

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
JANUARY 5, 2026**

**11,038**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, January 5, 2026, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard. Trustees: Barry Cheney, Carly Foster, Thomas McKnight, and Mary Collura. Also, present was Deputy Village Clerk, Jennifer Mante and Village Attorney, Benjamin Gailey. Others present, Steph Kowalsky, Jay Westerveld, Donna Kipp, Neil DeMarino, Peggy Wasnieski, Megan Cooke, Elissa Velez, Brian Friedler, Linda Faccone, Matt Sullivan, Pramilla Malick, Michelle Aliffi, Frank Aliffi, Colleen Daly, and others; approximately sixteen in attendance.

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

Mayor Newhard opened the meeting and welcomed those in attendance. He stated that it had been an intense week for the Village following the Battery Energy Storage System fire that occurred on December 19, 2025, noting that information related to the incident had been widely reported and remained available on the Village website, social media, and through local news outlets.

Mayor Newhard outlined actions taken by the Village since the incident, including requiring Convergent Energy to bear all costs associated with cleanup, testing, engineering, and police services; enforcing a Notice of Violation and condemnation order issued by the Building Department; pursuing additional environmental testing to ensure public safety; retaining an independent consulting engineer for third-party review; and continuing to seek accountability regarding the unauthorized operation of the facility.

Mayor Newhard stated that legal counsel had been invited to attend the meeting for the purpose of entering into executive session. He apologized to those in attendance for the interruption and explained that it was necessary for the Board to consult with counsel before taking further action on the matter.

**Executive Session**

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney and carried to enter into Executive Session to seek confidential advice of counsel.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Aye    Mayor Newhard Aye

In Executive Session: Mayor Newhard, Trustee Cheney, Trustee Foster, Trustee McKnight, Trustee Collura, and Village Attorney Benjamin Gailey.

**Exit Executive Session**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to exit Executive Session and resume the regular meeting at approximately 8:00 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Mayor Newhard explained that executive session was necessary in order for the Board, as a quorum, to confer with legal counsel regarding the battery fire incident. He stated that one outcome of those discussions was the Board's intent to move forward with a local law to prohibit any new Battery Energy Storage Systems within the Village. Mayor Newhard indicated that Village counsel would prepare the proposed local law, which would be subject to a public hearing. He further stated that the Village intended to pursue all available legal remedies at the local, county, and potentially state levels.

Village Attorney, Benjamin Gailey advised that the Village had already initiated an investigation into the facility, including submitting Freedom of Information Law requests to multiple agencies.

Mayor Newhard noted that the Village was awaiting an air quality report from Orange County Hazardous Materials, which would be shared publicly once received. He also stated that Orange and Rockland Utilities (O&R) had been invited to participate in discussions, as they were a key party in the matter along with the battery storage operator, Convergent Energy and Power, and manufacturer, Powin.

Trustee McKnight expanded on the history of the project, stating that in 2019 Orange and Rockland issued a request for proposals and selected the project developer. He emphasized that the facility was constructed on private property and provided no direct benefit to the Village, while placing risk on the public. Trustee McKnight raised questions regarding the due diligence conducted by Orange and Rockland, including whether questions were asked about the manufacturer, engineering design, permitting, and certificates of compliance prior to grid connection. He stated that the Village had not seen evidence of authorization to operate and questioned when and how the facility was connected to the grid.

Trustee McKnight reported that he had submitted FOIL (Freedom of Information Law) requests to the New York State Public Service Commission, Department of Public Service, New York State Energy Research and Development Authority, New York State Department of Environmental Conservation, and Orange County Emergency Services. He also referenced documents obtained from the Warwick Valley Central School District related to a similar facility. Trustee McKnight stated that the Village was in the process of retaining an independent consulting engineer to assist with environmental and technical review.

A member of the public asked whether the Village would be using a different consulting engineer than the one retained by the school district.

Mayor Newhard responded that he believed the Village would be using a different engineer.

Mayor Newhard stated that the Board would proceed with the remainder of the meeting agenda before opening the floor to public comment.

Following routine agenda items, Mayor Newhard opened the public comment period, noting that while public comment typically pertains to agenda items, the Board welcomed comments related to the battery fire incident.

### **Acceptance of Minutes**

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney and carried for the Acceptance of Minutes: December 12, 15, 16, and 17, 2025.

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

Trustee Cheney Aye 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 Cheney, seconded by Trustee Collura and carried for Authorization to Pay all Approved and Audited Claims in the amount of \$310,938.35.

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

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

**Correspondence**

1. 2025 Wickham Works Impact Report.
2. Report from Village Engineer, Keith Woodruff, regarding the special use permit application for the proposed residential building at 30 Brady Road.

