

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
September 16, 2019  
AGENDA**

**Call to Order  
Pledge of Allegiance  
Roll Call**

1. Introduction by Mayor Newhard.
2. Acceptance of Reports – August 2019: Clerk's Office & Tax Collection, Justice, Building, Planning Board & ZBA.
3. Authorization to pay all approved and audited bills in the amount of \$\_\_\_\_\_.
4. Police Report

**Correspondence**

1. Letter from New York State Department of Environmental Conservation – 2018 Whole Effluent Toxicity (WET) Testing.
2. Letter from Village Resident – Electric and Gas Smart Meters

**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.

**Motions**

**Trustee Cheney's Motions:**

1. **MOTION** to advertise and receive bids for the construction and installation of the ultraviolet disinfection system for the Wastewater Treatment Plant.

**Trustee Lindberg's Motions:**

2. **MOTION** to hire from the attached list of special event staff provided by Village of Warwick Recreation Director, Ron Introini, at a rate of \$15.00 per hour for the following

events: 10-12 staff members for the Halloween Parade and Costume Contest, 8-10 staff members for the Christmas Eve Service, and 10-12 staff members for the Easter Egg Hunt.

**Trustee McManus' Motions:**

3. **MOTION** to grant permission to the Warwick Valley Community Center to hold the following activities in Stanley Deming Park as per their letter dated August 24, 2019: East of the creek for an Applefest Eve Carnival on Friday, October 4, 2019 from 4 p.m. to 9 p.m.; Saturday, October 5, 2019 from 4 p.m. to 10 p.m. and on Applefest Carnival on Sunday, October 6, 2019 from 9 a.m. to 5 p.m. (including Reenie's Rabbits and Pony Rides by Winslow Therapeutic Center), subject to the following restrictions: Only ride and concession equipment can remain in the park, that there will be no campers or RV's overnight, except for liability purposes and to prevent damage to the equipment, one carnival employee only is permitted to stay overnight in the company trailer in Stanley Deming Park; that no ride equipment may enter or be removed from the park without the Supervisor of Public Works or his designee present; that the equipment cannot enter the park prior to 9 a.m. on the Wednesday prior to the event and must be removed by 3 p.m. on the Tuesday following the event. If they need to come in to set up earlier than Wednesday prior, they will need the permission of the DPW Supervisor. Assembly or breakdown and removal of the equipment may occur only between the hours of 8 a.m. and 8 p.m. Completed park permit, and security deposit have been received. Insurance under review with NYMIR.
4. **MOTION** to grant permission to the Warwick Valley Community Center to hold an Applefest Eve Teen event Saturday, October 5, 2019 from 4:00 p.m. to 9:45 p.m., with set up to begin at 2:00 p.m. and break down to be completed by 10:30 p.m. at Stanley Deming Park on the west side of the creek including use of the pavilions as per the letter dated August 24, 2019. The event will include a DJ, several performers from the Rock Underground (no Loud music) and Glow in the Dark games: Bowling, Corn hole and Apple games. Hamburgers and Hot Dogs will be served. Completed park permit, security deposit and proof of proper insurance have been received.

**Reports**

**Trustee Cheney's Report:** Liaison to Planning & Zoning, Town of Warwick, Public Works Daily Operations, Engineering and Infrastructure, Green Building Practices/Alternative Energy Options, Citizens Awareness Panel/Jones Chemical, Orange County Planning.

**Trustee Lindberg's Report:** Liaison to Parks & Recreation, Weekender Bus & Transportation Issues, Traffic and Parking, Liaison to Warwick Fire Department, Safety Committee, Crosswalk & Pedestrian Issues, and Employee Training – Workplace Violence/Sexual Harassment.

**Trustee Patterson's Report:** Liaison to Merchants, Chamber of Commerce, Tourism, Issues of Public Health, Senior Citizens, Public Interface and Outreach, Government Efficiency, St. Anthony Community Hospital, Bon Secour, and Orange County Department of Health.

**Trustee McManus' Report:** Liaison to Albert Wisner Library, Warwick Valley Schools, Police, Ethics, Cablevision, Altea (WVT), and Issues of Emergency and Homeland Security, WYDO and Warwick Valley Community Center, Coalition for Prevention.

