

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
MARCH 2, 2026**

**11,129**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, March 2, 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. Others present, Brian Singer and Assistant DPW Supervisor Mike Finelli.

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

Mayor Newhard reported that, for the past several meetings following the Convergent fire, updates had been provided, and he offered a brief update that evening. He stated that the Village was working with legal counsel in preparation for a court appearance and the issuance of fines against Convergent as well as the owner of the property. He further reported that the Village was in discussions with the Governor's Office and would be participating in a joint phone conference with the New York State Energy Research and Development Authority (NYSERDA), as NYSERDA had expressed interest in learning more about the specifics of the incident. Mayor Newhard stated that it was important for NYSERDA to understand the public safety component, which he believed had been lacking.

Mayor Newhard also advised that he was working with Senator James Skoufis on potential legislation, likely to be introduced during the next legislative session. He explained that NYSERDA had recently issued new guidance in January regarding the safety and placement of battery energy storage systems, noting that such guidance had been released after many of these facilities had already been installed throughout New York State without that level of oversight. He stated that, while the guidance was now in place, it needed to be reviewed carefully by municipalities, particularly the Village, to determine whether it sufficiently addressed public safety concerns related to the proximity of such facilities to residential communities. Mayor Newhard concluded by stating that the matter would remain ongoing.

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

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried Authorization to Pay all Approved and Audited Claims in the amount of \$562,602.31.

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

**Announcements**

1. Public input is encouraged for the Townwide Transportation Safety Action Plan at upcoming Village-level meetings: Village of Greenwood Lake on March 7 at 10:00 a.m. (Greenwood Lake Senior Center, 132 Windermere Dr.), Village of Florida on March 7 at 2:00 p.m. (Florida Senior Center, 2 Cohen Circle), and Village of Warwick on March 10 at 6:00 p.m. (Albert Wisner Public Library Community Room, 1 McFarland Dr.), with an online survey available through March 15, 2026 at [www.warwicksafetyactionplan.com](http://www.warwicksafetyactionplan.com)
2. Village of Warwick St. Patrick Day Parade will be held on Sunday, March 8, 2026.

Trustee Collura reported that the parade would step off at 11:00 a.m. and announced that this year's Grand Marshal would be Theresa Mayer.

Mayor Newhard stated that the parade would begin at the St. Anthony Community Hospital parking lot and would proceed down Grand Street to Main Street and then continue down Orchard Street.

**Correspondence**

1. Letter from Jennifer VanDuzer regarding street parking along Woodside Drive and Crescent Avenue.

Trustee Cheney suggested the Department of Public Works (DPW) review the matter and that enforcement be discussed as part of the response. He noted that one of the concerns involved vehicles parking too close to a stop sign and stated that the law clearly specifies the required distance from a stop sign.

Mayor Newhard responded that the roadway in question did not have a shoulder stripe or a center line and was essentially just a paved road.

Mayor Newhard stated that he would have Mr. Moser and Mr. Finelli of DPW review the location and assess the situation.

**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.

Mr. Brian Singer, applicant for 67 South Street, addressed the Board regarding his request to recognize the property as a three-family dwelling. He stated that the building was currently taxed as a two-family but had historically been used as a three-family structure, including use of the attic and basement. He explained he had partnered with others to purchase the property and invest funds to rehabilitate the building, which he described as being in poor condition when purchased in October 2023.

Mr. Singer stated that on October 11, 2023, the Building Inspector, conducted a full site visit of the four-story building, which he stated was being used as a three-family structure at that time. He further stated that on October 23, 2023, he was issued a permit for a three-family building based upon plans submitted by Chris Collins reflecting a three-family configuration. He stated that construction then commenced and described the project as a sweat equity arrangement involving partners and workers associated with him. He stated that on December 18, 2024, a renewed permit was issued, and that the permit referenced plans submitted for a three-family structure. He further stated that throughout the course of construction, inspections were conducted in each apartment, including electrical, plumbing, insulation, and all other requirements applicable to a three-family structure, and that he paid for the required permits and inspections.

Mr. Singer stated that when he sought a Certificate of Occupancy, he was informed by the Building Inspector that the property had not been approved as a three-family dwelling and was considered only a two-family dwelling, requiring him to appear before the Village Board to seek approval. He stated that it took more than six months to receive that determination. He further asserted that documentation demonstrated the building had functioned as a three-family dwelling since the 1970s. He stated that, according to his research of Village records, the first Building Inspector was appointed in 1966 and that during the poor economic conditions of the 1960s and 1970s, the Village allowed large single-family homes to be converted to apartments as long as there were no additions or structural changes, and that this property fell into that category.

Mr. Singer referenced Local Law No. 7 of 1988, which he stated limited the zoning district to two-family dwellings as of July 16, 1988, and he asserted that any three-family use existing prior to that date should be considered pre-existing and nonconforming. He stated that the Village did not require approvals for such conversions prior to 1988 unless an addition was constructed or

structural changes were made, and that this property had never come before the Village Board for approval as a three-family dwelling. He further stated that the property had never been assessed or taxed as a three-family dwelling and remained taxed as a two-family dwelling. He stated that he was now seeking to have the building recognized and taxed as a three-family dwelling.

Mr. Singer stated the approval process would take one to two years and would require approximately \$7,000 in application fees to appear before the Village Board, Planning Board, and Architectural and Historic District Review Board, not including any appearance before the Zoning Board of Appeals. He further stated that the total cost of obtaining approvals could reach approximately \$20,000. He stated that one of the former tenants, who had lived in the building for 12 years and worked locally as a cook, had relocated to Virginia after being asked to vacate the unit, and that the apartment is now vacant. He further stated that many of his rental units are leased to Hispanic workers in the area at what he described as affordable rates. Mr. Singer concluded by stating that he would begin the approval process but maintained that, in his view, the property should already be recognized as a lawful three-family dwelling and that he should not be required to undergo the stated timeframes and expenses.

Mayor Newhard responded that the request required a Special Use Permit and stated that proceeding through that process was required.

Mr. Singer responded that, in addition to the Special Use Permit, he would also be required to appear before the Planning Board.

Mayor Newhard responded that the applications could be processed simultaneously.

Mr. Singer asked whether an appearance before the Zoning Board of Appeals would also be required.

Mayor Newhard responded that any determination regarding the Zoning Board of Appeals would be outside the authority of the Village Board.

Mr. Singer asked whether he would also be required to appear before the Architectural and Historic District Review Board.

Trustee Foster stated that he was not proposing any exterior changes at that time.