**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.

Pramilla Malick with Protect Orange County asked whether the proposed ban on new battery facilities would also prevent existing facilities from obtaining certificates of compliance and whether the Village could ensure the facility was shut down.

Mayor Newhard responded that those questions involved legal issues he could not answer at that time, but stated that the Village was actively exploring its options.

Ms. Malick asked whether the facility had undergone SEQR review and whether any permits were required, given that it had been constructed on private land.

Mayor Newhard responded that it did go through the Planning Board process and that a SEQR review was conducted.

Ms. Malick asked whether the Village Planning Board had granted a special use permit for the

facility.

Mayor Newhard responded that it was located in a light industrial zone and that energy infrastructure was considered an allowed use.

Ms. Malick asked whether battery storage had already been permitted under the Village's zoning laws.

Mayor Newhard responded that it was permitted, but noted that there were questions as to why and how that provision was interpreted at the time.

Ms. Malick asked whether the statute relied upon for the approval had been misinterpreted.

Village Attorney Gailey responded that the Mayor was not stating that the statute had been misinterpreted, but rather that the Planning Board had approved the project.

Ms. Malick asked whether there was any process by which the Planning Board's approval could be rescinded.

Village Attorney Gailey responded that, typically, the answer is no, explaining that it would be an enforcement matter rather than a Planning Board matter.

Ms. Malick asked whether public health statutes could be invoked when a situation posed a risk to public health.

Village Attorney Gailey stated that such action would require proceeding through either an administrative hearing or a judicial process.

Trustee McKnight referenced three Planning Board meetings that were held in 2020 where the project was discussed and advised that those minutes were available on the Village website.

Ms. Malick stated that the presentation made it seem as though the Village did not have jurisdiction or authority over the matter, but that it appeared there had been some level of jurisdiction.

Village Attorney Gailey stated that Planning Board approval was required and had been obtained by Convergent.

Ms. Malick asked if any zoning variances were required.

Village Attorney Gailey did not believe zoning variances were required.

Ms. Malick asked whether, at that time, the Village could prohibit the facility from making repairs and reconnecting to the grid.

Trustee Foster responded that it was a possibility and that the matter was being explored.

Ms. Malick asked, with respect to air quality testing, whether Orange County Hazardous Materials conducted air monitoring and, if so, what equipment and protocols were used.

Trustee Cheney stated that the Village expected to receive that information when Orange County provided its report.

Ms. Malick asked whether the Village had any input into the air quality testing and whether the Village requested specific testing.

Trustee Cheney stated that the scene was under the direction of the Warwick Fire Department, which was in charge of the event and made the request for Orange County to deploy its Hazardous Materials unit. He stated that Orange County would know what was tested and where, and noted that the Mayor had asked the County to place a monitoring site away from the immediate location of the fire.

Ms. Malick stated that the gold standard for air quality testing in such an event would be to take grab samples of air both upwind and downwind, place the samples in canisters, and send them to a laboratory for testing for a wide range of chemicals. She stated that anything less than that would not constitute proper air quality testing. Ms. Malick also asked whether PurpleAir particulate matter monitors had previously been placed in the Village during approval of the CPV plant and inquired as to their current status and location.

Mayor Newhard stated that he was not sure, and the Board discussed whether the monitors had been installed in the Town rather than within the Village.

Ms. Malick stated that she did not know whether the monitor was installed by the Town or the Village, but that members of her organization had indicated that one was being installed in connection with CPV to monitor air quality. She stated that if the monitor was operating and functional, it could have detected particulate matter from the battery fire. Ms. Malick added that if grab sampling was not conducted, the remaining option would be extensive soil and water testing. She stated that she would not trust Convergent to select a random testing organization and said the testing should be conducted by a vetted firm with no industry connection, and should be as stringent as possible.

Trustee Foster asked what the gold standard testing method was called, referencing the grab sampling described.

Ms. Malick stated that the method was called summa canister testing, clarified the term, and noted that she was unsure whether it remained viable two weeks after the event, but believed it might still be possible due to lingering odors in the area.

Trustee Foster stated that strong odors were reported in her neighborhood the night of the event and confirmed that follow-up with Orange County Hazardous Materials was necessary to understand the testing methods used.

Ms. Malick stated that another significant potential risk was hydrofluoric acid deposits in the area. She asked whether the batteries involved were lithium iron phosphate batteries and whether that was the same chemical composition as the batteries used at the school. After receiving confirmation, she stated that she had nothing further to add at that time.

Megan Cooke stated that she appreciated the Board's discussion, particularly the possibility of permanently banning battery storage facilities, and said that Convergent had been a stain on the Village's history. She clarified her name and stated that she was not opposed to environmental initiatives, noting that she had been a special education teacher and had run a hydroponics program. She said she supported environmental efforts and referenced initiatives that would be highlighted later in the meeting through Wickham Works.