**DPW Supervisor, Mike Moser's Report**

**Mayor Newhard's Report**

**Final Comments from the Floor**

**Final Comments from the Board**

**Executive Session, if applicable**

**Adjournment**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3

100 Hillside Avenue, Suite 1W, White Plains, NY 10603

P: (914) 428-2505 | F: (914) 428-0323

www.dec.ny.gov

RECEIVED

AUG 30 2019

VILLAGE OF WARWICK  
VILLAGE CLERKS OFFICE

August 27, 2019

Mayor and Village Board  
Village of Warwick  
77 Main Street  
PO Box 369  
Warwick, NY 10990

Re: **2018 Whole Effluent Toxicity (WET) Testing**  
SPDES No. NY0023680  
Village of Warwick WWTP, Orange County

Dear Town Officials:

The Department has reviewed the March thru December 2018 quarterly Tier 2 Chronic toxicity test results from an additional year of testing for Warwick WWTP (NY0023680). Please see the attached regarding the review of the quarterly Tier 2 Chronic Toxicity test data.

Due to the frequency and severity of chronic test failures, typically Toxicity Identification /Reduction Evaluation (TI/RE) procedures would be required. However, due to the anticipated 2019/2020 upgrade to UV, instead, continued monitoring is required as appears to already be in progress. This includes continuous quarterly chronic testing of both species. New Outfall 001 effluent quality post-upgrade will be re-assessed before final WET recommendations are issued.

Should you have any questions, you may contact me at (914) 803-8137 or Nicole Wright at (518) 402-8206.

Sincerely,



Manju Cherian, P.E.  
Professional Engineer 1

cc: Lorraine Holdridge, Regional Water Engineer  
Bureau of Water Permits  
Ryan Waldron - BWCP  
Nicole Wright - BWAM  
Village Engineer  
Chief Operator



Department of  
Environmental  
Conservation

The Department has reviewed the March thru December 2018 quarterly Tier 2 Chronic toxicity test results from an additional year of testing for Warwick WWTP (NY0023680). The toxicity testing was conducted by your facility's contracted laboratory New England Bioassay Inc., using the vertebrate fathead minnow (*Pimephales promelas*) and invertebrate water flea (*Ceriodaphnia dubia*) freshwater test species. The Whole Effluent Toxicity (WET) results for Outfall 001 are summarized in the table below, as well as future requirements outlined.

Half of the tests indicated that the effluent was still chronically toxic with NOEC and IC25 results  $\geq 12.5\%$  and corresponding TUC results  $\leq 8.0$ , with the Most Sensitive Species (MSS) not definitively determined. Although the effluent is not predicted to be unacceptably acutely toxic, it is predicted to be unacceptably chronically toxic after mixing with the receiving water of the Class C(T) Wawayanda Creek at the Instream Waste Concentration (IWC).

Due to the frequency and severity of chronic test failures, typically Toxicity Identification/Reduction Evaluation (TI/RE) procedures would be required. However, due to the anticipated 2019/2020 upgrade to UV, instead, continued monitoring is required as appears to already be in progress. This includes continuous quarterly chronic testing of both species. New Outfall 001 effluent quality post-upgrade will be re-assessed before final WET recommendations are issued.

That said, please note that both your March 2018 and March 2019 chronic WET test results were unacceptably toxic, and do not correspond to the disinfection season. Therefore, informal/targeted Toxicity Identification/Reduction Evaluation (TI/RE) procedures are also recommended to identify and reduce other potential source(s) of effluent toxicity.

If you have any questions, please do not hesitate to contact Nicole Wright ([nicole.wright@dec.ny.gov](mailto:nicole.wright@dec.ny.gov) or 518-402-8206) of the Toxicity Testing Unit, or you can also reference Technical and Operational Guidance Series (TOGS) 1.3.2 - Acute and Chronic Toxicity Testing in the SPDES Permit Program at [http://www.dec.ny.gov/docs/water\\_pdf/togs132.pdf](http://www.dec.ny.gov/docs/water_pdf/togs132.pdf). The address is NYS DEC-Toxicity Testing Unit, 625 Broadway, 4<sup>th</sup> Floor, Albany, NY 12233-3502.

