

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
APRIL 17, 2017**

7213

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, April 17, 2017 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor Michael J. Newhard, Trustees: Barry Cheney, George McManus, William Lindberg and Eileen Patterson. Also present were: DPW Supervisor, Michael Moser, Village Attorney, Stephen Gaba and Village Clerk, Jo-Ann Rome. Others present: Lt. Rader, Julia Vargas, Joe Lawler, Antoinette Quinn, Antoinette T. Quinn, John Quinn, Katie Bisaro, Kathy Gerstner, Brian Singer, Frank Sinopoli, Jenny Sinopoli, Tim Quinn, Karen Thomas, Sabrina Rice, Robert Corter, several children from the Community Center Youth Advisory Board and others.

The Mayor called the meeting to order and led in the Pledge of Allegiance.

The Clerk held the roll call.

Mayor Newhard: Before we get going I would like to introduce to the public our new legal counsel, Stephen Gaba who is from Drake Loeb. The first parts of this meeting are two Public Hearings. One is on the funding of the Orange County Community Development Program that's HUD and it's great that so many people from the Community Center are here because that is what we are actually looking at and the other Public Hearing is also to consider a zone change for 4 Overlook Drive and Steve will probably talk a little bit more about that before we go into the Public Hearing and articulate exactly what tonight will be.

Public Hearing to discuss projects to be considered for funding under the Orange County Community Development Program:

The Clerk read the Public Hearing notice.

Mayor Newhard: I'll open it up to the floor but just before I do I want to say that we did receive a funding request and that is from the Warwick Valley Community Center and they are requesting for floor repairs \$73,000 and electrical upgrades and repairs \$25,000 and their total request is for \$98,000. I just wanted to put that out there and that is a request from a non-profit Community Center in our community. If anybody has any other thoughts and ideas about projects that they would like to see this federal and state funding go towards, this is a time to speak to the Board and tell us what your ideas are. We've done many, many projects over time most of them neighborhood projects and new sidewalk projects. It was all based on income levels in different neighborhoods in different parts of the Village, but because of the last census numbers we lost that ability so another way to actually get some of this federal funding is through partnering with some of our non-profits. I'm excited about that. This will be the first time that we've done that so I would like to open it up to the floor if anybody has any thoughts.

Joe Lawler: I'm just curious who oversees the cost and the grants because I was looking through some of the documents and I see \$25,000 for an electrical upgrade -you can do a whole new house for that much.

Mayor Newhard: It's overseen by Community Development. There is a proposal that is put towards them. It goes through all their committees. Their committees are not just administrators they are also people that technically know what things are. Usually things are put out to bid. When a grant is put out there, there is usually a general cost and hopefully it comes lower than that.

Joe Lawler: What I meant was who in the Village is part of that process of the cost for these grants?

Mayor Newhard: Well normally if it was a grant written by the Village, it would be our Village engineer and our Department of Public Works. Anyone else?

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to close the Public Hearing. Five Ayes

Public Hearing to consider a zone change for 4 Overlook Drive to change it from Residential to General Commercial:

Mayor Newhard: The next Public Hearing is to consider a zone change for 4 Overlook Drive to change it from Residential to General Commercial and Steve if you want to just give us a little bit of clarification on the process here because this may be just more informational than it is actually a true Public Hearing.

Stephen Gaba: Sure, the process by which a zoning change is enacted involves amending the Village Code and the Village Code can only be amended by local laws. The process for enacting a local law requires that the local law be drafted, presented to the Board, introduced by a Board member and then the Public Hearing is then held on that. Further in order to adopt a local law you have to go through the SEQRA process an environmental review. I understand that an EAF has been presented on this proposed zoning change, but I don't think that the SEQRA process has gone any farther so we're kind of at square one and the purpose of this Public Hearing is basically as the Mayor said informational. We'll find out what people think about the proposed change and I don't know if the applicant is here to give a presentation on it?

Mayor Newhard: Yes.

Stephen Gaba: That would be very helpful and then the Board will decide if it's going to go

forward and if so, how. There has also been a recommendation from the Planning Board for example to rather than just enact a zoning change to create a floating zone which would allow the property owner to develop as is proposed but without the zoning change. Tonight will be very limited as far as its purpose goes which is to accept information and hear a presentation from the petitioner.

Trustee Cheney: At what point will there be a formal Public Hearing?

Stephen Gaba: After the local law has been introduced by the Board and the Board has voted to hold the Public Hearing, but you need that draft document before you and then you proceed on that.

Mayor Newhard: And at that point also certified mail will be sent throughout the entire neighborhood.

Stephen Gaba: That's in accordance with the Code that's right.

Mayor Newhard: Brian if you wouldn't mind coming forward and speaking to the Board. I believe that there are many neighbors in here that are curious and concerned.

Brian Singer: I'm the owner of the properties which are 2 Overlook and 4 Overlook. 2 Overlook is zoned General Commercial before the Planning Board I have it approved for either on the second floor it's a two story building either office or apartments. It can go either way so what I'm proposing for 4 Overlook right now it's zoned residential to do an office overlay to put offices in that building. 2 Overlook which is the larger building if it's apartments – if I can't move forward with an office overlay on 4 Overlook, then I make the apartments on 2 Overlook which would be four three bedroom apartments and then three two bedroom apartments in 4 Overlook or I do office on both of the properties. What I'm proposing is to come forward and see comments. If there's interest it's either going to be seven apartments or offices. As far as the offices, people are interested. I have commitments from two attorneys, a doctor, a computer company, surveyor and insurance company. All the businesses are from the Village they are just looking for more space. Each of those five tenants are currently Village residents, Village tenants but would be moving over there to increase their space.

Mayor Newhard: Your petition to the Board is for 4 Overlook and it is for General Commercial. I want to clarify that that's what was brought to us.

Brian Singer: Then I'm not sure why that was brought to you I said an Office Overlay from the beginning. General Commercial can't fit into that application in that building so I'm not sure why it was presented that way. I never presented it that it would be General Commercial.

Mayor Newhard: That's the only thing we have.

Trustee Cheney: Your attorney's petition was presented to the Village for General Commercial.

Brian Singer: That was corrected after the meeting with the Planning Board that it has to be Office Overlay. That's what they explained to me.

Mayor Newhard: What happened then was that there was a letter sent to us but it was just a letter of opinion. It wasn't "change this".

Brian Singer: I was explained by the Planning Board in that process that General Commercial couldn't apply for certain reasons there so I thought at that point instead of Office Overlay. Six months ago they said it had to be General Commercial when I went before them and then they determined that couldn't happen before the Planning Board process. That's what I was told so Office Overlay is what I would prefer.

Mayor Newhard: This is more of an informational meeting but we would love to hear what you have to say. I will treat it like a Public Hearing so if you wouldn't mind, raise your hand and please state your name and speak specifically to the Board.

