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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – November 15, 2021

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, the Village of Warwick Village Board meetings will be conducted virtually through Zoom Videoconference until further notice or until the expiration of the law on January 15, 2022.

To View the Meeting:

YOUTUBE LIVE - The public may view the meeting live 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. Please limit your comments to **three (3) minutes**.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 15, 2021**

9079

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 15, 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. Others present: John Fischer.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, 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.

Mayor Newhard stated that tonight there is a public hearing on traffic issues with at least one invited person that will speak to the Board.

1. **Public Hearing on proposed Local Law No. 3 of the Year 2021 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."**

The Clerk read the Public Hearing Notice:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 15th day of November 2021, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 3 of the Year 2021 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

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."

A copy of the proposed local law is on file in the office of the Village Clerk and available for inspection by interested persons during Village Clerk's business hours.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be

physically present at the meeting due to safety concerns related to the delta variant of COVID-19: Members of the Village Board will attend the meeting via Zoom videoconference. The public hearing may be viewed live on the Village of Warwick, NY YouTube channel. Interested parties may submit comments to be received by 4:00 p.m. on November 15, 2021, via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email; clerk@villageofwarwick.org. Comments may also be made via YouTube during the public hearing by going to the Village of Warwick, NY YouTube channel.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF WARWICK
RAINA ABRAMSON, VILLAGE CLERK**

Dated: November 3, 2021

Mayor Newhard: I did receive an email and I will read that before we really get going:

Mayor Newhard,

Thank you for taking the time to speak to me this morning. The changes that have been made to the parking on Spring Street are going to cause a serious hardship for my business as well as Ledo Cleaners next door. The space in front of my door is where my customers both drop off and pick up the vehicles which is most important for my seniors and others with mobility issues. There are no issues making turns from McEwen Street as the parking attendant has stated. She is completely wrong about that.

A solution that I think would please all would be a "Fifteen Minute Drop Off" area. That would work for Fischer's Auto Repair as well as Lido Cleaners.

I have been in business here for 24 years. In all that time there have only been two instances where parked vehicles were damaged by other passing motorists. One, which was recent was on a Saturday when I'm closed. There is not a vehicle maneuverability issue on Spring Street. The beer trucks make turns off McEwen Street multiply times a week with no trouble. There is however a speeding problem and a stop sign running problem. Painted white lines would be helpful in reducing stop sign running. As I write this email no less than four vehicles have run the stop sign at a high rate of speed.

Again, Thank you for your time and cooperation in this matter.

John Fischer

Mayor Newhard: If John is in the room, if you want to invite him in, that would be great.

John Fischer: Thank you for hearing me tonight. So, as I stated in my email to Mayor Newhard, my seniors and others with mobility issues park in front of my store. Pretty much all of the vehicles that are dropped off or picked up are done directly in front of my door. It would be difficult to not have that parking there at least on a fifteen-minute basis because I have to bring the seniors from across the street. Michael had suggested why don't you have them pull into the parking lot. That doesn't work because you can't make a U-turn in my parking lot. So, now we have these people pulling in and backing out onto Spring Street which would even be worse. Like I said in my letter, I've been here twenty-four years. I don't see a problem. I don't even really understand what precipitated this. Ledo Cleaners next door has taken a pretty good hit with COVID as most of us have. They are a pickup and drop off business and now there's a no parking sign in front of their door. I think there's probably a better solution. Interestingly, I looked over all of your proposed changes and you missed a serious problem that is on Spring Street, there's no mention of it. I don't know if many of you have taken the opportunity to drive down Spring Street and try to make a left or a right onto West Street. There are almost always vans parked on the first two parking spaces in front of Halligans on West Street, making it nearly impossible to see the traffic light. So, you have to inch out and inch out until finally your bumper is nearly on the yellow stripe before you can see the traffic light at which time a kid in a Honda passes you forty miles per hour. So, that's something that needs to be addressed. Maybe eliminate those two parking spaces, that is a serious safety issue.