Ms. Cooke stated that while she understood the facility was located on private property and that there was currently no operational oversight, the Village was not powerless when the project originally came before it. She said that under state law, through the State Environmental Quality Review Act (SEQR), the Planning Board, as lead agency, had the authority to issue a positive declaration, require a full environmental impact statement, and require a thorough examination of site suitability, safety risks, emergency response capacity, and alternatives. She stated that instead, the project proceeded with a negative declaration and site plan approval that provided no ongoing operational oversight once the facility was built.

Ms. Cooke stated that this decision was significant because once the facility was approved on private property, the Village relinquished most of its leverage, which she said was why the Village was now in a reactive position after problems had already occurred, noting that incidents had happened twice at the facility. She stated that she brings her two-year-old child to music classes on the property and expressed concern that the site also shared space with a dance studio and two gyms.

Ms. Cooke asked why a negative declaration had been issued rather than a positive declaration. She also asked whether the public could be provided with a complete Environmental Assessment Form, stating that when she reviewed the Village website, only Part 1 was available, Part 2 was incomplete, and Part 3 was missing entirely. She stated that she had emailed the Village Clerk regarding the issue and acknowledged that the Clerk had been on vacation. She said it would be

easier for the public to access the complete form rather than submitting a Freedom of Information Law request.

Ms. Cooke stated that she was confused by the process and said it felt rushed, not only by the Village. She stated that she had reviewed the records and noted that the Board had asked many difficult questions early in the process. She alleged that representatives of Convergent had engaged in gaslighting and deflection and stated that the Village had been made to look foolish. She questioned at what point the Village should say that enough was enough.

Ms. Cooke stated that she believed the situation could have been prevented if more time had been taken and a positive declaration issued. She noted that this was the first battery storage facility in the Village, that the technology was new, that the Centipede system was used, and that there was no prior experience with it, which she stated created many opportunities for failure. She concluded by stating that those were her main concerns.

Trustee Foster stated that she believed this was something the Village could also ask the consulting engineer to review, noting that she had the same question as to why a full Environmental Impact Statement was not required, and that while the Planning Board determined it was unnecessary, she wanted a better understanding of the reasoning behind that decision.

Trustee Cheney clarified that the Planning Board's approval was initially based on a different battery system, a GE system, than what was ultimately installed.

Ms. Cooke stated that the project later switched to Powin and that the Village was not made aware of the change, recalling Board members asking when that occurred. She stated that Powin did not pay its contractors and that approximately \$500,000 in liens were filed against the property at 28 Church Street as a result. She stated that the first lien was sent to the property owner and that Convergent then worked with its insurance company to post a bond, which removed the lien from the property, although the money was still owed. Ms. Cooke stated that Powin declared bankruptcy approximately one month later and that a few months after that, additional liens were filed.

Ms. Cooke stated that she understood the facility was located on private property but asked whether the Village was in communication with the property owner, whether there was any oversight by the owner, what the terms of the lease were, and whether the property owner's ability to act was limited by the lease.

Ms. Cooke stated that the \$500,000 facility was a dangerous "white elephant" and said that it further demonstrated how dangerous Convergent was. She stated that it was not a good company for the Village to be working with, described it as a significant liability, and said she did not

want the Village to allow the facility to remain in place until something more serious occurred before action was taken. She concluded by thanking the Board.

Matt Sullivan stated that he lived in the Village and wanted to acknowledge that the Board had been through a great deal of stress during the past week, particularly during the holiday season, and that he recognized the many responsibilities carried by the Board and that those responsibilities were taken seriously. He stated that the incident felt like the Village had “dodged a bullet,” but that it highlighted one of the primary responsibilities of the Village Board, which was the health and safety of Village residents, and that no other entity could assume that responsibility. He stated that the responsibility ultimately rested with the Board.

Mr. Sullivan stated that he was not familiar with all of the Planning Board interactions and did not wish to place blame, noting that unforeseen situations occur and that mistakes can happen. He stated that his concern was that the Village treat the incident as a lesson moving forward. He said that this was not the only hazardous situation within the Village and that the level of scrutiny applied to such facilities should be revisited, stating that more scrutiny is sometimes given to smaller matters than was given to this facility.

Mr. Sullivan stated that while responsibility is often delegated to boards such as the Planning Board, something was clearly missed. He referenced Jones Chemical as a major hazardous facility within the Village and stated that while he did not wish to single it out, he had lived in the Village for 30 years and was aware of it, and believed that not all residents were. He stated that improved communication with Village residents regarding potential hazards was important and that what occurred with the battery facility was minor compared to what could potentially occur at other hazardous sites. He concluded by emphasizing the importance of communication and heightened awareness regarding the health and safety of Village residents.

