

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
OCTOBER 18, 2021**

**9035**

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, October 18, 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 and Village Attorney, Stephen Gaba. DPW Supervisor, Mike Moser was absent. Other present: Daniel Griffiths.

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.

**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:

**PLEASE TAKE NOTICE** that the Village Board of the Village of Warwick will hold a public hearing on the 18<sup>th</sup> day of October 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 October 18, 2021, via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email; [clerk@villageofwarwick.org](mailto: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: September 30, 2021**

Mayor Newhard: Do we have any comments.

Raina Abramson: No.

Mayor Newhard: Ok. Board Members.

Trustee Lindberg: Mayor, most of these changes are just continued additions/corrections to the Vehicles and Traffic that we talked about last year. Just a couple of noteworthy ones, on Spring Street between McEwen and West, we're just going to have no parking on the West side of the street, it's just too narrow. There's a measurement correction on First Street as far as a loading zone footage. There are a couple of corrections on the handicap parking in the Chase Parking Lot and then Park Avenue, and then we're adding Chase Parking Lot addition as far as the handicap. And there's a change with the parking meters 135-22 on First Street. And some meters on First Street. Again, some general corrections to the code.

But I also want to bring up and I'd like to have Mr. Gaba's advice, we have 24-hour parking/7 days a week at our Chase Parking Lot. We are running out of room in the Chase Parking Lot from the tenant parking. We do, however, have some room at the First Street Parking Lot for Monday-Sunday/24 hours per day, so I need some advice on how we can handle that either tonight or another public hearing. It's 135-21 'Parking time limited in certain locations.'

Mayor Newhard: I want to comment on that. At this time, we do have permit parking allowed on First Street, I believe 5 spots, but only 1 has been used historically. But we do have many tenants who live on, Barry, help me out, is it the west side of First Street, the Grappa side?

Trustee Cheney: That would be the north side of First Street.

Mayor Newhard: Ok, thank you. Anyway, those tenants do not have driveways. They live above the buildings so one of the issues that has happened is that for bringing in groceries and things of

that nature, it's very difficult to park at the Chase Lot and then shlep stuff there. So anyway, I think it would help a lot of people out, and since it's underused at this point for permits, it seems logical that we could try it as tenant parking.

Stephen Gaba: Well, I have no problem with that either way, but it's not part of this local law so you can act on what in front of you tonight, but you can't add on. You'd have to revise the law and re-notice the public hearing if you want to add that.

Mayor Newhard: Right, understood. So, would we have to have another public hearing just on that.

Stephen Gaba: You have to re-notice the whole local law because you're adding a new provision to it. You can make minor grammatical changes to a local law, you can take portions out once you've noticed it, but what you can't do is add new sections which haven't been noticed. So, what you should do is just table this tonight. We can write in, if that's the Boards pleasure, we could write in the new revision and then re-notice it for your public hearing for the next meeting. Hold the public hearing and adopt it with the amendment.

Mayor Newhard: I think that would make the most sense instead of having an entire public hearing just on that one piece and you know, table it until we add that piece. There is nothing, I mean, Bill, maybe you can tell me, there's nothing that is time sensitive, correct?

Trustee Lindberg: No, we will be alright.

Trustee Cheney: I guess a question relative Mayor to the comment you made about the individuals who are now residing in apartments that face onto First Street, the problem of them having to carry large items, multiple items, from one of the lots might we consider a loading zone there for a 15-minute time frame that would give them that benefit. I guess I question whether there are enough of them that would make that worthwhile but certainly that would help that one particular challenge that they are faced with.

Trustee Lindberg: We do have a loading zone on First Street pretty much behind Grappa there.

Trustee Cheney: So, then that's resolved and so we are just purely looking now for additional permit parking spaces that they would be able to use.

Trustee Lindberg: Yes.

Trustee Cheney: And currently the First Street Lot has how many available?

Trustee Lindberg: I think there's 4, right Raina?

Raina Abramson: There are 5 overnight parking spaces now.

Trustee Lindberg: And one is being used?

Raina Abramson: That's correct.

Trustee Cheney: So, until those other 4, permits taken for them, do we really need to move forward with this at this time because it sounds like we've got more available than what people are interested in taking.

Mayor Newhard: Well, what they are, Barry, is really just permit parking for during the day so they are not allowed to keep their car overnight.

Trustee Cheney: I misunderstood. I thought they were 24-hours. They're not, understood, ok. Then definitely a problem.

Trustee Lindberg: We need to add Monday-Sunday, 24-hours per day for these new ones.

Trustee Cheney: I would agree that the best way to move forward with this would be to, I guess table tonight's, and then revise the document and then go for a public hearing at our next meeting if the timeframe allows publication.

Mayor Newhard: So, Steve. How should be table this then?

Stephen Gaba: Well, the bottom line is if it's the Board's intent, you're going to re-notice the public hearing so you could close it and then notice it as a new public hearing. You could table it and re-notice it as a continued hearing on what's there plus a hearing on the amendment. Whether you close it or you leave it open is just going to affect how we write up the notice. It's really all the same because you could close the public hearing and just not take any action on the law, re-notice it and go from there.

Mayor Newhard: Right, I'm looking for the least cumbersome.

Stephen Gaba: I would close it and then just re-notice it and not take action on this version of the draft.

Mayor Newhard: Ok. So, any more comments before we close this public hearing? You'll have a chance to comment again at the next time.

Raina Abramson: I just have a quick question about procedure. So, does the Board have to make a motion tonight, Steve, then to hold a public hearing say at the second meeting in November now, so that would be what the notice would say?

Stephen Gaba: The appropriate thing to do, Raina, would be again, you could either close or leave this one open, again that's just going to affect how we draft up the notice, but there should be a resolution reintroducing the revised local law or introducing the amendment to the local law and then you would have that resolution, set you public hearing. You wouldn't take action on that tonight.

Raina Abramson: Ok.

Stephen Gaba: You don't have the draft in front of you.

Raina Abramson: Right, ok. So, November 1<sup>st</sup>. Thank you.

Mayor Newhard: Am I hearing correctly then we have to make a motion tonight to have another public hearing.

Stephen Gaba: Well, the appropriate thing to do is to resolve the public hearing that you have before you, which again, my advice is to close it. But if you want you can leave it open, and it will just affect how we draft up the notice. At your next meeting, you will have the revised draft text that Bill is talking about of this local law along with a resolution introducing that revised local law, that revised draft of it, and setting a public hearing on that. So, you don't want to try to set a public hearing tonight because you don't have the language.

Mayor Newhard: I get it. I understand.

**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 Lindberg, 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 - AMENDED**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus for the Acceptance of Reports – September 2021: Clerk’s Office & Tax Collection Summary, Justice Department, Police Department, Planning Board, ZBA and ARB, including the Treasurer’s Office Monthly Credit Card Account Transaction Detail for the September and October 2021 statements.

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

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

**Discussion**

Trustee McManus stated that the mayor didn’t ask for the Building Department but said Police Department.

**Acceptance of Reports**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus for the Acceptance of Reports – September 2021: Clerk’s Office & Tax Collection Summary, Justice Department, Building Department, Planning Board, ZBA and ARB, including the Treasurer’s Office Monthly Credit Card Account Transaction Detail for the September and October 2021 statements.

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 McManus, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$272,599.72.

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

5. Police Report.

**Announcements**

1. All things Halloween in the Village of Warwick.

Trustee Lindberg read the following announcement:

**ALL THINGS HALLOWEEN  
IN THE VILLAGE OF WARWICK**

**HALLOWEEN COSTUME PARADE**

The Village of Warwick Recreation Department will be hosting a spooktacular Halloween Costume Parade on Sunday, October 31, 2021. Lineup will take place at 4:30 p.m. on High Street. The parade will start at 5:00 p.m. and proceed down Main Street. The parade will end at the railroad tracks on Main Street where families can then disperse and begin trick-or-treating.

**VIRTUAL HALLOWEEN COSTUME CONTEST!!**

The Village of Warwick will once again be hosting a virtual Halloween costume contest beginning Thursday, October 28, 2021, through Halloween night, Sunday, October 31, 2021.

In lieu of the costume contest being cancelled this year due to COVID-19, we ask that you dress up in your spookiest, scariest, and most creative costumes and submit your photos, including your name, age, and costume category, to [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org).

This year's costume contest will include the following categories: Most Original, Scariest, Cutest, and Most Warwick Pride.

The contest will be divided into the following age groups: 0-5, 6-9, 10-14, adult, and family ensemble.

The winners will be announced just shortly after Halloween and the winning photos will be posted on the Village's website [www.villageofwarwick.org](http://www.villageofwarwick.org) and Facebook page and local newspapers.

We can't wait to see you in your Halloween best!

**VILLAGE RESIDENTS INVITED TO "SCARE THE MAYOR"**

Village residents are invited to try their best to Scare the Mayor for the Village's Fifth Annual "Scare the Mayor" Contest. This is a contest for the scariest, most frightful, scream-worthy Halloween decorated house in the Village of Warwick. The contest is free to enter, and Village of Warwick residents are eligible to participate. To register your house, please call Village Hall at (845) 986-2031 or email [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org) by Thursday, October 28, 2021.

On Friday, October 29, 2021, starting at 6:00 p.m., all participants will receive a visit from Village of Warwick Mayor, Michael Newhard, and guest judges who will deem the ghouls and ghosts who scare them the most.

First, Second, and Third Prize winners will receive a plaque that brags, "I Scared the Mayor." Winners will be announced on Facebook. So, string those purple and orange lights with care, spread cobwebs as far as they can bear, creepy skulls and candy corn too, anything spooky really will do. The Mayor anticipates the delights from all the scary frights, and they look forward to celebrating the best that residents can offer.

### **HALLOWEEN CURFEW & ROAD CLOSURES**

There is a Halloween curfew for all persons under the age of 18 unless accompanied by a parent or guardian on all Village streets and parks and other public areas in the Village of Warwick between the hours of 9:00 p.m. on Saturday, October 30 to 6:00 a.m. on Sunday, October 31, 2021, and again on Sunday, October 31, from 9:00 p.m. to 6:00 a.m. on Monday, November 1, 2021.

The Village will once again close off Oakland Court, Welling Avenue and Orchard Street west of Elm Street on Sunday, October 31, 2021, from 4:00 p.m. until 9:00 p.m. High Street will be closed on October 31, 2021, from 4:00 p.m. to 5:00 p.m. for the parade lineup.

#### **2. Village of Warwick Leaf Pickup.**

Trustee Cheney read the following announcement:

### **VILLAGE OF WARWICK LEAF PICKUP**

Now that fall is here the Village of Warwick will begin picking up leaves on November 1st. Leaves must be placed at the curb in paper bags. The last pickup will be during the week of December 13th.

Village residents may also bring bagged leaves to the Village Brush Pile which is open every Saturday and Sunday in October and November from 12-4pm.

Trustee Cheney emphasized that the DPW will be picking up bagged leaves at various times in various areas, but the last pickup is the important one. On December 13th that will be the final pickup where the DPW will be going through all of the neighborhoods once at that point in time and if the leaves aren't out by the time they come through, then residents will have to remove the leaves on their own.

Trustee Cheney also clarified that at the brush pile, leaves should be placed in the roll-off container that will be there for that purpose so the leaves can later be turned into compost for residents to use in their gardens.

### **Correspondence**

1. Letter from Village of Warwick Planning Board Secretary, Maureen Evans, regarding the Planning Board SEQR determination of a Negative Declaration for an amended site plan application for St. Anthony Community Hospital.

Mayor Newhard explained that the same topic is under discussion this evening but at the end of the day today, the Village received an application for a special use permit. Mayor Newhard stated for the public that St. Anthony Community Hospital had a special use permit, but it was from sometime ago and there was a question whether that could be extended; however, it was so long ago and for a different project, so it makes sense.

Stephen Gaba stated that under the Village Code there is a particular zoning district in which the hospital is located, and it says that for a hospital to be constructed within that district you need both site plan and a special use permit from the Village Board. Mr. Gaba said that you would have thought that the special use permit for the hospital was granted many years ago by the Village, but you have one that is dated back to 2005, but for whatever reason back then, he believed a three-year limitation was put on the permit and was never renewed so that permit is long since expired. Mr. Gaba said that it is the Board's decision, but his advice would be to grant a permanent special use permit to the hospital because he doesn't see the point in having them come in and be renewed because it isn't likely the hospital is going anywhere. Mr. Gaba said that it should also cover the entire hospital and if it's phrased appropriately and the hospital isn't looking to make too big of a change, the next time they want to do a minor upgrade of some kind they wouldn't have to come back for a special permit from the Board or an amended special permit, or they might if there's a big enough change, but the hospital could just go and get site plan and he feels that would be easier for everybody. Mr. Gaba said that now, the Village Board should refer it to his office and the engineering consultant for a report, and they will get back to the Board as to what was proposed and what the procedure is and at the next meeting the Board could schedule a public hearing, and SEQRA has been taken care of.

Mayor Newhard said that it is important to recognize the language in the application so that it will be a special use permit that will last for a long period of time or as long as the hospital is there.

Stephen Gaba said that on the special use permit dated today, it says describe the project: 'Radiology and O.R. Addition'. Mr. Gaba said that the Board may want the hospital to say to cover the entire site and Mr. Gaba said technically he thinks it needs to and it might be easier for everybody in the end to renew the 2005 permit, renew for the whole hospital, and renew it for the addition and just take care of everything at once.

Trustee Cheney said that the 2005 permit was for an addition that was placed on the hospital for the same-day surgery unit that fronts on Maple Avenue. Trustee Cheney said that this talks about a total of 62,000 square feet of additional space that is being constructed as an addition to the hospital. Trustee Cheney said that he would have to understand how the Board judges what a permanent special permit would cover relative to expansions of the footprint of the hospital.

Mayor Newhard asked Mr. Gaba, if for example, St. Anthony's finishes this project, they do have a special use permit that they can use now as time goes on, would they have to do SEQRA for another project?

Stephen Gaba said that they would still need site plan approval. Mr. Gaba said that what the special use permit does is it finds that the use is acceptable in the district if certain criteria is met. Mr. Gaba stated that although he doesn't really know the history of the code, it looks like to him what happened was back when the hospital was built, the code only required site plan and subsequently the special use permit requirement was added. Mr. Gaba said that he thinks the original hospital doesn't have a special use permit at all, but then they came in for an addition and they got a special use permit for that and now they're coming in for another addition to get a special use permit for that. Mr. Gaba said that it's a messy way to proceed with a land use so it's probably better to just clean everything up. Mr. Gaba said that when the Board grants the special use permit it could be hospital wall to wall as far as the lot is concerned, build it up as much as you want, it will all be taken care of in the site plan review or you can limit it and say the special use permit is just for a hospital of 'x' square feet and additional buildings 'y' square and 'z' squared feet. Mr. Gaba said that it depends on how much control you want over the development of the site. Mr. Gaba explained that as Trustee Cheney said, it would be something that would be hashed out as the application goes forward. Mr. Gaba said that right now, his advice would be to send this on to himself and the engineer consultant with instructions to get back to the Board for the next meeting. Mr. Gaba stated that then the Board will have two memos to be able to chart the course; however, the next thing the Board will do is schedule a public hearing.

Mayor Newhard invited Daniel Griffiths to join the conversation and asked if he had any questions for the Village's Counsel or the Board. Mr. Griffiths said that he felt it was a

straightforward project with a 3,500 square foot radiology addition and 2,700 square foot O.R. addition. Mr. Griffiths said that the setbacks for these additions are shown on the prints and are pretty similar to the setbacks from the 2005 special use permit.