Joseph Lawler: I saw the memo back and forth from the Planning Board changing it or suggesting changing it to Office Overlay and I know Brian has been working on this project a long time. The contractors and the people have not been very receptive to the neighborhood. They dug that street across Galloway Heights and it was the Village that had to come out and pave it after almost a year. They're not very receptive about getting things done. They'll be piles of rocks stuck on that side, two huge piles of rocks. They don't impress me as someone that has concerns about the neighborhood that's my number one concern. Number two would be parking. There is a huge mound of dirt behind one of the houses that's been there for six to eight months. I know Brian has had his hands tied on many things and I'm not criticizing him I'm just saying that in my point of view I don't think they've been very receptive to the community and if it's parking how much parking are we talking about. They're going to be parking in everybody's backyard. If the parking goes behind the building, then you're parking in everybody's backyard. As far as the notices that went out to the people, there were people that did not get it. I know one directly across from the pile of dirt didn't get one.

Mayor Newhard: Well let me clarify that. The Board did not fully realize that it was up to the petitioner to send out an actual certified public notice and so we did our own just to make sure that people appeared here tonight you know in good faith. Again, as much as there was a notice for a Public Hearing there is but another Public Hearing that will have to be had and a certified notification will be done at that point so everyone will be notified and if you don't mind, please

tell your neighbors what happened tonight if they were not invited but we tried. We tried our best.

Joseph Lawler: They did note that it was the DPW going around handing out the notices whereas normally they come through the mail certified.

Mayor Newhard: There was a mix up and actually it's on the agenda tonight just about that topic.

Joseph Lawler: Okay, so you're saying this is not going to be the final say so tonight. You just want to get the feelings of the people in the neighborhood and how it's going to affect them.

Mayor Newhard: Yes.

Joseph Lawler: My concern is the parking and the noise level and when they're going to make the area presentable because right now it's been I don't know how many years they've been working over there and it's not very presentable. There is this two story pile of dirt that's been there forever.

Antoinette T. Quinn: I have a shared property line with Mr. Singer. I have a prepared statement because this is very near and dear to me. I've been going through this for two years. I feel that I am very much opposed to this proposal in any form. Additional commercial encroachment on our neighborhood I feel would be detrimental and irreversible for decades. Our privacy would be virtually non-existent and our quality would plummet if the one buffer that we have in that residence is changed over. We've already seen an increase in vehicle traffic, headlights, pedestrian traffic, noise, garbage, smell, overhead lighting and so on as the result of the business on Galloway Road. I think we can all agree that the previous (inaudible) on Galloway Road was atrocious and that the recent development has been an improvement but that improvement is all a façade. What we see on Galloway Heights especially in my backyard and on Overlook Drive is nothing but a mess and has been for two years. I personally am worried about extreme property damage, encroachment and a complete disregard for property boundaries. I wake up every single day with a knot in my stomach about what has transpired and I don't think this is the appropriate forum to elaborate on all of that but I've been extremely patient to a fault waiting for Mr. Singer to fulfill promises that he made to rectify issues. I've had trees removed from my property without my permission. I was born and raised in Warwick. I'm employed here. I've chose to buy my property in the Village for the beauty and the character and the history and I was assured that the plans to rebuild Galloway Road would be a 100% improvement and it would be an improvement in the quality of life, but for two years since the construction began if I knew that any of these promises wouldn't be fulfilled and what would become of my neighborhood I wouldn't have bought my home. To approve further development and commercial encroachment on our neighborhood is just unreasonable. There is no advantage to the residents

on Galloway Heights, Overlook Drive or the general public to build up additional commercial properties outside of the business district on Main Street or on Galloway Road like they just proposed. Please don't destroy the integrity of our neighborhood by approving this proposal.

Frank Sinopoli: I live on 6 Overlook Drive. I'd basically just like to duplicate Antoinette's sentiment in terms of the property, the level of disrepair it's been left in. The material and stuff has been by my property for well over a year now. The biggest concern I think we have now is whatever the zone change is we're looking for and how it's going to affect the property connecting to us in terms of parking, noise level, lighting and everything Antoinette mentioned which is losing our privacy. I understand that there is supposed to be a fence put up, but if it's a six foot fence or anything you can still see above it. It still has an effect on the neighborhood and just the condition of what everything is in at this point in time. I have pictures, I have video, I have a lot of things to prove what it's looked like over the course of time. I definitely think we need to address everything regarding this property going forward and parking has been a problem up to now. There is not enough parking for the existing businesses. When a tournament or something occurs at the Tae Kwon Do building, they park up the street because they don't have enough room in the parking lot that's existing. I don't know how many more parking spaces that we're looking to add or change but right now there's not enough parking for what is there.

Antoinette Quinn: I would like to know if anyone on the Board has seen the property at all on Galloway Heights – my daughter's backyard, 9 Galloway Heights. I really think that the Board should take a walk and look at what that property looks like and you're going to see a mountain of about 40 feet high of dirt and it's been there for a good year and she had to deal with not only water coming down from those mountains, dirt coming on her property but I really think the Board should take a look and once you see it it speaks for itself.

Jenny Sinopoli: I just want to be clear what our choices are. It's either seven apartments or all commercial?

Mayor Newhard: I think that the commercial that exists that is on 2 Overlook there is actually a choice by the applicant or the owner to either have apartments or to have offices that is up to him or both. That has already gone through the Planning Board process, the site plan. Now the question is for 4 Overlook and the applicant originally came to the Board to ask for it to become General Commercial and then through the planning process the Planning Board had an opinion and the applicant feels as well that that property would be better suited for the Limited Office Overlay which would be offices.

Jenny Sinopoli: In the beginning when all of this was written up, why was there not more parking put into the area to account for all of this? It's seven apartments that's at least two cars

each and who knows what with commercial. There is not enough parking there now as it is. That third building should have never been allowed to be built.

Mayor Newhard: Again, I want you to know that this was really more informational. We'll have this information. It will be written up as part of the record but there will be then if the applicant moves forward with this request then there will be certified notifications and there will be a Public Hearing based specifically for 4 Overlook on the Limited Office Overlay that he's requesting so this is just one part of a longer process so I'm glad that you're here tonight. I think it's very important for the Board to hear exactly what's on your mind and also some of the challenges and frustrations that you have with this whole development process and project that has been going on for two almost three years so again thank you for coming.

Trustee Patterson: The 4 Overlook is an existing home right?

Brian Singer: It was an old trooper barracks and then apartments.

Trustee Patterson: Okay, so it is a multi-family already.

Brian Singer: Yes.

Trustee Patterson: I thought that it was existing, but I wasn't sure if it was a home or a multi-family home. It has how many apartments in it now?

Brian Singer: There is nothing in it now. It's a shell, but it will have three.

Trustee Patterson: What did it have when you got there?

Brian Singer: It had two. The parking requirements – there will be no difference between office or apartments. There will be parking in the back between those two buildings. Whether it's apartments or offices there will be the same number of spots there. In the front of that dirt pile will be parking. You need so many parking spots per apartment.

Trustee McManus: Where did the residents of the original house have their parking?

(Voices talking over each other)

Mayor Newhard: So if it's residential, I imagine there will be a driveway.....

Unidentified resident: The garage was underneath the house and now he wants to put parking behind the house which was a yard.

Brian Singer: Correct.

Mayor Newhard: That is I think up to a site plan to the Planning Board.