The other thing about parking on Spring Street is Spring Street has become the bypass for Main Street. As many people go down Spring Street to beat Main Street has actually come to do business. It's not usually a problem until there's an issue with the train signal or the traffic light and then West Street gets backed up and then the people that are frustrated come down Spring Street at a high rate of speed. I know that because I'm standing in the road often times when it happens. When there are cars parked on Spring Street on one side or both it has an affect on them, they drive slower, maybe because they're afraid doors are going to open up, but they do drive slower and that is a help. Also, as I stated in my letter, the stop sign is run constantly. As I wrote the letter, four vehicles ran the stop sign, one of which was actually a Village DPW truck. It goes on all day long. I've talked to the police about it. They are great. They come out for a while; they write some tickets, but they can't stay there forever. We need stripes in the road to locate or to identify the fact that there is a stop sign there. I think some people don't see the stop sign. I think other people just assume that no one is watching, and they can fly right through, but it is an unsafe situation. And, strangely eliminating the parking and making it that much easier for people to drive that much faster makes it more dangerous for me. Any questions?

Mayor Newhard: Well, I just want to comment about the striping. I agree with you very much so. I went down and looked and there is no broad white line as to where you should be stopping your vehicle and there is no crosswalk, and a crosswalk definitely tells you that there is pedestrian traffic at that corner so I think it would be very important for us to simply do that because I think it indicates all those things and it may stop some of that traffic. And I agree, as we have more

traffic on Main Street, Spring Street, Railroad Avenue, secondary streets become the secondary thoroughfare but also a lot of traffic and so we're looking at that. In essence, I think some of the changes are because of that, but what you're saying makes perfect sense as well in terms of traffic calming. There's always that comment about when you have cars parked in a narrow street or if you make the streets narrower then people slow down so that's definitely true. And I believe this Board definitely wants to be business friendly. And my thought is in lieu of...I think we should move on all the other parts of what is proposed but I would prefer if we hold off on this particular piece and re-exam it and make a determination once that has been re-examined and looked at carefully.

John Fischer: Ok.

Mayor Newhard: And that goes with your thought about a fifteen-minute drop off.

John Fischer: Ok. I mean, that would work for us. Since I first realized that this was an issue, I started trying to make a conscious effort of watching what went on in the street and I don't see a lot of vehicles making left hand turns off McEwen Street. My desk faces the intersection; I've spent twenty-four years sitting there looking at it. If you would reevaluate my fifteen-minute parking request at that same token I really hope you reevaluate changing the parking on the north side of West Street to the east side of Spring Street. Those two spaces that are in front of Halligans on West Street, there really shouldn't be any parking there at all, you just can't see the traffic light. That's a dangerous spot.

Mayor Newhard: The reality is that you can't, if you are coming from McEwen Street and Spring Street and getting onto West, both ways it's very difficult to see oncoming traffic.

John Fischer: Yes.

Mayor Newhard: And it's very difficult and you just have to inch out very carefully, and you just can't see somebody coming down the hill.

John Fischer: There is no doubt that is a dangerous spot, so much so that, you know I spend a lot of time driving daily because I'm road testing cars, as do my employees, and my employees won't pull out of my parking lot and make a right anymore because they don't want to have to deal with that intersection in the customers car. That is something that should be looked at. That's all. I'd appreciate it if you guys could help us with this. Fifteen-minute parking I think would make someone happy anyway and it would still give my seniors a place to park closely so I could get to them and have the vehicles dropped off and picked up in a safe manner.

Mayor Newhard: Board?

Trustee Lindberg: I have a couple of comments. I'm going to take responsibility for this. The 'no parking' signs went out before the changes were approved and I'll take responsibility for that, that's why Mr. Fischer was aware of what was happening all of a sudden. I think the reason for this proposed recommendation is just the narrowness of the street as a number of streets in the Village are. The street width is about twenty-seven feet wide. With cars parked along the Halligans side, probably nine feet or so, so you have like nineteen feet to drive on Spring Street. It is a busy street and when Mr. Fischer was saying the traffic has picked up on Spring Street, unfortunately throughout every place you drive, the awareness of a stop sign eludes everybody. Very few people stop at a stop sign anymore. People travel faster on any highway now and for those couple of reasons I don't think a fifteen-minute spot is a good idea for Spring Street. Years ago, there was a fifteen-minute spot right in front of the cleaners. That was eliminated. I don't even think that was in the code actually. Trustee Cheney came up with a pretty good recommendation. If we have a fifteen-minute spot put it on the other side of the street to replace one of the first meters on the Halligans side, the east side, with a fifteen-minute. It would be close obviously to Mr. Fischer and Ledo Cleaners, but I will certainly agree with the mayor, we need to look maybe a couple of other items on Spring Street. Mr. Fischer brought up some good points there. I agree with those, but I'm not convinced that a fifteen-minute spot makes sense there. We have two fifteen-minute spots in the Village, one is on South Street, and one is on High Street. I could name off the bat probably four or five locations that would love to have a fifteen-minute spot, in front of a coffee spot, a pet salon, there's a number of folks that it would be very convenient for their customers to have a fifteen-minute spot in front of their establishment. But on the same note, I don't want to take away parking spots either, legitimate parking meter spots. But we will take a look at it.

