

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
SEPTEMBER 14, 2023**

9766

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Thursday, September 14, 2023, at 10:00 a.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Mary Collura, Carly Foster, and Tom McKnight. Trustee Barry Cheney and Village Attorney Stephen Gaba were absent. Also present was Village Clerk Raina Abramson. Others present, Patrick Corcoran and Robert Kennedy.

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

**Acceptance of Minutes**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Foster, and carried for the Acceptance of Minutes: September 5, 2023.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Acceptance of Reports**

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried for the Acceptance of Reports – August 2023: Clerk’s Office, Tax Collection, Justice Department, and Building Department, including the July 2023 Complaint Report.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Authorization to Pay all Approved and Audited Claims**

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$110,737.31 once they are signed by three Trustees.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

### **Police Report**

No report was made.

### **Correspondence**

1. Report from Village Attorney, Stephen Gaba, regarding the Special Use Permit Application for 43 Wheeler Ave.
2. Report from Village Engineer, David Getz, regarding the Special Use Permit Application for 8 Forester Avenue.

### **Public Comment - Agenda Items Only**

#### **GUIDELINES FOR PUBLIC COMMENT**

The public may speak only during the meeting's Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

#### **Patrick Corcoran:**

Mr. Corcoran stated that he is the applicant for the 43 Wheeler Avenue project and that he hasn't been to a Village Board meeting before. He asked if this meeting was to get a Special Use Permit to allow residential instead of what the property is currently zoned as, Central Business.

Mayor Newhard explained that the project is not yet on the agenda because since the Planning Board Secretary retired and the Village is unravelling a few knots of what was left because the procedure may not have been done in sequence, including that since it's a commercial application it is mandatory that it goes before the ARB.

Mr. Corcoran replied that the project did go before the ARB and that he received a report back; however, Mayor Newhard explained that although it seemed like it was a report from the ARB, the ARB never met, there were never minutes and it was reviewed on the phone which is completely against the Open Meetings Law. Mr. Corcoran asked if that was his issue, but Mayor Newhard said that this is something they are trying to correct right now. Mayor Newhard apologized but said that sadly, that's how it was done which was incorrect.

Mr. Corcoran said that he has in writing from the ARB an email and asked if the Board accepts emails to which Mayor Newhard replied, no. Mayor Newhard explained that the Open Meetings Law is State Municipal Law. Mr. Corcoran inquired if the project has to go before the ARB because it's in the Historic District. Mayor Newhard replied, no, but because it is a commercial application and explained that any commercial application anywhere in the Village must go through the ARB.

Trustee McKnight added that if it's a Special Use Permit then it has to be referred to the ARB. He stated that he was looking at the Code and also that the Village Attorney, Steve Gaba, laid out the details. Trustee McKnight read Section 145-161 'Application Procedure' of the Village Code regarding Special Use Permits and the Architectural and Historic Review Board (AHDRB). Trustee McKnight said that as far as he's reading the Code, it doesn't say anything that the AHDRB has to meet, but that they just have to review it. He explained that the review occurred asynchronously, and those emails are subject to FOIL.

Mayor Newhard stated that the review is not a series of emails but an actual review in a meeting with minutes, followed by a letter to Mr. Corcoran of the findings and to the Planning Board. Mr. Corcoran stated that he did receive that letter from the ARB stating that they reviewed it with comments about shutters but didn't know about their procedures. Trustee McKnight said that he was looking at the letter and that three members reviewed the proposed 3 family dwelling on 43 Wheeler Avenue. Trustee McKnight continued to read the letter out loud.

Mayor Newhard stated that he refers to the Open Meetings Law, which is the spirit of what we do here, including that transparency. He explained that he believes that this is something that has occurred before and it is something that has to stop.

Mr. Corcoran asked if it has to stop at a cost to him or is it an internal issue. Mayor Newhard explained how emails do not equate to determinations which is clearly stated in the Open Meetings Law, including the inability to call people on the phone to ask them what they think of an application. Mayor Newhard said that if a member is missing from a Board meeting, they can't write in their decision. Mr. Corcoran said that he understands but since they received a copy of the drawings and responded with a letter, although everything was done via email, the way that many things are done from what he believes.

Mr. Corcoran stated that during the ARB review, they had a majority; however, Mayor Newhard explained that they did but via email.

