

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – September 8, 2020

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

To View the Meeting:

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

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

To Comment - During Privilege of the Floor Only:

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

TELEPHONE – Comments may be made during the Village Board Meeting by calling the Village Clerk's Office within privilege of the floor at (845) 986-2031 ext. 102.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
September 8, 2020
AGENDA**

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

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: August 17, 2020.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

3. Authorization to Pay all Approved and Audited Claims #_____ –
_____ in the amount of \$_____.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Correspondence

1. Letter from Law Office of Elizabeth K. Cassidy, PLLC regarding application of Village View.
2. Letter from Michael Jay Dombrowski announcing his resignation as an alternate member of the Village of Warwick Planning Board.

Discussion

1. Pump Track – Memorial Park.
2. Warwick Grove – Request to store snowplow equipment in the McFarland Drive parking lot.

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 grant permission to DPW Supervisor, Michael Moser, to carry over seven (7) vacation days.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

2. **Resolution Amending Schedule of Fees to Change the Quarterly Debt Service Special Charge**

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, the Village's Schedule of Fees contains a provision for quarterly debt service special charge fees as follows,

	Usage (gallons)	Amount Added
	0-5,000	\$1.94
Quarterly debt service special charge	6,000-25,000	\$12.75
	26,000-50,000	\$26.37
	51,000- 100,000	\$46.25
	101,000- 200,000	\$81.25
	201,000- 400,000	\$137.50
	401,000- 800,000	\$250.00
	801,000- 1,600,000	\$475.00
	Over 1,600,000	\$900.00

; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the quarterly debt service special charge fees to \$0 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 subheading entitled "Quarterly Debt Service Special Charge." The fees shall be revised to appear as follows:

	Usage (gallons)	Amount Added
Quarterly Debt Service Special Charge	0-5,000	\$0
	6,000-25,000	\$0
	26,000-50,000	\$0
	51,000- 100,000	\$0
	101,000- 200,000	\$0
	201,000- 400,000	\$0
	401,000- 800,000	\$0
	801,000- 1,600,000	\$0
	Over 1,600,000	\$0

_____ presented the foregoing resolution which
was seconded by _____,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

William Lindberg, Trustee, voting _____

George McManus, Trustee, voting _____

Eileen Patterson, Trustee, voting _____

Michael Newhard, Mayor, voting _____

3. **MOTION** to hire two full-time DPW laborers, Dylan McKinnon and Peter Pascoe, at a salary of \$17.50 per hour in accordance with Collective Bargaining Agreement. Start date to be effective immediately as determined by DPW Supervisor, Mike Moser. Resumes are on file in the DPW Office for review.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Trustee Lindberg's Motions:

4. **MOTION** to accept the budget modification as per the Village Treasurer's letter dated September 2, 2020.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Trustee Patterson's Motions:

5. **MOTION** to create the position of Part-Time Assessor for the Village of Warwick and authorize the Mayor to sign form MSD222 in accordance with Civil Service requirements.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

6. **MOTION** to appoint Deborah A. Eurich to the position of Part-Time Assessor for the Village of Warwick at a salary of \$12,000 per year pending approval from Orange County Civil Service.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Trustee McManus' Motions:

7. **MOTION** to appoint Marjory Warren as an Alternate Election Inspector for the upcoming Village Election on Tuesday, September 15, 2020 at a rate of \$13.00 per hour.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Final Comments from the Board

Executive Session (if applicable)

Adjournment

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

RECEIVED

AUG 24 2020

VILLAGE OF WARWICK
CLERK

August 24, 2020

Village of Warwick Planning Board
Village of Warwick
77 Main Street
Warwick, NY 10990

Village of Warwick Village Board
Village of Warwick
77 Main Street
Warwick, NY 10990

Re: Application of Village View
Our File: 307-001

Dear Mayor Newhard, Chairman Patterson, Village Trustees and Planning Board Members:

As you are aware, my office has been following the approval process of the Village View project on behalf of Eugene and Raymond Maher for the past two years.

