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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – November 2, 2020

Pursuant to Governor Cuomo’s Executive Order 202.1, Village of Warwick meetings will be conducted virtually through Zoom Videoconference until further notice.

To View the Meeting:

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

VILLAGE’S WEBSITE – The public may view the meeting a day or so after its completion by going to the village’s website: www.villageofwarwick.org

To Comment - During Privilege of the Floor Only:

FACEBOOK LIVE – Comments may be made during the Village Board Meeting through Facebook Live within privilege of the floor by going to the Village of Warwick’s Facebook page: <https://www.facebook.com/VillageofWarwick>

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
November 2, 2020**

8662

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 2, 2020 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Corey Bachman, and George McManus. Also, present was Deputy Clerk, Maryann Benedict. 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 and comment during privilege of the floor at the above date and time via Facebook Live on the Village's FB page <https://www.facebook.com/VillageofWarwick>.

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

Public Hearing on proposed Local Law No. 3 of the Year 2020 entitled: "A local law to repeal and re-enact Village Code Chapter 135, 'Vehicles and Traffic' to add certain traffic safety regulations and provisions for traffic control devices."

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 2nd day of November 2020, at 7:30 o'clock p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 3 of the Year 2020 entitled: "A local law to repeal and re-enact Village Code Chapter 135, 'Vehicles and Traffic' to add certain traffic safety regulations and provisions for traffic control devices."

The purpose of this local law is to promote public health, safety, and welfare by repealing and re-enacting Village Code Chapter 135, 'Vehicles and Traffic' to add certain traffic safety regulations and provisions for 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 Governor Cuomo's Executive Order 202.1, the public hearing will be conducted in the following manner: Members of the Village Board will attend the meeting via Zoom videoconference. The public hearing may be viewed live on the Village's Facebook page at <https://www.facebook.com/VillageofWarwick>. Interested parties may submit comments to be received by 4:00 p.m. on November 2, 2020 via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email; clerk@villageofwarwick.org. Comments may also be made through Facebook Live during the public hearing by going to the Village of Warwick's Facebook page: <https://www.facebook.com/VillageofWarwick>

Mayor Newhard opened the floor to the public.
No comments were made.

Discussion

Mayor Newhard asked Trustee Lindberg to make a commentary about the scope of work that was completed to Village Code Chapter 135.

Trustee Lindberg stated the following updates were made:

- Updated where the traffic lights are.
- Put in stop signs.
- Added some handicap locations.
- Deleted a few loading zones and changed loading zone times.
- Added permit and public parking zones in the Chase parking lot.
- Added electrical charging stations.
- South Street parking lot limit was changed from a three-hour limit to a four-hour limit.

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to accept the minutes of October 5, 2020, October 15, 2020, and October 19, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Authorization to Pay all Approved and Audited Claims #21000791 – 21000860 in the amount of \$193,114.43.

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 from Law Office of Blustein, Shapiro, Rich & Barone, LLP dated October 26, 2020 regarding Village View Estates – Petition for Annexation and Application for Special use Permit.

Discussion

1. Handicap Parking Fines.

Trustee Lindberg stated the parking fines are currently \$100.00 and it has been previously discussed to increase this fine from \$100.00 to \$250.00. Trustee Lindberg presented some comparisons from, Greenwood Lake, Middletown, and Newburgh.

Trustee McManus stated that if somebody forgot their handicap tag, they should be able to present their tag to the judge and the penalty will be taken care of. Mayor Newhard stated that is what happens, and it is completed by the court clerk.

The Board of Trustees agreed that the fine will be increased to \$250.00.

2. Electric Vehicle Charging Station Connection Fee & Parking Fines.

Trustee Cheney stated the Police Department Parking Fines are as follows:

- Parking a vehicle other than an electric vehicle in a space designated for electric vehicle parking while charging only is a \$100 fine
- Parking a electric vehicle in a space designated for electric vehicle parking while charging only when the electric vehicle is not in the process of charging is a \$50.00 fine.
- Parking an electric vehicle in a space designated for electric vehicle parking while charging only greater than three continuous hours whether or not the electric vehicle is the process of charging is a \$50.00 fine.