Mr. Singer responded that the building was finished.

Mayor Newhard responded that, if no exterior changes were being proposed and the work had been completed, he did not believe there would be a need for an appearance before the Architectural and Historic District Review Board.

Trustee Cheney stated that the matter on the agenda that evening was for the Board to receive and acknowledge receipt of Mr. Singer's application, after which it would be referred to the Village Engineer and the Village Attorney for review.

Mr. Singer stated that he did not believe his building was the only structure in the Village in a similar situation. He stated that, based on his own review, he had identified 57 buildings in the Village that, in his opinion, appeared to have a higher occupancy than what was reflected in their current tax classification. He stated that he made this determination by driving around the Village for approximately two hours and observing the number of mailboxes on buildings, as well as the number of electric and gas meters serving those properties. He stated that, in his view, such indicators suggested that some older structures contained more dwelling units than what they were being taxed for. He reiterated his position that his building's three-family use was pre-existing and questioned why he was required to undergo what he described as an extensive process and incur significant expense for what he believed to be a pre-existing condition.

Mayor Newhard responded that there was nothing in Mr. Singer's file, nor in the historical file for the building, that indicated the property had ever been approved or documented as a three-family dwelling.

Mr. Singer responded that formal approval was not required at the time. He stated that large, older buildings were allowed to be converted into multiple apartments due to economic conditions, including high utility costs in the 1970s. He referenced an example on Main Street, which he described as classified as a two-family dwelling but containing five occupancies. He stated that such conversions were common and occurred nationwide during that period. He further stated that the Village did not have a fully established Building Department at that time and that the Building Inspector between 1966 and 1973 served in a part-time capacity, coming in once a week.

Trustee Foster stated that she was new to the issue and asked for clarification, inquiring whether Mr. Singer had proceeded with renovations to the existing apartments.

Mr. Singer responded that he had completed a full renovation of the building, stating that the work was performed based on architectural plans and included installation of a sprinkler system and a complete interior gut renovation.

Trustee Foster stated that, in order to obtain a Certificate of Occupancy, the property classification would need to be corrected from a two-family to a three-family dwelling. It was

her understanding that the Village had no record indicating that a three-family use was pre-existing and asked whether Mr. Singer's position was that the three-family use was pre-existing, but that he did not have official records demonstrating that status.

Mr. Singer responded that it was difficult to produce formal documentation. He stated that photographs of the building supported his position and that, based on his experience in construction, the layout reflected a three-family configuration. He further stated that he had provided funding to two individuals he had employed for approximately 20 to 24 years so that they could become owners of the property, along with his wife's cousin. He stated that they wished to close out the project and obtain a mortgage, and that they are now the owners of the property.

Mr. Singer further stated that he could only obtain a mortgage on the property as a two-family dwelling and not as a three-family dwelling. He stated that the building had been fully renovated and described it as being in excellent condition. He reiterated that the tenant family had vacated the premises because, after approximately six months, the Building Department issued a letter stating that the unit could not be occupied as a legal three-family dwelling. He stated that, in his view, he had been issued permits and had submitted architectural plans identifying the building as a three-family structure with four total floors, and that the work complied with New York State Code requirements. He stated that it took six months to reach this point and asserted that any further process before the Village could take an additional one to two years. He further stated that total costs could range from approximately \$20,000 to \$25,000 by the time he retained an engineer, attorney, and surveyor and completed the required proceedings.

Trustee Foster stated that, as she understood it, Mr. Singer's concern was that he had not been notified earlier in the permitting process that the property's classification would be an issue, and that he believed the three-family use was a pre-existing, nonconforming use that should not require him to undergo the current approval process. She further stated that the Village's challenge was that there was no documentation in its records confirming that a three-family use had been previously approved.

Mr. Singer responded that he understood the Village's position but stated that the situation was not unique. Mr. Singer further stated that, in other municipalities, when a property is sold, the Building Department conducts an inspection to determine the existing conditions and occupancy of the structure. He acknowledged that taxpayers may not favor that approach but stated that such inspections identify what is actually present in the building.

Trustee Foster responded that such inspections are intended to occur as part of the normal process.

Mayor Newhard agreed.

Mr. Singer stated that he could trace the property's history back to 1984 and that he possessed a letter indicating the building was used as a three-family dwelling at that time. He further stated that in 1992, a local family, identified as Pat Rice, purchased the property as a three-family dwelling. He asserted that the three-family use had continued without any violations being issued and that, as a result, no issues would have arisen during title searches, since no violations were on record. He stated that, in his view, property owners would not voluntarily report that a building was being used as a three-family dwelling while being taxed as a two-family dwelling.

Trustee Foster stated that this was the first time the property had changed ownership during the tenure of the current Building Inspector.

Mr. Singer responded that the property came through the title search with no violations, and that his title report reflected no outstanding violations. He stated that, absent his effort to obtain a mortgage, the situation likely would have continued unchanged. He further stated that, based on his past experience as a firefighter and concerns regarding liability, he would not permit occupancy of the third unit once he was informed by the Building Department that the property was approved only as a two-family dwelling and not as a legal three-family dwelling. He stated that after receiving written notice from the Building Department, he required the tenant family to vacate the unit, and that the apartment would remain vacant. He stated that he would not allow occupancy while he proceeded before the relevant boards, given that he had been advised the property was classified as a two-family dwelling, even though he maintained that it had functioned as a three-family dwelling for many years. He reiterated that he believed he was not the only property owner in this situation but stated that, if he was going to renovate the building as a three-family dwelling, he wanted it to be fully legalized.

Trustee Foster stated that, procedurally, when the property changed ownership, it should have been inspected and any discrepancies in occupancy or classification should have been identified at that time.

Trustee McKnight responded by questioning why a change in ownership would automatically trigger an inspection. He stated that there is no requirement that a Building Inspector must inspect a property solely because it has been sold. He noted that a municipal search may occur in connection with a transfer of title, but stated that there is no provision requiring an inspection simply as a result of a sale.

Mayor Newhard stated that the Village would work with Mr. Singer to help expedite the process so that it would not require the amount of time or expense that Mr. Singer anticipated.

Mr. Singer stated that he intended to submit a check for \$3,000 for escrow, along with \$3,000 for the Planning Board, in addition to previously paid fees. He stated that, as of the following day, his total payments related to the application would amount to \$6,975.

Mayor Newhard responded that the \$3,000 referenced was being placed in escrow and had not been expended, and stated that the total cost would depend on how the process proceeds.