Brian Singer: That was a recommendation for where the parking should go because they requested that it not be in front of the house.

Unidentified resident: If he proposes that to you, who can contradict it or whatever?

Trustee Patterson: What happens is he comes to us to request a zone change for a particular property – that's the Village Board's job. Once we approve or don't approve however we make our decision, then it goes to the Planning Board and the Planning Board goes through the whole site plan approval process and the Planning Board is directed by the Zoning Code so it's not really a matter of their opinion it's a matter of whatever it is he's doing fits the criteria that has been laid out in the zoning document so there is an opportunity at that portion during the site plan process for the neighbors to come and they will be notified again to talk about all the different issues about the particular site plan.

Mayor Newhard: I just want to say in our Zoning Code there is a greater recommendation for parking not to be on people's front lawns because it really doesn't look like a house. The idea is to conceal the parking in the back in a hopefully nice way.

Tim Quinn: This is to the attorney - you mentioned before about a floating change in the zone law (inaudible) his proposal so there is no change to it?

Stephen Gaba: No, what I said was he's come in requesting a zoning change from R1 to GC but you don't have to in order to accomplish what you want necessarily change the zoning code you could instead create what's called a floating zone. A floating zone is a provision in the zoning code that says properties that have these characteristics, these qualifications over half an acre and it's going to be commercially developed whatever it might be qualify to be developed under whatever the floating zone designation is and here it's office so that's what we would do if that's the way he wanted to go. We would adopt a change to the zoning code which would say that this property is now included within the Office Overlay.

Tim Quinn: And considering this when does it stop – now the next house is for sale you want to keep going up the street.

Stephen Gaba: No, a floating zone would apply to any property that meets the qualifications for it. You can limit the area for which floating zones are located in so you can say half way up the street, all the way up the street.

Trustee Patterson: We already have assigned a Limited Office Overlay zone on our zoning map and I believe it was mostly in the area immediately surrounding the commercial district so I'm

not entirely comfortable with discussing the possibility of that being applied there until we have had an opportunity to discuss it and go back to the spirit we were in when we wrote the zoning document.

Tim Quinn: The turtle pace that's he's been doing I'm astonished. I've driven that location – Antoinette is my niece and for dirt to sit there for two years, to have a hole in the ground and you have Park Avenue right there. There are things sticking out of the ground. Nothing fenced off. We just went to two years of this and now you're going to prolong it even further. I think it's got to be watched. Consider the residents.

Mayor Newhard: We have a Building Department. We have a brand new Building Inspector and he's very qualified. He has been onsite already so I urge you if you have any issues, any concerns, whether it's silt fencing or piles or whatever it is he is the person you should be speaking to.

Jenny Sinopoli: You were involved in the emails that I sent to the Village when Dan Kelly was Building Inspector and nothing was done. I complained about all the issues that we still speak of today and nothing was done.

Antoinette T. Quinn: I too went to the Building Inspector several times and he came out to my property and nothing was done as well.

Mayor Newhard: The new Building Inspector, Boris Rudzinski is there. His office is upstairs and he's a phone call away so please use him he's your tool, he's your voice so to speak if there is something that is not in place. I hope that you will do that.

Brian Singer: Dan Kelly was out there. Boris was out there and everything that they asked me to do has been done.

Trustee Patterson: If it were me and I had an issue, I would continue to submit my complaints. I get your frustration. I hear you. If I wasn't getting answers, I would be the squeaky wheel. That's just my advice to you. We have people come in who have issues and they want us as a Village Board to fix the issues and we're not really allowed to do that. What our job is is to create the mechanism that the complaints can be filed and followed and dealt with so that's all we can do is write that document which is solid and then we have to make sure that the process is followed. This is the first I'm hearing that the process wasn't followed. I'm going to encourage you to go back to our Building Inspector who is also our Code Enforcement Officer. If he has been out to see Mr. Singer and there is a satisfactory report from his side, then ask for that. His practices on this property is not something we can take into consideration for the zone change on another property. It just happens to be the same owner. We could just as easily be getting this

request from a different property owner that happens to neighbor to Overlook. I hear your frustration and I feel it and I really encourage you to seek out Boris.

Trustee Cheney: I'm going to put a little different spin on it. I'm an elected official, you elected me. I'm here to serve you. If you have an issue to anything that goes on in this Village, feel free to come to me and I think any of the other Board officials and we will do our best to get things done that legitimately need to be done. If there is noncompliance with an existing site plan, we will work with the Building Inspector to create compliance. As I said, feel free to contact myself or any other member of the Board or the Mayor.

Trustee McManus: Our email addresses are our last name @villageofwarwick.org.

Trustee Patterson: I will go out and drive by as I think the whole Board will. Mr. Singer if anything you're hearing tonight motivates you to make any changes on the property.....

Brian Singer: I was stopped for seven months on a site plan change so from October 2nd until a few weeks back there wasn't allowed any work so Dan Kelly did come out and we had to go through a site plan change. We went through the process to get it corrected. I proposed the site plan change for 2 Overlook for the building.

Trustee McManus: If memory serves me correctly, on your original project you had a conditional CO which included some work that had to be done that they're still addressing tonight – the pile of dirt etc. so you're not fully where you should be.

Brian Singer: Correct, but I had a stop work order.

Mayor Newhard: The stop work order from Dan Kelly?

Brian Singer: Yes.

Mayor Newhard: But that doesn't mean that you can leave a site in a condition that would affect the neighbors.

Tim Quinn: Finish the project – look at how many people are out. Address the concerns.

Mayor Newhard: I appreciate everyone coming out tonight. As this moves forward, you will have more information but again please use our Building Department, use us as elected officials. I'm sorry about your frustration, but I would like to see this project completed. Of course, we all would. It has actually changed in that corner dramatically for the general betterment of the Village, but it can't be at the expense of you as the neighbor and we all go through building projects but this has now been two or three years long so we do understand your frustration.

Again, please use us and please use Boris and hopefully we'll get a final result of this final project and we'll be much happier. Thank you for coming out tonight. I appreciate that.

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to close the Public Hearing. Five Ayes

Acceptance of the Minutes of April 3, 2017:

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the Minutes of April 3, 2017. Five Ayes

Acceptance of Reports:

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the Justice Report. Five Ayes

Authorization to Pay all Approved and Audited Bills:

A **MOTION** was made by Trustee McManus seconded by Trustee Patterson and carried to pay all approved and audited bills in the amount of \$308,989.58. Five Ayes

Police Report:

Lt. Rader: The Coffee with A Cop that we had originally scheduled in March that we postponed due to poor weather reports for that week is going to be Saturday, April 29th from 10 a.m. to 12 noon at Derosa's Deli in Merchant's Square on Kings Highway so I want to encourage anybody who wants to come down and have a casual conversation with us to come down. Later that same day we are hosting a 1013 party which is an officer who needs assistance and that is going to be at the Pine Island Fire House from 1 p.m. to 5 p.m. It's a fundraising event for one of our officers whose family is dealing with a very serious illness right now.

Youth Advisory Group:

Mayor Newhard: We have some very special guests here tonight.