Mayor Newhard apologized again and stated that if the Village Board had known, it would've stopped there. Mr. Corcoran said that the letter was dated months ago and since then he's paid upwards of \$5,000 to Village Attorneys and Village Engineers and everybody else from the Village to review all of this and this is the first time it's coming up. Mr. Corcoran said that if he knew about this, he would've been prepared for it because it seems like splitting hairs at this stage. Mr. Corcoran asked that because this wasn't done correctly is this something that the Village Board goes on to pass or it has to be done. Mayor Newhard said that he wishes the Village counsel was present to give that guidance. Trustee McKnight said that what he is hearing is that there needs to be an official vote, not email correspondence so approval in email from late July is not a vote at a public meeting with a quorum. Trustee McKnight asked if that is invalid. Trustee Foster stated that they need to go before the ARB at a public meeting. Trustee Collura said that the Village is setting the tone before the Secretary to the Planning Board position is filled to ensure that everything is done the way it's supposed to be done. Mayor Newhard said that there is no reason that the ARB can't meet. Mayor Newhard explained that sadly, the Planning Board did not send the project to the ARB as they should have and so now it's up to the Village Board to do that.

Mayor Newhard said that he is sorry again that his project is stuck in the middle of this but there has been a lot of unscrambling that the Village has had to do in terms of the many applications that are out there.

Mr. Corcoran said that he understands but it sounds like the inadequacies of the Board of the Village is falling on him. Mayor Newhard said that he doesn't believe that that is true. Mayor Newhard stated that going to the ARB will not incur any additional legal costs or engineering costs. Mr. Corcoran asked if he could go to the ARB and get their decision and if that would affect what the Village Board is doing today. Trustee Foster explained that the motion that is on the agenda is to refer the application to the ARB. She explained that her understanding is that the ARB has to meet and assuming that they all still agree with the votes that they completed via email, they would just do that in a meeting where the public is allowed to be present. Trustee Foster stated that what the Mayor is referring to is the importance of adhering to the Open Meetings Law and making sure that those votes and those discussions are happening in a way that people can view. Trustee Foster said that nothing is preventing the ARB from meeting with notice. Mayor Newhard stated that the next Village Board meeting is October 2<sup>nd</sup> and hopefully the meeting with the ARB will happen and the Village Board will have a report from them.

Patrick Corcoran asked the Village Clerk if he could get the actual process for this because he didn't see it in the code anywhere and said that he assumes it's in the code.

Village Clerk, Raina Abramson, replied that it is and that it's located in the code under Site Plan Approval and that she can email Mr. Corcoran the link.

**Robert Kennedy:**

Mr. Kennedy said that he assumes he's in the same boat and needs to go before the ARB as well. He explained that his project began when Maureen was here and believes that at the time the Planning Board said everything was ok, but he doesn't believe he officially went in himself with a plan to the ARB and couldn't recall if he received a letter or not but said that it's probably an email as well. Mr. Kennedy stated that if he recalls, Maureen was just saying that the ARB accepted the plans and the renderings, and they were good to go.

Trustee McKnight said that he felt the Village needed a legal interpretation of this since there are two simultaneous cases that follow the same path and although he's all about the Open Meetings Law and transparency, the quorum, the Board vote, but it doesn't necessarily say that in the code from what he read out loud earlier but there could be something beyond that in the charter of the ARB that says that that must happen. Mayor Newhard explained that when you refer something to a Village formed committee that in his mind, is a formality of how it has to happen. Trustee McKnight said that offline reviews wouldn't constitute the Open Meetings Law. Mayor Newhard said no, because how could that exist in the public realm. Trustee McKnight asked if the Village needs a Clerk, Attorney and Engineer at the ARB meetings. Mayor Newhard explained that either Village Clerk, Raina Abramson, or Deputy Clerk, Jennifer Mante would attend the meeting. Trustee McKnight asked if the Village does have to refer to the proper ARB meeting, they get done at the same time.

Robert Kennedy said that he didn't know about this until just now. Trustee Foster inquired if he received an email approval. Mr. Kennedy said that he doesn't recall but did know that the Planning Board meeting that he attended, they referred his application to the Village Board and was told that the ARB/AHDRB was ok with the plans and the design, which was good enough for him. Mr. Kennedy said that this is a process issue that was something that was talked about during the Comprehensive Plan and there's definitely a cog in the wheel at the moment. Mr. Kennedy said that he submitted to the Village Board on August 9<sup>th</sup> and here we are on September 14<sup>th</sup> and he hasn't been on the agenda to discuss the project. Mayor Newhard explained that part of the problem is that they haven't received a response from the Village counsel. Mr. Kennedy said that a whole month went by and the Village Board doesn't make a decision by October 2<sup>nd</sup> then his application is pushing into November. Mayor Newhard said that he believes that the Village Board can make a motion to refer the 8 Forester Avenue project to the ARB as well.