Mr. Singer responded that, based on his past experience, he had never received a refund of escrowed funds and stated that he was zero for four in ever getting money back.

Mayor Newhard reiterated that the Village would work to expedite the matter and resolve it properly so that the vacancy could be filled, the property could be legalized as appropriate, and Mr. Singer could obtain a Certificate of Occupancy and secure a mortgage.

Mr. Singer responded by thanking the Mayor.

There were no further comments.

**Payment #7 – TAM Enterprises, Inc. – Maple Avenue Booster Station Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to approve payment #7 in the amount of \$61,513.25 to TAM Enterprises, Inc. for the Relocation of the Maple Avenue Booster Station Project for bonds and insurance as per the recommendation of Village Engineer, Barton & Loguidice. Funds are appropriated in budget code H8320.2000.

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

**VILLAGE OF WARWICK BOARD OF TRUSTEES VOLUNTARY  
EMPLOYEE SEPARATION OFFER**

WHEREAS, it is in the interest of the Village and may be beneficial to employees to offer a voluntary separation incentive to full-time employees having twenty (20) or more years of full-time service with the Village.

NOW, THEREFORE, IT IS RESOLVED that the Village will offer a voluntary separation incentive payment of \$15,000.00 to full-time employees having at least twenty (20) years of full-time service with the Village, subject to the following terms:

An eligible employee must notify the Village Mayor on or before March 13, 2026, at 4:00 PM in writing of the employee's intent to leave Village service. The employee shall complete and sign the Voluntary Separation Incentive Payment Form and Waiver and deliver the completed Form to the Village Clerk's office by that date and time.

Employees who take advantage of this incentive shall be deemed either resigned or retired, as set forth by the employee on the Form, on the date set forth by the employee on the Form. The employee must separate from Village service on or before April 30, 2026.

The amount of the separation payment shall be subject to all usual and customary taxes and withholdings. Such payment shall not be used in the calculation of any retirement benefit calculated by the State Employees' Retirement System or other applicable retirement system.

The Village will make the voluntary separation payment within thirty (30) days after the employee's separation from Village service.

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

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

Barry Cheney, Trustee, voting	<u>Aye</u>
Carly Foster, Trustee, voting	<u>Aye</u>
Thomas McKnight, Trustee, voting	<u>Aye</u>
Mary Collura, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

**Discussion**

Trustee Cheney stated that the new resolution amended two dates, specifically the deadline by which notification must be provided and the date by which service must be discontinued.

Trustee Foster remarked that, although the revised notification period was shorter, eligible employees had been previously notified and were aware of the offer.

Trustee Cheney stated that the extension was made primarily in recognition of the difficulty employees may experience in obtaining necessary information from the New York State Retirement System in order to make an informed decision. He added that those employees who had expressed interest appeared to be progressing in that process.

**RESOLUTION SUPPORTING INCREASED AID TO MUNICIPALITIES AND STRENGTHENING NEW YORK'S STATE-LOCAL PARTNERSHIP**

**WHEREAS**, Governor Kathy Hochul released her 30-day amendments to the Executive Budget, which include an additional \$100 million in Temporary Municipal Assistance (TMA) to be allocated in the same manner as in the past two years; and

**WHEREAS**, these additional investments reflect a recognition that New York's strength begins in its cities, villages, and towns, and that a strong state-local partnership is essential to delivering the services, infrastructure, public safety, and quality of life that residents expect and deserve; and

**WHEREAS**, local governments across New York continue to face mounting fiscal pressures driven by inflation, increased service demands, infrastructure needs, and rising operational costs, while striving to provide relief to taxpayers amid a rising cost of living; and

**WHEREAS**, NYCOM Executive Director Barbara Van Epps, along with mayors from across the State, testified at the Local Government Joint Budget Hearing in Albany, advocating for increased unrestricted aid and a strengthened state-local partnership; and

**WHEREAS**, the additional \$100 million in TMA will offer meaningful assistance to many municipalities statewide, helping to address fiscal challenges and maintain essential services for residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Warwick applauds Governor Hochul for recognizing the importance of investing in local governments and for reaffirming her commitment to strengthening New York's cities and villages; and

**BE IT FURTHER RESOLVED**, that the Village of Warwick urges the New York State Legislature to include, at a minimum, this additional \$100 million in Temporary Municipal Assistance in the adopted state budget; and

**BE IT FURTHER RESOLVED**, that the Village of Warwick calls upon the Governor and the State Legislature to develop a more permanent and predictable solution for unrestricted municipal aid to ensure long-term fiscal stability for New York's local governments; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be transmitted to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, and the members of the State Legislature representing the Village of Warwick.

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

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

Barry Cheney, Trustee, voting Aye  
Carly Foster, Trustee, voting Aye  
Thomas McKnight, Trustee, voting Aye  
Mary Collura, Trustee, voting Aye  
Michael Newhard, Mayor, voting Aye

**Special Use Permit, Escrow – 67 South Street**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney and carried to acknowledge receipt of the Special Use Permit Application for 67 South Street, to set an escrow for processing of the application at \$3,000, and to refer the application to the Village Attorney and the Village’s Engineering Consultant for review and comment.

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

**Village View Estates Annexation – Escrow**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura and carried to establish an escrow account with Village View Estates in the amount of \$3,000 to finalize the Village View Estates Annexation that was originally approved June 21, 2021.

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

**Return of Zoning Board of Appeals Escrow – 24 Howe Street**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura and carried to return the Zoning Board of Appeals escrow balance of \$918.50 to David Jones for a shed variance approval at 24 Howe Street. All invoices have been paid as per emails from the Village Zoning Board Attorney.

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

**Return of Planning Board Escrow – 36 Colonial Avenue**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Foster and carried to return the Planning Board escrow balance of \$394.12 to Ilysa Memmer for a site plan approval at 36 Colonial Avenue. All invoices have been paid as per emails from the Village Engineer and Planning Board Attorney.

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

**RESOLUTION VILLAGE OF WARWICK BOARD OF TRUSTEES T-MOBILE  
SPECIAL USE PERMIT and SITE PLAN APPROVAL**

WHEREAS: The Board of Trustees of the Village of Warwick received an application on August 15, 2025 from T-Mobile Northeast LLC (“T-Mobile”) for a new special use permit and

an eligible facilities request to modify its existing telecommunications facility located on the roof of St. Anthony's Hospital at 15 Maple Avenue.

WHEREAS: The Board of Trustees previously granted special use permit approval to T-Mobile for its facility at this site, which required renewal by T-Mobile after five years and T-Mobile failed to renew it in time, therefore requiring T-Mobile to apply for a new special use permit.