Karen Thomas: I'm the Executive Director at the Warwick Valley Community Center and Mary Martin is my other co-director. We have our Youth Advisory Group here for you tonight and Robert Corter is our Summer Youth Leadership Academy Director and also chairs for the Youth Advisory Board.

Robert Corter: I'd just like to start by thanking Mayor Newhard and the Board of Trustees for having us. I'm going to talk to you a little bit about our Student Leadership Academy. It goes from the second week of July to the first week of August. A lot of the stuff that we do is through Safe Homes of Orange County and the Orange County Youth Bureau. We've done a lot of great things with the children in this room. Some of the things we do are media literacy, financial literacy, healthy and abusive relationships. We've done a lot of community service such as the Art Festival. Last year we made the banners and art boxes for under privileged children. A lot of our Academy is very intensive, but we also have time to have fun. We have been able to go see Yankee games, the Museum of Natural History, the Bronx Zoo and this year we're going to be going to a Mets game so a lot of what we do is helping develop young men and women to progress and build life skills where they can take them and succeed in life. I'd like to introduce my high school intern. She was a great instructor for me this year and she's going to talk about what we do within the Youth Leadership Academy and the Youth Academy – Sabrina Rice.

Karen Thomas: I just want to say that Sabrina was recently a recipient of the Gold Award for Girl Scouts.

Sabrina Rice: The Youth Advisory Board - usually after kids complete the Youth Leadership Academy during the summer they join the Youth Advisory Board which goes around all year. We meet once or twice a month usually on a Friday and we go on different trips. We went to Bethel Woods this summer. We also do volunteer projects so we help with the Art Festival and we did tree cycles so we took a bunch of recycled materials and made them into different tree sculptures and beautiful pieces of art. We just learn how to be leaders.

Several children spoke about what the Academy has done for them and they thanked the Board for their support.

Robert Corter: I'd like to say that one of our members within the Youth Advisory Board won the Orange County Youth Award and that is Brendan Eder so congratulations. One of the big things that Brendan did for us we went to see Fiddler on the Roof which is a huge cultural experience for the kids. Brenden got up in front of about 1,000 people and only knew about 15 minutes before and he represented the Community Center well. A lot of the fundraisers that we've done he has been one of the leading members and one of the driving forces. He really earned that award.

Karen Thomas: There will be an awards ceremony and invitations will be sent out for you to come. It's about 500 people that attend. It's a very big deal. We're very proud. Thanks to your programming, your funding we've been able to have people in our group for over four or five years.

Trustee Patterson: We need to acknowledge your work too because I have three kids the youngest is 13 and the oldest is 23 and to create a program and an environment and an experience that keeps them coming back for all these years during this time in their life speaks volumes about you and the work that you are doing.

Operation Clean Sweep:

Julia Vargas: I am an Ambassador in Girl Scout Troop 423 and I'm working with the Chamber of Commerce to do Operation Clean Sweep again this year. The dates are April 28th through the 30th and on Saturday, April 29th from 8 a.m. to 12 noon we have a table set up at the Caboose where you can pick up garbage bags and gloves and refreshments just so that you can help out in the community and pick up garbage in the Town and in the Village. We are trying to get other places involved like Greenwood Lake and Florida as well. The people who are involved are the Warwick Lions Club and they are doing paper shredding, eyeglass and hearing aid collections, the Computer Guy with electronics recycling and Leo Kaytes Ford with motor oil collection and recycling, the National Coalition Against Domestic Violence for used cell phone collection and then lastly the Warwick Valley Coalition with unused prescription pill drop-off. We're just trying to encourage people to come out again this year.

Announcement:

The Spring Trash pickup will be held the week of May 15th and May 22nd. The Village will be divided into two areas for pick up. The information will be posted on the Village's website and Facebook page or please call Village Hall at 986-2031, extension 6.

Discussions:

Vehicle Use Policy:

Mayor Newhard: Barry you kindly organized this and Eileen I think you had some comments. This is the first time that the Village actually had a vehicle that is being used by a Village employee outside of the limits of the Village so it was important that we put a policy together.

Trustee Cheney: There were some good points that Trustee Patterson brought up. In looking at our current Vehicle Usage Policy I thought that the purpose as that was written in our current one is worthy of being embodied in probably the usage section, Section 2 of what's proposed and I guess another thought I had was under the General Principles of Use that the bullet relative to using cell phones I just think we might want to amend that to say, "Use of personal cell phones by the driver in a non-parked Village vehicle is prohibited".

Trustee Patterson: Well that's the law though isn't it?

Trustee Cheney: Hands free.

Mayor Newhard: So this is not a formal law. This is a policy, but I think that it would behoove us to have it as a motion to accept it as a policy which would then go into our Village Handbook.

Stephen Gaba: That's right.

Trustee Patterson: Well we're not ready to do that tonight.

Mayor Newhard; No, we're not.

Trustee McManus: I'd like to have counsel review it.

Mayor Newhard: Yes, exactly. We should also have NYMIR look at it.

Trustee McManus: And anyone involved in an accident in a Village vehicle should be automatically drug and alcohol tested no option.

Trustee Patterson: The approvals that Barry had included in his draft that was what I had a question about and I would just like to hear what you guys think. He was saying that the approvals would be by the Mayor, but there may be instances where the Mayor is actually the one driving the vehicle. I was just suggesting that we not have the Mayor approve that but maybe the Board approve it reactively or in advance.

Trustee McManus: I think it should be Board approval.

Trustee Patterson: After the fact is okay right?

Trustee McManus: I prefer it before the fact, but.....

Trustee Patterson: But in the instances where that's not possible.

Trustee McManus: Then after the fact.

Trustee Patterson: The same way that we do the expense reports for after NYCOM or any other travel that any of the Board members take.

Trustee Cheney: Somewhere I seem to recall that there is a requirement for any Village employee or official to go to a conference that it has to be pre-approved by the Board.

Mayor Newhard: Right.

Stephen Gaba: Any expenditure of money should be unless it's something that's part of an ongoing program that you have. If you have a line item in the budget and it's ongoing from the beginning of the year that's one thing. Other than that if you want to go to Ithaca or Albany for a conference, the Board should approve it.

Trustee Patterson: For any of us for meetings we just do a voucher for expenses for mileage that's what I'm talking about and that's after the fact.

Stephen Gaba: Well that's mileage.

Trustee Patterson: But instead of using their own personal vehicle to go to NYCOM or whatever they would use that Village vehicle to go.

Stephen Gaba: If they want to use a Village vehicle, the Board should approve it.

Trustee Patterson: I agree but I'm comparing it to after the fact. I'm saying after the fact because I'm comparing it to the expense reports that come in after the fact.

Stephen Gaba: The Board can ratify it as opposed to approving it in advance. There is really no problem with that.

Trustee Patterson: Because it could be that morning that their battery is dead or something and you don't want them to not be able to take the trip is really all I'm saying.

Stephen Gaba: You could have the Mayor approve it on the spot and then go back to the Board after that and say this is what I approved is everybody okay with that.

Trustee Patterson: Even if it's him.

