

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
FEBRUARY 20, 2018**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, February 20, 2018 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also present were: DPW Supervisor, Michael Moser, Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba.

Others present: Cathy Gerstner, John Quinn, Antoinette Quinn, Taylor Hall, Cynthia Rivera-Hall, Brian Singer, Elizabeth Knight and others.

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

The Clerk held the roll call.

Acceptance of Minutes of January 23, 2018 and February 5, 2018

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the Minutes of January 23, 2018 and February 5, 2018. Five Ayes

Acceptance of Reports: Building Inspector (January 2018) and Justice (January 2018)

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept Reports: Building Inspector (January 2018) and Justice (January 2018). Five Ayes

Authorization to pay all Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to authorize to pay all Approved and Audited Bills in the amount of \$200,349.21. Five Ayes

Correspondence:

1. Letter of resignation from Village of Warwick Crossing Guard, Elise Schaeffer.
2. Letter from Jay R. Myrow regarding a proposed amendment to the Village of Warwick fee schedule.

Mayor Newhard: I want to respond to that with counsel in the room that I would like to respond to that letter with a letter of response, but we have a meeting set up next week with Orange County Planning to begin a discussion about that exact issue or that idea, of the fees for the cluster zoning.

Stephen Gaba: Ok. Just keep me in the loop on it.

Mayor Newhard: Yes. You have a question mark right on your...

Stephen Gaba: I'm not certain what Orange County is going to be able to do for us, but if they can do anything it would certainly be a help.

Mayor Newhard: Well, I think at least to get some groundwork. I mean they do have planners on staff and I think the other option is to hire a planner.

Stephen Gaba: Yes.

Mayor Newhard: So, if they feel that it's too out of their league or that they don't have the resources then I'm hoping that they will guide us to a planner who can give us some direction.

Stephen Gaba: That would be great. Anything they could do would be a big help.

Mayor Newhard: Ok.

Trustee Patterson: Could I just ask a question, wasn't this property annexed from the Town? Village View was the Town?

Trustee Cheney: Not in recent years. If it was, it's been a very long time.

Trustee Patterson: Ok. But it still was annexed so it still would apply. That's the only point of their discussion.

Mayor Newhard: It's prior to ...

Trustee Cheney: It would be the annexation policy that would apply or the...

Trustee Patterson: Yes.

Trustee Cheney: No, because...

Trustee Patterson: No, because it came in before that. Ok.

Trustee Cheney: Yes, it did.

Mayor Newhard: And what they're looking to do is to do cluster housing.

Trustee Patterson: Ok.

Mayor Newhard: On that property.

Trustee Patterson: Right.

Stephen Gaba: So, the issue the fee if they get any additional lots and they're not happy with the amount of the fee so they'd like to see an amendment to the code to make the fee less or perhaps conditional or something along those lines. It's right in line with what Mike's talking about with the County with.

Trustee Patterson: Right.

Stephen Gaba: If we want a letter back to them, that's fine I just don't know what to put in it right now.

Mayor Newhard: Ok. We'll talk about it.

Stephen Gaba: Very good.

3. Letter from The Warwick Fire Department regarding painting lines and placing no parking signs at the pump/fill station at the entrance of Memorial Park.

Mayor Newhard: Would that be a motion? Would that be something that we would have to make...

Stephen Gaba: Since you're painting street lines in the park I think you should do it by motion, absolutely.

Mayor Newhard: Ok.

Trustee Patterson: Can we let them know that there are lines painted at the parking spot in front of Chase and a no parking sign there and nobody pays attention to it. It's infuriating.

Mayor Newhard: We can surely do that.

Trustee Patterson: Just so they know that we're going to do it and it's not going to matter.

Mayor Newhard: Ok. So...

Trustee Patterson: Don't we have to like a change to the Code.