Patrick Corcoran asked if the Village can make a motion to accept the emails seeing that

this is happening in the middle of applications. Mayor Newhard said, no, since it is contrary to the Open Meetings Law.

Mr. Kennedy said he appreciates the motion and that he will submit to the ARB by sending the documents to the Village Clerk.

**Motions**

**Resolution Amending Schedule of Fees to Change Certain Water Fees - FAILED**

WHEREAS, Village of Warwick Code §64-1 provides that a comprehensive schedule of fees, including water system operations, be approved by the Village Board; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the water fees it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees is hereby amended as follows:

In the Schedule of Fees, under heading "Water" the following fees shall be added:

Category	Sub-Category	Type of Fee	Amount	Code
Water		Meter Data Download	\$150.00	

Trustee McKnight presented the foregoing resolution which was seconded by Trustee Foster,

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

Barry Cheney, Trustee, voting Absent

Carly Foster, Trustee, voting Nay

Thomas McKnight, Trustee, voting Nay

Mary Collura, Trustee, voting Nay

Michael Newhard, Mayor, voting Nay

### **Discussion**

Trustee McKnight asked how this fee came about. Mayor Newhard said that there have been requests for meter downloads, which is something that is time consuming to the Village Water Department. Trustee McKnight asked why people want the meter download since they get a quarterly water bill that reflects usage, so what is the use case for meter downloads. Trustee Foster said that maybe they want to see data trends to see how the usage has changed overtime. Trustee Collura said to detect any leaks or issues. Village Clerk, Raina Abramson, explained that what she sees happen is when someone thinks there is an issue with their meter with higher than normal usage, the Village asks the customer to contact their plumber. If the customer returns and says they can't find any leaks the Water Supervisor is able to download information which she believes shows more detailed usage than just the 3 month period that customers see at the fourth month. Trustee McKnight inquired if the Water Department has to go out to the meter itself to get a wireless download. Ms. Abramson said that she believes they do and that this is the only use as far as she understands, a meter download would be utilized. Trustee McKnight said that presumably the only reason people would reach out is if there was a problem and asked how often it happens. Ms. Abramson said that she thinks it happens a few times a year and that she wasn't part of the discussion of how this came about other than Trustee Cheney's email detailing how the fee was determined. Trustee McKnight said that if someone thinks they have a leak the Village should collaborate with them and that imposing an extra \$150 fee on top of that is not conducive to figuring out what the problem is since the Village is providing a service to customers; therefore, for that reason, Trustee McKnight said that he is not in favor of adding another fee on top. Trustee Foster said that she is in agreement with Trustee McKnight because as a resident she would want to be able to access data readily. Trustee McKnight explained that ideally in the future, the newer meters have the technology that once the Village has several transmitters up high on buildings, the Village can remotely get that data. He explained that there's a large cost to that which may take years, so the Village isn't currently at that point, so he understands defraying costs from the Water Department going out to the meter, but if that is triggered by suspecting a problem with a connection, it comes off as adding insult to injury. Trustee Foster added that if the Village charges for that, it's disincentivizing people to look into their own data since it looks like a penalty for asking those questions. Trustee McKnight said that if it only happens a few times a year, he doesn't see the issue but if it's something for fun are just requesting this all the time, maybe the Village brings the issue back up.

Trustee Collura asked if the Board can wait until Trustee Cheney is at the meeting to provide more information. Mayor Newhard suggested the Board vote on this and then put it under discussion for the next meeting for Trustee Cheney to explain further.

**Resolution Authorizing Vacation Carryover**

**BE IT RESOLVED** that, on a one-time only basis and notwithstanding any policy to the contrary, Sadie Becker shall be eligible to carry over up to ten (10) unused vacation leave days accrued on November 30, 2022, into the following calendar year (i.e., November 30, 2023 to November 29, 2024), for use in such year. This is being offered on a one-time only, non-precedent setting basis and shall not apply or be continued in any other years. Any unused vacation leave days carried into the following calendar year pursuant to this resolution must be utilized in such calendar year and shall not be permitted to be further carried over into any other year.