Steph Kowalsky stated that she had several questions and noted that she had emailed them to the Village Clerk. She stated that there were many discrepancies online between information released by the Village, information distributed by the Town through Supervisor Jesse Dwyer, and media reports. She asked when the fire started on the 19th and how long it continued.

Mayor Newhard stated that by Monday the fire had essentially stopped, and that by Tuesday crews were brought on site once temperatures had dropped to a sufficiently low level.

Ms. Kowalsky confirmed the fire lasted more than 24 hours. She then asked how the fire was reported, stating that the Fire Department heard an alarm and contacted Warwick, and asked whether there was an alarm system that automatically notified emergency services or whether no such alarm was in place.

Mayor Newhard stated that there was an internal alarm system used by Powin to monitor

temperatures.

Ms. Kowalsky stated that during a similar incident on school property, an alarm had been sounding for approximately a week and a half before a fire occurred, but the alarm only notified Powin and did not alert emergency services. She stated that residents had contacted the Warwick Police Department after hearing the alarm, and the Police Department then contacted the Fire Department, but that there was confusion about how to respond. She stated that as a result of that incident, the school required the alarm system to be connected directly to the school so staff would be notified when it activated.

Ms. Kowalsky stated that in the current situation, the alarm only notified Powin, which she noted had gone bankrupt and been sold to another company, and that as a result the alarm effectively went nowhere. She stated that this was the second fire at the facility and that after the first incident, the Village should have required additional safety measures. She stated that the incidents occurred around the same time as the school incident.

Ms. Kowalsky stated that she appreciated the Village's transparency and said it exceeded that of the school board, which she stated she had observed by attending those meetings. She stated that the situation could have been much worse and warned that a future incident could be significantly more serious. She stated that she had been near the site recently on multiple occasions and that there was still an odor present. She stated that because Board members live in the Village and are also affected by the odors, they were taking stronger action.

Trustee McKnight stated that the important point was that the facility never had authority to be turned on and was not authorized to operate. He stated that while alarms and monitors were important, the issue was that the facility was not supposed to be connected at all. He stated that the original emergency response plans submitted by the applicant referenced different equipment and included decommissioning plans. He stated that when Convergent appeared before the Village and provided its compliance read statement, he had questioned why there had been a switch in equipment and was told it was due to COVID-era supply chain issues. He added that, as had since become evident, further issues arose upon review of that explanation.

Ms. Kowalsky stated that it was also said that the change was made to meet Orange and Rockland's timeline and that Orange and Rockland later stated they would never have asked for an unsafe product to be delivered. She stated that the situation had become a "ping pong" of blame and deflection, with accountability being passed back and forth, and expressed concern that public health was being treated as a secondary consideration.

Mayor Newhard stated that Ms. Kowalsky was correct with Orange and Rockland's accountability and agreed with her comment.

Ms. Kowalsky asked another question, stating that the Planning Board had interpreted a section of the code, which led to the issuance of a negative declaration, and asked whether it was known specifically which code provision was relied upon so that it could be reviewed.

Mayor Newhard stated that the provision would be found in the Village's zoning code, which was available online. He added that the facility was located in a light industrial zone.

Trustee McKnight stated that he would provide dates for Planning Board meetings for reference, including July 14, August 11, September 8, November 10, and December 8 of 2020. He stated that Convergent appeared before the Planning Board on those dates and noted that the meeting notes were written in a transcript-style format. He encouraged reviewing those records and stated that he had spent the entire weekend reviewing the old records to understand exactly what occurred.

Trustee McKnight stated that on multiple occasions, multiple Planning Board members indicated that more information was needed regarding security risks. He stated that many of those concerns were dismissed and that the Board had to raise the same questions over multiple meetings before Convergent ultimately provided a one-page letter stating that there had been no incidents. He stated that at the same time, Convergent represented that it had worked with Powin before and that Powin was not an unknown manufacturer, which he stated was not accurate.

Trustee McKnight stated that Powin was able to undercut GE and other manufacturers due to supply chain issues, noting that batteries were sourced from China and Taiwan and then assembled in Monterrey, Mexico. He stated that Convergent represented that this approach allowed for lower costs and faster delivery. He stated that the relationship and timeline between Orange and Rockland and Convergent were not fully known and offered his personal opinion that incentives between the parties were aligned.

Trustee McKnight stated that these representations did not align with the emergency response plans that were submitted. He stated that the Planning Board, including its attorney, engineer, multiple Board members, and himself, repeatedly asked about security risks, and that those questions were repeatedly deflected. He stated that in order to keep the project moving forward, the long-form Environmental Assessment Form was completed, and noted that questions remained regarding where all portions of that form were located. He stated that he intended to review that further.