Throughout this time, we have repeatedly noted that the Village's cluster scheme violates New York State Village Law on its face. The sole response in the FEIS is found on page 96 and reads,

The commenter is referencing a section of New York State Law which provides the guiding principles regarding processing planning board applications. This section of law applies when communities have zoning regulations but have not adopted standards for clustering, and allows them to consider this method of development to preserve open space. Incentive zoning, such as the provisions in this law are permitted and are incorporated into many other community's [sic] zoning provisions across New York State. The authorization for incentive zoning is provided in Section 145-29D.4 of the Zoning Code, and allows an applicant to request an increase of the allowable lots over and above the established base density.

Such statement misreads New York State Law and conflates cluster subdivision and incentive zoning. Specifically, Village Law 7-738(2)(a) reads, "Approval of a cluster development shall be **subject to the conditions set forth in this section** and in such local law." (emphasis added). Nowhere in 7-738 is a Village authorized to accept cash payments to buy increased density as part of a clustering scheme. In addition, 7-738 restricts the total lot count to what could be achieved under base zoning.

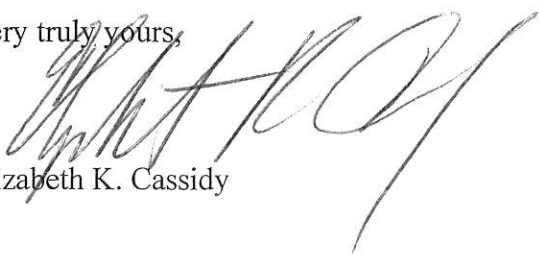
While it is true that the Village Board has the authority to establish incentive zoning, that authority is strictly proscribed by New York Village Law 7-703. That law defines incentive zoning as "the system by which *specific* incentives or bonuses are granted to applicants pursuant to this section on condition that *specific* physical, social, or cultural benefits or amenities would inure to the community." (emphasis added). In addition, the law provides that if a community

benefit is not immediately feasible, a payment in lieu may be made, but it must be held in trust until a specific community benefit may be constructed. I note that the Village's annexation zoning scheme, TND scheme and affordable housing schemes all authorize density bonuses for the provision of specific community benefits such as affordable housing, civic space, municipal improvements, recreational areas, etc. These provisions are much more closely aligned with the state law.

In contrast, the application before you merely seeks to deposit \$ 50,000.00 per additional lot into the Village's general fund. Such contribution is not authorized by State Law and has been struck down by the Courts. See *Municipal Art. Soc. v. New York*, 137 Misc. 2d 832 (New York 1987) ("Zoning benefits are not cash items.").

I urge both boards to consider the legal infirmities of the application before you and the requirements as set forth in State Law. Again, I thank both boards for their thoughtful and continued consideration.

Very truly yours,



Elizabeth K. Cassidy

EKC/kc
Enclosure

Michael Jay Dombrowski, AIA, LEED^{AP}

9 Scanlon Avenue | Florida, NY 10921 | 609.731.5711 | arkitekt2@icloud.com

August 27, 2020

Mayor Newhard and the Village of Warwick Planning Board
Village of Warwick
Village Clerk's Office
PO Box 369
Warwick, NY 10990

Dear Mayor Newhard:

I regret to inform you that I am announcing my resignation as an alternate member of the Village of Warwick Planning Board. Due to recent events in my life, I am no longer able to serve the Village in this capacity as I am no longer a resident of the Village of Warwick.

I have truly enjoyed my time serving on the board and am grateful for the experience I have received. I hope to use this experience in the near future serving the public in a similar capacity with the Village of Florida.

Sincerely,

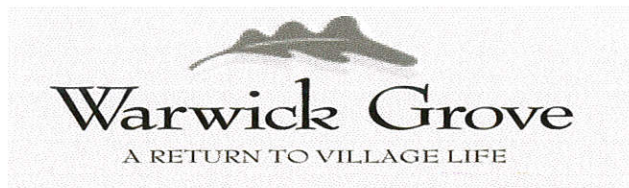


Michael Jay Dombrowski, AIA LEED^{AP}

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AUG 28 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE



September 1, 2020

Mayor Michael Newhard
77 Main Street
PO Box 369
Warwick, NY 10990

Dear Mayor Newhard and Village of Warwick Trustees,

The HOA Board of Directors of Warwick Grove is formally requesting permission to utilize approximately 900 square feet of the Village parking lot located near the pavilion off McFarland Drive for storage of equipment that will be used by Wright Brothers of Warwick for snowplowing operation at Warwick Grove. Warwick Grove and/or Wright Brothers will obtain any necessary insurance or assume the cost of any additional insurance that would be required by the Village, as well as pay any required Village permit fees. The equipment will be stored in this location from November 1, 2020, to May 1, 2021.

The snowplowing equipment includes two or three track loader type machines with a plow and/or snowblower. It would also include one or two sidewalk tractors, four walk-behind snowblowers, and an eight-by-twenty foot enclosed trailer.

We would greatly appreciate any assistance you can provide in helping Warwick Grove meet our community need in this regard. We look forward to a positive response at your next Village Board meeting on September 8.

If you have any further questions or require additional information prior to the meeting, please contact me at 845-637-5016 or by e-mail at frank.fornario@yahoo.com at your earliest convenience so we can answer any more questions you may have in preparation for the September 8, 2020, Village Board meeting.

Thank you for your consideration on this matter.

Regards,

Frank Fornario
Warwick Grove Board of Directors

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AUG 31 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

Office of the Mayor
Board of Trustees
Village Clerk
Treasurer
Telephone: 845-986-2031
Fax: 845-986-6884



Village Justice
Telephone: 845-986-7044
Fax: 845-986-2870

Building, Planning, Zoning
and Historical District
Review Board
Telephone: 845-986-9888
Fax: 845-987-1215

OFFICE OF THE CORPORATION
MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

Village of Warwick

77 MAIN STREET
P.O. BOX 369
ORANGE COUNTY

Warwick, NY 10990

RECEIVED

AUG 17 2020

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

VACATION CARRY OVER

I MICHAEL MOSER request to carry-over 7 vacation days.
(Name of employee) (Amount)

The reason time accrued or vacation was not used: DEDICATED EMPLOYEE,
WORKED THRU COVID SHUT-DOWN.

under article X sec.2(B) of the Village of Warwick Department of Public Works Collective Bargaining Agreement and the Employee Handbook.

M. Moser
(Signature of employee)

8/17/2020
(Date)

[Signature]
(Signature of Department Head)

8/17/2020
(Date)

VILLAGE USE ONLY

____ Approved by Village Board
____ Denied by Village Board

(Time Accrued)

(Time Used)

(Anniversary Date)

Comments: _____

(Board Signature)

(Date)

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VILLAGE OF WARWICK
INCORPORATED 1867

Budget Modification Request

For Board of Trustees Approval - Meeting on 9/8/2020

For approval to transfer available appropriations for the following Fiscal Year 2020-2021 budget account lines:

GENERAL FUND

To Account Code	Account Description	Budget Approp. Balance	Transfer Request	Reason	From Account Code	Account Description	Budget Approp. Balance	Transfer Amount
A.3320.4950	PARKING DIV. OTHER/SIGNS	17,278.36	55,000.00	SPRING ST PARKING LOT PAVING & STRIPING	A.5110.4930	STREETS ROAD PAVING	100,000.00	55,000.00
A.9050.8000	UNEMPLOYMENT INSURANCE	(117.91)	2,000.00	COVID RELATED UNEMPLOYMENT PAID	A.9060.8000	HOSPITAL/MED INSURANCE	593,615.20	2,000.00
TOTAL			57,000.00		TOTAL			57,000.00

Respectfully submitted,

Cathy M. Richards
Village Treasurer

Report Date: 9/2/2020

Civil Service Law, Section 22: Certification for positions. Before any new position in the service of a civil division shall be created or any existing position in such service shall be reclassified, the proposal therefore, including a statement of the duties of the position, shall be referred to the municipal commission having jurisdiction and such commission shall furnish a certificate stating the appropriate civil service title for the proposed position or the position to be reclassified. Any such new position shall be created or any such existing position reclassified only with the title approved and certified by the commission. Effective 1978

**Orange County Department of Human Resources
County Government Center, Goshen, NY 10924
New Position Duties Statement**

Department head or other authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit.

Forward one typed copy to this Department.

1. Department	Bureau, Division, Unit or Section	Location of Position
Village of Warwick, 77 Main Street, Warwick, NY 10990		

2. Description of Duties: Describe the work in sufficient detail to give a clear word picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.

Percent of Work Time	Job Duties
100%	<p>The Village of Warwick would like to hire a Part-Time Assessor. The job duties would be in accordance with the Orange County Job Classification Specifications for Class Title: Assessor / Title #: 1025</p> <p>Duties to include:</p> <p>Annually values and revalues each parcel of real property; Utilizes and maintains current tax maps and appraisal cards; May seek county advisory services in determining values of certain parcels; Attends all hearings of the Board of Assessment Review; Makes changes in assessments in accordance with law as directed by the Board of Assessment Review; Appoints and trains an Acting Assessor to perform as needed; Attends the public examination of the tentative assessment roll at times prescribed by law; Receives complaints filed and transmits them to the Board of Assessment Review; Prepares reports of assessment activities as required by the appointing authority or the State Board of Equalization and Assessment; Provides school districts within the assessing unit a copy of the current pertinent portion of the assessment roll; Supervises and trains appraisal staff members in the techniques of appraisal and assessment; Reviews and makes determinations with respect to applications for tax exemptions.</p>

3. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)		
<u>Name</u>	<u>Title</u>	<u>Type of Supervision</u>
Michael J. Newhard	Mayor	Direct
Raina Abramson	Village Clerk	Administrative
4. Names and Titles of Persons Supervised by Employee in this position		
<u>Name</u>	<u>Title</u>	<u>Type of Supervision</u>
N/A		
5. Names and Titles of Persons doing substantially the same kind and level of work as will be done by the incumbent of this new position		
<u>Name</u>	<u>Title</u>	<u>Location of Position</u>
N/A		
6. What minimum qualifications do you think should be required for this position?		
<p>Education: High School _____ Years</p> <p> College <u> 4 </u> Years, with specialization in _____</p> <p> Other _____ Years, with specialization in _____</p> <p>Experience: (list amount and type)</p> <p>*In accordance with the Orange County Job Classification Specifications for Class Title: Assessor / Title #: 1025</p> <p>Essential knowledges, skills and abilities:</p> <p>*In accordance with the Orange County Job Classification Specifications for Class Title: Assessor / Title #: 1025</p> <p>Type of license or certificate required: *In accordance with the Orange County Job Classification Specifications for Class Title: Assessor / Title #: 1025</p>		
7. The above statements are accurate and complete.		
Date:	Title:	Signature:

Certificate of Orange County Department of Human Resources

8. In accordance with the provisions of Civil Service Law Section 22, the Orange County Department of Human Resources certifies that the appropriate civil service title for the position described is:	
<p>Title: _____</p> <p>Jurisdictional Classification: _____</p>	
Date:	Signature:

Action by Legislative Body or Other Approving Authority

9. Creation of described position	
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Date:	Signature:

Return One Completed Copy To The Orange County Department of Human Resources

**COUNTY OF ORANGE
MUNICIPAL/SCHOOL
JOB CLASSIFICATION SPECIFICATION**

CLASS TITLE: Assessor

TITLE #: 1025

DISTINGUISHING FEATURES OF THE CLASS: This is professional work in the valuation for assessment of real property for tax purposes and the preparation of an annual assessment roll in municipalities. Work is performed under the general direction of the municipal legislator or the appointing authority. **Routine travel is a requirement.** Supervision is exercised over the work of appraisal and clerical staff. Advisory service is available from the County Director of Real Property Tax Services and the State Board of Equalization and Assessment. Does related work as required.

TYPICAL WORK ACTIVITIES:

Annually values and revalues each parcel of real property;

Utilizes and maintains current tax maps and appraisal cards;

May seek county advisory services in determining values of certain parcels;

Attends all hearings of the Board of Assessment Review;

Makes changes in assessments in accordance with law as directed by the Board of Assessment Review;

Appoints and trains an Acting Assessor to perform as needed;

Attends the public examination of the tentative assessment roll at times prescribed by law;

Receives complaints filed and transmits them to the Board of Assessment Review;

Prepares reports of assessment activities as required by the appointing authority or the State Board of Equalization and Assessment;

Provides school districts within the assessing unit a copy of the current pertinent portion of the assessment roll;

Supervises and trains appraisal staff members in the techniques of appraisal and assessment;

Reviews and makes determinations with respect to applications for tax exemptions.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL

CHARACTERISTICS: Good knowledge of making an appraisal of types of real property which are regularly sold; good knowledge of the theory, principles and practices of real property valuation and assessment; good knowledge of residential and commercial building construction methods, materials and their costs; good knowledge of laws governing the valuation and assessment of real property; good knowledge of deeds and related records; ability to make and review arithmetic computations with speed and accuracy; ability to establish and maintain effective working relationships with the public, municipal officials and the Assessment Review Board; ability to plan, work and supervise the work of others; integrity; tact; courtesy; good judgment; physical condition commensurate with the demands of the position.

-continued-

MINIMUM QUALIFICATIONS:

- (1)
 - (i) Graduation from high school or possession of an accredited high school equivalency diploma; AND
 - (ii) Two years of satisfactory full-time paid experience in an occupation involving the valuation of real property, such as Assessor, Appraiser, Valuation Data Manager, Real Property Appraisal Aide or the like; OR
- (2) Graduation from a regionally accredited two year college or university or one accredited by the New York State Board of Regents to grant degrees and one year of the experience described in subparagraph (1) (ii) of this subdivision; OR
- (3) Graduation from a regionally accredited four year college or university or one accredited by the New York State Board of Regents to grant degrees and six months of the experience described in subparagraph (1) (ii) of this subdivision or graduation from a regionally accredited four year college or university or one accredited by the New York State Board of Regents to grant degrees and a written commitment from the County Director that the County will provide training in assessment administration, approved by the New York State Office of Real Property Tax Services, within a six month period; OR
- (4) Certification by the New York State Office of Real Property Tax Services as a candidate for assessor.
- (5) In evaluating the experience described in subparagraph (1) (ii) of this subdivision, the following conditions shall apply:
 - (i) If the assessor has been previously certified by the New York State Office of Real Property Tax Services as a State certified assessor pursuant to Subpart 8188-2.1 of this Subpart while serving as an elected assessor, such certification is equivalent to one year of the experience described in subparagraph (1) (ii) of this subdivision if it has not expired;
 - (ii) For the purpose of crediting full-time paid experience, a minimum of thirty hours per week shall be deemed as full-time employment;
 - (iii) Three years of part-time paid experience as Sole Assessor or as Chairman of the Board of Assessors shall be credited as one year of full-time paid experience, and five years of part-time paid experience as a member of a Board of Assessors shall be credited as one year of full-time paid experience. Additional paid part-time experience in excess of these amounts shall be credited;
 - (iv) Volunteer experience in an Assessor's office may be credited as paid experience to the extent that it includes tasks such as data collection; calculation of value estimates; preparation of preliminary valuation reports; providing routine assessment information to a computer center; public relations; and review of value estimates, computer output and exemption applications; AND
 - (v) In no case shall less than six months of the experience described in subparagraph (1) (ii) of this subdivision be acceptable with the exception of County training as provided for in paragraph (3) of this subdivision.

SPECIAL REQUIREMENT: Possess and maintain a valid driver's license.

NOTE: In the Town of Deerpark, records and transcribes minutes of Police Commission meetings.

NOTE: In Accordance with Part 8188 of the Rules and Regulations of the New York State Office of Real Property Tax Services, the New York State Office of Real Property Tax Services must approve the application of a candidate for Assessor prior to appointment. No person may be appointed Assessor until the New York State Office of Real Property Tax Services has determined he/she is qualified. A copy of the New York State Office of Real Property Tax Services qualification determination letter must be received prior to the appointment taking effect.

REVISED: 12/22/14 dp