Trustee Foster presented the foregoing resolution which was seconded by Trustee McKnight,

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

Barry Cheney, Trustee, voting           Absent

Carly Foster, Trustee, voting           Aye

Thomas McKnight, Trustee, voting   Aye

Mary Collura, Trustee, voting       Aye

Michael Newhard, Mayor, voting   Aye

**Discussion**

Mayor Newhard explained that this resolution was put together by the Village's labor counsel specifically as was a similar resolution for Mr. Finelli which was based on the Collective Bargaining Contract. Trustee McKnight added that these two are extenuating circumstances which is the reason why the Village needed labor counsel to set the non-precedence. Mayor Newhard said that he had a discussion with Trustee McKnight about maternity leave and how the Village should look at that more carefully.

**Parade – Warwick Valley High School Homecoming Parade**

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to grant permission to the Warwick Valley Central School District to hold a Homecoming Parade on Saturday, October 7, 2023, beginning at approximately 11:15 a.m. as per their letter dated September 6, 2023. Proper insurance is on file. The Warwick Police Department will assist with the event.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Discussion**

Trustee McKnight said that this is the same day as the children’s book festival at Stanley-Deming Park; however, the parade comes from West Street, down to Main Street and goes north around TD Bank, down Wheeler Avenue and back to West Street to the bus garage. He said that the parade doesn’t go right by Stanley-Deming but parking will be at a premium since there will be a lot of people in the village that day.

Trustee Foster asked if the Village should consider signage pointing people to park at Veteran’s Memorial Park. Trustee McKnight said that as was done last year for the library, there will be parking in the lawn at Stanley-Deming and Park Avenue which should encapsulate that part of the traffic. Mayor Newhard said that the Homecoming Parade isn’t that long of an event which disperses very quickly.

Mayor Newhard said that they did receive communication from one of the merchants who did have concerns about parking for that event for their staff. He said that we have to notify the Chamber to give businesses a heads up that this is happening. Village Clerk, Raina Abramson, said that the parade calendar was updated on the village website and the link, including the Homecoming Parade, was emailed to the Chamber of Commerce, which is the same process for every parade.

**Facility Use Request – Stanley Deming Park, Applefest Event, Warwick Community Center**

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to grant permission to the Warwick Valley Community Center to hold the following activities in Stanley Deming Park on the east side of the creek as per their letter dated August 24, 2023: Applefest Community Center Event with inflatable games and obstacle courses on Applefest Sunday,

October 1, 2023, from 10:00 a.m. to 5:00 p.m., including pony rides by Winslow Therapeutic Riding Center, with set up to begin on Sunday, October 1, 2023 at 5:00 a.m. and breakdown to be completed by 6:00 p.m., October 1, 2023 for all activities. Completed park permit and security deposit have been received. Approval is contingent upon the Village of Warwick's insurance carrier's confirmation that proper insurance is in place.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

### **Discussion**

Trustee McKnight said that looking at page 5 of the application states rides, mechanical carnival rides, bounce house, inflatable slides, etc. which sounds like what is happening. Village Clerk, Raina Abramson, said that she's been steeped in this application and that the Community Centers cover letter explains the types of inflatable games and rides that they are including. Ms. Abramson said that she has gone back and forth with the Community Center and their insurance agent and the Village's insurance agent to ensure that this is treated the same as a carnival since the Village's insurance does not cover inflatable rides the same as it not covering carnival rides or mechanical rides. Ms. Abramson stated that they are at the point where the Village has everything it needs but since the last few documents were only received last night, the application and insurance must still go to the Village's insurance agent for review. Trustee McKnight inquired why the Community Center didn't check off carnival rides on their application. Ms. Abramson said that she believes the Community Center was under the impression that inflatables were not considered mechanical rides and that a bounce house was not considered part of their application. She explained that this application is treated as mechanical rides and games with guidance from our insurance company. Trustee McKnight reviewed the types of games and rides listed on the application and inquired if our insurance company has seen the application. Ms. Abramson explained that the Village's insurance agent reviewed the initial application, including the links to each of the piece of apparatus so the types of activities were clear, because the Community Center was initially stating that their insurance covers those types of activities, while Ms. Abramson knew that that Village's insurance does not. Ms. Abramson explained that currently she has collected all of the insurance documents that would be the same if the application was for carnival rides and the Community Center provided a special event policy that specifically includes inflatables. Ms. Abramson said that she just received everything yesterday so it hasn't been sent over to the Village's insurance agent who will then refer it to the Village's insurance carrier, NYMIR, who will reply to the Village to let us know if anything else is needed. Ms. Abramson explained that she included all the insurance documents on the

agenda so the Board can see the depth of review and how one of the Community Center's policy excludes the activities, while the event policy includes it. Ms. Abramson said that the motion is pending because it requires the approval of NYMIR.