Trustee McKnight stated that discussions at the time focused on checklist items, such as light pollution and environmental impacts, while questions regarding public health and safety risks remained unanswered. He stated that one Planning Board member, Kerry Boland, asked what would happen if the facility exploded, and that the response deflected the substance of the question by referencing mechanical or transformer-related issues rather than addressing broader

public health and safety risks.

Trustee McKnight stated that a letter was submitted in November indicating that Convergent had experience with Powin, but that upon further examination and after the first fire, it was revealed that the facility was Powin's first Centipede model installation.

Ms. Kowalsky stated that, based on what Trustee McKnight had described, she questioned why the Village was not legally able to cancel or rescind the Planning Board's approvals. She stated that, in her view, the information provided to the Planning Board was false, that the company did not act in good faith, and that its actions were deceitful. She stated that due diligence was not properly performed and questioned whether the property owner may have taken illegal actions or skipped required steps to allow the facility on the property. She compared the situation to the extensive steps required for a homeowner to place a shed on their property.

Trustee McKnight stated that the issues being raised were the reason the Village needed to meet with legal counsel.

Ms. Kowalsky stated that she wanted to confirm that the issues were being considered, noting that she heard the Village condemn the situation, but expressed concern that after testing was completed, the facility could potentially reconnect and resume operations.

Trustee McKnight stated that he wanted to point out that the New York State Fire Code issued updates on December 31, incorporating recommendations from the Battery Energy Storage System working group as a direct result of several battery fires, including one upstate. He stated that the working group recognized the lack of federal or state oversight and determined that additional requirements needed to be incorporated into the fire code.

Trustee McKnight also stated that many of the questions being raised now, which had previously been dismissed, formed the basis of the new fire code provisions. He stated that he had reviewed the updated fire codes and clarified that he was not a lawyer and was not commenting on legal recourse, but stated that under the updated fire code, there were significantly more requirements that facilities would now need to consider in order to be compliant, which were not in place at the time of the facility's approval.

Ms. Kowalsky asked whether, if the Village were to pursue legal action, that decision would require a vote by residents.

It was stated that such a decision would be made by the Board.

Colleen Daly stated that she had a question regarding the process going forward. She stated that it appeared there had been missteps and that, in attempting to find information, she was unable to

locate what she was looking for on the Village website and stated that it appeared incomplete, which gave the impression of ineptitude or a lack of work by the Planning Board, clarifying that she was not stating the work was not done, but that it was not reflected on the website.

Ms. Daly asked whether, moving forward, there would be a series of checks and balances between the boards. She asked what requirements or qualifications were necessary for individuals serving on the Planning Board and how decisions such as issuing a negative SEQR declaration were made. She requested an explanation in lay terms regarding the qualifications and authority of Planning Board members to make such determinations.

Mayor Newhard stated that the Village has encouraged greater cross-pollination among boards to improve awareness of ongoing matters, particularly through the sharing of minutes and agendas. He stated that Board members receive the agendas of the Planning Board, the Zoning Board of Appeals, and the Architectural Review Board, and that liaisons are assigned to each of those boards. He stated that there was a significant amount of coordination in place and added that one thing that had become clear to him was that this technology is a step ahead of public safety and that this was the Village's greatest concern.

Ms. Daly stated that her ultimate question was whether, going forward, projects would be approved if there were concerns or unknown factors. She stated that she felt the project should not have been approved by the Planning Board because there were many unanswered questions, and said she did not understand why approval was granted.

Mayor Newhard stated that he could not answer that question, but said that the Village would review every legal option available in order to thoroughly investigate the matter, noting that the Board was uncomfortable with the facility being located in the Village.

Trustee Foster stated that the Village was now five years removed from the Planning Board's initial approval in 2020. She stated that, in looking back, it was concerning how questions raised by board members appeared to have been handled. She noted that when community members serving on boards ask questions and are made to feel that their questions are unreasonable or insignificant, they may be more inclined to defer or back down. She stated that, as a Village, and across all boards, there would be greater awareness going forward that such responses can be a tactic.

Mayor Newhard stated that the certificate of compliance was not issued because the Village's engineer and Building Inspector were holding Convergent accountable for safety precautions.

Ms. Daly asked whether the facility was subject to fines, including potential daily fines, for being out of compliance. She stated that she was aware that in some situations there can be significant daily penalties for noncompliance or for operating while not in compliance.

Village Attorney Gailey stated that the facility was subject to fines.

Ms. Daly asked whether the Village would place a lien on the property or whether enforcement action would be directed solely at Convergent.

Village Attorney Gailey stated that the Village could not directly place a lien on the property, but that after proceeding through the judicial process and obtaining a judgment, that judgment would become a lien against the property.

Donna Kipp asked whether the issues being discussed also applied to the battery facility located on school property, or whether that was a separate matter altogether.

Mayor Newhard stated that the facility on school property was under the Town's jurisdiction, but that the Town was reviewing the matter carefully. He stated that the Town had a task force examining the issue as part of a zoning rewrite. He noted that the school district functions as a separate entity.