John Fischer: Bill, I appreciate your time and like I said, I've been here twenty-four years. There hasn't been an instance where vehicles parked on both sides of the road have created an accident, created traffic that you couldn't get through Spring Street greater than thirty seconds, other than maybe the Halloween parade or like I said, if something happens to the railroad signals, which is rare. It's not the FDR, rarely is there traffic there that doesn't get straightened out in a matter of thirty seconds or forty-five seconds. It hasn't been a problem and again, moving it..., first of all, let me digress a second. Meters are the greatest thing that ever happened to Spring Street because prior to the meters, commuters used to park where the meters are. They would park at 5:30 in the morning and they would walk to Burger King and take the bus and go to the city and the cars would be there all day long. So, now with the meters, that doesn't happen. That's been a great thing. So, eliminating the meters, or moving the fifteen-minute parking spot to where the meter is, it doesn't help. I'm looking for the fifteen-minutes, so my seniors don't have to cross the street and twenty-five percent probably of my customers are seniors and out of that twenty-five percent, probably half have some mobility issues, so having them park across the street whether it's fifteen-minutes or a meter or not, doesn't do us any good. Having them park in my parking lot and then having to try to back out onto Spring Street, that's certainly unsafe. Again, going back to the history of my twenty-four years there, there's no instances,

there's no problems. And if there is a problem, if there is something that I'm missing, I'd like to know about it, but I certainly don't see any problems.

Mayor Newhard: And that's why it's important for us to take a fresh look at it and I appreciate you writing to us and also being here tonight, it's great.

John Fischer: Thank you, Michael, and thank you for your time, folks.

Mayor Newhard: Thank you.

Trustee McManus: Thank you.

Mayor Newhard: So, Steve, if we go forward with the motion that's on the agenda can we redact or remove that one piece so that we can take another look at that.

Stephen Gaba: You can always, if you have a local law that you have your public hearing on, remove a part of it as long as it doesn't substantially change the nature of the law. You can't add things to it except for minor grammatical corrections, things like that. So, your resolution is going to read, adopt the local law as amended, the amendment being, you should specify it when the motion is made to delete, I think it is, what is this, Section A3, I think. Section 2A(3) if I'm not mistaken, adding Spring Street, West Street to McEwen Street, is that right?

Trustee Lindberg: Yes.

Stephen Gaba: So, you'd make a motion to adopt the local law as amended, the amendment being the deletion of Section 2A(3), I think you'll be just fine if you want to move forward tonight.

Mayor Newhard: Very good.

Trustee McManus: Steve, then you would have to do another public hearing to adopt the changes?

Stephen Gaba: Well, it would be an amendment to the code to add whatever it is you're going to add there. If you're going to add something to make fifteen-minute parking or, I don't know, if you wanted to include it as written now, you'd have to adopt another local law on V&T.

Trustee McManus: That's then another public hearing?

Stephen Gaba: Yes, but if you wanted to amend this now to make whatever changes you want, you'd wind up with another public hearing anyway, so either way you're going to end up with two.

Trustee McManus: Ok.

Stephen Gaba: You'd have these changes in place now rather than waiting.

Mayor Newhard: Yes. Good question, George, in terms of procedure.

Trustee McManus: Thank you.

Mayor Newhard: Ok. So, any other comments from the Board? So, could I have a motion to close the public hearing?

Close Public Hearing on proposed Local Law No. 3 of the Year 2021 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried to close the Public Hearing on proposed Local Law No. 3 of the Year 2021 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Acceptance of Reports – October 2021: Clerk's Office, Justice Department, Department of Public Works, Treasurer's Office Credit Card Account Transaction Detail, Building Department, Planning Board, ZBA and ARB.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Acceptance of Minutes: October 18, 2021 & November 1, 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 for the Authorization to Pay all Approved and Audited Claims in the amount of \$462,885.77.

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

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

Correspondence

1. Letter from Village of Warwick Water Billing Clerk, Diane Shorter, announcing her retirement.

Mayor Newhard read Diane Shorter's letter and stated that he didn't know if he could find the words for the service that she has given the Village. Mayor Newhard said that Diane seems to have the finger on the pulse of everybody's water issues and has done a remarkable job and has been a great ambassador, dealing with some tough customers along the way with grace. Mayor Newhard said that the Village appreciates those twenty and a half years, all of which have been with the mayor. Mayor Newhard said that he is truly grateful to know that he can in the doors in the morning and someone is in control of Diane's desk and the issues that surround water billing and water issues. Mayor Newhard thanked Diane and said thank you from the Board as well.