**Special Use Permit Application – 43 Wheeler Avenue - Referral to AHDRB**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Foster, and carried to refer the application for a Special Use Permit for 43 Wheeler Avenue to the Village of Warwick Architectural Historic District Review Board for review and comment.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye  
Trustee McKnight Aye Mayor Newhard Aye

**Special Use Permit Application – 8 Forester Avenue - Referral to AHDRB**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to refer the application for a Special Use Permit for 8 Forester Avenue to the Village of Warwick Architectural Historic District Review Board for review and comment.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye  
Trustee McKnight Aye Mayor Newhard Aye

**Reimbursement of Water/Sewer Penalties – 73 Laudaten Way – Post Office Error**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to reimburse Kamath Vasudeva of 73 Laudaten Way for water/sewer penalties on account #805800-0 in the amount of \$26.69 for the June 15, 2023, billing cycle after a mailing error was discovered affecting certain streets within the Village of Warwick. 73 Laudaten Way was sold on August 23, 2023, therefore a credit is unable be applied to this account.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Seasonal Department of Public Works Laborer – Extension – Matthew Hann**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to extend the appointment approved on June 20, 2023, of Matthew Hann to the position of Seasonal Department of Public Works Laborer for an additional 12 weeks, 40 hours per week at a salary of \$16.50 per hour, per the recommendation of DPW Supervisor Michael Moser.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Settlement – Copyright Claim, Michael Briner – TABLED**

A **MOTION** was made by Trustee Collura seconded by Trustee Foster to approve the proposed settlement of the copyright claim of Michael Briner for \$4,500 and to authorize the Mayor to execute the Settlement Agreement.

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

Trustee Cheney \_\_\_ Trustee Foster \_\_\_ Trustee Collura \_\_\_

Trustee McKnight \_\_\_ Mayor Newhard \_\_\_

**Discussion**

Trustee Foster stated that she has a huge problem with this and doesn't know how to handle this in terms of a vote because she doesn't think the Village should've settled. Trustee Foster said that she wishes the Village Attorney was present. Mayor Newhard suggested to table the motion until the next meeting with the attorney.

**Settlement – Copyright Claim, Michael Briner – Approval to Table the Motion**

A **MOTION** was made by Trustee McKnight seconded by Trustee Collura and carried to table the proposed the settlement of the copyright claim of Michael Briner for \$4,500.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

### **Discussion**

#### 1. Recap of Joule presentation

Trustee Foster said that she was hoping to discuss whether or not there was any further discussion needed before they could move towards a resolution that authorizes the Board to choose the default power provider. Trustee McKnight explained that passing a resolution is just to jumpstart the process which is expected by New York State who has put together this Community Choice Aggregation as an option. Trustee McKnight said that the provider, such as Joule Community Power, will be putting resources towards this. He explained that the resolution signals intent but does not bind the Village whatsoever to making that decision. Mayor Newhard asked if the resolution binds the Village to Joule. Trustee McKnight said that he thinks it does. Trustee Foster disagreed and said that she thinks the resolution is authorizing and giving the Village the ability to choose a default power provider without specifying who the Village is choosing. Trustee Collura said that that was her recollection as well. Trustee Foster believed the Village would have to go out to bid to select between Joule or Good Energy or any entities because they're ultimately going to be generating income. Trustee Collura asked how the Village would go out to bid if they were not directly charging the Village for their services. Trustee Foster said that the Village would go out to bid on Community Choice Aggregate provider. Trustee Collura asked how the Village would judge. Trustee Foster said that the providers would provide the Village with their qualifications and identify the additional consulting services the Village would be able to receive. Trustee McKnight looked up the process and said that Trustee Foster is correct. Trustee McKnight said that Joule provided him a template of a draft local law which refers to a CCA administrator but does not mention a provider specifically. Trustee McKnight will find an updated local law and resolution to send to the Board and Village Attorney.

Trustee Collura said that she found the presentation very informative and what surprised her was that it was a long process. Trustee Collura said that she was impressed that a majority of the process is on public outreach and communication. Trustee Foster said that one of the reasons she wants to pass the resolution is because the Village has other energy goals that need to be accomplished and CCA will be a very big support in getting the Village going which will be a large benefit to Village residents.