Stephen Gaba: Well, there's two things, it's a park so there's two things you could do. You could, one, adopt a local law amending your Code in regard to street signage or two, you could just treat it as a park improvement. Put it in there and there's not going to be any fine or anything, if somebody parks on it, but it shows people this is not an area that you should be in, so you could do it either way. They are just asking to have lines painted. They're not asking to have something the police could cite you for, so it's up to you to decide whichever way you want to go.

Trustee Lindberg: I think we just should do it.

Trustee Patterson: Yes, I agree.

Trustee Cheney: Is this where the bench is?

Trustee Lindberg: Yes.

Trustee Cheney: Then maybe we should remove the bench. We are inviting people to park there by having the bench there.

Mayor Newhard: Ok.

Trustee Patterson: That's true.

Mayor Newhard: Unless the firemen are sitting on the bench while their pumping.

Trustee Patterson: You could put a fire hydrant there or paint it in some way.

Mayor Newhard: Ok. So, could we add that to motions tonight.

Trustee Lindberg: Do we need a motion?

Mayor Newhard: I think...

Stephen Gaba: It really, if you're going to make a park improvement it's appropriate to have a motion just the same as if you're going to buy a bench and put it in or erect signage or walks or something like that. I mean you could say well it's under building and grounds and just go out and do it I suppose really the appropriate thing is to have a motion. It's not enacting a local law or amending your code or anything. It's just to show that this is what everybody...

Mayor Newhard: So, we'll add that tonight. I think it's pretty simple and straight forward.

4. Letter from Orange County regarding the transfer station temporarily suspending the acceptance of electronics waste.

Trustee Cheney: Yes, I have an update. The contractor with the County had contracted with to take the electronic waste at the transfer stations notified the county that they were removing the containers that had electronic waste in them and that they weren't going to replace them, that they were basically ending their contract. Unfortunately, we have to rebid it so that's going to take a while.

Trustee Patterson: 'We' being the county?

Trustee Cheney: The county, yes. I'm sorry, yes, the county will have to rebid it which is going to take months so in the meantime I believe that Staples and Best Buy will receive it sometimes for a fee depending upon what it is, and we'll try to get it done as soon as possible.

Mayor Newhard: On a local level, it used to be that the Computer Guy...

Trustee Cheney: I don't know if he still does or not.

Trustee McManus: I don't believe he does.

Mayor Newhard: Well, maybe we could look into that. See if there's any resources on a local level that might be able to accept that. We can get the word out.

5. Letter providing an update on the progress of the Mid-Hudson Streetlight Consortium.

Trustee Cheney: They put an RFP and received bids and my understanding is that they are still reviewing the bids, but they should probably have an award shortly.

Mayor Newhard: Ok. Just for the audience to know what that is, it's about changing our street lights to LED lights which could pay back. It would be an expenditure by the Village, but the payback is very quick because of the amount of savings with the LED lights with that technology, something like two years so, it's pretty amazing.

Trustee Cheney: Orange and Rockland have lowered their price for doing the change outs, so it may be longer than just two to three years in terms of the payback. It may be four or five.

Mayor Newhard: Ok. That's the bad news.

Discussion:

1. Warwick Commercial Properties and a request of zone change to office overlay for 4 Overlook Drive.

Mayor Newhard: That was a request that was brought to the Board some time ago and now we're asked to revisit it and Mr. Singer, you're here. Would you like to speak to the Board?

Brian Singer: Yes, Brian Singer from Warwick Commercial Properties proposing for 4 Overlook to change that zoning to office overlay for just that building. The adjacent one, 2 Overlook, has offices on the second floor and I address you this evening to see if I can make 4 Overlook office space, what would be the first and second floor.

Mayor Newhard: And right now, it is residential and they're rental units?

Brian Singer: Rental units. Two family, so my proposal could go either way. I have it leased either as apartments or as office. I'm proposing to try and change it, but if it's an issue, long dragged out, then I'll rent it as apartments. So, the process stopped for eleven months there because I purchased back the TNT building. I was not the owner of it. I sold it, so I had to come up with financing and go work elsewhere to bring in money to purchase that building back and that happened on November 1st. So, I stopped the process there in the whole overall project because of that, to be able to purchase that building back and structure a loan. Right now, I own all four buildings again. Now I'm back working and by May 15th I should be completed with the project.