2. Letter from Village of Warwick Building Inspector/Code Enforcement Officer, Boris Rudzinski requesting to hire a part-time assistant to the Building Department.

Trustee Cheney stated that there is no money in the budget at this point, so the Village would have to find some money somewhere and that is also is a civil service position so there's a process to go through that the Village Clerk understands, and that it's not necessarily a simple process either. Trustee Cheney said that it seems that what is being requested is a part-time position. Trustee Cheney stated that he would want to make sure that it's a position where there is no guarantee of any number of hours, that it is basically per diem and as there is work needed for that individual to do, that those are the hours that are spent to do it.

Mayor Newhard said that he thinks the critical part is that this is not a budgeted item but that he does understand in terms of the amount of activity in Boris' department, there is a lot of building and general activity from homeowners but also the Village has a number of large developments on the close horizon such as Village View, the last phase of Warwick Meadows, and Kennedy Apartments, which is going to be definitely very consuming for the Code Enforcement as the Building Inspector.

Trustee McManus said that he thinks the rationality presented is pretty reasonable and agrees that there is no money in the budget, but that the process could be started to hire somebody effective June 1st but doesn't think the Village will find someone to work per diem.

Trustee Bachman asked if this position is more administrative or if it has similar qualifications that Boris has.

Mayor Newhard said that he wouldn't be able to say and felt that Trustee Bachman might want to have that conversation with Boris. Mayor Newhard stated that he does believe there would be an administrative aspect to it but also believes that there are other pieces that would be involved such as going outside and doing inspections.

Trustee McManus stated that the person would need certification because the advertisement is saying commercial fire inspections and multiple dwelling inspections, code enforcement, property maintenance. Trustee McManus said that he doesn't believe Boris is thinking just administrative.

Mayor Newhard stated that he agrees that the Village should get the ball rolling because it's going to be very important to get somebody in that role, because there will be a certain level of training, and to be ready June 1st would be appropriate. Mayor Newhard said that things will slow down as winter comes in and that none of these building

projects have started, so June seems to be the appropriate time, but to start the process in June you may not see something until July and that the Village can't wait that long.

3. Report from Village Attorney, Stephen Gaba & Village Engineer, Dave Getz regarding the application of St. Anthony Community Hospital for a Special Use Permit.

Stephen Gaba stated that St. Anthony's wants to erect two new buildings, with one of them is replacing existing trailers, and in the course of getting approvals from the Planning Board and the Zoning Board, both of which they've received, it was determined that they needed to get a special permit from the Village Board and in the course of looking into that, it was determined that the one the special permit that St. Anthony's got in the past expired and probably the main campus preexisted the law that required a special permit. Mr. Gaba said that in order to clean it all up and make St. Anthony a regular conforming use, they applied to this Board initially for a special permit just the two new buildings, now it is for a special permit for the entire existing campus and the two new buildings. Stephen Gaba explained that the Village received a report from himself explaining what the process is and received a report from the Engineer saying that they see no problems with the application. Mr. Gaba stated that the next step will be to schedule a public hearing, with a resolution for that on this agenda, hold a public hearing, and then make a determination on the application for a special permit for the entire hospital, new buildings and existing.

Mayor Newhard said that he understands the process but is curious about the oversight and protection in the event that there is a large-scale development that is suddenly planned so now there is no administrative piece or eyes that would start with a special use permit.

Stephen Gaba said that in granting the special permit the Board has at least two options, either attach conditions, make it for a limited time for however many years like was done in the past, but basically the Board can grant a blanket approval for use of this property as a hospital, and as the mayor says, if the Board does that then if St. Anthony's comes back for amended site plan approval, they would just go to the Planning Board and as long as it meets the Planning Board's criteria, build whatever they want or the Board can grant a special permit limited to what's there now plus the new buildings in which case if St. Anthony's wants to put any new buildings up, they're going to have to come back to the Village Board for an amended special use permit. Mr. Gaba stated that there are shades and variations the Board can go with off of that if they are concerned, for example new construction over a certain square footage, the Village Board could grant approval and have that as a condition, but basically those are the two types of special permits to chose from.