WHEREAS: T-Mobile has applied for an eligible facilities request, which is a request to modify, replace or collocate transmission equipment on an existing telecommunications facility. T-Mobile's eligible facilities request consists of replacing the antennas and replacing two (2) equipment cabinets and adding two (2) additional equipment cabinets to the existing facility. This application is an eligible facilities modification under the federal statute and regulation, 47 USC § 1455(a) and 47 CFR § 1.6100, pertaining to modifications of an existing wireless communications facility. Such modifications cannot substantially change the physical dimensions of a tower or station. The proposed modifications will not: there is no proposed increase in the height of the facility; there will be no change in the size of the antennas installed, and they will be placed behind the existing screen walls; the number of cabinets will not be increased by more than four (4), as there are currently two (2) cabinets and two (2) additional cabinets are proposed; there will be no excavation or deployment outside of the current site; the modification will not defeat the concealment elements of the facility because the equipment will be placed behind the existing screen walls that conceal it from public view; and this modification will not defeat any prior conditions of approval.

WHEREAS: At the January 20, 2026, Board of Trustees meeting, T-Mobile introduced and presented its application to the Board. At the January 23, 2026, Board of Trustees special meeting, the Board declared itself as Lead Agency under SEQR and scheduled the public hearing for this application.

WHEREAS: On January 28, 2026, the application was referred to the Orange County Department of Planning, and on January 30, 2026, the Department found no evidence that significant intermunicipal or countywide impacts would result from its approval and recommended a local determination.

WHEREAS: The application was referred to the Village Architectural and Historic District Review Board and on February 3, 2026, the Board determined there would be no exterior effect.

WHEREAS: The public hearing was duly noticed and held on February 17, 2026. T-Mobile's radiofrequency (RF) consultant was present at the public hearing and presented technical information on RF levels and exposure and T-Mobile's adherence to federal standards. There was one comment from the public regarding RF exposure in the hospital, which was addressed by the consultant. The public hearing was thereafter closed.

WHEREAS: The Board of Trustees reviewed T-Mobile's application materials, including the special use permit application and eligible facilities request, its Long Environmental Assessment Form Part 2, its RF Justification Letter, its Non-Interference Letter, its insurance policy and plans of the facility. The Board of Trustees reviewed T-Mobile's application pursuant to the federal statute and regulations cited above, as well as Village Zoning Code § 145-120.1, Wireless Communications.

**NOW, THEREFORE, BE IT RESOLVED**

This is a Type I action under SEQR due to the facility's location in the Village's Historic district. The Board of Trustees finds that the proposed action will not have a significant adverse impact on the environment and issues a Negative Declaration because the project is such a minor modification and the facilities will remain out of public view.

The Board of Trustees, after review of T-Mobile's application and applicable documents, comments from its consultants and the public and representations made by T-Mobile and its consultants, determines to approve T-Mobile's site plan and grant T-Mobile's special use permit and eligible facilities request for its existing telecommunications facility located on the roof of St. Anthony's Hospital at 15 Maple Avenue.

This approval is subject to compliance with all zoning and building laws, rules and regulations, compliance with all statements and representations made by T-Mobile and its representative(s) and consultant(s), compliance with the approved site plan for the facility modifications and all statements, notes and details thereon, T-Mobile's payment of all Village fees, including consultant fees, T-Mobile's adherence to the Village's Indemnification Clause, pursuant to Village Zoning Code § 145-120.1(II), and T-Mobile's filing and execution of a decommissioning bond in an amount to be recommended by the Village's consulting engineer, pursuant to Village Zoning Code § 145-120.1(EE).

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**To view the T-Mobile Special Use Permit Application and related documents:**

<https://villageofwarwickny.gov/t-mobile-special-use-permit-15-maple-ave/>

### **Discussion**

Trustee McKnight inquired about the decommissioning bond and asked whether the applicant had indicated a willingness to post a bond in whatever amount was recommended by the Village Engineer.

Trustee Cheney responded that a recommendation would be made and that the applicant would either have to accept the recommended amount or return to the Board to request relief.

Trustee McKnight remarked that the matter appeared somewhat open-ended but stated that he did not anticipate the amount would be overly substantial.

Trustee Cheney stated that the Village Engineer would determine the appropriate decommissioning bond amount based on professional judgment regarding the cost to decommission the facility. He added that if T-Mobile did not find the recommended amount acceptable, the company could return to the Board to request relief.

Trustee McKnight stated that the equipment involved did not appear to be substantial in size and noted that it was located on another entity's building, specifically a hospital building.

Mayor Newhard stated that decommissioning would involve a cost and expressed confidence that the Village Engineer would recommend an appropriate bond amount. Trustee McKnight remarked that he viewed the matter as more of a risk concern for the applicant.

Trustee Foster referenced discussion from the public hearing regarding the exposure analysis and noted that Trustee Cheney had previously inquired about whether a field assessment had been conducted. She stated that the response at that time was that the analysis was based on assumptions related to the antenna specifications rather than an actual field assessment. Trustee Foster then asked whether there had been any further discussion about conducting a field assessment once the equipment was operational.

Mayor Newhard responded that there had not been any such discussion.

Trustee Cheney added that the applicant was following the federal regulations governing such facilities and complying with the requirements established by the federal government.

Trustee Foster asked whether the Village could request that a field assessment be conducted, stating that while the applicant likely could not be compelled to perform one beyond federal requirements, it might be done voluntarily in the spirit of cooperation.

Mayor Newhard asked what such an assessment would entail.

Trustee Foster responded that it would involve testing to confirm that the assumptions made regarding radio frequency exposure were accurate once the facility was operational.

Trustee Cheney stated that, based on his understanding of the prior discussion, the applicant would comply with the federal requirements governing such installations and would perform only what is mandated under those regulations.

Trustee Foster stated that, based on the prior presentation, the exposure analysis was calculated using assumed radio frequency levels tied to the specific antennas being installed and their manufacturer specifications.

Mayor Newhard stated that making such a request would be worthwhile.

Trustee Foster suggested that the Village could consider requesting a post-installation field assessment, particularly in light of recent experiences involving reliance on manufacturer specifications in other contexts. She stated that such testing would need to occur after installation and could help address ongoing public concern if the results were

made available. She added that if testing showed levels lower than projected, that could provide reassurance to the public, and if levels were near or above federal exposure guidelines, mitigation measures such as additional shielding could potentially be required. She noted, however, that such an outcome seemed unlikely.