Stephen Gaba: Yes, you can always say you're not okay with it and you sort things out afterwards.

Trustee Patterson: So it would stay the Mayor approving it.

Notifying residents regarding zone change within 300 feet of property:

Mayor Newhard: The second thing under discussion I think was proven that it's already in the zoning.

Trustee Cheney: I'm uncertain that it is to the extent we may want it to be. It talks about unless it's somewhere else - 145-171 - "Petitions to amend this chapter shall be in writing and shall

contain a description of the property affected, together with such other information as the Village Board shall require. Such petition shall include the names and addresses of all owners of real property within five hundred (500) feet of the property affected or any other contiguous property of a petitioner in the same ownership. All petitions for amendment of this chapter, excepting those submitted by the Planning Board or on motion of the Village Board, shall be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Warwick". It doesn't really specify that they have to be sent out by the applicant so we may still need to do that.

Trustee Patterson: Don't we have a section in there for the site plan for the Planning Board? So we actually did it that way except that we delineated the 300 feet.....

Trustee McManus: It must be in there somewhere for a variance too because.....

Trustee Cheney: This is specifically for amendments to the zoning.

Trustee Patterson: Which only goes to the Village Board so if it were up to me I would say we copy the language for the site plan approval where the applicant has to send certified return receipt to all the properties within 300 or 500 feet that could be the one change we make, but I think we just lift it from that section and put it here.

Trustee Cheney: And if the impetus for the change comes from the Village Board or the Planning Board, the Village Board or the Planning Board would be responsible for paying those costs.

Trustee Patterson: Agreed.

Stephen Gaba: Are you sure you want to do that? I mean you're going to do a lot of zoning changes and by the time you're done you're going to put yourself in a position where every time you do a zoning change you're going to be mailing out to all the property owners. Most municipalities don't do that.

Trustee Cheney: What if we do the Comprehensive Plan and as a result of the Comprehensive Plan we already changed the zoning. Does that mean if that language is in here we have to then send a certified return receipt request to document to each and every property owner in the Village?

Stephen Gaba: That's exactly what that means.

Trustee Patterson: Okay so from a standpoint of information yes I believe we should have all the adjacent properties be notified of the zone change no matter how many properties we decide to change a zone on. From a standpoint of expense however I agree with you so can we just have them be distributed. Can we put the language in that they will be distributed and then as the

situations arise, we can either choose to ask Mr. Moser have his staff distribute them or if necessary and we have the funding or whatever and it's not too much then we do a mailing. Is that reasonable?

Trustee McManus: But there is no proof that they were received if they're distributed.

Trustee Cheney: And it's more about the mechanism than it is about the intent to notify people. If we use the newspaper which we've been using for years..... certainly for a total revamp of the zoning that everybody should know about hopefully that's been discussed and presented in a number of forms prior to that being an act so the public should be pretty well aware of it to the extent that they're paying attention.

Stephen Gaba: Here's the thing – if someone's coming as tonight with a petition for a particular property or a number of properties to be rezoned, probably that's the type of thing where you want to alert the neighbors because most of the time it's going to be especially in a Village what you saw this evening. There's a particular project they have in mind and they want to develop and it's a precursor to that or it's part of it. When the Village Board is undertaking this (inaudible) maybe because your Comprehensive Plan has been updated you always have the option if you're so inclined to send out as many notices as you want. You can mail them, not mail them, post it on your website whatever it is. If you make it part of your code that you must do that for every zoning change, you're taking on a burden that you don't really have to. You have the option of doing it or not doing it and if you don't do it, it isn't something you get sued over and say oh you missed a procedural step. The zoning change which you are enacting is now you have to go back and do it again because you didn't notify them. I can see where you might want it for people coming in and petitioning, but I don't know that you want to do it for every zoning change. There's an argument to be made. It's not that big a Village – maybe you do, but most municipalities don't do that if the change comes from the Board as opposed to a petition from the property owner so you might want to draw distinction between those. It's just something to think about.

Trustee Patterson: I hear what you're saying and I understand from an expense standpoint, but I feel like we are no different and the impact that we could have on the Village especially after our Comprehensive Plan and we decide to change the zoning our impact could potentially be greater to the residents surrounding if we decide to expand the commercial district into a residential district or even the office overlay and the issues that they were raising tonight. For an example the parking and their greenery around their homes so I feel like we have just as much as an obligation to notify the surrounding properties if not more so than the applicant because the applicant is just one property at a time. Do we have to decide tonight?

Trustee Cheney: No, it's just discussion. I guess just to put the financial aspect of it - we have about 2500 water customers and if it's between \$5 or \$6 to do a certified return receipt requested mailing that's \$12,500 to do that mailing.

Trustee Lindberg: Right and we have two newspapers and a radio station, Facebook, the website. There is no reason why somebody should not know what's going on.

Trustee McManus: There are a lot of reasons why people don't though and I think it's our responsibility to notify them. I agree with Eileen. We should do a mailing if it's something we're looking to change.

Trustee Cheney: I don't have an issue with someone who's petitioning us for a localized.....

Trustee McManus: That should be a given.

Trustee Patterson: When we take the legality out of it, the risk of being sued out of it by having the DPW distribute a letter.....I think if we can include language that allows us if we're initiating the change to have the DPW hand it out and include language in the letter that says we're doing the best we can to let you know to save expenses - we can really go on in our detail and say please make sure your neighbors are aware of the chance if they didn't get the flyer. I just think we have to make an effort and I honestly don't believe no offense that the newspapers and the website or even Facebook are as productive as we'd like them to be. I feel that people aren't looking at the website. How would they know to?

Mayor Newhard: I think we have to reframe it and look at the issue of extensive zone changing because I think that's sort of the differentiation here. We're talking about either something that is brought to the Board from an applicant which is I think a no brainer for everyone.....and maybe there are zone changes by the Village Board that are localized and that makes a lot of sense to me but I think when it comes to let's say the Comprehensive Plan and there might be minor changes and little tweaks throughout the entire plan I don't think so at this point but there may be that just seems like there must be some other methodology of getting the word out without having a certified letter every time.

Trustee Patterson: I agree certified is not necessary. I think handing it out and making the extra effort is worth it.

Mayor Newhard: But even with that handing it out that would be maybe when you think the hourly rate of an employee it might be more.

Trustee Cheney: You mail it to all the residents.

Trustee Patterson: A regular letter. I just feel like it's our duty. I mean based on the number of people who came tonight.

Trustee McManus: A First Class letter from the Village is better than stuffing something in the mailbox.

Mayor Newhard: I agree – I think a letter. Steve is there anything that pushes us to have those letters to be certified? Is there a legal reason why let's say a large bulk mailing would have to be certified?

Stephen Gaba: No, most codes require certified just to show that the person.....

Trustee Patterson: That the applicant did their job.

Stephen Gaba: Right, exactly. You don't have the issue with the Village sending it out though so First Class mail would be fine. Again, you're going to need an affidavit from Jo-Ann or someone saying I mailed out all these letters and you're going to need that with every local law that you enact for zoning changes going forward.