Mayor Newhard: The building inspector had a pretty long laundry list of things that needed to get done.

Brian Singer: Correct.

Mayor Newhard: So, maybe you could tell our Board where that is.

Brian Singer: The majority of those issues were already addressed when I did a as-built site plan before the Planning Board. The remaining main issue is the DOT permit and sidewalks. Right now, their proposing the sidewalks that I installed are outside of the DOT right of way. The DOT's proposing that I put them in the right of way and I'm still working on the legal end because it's going to move it ten feet closer to the road and I'll be within two feet of the road because of utility poles in the way, so we're having a long discussion about it because they want me to take out the existing sidewalks and move them ten feet closer, while only three percent are in the right of way, which I can change. So, I'm trying to leave them in their existing location, except for the three percent, address that by moving it totally on my property, outside from the DOT right of way, however they feel they should be in the DOT right of way, which I can't figure that out, but that's their requirement right now. So, we're proposing to change that, but

Boris has been in the two meetings that we had with the DOT at the site and the engineers office, so he knows what's going on with it and I want to go by their recommendation, probably by the end of March we will know and then I'll put the sidewalks totally in the DOT right of way or leave them where they are and address the three percent that is not in the right of way, that's in the right of way.

Mayor Newhard: Ok.

Brian Singer: So, those were the main issues that I had cleaned it up and now I'm back progressing, the siding will be done on the main building and then 4 Overlook is going to be either apartments or office.

Mayor Newhard: When you say the main building...

Brian Singer: That's 2 Overlook.

Mayor Newhard: That's the last piece of the lower level?

Brian Singer: Lower level. Correct. Except for the second level is going to be coming out on the 4 Overlook entrance way.

Trustee Patterson: The entrance parking lot?

Brian Singer: Yep.

Mayor Newhard: And so, there's three storefronts in the ...

Brian Singer: Three storefronts but four stores on that main level. They are all local people who were on Main Street looking for larger space and moving over there on the second...

Trustee Patterson: On the upper?

Brian Singer: No, that would be the lower level. The second level is also somebody from West Street, American Towman, looking for more space and having it handicap accessible.

Trustee Patterson: So, they're 2 Overlook on the upper level?

Brian Singer: 2 Overlook upper level.

Trustee Patterson: And that's the only thing?

Brian Singer: That's the only thing up there. Yes, so they take up that whole space.

Trustee Patterson: Ok.

Brian Singer: They're on West Street and I just sold their building and so they'll be moving into 2 Overlook. But, with Boris, he has been out there, and the next step is getting power to the building and then there would be a progression in the inspections. The only thing we are waiting on is the DOT approval for the front entrance way to address the sidewalks and they are going to require me to put curb all the way down between Overlook and Galloway Heights. So, they decided that they want curbing in.

Mayor Newhard: This is the DOT?

Brian Singer: The DOT, yes. Which we'll do that at the point we get the permit for the sidewalk and tie in with that. Ok.

Trustee Patterson: Is everything all tied up with the other buildings? I know there was a section of that building, where the gym is, that part that juts out Galloway Heights...

Brian Singer: Yes, that will be paved at the end of March.

Trustee Patterson: But the building itself? I thought there was some issue there on the side of the building that had to be painted or something like that.

Brian Singer: Oh, the back side of the building.

Trustee Patterson: That's all done?

Brian Singer: Nope. That is not done, but that will be painted.

Trustee Patterson: Ok.

Brian Singer: It needs to have some masonry. It's called a parge coat over top of it to address it and then it will be painted. Once the mason comes back, when it's not winter, he'll do that and then the last thing is the sidewalks on 2 Overlook, which will happen next week and then the total exterior of that building to the point where it's ready for painting.