Trustee Cheney clarified that the screens referenced were installed for visual purposes only and were not intended to block or reduce radio frequency emissions. Mayor Newhard stated that, for the record, the Village should formally request that a post-installation field assessment be conducted.

Trustee Cheney stated that he was uncertain what the applicable standards or requirements were regarding verification and validation, including when such measures would take place.

Mayor Newhard stated that he would speak with Ms. Hayes the following day to convey that the Board would like the request made.

Trustee Collura asked whether the request should be incorporated into the motion or addressed separately at a later time.

Mayor Newhard responded that he was unsure whether including the request in the motion would make it binding.

Trustee Foster stated that the Board had previously been advised that it was legally precluded from stopping the project based on environmental concerns. She remarked that she found it interesting that the language of the resolution stated there would be no environmental effects, given that the Board had been advised it could not prevent the project from proceeding due to such concerns. She clarified that she was not expressing personal concern about environmental impacts but was noting that she found the wording of the resolution to be interesting.

Trustee Cheney stated that when the federal or state government becomes involved and effectively supersedes local zoning authority and other aspects of project review, it limits the Board's ability to independently verify and evaluate certain elements of the project.

Trustee Foster stated that the Board was required to adopt a resolution finding that the project would not result in environmental impacts, even though the Board had been preempted from preventing the project from proceeding based on such concerns.

Mayor Newhard responded that the Board was required to adopt the resolution but reiterated that, as a matter of record, it would be worthwhile to request post-installation field testing once the equipment had been installed.

Trustee Foster stated that she supported that compromise.

Trustee McKnight noted that the applicant could also decline the request.

Mayor Newhard stated that the applicant could certainly do so.

Trustee Cheney stated that, if the request were declined, he hoped it would be accompanied by sound and valid reasoning, though he acknowledged that this might not necessarily be the case.

Mayor Newhard stated that the applicant had generally been open to working with the Village and that there had been a good rapport, and he believed it was worthwhile to make the request.

Trustee Foster noted that the applicant had sent a representative to the public hearing to answer questions, even though they had previously indicated that they were not required to do so.

**Motion to Advertise – Village of Warwick Engineer Intern**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to advertise for up to two (2) Village of Warwick Engineer Interns at 32.5 hours per week for up to thirteen (13) weeks. The rate of pay to be in accordance with the FY26-27 budget.

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

**Motion to Advertise – Village of Warwick Office Intern**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to advertise for one (1) Village of Warwick Office Intern at 32.5 hours per week for up to thirteen (13) weeks. The rate of pay to be in accordance with the FY26-27 budget.

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

**Combination Sewer Jet/ Hydro Excavator Truck**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to approve the purchase of a Combination Sewer Jet/Hydro Excavator Truck from Pierce Eagle Equipment Company, in the amount of \$480,000 as part of the Sourcewell Purchasing Network Contract #101221 per the recommendation of DPW Supervisor, Michael Moser. Funds are appropriated in FY25-26 budget code G-8120-4110.

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 Cheney stated that during the prior purchase of the Caterpillar loader he had raised concerns about the use of Sourcewell as the procurement method, and he noted that those concerns had not yet been fully resolved. He stated that he believed the Village should review its purchasing policy to ensure that the use of Sourcewell complies with the Village's procurement requirements. Trustee Cheney added that he intended to request additional information from the vendor, Pierce Eagle, including a more detailed breakdown of the pricing and the Sourcewell contract deduction, explaining that the information currently provided only reflected a bottom-line figure. He stated that he was comfortable proceeding with the purchase but believed there were still a few issues that warranted further review.

Trustee Foster asked whether the Village had obtained multiple quotes for the purchase.

Mayor Newhard responded that the purchase was being made through a cooperative purchasing arrangement.

Trustee Foster asked how the Village could be assured that it was obtaining the lowest cost option if no price comparisons were available, noting that the purchase represented a significant expenditure.

Trustee Cheney explained that the equipment is manufactured by companies that operate through dealers with assigned territories. As a result, he noted that the Village could not simply purchase the equipment from a dealer located in another region, such as the Midwest, because those dealers are restricted to selling within their designated territories.

Trustee Foster asked whether there was only one manufacturer for the equipment.

Trustee Cheney responded that there are multiple manufacturers but explained that they all sell through Sourcewell. He was not certain all manufacturers would necessarily submit bids if the Village were to pursue a competitive bidding process. He explained that one of the advantages of the equipment under consideration was the availability of a nearby service facility in Maybrook that could handle maintenance for this type of equipment. He also noted that the Town of Wallkill and the City of Port Jervis each operate similar units, and that the Town of Warwick has multiple units manufactured by Vac-Con. Trustee Cheney added that having service available nearby was beneficial, as it would avoid the need to transport the equipment to locations such as central Pennsylvania, southern New Jersey, or Rochester for service, allowing the equipment to remain operational locally.

Mayor Newhard added that the unit being considered is smaller than the standard model, which he noted would be beneficial for maneuvering on the Village's narrower streets. He also stated that the vehicle does not require a Commercial Driver's License (CDL) to operate, which he believed was another significant advantage.

Trustee Foster again asked how the Village could be assured that the cost represented the lowest or most reasonable option when compared to available alternatives.

Mayor Newhard responded that Sourcewell had conducted the competitive bidding process internally.

Trustee Foster stated that the supporting documentation had not yet been provided and expressed the view that the Board should not approve the purchase until the additional backup information being requested was made available.

Mayor Newhard stated that he was under the impression that the supporting documentation had already been provided.

Trustee Cheney stated that the documentation before the Board listed the component parts of the equipment being procured but primarily reflected a bottom-line price. He noted that the total cost was shown as approximately \$480,000 and explained that a previous document provided by the vendor had included a more detailed breakdown of the pricing.

Trustee Foster stated that the document included approximately 50-line items but did not provide itemized pricing for each component and instead reflected a total cost of \$480,000.

Trustee McKnight stated that he agreed with Trustee Foster that it seemed off.

Trustee Foster stated that, even if the pricing ultimately proved to be acceptable, the Board should still have the right to review the supporting documentation.

Trustee Cheney stated that, based on his prior discussions with Sourcewell, the pricing structure is typically based on deductions offered by the manufacturer. He explained that the Sourcewell contract indicated that Vac-Con was offering a 5% discount off the base unit for the applicable model, which in this case was the three-yard sewer combination unit. However, he noted that the documentation provided did not show the original list price for the base unit, the application of the 5% deduction, or the individual value of the additional components that were not included within that discount.