Mayor Newhard: We don't really make that many zoning changes and if we do, then it's usually because we have gone through a process of rewriting our Comprehensive Master Plan out of that comes new zoning so it's a much longer, much more involved process. Also when we do have that process, it would be great to have more public awareness and for them to be part of that activity too but that's a whole other thing. What are your thoughts about just a first class mailing?

Trustee Cheney: I guess I'd like to have us maybe take a look at zoning actions we might exclude from any kind of a mailing if there are any. If there was for instance a broad change in the regulations, that may not necessitate it.

Mayor Newhard: Could you try to pinpoint that?

Trustee Cheney: Sure.

Mayor Newhard: We can further this discussion. I think it's important. Definitely it's about outreach and these are things that affect people's lives so I definitely want to do it the best way possible but also we have to be prudent too at the same time. There is a balance here so if you could do that Barry I would appreciate that. If anybody else wants to go do some information searching on other municipalities who might have ways of doing this that would be great. Steve, if you know of anything along the way that you encounter, please just chime in or tell us.

Stephen Gaba: Do you want me to send you a redline of what you have now and you guys can take a look at it and decide if it suits you or if you want to change it around. It's easy enough to do. It's only a few words.

Mayor Newhard: That would be fine. I think that would be a great starting point.

Jo-Ann Rome: We have a Public Hearing on 41 South Street on May 1st. What are we doing?

Mayor Newhard: Well I think we have to look at that because based on tonight's formality and what we recognize is.....

Trustee Cheney: We received a letter from the property owner asking us to consider the zone change. I don't know that that constitutes a filing of petition under what our law would be. I would think that our attorney would need to look at the documents that were submitted and compare it to our zoning code and decide whether it's sufficient or whether it requires more information to be submitted.

Trustee Patterson: Yes, because our having scheduled tonight's public hearing was out of order. It was valuable information to have, but we probably jumped the gun a little bit by not having all the information.

Stephen Gaba: You still would want to mail out notices anyway.

Mayor Newhard: We'll get you that information and you can take a look at that.

Privilege of the Floor:

Joseph Lawler: I represent the Veterans as much as I can and they have always had great returns from everybody including the recreational committees and all. I'm a little concerned that when somebody is appointed to be a representative of the Veterans that they be representative of all the Veterans that means not only the VFW, but also the American Legion. I had an answer given to me tonight well they only asked for the VFW. In your position on the Council Board my feeling is that is not sufficient. There are two Veterans organizations and unfortunately one person is involved in that one organization. When a request comes in to someone for Veterans, it needs to be addressed to both – the VFW and the American Legion. We have been trying very hard on getting the two units cohesive so I just want to point out to the Board that when a request comes out for the Veterans, it's for all Veterans not just for one group. It has to be your position as a Council Board member to include both organizations. That's all I want to say. I'm very firm on that that both organizations need to be addressed.

Mayor Newhard: I want to make a comment about the request. It was for Little League and has nothing really to do with us. That request came from Little League to the Veteran Organizations so that should go to Little League.

Trustee Cheney: And that's on me because I'm in charge of the Parade for Little League and I made the request.

Joseph Lawler: When I brought the issue up, I was told that they only asked for the VFW.

Mayor Newhard: On the bright side, this past weekend on Founder's Day both organizations were part of the Color Guard and it was pretty magnificent so I want to thank both organizations for being there. It was great. Also, I just want to bring this up now before we get to motions. I just want to point out to the Board about something that Barry asked our legal counsel about whether the bond authorization has to be read entirely and Steve do you want to just make that comment to the Board.

Stephen Gaba: It's very common the bond resolutions are very lengthy so in order to avoid going through and taking time to read it all in its entirety many Boards simply make a motion to waive the reading of the resolution and then the Supervisor or the Mayor identifies what the resolution is just in general terms, second on the motion and then once it's been approved to waive the reading you can just proceed to go around to whether you're going to approve it or not.

Motions:

FY-18 Orange Urban County Consortium Community Development Program:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried that the Village of Warwick is hereby submitting its application for consideration under the FY-18 Orange Urban County Consortium Community Development Program and that the Mayor is hereby authorized to submit this application. We further certify that we have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-2018 program year, and have met all of its applicable requirements and that the information contained in the application is accurate and true to the best of our knowledge. Five Ayes

Waiving the Reading of the Bond Resolutions:

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to waive the reading of the bond resolutions. Five Ayes

Resolution Authorizing the Issuance of \$110,000 Bonds to Pay the Cost for Design Studies and Resulting Improvements to the Village's Water System:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to adopt a resolution authorizing the issuance of \$110,000 bonds for the Village of Warwick, Orange County, New York to pay the cost for design studies and resulting improvements to the Village's water system.

BOND RESOLUTION DATED APRIL 17, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$110,000 BONDS OF THE VILLAGE OF WARWICK, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE DESIGN STUDIES AND RESULTING IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed;

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Warwick, Orange County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the design studies and resulting improvements to the Village Water System, there are hereby authorized to be issued \$110,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$110,000, and the plan for the financing thereof is by the issuance of \$110,000 bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. The Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose for each issuance of bond anticipation notes or renewals thereof, which may be evidenced as provided in Section 6 hereof. Such notes shall be of such terms, form and contents, and shall be sold in such

manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Warwick, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form. All obligations issued hereunder shall be signed in the name of the Village of Warwick, Orange County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk. The Mayor or a delegate of the Mayor may execute said obligations. Such execution by the Mayor or a delegate of the Mayor shall constitute conclusive evidence of the consents referred to in Sections 4, 7 and 8 hereof. If the Mayor is absent or unable to act, the Deputy Mayor may execute said obligations with the same effect as if executed by the Mayor. The Mayor, in lieu of execution of such obligations, may evidence consent to the issuance thereof by a separate writing dated as of the date of delivery thereof.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds, and provided further, however, that the Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose, when exercising the powers delegated to the Village Treasurer in this paragraph, which may be evidenced as provided in Section 6 hereof. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of

said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer, with the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for these purposes which may be evidenced as provided in Section 6 hereof. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Warwick Valley Dispatch, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

Roll Call Vote:

Trustee Cheney	AYE
Trustee Lindberg	AYE
Mayor Newhard	AYE
Trustee Patterson	AYE

Trustee McManus AYE

Resolution Authorizing the Issuance of \$225,000 Bonds to Pay the Cost of Design Studies and Equipment Replacement for the Wastewater Treatment Plant:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to adopt a resolution authorizing the issuance of \$225,000 bonds for the Village of Warwick, Orange County, New York to pay the cost for design studies and equipment replacement for the Wastewater Treatment Plant.