Mayor Newhard questioned Mr. Gaba's statement of, 'the entire hospital campus', and if that would include Schervier and Mt. Alverno since the campus is quite large including the hospital which is front and center, behind it is Schervier, a senior care facility, and beyond that is Mt. Alverno, which is assisted living. Mr. Gaba said that the application is only for the Maple Street property, so that is all the Board would be granting a special permit for.

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**.

No comments were made.

Motions

RESOLUTION AUTHORIZING SUBMISSION OF A NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION FOR THE VILLAGE OF WARWICK WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Village Board of the Village of Warwick duly caused to be prepared a Preliminary Engineering Report (PER) recommending improvements to the Village's Reservoir Water Storage Tank and Well No. 3 Water Treatment System; and

WHEREAS, the proposed improvements to such water system components includes upgrades such that Well No. 3 will meet the EPA's Surface Water Treatment Rules for Groundwater Under the Direct Influence of Surface Water and the Reservoir Water Storage Tank will meet the Recommended Standards for Waterworks; and

WHEREAS, the Project will include construction of a new water storage tank, replacing the existing Reservoir tank, and construction of a new treatment system at Well No. 3 to include cartridge filtration, a UV disinfection system, and a chlorination system to provide disinfection residual; and

WHEREAS, the opinion of probable project costs of these improvements, is \$4,061,800; and

WHEREAS, the Village Board now desires to pursue grant funding for the project under the New York State Water Infrastructure Improvement Act (WIIA) program.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Warwick, Orange County, New York, authorizes the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to submit an application on behalf of the Village for grant funding under the New York State Water Infrastructure Improvement Act (WIIA) Program, and to execute any agreements, instruments or other documents in connection with the Village's acceptance of any such grants and/or the funding thereof; and

BE IT FURTHER RESOLVED, that the Mayor may authorize any required local match required with respect to financing or grants awarded to the Village for the Project through the use of cash and/or in-kind services; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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 Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Mayor Newhard asked Trustee Cheney to explain the change in the financials.

Trustee Cheney stated that he and Mayor Newhard had a meeting with Pitingaro and Doetsch, the Village Engineers for Well #3, and as a result there were recommendations that they made that would impact the cost, so the cost of Well #3 increased by approximately \$500,000. Trustee Cheney stated that the Village was also the victim of the increased construction cost and material costs that caused both projects to increase.

VILLAGE OF WARWICK PLAN OF FINANCE RESOLUTION

Reservoir Water Tank Replacement & Well No. 3 Water Treatment Plant Improvements

WHEREAS, the Village of Warwick (the “Village”) owns and operates a municipal water system (the “Water System”) serving the Village; and

WHEREAS, The Village is currently in the design phase of the Reservoir Water Storage Tank Replacement Project, in response to the tank being near the end of its useful life; and

WHEREAS, The Village is also currently in the design phase of the Well No. 3 Treatment Plant Improvements Project in response to Determination letter from Orange County Department of Health designating Well No. 3 as under the direct influence of surface water; and

WHEREAS, the current engineer’s opinion of probable construction cost for the Reservoir Water Storage Tank Replacement and Well No. 3 Treatment Plant Improvements Project is Four Million Sixty-One Thousand Eight Hundred Dollars (\$4,061,800.00 [the “Capital Project Cost”]); and the Village intends to submit an application to the New York State Water Infrastructure Improvement Act (“WIIA”) Program, for 60 percent of eligible costs related to the project.; and

WHEREAS, the Board of Trustees of the Village has conducted Public Information Meetings to take comments from the public on the Village’s proposed improvements to the Water System.

NOW, THEREFORE, be it RESOLVED that:

1. The Board of Trustees (the “Board”) hereby establishes the Reservoir Water Storage Tank Replacement and Well No. 3 Water Treatment Plant Improvements Projects (the “Projects”). The Projects shall involve replacement of the Reservoir Water Storage Tank and improvements to the Well No. 3 Treatment Plant; including the construction of two (2) 600,000 gallon water storage tanks, demolition of the existing Reservoir tank, connection of the two (2) new tanks to the existing water system, construction of a new water treatment plant at the Well No. 3 site that shall include cartridge filtration, UV disinfection, and a chlorination system, site restoration, engineering services, associated administrative and legal services, and other ancillary costs necessary to complete the Projects.
2. Funding for the project is anticipated to include WIIA grant funds up to 60% of eligible project costs and a municipal contribution through supplement with capital reserve funds and/or bonding as needed for the remaining project costs.