Trustee Cheney stated that the Village needs to create a new category in the Village of Warwick Schedule of Fees, Electric Vehicle Charging. Much discussion ensued about what the connection fee should be. The Board of Trustees agreed the connection fee will be \$1.75/hour.

Trustee Cheney stated that the connection fee can be worked in with the handicap fees and parking regulations and will be voted on when the schedule of fees is changed.

3. Warwick Meadows, Phase IV, Proposed Residential Development – Notice to Designate a SEQRA Lead Agency.

*The SEQRA Narrative and Expanded EAF, including the Site Plan can be found on the Village's website: <https://villageofwarwick.org/2020/09/warwick-commons-planning-board-submittals/>.

Trustee Cheney stated the Warwick Meadows project goes back to the 1990's and the Planning Board should be the Lead Agency.

Much discussion ensued about the proposal and Mayor Newhard stated that the Board of Trustees should bring any comments or concerns about the document to his attention and a document will be created to bring to the Planning Board.

Privilege of the Floor

(Please limit your comments to **five (5)** 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.

1. Don Presutti, via the Village's Facebook page, asked what is the Village doing to prevent or deal with any potential violence after the election?

Mayor Newhard stated he received many emails about the Trump caravan that came through the Village. He stated that the Police Department was notified a short period of time before it happened, and they acted quickly. Mayor Newhard also stated that conversations were being had with the Police Department about the election on an ongoing basis.

2. A total of 103 comments were made on the Village's Facebook page and are attached to this document.

Return of Planning Board Escrow – 18 Railroad Ave, LLC

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to return the Planning Board escrow balance of \$222.50 to 18 Railroad Ave. LLC in connection with 18 Railroad Avenue/Grappa Restaurant. All invoices have been paid as per Planning Board Attorney, Rob Dickover and Village Engineer, Dave Getz.

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

Close Public Hearing – Local Law No. 3 of the Year 2020

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to close the Public Hearing on proposed Local Law No. 3 of the Year 2020 entitled: “A local law to repeal and re-enact Village Code Chapter 135, ‘Vehicles and Traffic’ to add certain traffic safety regulations and provisions for 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

Budget Modification

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to accept the budget modification as per the Village Treasurer's letter dated October 28, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Facility Use – Memorial Park Pavilion, Fit Body Boot Camp

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to grant permission to Fit Body Boot Camp to extend the dates of their facility use permit to use the pavilion and the surrounding grassy area in Memorial Park for outdoor fitness classes through November 30, 2020, with sessions Monday - Friday from 5:00 a.m. to 10:00 a.m. & 4:00 p.m. to 5:30 p.m. and sessions on Saturdays and Sundays from 7:00 a.m. to 8:30 a.m. pending Governor Cuomo’s Executive Orders, NYS Regional Phased Reopening Plan, and the NYS Department of Health. Completed park permit, proper insurance, and security deposit have previously been received as part of the original application approved on July 20, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee McManus asked if updated insurance has been received by Fit Body Bootcamp and Deputy Clerk, Maryann Benedict stated that it was received.

Trustee Lindberg stated that he likes that permissions are being granted on a month by month basis so other groups are included on using Village facilities.

Warwick Valley Chamber of Commerce- Free Parking

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to implement free parking in the Village of Warwick for the period of November 22, 2020 through January 1, 2021, per the request of the Warwick Valley Chamber of Commerce. The Warwick Valley Chamber of Commerce is allowed to decorate the parking meters with the agreement and coordination of the DPW.

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 stated that our outdoor dining finished on October 31, 2020 and will not continue for the month of November even though it was approved. The reason is because the New York State Department of Transportation did not approve it because November 1, 2020 is the beginning of their snow plowing season.