Test Date	<sup>1</sup> MSS 48H LC50 (%Effluent)	<sup>2</sup> MSS TUA	<sup>3</sup> TUA Action Level	<sup>4</sup> MSS Survival 100% Effluent	<sup>5</sup> Acute Test Result	<sup>6</sup> MSS RPD TUA	<sup>7</sup> Acute WET Limit Required	<sup>8</sup> MSS 7D NOEC/IC25 (%Effluent)	<sup>9</sup> MSS NOEC/IC25 TUC	<sup>10</sup> TUC Action Level	<sup>11</sup> Chronic Test Result NOEC/IC25	<sup>12</sup> MSS RPD IC25 TUC	<sup>13</sup> Chronic WET Limit Required
03/18	>100% (F)	<0.3 (F)	0.3	100% (F)	Pass	<0.8	**No	12.5% (I)/42.8% (I)	8.0 (I)/2.3 (I)	1.6	Fail/Fail	6.0	Yes
06/18	>100% (F)	<0.3 (F)	0.3	100% (F)	Pass	<0.8	**No	25% (F)/47.6% (F)	4.0 (F)/2.1 (F)	1.6	Fail/Fail	5.5	Yes
09/18	>100% (F)	<0.3 (F)	0.3	100% (F)	Pass	<0.8	**No	>100% (F)/>100% (F)	<1.0 (F)/<1.0 (F)	1.6	Pass/Pass	<2.6	***No
12/18	>100% (F)	<0.3 (F)	0.3	100% (F)	Pass	<0.8	**No	>100% (F)/>100% (F)	<1.0 (F)/<1.0 (F)	1.6	Pass/Pass	<2.6	***No

<sup>1</sup>Most Sensitive Species 48-hour Lethal Concentration: (F=Fish; I=Invertebrate) is the concentration or percentage of effluent that is lethal to 50% of the exposed organisms over a 48-hour period, and often indicates one species is more sensitive than the other during effluent testing.

<sup>2</sup>Most Sensitive Species Toxic Units Acute: is calculated as  $(100 / \text{MSS 48H LC50})$ . However, because  $\leq 0.3$  TUA is defined as the acceptable amount of acute toxicity at the edge of the acute mixing zone, and mathematically  $100 / 100 = 1.0$  (i.e. a "failing result"), non-toxic acute test results are indicated as  $< 0.3$ .

<sup>3</sup>Toxic Unit Acute Action Level: is calculated as  $[\text{Acute Dilution Factor} \times 0.3 \text{ TUA}]$  representing the maximum allowable effluent TUA at the edge of the acute mixing zone after mixing with the receiving water and using the seven-day once-in-ten-year low flow (7Q10), to assure acute protection of the receiving water. When the Acute Dilution Factor is  $< 3.3$ , the default Acute Action Level of 0.3 TUA is used representing the maximum allowable effluent TUA at the end of pipe to assure acute protection of the receiving water.

<sup>4</sup>Most Sensitive Species Survival in 100% Effluent: is the lowest percentage of surviving organisms in 100% effluent, providing additional evidence of unacceptable acute toxicity when the necessary 50% or greater mortality required to generate an LC50 has not been attained. \*Denotes statistically significant mortality in 100% effluent as compared to the control.

<sup>5</sup>Acute Test Result: MSS TUA  $\leq$  TUA Action Level for passing effluent test result and MSS TUA  $>$  TUA Action Level for a failing effluent test result. If unacceptable mortality (i.e. statistically significant as compared to the control) is noted in 100% effluent, this may also be considered a failing test result.

<sup>6</sup>Most Sensitive Species Reasonable Potential Determination Toxic Units Acute: is calculated as  $(\text{MSS TUA} \times 2.6)$ , the Reasonable Potential Multiplier when four quarterly tests have been completed, taking into account the statistical potential for effluent variability to occur causing an exceedance of the toxicity based action level.

<sup>7</sup>Acute Whole Effluent Toxicity Limit Required: MSS RPD TUA  $\leq$  TUA Action Level, then no toxicity based limit is required and the action level remains in place. If MSS RPD TUA  $>$  TUA Action Level, then a toxicity based limit is required and the action level becomes the limit. \*\*In low dilution situations, the application of the RPD to the acute results often mathematically suggests the need for acute WET limits even when there is no toxicity evident in 100% effluent (a non-detect). Therefore, this data cannot be used to implement a WET limit.

<sup>8</sup>Most Sensitive Species 7-day No Observed Effect Concentration or 25% Inhibition Concentration: is the highest concentration or percentage of effluent tested that causes no statistically significant effect to the exposed test organisms as compared to the control over a 7-day period, or the concentration or percentage of effluent that causes a 25% reduction in reproduction or growth for the test population.

<sup>9</sup>Most Sensitive Species Toxic Units Chronic: is calculated as  $(100 / \text{MSS 7D NOEC})$  or  $(100 / \text{MSS 7D IC25})$ .