Trustee Foster added that the Board should also be able to see how the base price was established before the 5% deduction was applied.

Trustee Cheney stated that, based on his discussions with Sourcewell, that information is not typically provided.

Trustee Cheney clarified that he should not say the information could never be obtained and explained that pricing can vary by region. He stated that the manufacturer's price for equipment in the Northeast may differ from the price for the same equipment in other regions, such as the Southwest.

Trustee Foster stated that the manufacturer's price should still be able to be provided and questioned how the contract could otherwise be audited. She asked how ethical practices associated with the state contract would be verified without access to that information.

Trustee Cheney responded that the State accepts and utilizes this procurement method.

Trustee Foster stated that she would be interested in contacting the State Office of the Inspector General (OIG) to inquire how such contracts are reviewed, noting that the Village was likely not the only entity to raise these questions.

Trustee Cheney stated that the State also purchases equipment through Sourcewell.

Trustee Foster asked how the State audits contracts that are procured through Sourcewell.

Trustee Cheney questioned what form of auditing would be required and stated that, in his view, the State simply pays the invoice for the purchase.

Trustee Foster stated that, without access to the underlying pricing information, it would be difficult to verify that the contract was in compliance and that there would be no way to confirm it.

Trustee Cheney responded that he was not disagreeing with Trustee Foster.

Trustee McKnight stated that the Village has a procurement policy requiring a certain number of bids and expressed concern that relying solely on Sourcewell's assurances felt insufficient. He noted that he had conducted some independent research on the manufacturer but did not have the exact model number. He stated that pricing information was difficult to find, which he believed may be intentional, but referenced an example from October 2021 in which the State of Ohio listed a similar unit at approximately \$360,000 and another example from the Town of Wilton, Connecticut in November 2022 at approximately \$290,000. Trustee McKnight acknowledged that prices have increased since then and that the units he located might not have been identical models, but he noted that the \$480,000 figure being discussed represented a significant difference and raised questions about the pricing.

Trustee Cheney responded that the examples referenced may have been for smaller units and noted that he was not certain which specific models were being compared. He stated that larger units, such as those with tandem axles, can cost significantly more and referenced a conversation with the Deputy Commissioner of Public Works in the City of Port Jervis, who indicated that their unit cost approximately \$800,000. Trustee Cheney added that such equipment is substantially larger, noting that a tandem axle unit might have a capacity of approximately 10 yards compared to the three-yard unit under consideration, and he suggested that the \$480,000 cost may fall within a reasonable range given those differences.

Mayor Newhard added that the City of Port Jervis had also procured its unit through Sourcewell.

Trustee Foster stated that her concern was not necessarily with the cost itself but with the lack of a way for the Village to verify that the pricing was reasonable. She explained that, without additional documentation, the Board would have no way to independently confirm the pricing and would instead have to rely on trust that the contract terms were being followed.

Trustee Cheney asked whether it was the Board's preference to proceed with issuing a bid for the equipment instead.

Trustee Collura stated that she did not believe it was necessary to go out to bid for the equipment. She noted that the truck is a specialized piece of equipment that is not typically available as a standard market item prior to assembly. She added that the Department of Public Works had identified a need for this equipment for some time and that it had been difficult to locate. Trustee Collura stated that she had seen the equipment in person and explained that when the Village does not have access to such a truck, TAM must be brought in to perform the service. She expressed the view that acquiring the equipment would benefit the Village in the long term and suggested that the Village might also consider shared services or renting the equipment to other municipalities, as not many municipalities currently operate this type of truck. Trustee Cheney responded that shared use of the equipment could be challenging. He explained that hydro excavation work can place significant wear on the machinery and noted that the Village had experienced similar issues when using its street sweeper for hydro excavation purposes. He stated that certain components on that equipment require frequent replacement and that even larger, purpose-built units are susceptible to damage. Trustee Cheney added that allowing other municipalities to use the equipment could increase wear and tear and stated that, while the concept of sharing equipment is appealing, he understood that such arrangements have not worked well in some locations.

Trustee Collura stated that, due to the specialized nature of the equipment, there are not always multiple manufacturers producing the exact same type of unit, making direct comparisons difficult.

Trustee Cheney stated that the Village could pursue competitive bidding by establishing minimum specifications for the equipment, including all required features, and then inviting manufacturers to submit bids based on those specifications. He explained that manufacturers could also be required to identify any areas where their proposals deviated from the stated specifications. Trustee Cheney added that the Village Engineer might need to assist in preparing the specifications and reviewing the available manufacturers. He noted that, based on his research, there appeared to be at least two other manufacturers that produce similar equipment.

Mayor Newhard stated that if the Board intended to move forward with issuing a bid for the equipment, Trustee Cheney would take the lead in handling that process.

Trustee Cheney responded that he would do so as the DPW liaison.

Mayor Newhard stated that he wanted the matter to move forward quickly, noting that the issue had been under discussion for some time.

Trustee Cheney responded that the matter had been under discussion for approximately five years.

Mayor Newhard stated that while the equipment itself had been discussed for several years, the recent concerns regarding the use of Sourcewell had also prompted important questions. He added that if the Board was uncomfortable proceeding through Sourcewell, the only alternative available would be to issue a competitive bid for the equipment.

Trustee Cheney responded that, in this case, issuing a competitive bid was likely the only alternative. He noted that while some piggybacking contracts exist through other entities, such as Onondaga County, those typically apply to more common equipment like dump trucks and not to specialized equipment of this type.

Trustee Foster questioned why Sourcewell could not be required to provide the quotes or supporting documentation underlying the pricing, noting that if the cooperative is obtaining quotes and passing along savings to municipalities, there should be a way to review that information. She stated that the absence of supporting documentation created the potential for abuse and limited the ability to audit or verify the pricing. Trustee Foster clarified that she was not suggesting that any improper conduct was occurring but expressed concern that, without the ability to audit the pricing, there was an opportunity for such issues to arise. She added that, without that backup documentation, she did not feel comfortable approving the purchase.

Mayor Newhard asked whether, if the Village were to put the equipment out to bid and later determined that the Sourcewell price was lower, the Board could then return to the Sourcewell contract as the purchasing option.

Trustee Foster responded that she believed that would be possible, explaining that the bidding process would allow the Village to establish cost reasonableness through another method.

Trustee Collura stated that there was also a risk that delaying the purchase could result in the equipment being sold, noting that the unit was currently available and ready to go.