Resolution for the Unpaid Village of Warwick FY 2020-2021 Tax Collection

Whereas; according to Real Property Tax Law § 1436, on or before November 1, the tax collecting officer must deliver an account of the unpaid taxes to the Board of Trustees; and

Whereas; attached is an account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$63,828.53 for the FY 2020-2021 Village of Warwick tax collection; and

Whereas; the Village Board of Trustees has compared the Village Clerk's account of the FY 2020-2021 unpaid taxes with the original FY 2020-2021 tax roll, and has determined that the account is accurate; and

Whereas; each member of the Village Board shall execute the attached certificate which recites that the account and the tax roll have been compared and found to be correct and that the total amount of taxes unpaid for FY 2020-2021 is \$63,828.53; and

Whereas; the signed certificate and account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$63,828.53 for the FY 2020-2021 Village of Warwick tax collection will be returned to the Orange County Commissioner of Finance's Office prior to November 15th in the year in which the levy is made; and

Whereas; these facts must also be included in the official minutes of the Village of Warwick; and

Whereas; within 15 days of the tax collecting officer delivering an account of the unpaid taxes to the Board of Trustees, the Board must file the tax roll and warrant in the office of the Village Clerk. A copy of the tax roll must be permanently retained as a public record.

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

The vote on the foregoing resolution was as follows:

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

Draft Environmental Assessment Form - Warwick Grove Snow Removal Storage License

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve the draft Environmental Assessment Form on the proposed Warwick Grove Snow Removal

Storage License and to adopt the draft resolution for a Negative Declaration under the State Environmental Quality Review Act.

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 Lindberg asked Trustee Cheney what they are voting on in this motion. Trustee Cheney stated the Village Attorney, Stephen Gaba, stated the Village needs to do a SEQRA evaluation to enter into a license agreement with Warwick Grove Homeowner's Association to allow them to park snow removal equipment on property that is owned by the Village.

Warwick Grove Snow Removal Storage License

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve the proposed Warwick Grove Snow Removal Storage License and to authorize the Mayor to sign the license and all documents necessary to implement the terms thereof.

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

Trustee Cheney Aye Trustee Lindberg Nay Trustee Bachman Aye

Trustee McManus Nay Mayor Newhard Aye

Discussion

Trustee Cheney stated this motion is the agreement that the Village would enter into with Warwick Grove. Trustee Cheney stated the agreement states:

- Repairs or maintenance of the snow removal equipment will not be allowed at the property that the Village is allowing them to use.
- The Village is not responsible for damage or theft to the vehicles parked or stored.
- Warwick Grove is required to pay the Village the sum of \$1,500 upon execution of the license agreement.
- Warwick Grove agrees they will indemnify and hold harmless the Village and Board of Trustees from claims.
- The agreement is from November 1, 2020 through May 1, 2021.

Trustee Cheney stated that if Warwick Grove and their contractor fails to comply with the terms and conditions of the license agreement, the Village can terminate the license upon written notice if remedies are not made.

Trustee Lindberg stated that he is against parking any equipment in the Village parking lot and he does not want to see part of the park become a storage area.

Trustee Bachman stated that he is glad there is a contract in place.

Mayor Newhard stated that he understands both sides and will agree with this for now but would prefer it not to be a continual contract going forward.

Final Comments from the Board

Trustee Cheney stated there was a sewage overflow due to fats, oils and grease that entered the sewer system from individual residences over a long period of time. Trustee Cheney would like to remind the residents that it is important that they do whatever they can to eliminate any fats, oils and grease that comes from cooking and preparing meals so they don't enter the system. Trustee Cheney suggested to let grease solidify and throw it into the garbage instead of dumping it into the drains.

Mayor Newhard read the following press release:

It was a dark and stormy night and the Mayor ventured out to find the scariest house in all the Village!

This year's winners for the annual "Scare the Mayor" contest go to the following:

- Kayleigh Maher, 15 Galloway Heights for best automation.
- Mike Santiago, 28 West Street, for best overall theme.
- Warwick Community Center & Wickham Works, 11 Hamilton Avenue, for most creative and creepy!
- Nicole Moellman and Donald Presutti, 7 Kenilworth Lane, for the downright scariest!

Thank you to all the contestants, for all the fearful fun!

Executive Session

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to go into executive session to the medical financial, credit or employment history of a particular person or corporation, or matters leading to the appointment employment, promotion, demotion,

discipline, suspension, dismissal or removal of a particular person or corporation.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

In Executive Session

Present: Mayor Michael Newhard, and Trustees Barry Cheney, William Lindberg, Corey Bachman, and George McManus.

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to exit Executive Session and resume the regular session of Village Board meeting.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Adjournment of the Regular Meeting

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to adjourn the regular meeting at approximately 8:55 p.m.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye