

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
OCTOBER 21, 2019**

8404

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, October 21, 2019 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also, present were: Village Attorney, Stephen Gaba, and Village Clerk, Raina Abramson. DPW Supervisor, Mike Moser was absent. Others present; Elizabeth Knight, Joseph Lawler, Lt. John Rader, James Gerstner, Marry Collura, Roger Moss, Ben Ostrer, Alfredo Pacheco, Mateo Rodriguez, Oscar Figueroa, Pedro Lopez, Terry Mack, Kerry Boland, Pastor Rolfi Elivo-Lopez, Elizabeth Holton and others. Approximately fifty people were in attendance.

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

Public Hearing to on the proposed Local Law No. 3 of the Year 2019 entitled: "A Local Law to amend the Village Code by enacting Chapter 115 entitled 'Short Term Rental Property'."

The Village Clerk read the public notice:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 21st day of October 2019, 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 2019 entitled: "A local law to amend the Village Code by enacting Chapter 115 entitled 'Short Term Rental Property.'"

The local law proposes to promote public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

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.

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written

communications addressed to the Board must be received by the Board at or prior to the public hearing.

Discussion

Mayor Newhard: Just some background information that this is a legislation that touches upon Airbnb's and that it is very similar legislation that the Town of Warwick has done and also the Village of Greenwood Lake and that it is a way of registration and being able to know where these activities, where these rentals are, so it helps everyone, so it's protected. It also in some ways evens the playing field between Airbnb's and our B&B's. This law does not affect our regular B&B's. It's just for the short-term rentals that are described in the law.

Public Comment - No comments were made.

Mayor Newhard: Before the meeting when we were in work session, we talked about a change that we would like to see and that is that it is owner occupied. Is there anything else?

Trustee Cheney: I don't know whether we want to put a restriction on the number of B&B units within a particular house?

Mayor Newhard: The number of rooms?

Trustee Cheney: Well, the rental units. I don't know whether you call them rooms or rental units. Is that something that was done in Cornwall?

Stephen Gaba: Cornwall said that you have only one rental unit, one room in the home that's being rented out, then all you need to do is register – you don't need a license. If you're going to rent out more than one room, then you do need a license in addition to registering. A licensing obviously involves home inspection and a number of requirements which just being registered wouldn't so, that's one of the differences if you're interested in that type of thing, we can certainly add that on.

Trustee Cheney: Otherwise, how does our state it now? Does it require a license? Everything gets a license and inspection from ours?

Stephen Gaba: Yes.

Trustee Patterson: Everything, so you're saying if the change if you would make is if two of the rooms...

Stephen Gaba: Well, Barry said he was interested in restrictions on rooms and then he asked me what Cornwall did and I told him. We didn't really get back to how we would apply that to this local law.

Trustee Patterson: So, we don't have restrictions on rooms right now, that's any rental at all?

Trustee Cheney: I guess I like the idea of how ours features it and that everything gets inspected and a license or registration issued, but then I question whether we want any more than two separate units within a residence.

Mayor Newhard: I think it depends on the size of the units.

Stephen Gaba: Well, the people rent out their rooms. That's what they do.

Trustee Cheney: But with each room you rent it usually comes with at least one car and so I'm concerned about the impact it has on surrounding neighbors. We're talking about allowing this to happen in residential zones. There could be really large houses that might accommodate this, where you'd have this transient type of use that could impact the neighbors.

Stephen Gaba: The way this local law deals with that is that every license has a number of conditions imposed upon it and one of them specifically deals with impacts with vehicles blocking neighbors or something along those lines and if you violate the terms of your license and the building inspector writes you up for it and there's a hearing before this Board to see if in fact that's what occurred then there's a mandatory penalty of a six month suspension for one violation within the first year, so that's the deterrent to those types of things to try to regulate it.

Number 3 under 115-7 says, 'the short-term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any driveways of other property on the said street.' So, that's kind of how it deals with the car issue.

Trustee Lindberg: Somebody had a question about immediate family, to include fathers-in-laws and mothers-in-law. Has that been answered?

Stephen Gaba: Yes, you could expand that if you wanted. Immediate family is right now the spouse, child, grandparent, or grandchild of a landlord. Now, the issue with expanding it, I suppose it could be people that are even there now, is keep in mind that this only applies to short-term rentals which means that there's a payment of some kind for use of the house. You could let your spouse, your grandniece, your grandnephew, whatever it is as long as you're not taking money for it, they can come and stay in your house, you know, or some other consideration for it. When you start getting out to nephews, nieces, etc. etc. yes, they are paying me, but you know

they are my shirt tail relative that's cousin Flo's second...you know what I mean. How are you going to prove it one way or the other? You're in there short-term renting to supposed relations, you start going out far enough you start putting yourself in a position where people could take advantage of it, where a spouse is pretty readily apparent, a child as well, parent or grandchild, maybe you're out a little bit but you have to draw the line someplace and that's where the line is drawn on this.

Mayor Newhard: Based on the change that we talked about earlier, I would imagine owner occupied would be in this listing of definitions as well?

Stephen Gaba: Yes, that would be short-term. There probably would be a specific separate prohibition. What you're talking about doing is telling people who own houses but don't live in them, that they can't use them for short-term rentals and some people see that as a good thing because they're afraid that people are going to make this into a real estate industry of their own. You're going to buy houses; I think that happened in Lake Placid. They had a problem with that if I'm not mistaken. But, then again maybe you don't want to limit people and people should be able to have rental homes that they do short-term rentals for. As it is right now, somebody owns a house that doesn't live in it, they can do short-term rentals. If you want to change the law to restrict short-term rentals to only owner occupied, you're free to do that as well. But you have to decide what you want to do.

Mayor Newhard: Well, I thought the consensus of the Board was to do it that way.

Stephen Gaba: Ok, is that the only change or you want to talk about it at your next meeting or... I mean you have to close the public hearing first.

Trustee Cheney: Well, 115-7 number 7 this is where the short-term rental would be used for some sort of event or party involving more than ten guests or invitees and I don't know whether these restrictions are sufficient and I was thinking that we might want to consider a special approval needs to be granted to allow that.

Mayor Newhard: By whom?

Trustee Cheney: I don't know whether it would be the code enforcement officer or a permit from the Planning Board, those would probably be the two options we would have.

Stephen Gaba: Well, to what extent are you having a problem now with parties and events at short-term rentals? Do you have any feel for that, or you want to talk to Boris about it?

Trustee Cheney: I guess I'm not aware of any within the Village but there have been some issues with some neighboring properties.

Trustee Patterson: But there are houses in the Village that could house ten guests and it not be a party. They have bedrooms enough for ten guests to...I think we have to go back to the number of guests that are permitted. If you have a three-bedroom home, you can rent out two of those bedrooms because its owner occupied, right, so if you have a five-bedroom home...

Stephen Gaba: I think the idea behind this particular provision, the seven provision, is that if someone is going to do a short-term rental and if they're going to hold a party or event they have to give notice, the landlord has to give notice to the renter that they can't have unreasonable disturbance of the neighborhood and they have to limit the hours of live or amplified music and ensure adequate parking for any catering or delivery vehicles and if the tenants don't do that, that's a violation of the conditions of the license for the short-term rentals that was issued by the Village, even if the landlord had nothing to do with it. He is supposed to inform his tenants, these are the rules. You have to stick with them and it's up to him to enforce them because if he doesn't, he's in violation and he could lose his license for six months. So you kind of put the parties and enforcement on the property owner as opposed to making it a code enforcement thing with the building inspector. It's just another way to go about it. Whether it's better or not I couldn't tell you, but that's the way this is written.

Trustee Cheney: We could leave it the way it is for now and we can always change it later if it becomes a problem.

Mayor Newhard: It may have to be tweaked as we go forward, as we live with it and hear about it. Anything else from the Board?

Trustee McManus: No, owner occupied is fine.

Trustee Patterson: I just don't see anywhere where the typical violation of the building code would go to notice to remedy and to the judge. I think we're policing it and I don't know that that's right. I feel like it should go through the judge just like any other of the complaints that come to the building inspector. Right now, unless I'm reading it wrong, it seems like the only...

Stephen Gaba: There's two prongs to it as far as enforcing it goes. One prong is the hearing before this Board to determine that there was a violation which will result in automatic suspension of the license. The other appears in 115-14 'Penalties for Offenses' and that says that any person that violates the chapter, that would include violations of conditions of your license for short-term rentals, shall be guilty of an offense and that conviction of violation is punishable by a fine not more than \$250 per violation or by imprisonment of not more than 15 days, or both. So, you do go to court if it's an ongoing thing. I mean suppose that somebody has parties or short-term rentals and they either just don't have a license or you suspended the license and they're still doing it, then you go to justice court and say alright, look this has got to stop and you enforce it that way.

Trustee Cheney: But if you're referring to other code issues separate from what this law provides...

Trustee Patterson: No, I just meant relative to this law what happens because I saw that the restrictions or the revocation of the license by the Village Board, that the hearing before the Village Board.

Stephen Gaba: Well, you do police it to some extent as far as that goes, but you know, sometimes revoking a license isn't going to be enough. They may not have a license to begin with.

Trustee McManus: There's still noise ordinances in effect.

Mayor Newhard: Anything else?

Closed Public Hearing – Local Law No. 3, Short Term Rental Property

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to close the public hearing on the proposed Local Law No. 3 of the Year 2019 entitled: "A Local Law to amend the Village Code by enacting Chapter 115 entitled 'Short Term Rental Property'.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Village Attorney Stephen Gaba stated that he was going to provide the Village Board with a revised version of the Short Term Rental Property Local Law for the Board to review at their next meeting. If the Board is happy with the revisions, then they can then vote to schedule a new public hearing on the revised version.

Public Hearing on the proposed Local Law No. 4 of the Year 2019 entitled: "A Local Law enacting a new Chapter 85 of the Village Code of the Village of Warwick entitled 'Local Residency Card Program'."

The Village Clerk read the public notice:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 21st day of October 2019, at 7:30 o'clock p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 4 of the Year 2019 entitled: "A local law enacting a new Chapter 85 of the Village Code of the Village of Warwick entitled 'Local Residency Card Program'".

The local law proposes to promote public health, safety and welfare by enacting a new Chapter 85 of the Village Code of the Village of Warwick entitled "Local Residency Card Program".

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.

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

Discussion

Prior to opening up the public hearing to the floor, Mayor Newhard thanked everyone for attending the meeting and made the following speech:

The journey to tonight's public hearing and potential reality of a Local Residency Card Program began nearly two years ago. I was invited by Alicia Vidales to meet with neighbors in her backyard on Elm Street. It was there that I met Ignacio Acevedo and Alfredo Pacheco who acted as translators and advocates for our local families. The stories that were told that evening began a two-year demonstration of love, pride, and hope. It was through the continued presence and respectful and humble voices of our residents that our Board became more keenly aware of why a simple ID was important and how it would affect us all.

The idea of a local ID may be easy to dismiss as necessary, but often it is from the perspective of someone who can readily get a form of identification. More importantly the Board has looked at this idea through many lenses and sees that its value is universal. This is a Local Residency Card that is available to all Village residents.

It is through the stories and voices over the many months that we recognized that this was not only a request for help but defined something greater and that is the pride of being a part of the Warwick family.

We share something very important with each other and – that is we’ve all come from somewhere else and we’ve all settled here and call this home.

We often talk about the importance of placemaking in our communities but it’s all for naught without the people who have pride of place. That is what has been demonstrated to us time and time again and has led us to tonight.

As neighbors and as a community you have worked hard. You have shown us in the most sincere way, your intent. Through this process you have emerged with a greater understanding of how to enact change and through this process we have all grown to know each other and to understand the humanity that we share.

Yesterday, I was at a service celebrating the life of my late friend Ekua Sharp. Ekua was a beautiful, strong African American woman who loved her Warwick community. She helped hundreds of foster care families through her work at Orange County Social Services. During the celebration her sister-in-law said that Ekua believed that what mattered most was that, ‘a strong family comes from a strong heart and we are all of one heart.’

I share these words because they resonate so profoundly. I could not think of a greater reason to create a Local Residency Card Program.

Public Comment

Alfredo Pacheco, Mateo Rodriguez, Oscar Figueroa, Pedro Lopez, Joseph Lawler, Elizabeth Knight, Terry Mack, Kerry Boland, Pastor Rolfi Elivo-Lopez, Elizabeth Holton and others commented in support of the Local Residency Card Program.

Mayor Newhard stated that the process of create a Local Residency Card Program was looked at carefully and done as a Board and that it was the presence of the local families that have been at the Board meetings, and in some cases was the quiet presence, but it kept the idea in the Board’s minds and educated them over the two-year period. Mayor Newhard stated that the Board sees the value and that importantly the program is for everyone.

Closed Public Hearing – Local Law No. 4, Local Residency Card Program

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to close the public hearing on the proposed Local Law No. 4 of the Year 2019 entitled: “A Local Law

enacting a new Chapter 85 of the Village Code of the Village of Warwick entitled ‘Local Residency Card Program’.”

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Trustee Patterson commented that she wanted to make it clear that the Board did their due diligence from the very beginning of the process two years ago regarding the question of whether the local library, school, police or pharmacy needed a local residency card and the answer following a meeting with each entity was that it wasn’t necessary in order for any of those services to be met by anybody. Trustee Patterson stated that she didn’t want to, ‘ride down the path, the illusion that this is going to solve any of those problems that you may have otherwise had.’ Trustee Patterson said that she has confidence in the people that were at the committee meeting that if you were a victim of a crime or witness of a crime you don’t need ID, if you want a library card you just have to show the same paperwork your going to show to get the municipal ID card, if you want to pick your child up from school you need to show the same paperwork you show to register your child for school. Trustee Patterson reiterated that she is in support of the Local Residency Card Program and that she understands the necessity of it, however, she doesn’t want to be blinded by the reality of it either. Trustee Patterson is excited, but she stated that the program may not resolve every possible issue that some people may otherwise have by not having a local residency card.

Mayor Newhard and Trustee McManus stated that the Village cannot govern what people can use a local residency card for and that in other communities the cards are used in many different ways, or how it will be used by people who accept it - it’s up to those entities, however, the Village of Warwick’s local residency card program is a way to show residents that they are an important part of the community.

Village Attorney, Stephen Gaba stated that it was going to take the Village time to actually be able to issue and process the local residency cards and advised the Village Board to include an addition to the local law to make the program effective January 15, 2020 instead of taking effect upon filing with the State, which was agreed upon by the Village Board and added to the local law.

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to acceptance the minutes of October 2, 2019 & October 7, 2019.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the reports of September 2019: Clerk's Office & Tax Collection, Justice, Building, Planning Board & ZBA.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried for the authorization to pay all approved and audited claims #20000697 – 20000787 in the amount of \$199,870.83.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Police Report - No report currently.

Announcements

1. An Afternoon with Betsy Stranton, Sunday, October 27, 2019 at 4:00 p.m.
2. Warwick Skatepark Public Forum, Tuesday, October 29, 2019 at 7:00 p.m. at Park Avenue Elementary School.
3. 2019 Halloween Curfew and 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 8:00 p.m. on Wednesday, October 30, 2019 to 6 a.m. on Thursday, October 31, 2019 and again on Thursday, October 31, 2019 from 8:00 p.m. to 6 a.m. on Friday, November 1, 2019.

The Village will once again close off Oakland Court, Welling Avenue and Orchard Street west of Elm Street on Halloween, Thursday October 31, 2019 from 4:00 p.m. to 8:00 pm.

4. Village Residents Invited to “Scare the Mayor”

Village residents are invited to try their best to Scare the Mayor for the Village’s Third 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 only those living within the Village of Warwick are eligible. To register your house, please call Village Hall at (845) 986-2031 or email clerk@villageofwarwick.org by Tuesday, October 29, 2019.

5. 2019 Village of Warwick Halloween Costume Parade:

The Village of Warwick Recreation Department and the Warwick Lions Club will be hosting a spooktacular Halloween Costume Parade on Thursday, October 31st. Line-up will take place at 4:30 p.m. on Church Street. The Parade will start at 5:00 p.m. and proceed down Main Street to Railroad Green where Halloween treats will be handed out. A Costume Contest will take place on Railroad Green with prizes. This years’ 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. Refreshments are sponsored by ShopRite of Warwick.

6. No Overnight Parking:

Please take notice that the on-street parking within the Village of Warwick is prohibited between the hours of 2:00 a.m. and 6:00 a.m. from November 1st through April 1st.

7. Village of Warwick 2019 Fall Leaf Pickup:

Now that fall is here the Village of Warwick will begin picking up leaves on November 1, 2019. Leaves must be placed at the curb in paper bags. The last pickup will be during the week of December 10th. To ensure a final pickup, leaves must be placed at the curb prior to 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 12:00 p.m. - 4:00 p.m.

Correspondence

1. Email from Cristina Hohman, Applefest 2019 Coordinator

Discussion

1. JDM Holdings, LLC – request for zone change.

Mayor Newhard informed Benjamin Ostrer that the Village Board received and reviewed the petition for a zone change for Tax Lot 229-1-2 from Residential “R” to General Commercial “GC” and at this point in time the Board is not in favor of changing the zone to a commercial zone. Mayor Newhard stated that it would be a dramatic change and that the process has just begun with interviewing planners to re-write the Village Comprehensive Master Plan, which is a significant step, and in the position at this time to make a dramatic zone change as requested by Mr. Ostrer wouldn’t be appropriate.

Trustee Cheney stated that’s it’s not to say that during the Comprehensive Master Plan review that the Village will be doing that the petition for zone change couldn’t be discussed at that time.

Benjamin Ostrer that it was his understanding that there was a PDR acquisition at the Pioneer Farm which may constitute the new gateway into the Village given that there won’t be any development there. Mr. Ostrer restated that the Village is informing him that the petition will not be entertained or that the petition has been denied and believed that Village Attorney, Stephen Gaba will send him whatever documents are necessary to confirm that this is what has transpired. Mr. Ostrer expressed that he is disappointed at the decision because the annexation was approved years ago for purposes for commercial use and they would like to put an appropriate use to the property and don’t believe that the lowest density residential for an incoming property is appropriate for this parcel. There is contiguous commercial properties and contiguous commercial uses therefore he stated that he doesn’t understand why the petition wouldn’t be entertained at this time and why it couldn’t travel a parallel track while the Board is reviewing the zoning for the Village and that the petition was filed in June and he is just getting word now. Mr. Ostrer asked if there would be a resolution denying the petition.

Village Attorney, Stephen Gaba stated that it’s his understanding the Board is just not entertaining the petition and that there is not a motion to deny and that the Board stated that the property would be considered in the course of reviewing the Comprehensive Plan.

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.

No comments were made.

Motions

RESOLUTION ENACTING RESIDENCY ID LOCAL LAW

WHEREAS, the Village Board has before it a proposed local law entitled: "A local law enacting a new Chapter 85 of the Village Code of the Village of Warwick entitled 'Local Residency Card Program'"; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law and heard all persons interested in the subject matter thereof; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby adopts the above local law with the amendment with the words, 'and on January 15, 2020' be added at the end of the Local Law; and
2. That the said local law shall be published, posted and filed in the office of the Secretary of State in Albany as required by applicable law.

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

The vote on the foregoing resolution was as follows:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to approve the quote for a 2020 Ford F-350 with utility body and truck mounted arial lift from Mobile Lifts Inc. in the amount of \$85,055.00 conditioned upon the inability of the Village to secure a comparable vehicle at a lesser price within the next fourteen (14) days.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Nay Mayor Newhard: Aye

Employee Training – Planning Board Chairman, Jim Patterson

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to grant permission to Planning Board Chairman, Jim Patterson to attend the Orange County Department of Planning training session on Friday, November 1, 2019 from 8:00 a.m. to 3:30 p.m. at the Trotters Museum in Goshen, NY at a cost of \$60 per member. Mileage reimbursement is applicable. Training agenda is attached.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Employee Training – Planning Board Members, Kerry Boland & Bill Olsen

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to grant permission to Planning Board Members, Kerry Boland and Bill Olsen to attend the Orange County Department of Planning training session on Thursday, November 14, 2019 from 7:00 p.m. to 9:00 p.m. at the Orange County Emergency Services Center in Goshen, NY at a cost of \$15 per member. Mileage reimbursement is applicable. Training agenda is attached.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Employee Training – NYCOM Planning and Zoning Webinar Training

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to grant permission to the Planning Board and Zoning Board of Appeals members to register for four (4) NYCOM Planning and Zoning Webinar Training Sessions at a cost of \$30 per webinar per person. Board members who participate in each of the four webinars will satisfy New York State’s four-hour annual training requirements for Planning Board and ZBA members. This training is a budgeted item. Webinar agenda is attached.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

**RESOLUTION AUTHORIZING REDUCED AND INSTALLMENT PAYMENTS
FOR THE REIMBURSEMENT OF CERTAIN OVERPAYMENTS FROM ELECTED
EMPLOYEES/OFFICERS**

WHEREAS, between 2005 and 2016, the Village of Warwick miscalculated the amount of certain Village employees’/officers’ health insurance premium contribution payments and under withheld the correct amount;

WHEREAS, based upon the foregoing, certain health insurance premium contribution payments are currently outstanding to the Village from such Village employees/officers;

WHEREAS, the Village Board entered into a settlement agreement with the International Brotherhood of Teamsters, Local Union No. 445 concerning the outstanding health insurance premium contribution payments accrued between 2005 and 2016, effective August 20, 2019;

WHEREAS, the Village Board waived all outstanding health insurance premium contribution payments from its non-unionized and non-elected employees/officers accrued between 2005 and 2016, effective August 20, 2019;

WHEREAS, the statute of limitations governing the collection of such outstanding health insurance premium contribution payments is six (6) years;

NOW, THEREFORE, BE IT RESOLVED, that upon approval, the instant Resolution shall supersede the prior resolution related to elected employees/officers adopted by the Village Board of Trustees of the Village of Warwick on September 3, 2019;

BE IT FURTHER RESOLVED, that the Village Board of Trustees of the Village of Warwick hereby authorizes the Village to pursue the collection of outstanding health insurance premium contribution payments from elected employees/officers accrued over the past six (6) years, between August 20, 2013 and August 20, 2019;

BE IT FURTHER RESOLVED, that the Village Board of Trustees of the Village of Warwick hereby authorizes the Village to offer such affected elected employees/officers the following repayment options if the elected employee/officer signs a repayment agreement on or before October 31, 2019:

- (1) A 20% reduction on the revised total amount owed if the elected employee/officer makes payment within sixty (60) days from signing a repayment agreement.
- (2) A 10% reduction on the revised total amount owed if the elected employee/officer makes payment in equal installments each month over a five (5) year period with no interest provided the elected employee/officer remains current on his/her payments during the entire repayment period.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

Eileen Patterson, Trustee, voting Aye

George McManus, Trustee, voting Aye

Michael Newhard, Mayor, voting Abstain

Warwick Lions Club – Ring Bells for the Salvation Army

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Warwick Lions Club to ring bells for the Salvation Army at the business location 33-37 Main Street on the following dates and times: December 7, 2019 and December 8, 2019 between the hours of 10:00 a.m. and 4:00 p.m. and December 21, 2019 and December 22, 2019 between the hours of 10:00 a.m. and 4:00 p.m. Proof of proper insurance has been received.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Veterans Day Parade - Veterans of Foreign Wars Post No. 4662 - AMENDED

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg to grant permission to the Veterans of Foreign Wars Post No. 4662 to hold a Veterans Day Parade Monday, November 11, 2019. Parade lineup will take place at the Goodwill Hook & Ladder Co. on Church Street Extension with step-off beginning at 10:45 a.m. The parade will culminate at Memorial Park at approximately 11 a.m. with a ceremony. Proof of proper insurance has been received.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Veterans Day Parade - Veterans of Foreign Wars Post No. 4662 w/ Road Closure

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Veterans of Foreign Wars Post No. 4662 to hold a Veterans Day Parade Monday, November 11, 2019. Parade lineup will take place at the Goodwill Hook & Ladder Co. on Church Street Extension with step-off beginning at 10:45 a.m. The parade will culminate at Memorial Park at approximately 11 a.m. with a ceremony. Proof of proper insurance has been received. Request to close Forester Avenue during the parade and services as has been done in the past years. Police have been notified.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Reports

Trustee Cheney's Report – No report currently.

Trustee Lindberg's Report – No report currently.

Trustee Patterson's Report – No report currently.

Trustee McManus' Report – No report currently.

DPW Supervisor, Mike Moser's Report – Mike Moser was absent.

Mayor Newhard's Report –

I think we all want to announce about the upcoming dinner on Wednesday evening celebrating the Citizen of the Year. It is a Rotary function and Hannelore Chambers, as most people in this community know, has been given that title and is well deserved. I'm very proud of her and you, Eileen, wrote some beautiful words. It is a well deserved Citizen of the Year. Jack Ellis and Chosen Taekwondo Youth Leadership Group will be receiving the Community Service Award.

Final Comments from the Floor – No comments were made.

Final Comments from the Board

Trustee Patterson stated that although she is a tremendous supporter of the skatepark initiative, however, she wanted it to be very clear that it is not collaborative with the Village of Warwick because it makes it appear that the Village of Warwick is a fundraising entity and that the Village is not such. Trustee Patterson stated that as Mayor Newhard described it, the Village is acting in the same way with the skatepark initiative as was done with Warwick Playground Dreams as an oversight. Trustee Patterson wanted to be sure that the Village keeps the same guard so that's there is not any idea that the Village is either fundraising or giving undo support to the skatepark organization that wasn't given to Warwick Playground Dreams.

Mayor Newhard replied that he asked for that to be changed.

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to adjourn the meeting at approximately 8:50 p.m.

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

Trustee Cheney: Aye Trustee Lindberg: Aye Trustee Patterson: Aye

Trustee McManus: Aye Mayor Newhard: Aye

Raina M. Abramson
Village Clerk