Upon completion of the Project, the Well No. 3 Water Treatment Plant and the new Reservoir Water Storage Tanks shall merge into the already existing Village Water System.

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 Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Trustee Lindberg asked Trustee Cheney what the time frame was for this. Trustee Cheney said that the application is due next Monday, and it would probably be six months, so early spring the Village should have an idea as to whether it is going to get any grant funding. Trustee Cheney stated that design of the water storage tanks at the reservoir is complete and has been submitted to the Orange County Health Department for their review, so the Village is basically shovel ready for that project. Trustee Cheney said that the treatment plant for Well #3 is probably 75-80% complete, so the Village is not far from that being complete and that it has to be submitted after the design is pretty much put together, that has to be submitted to the DEC for their review and approval after which once that's received, then it goes back to the engineer who then has to put together the bid package to put it out to bid for the Village. Trustee Cheney said that it is probably something he wouldn't expect to be shovel ready until around mid-year of 2022. Trustee Cheney stated that the Village has two projects and that the Village is in a very good position to demonstrate to the WIIA grant reviewers that the Village is ready to go. Trustee Cheney said that the Village will look at the infrastructure program that was just signed by the President today, to find out if that can supplement what the Village might receive from the WIIA grant or maybe replace the need for a WIIA grant. Trustee Cheney said that those who were on the Board around 2010 when the microfiltration plant was done, it was done with Federal stimulus money and was pretty much paid for at virtually no local cost. Trustee Cheney said that everyone paid for it in their taxes, but it wasn't directly paid for the taxpayers here in Warwick.

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, the Village Board has undertaken a project for parks trail development in Stanley Deming Park, Memorial Park and Lewis Woodlands Park; and

WHEREAS, the said project is an action subject to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the Village Board, as Lead Agency in SEQRA review, has caused to be prepared an Environmental Assessment Form ("EAF") Parts I, II and III; and

WHEREAS, the Village Board, as assisted by its consultants, has considered the potential environmental impacts of the proposed action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board accepts and approves the said EAF Parts I, II and III and the Mayor is hereby authorized to sign the same; and
2. That after considering all of the information presented to it, including the EAF, the Village Board adopts the Negative Declaration under SEQRA attached hereto.

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 Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

RESOLUTION DETERMINING THAT THE RESERVOIR WATER STORAGE TANK AND WELL NO. 3 IMPROVEMENTS PROJECTS ARE TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village of Warwick (Village) is proposing improvements to the existing Village of Warwick Water Storage Tank and Well No. 3 Water Treatment Plant.

WHEREAS, the Project has been classified as an “Type 1 Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, on November 3, 2021, the Village caused a letter and Part 1 of the EAF to be sent to other potentially “involved agencies” and “interested agencies” (as these quoted terms are defined in the Regulations), indicating the Village Board’s (“Village Board”) desire to serve as “lead agency” (as this quoted term is defined in the Regulations) for a coordinated review under SEQRA of the Project; and

WHEREAS, it is anticipated that each of the involved agencies or potentially involved agencies will agreed to or raised no objections to the Village Board serving as lead agency for a coordinated review under SEQRA of the Project; and

WHEREAS, pursuant to the Regulations, the Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Parts 1, 2, and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the areas of relevant environmental concern.

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Village of Warwick Board, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Village of Warwick Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Village Board hereby establishes itself as lead agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the EAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village Board’s knowledge of the area surrounding the Project and such further investigations of the Project and its potential environmental impact as the Village Board has deemed appropriate, the Village Board makes the following findings and determinations: the Project constitutes an “Type 1 Action” (as the quoted

term is defined in the Regulations); and no significant adverse environmental impacts are noted in the EAF for the Project and none are known to the Village Board. Therefore, the Village Board hereby determines that the Project will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement with respect to the Project; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Village Board directs the Village Mayor to prepare a Negative Declaration in accordance with 6 NYCRR § 617.12; and

BE IT FURTHER RESOLVED, that the Village Board directs the Village Mayor to publish notice of and file a copy of the Negative Declaration for the Project in accordance with the Regulations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately

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 Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Chemical Delivery – Sodium Hypochlorite, Amrex Chemical Company, Inc.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to accept the bid from Amrex Chemical Company, Inc. for the delivery of Sodium Hypochlorite 12.5% at a cost of \$1.80 per gallon per the recommendation of JCO Regional Manager, Keith Herbert. The contract period will be December 1, 2021, to May 31, 2022.