BOND RESOLUTION DATED APRIL 17, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$225,000 BONDS OF THE VILLAGE OF WARWICK, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE DESIGN STUDIES AND RESULTING EQUIPMENT REPLACEMENT FOR THE VILLAGE WASTEWATER TREATMENT PLANT, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed;

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Warwick, Orange County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the design studies and resulting equipment replacement for the Village Wastewater Treatment Plant, there are hereby authorized to be issued \$225,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$225,000, and the plan for the financing thereof is by the issuance of \$225,000 bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. The Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose for each issuance of bond anticipation notes or renewals thereof, which may be evidenced as provided in Section 6 hereof. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Warwick, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form. All obligations issued hereunder shall be signed in the name of the Village of Warwick, Orange County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk. The Mayor or a delegate of the Mayor may execute said obligations. Such execution by the Mayor or a delegate of the Mayor shall constitute conclusive evidence of the consents referred to in Sections 4, 7 and 8 hereof. If the Mayor is absent or unable to act, the Deputy Mayor may execute said obligations with the same effect as if executed by the Mayor. The Mayor, in lieu of execution of such obligations, may evidence consent to the issuance thereof by a separate writing dated as of the date of delivery thereof.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds, and provided further, however, that the Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose, when exercising the powers delegated to the Village Treasurer in this paragraph, which may be evidenced as provided in Section 6 hereof. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer, with the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for these purposes which may be evidenced as provided in Section 6 hereof. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Warwick Valley Dispatch, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

Roll Call Vote:

Trustee Cheney	AYE
Trustee Lindberg	AYE
Mayor Newhard	AYE
Trustee Patterson	AYE
Trustee McManus	AYE

Park Avenue Elementary School Kindergarten Picnic:

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to Park Avenue Elementary School to have a Kindergarten Picnic in Stanley Deming Park on Tuesday, June 20th, 2017 with a rain date of Wednesday, June 21st, 2017 from 9 a.m. to 1 p.m. Completed park permit and the proper insurance has been received. The \$100 security deposit has been waived. Five Ayes

Warwick Valley Central School District Banner Request:

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to the Warwick Valley Central School District to hang a banner on West Street from May 3rd through May 16th, 2017. Completed Banner Request form, an image of the banner and the proper insurance has been received. Five Ayes

Sustainable Warwick – Earth Day Fair (AMENDED):

A **MOTION** was made by Trustee Lindberg and seconded by Trustee Cheney to grant permission to Sustainable Warwick to use Stanley Deming Park on April 23, 2017 from 12 p.m. to 4 p.m. for an Earth Day Fair. Completed Park Permit, \$100 security deposit and the proper insurance has been received. **(AMENDED)**

Discussion: Trustee Lindberg: My question is who is going to be responsible for actually cleaning up the Park when all is said and done on the 23rd?

Trustee Cheney: Cleaning up of what?

Trustee Lindberg: Of the stuff that's left over.

Trustee Cheney: The process will be on Saturday people drop things off. This is the Too Good to Toss Event which is kind of in conjunction with our Spring Trash Pick Up because the more that gets taken to that and taken away is the less we have to pick up. After the goods are there on Saturday people can come for free and are invited to take anything home with them that they wish. Then later I believe that day the local thrift shop and Pine Island thrift shop will be given the opportunity to come look over what's left and take anything that they might think they will be able to move through their particular place and then on Monday morning Big Brothers and Big Sisters is coming to look over what's left and they will then take anything that they find to be something that they could resell through their organization and after that what's left is going to go in the dumpster.

Trustee Patterson: And who's going to do that?

Trustee Cheney: We are, the Village because the premise is we would have gotten it anyway at some point.

Trustee McManus: You're right, but the premise is that before we as a Village agree to do something for a private organization we the Village should be made aware of it and asked if we want to do that.

Trustee Patterson: I was just frustrated by having learned about the details about all of this in the paper. I love Sustainable Warwick. Do not get me wrong. They do amazing things. I have such esteem for them, but this Spring Pick Up works really well as it is. That's my opinion. I don't think we need to be moving it to the Park at all. The Park should remain free and clear of that. Again, that's my personal opinion. I think there are plenty of people who don't have the vehicles to move their stuff to the Park and so they're going to miss out and I think that this Spring Pick Up process has become and I think that Mr. Moser could probably attest to this, by the time the DPW trucks hit the roads there is not nearly as much to pick up as there was when people first put things out. That whole process works fine. I feel like we should have left well enough alone.

Trustee McManus: But also it's open up to the community to bring stuff so we are going to take and possibly recycle for the Town's residents....anybody.....Jersey, the Town or wherever.

Mayor Newhard: No, they have to show that they are residents and if they are from out of the area, then they can post that they have something but that's it.

Trustee Patterson: I just keep seeing documentation that's coming through and the DPW is going to do this and the DPW is going to do that. They have a long list to do and I don't think we need to be adding to their list. None of the letters that were included in this motion had any of this detail unless I missed it and if I missed it, then I apologize. I guess it's too late to do anything now, but I would just like to put it in for the record. I'm not a fan for anything to be

left for any amount of time in the Park on Monday morning. That is a beautiful Park and people go there to be free and clear and let their kids run. We don't need the trash there. Again, I can't say it enough how much I respect Sustainable Warwick, but I don't think this was a good idea. Mike, can you make a commitment that you can get to the Park early on Monday?

Mike Moser: We'll be there. I want to give a chance for the Big Brothers and Big Sisters to get there, but I can have the trucks there at 7 a.m.

Trustee Patterson: And this is two full weeks before Spring Pick Up. We're really taxing our DPW. It's a lot more work on you and it's a lot more expense on the containers that you have to get and there are a lot more reasons why people are going to have their trash outside for weeks longer than they would have.

Mayor Newhard: Well, I urge the Board to watch this and look at it very carefully. I think the idea has some merit, but this is the first time it's been done. I agree, I truly believe more in the hunting aspect of the pick-up period, but at the same time this may also give people an opportunity that they didn't have so let's watch it. Let's see and analyze it and we can talk about it after the fact.

Trustee McManus: But the stuff being dropped off is only going to be Village of Warwick residents not Town of Warwick residents.

Mayor Newhard: That is the plan.

Trustee Patterson: How do we know that? It doesn't say that in the paper.

Trustee McManus: We can ask for Driver's licenses.

Trustee Lindberg: That's a question for Geoff Howard who's.....

Trustee Patterson: It's actually Elizabeth Knight and Roger Moss. If this gets approved, then we need them to make sure they're checking IDs and that we feel strongly that it only be permitted for residents of the Village to drop off.

Trustee Cheney: I don't think that was what was expected. I don't think that's what we gave them permission for the first day of the event.

Trustee Patterson: As far as I know we didn't give them permission to have a free tag sale either. When I heard Sustainable Warwick Earth Fair, I thought the one that they had before the Summer Arts Festival – no more plastic bags, BYOB and the booths that they had. I didn't know that it was going to be this kind of an event.

Trustee Lindberg: In the original application, Village of Warwick participants – yes; non-resident participants – yes.

Trustee Patterson: And that was approved for a Fair. It was not approved for a trash drop off. It says Earth Day Fair. It doesn't say anything about what was in the paper so for all intents and purposes I approved for non-resident participants to come and learn why they should not use plastic bags based on the letter that they submitted or that it would be about Earth Day things. George raises a point that I hadn't even considered – people in the Town don't have this and it's going to be a problem. You guys are going to have a lot of work on your hands potentially.

Trustee Lindberg: It's going to be a learning experience this year.

Trustee McManus: I'd like to see you there 7 a.m. picking up the stuff. Too bad who doesn't show up.