Mayor Newhard: There was issues of, I know it's a worksite, but there were things like mounds.

Brian Singer: Yes, there is still somewhat of a mound there but it's not where it's going to stay. I use that soil for the property. It's onsite, there's drainage put it so any areas that go from there,

there's a small berm behind it so it can't, there's an existing drain there now, so there's no run off and it's paved, it's grass seed now, where that berm is. So, where that pile is, any

drainage from that goes towards the drain and I have a fence in that area there and hay, so it's set up, which was on the site plan. So, which has been inspected and set up, but over the past two weeks, I've used a good portion of that soil for around the building so, I put in leader drains and that stuff, so you dig them out and use that soil around. Anything left over will be taken out of there. But, I'm using the soil for the property.

Trustee McManus: Wasn't there an issue with the incline on the sidewalks with the ADA accessibility?

Brian Singer: That's part of the DOT. So, those areas will come out and ADA pads will be put in. So, that's all part of the DOT permit. So, that's addressing the sidewalks. But, that will happen with the DOT. Their whole process is moving forward and it's going to be where we put those sidewalks now. It's either going to be in the DOT right of way or outside. We're proposing to keep it outside.

Trustee Patterson: So, the limited office overlay, I think I was wrong before when I was thinking it was a mix of residential. I was thinking of home occupation. The entire building will become limited office overlay and there won't be an opportunity for residential at some point in the future. Am I right?

Stephen Gaba: That's the idea.

Trustee Patterson: Ok. Because I'm concerned, I don't think it should be residential because of the way the parking is situated and the light that affects the neighbors that are there.

Trustee Cheney: It's an overlay, so it's overlay in a residential district, so I don't think...

Stephen Gaba: Didn't you want it to be GC, the underlying though?

Brian Singer: No.

Mayor Newhard: No.

Brian Singer: Just offices are what I'm proposing.

Trustee Patterson: So, for now so there's always the opportunity to change it back to residential.

Stephen Gaba: Well, if the underlying zoning is residential then it could be residential.

Mayor Newhard: It could be both. It's an overlay.

Stephen Gaba: Ok, I seem to recall from your petition from May you wanted...

Brian Singer: That was changed. We wanted general commercial in the beginning, but we addressed that, that it didn't need to be general commercial, just office space.

Stephen Gaba: What's the underlying zoning now then?

Trustee McManus: Residential.

Stephen Gaba: Ok, then it could be residential. I'm sorry, I thought it was GC.

Brian Singer: Yes, it's residential and as the office there's the engineer and surveyor, local people who want to use that space but, like I said, then if it's not then it will stay as residential.

Trustee Patterson: Right, so in other words, regardless, I mean if we changed it to limited office overlay, and then one of your tenants, you weren't able to find a commercial office tenant, you could rent it to someone who using it as a residence?

Brian Singer: Correct, but...

Trustee Patterson: So that opportunity is still there?

Brian Singer: Yes.

Trustee Patterson: Ok.

Brian Singer: It's not what I prefer.

Trustee Patterson: No, but on a bad day if you have to pay your rent, or you have to pay for the property, you'll accept.

Brian Singer: If you have everything as commercial, then put residential in there on the insurance end of it, makes it very costly. So, if I'm going to split up a building and do mixed use in it, it's insurance wise, it makes it more costly.

Trustee Patterson: Right, but it's still possible.

Brian Singer: It's still possible, yes.

Trustee Patterson: Ok.

Mayor Newhard: Ok. I think I'd like to hear more from the Board, what their thoughts are, but what would be the next steps?

Stephen Gaba: Well, procedurally putting in the offices would require an amended site plan.

Brian Singer: Yes.