Ms. Kowalsky stated that school districts could face significant financial loss because they entered into three 10-year lease terms, and that the leases could only be canceled after the second 10-year term, meaning the facilities would remain in place for at least 20 years. She stated that for privately owned facilities to be removed, there would need to be a finding of fraud.

Ms. Malick stated that she had additional thoughts and said she had been reviewing the new NFPA (National Fire Protection Association) requirements for 2026. She stated that she was unsure whether the facility would be grandfathered under those requirements, but noted that through zoning, the Village could require retrofitting for life safety hazards. She stated that the Village could implement inspection, compliance, and reporting requirements, as well as gas detection, fire suppression requirements, emergency shutdown upgrades, and an emergency response interface panel, and emphasized that there were many actions the Village could take.

Trustee Cheney asked which sections were being referenced.

Ms. Malick stated that she was generally reviewing the requirements and conducting a broad review of the Village's authority as a zoning agency under its zoning code. She stated that there was a legal question as to whether the facility would be grandfathered, but noted that if there had been changes to the facility's initial profile, it could lose any grandfathered status. She stated that, based on what had been described, the facility had changed substantially from what was originally approved.

Ms. Malick stated that even if the facility claimed it was grandfathered, the Village could argue that it was not due to those changes, and that even if it were ultimately deemed grandfathered,

the Village could still implement additional zoning requirements to protect public health and safety. She stated that through zoning regulations, the Village could impose requirements that would increase safety and make continued operation more difficult if necessary.

Mayor Newhard thanked the speaker.

Mr. Sullivan asked what the purpose of the storage facility was.

Mayor Newhard stated that the purpose of the storage facility was to be used when there was a need for energy, such as during peak demand periods in the summer, so that it could be used as an energy source at those times.

Mr. Sullivan received confirmation that the facility was part of the Orange and Rockland power grid.

Trustee Cheney stated that the issue was specific to Orange and Rockland's service within the Village, and that this was why Orange and Rockland believed the facility was necessary.

Trustee Foster stated that the Board had asked Orange and Rockland questions when they appeared before the Board, including questions about the purpose of the facility and what alternatives might exist. She stated that the Board had also asked about timing and how Orange and Rockland would meet capacity needs, noting that the utility was dealing with capacity issues.

Mr. Sullivan asked whether the need for the local energy storage facility was in any way related to insufficient power generation capacity in New York State and whether that was driving the demand for local energy storage.

Trustee Cheney stated that, to his understanding, the issue related to transmission rather than power generation. He stated that the substation at Wisner served the area, with the next closest substation located in Minisink, and that there was a significant area in between that needed service. He stated that Orange and Rockland had difficulty serving that area and viewed the battery storage facility as a stopgap measure.

Trustee Cheney further stated that Orange and Rockland owned a substantial parcel of property across from the school bus garage, which had been intended for use as a new substation.

Ms. Malick asked whether the facility was not necessarily intended to serve residents of Warwick specifically, but rather the power grid more broadly.

Trustee Cheney stated that, based on how it had been explained, the facility was intended to address shortfalls in electrical availability related to resiliency issues, such as supplying power if

outages occurred in certain areas.

Ms. Malick stated that Orange and Rockland could not accurately say that the facility was specifically for Warwick, as once the electricity enters the grid, it flows broadly rather than being directed to a specific location.

Trustee Cheney stated that the purpose, as it had been explained, was that if there were an issue nearby, the facility would be able to provide power during a shortfall caused by a problem in the grid or due to overuse.

Ms. Malick stated that the power would flow into Zone G, which she said covered a much wider area. She stated that, in her view, the broader issue was that after the State shut down Indian Point, approximately 2,000 megawatts of power were lost, resulting in power shortages. She stated that solar farms were being constructed to compensate, but that solar energy is intermittent, producing power on sunny days but not during cloudy or rainy conditions, making storage necessary.

Ms. Malick stated that she was upset that Orange County was being sacrificed due to state-level decisions and questioned where local elected officials were in pushing back against the State. She stated that Orange County is a rural county and described it as being increasingly burdened by infrastructure, including pipelines, substations, compressor stations, solar farms, and battery energy storage systems. She questioned when it would end and stated that she believed Orange County had already been sacrificed enough.

Ms. Daly stated that the situation was being masked as green energy.

Ms. Malick stated that she had one additional question, noting that Orange and Rockland owned property across from the school that had been intended for use as a substation. She stated that she had asked the school why that substation was not built and why the battery facility was instead located at the school. She stated that it had been explained to her off the record that the alternative was cheaper and avoided regulatory hurdles, and noted that Town Supervisor Jesse Dwyer had since stated that publicly.