Trustee Patterson: Do we agree that we're asking for Village resident proof?

Trustee Cheney: If you need to put that in part of the motion, then you need to put that as an amendment to the motion.

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to Sustainable Warwick to use Stanley Deming Park on April 23, 2017 from 12 p.m. to 4 p.m. for an Earth Day Fair and to include a direction to Sustainable Warwick that they must ask for ID to prove that anyone dropping off is a Village resident for the Too Good to Toss event. Completed Park Permit, \$100 security deposit and the proper insurance has been received. Four Ayes, 1 Nay (Trustee Cheney)

Reports:

Trustee Lindberg's Report:

The Little League Parade is going to take place this Saturday, April 22nd. It's going to start right in front of Village Hall. It's going to go down Main Street, Railroad Avenue, right on South Street, make a left on Parkway and then go straight to Memorial Park and ending in Memorial Park. The step off is at 10 a.m.

Trustee Cheney: Any Village residents who might want to begin to drop things off at 10 a.m. that they might want to wait until 10:45 when the Little League Parade has cleared the area.

Trustee Lindberg: I just want to thank everybody that was involved in Founder's Day on Saturday from the Police Department to the Historical Society. I saw my first egg roll across the

street. The kids that were involved had a great time. The Easter Bonnet contest was fabulous. I think everybody that was involved wanted to be involved.

Trustee Patterson's Report:

The Warwick Valley Chamber of Commerce is having the Community EXPO this year which is outdoors and at least at Railroad Avenue and if enough people are interested to have a booth, it will go up portions of Main Street. It's a great opportunity to get out and learn about the businesses in Town and the services that are offered that you might otherwise not know about. I think some of the people there will have things for sale. I think the rain date is the next day, the 21st. There is more information on the Chamber's website.

Trustee McManus's Report:

April 29th the Warwick Valley Prevention Coalition pill drop which the Police Department and I think the VA are participating in. The shredding truck will be there from 9 a.m. to 12 p.m. for community residents to shred their excess paper.

Mayor Newhard's Report:

Founder's Day was a wonderful day. It was practically an entire day of events and activities starting with our Easter Egg Hunt in Memorial Park through the Recreation Department and the Warwick Valley Fire Department and then onward to the Egg Roll and the Bonnet contest and then a parade which included probably the most important person and that is the Kid Mayor. Danny Madero who is just this wonderfully poised five year old and he really made I think the day for everyone. We discussed the ideas of Founders what does that mean. Founders we don't believe is a group of old guys that sat around and said oh yeah here is Warwick. I think founders is a much looser term as to anybody who has found Warwick and loves Warwick and brings to it their talent and that's what truly has made us exceptional for 150 years. Thank you to everybody from the Sesquicentennial Committee, to the Village Board to all of the Elected Officials who showed up that day and former Mayor Mary Murtie and former Mayor Anthony Portelli. Frank Lacalamita who was a former Mayor could not be here, but he really wanted to. He gave us a phone call and our Village Historian, Jeanne Beattie May, Town Historian, Dr. Richard Hull, our corporate sponsor, Greater Hudson Bank who was there that day and one of the women who works at the bank actually participated as a judge for the Bonnet contest. We really appreciate that sponsorship that allowed us to make it happen and Jean Claude's who donated the most remarkable cake. I'm hoping that there will be photos of it that will be out and about. It was a carrot cake made from locally grown carrots. It was in the shape of this beautiful open book. It was inscribed with the sesquicentennial insignia and it was just a remarkable thing and I was told that he stayed up all night to do it. I appreciate everyone who participated and made it happen. I also wanted to point out Earth Day is Saturday, April 22nd. What should be recognized is it's

kind of a dual thing going on here. Sustainable Warwick is having an Earth Day Fair and it will include vendors, solar vendors and some local groups. There is going to be Yoga on the lawn and activities from 12 p.m. that day into the afternoon and simultaneously the Too Good to Toss event which is part of the overall festivities is going to happen as well. I truly believe we should have asked Ms. Knight to come in and to talk to the Board and that's now in retrospect so I'm sorry that that did not happen. If this should happen again, we'll definitely make sure that that is communicated. The Little League Parade as you mentioned, but also on the horizon is Arbor Day which is a celebration. We have a press release – "The Village of Warwick Shade Tree Commission, the Warwick Valley Gardeners and the Village of Warwick Sesquicentennial Committee along with the first grade classes from Park Avenue School and I believe also Sanfordville School and St. Stephens would like to invite everyone to the Annual Arbor Day Celebration on Friday, April 28th, 2017 at 10:30 a.m. A tree planting ceremony will take place at Stanley Deming Park at the corner of Burt Street and Park Place. Patricia Reinhardt, a member of the Warwick Valley Gardeners will speak and Wadson's Home Center will be distributing trees to all the children who attend. In recognition of the Sesquicentennial the children have selected a Maple tree to be planted which was voted as the Village tree by the school children. This is the first tree to be planted as part of an arboretum in honor of Roger Metzger the former Shade Tree Commissioner. Mr. Metzger retired from being the Village of Warwick Shade Tree Commissioner this year and Mr. Robert Scheuermann, Jr. has been appointed to become the new Shade Tree Commissioner for the Village of Warwick. I invite everybody to come. I think it will be a very wonderful event. There is some music and some festivities and maybe some cake as well. It should be nice. It's always a great event and I believe Roger will be there and I'm very excited about that. The other thing I wanted to mention – a week ago today I had something terrible happen to me. I was coming home from a late Board meeting, it was a budget meeting. I was almost to my house and in the very darkness of the night there happened to be a pedestrian who was in dark clothing and on the street and sadly enough I made contact, I hit this person. It was shocking to me and it was shocking to this person as well. Luckily he was fine, but I wanted to talk about a few things in relationship to that. One is if you are walking at night, please wear reflective gear whether you're a jogger or if you're just taking a leisurely stroll out. It's very important. We have a busy community, busy streets even in the evening. The other thing I wanted to recognize is our remarkable first responders. It was very fortunate that two of our DPW men were flushing hydrants and were able to call immediately once this happened. The ambulance was there within seconds and they were so remarkable as a team - their sensitivity towards the issue on every aspect of the issue. This person who was struck and just their compassion, but also their professionalism so I just wanted to talk about that a bit and also our police force who were the same way. No one wants to go through an experience like this. I definitely did not, but I must say watching this happen my hat goes off to the men and women of both our police department and our ambulance service for the work that they do which is remarkable. I'm very glad to say that the person was not badly hurt, but it was definitely a very shocking situation for myself and hopefully it will never happen again. Again, I urge people if

they are out at night, to wear reflective gear or light clothing so that there's no question that it will not happen to them.

Trustee Patterson: And to walk against traffic.

Mayor Newhard: We have to go into Executive Session.

Executive Session:

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into Executive Session to discuss the collective negotiations pursuant to Article 14 of the Civil Service Law and the proposed acquisition, sale or lease of real property, or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. Five Ayes

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to move back into the regular meeting. Five Ayes

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to adjourn the meeting. Five Ayes

Jo-Ann Rome
Village Clerk