Stephen Gaba: Alright, so there's a lot of different ways that you could go, but probably the most orderly, would be simultaneous application to the Planning Board for amended site plan, petition for a zoning change to this Board. The Planning Board could either act as lead agency in SEQR or this Board could, you're both involved agencies, you can decide which one you want. As far as SEQR goes, both the proposed, I mean you're probably not changing much on the site besides putting offices in, I don't know if there's additional parking or what but...there would be one SEQR review for both actions and then this Board would decide whether or not the zoning change would be granted. If the zoning change is granted, then he'd proceed before the Planning Board. You could have the Planning Board talk about, you know talk about laying out money before you get a zoning change, I don't know if you want to do that.

Brian Singer: It's already in the planning process.

Stephen Gaba: Alright, so it's not that far a step.

Brian Singer: No, it was already addressed, and they sent me back here, then I put it on hold.

Stephen Gaba: Because the Village Board might want information about the project in the course of enacting the zoning change, so that would be helpful, that back and forth. Anyway, once you get the zoning change then you could finish up before the Planning Board and that's I think they way that you'd want to approach it, procedurally.

Mayor Newhard: Ok.

Trustee Patterson: But, right now it's residential, you're asking to pull down the limited office overlay on top of that.

Brian Singer: Yes.

Trustee Patterson: Would you consider doing commercial?

Brian Singer: Doing?

Trustee Patterson: To make it just a commercial property? To change the zone to general business or central business?

Brian Singer: No, for me, the way the parking is laid out and stuff and as I'm setting up with the tenants offices, I know it limits me but, as I sit back there, for parking and lighting and stuff and office's close at a certain time, they're out of there and then I don't have any issues with retail or anything like that where it goes past a certain hour in that area back there. Office is what I would keep it as. I have that other building 2 Overlook as general commercial, but I addressed that by doing apartments or offices on the second floor and brought that to the Planning Board and that's what they recommend so, on the planning end, I'd prefer to go for office. I'm not trying to go with general commercial or anything like that, that was the original proposal, but we rescinded that.

Trustee Cheney: We received in 2017 an amended petition to amend the zoning to change to LO or overlay, I guess the office overlay zone, and so is that still a valid petition? If it hasn't been withdrawn. I mean are we working off of that or do we need a new petition?

Stephen Gaba: If he hasn't changed anything in it then you can still consider it a valid petition. What was it, GC, I could swear there was a GC element to that.

Trustee Cheney: The original petition, the request, was for GC.

Stephen Gaba: Ok.

Trustee Cheney: It was amended to do limited office.

Brian Singer: I put this forward, we had public discussions on it, but at that point because of the building in the front, 62 Galloway, I stopped the process to be able to purchase that property back.

Stephen Gaba: Alright, now I ... if I haven't got you mixed up with somebody else, the deal was that there was a laundry list of things that the Board wanted to see, and they wanted you to post an escrow before they would proceed with the petition, if I'm remembering right.

Trustee Cheney: I don't remember the escrow.

Brian Singer: I don't remember the escrow.

Trustee Patterson: But, there was a laundry list of things that he needed to do. There were issues with the way that project had been moving along relative to the impact on the neighbors and all

of that, so we were getting very concerned about that and I know that you stopped the process because of the...

Brian Singer: Yes, but I addressed the majority of those areas at that time. The DOT I could not address until I started back to project because of how they are handling the sidewalks and the curbing so, I really couldn't address that until I started the project back.

Stephen Gaba: Does the amended petition cover everything you want now?

Brian Singer: Yes, I haven't changed anything on it besides...No, there's no change in it. I stopped the process and I'm starting it again is the only thing that's changed on it.

Trustee Patterson: I thought he never submitted another petition.

Stephen Gaba: How about the amended application to the Planning Board? Do they have before them the application for offices or no?

Brian Singer: They had before, but they sent to the ...

Stephen Gaba: So, you have the plans showing what it is you propose to put in before the Planning Board now?

Brian Singer: Up to the point, I need to submit again an amended plan.

Stephen Gaba: Well, yes, but the application would say what you're asking.

Brian Singer: Yes, that's in there to the Planning Board.

Stephen Gaba: Ok. Did that include the zoning change?