<sup>10</sup>Toxic Unit Chronic Action Level: is calculated as  $[\text{Chronic Dilution Factor} \times 1.0 \text{ TUC}]$  representing the maximum allowable effluent TUC at the edge of the chronic mixing zone after mixing with the receiving water and using the seven-day once-in-ten-year low flow (7Q10), to assure chronic protection of the receiving water.

<sup>11</sup>Chronic Test Result: MSS NOEC/IC25 TUC  $\leq$  TUC Action Level for passing effluent test result and MSS NOEC/IC25 TUC  $>$  TUC Action Level for a failing effluent test result.

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# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3  
100 Hillside Avenue, Suite 1W, White Plains, NY 10603  
P: (914) 428-2505 | F: (914) 428-0323  
[www.dec.ny.gov](http://www.dec.ny.gov)

August 27, 2019

Mayor and Village Board  
Village of Warwick  
77 Main Street  
PO Box 369  
Warwick, NY 10990

Re: **2018 Whole Effluent Toxicity (WET) Testing**  
SPDES No. NY0023680  
Village of Warwick WWTP, Orange County

Dear Town Officials:

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Should you have any questions, you may contact me at (914) 803-8137 or Nicole Wright at (518) 402-8206.

Sincerely,



Manju Cherian, P.E.  
Professional Engineer 1

cc: Lorraine Holdridge, Regional Water Engineer  
Bureau of Water Permits  
Ryan Waldron - BWCP  
Nicole Wright – BWAM  
Village Engineer  
Chief Operator



NEW YORK  
STATE OF  
OPPORTUNITY

Department of  
Environmental  
Conservation



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Tuesday, September 10<sup>th</sup>, 2019

Honorable Mayor Michael Newhard - Village of Warwick Board Members

77 Main Street

Warwick, New York 10990

RECEIVED

SEP 11 2019

VILLAGE OF WARWICK  
VILLAGE CLERKS OFFICE

Dear Honorable Mayor Michael Newhard and Village of Warwick Board Members:

Recently the Town of Chester, New York has passed a resolution opposing the additional fee that a utility company could charge a customer when they decide to opt out of having a smart meter installed in their home. They sent it to the Public Service Commission, New York State Senate and New York State Assembly. A customer who chooses to opt out of a smart meter at the present time will have to pay an additional fee each month, in addition to their regular utility bill, for choosing to opt out of the smart meter.

The Honorable Mayor Michael Newhard and Village Board Members are urged to look into this matter and to place this issue on the agenda at our next board meeting on September 17<sup>th</sup>, 2019. Perhaps opening up the floor to any discussion or concerns our residents may have about this issue at the next public board meeting, would enlighten our knowledge or lack of it on this topic.

Also, perhaps the village would consider passing a resolution to oppose the additional fee for those who choose to opt out of the installation of the smart meter, as the Town of Chester has done, showing their opposition to this added fee for not having installed a smart meter at their home.

We have many seniors in our Village who would be affected financially by this added expense each month and children who may be affected with health concerns by the installation of these meters in years to come. No one really knows how the new meters will affect all of our health and well being in years to come. It could take many years to determine and figure it all out. There could potentially be serious health issues years from now for our children, grand children and all residents.

Be Smart – Opt Out - Hold Out

Concerned citizen and resident of Warwick



**Village of Warwick Recreation**  
**Special Event Staff**

**Sue Abel**  
**Mandy Blanton**  
**Matt Daly**  
**Kelly Delehanty**  
**Tyler DeLucia**  
**John Garcia**  
**Anne Hurley**  
**Patrick Kemp**  
**Robert Leonard**  
**Doug Luciano**  
**Margaret Kemp**  
**Nina Mesopotanese**  
**Thomas Nafash**  
**Julie Radon**  
**Danielle Tamburelli**  
**Kyle Williams**

**Eric Blanton**  
**Michael Conklin**  
**Ryan Darcey**  
**Corey DeLucia**  
**Brad Garcia**  
**Taylor Hall**  
**Amy Introini**  
**Brianne Kiely**  
**Teresa Lindsay**  
**Taylor Mann**  
**Kevin McGovern**  
**Jason Nafash**  
**Chris Radon**  
**Tony Rivera**  
**Michael Villarosa**



Warwick Community Bandwagon Inc.  
11 Hamilton Ave, Warwick NY 10990 845-986-6422

August 24 2019

Mayor Michael Newhard  
Office of the Mayor  
Warwick Village Hall  
P.O.Box369  
Warwick, NY 10990

Request to grant permission to the Warwick Valley Community Center (WVCC) to hold the following activities in Stanley- Deming Park east of the creek for an Applefest Eve Carnival: Friday, October 4, 2019 from 4:00 p.m. to 9:00 p.m.; Saturday, October 5, 2019 from 4:00 pm. to 10:00 p.m. and Applefest Sunday October 6th from 9am to 5pm. The small Kiddie Carnival will be contained within the basketball court and directly outside the gate next to the fence. The Kiddie Carnival will contain the rides as follows: Car combo, Tea cups, Merry-Go-Round, Dragon Wheel, Apple/Berry-Go-Round, Playstation Swinger, and Hustler or Tempest. (rides subject to change).