Trustee Cheney stated that the equipment would still need to be built and estimated that delivery would likely take three to four months. He added that if the Village needed the equipment sooner, it could consider renting a unit or using TAM's services, stating that their rate was approximately \$3,000 per day with an operator.

Trustee McKnight asked what costs might be associated with putting the equipment out to bid and questioned whether the Village would need to retain the Village Engineer to assist with preparing the bid specifications.

Trustee Foster suggested that the Village might consider contacting the appropriate State authority to request that Sourcewell provide supporting documentation for its pricing. She questioned whether the State Office of the Inspector General would handle such matters and then clarified that the State Comptroller's Office may be the appropriate entity responsible for auditing contracts at the state level.

Mayor Newhard stated that he had reached out to the New York State Conference of Mayors (NYCOM) regarding the matter.

Trustee Cheney stated that the procurement method itself was legitimate and generally accepted, but noted that it still did not address the underlying concern about how the pricing was determined. He added that, in this instance, the documentation did not clearly show how the stated deduction was calculated or what base amount the deduction was taken from.

The Village Board acknowledged DPW Assistant Supervisor, Mike Finelli's sudden arrival.

Trustee Foster stated that the Board appreciated having someone present who could help answer questions. She clarified that no one on the Board was disputing that the equipment wasn't necessary or that the Department of Public Works didn't have a legitimate need for it. She explained that the concern being raised involved the documentation provided through Sourcewell, noting that the quote listed approximately 50 different components but did not provide itemized pricing or explain how the final total had been calculated. Mr. Finelli asked whether the Board had reviewed both quotes related to the equipment.

Trustee Foster responded that she had not.

Mr. Finelli then explained that two quotes had been provided, one reflecting the pricing prior to the Sourcewell contract and another reflecting the Sourcewell pricing, which he believed showed a total of approximately \$480,000 compared to about \$494,000 before the Sourcewell discount.

Trustee Cheney noted that the Sourcewell quote reflected approximately a \$10,000 deduction from the original price.

Trustee Foster stated that the materials provided to the Board only included the Sourcewell quote and that the earlier quote had not been included in the backup documentation.

Mr. Finelli explained that the estimated price of the equipment was \$485,597, and that a \$4,500 delivery fee brought the total to approximately \$490,000. He stated that the Sourcewell discount then reduced the total to approximately \$480,000.

Trustee Foster stated that her concern had been that the Board had no way to establish cost reasonableness for the purchase and that no supporting documentation had been included in the materials provided. She asked Mr. Finelli to confirm whether the additional documentation he referenced had in fact been presented.

Mr. Finelli clarified that the document being referenced was not the Sourcewell quote but rather a quote provided directly by Pierce Eagle. He explained that the second quote was the Pierce Eagle quote obtained through the Sourcewell contract.

Trustee Cheney presented the document.

Trustee Foster asked whether Pierce Eagle was the only manufacturer that had submitted a quote through Sourcewell.

Mr. Finelli stated that Vac-Con is the manufacturer of the equipment.

Trustee Cheney added that Vac-Con holds the Sourcewell contract for this equipment.

Trustee McKnight asked whether Pierce Eagle was simply a regional dealer.

Mr. Finelli responded that Pierce Eagle is a regional dealer and explained that any regional dealer selling Vac-Con equipment would provide it under the Sourcewell contract.

Trustee McKnight asked whether all of the dealers operate through the same Sourcewell contract.

Mr. Finelli explained that Sourcewell contracts directly with the manufacturer, Vac-Con, rather than the dealership. He stated that the structure involves two levels: the manufacturer and the regional dealer, similar to the relationship between a car manufacturer and a local dealership.

Trustee Cheney stated that Sourcewell functions as the bidding platform and that Vac-Con has a contract with Sourcewell.

Trustee McKnight asked whether Vac-Con was the only manufacturer that produces this type of equipment.

Trustee Cheney responded that Vac-Con was not the only manufacturer that produces this type of equipment.

Mr. Finelli stated that there are other manufacturers that produce similar equipment. However, he noted that, as Trustee Cheney had mentioned earlier, Vac-Con units are commonly used by TAM

Enterprises and other nearby municipalities, and that the service facility in Maybrook makes the equipment convenient to maintain locally.

Trustee Foster asked whether the difference in the document was that it showed the original Pierce Eagle quote of approximately \$485,000, included a \$10,000 delivery fee, and then reflected the Sourcewell discount that reduced the final cost to approximately \$480,000.

Mr. Finelli explained that the \$10,000 deduction shown on the earlier document was only an estimated Sourcewell discount because the actual discount amount had not yet been provided at that time.

Trustee Foster asked whether Sourcewell had then provided the exact same number.

Mayor Newhard stated that Sourcewell normally does not provide that level of detail.

Mr. Finelli confirmed that Sourcewell does not typically provide that information.

Mayor Newhard added that they had offered to provide it in this instance because the Village had been pressing them for additional details.

Mayor Newhard and Mr. Finelli stated that Sourcewell generally does not provide that information because administering the contract costs them approximately \$3,000 to \$5,000.

Trustee Cheney remarked that he understood there may be a process required to have something certified through Sourcewell in order to run it through the contract, although he was unsure of the specifics and stated that it did not appear to him that the documentation provided reflected such certification.

Mayor Newhard referred to Trustee Foster's earlier suggestion about contacting the State Comptroller and stated that the larger question involved understanding the mechanism behind the Sourcewell procurement process. He commented that the Sourcewell documentation appeared to present only a single total figure and did not seem to provide substantial supporting detail explaining how that number was derived.

Trustee McKnight stated that if the State also purchases equipment through Sourcewell, there may be an additional percentage or administrative fee associated with the contract. He observed that, although the Board would prefer to review multiple quotes, working through the manufacturer, Vac-Con, and the Sourcewell contract may limit the ability to obtain multiple bids. Trustee McKnight added that Sourcewell likely receives a discount by conducting large volumes of business with the manufacturer and suggested that the cooperative may receive a small percentage from the transaction.

Trustee Foster stated that reviewing the manufacturer's price addressed one of her concerns, as it helped confirm that Sourcewell was not manipulating the pricing. However, she noted that a second concern remained regarding how the Village could determine whether the overall cost was reasonable.