Brian Singer: Yes.

Stephen Gaba: Alright.

Brian Singer: But they sent it back to...I asked for the zoning change.

Stephen Gaba: Where were you in SEQR?

Brian Singer: It was at the point where you guys were deciding on who's going to be the lead agency on that.

Stephen Gaba: Did they circulate for lead agency or not?

Brian Singer: I ...

Trustee Patterson: As I recall there was never actually an application submitted. I thought that was the last we had, it was to us and we were like, you never actually submitted the application unless something happened after that that I don't recall.

Brian Singer: I submitted an application to Village Board and then to the Planning Board simultaneously.

Trustee Patterson: Ok.

Stephen Gaba: Alright, well I can check with Bob Dickover and see what that status is. It's easy enough as far as...and you can check with the Planning Board Clerk and see what the...

Brian Singer: The Planning Board end was to address some of these issues and to see if it can be office, so we can't move forward without a zone change.

Stephen Gaba: Is the Board interested in whether he cleaned up the things that were...?

Mayor Newhard: Of course, we are.

Stephen Gaba: You probably want a letter from Boris as to that.

Brian Singer: Yes, that's no issue.

Stephen Gaba: Alright.

Trustee Patterson: Can we give Ms. Quinn an opportunity to speak to that?

Mayor Newhard: We are right up at privilege of the floor.

Trustee Patterson: Ok, perfect.

Brian Singer: Ok, thank you.

Mayor Newhard: Ok, thank you very much Brian. Any more discussion? So, you're going to check that out with the Rob Dickover?

Stephen Gaba: Well, but you should require an escrow on this, I mean you're going to spend money having the Local Law drafted and going through SEQR and really the applicant should reimburse the Village for that.

Mayor Newhard: I agree.

Trustee McManus: I thought we were having an escrow on all building stuff.

Trustee Patterson: Yes, we actually did, I thought it was an escrow when you submitted the application.

Trustee McManus: Anybody that has an application before us should have an escrow. I thought we said that already.

Stephen Gaba: I don't remember that.

Trustee Patterson: It was before you.

Trustee McManus: Pre-you.

Stephen Gaba: Well then, I'm right that I don't remember.

Trustee Patterson: Would we, I just...having seen the layout and I guess we could talk about this later, but I'm concerned about having residential there because as we talked about the parking from the entrance to what would be the residential area, if it's a two bedroom, so there would be potentially children living there, it's just not, I don't think it's cohesive to ever being residential so, can we ask that the owner put it in the deed covenant that it wouldn't switch back? I mean it's changing the zone.

Stephen Gaba: You want them to ...

Trustee Patterson: I don't want the opportunity for it to ever be residential. I understand that it's prohibitive because of insurance costs and things like that but, I mean if we, as part of this process we're going to reach out, we're going to send the letter to people who are three hundred feet from the zone, from the property and get their feedback and it's going to be offices, it's going to be offices, it's going to be offices, and they're going to feel comforted by the fact that it's not going to be residential, but then there is the possibility, while it's not the best possibility, there is the possibility that it at some point be residential, I just feel like that's misleading, at this process. I'm done.

Stephen Gaba: I didn't want to jump on somebody else's line if there was more there, that's all. The cleanest way is as you indicated to have just a flat out zoning change so that's not residential anymore, but it doesn't sound like Mr. Singer is interested in that. There is such a thing as conditional zoning. Conditional zoning is tricky to apply and unless you have very solid basis for making the zoning change conditional on something as opposed to just changing the zoning. It's legally, it's something that's tricky to apply correctly. You cannot, I do not believe, require a restricted covenant be placed on the property as a condition of a zoning change, if the application wished to offer that to you voluntarily, that would be something else again, but you know, the cleanest way is if you don't think appropriate that there be residential development there you should change the zoning.

Mayor Newhard: I don't think we, well, then it would be GC.

Trustee Patterson: No, then it would be residential.

Mayor Newhard: No.

Stephen Gaba: No, if you don't want it to be residential then I think you would want it to end up being GC. You may have a lot of uses that you don't want on there.

Mayor Newhard: That would be too broad maybe.

Trustee Patterson: No, if it's residential now, and he's asking to use limited office overlay and say no, then it's still residential.

Stephen Gaba: That's right, but if it's an overlay it's still residential underlying.

Trustee Patterson: I know. There is already a deed restriction of 4 Overlook to allow access to the upper level of 2 Overlook through its property. So, it does seem as though the plan, am I right Mr. Singer, it does seem as though the plan would be for that to work cohesively, those two properties to work cohesively together as offices and commercial.

Brian Singer: Yes.

Trustee Patterson: Because you have that other deed restriction in there, for egress.

Trustee Cheney: Has that been approved by the Planning Board?

Brian Singer: No, that's at the point, where I'm at the point in the Planning Board process with that.

Trustee Cheney: Well, right now it's residential so the parking there is only for the residence for that property, for the residential use of that property. I don't think you can go with an application to the Planning Board to just say I'd like to do this here. I'd like to put parking here for this other adjoining property.

Trustee McManus: The parking that's there now services 2 Overlook, upper level and the entrance ways for parking where the residences would be.

Trustee Patterson: That's how it's designed, that's how it was able to get...

Trustee McManus: That's how it's there.

Trustee Patterson: Yes.

Trustee Cheney: It may be there, but it's not there in an approved fashion I don't believe. I don't know that the Planning Board has given any approval to any parking up there. In fact, I believe based on what Mr. Singer said they have not.

Brian Singer: No, it was at that process to decide if 2 Overlook is set up as either residential or office, that was in the approved process and to address the parking when you decide what's going to happen with 4 Overlook. So, we brought it to that point and then the Board sent me to the Village Board to address that.

Trustee Patterson: So, it seems that you would be willing then if it worked with the deed restriction for the access to the parking for 2 Overlook, you would be willing to let us include in the limited, however you described it, the approval...

Brian Singer: I would have no issue restricting the residential.

Trustee Patterson: Without residential, that would work.

Brian Singer: I would do a covenant where you guys will have to approve it, but I'll put it in there. That it would be office. The neighbor directly to the left, the first, they're the one directly impacted on 4 Overlook. Their driveway abuts 4 Overlook, 6 Overlook and they would prefer highly that it's office. They have a lot of issues with residential tenants that were there in the past and they know the people who would be moving into there on the office end and they prefer it to be office.

Stephen Gaba: Well, if that's how you feel, and you want to voluntarily offer that...

Brian Singer: I would have no problem voluntarily offering that if I'm making it all office, then it's going to be that whole area direct, as office. But, it's not that I would leave it all as residential. The second floor of 2 Overlook and 4 Overlook would then be residential then I'll put...

Mayor Newhard: In essence, when you develop the interior, you're going to develop it as office space, not as a residential.

Brian Singer: I have the option to do either.

Mayor Newhard: Right, I know that but if you make that determination it seems like it would make more sense to develop it, if it goes, if there is that overlay and you're willing to have that covenant then...

Brian Singer: I would prefer it to be office, but I'm not going to limit myself to not if there's going to be a fight over what I put in there. I don't have the time. I'll just make it, I can put six apartments in there, two-bedroom apartments on the top floor of 2 Overlook and I'll leave the other building as residential so then I'll have eight apartments there.

Trustee Patterson: You won't have the parking. You won't be able to get to the parking lot for the upper section of 2 Overlook.

Brian Singer: I would come down through the middle if I have to. The issue with the back of 4 Overlook is ninety percent of it is commercial. If the lot is at angle going back and based on the legal advise that I received, I can go easement over onto 4 Overlook or I could go down the middle of, where the wall is there, so that's why I stopped at that point at that area so I can get access but, no matter what the existing driveway for 2 Overlook went over 4 Overlook. It ran down the side of it down where by the garage was put, it went over 2 Overlook, already approved, already in the deed that there was an easement put in for access for 2 Overlook from 4 Overlook.