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

Chemical Delivery – Sodium Hypochlorite, Suspend Contract with ESC Environmental

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to suspend, pursuant to Paragraph Twenty, the portion of the contract dated April 21, 2021, with ESC Environmental Inc. for services to deliver Sodium Hypochlorite effective November 30, 2021, based on the failure of the contractor to provide the material at the original bid price.

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 Laborer, Matthew Santiago

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to hire Matthew Santiago to the position of Full Time Laborer at a salary of \$18.00 per hour in accordance with the Collective Bargaining Agreement with a start date to be determined by 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

Discussion

Mike Moser said that Mr. Santiago already has a CDL so he will be able to go right out on the road. Mr. Moser said that Mr. Santiago has a mechanics background so he can work in the shop, plus he is a young man with local roots, and seems to be a good hire for the Village.

**RESOLUTION ADOPTING VILLAGE OF WARWICK LOCAL LAW NO. 3 OF 2021
AS AMENDED TO DELETE SECTION 2A Article VIII, 'PARKING, STANDING AND
STOPPING', SECTION 135-18**

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

WHEREAS, following due notice the Village Board held a public hearing on a revised version of the proposed local law; and

WHEREAS, the proposed local law constitutes a Type II Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law as amended, a copy of which is attached hereto;
2. That the Village Clerk is hereby requested and directed to publish, post, and file the same in the Office of the Secretary of State in Albany; and
3. That the said local law shall be effective upon filing with the Secretary of State.

Trustee Lindberg presented the foregoing resolution which was seconded by Trustee McManus,

The vote on the foregoing resolution was as follows:

APPROVED

Barry Cheney, Trustee, voting	<u>Aye</u>
William Lindberg, Trustee, voting	<u>Aye</u>
George McManus, Trustee, voting	<u>Aye</u>
Corey Bachman, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

Discussion

Stephen Gaba said that the language should be, ‘The Village Board does hereby adopt the proposed local law as amended a copy of which is attached hereto’ and then a copy will be attached with that one line stricken from it when it is filed with the Clerk.

Discussion ensued regarding deleting Section 2(A) in its entirety or just Section 2A(3) of the proposed local law.

Trustee Lindberg clarified that the resolution is removing Section 2A(1), (2), and (3), not just Section 2A(3) leaving the code as is for that Section.

Amendment to Village of Warwick Schedule of Fees – Parking Permits, First Street Lot

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to amend the Village of Warwick Schedule of Fees effective November 15, 2021, to add under the heading ‘Parking Permits’ under the subheading ‘First Street Parking Lot’, the following:

<u>Type of Fee</u>	<u>Amount</u>
Tenant Parking Permits, Monday – Sunday, 24 hours per day, per year	\$400

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee McManus asked what the fee is in the other lots. Trustee Lindberg said that it is the same.

Budget Modification

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to approve the budget modification and transfer request as per the Village Treasurer's memo dated November 8, 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 – Stanley-Deming Park, 2022 Children’s Book Festival - AMENDED

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman to grant permission to the Albert Wisner Public Library to use the east side of Stanley-Deming Park to hold the Children’s Book Festival on Saturday, October 8, 2022, from 11:00 a.m. to 4:00 p.m. as per their letter dated November 5, 2021. Permission to include: three (3) food trucks to be parked on the grass between the creek and the handball courts on the west side of the park; a 3’ x 14’ banner to be hung on the fence to the right of the main entrance of Stanley-Deming Park facing the intersection of South Street and Parkway, from Sunday, September 25, 2022 through Saturday, October 8, 2022; Festival tents to be set up beginning at 11:00 a.m. on Friday, October 7, 2022 and removed by Sunday, October 9, 2022; use of Stanley-Deming restrooms; Uncle Brothers Band to perform a children’s concert under the bandstand for 1.5 hours during the event. All activities must be in accordance with NYS and Orange County Departments of Health. Completed facility use permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney ___ Trustee Lindberg ___ Trustee Bachman ___

Trustee McManus ___ Mayor Newhard ___

Discussion

Trustee Cheney said that one of the items that was noted in the letter that was received as part of the application was that the festival intends to seek permission from the Warwick Valley Central School District to use the parking lots adjacent to the Park Avenue School. Trustee Cheney stated that he would like the motion to be amended to include just before the last sentence that, approval is contingent upon obtaining permission of the Warwick Valley Central School District to use the Park Avenue School for parking and providing such documentation 60 days prior to the event.

Trustee Lindberg inquired about what would happen if they didn’t receive approval for parking. Trustee Cheney said that if they don’t get approval, then the library would have to come back to

the Board and explain why they didn't get permission and the Board would probably find an opportunity for them to still be able to hold their Book Festival with an alternate plan.

Facility Use – Stanley-Deming Park, 2022 Children's Book Festival

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to the Albert Wisner Public Library to use the east side of Stanley-Deming Park to hold the Children's Book Festival on Saturday, October 8, 2022, from 11:00 a.m. to 4:00 p.m. as per their letter dated November 5, 2021. Permission to include: three (3) food trucks to be parked on the grass between the creek and the handball courts on the west side of the park; a 3' x 14' banner to be hung on the fence to the right of the main entrance of Stanley-Deming Park facing the intersection of South Street and Parkway, from Sunday, September 25, 2022 through Saturday, October 8, 2022; Festival tents to be set up beginning at 11:00 a.m. on Friday, October 7, 2022 and removed by Sunday, October 9, 2022; use of Stanley-Deming restrooms; Uncle Brothers Band to perform a children's concert under the bandstand for 1.5 hours during the event. Approval contingent upon obtaining permission of the Warwick Valley Central School District to use the Park Avenue School for parking and providing such documentation 60 days prior to the event. All activities must be in accordance with NYS and Orange County Departments of Health. Completed facility use 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 Nay Mayor Newhard Aye

Discussion

Trustee McManus stated that he has to say no because he doesn't do things contingent on getting approvals.

RESOLUTION SETTING A PUBLIC HEARING ON THE APPLICATION OF ST. ANTHONY COMMUNITY HOSPITAL FOR A SPECIAL USE PERMIT

WHEREAS, the Village Board of the Village of Warwick has received an application from St. Anthony Hospital for grant of a special use permit for construction of hospital buildings at 15 Maple Avenue, Warwick, N.Y. pursuant to Village Code §145-161, and

WHEREAS, under the Village Code it is necessary to hold a public hearing on the said application,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a public hearing on the said application of St. Anthony Hospital for a special use permit is set for December 20, 2021, at 7:30 o'clock p.m.; and
2. That the Village Clerk shall publish, post and provide notice of the public hearing as required by the Village Code; and
3. That the Village Clerk shall provide a referral to the Orange County Planning Department under General Municipal Law §239-m.

Trustee Bachman 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 Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Village Clerk, Raina Abramson said that Dan Griffiths was in the Zoom waiting room in case the Board wanted to speak with him. Mayor Newhard said that he surely may if he'd like to speak with the Board as a representative of St. Anthony Hospital.

Mr. Griffiths was unable to join the Zoom meeting and Ms. Abramson stated that she wasn't sure what was happening, but that Mr. Griffiths sent her an email with the following question:

Why are they scheduling a public meeting for December 20th on special use permit for St Anthony when the planning board last Tuesday voted to waive the public meeting?

Stephen Gaba said that the Planning Board has authority to waive public hearings, not public meetings, for certain applications and expects that the site plan was one of those; however, that's not the case for a special use permit, it is mandatory.

Reports

Trustee Cheney's Report: No report at this time.

Mayor Newhard praised and thanked Trustee Cheney for doing a lot of leg work on the WIIA grants and for working with the engineers to make sure all of the T's are crossed and I's are dotted.

Trustee Lindberg's Report: No report at this time.

Trustee Bachman's Report: No report at this time.

Trustee McManus' Report: No report at this time.

Final Comments from the Floor – No comments were made.

Final Comments from the Board

Mayor Newhard said 'thank you' to the DPW for doing a great job getting ready for Veteran's Day, whether it was putting green lights on the front of Village Hall, getting the flags out, making sure the parade route was in good condition and that the park looked great. Mayor Newhard said that there are a lot of details that are very important for such a very important day. Mayor Newhard also thanked VFW Post Commander Jose Morales and Vice Commander Carmine Garritano for organizing the Veterans Day Parade and ceremony. Mayor Newhard said that it was a wonderful event that has grown over time and has become more meaningful and that he truly appreciates the hard work that they did.

Mayor Newhard also said that he wanted to give a shout out to Warwick Grove and the Homeowner's Association that had a wonderful Veteran's breakfast for approximately thirty-six Veterans that live in Warwick Grove. Mayor Newhard stated that Don Humphrey, President of

the Warwick Grove HOA, organized the event and that Barry Cheney was in attendance not only as Deputy Mayor but also as a County Legislator.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to adjourn the regular meeting at approximately 8:40 p.m.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Nay Mayor Newhard Aye

Raina M. Abramson, Village Clerk