Mr. Finelli explained that, based on his understanding from discussions at the New York State Conference of Mayors (NYCOM), Sourcewell conducts the competitive bidding process on behalf of participating municipalities. He stated that, rather than each municipality obtaining multiple bids independently, Sourcewell solicits bids from manufacturers and establishes contracts with predetermined discount pricing for specific equipment. Mr. Finelli noted that, for example, when the Village purchased the Caterpillar loader through Sourcewell, the discount was approximately 19 percent, while other models might receive discounts of around 14 to 20 percent. In this case, he stated that the Sourcewell contract provided a 5 percent discount on the base price of the three-yard Vac-Con truck. However, he clarified that the discount applies only to the base unit and does not apply to additional accessories or optional equipment packages, such as the hydro excavation package, lighting, or other add-ons.

Trustee Foster stated that her primary concern involved determining cost reasonableness for the equipment. She explained that, for purchases of this size, the Village would typically issue a bid and receive multiple quotes, allowing the Board to select the option that was most advantageous and cost-effective for the Village. She asked how the Village could determine whether the manufacturer's price represented the best option under the circumstances. Trustee Foster acknowledged that one factor supporting the proposed purchase was the proximity of a maintenance facility, which could potentially reduce long-term costs. She then asked whether any information was available regarding the cost of comparable equipment produced by other manufacturers.

Mr. Finelli responded that, at that time, he did not have any information regarding pricing from other manufacturers.

Trustee McKnight stated that comparing pricing with other manufacturers would typically be the way to evaluate cost reasonableness. However, he noted that there may not be another manufacturer with a regional dealership and service facility located nearby, which could complicate the comparison.

Mr. Finelli added that another factor to consider was how widely the equipment is used by nearby municipalities. He noted that TAM Enterprises operates multiple Vac-Con trucks and uses them daily, and that the company stands behind the equipment.

Trustee Foster asked whether anyone had commented on the price and how the Department of Public Works determined that the quoted cost was reasonable for the Village to consider moving forward with the purchase.

Mr. Finelli explained that the Department of Public Works' current sewer jet dates back to 1991 and is nearing the end of its useful life and no longer sufficient for current needs. He stated that the Village has also been using its street sweeper as a vac truck, which is not the intended use and has resulted in excessive wear on the sweeper. Mr. Finelli noted that acquiring a combination sewer jet and vacuum truck would address both needs, extend the life of the sweeper, and improve operational capabilities. He added that the equipment would allow the Village to perform additional tasks, such as pumping out manholes, which cannot currently be done with existing equipment. He also noted that other municipalities and contractors, including TAM Enterprises, regularly use this type of equipment, and that the Department of Public Works believes it would provide operational benefits.

Trustee Foster remarked that the Department's position appeared to be based more on the urgency of the operational need being addressed than on the specific dollar amount of the equipment.

Mr. Finelli responded that while cost is still a consideration, the Department believes the equipment is necessary. He added that TAM Enterprises recently acquired a larger, 10-yard unit for the City of Port Jervis at a cost of approximately \$800,000.

Trustee Foster stated that this type of information was helpful for comparison purposes and asked how long the unit under consideration was.

Mr. Finelli responded that the unit under consideration had a capacity of three yards.

Trustee Cheney added that the unit would be mounted on a smaller truck chassis.

Mr. Finelli added that the vehicle would not require a Commercial Driver's License (CDL) to operate, allowing any qualified employee to drive it.

Trustee Foster asked whether the unit under consideration included additional improvements or features beyond those included in the \$800,000 unit referenced earlier.

Mr. Finelli explained that the unit includes a hydro excavation package and is equipped with three different spray guns with varying pressure ratings, including a 3,000 PSI gun and a 600 PSI gun. He stated that the different pressure options allow the equipment to be used for a range of tasks, such as cleaning sewer laterals and sewer mains, and that the unit is designed to support the various types of work performed by the Department of Public Works.

Trustee Cheney stated that, in comparison to the unit referenced in Port Jervis, the features were similar and that the primary difference was the size of the equipment. He explained that the larger unit would have greater capacity, allowing more material to be collected before needing to return to discharge the contents of the container after hydro excavation work.

Mr. Finelli stated that the unit would hold more material than the Village's current street sweeper and noted that it is specifically designed for use as a hydro excavation truck, whereas the sweeper is not.

Trustee Foster observed that the unit under consideration was approximately 30 percent the size of the Port Jervis unit but represented roughly 48 percent of the cost, while still offering similar features. She stated that, based on the discussion, she felt the explanation addressed her questions and thanked Mr. Finelli for the clarification.

Mayor Newhard asked Trustee McKnight whether he had any additional questions.

Trustee McKnight stated that he believed the purchase appeared reasonable and noted that several additional factors supported the decision. He referenced the availability of nearby service facilities, and the fact that the equipment is commonly used by neighboring municipalities and contractors in the region.

Trustee Collura thanked Mr. Finelli for coming to the meeting to address the Board's questions.

Mayor Newhard stated that proceeding with the purchase would not preclude the Village from contacting the State Comptroller to seek clarification regarding the Sourcewell procurement process. He added that the Village still had questions about the underlying values and pricing and expressed the view that additional information should be obtained regarding what was being purchased and how the pricing was determined.

Trustee Foster noted that the values had ultimately been obtained directly from the manufacturer rather than through Sourcewell.

Mayor Newhard stated that he would begin by contacting the New York State Conference of Mayors (NYCOM) and ask for guidance on who at the State Comptroller's Office might be appropriate to speak with regarding the matter. He added that he would report back to the Board with any information he received.

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

No comments

**Final Comments from the Board**

Trustee Foster reported that the Winter Wiggle event had been postponed due to repeated winter storms, which had made it difficult to reschedule the event during the winter season. She explained that moving the event into the spring would diminish its original purpose, which was to bring the community together during the colder months when people may feel more isolated. Trustee Foster stated that the decision had been made to instead hold the event in the fall. She noted that the original concept for the event had been to schedule it around Thanksgiving, recognizing that the holiday season can be a difficult time for some individuals who may be separated from family or experiencing seasonal depression. Trustee Foster announced that the event was tentatively scheduled for November 14 and noted that the event may be rebranded to better reflect the new timing, stating that her preference was the “Hometown Harvest Hoedown and Hoot Nanny.”

Mayor Newhard noted that the Board had also discussed the possibility of coordinating with the Concert Committee to hold a dance themed event in the spring at Stanley-Deming Park, potentially using the basketball court as a hard surface area for dancing.

**Executive Session**

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight and carried to enter into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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, Michael Newhard and Trustees Barry Cheney, Trustee Foster, Thomas McKnight, and Mary Collura.

**Exit Closed Session and Adjourn Regular Meeting**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Foster and carried to exit Executive Session, resume the regular Village Board meeting, and adjourn the regular meeting approximately 10:00 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