The concessions will contain the following: popcorn trailer, ice-cream trailer, and funnel cake trailer. Games to be included are: goldfish, balloons, and water race.


AND new this year WVCC requests permission to hold a special Applefest Eve Teen event Saturday, October 5th from 4pm until **9:45pm** at the Park on the west side of the creek. The event will include a DJ, several performers from the Rock Underground (no Loud music) and Glow in the Dark games: Bowling, Corn hole and Apple games. We will serve Hamburgers and Hot Dogs.

During Applefest, Sunday, October ~~6~~, **2019** Reenie's Rabbit Rescue will have trained bunnies on hand as well as informational materials and bunny supplies.

Winslow Therapeutic Horses will be on hand to give Pony Rides, and give out information.

The Kiddie Carnival is subject to the following restrictions:

Only ride and concession equipment can remain in the park, that there will be no campers or RV's overnight, except for liability purposes and to prevent damage to the equipment, one carnival employee only is permitted to stay overnight in the company trailer in Stanley Deming Park; that no ride equipment may enter or be removed from the park without the Supervisor of Public Works or his designee present; that the equipment cannot enter the park prior to 9 a.m. on the Wednesday prior to the event and must be removed by 3 p.m. on the Tuesday following the event. If they need to come in to set up earlier than Wednesday prior, they will need the permission of the DPW Supervisor. Assembly or breakdown and removal of the equipment may occur only between the hours of 8 a.m. and 8 p.m.

Thank You  


Kerry Malone-Demetroules  
Program Director Warwick Valley Community Center

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SEP 11 2019

VILLAGE OF WARWICK  
CLERK

VILLAGE OF WARWICK  
FACILITY USE REQUEST

Today's Date 8/23/19 Date(s) Requested: Oct 4, 5, 6 2019  
Time of Event: (10/4 - 4-9) (10/5 4pm - 10pm) (10/6 9-5pm)  
Village Park/Facility Requested: Stanley Deming Park  
\*\*\*\*Please use attached map to indicated areas to be used\*\*\*\*

Information about Group/Organization:

Name of Organization or individual: Warwick Community Bandwagon Inc  
Check One: ☐ Non-Profit ☒ 501(c)3 ☐ For Profit ☐ Private Event  
Proof of Residency: ☒ Designated Contact: Kerry Malone-Demetroules  
Mailing Address: 11 Hamilton Ave Warwick NY 10990  
Telephone: (Day) 845 986 6422 (Evening) (Cell) 845 800-4417

Information about intended use of Village Facilities:

Purpose of Use: Applefest, EVE Carnival, Teen Night, Applefest Carnival, Kids Activities

Total Participants Expected:      Adults      Children  
How will the event be advertised? Social Media, Newspapers, Flyers  
Is Village equipment required? ☐ Yes ☒ No  
If needed, state type and for what purpose:     

Village of Warwick Participants: ☒ Non-Resident Participants: ☒ Both will Attend  
Is an admission fee charged? ☒ Yes ☐ No  
If so, what will proceeds be used for: Warwick Valley Community Center,

Will food be served? ☒ Yes Will food be sold?       
Please give details: Hamburgers, Hot dogs, Water

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village for the use and care of the facilities. He/she, on behalf of WVCC (name organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by WVCC (name organization).

Kerry Malone-Demetroules  
Signature of Organization's Representative (must be a Village of Warwick Resident)

Address: 9 Campbell Rd Telephone: 845.800.4417

RECEIVED

\$100 sec. dep.

+

insurance + contracts

received (RA)

SEP 11 2019

VILLAGE OF WARWICK  
CLERK

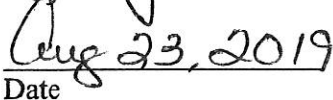
Section Two – Liability: \$100,000 limit of liability. Policy shall not exclude the off-premises activities of the insured.

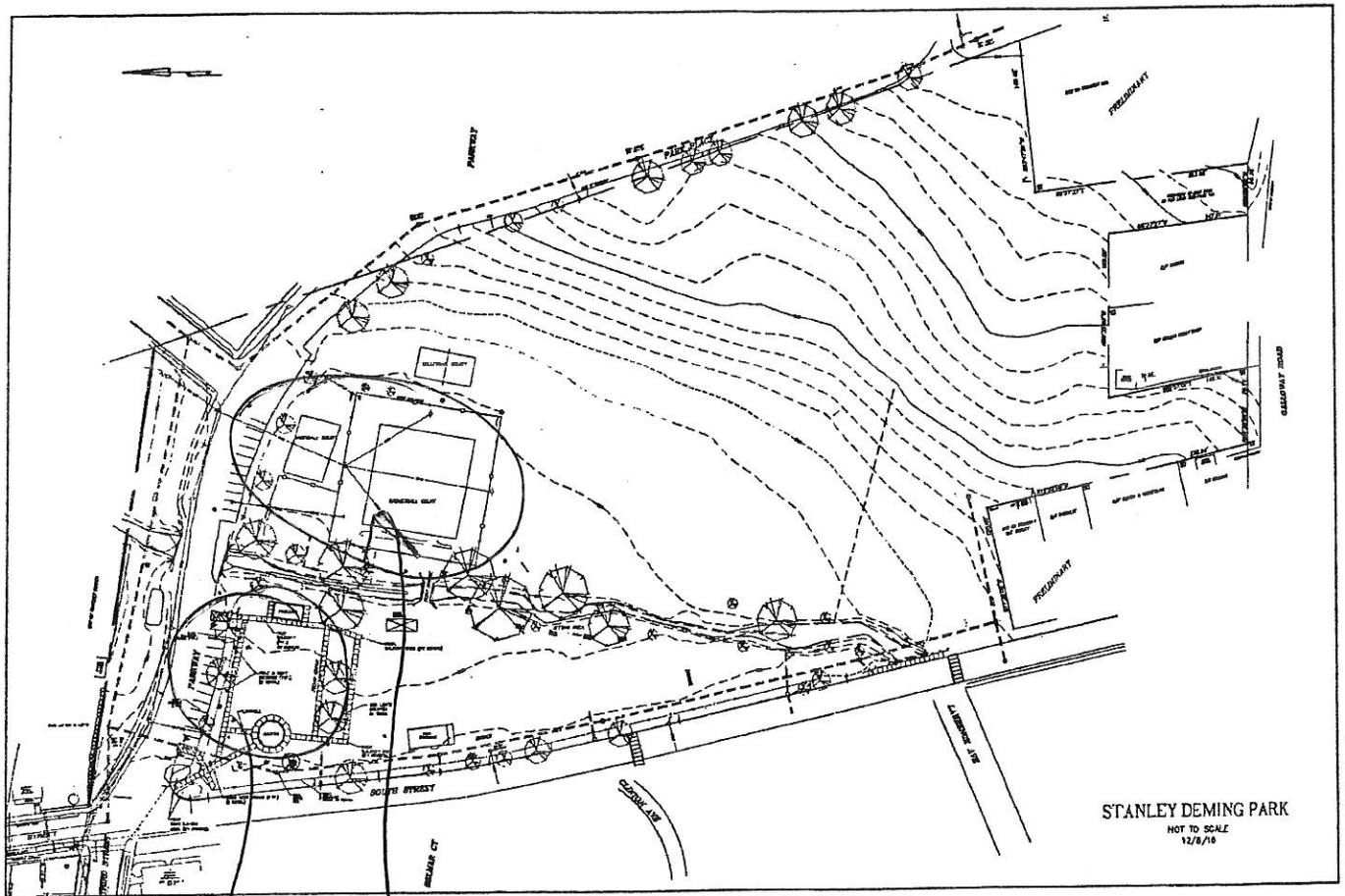
21. Prior to the start of the event, an announcement should be made to your group regarding emergency evacuation procedures, for example pointing out posted procedures, direction for exiting, procedures for emergency helicopter landing, etc.
22. In the event of an accident, please notify the Village Clerk before the end of the next business day.

**FACILITY USER does hereby covenant and agree to defend, indemnify and hold harmless the Village of Warwick from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the Village of Warwick property, facilities and/or services.**

**I have read the Facilities Use Requirements**

  
Signature

  
Date



Carnival Fri Oct 4, Sat Oct 5,  
SUNDAY Oct 6 2019  
TEEN Night Event Sat Oct 5<sup>th</sup> 4-9:45 pm