Mayor Newhard said that he will reach out to the other two mayors to see where they are

with this initiative in terms of if they are looking at it or moving forward with it. Mayor Newhard said that at one point, Greenwood Lake under the previous mayor was very focused on this but doesn't know how far they are.

The Community Choice Aggregation process continued to be discussed by the Board. The most recent CCA local law and resolution was going to be sent to the Village Attorney for review.

### **Reports**

#### **Trustee Cheney's Report:**

Trustee Cheney was absent.

#### **Trustee McKnight's Report:**

The Albert Wisner Library's Children's Book Festival is on Saturday, October 7, 2023, from 11 a.m. to 4 p.m. in Stanley-Deming Park. At 12:00 p.m. the Uncle Brothers Band will perform a free lively outdoor concert for children, so bring a lawn chair or a blanket to sit on. Picnicking in the park is welcome and there are several restaurants and cafes that are nearby for family friendly dining. This event is happening the same day as the Homecoming Parade, so there is lots going on that day.

Last night there was a Climate Smart Task Force meeting with 13 people from the public in attendance. Trustee McKnight explained how it was great because everyone brought a different background and perspective and something they cared deeply about. He said that it was interesting to see how those conversations were interwoven. Trustee McKnight stated that his takeaway is that we have a community of people who care very much about the Village setting the tone for being environmentally responsible. He said that they had a session where they collaborated about big ideas which was fun, that they will share with the Board at a later date. Trustee McKnight said that there were local partners represented at the meeting as well such as Wickham Works, Sustainable Warwick, Hello Warwick Valley, The Greenbelt Preservation Society, including one gentleman that is currently growing locally 40 varieties of rice in Warwick. Trustee McKnight said it was very interesting and that he like the format of opening it up beyond the established task force.

Trustee Foster said that at last night's meeting, when Trustee McKnight saw members of the public coming in, he invited them to sit around the table which made for a lovely meeting because they were an active part of the conversation.

#### **Trustee Foster's Report:**

No report provided.

**Trustee Collura's Report:**

No report provided.

**Mayor Newhard's Report**

Mayor Newhard explained that he was unable to attend the Climate Task Force meeting last night because he was invited by Sunriver Health, Cathy Briger who oversees the Alamo and the activities for summer programs for migrant youth, to a dinner of young outstanding Latinas. Mayor Newhard said that there were ten young ladies between the ages of 13-17 who made dinner and had a lot of questions for the mayor. Mayor Newhard said that he learned a lot and also volunteered Trustee Foster and Trustee Collura to talk about themselves as professional individuals as well as Trustees.

Mayor Newhard said that there was a wonderful 9/11 ceremony and luckily had use of the three bays at Engine 1 so the ceremony could continue.

Mayor Newhard added that there was also a retirement dinner for Michael Sweeton last weekend with a large crowd and wonderful comments about Michael and his commitment and things he has done for us as a community.

Congressman Ryan brought his mobile office/van and set up at Village Hall for about an hour and a half. A number of constituents came. Some veteran's benefits were able to be sorted out and school payment issues discussed.

**Public Comment – Non-Agenda Items**

**Patrick Corcoran:**

Mr. Corcoran wanted to clarify that the ARB needed to review the application because it's a commercial property and inquired what makes it a commercial property. Mayor Newhard said that it is three rental units. Trustee McKnight said that it needs to be referred to the ARB because it is a Special Use Permit. Mayor Newhard said that it is also a commercial property because the three apartments will be rented, which is a commercial activity. Mr. Corcoran said that he wanted to clarify that since it's a rental, it's commercial since he owns rentals all over Warwick as commercial buildings. Trustee McKnight said that for reference Section 145-161 in the Zoning Code, beginning on page 244, Application Procedure, is what the Village Attorney referenced since there is a Special Use Permit and this section outlines the procedure. Mr. Corcoran said that even if the building wasn't commercial, he would still need ARB review. Mayor Newhard said that that was correct, so if he wanted to repaint a building with rentals then it would have to be referred to the ARB.

**Adjournment**

A **MOTION** was made by Trustee Foster seconded by Trustee McKnight, and carried to adjourn regular Village Board meeting at approximately 11:00 a.m.

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

Trustee Cheney Absent Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

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Raina M. Abramson, Village Clerk