Mayor Newhard explained that the Village's Counsel will review the application and that it would be prudent to have a special use permit that goes beyond this project that can be used for other projects as the hospital moves forward, which can be discussed as the Board completes their analysis. Mayor Newhard inquired that once the hospital gets through these processes, when would work commence. Mr. Griffiths said that he believed the building design would occur over the winter and then his guess would be that the project may begin once the weather breaks in the spring but asked that the hospital and Jim Rizzo provide those details. Mr. Griffiths stated that the site designs plans are together for this part, but they want to get into the building design through the winter.

Trustee Cheney said that the proposal has two specific items, an addition to the operating room and the other is a radiology addition and inquired if the radiology addition is going to be a similar size as the footprint that is now taken up by the trailer that is there that provides that service currently. Mr. Griffiths replied, 'That is correct'.

Mayor Newhard thanked Mr. Griffiths for joining the meeting.

### **Discussion**

1. St. Anthony Community Hospital request to renew the 2005 Village of Warwick Special Use Permit to construct two proposed additions to St. Anthony Community Hospital.
2. Cablevision Franchise Renewal.

Mayor Newhard asked Mr. Gaba if this discussion would occur under executive session. Stephen Gaba said yes, but to mention now that Altice is apparently taking over Cablevision of Warwick and isn't sure if Cablevision of Warwick is a subsidiary or are just now taking over them, but it's time to renew their cable franchise with the Village which involves a public hearing on a negotiated contract and then after the public hearing once the contract is finalized, filing it with the ESC and awaiting their approval so there's a few procedural steps to go through but the first thing to do is for the Village Board to sit down and go through the revised contract Altice has tendered and decide what changes the Board wants and what changes that they proposed you're willing to accept which is something the Board will discuss in closed session.

3. Proposed revisions to Village of Warwick facility use permits and Village Code Chapters 39, 90, and A150.

Mayor Newhard said that there is a lot of information and asked whether the Board wants to tackle this tonight or if they would like to iron it out at a work session.

Trustee Lindberg stated that either way it's fine with him.

Mayor Newhard commended Trustee Lindberg on the work that he and Village Clerk, Raina Abramson has done because he knows that they've taken something that had a lot of loopholes and was non-existent and created policy which is very difficult. Trustee Lindberg stated it was also with the help from Trustee Bachman. Mayor Newhard thanked Trustee Bachman.

Trustee Lindberg said that a work session would be fine with him because he understands that it's pretty detailed. Trustee Lindberg said that himself, Trustee Bachman, and Raina Abramson had quite a few meetings to make sure that the facility use forms for the organizations had enough information to be able to make decisions on and that in the middle of the project, COVID occurred which complicated things because the Village received many more requests to use the park, particularly from for-profit organizations. Trustee Lindberg said that during the meetings it was discussed whether the right information was on the facility use form to make sense and added quite a few items to the checklist. Trustee Lindberg explained that one of the questions discussed was whether the Village should allow for-profit organizations use the parks, and another lengthy conversation was whether the Village should open the facility use forms to the Town of Warwick residents versus just the Village residents. Trustee Lindberg said that another discussion was how the Village should charge for the lights at the Over 35 and the football fields and about some of the organizations that had been exempted from paying the fees and security deposits. Trustee Lindberg said that there were a lot of discussion about gatherings over 200 people on non-village property. Trustee Lindberg stated that there were some pretty big topics discussed and as a result of working on the facility use permits, many changes were needed to the three park codes: Chapter 39 Assemblies – Public which was changed to Assemblies – Public on Village-Owned Property; Chapter 90 was just Parks which was changed to Park Rules and Regulations where the Orange County Parks Rules and Regulations and Town of Warwick Rules and Regulations were referenced; since there was no longer a need for Chapter 150 Park Rules and Regulations, it was changed to Facility Use Requests. Trustee Lindberg explained that there is a lot going on but those were the main topics versus the regular information that was needed. Trustee Lindberg said that he's already received some good comments from the Trustees and are already working with those. He also added that he's aware that Mr. Gaba has some questions on gatherings over 200 people on non-village property, so that will add to the project with his help.

Trustee McManus said that he'd like to have a work session.

Mayor Newhard stated that the Board will schedule a work session to give the Board time to really go through the changes carefully and finalize decisions before it becomes policy and local law.

Trustee Lindberg said that he will go over the highlights again with the Village Clerk and Trustee Bachman based on additional suggestions and comments.

Mayor Newhard stated that the hope is to get this matter buttoned up by the end of the year because groups will be organizing their calendars.

**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**

**Vacation Carryover**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to Village Employee, Mike Finelli, to carry over 2.82 vacation days.

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

**Return of Building Permit Fee – Infinity Solar Systems, LLC**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to return the building permit fee to Infinity Solar Systems, LLC for a project located at 70 Laudaten Way, Section 218 Block 1 Lot 37 due to a cancellation of the contract per the request of Building Inspector/Code Enforcement Officer, Boris Rudzinski.

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

**Purchase of an RC Remote Controlled Slope Mower - WITHDRAWN**

**MOTION** to approve the purchase of an RC Remote Controlled Slope Mower from Long Island Sanitation Equipment Company in the amount of \$53,950 per the recommendation of Water Distribution Supervisor, Christopher Bennett. Funds are appropriated in budget code F.8340.2350.

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

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT  
AGREEMENT WITH NEW YORK STATE ENVIRONMENTAL FACILITIES  
CORPORATION FOR THE ENGINEERING PLANNING GRANT RELATED  
TO THE VILLAGE OF WARWICK  
INFLOW AND INFILTRATION  
STUDY OF 2021**

**WHEREAS**, the Village of Warwick (Village) submitted a Consolidated Funding Application (CFA) for an Inflow and Infiltration Study (Project); and

**WHEREAS**, the Project has been selected to receive an Engineering Planning Grant (Grant) up to \$30,000 through the New York State Clean Water State Revolving Fund (CWSRF) program; and

**WHEREAS**, certain agreements, contracts and other documents are required to be executed by the Village in order to enter into the Grant Agreement.

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Mayor is authorized to execute the Grant Agreement with the New York State Environmental Facilities Corporation and any and all other contracts and documents necessary to bring about the Project and to fulfill the Village of Warwick's obligations under the Engineering Planning Grant Agreement.

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

**RESOLUTION AUTHORIZING AND APPROPRIATING THE LOCAL MATCH  
FOR THE NEW YORK STATE ENVIRONMENTAL FACILITIES  
CORPORATION ENGINEERING PLANNING GRANT RELATED TO THE  
VILLAGE OF WARWICK INFLOW AND INFILTRATION STUDY**

**WHEREAS**, the Village of Warwick (Village) has been notified of the award of an Engineering Planning Grant (EPG) up to \$30,000 through the New York State Environmental Facilities Corporation (NYSEFC) for an Inflow and Infiltration Study (Project); and

**WHEREAS**, NYSEFC requires a 20% local match of the total grant award; and

**WHEREAS**, the 20% local match for this grant is \$6,000, which the Village can pay through a cash match.

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Village authorizes and appropriates the minimum 20% local match as required by the Engineering Planning Grant Program for the Project.

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

Corey Bachman, Trustee, voting Aye

George McManus, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**DETERMINATION THAT THE PROPOSED VILLAGE OF WARWICK  
INFLOW AND INFILTRATION STUDY IS A TYPE II ACTION UNDER NEW  
YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND WILL NOT  
HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

**WHEREAS**, the Village of Warwick (Village) has been notified of the award of an Engineering Planning Grant (EPG) up to \$30,000 through the New York State Environmental Facilities Corporation (NYSEFC) for an Inflow and Infiltration Study (Project); and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (SEQRA) and the implementing regulations at 6 NYCRR Part 317, the Village desires to comply with SEQRA and the Regulations with respect to the Project; and

**WHEREAS**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Village hereby determines that the Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) subparagraphs (24) and (27) which constitutes that an engineering or environmental study that does not commit the Village to undertake, fund, or approve any Type 1 or Unlisted actions is not subject to further review under 6 NYCRR Part 617. These engineering or environmental studies have been determined not to have a significant impact on the environment and are precluded from environmental review under Environmental Conservation Law.

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

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH BARTON & LOGUIDICE FOR ENGINEERING  
SERVICES RELATED TO THE VILLAGE OF WARWICK INFLOW AND  
INFILTRATION STUDY**

**WHEREAS**, Barton & Loguidice (B&L) assisted the Village of Warwick (Village) with the submission of a Consolidated Funding Application (CFA) for an Inflow and Infiltration Study (Project); and

**WHEREAS**, the Village has been notified of the award of an Engineering Planning Grant (EPG) up to \$30,000 with a \$6,000 match through the New York State Environmental Facilities Corporation (NYSEFC) for the Project; and

**WHEREAS**, the Village intends to use this grant and the match to pay for engineering services related to the Project.

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Mayor is authorized to execute an agreement with B&L for engineering services related to the Project in the amount of \$36,000. This amount shall not be exceeded without prior authorization by the Village Board.

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

**ESC Environmental Inc. – Delivery of Sodium Hypochlorite, Price Increase**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize the Mayor to amend the contract currently in effect with ESC Environmental Inc. for services to Deliver Chemicals to the Village by increasing the delivered price for Sodium Hypochlorite (Liquid 12.5%) from a previously amended \$1.75/gallon to \$1.90/gallon effective September 21, 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

**Bid – Chemical Delivery of Sodium Hypochlorite**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to go out to bid for chemical delivery of Sodium Hypochlorite (Liquid 12.5%) for the Village of Warwick Water and Sewer Plant, to include delivery to the Wastewater Treatment Plant, Reservoir Water Filtration Plant, Well #2, Well #3, and the Micro Filtration Plant as per the recommendation of DPW Supervisor, Mike 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

**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 October 12, 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

**RESOLUTION ADOPTING VILLAGE OF WARWICK  
LOCAL LAW NO. 3 OF 2021**

**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 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, 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.

\_\_\_\_\_ presented the foregoing resolution which was  
seconded by \_\_\_\_\_,

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

Barry Cheney, Trustee, voting \_\_\_\_\_

William Lindberg, Trustee, voting \_\_\_\_\_

Corey Bachman, Trustee, voting \_\_\_\_\_

George McManus, Trustee, voting \_\_\_\_\_

Michael Newhard, Mayor, voting \_\_\_\_\_

**Special Event Staff – FY 2021-22 Halloween, Christmas Eve, Easter**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to hire from the attached list of FY 2021-22 special event staff at a rate of \$15.00 per hour for the following events: 10-12 staff members for the Halloween Parade, 8-10 staff members for the Christmas Eve Service, and 10-12 staff members for the Easter Egg Hunt per the recommendation of Village of Warwick Recreation Director, Ron Introini.

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

**Outside User Agreement – Pioneer Farm, LLC - DENIED**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg and denied to approve the proposed Outside User Agreements for central sewer service and central water service requested by Pioneer Farm, LLC for the Pioneer Farm Subdivision property located at Carroll Drive, Warwick, New York and to appoint Pitingaro & Doetsch Consulting Engineers, P.C. as the Village of Warwick engineer for this application.

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

Trustee Cheney Nay Trustee Lindberg Nay Trustee Bachman Nay

Trustee McManus Nay Mayor Newhard Nay

**Discussion**

Trustee Lindberg asked to be updated from what was discussed at the last meeting.

Mayor Newhard stated that the language that is in the proposal for the Outside User Agreement, it continues to say that would be paying Village rates as opposed to out of Village rates.

Trustee Cheney said that paragraphs 4 and 5 need a little bit of work because it is a quarterly payment that the Village charges at this point in time but that's not to say sometime in the future the Village could go to monthly so it probably should say, 'periodic payments as required by the Village'. Trustee Cheney stated that the agreement does speak to paying the same amount as properties receive water service within the Village and it should be, 'as an out of Village user.'

Stephen Gaba said that he thought the Board made those changes after their phone conversation but if he was expected to make the changes, he was not aware. Mr. Gaba said the Board could approve the agreements subject to those changes and he can provide a revised version or can put it off again.

Mayor Newhard said that the Board could use the language to accept the agreement with the changes that will be made.

Trustee Cheney said that in item 4 and 5, the agreement talks about establishing an escrow and there is a little redundancy of wording, and also a change to read legal, engineering and consultant fees as opposed to engineering review and inspection fees because that doesn't seem to cover other disciplines that the Village may need to be paid for out of the escrow.

Trustee McManus confirmed with Mr. Gaba that he drafted the agreement as opposed to the applicant's attorney. Trustee McManus stated that he feels the Board should not approve the agreements until the Pioneer Farm agrees to what the Board wants. Trustee McManus said that the agreements are not written as the Board wants and feels the Board should say no tonight.

**Village of Warwick Justice Court Audit**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to acknowledge that Michael Vernieri, Auditor for the Village of Warwick, performed an internal audit of the Village of Warwick Justice Court as of May 31, 2020 to comply with section 2019-a of the Uniform Justice Court Act and has found that all reporting and record keeping is being completed in a timely manner and the reports are in compliance with the New York State requirements.

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

**New York State Retirement Reporting – Recreation Director, Ron Introini**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to report 3.48 days worked per month to New York State Retirement for retirement reporting purposes for Village Recreation Director, Ron Introini.

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

**Shade Tree Commission – Frank Desiderio & Lynn Cheney**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to appoint Frank Desiderio and Lynn Cheney to the Village of Warwick Shade Tree Commission.

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

Trustee Cheney Abstain Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

**Discussion**

Mayor Newhard stated that the Village Code reads that the Shade Tree Commission is made up of the Commissioner and two appointments. Mayor Newhard asked Mr. Gaba, since there have been many folks that wanted to volunteer, if the Board can add members to the commission.

Mr. Gaba said that the Board can but would have to amend the Village Code since it reads there can only be two members. Mr. Gaba stated that the Village Board would have to adopt a local law to amend the code.

**Road Closure – Park Avenue**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried to close Park Avenue between Galloway Road and Burt Street on Thursday, October 21, 2021, and Friday, October 22, 2021, from 4:00 p.m. to 7:00 p.m. and Saturday, October 23, 2021, from 11:30 a.m. to 5:00 p.m. for the benefit of the Park Avenue Elementary School Drama Club Performance.

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

**Extension of Appointment – DPW Seasonal Laborer, James Quackenbush**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus and carried to extend the appointment approved on July 6, 2021, of James Quackenbush to the position of Seasonal Department of Public Works Laborer for an additional 8 weeks at a salary of \$15.00 per hour at for up to 20 hours per week, 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

**Reports**

**Trustee Cheney’s Report:** No report at this time.

**Trustee Lindberg’s Report:** No report at this time.

**Trustee Bachman’s Report:**

Trustee Bachman stated that the Warwick Historical Society, in partnership with Greenwood Lake Theatre Company, is showcasing Detestable Arts, a retelling of the Salem Witch Trials in Lewis Park. Tickets are \$30 per person and performances are Fridays and Saturdays, 7 p.m., 8

p.m. and 9 p.m. October 22<sup>nd</sup> - 23<sup>rd</sup> and October 29<sup>th</sup> - 30<sup>th</sup>. To make a reservation call (845) 986-3236.

**Trustee McManus' Report:** No report at this time.

**Final Comments from the Floor:** No comments were made.

**Final Comments from the Board:** No comments were made.

### **Executive Session**

A **MOTION** was made by Mayor Newhard, seconded by Trustee McManus, and carried to go into Executive Session to seek the 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

### **Discussion**

Trustee Cheney stated that the Board will return from Executive Session but will not be making any motions.

### **Adjournment**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried close the executive session, resume the regular meeting, and adjourn the regular meeting at approximately 9:00 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