Ms. Malick stated that it was her understanding that there was little ability to compel Orange and Rockland to take a different course of action, and that the utility effectively operated above local control. She stated that there was no way to require Orange and Rockland to demonstrate that the battery storage facility was actually storing energy or operating during peak usage times, noting that there was no data or proof available. She stated that, as a result, the Village could not simply tell the utility that battery storage facilities were no longer acceptable and require Orange and Rockland to build a substation instead.

Mayor Newhard stated that implementing a ban would have the same effect.

Trustee Foster stated that Orange and Rockland had communicated that a substation was their long-term plan, and that they had stated that if the battery storage facility did not work out for any reason, they would accelerate that plan, which was what had been communicated to the Board during that meeting.

Ms. Malick asked whether Orange and Rockland had provided a specific timeframe for that plan, such as whether it would be ten years.

Trustee Cheney stated that, thinking back, he believed he first heard about plans for a substation at least ten years ago, though he was unsure when the property acquisition occurred.

Ms. Kowalsky asked whether the presence of the storage facility had made the Village eligible for any grants, and whether the Village had received any benefit as a result.

Trustee Cheney stated that, in fact, the Village lost revenue because the facility received a tax break through the Industrial Development Agency.

Ms. Malick stated that the Board should ask Orange and Rockland about the costs, noting that the utility increased rates the previous year and that rates were increasing again. She stated that Orange and Rockland attributed those increases to renewable energy infrastructure and expressed concern that ratepayers were being charged for infrastructure that posed health risks. She stated that it was unfair for ratepayers to bear those costs, particularly if the facility was also receiving a tax break.

Trustee Cheney stated that both Orange and Rockland and Convergent received the tax break.

Ms. Malick stated that, at the end of the day, Orange and Rockland charged the public, and that in her view they were “double dipping” by taking from the public in two different ways.

Trustee Foster stated that it was important for the Board to get Orange and Rockland to attend, noting that the Mayor had asked them to come, and that it was important to have these conversations with them in a public forum.

Mayor Newhard stated that the Board might hold the discussion as a work session, noting that it would still be a public meeting, but would allow the Board to focus specifically on that issue, as there were other items on the regular meeting agenda.

Ms. Malick asked whether work sessions did not allow for public questions.

Trustee Cheney stated that, generally, work sessions do not include public questions.

Mayor Newhard and Trustee Foster added that the Board has, at times, opened them up.

Trustee Cheney stated that doing so is at the discretion of the Board.

Mayor Newhard thanked those in attendance and stated that he appreciated the questions, noting that the questions prompted further consideration and reflection, and that the Board itself had many questions as well.

Additional public comments were received on agenda items unrelated to the battery fire discussion.

An unidentified speaker asked whether the Warwick Commons development had already been approved.

Trustee Cheney stated that the Warwick Commons development had been approved decades ago and was currently under construction. He noted that the Village had addressed issues related to streets, including Brady Road, and that the developer had been required to address those concerns. He advised that any additional questions could be directed to the Building Department.

Colleen Daly asked a question regarding the agenda item involving a motion related to LaBella Associates for Warwick Commons Phase 5.

Trustee Cheney explained that for commercial and multi-family developments, the Village retains a professional engineer to review documents related to code enforcement. He stated that the engineer the Village had used for many years, including during earlier phases of Warwick Commons, left private practice and joined LaBella Associates. He clarified that LaBella Associates was not the developer's engineer, noting that Collier Engineering worked for the developer. Trustee Cheney stated that Martin Rogers had moved from his own firm to LaBella, and that the proposed agreement was simply to continue the Village's engineering oversight through the firm where he was now employed.

There were no further public comments.

**Hire Full Time Laborer – Jose Diaz**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to hire Jose Diaz to the position of Full Time Laborer at the current Collective Bargaining rate, with the condition of obtaining a CDL within one year of hire date. Start date to be January 6, 2026, per

the recommendation of DPW Supervisor, Michael Moser.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

### **Intermunicipal Agreement – Millennium Strategies LLC**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to approve the Intermunicipal Agreement between the Village of Warwick and the Town of Warwick for provision of grant consulting services for calendar year 2026 from Millennium Strategies LLC in return for an annual payment to the Town of Five Thousand And 00/100 Dollars (\$5,000) and to authorize the Mayor to sign the Intermunicipal Agreement.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

### **Discussion**

Trustee McKnight stated that he had not worked specifically with Millennium Strategies and asked for clarification regarding the value of the services relative to the associated cost.

Mayor Newhard stated that Millennium did provide some value, noting that the cost was relatively modest. He stated that during work on the New York Forward application, Millennium served as a useful repository of information and helped assemble the application with significant guidance from the Village, and added that participation was necessary regardless.

Trustee Foster stated that she believed the Millennium contract was worthwhile, noting that the annual cost was \$5,000. She stated that Millennium monitors and alerts the Village to grant opportunities, which she described as a labor-intensive task that can be difficult to manage internally. She stated that Millennium's familiarity with grant programs allowed the Village to meet with them to discuss potential applications, assess competitiveness, engage directly with funding agencies, and assist in compiling applications. She stated that, given the scope of services provided, she believed the

contract represented good value to the Village.

**Intermunicipal Agreement – Adult-Use Cannabis Sales Tax Revenue - TABLED**

**MOTION** to approve the Intermunicipal Agreement between the Town of Warwick and the Village of Warwick for the sharing of adult-use cannabis sales tax revenue, under which the Village shall receive eighteen percent (18%) of the sales tax revenue generated from adult-use cannabis establishments located within the Town of Warwick; the agreement shall continue in perpetuity unless terminated by mutual agreement in accordance with its terms; and to authorize the Mayor to sign the same.

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

Trustee Cheney \_\_\_    Trustee Foster \_\_\_    Trustee Collura \_\_\_  
Trustee McKnight \_\_\_    Mayor Newhard \_\_\_

**Interfund Transfer - Maple Avenue Pump Station**

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight and carried to approve an interfund transfer from Infrastructure reserve funds to Capital Projects Fund - Maple Avenue PS Relocation, for the Maple Avenue Pump Station project approved on April 7, 2025.

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

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

**LaBella Associates, D.P.C. – Warwick Commons Stage 5**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney and carried to accept the proposal from LaBella Associates, D.P.C. dated December 16, 2025 to provide engineering services for Warwick Commons- Stage 5 Third-Party Building Code Review and Inspections- Building 4 and Clubhouse and authorize the Mayor to sign the Professional Services Agreement for On-Call Building Code Review Services.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Joseph Warren Electrical, Change Order #2 - Well #3 Treatment Plant Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to approve and authorize the Mayor to sign Change Order No. 2 with Joseph Warren Electrical LLC for the Well #3 Water Treatment Plant Electrical Contract for an electrical trench and new service at a cost of \$7,267.00. This cost will be covered by the project contingency as recommended by Pitingaro & Doetsch Consulting Engineers, P.C.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Spectrum Lease Agreement - Sensus USA Inc.**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to authorize the Mayor to execute and sign the Spectrum Lease Agreement between the Village of Warwick and Sensus USA Inc. and Sensus Spectrum, LLC, including any related FCC filings and associated documents necessary to effectuate the agreement, subject to review and approval by Village Counsel.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

**Public Comment – *Non-Agenda Items***

No comments.

### **Final Comments from the Board**

Trustee Cheney made final comments stating that most residents and customers of the Village water system had received a letter regarding the Lead Service Line Inventory being conducted. He explained that the content of the letter was largely dictated by the New York State Department of Health and did not always clearly explain the process. He stated that the Village had posted a more concise and explanatory document on the Village website to provide clearer information. He advised residents with questions to contact the Water Billing Clerk at Village Hall.

Trustee Cheney also noted that the Village remained in a drought despite recent rainfall. He added that recent reports showed some signs of recovery in the water system. He stated that the upper reservoir was full and overflowing, the lower reservoir remained at approximately the same level as it had been for the past three to four months, and the middle reservoir was down approximately 27 feet. Trustee Cheney stated that overflow from the upper reservoir would begin refilling the middle reservoir.

Trustee Foster reported that the backyard chicken survey, which was released with the winter newsletter, had received approximately 50 responses to date. She stated that the responses included both statistical data and written feedback, which would be shared with the committee and posted on the Village website along with other meeting materials.

Trustee Foster also reported that the Safe Streets for All project had a kickoff meeting scheduled with the stakeholder advisory group as part of the town-wide Transportation Safety Plan effort. She stated that a town-wide public meeting was anticipated for late January or early February.

Trustee Foster stated that planning was underway for the second annual Winter Wiggle event, which would be discussed further in the coming weeks. She stated that the event would again include a Safe Streets for All information table, opportunities for residents to learn about community initiatives, participation from multiple organizations, and food donated by local restaurants, and expressed enthusiasm for the event.

Trustee Collura provided final comments, beginning with a mental health check-in as the Village entered the post-holiday period and the winter months. She encouraged anyone in need of mental health support to reach out for help and reminded the public that the mental health crisis hotline, 988, is available 24/7.

Trustee Collura also announced that, as Vice President of the Town of Warwick Historical Society, she would be serving as Acting President through April 2026, at which time the Historical Society would hold its annual meeting and elect a new

President and Vice President. She stated that she would continue to serve as the Village's liaison to the Historical Society.

**Adjournment**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight and carried to adjourn the regular meeting at approximately 9:00 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

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Jennifer Mante, Deputy Village Clerk