructed by Orange County a few years ago and the construction is expected to take approximately two weeks and it's being done by the Village of Warwick DPW staff under the direction of DWP Supervisor, Mike Moser so it's going to be accomplished at a much lower cost and Village Engineer, David Getz, will be monitoring the construction as it goes on and will be certifying the construction to the health department.

Mike Moser added that the men are looking forward to it and the project is moving along with two taps done today, including the cuttings for both sides, and pipe will begin being laid if weather permits tomorrow.

Executive Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to go into Executive Session to seek confidential advice of counsel.

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 exit Executive Session, resume the regular meeting, and adjourn the regular meeting at approximately 8:30 p.m.

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

Village of Warwick
Board of Trustees
June 21, 2021
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Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Raina M. Abramson, Village Clerk