Trustee Patterson: Right, but if we could just back up five minutes, you're agreeable to having it changed to just office.

Brian Singer: Yes, correct.

Trustee Patterson: Ok, so then if that would work for you I would like to frame it in that way so that we incorporate the access to the 2 Overlook upper through 4 Overlook and the whole thing is always going to be office.

Brian Singer: And that I would have no problem with a covenant or restriction on my end to keep it as office.

Stephen Gaba: Well, what you'd want to do then is, I would think, is send a letter to the Board saying in regard to my petition for zoning change I would to offer that in the event that the proposed zoning change is enacted, and I receive site plan approval from the Planning Board for

the project, I will impose a restrictive covenant on the property, satisfaction of the Village Attorney as far as wording goes, limiting the use of the property to commercial office or prohibiting residential uses, something like that so everybody knows in the event this happens, this is what you're going to do.

Trustee Patterson: Would a lot line change be required if they're sharing a parking lot, sharing access to a parking lot?

Stephen Gaba: If they have an easement, they don't need to change the lot lines, they don't need to make it all one lot.

Trustee Patterson: So, that the properties stay in the same ownership is the only reason I was saying that. And then I'm interested in, I'm personally interested to hear from the neighbors, make sure that that's what they want and so that would be part of the process too right?

Mayor Newhard: Yes, we'd have to go through SEQR, a public hearing.

Stephen Gaba: Is he going to consult Boris or are we going contact him? How do you want to do that?

Trustee Cheney: We should.

Mayor Newhard: We should.

Stephen Gaba: Ok.

Trustee Cheney: We need a report from Boris, I feel.

Trustee Patterson: Yes.

Mayor Newhard: Yes.

Trustee Patterson: Boris sent me one, but I wasn't able to

Trustee Cheney: Relative to the remedying the current deficiencies and relative to the site plan. Yes. I have a question about something that I believe Mr. Singer stated, you stated that you were able to put residential on 2 Overlook.

Brian Singer: Second floor?

Trustee Cheney: Yes.

Brian Singer: That's been approved.

Trustee Cheney: Did you get a variance for that?

Brian Singer: Yes. On the original planning it was going to be general commercial on the first floor and apartments on the second. Went back for an amended site plan and put in apartments and/or office on the second floor.

Trustee Cheney: Because the GC doesn't allow residential uses. I think we just need to look all the documents and everything that's going on. So, I have a lot of work to do.

Brian Singer: Go for and receive a variance on it to not limit my abilities with the property so, if it's an issue then I'll keep it as apartments and I already have the easement across from 4 Overlook to 2 Overlook because that's how it was existing when I purchased the property the easements in there to go from 4 Overlook to 2 Overlook to gain access to 2 Overlook the same easement, I have that easement that was already existing.

Mayor Newhard: Ok.

Trustee Cheney: But, absent an approved site plan from the Planning Board that easement is meaningless, correct?

Stephen Gaba: Well, the easement can exist he just can't use it for the purposes that he wants to use it for.

Mayor Newhard: Until he has an accepted site plan.

Stephen Gaba: Until the site plan is approved, that's right.

Trustee Patterson: Ok, well we agree that you have to move forward as though you're willing to accept all of it, 2 and 4, to be office.

Brian Singer: Yes.

Trustee Patterson: Ok.

Mayor Newhard: Anybody else before we open it up to the floor? I'd like to open it up to the public and obviously there's neighbors here who'd like to make some comments, so that would be great.

Trustee Cheney: We're in privilege of the floor?

Mayor Newhard: Yes, we're in privilege of the floor, exactly.

Privilege of the Floor

(Please limit your comments to five (5) minutes. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Antoinette Quinn: I'm Antoinette Quinn. I live at 9 Galloway. I share a property line with Mr. Singer. He has never talked to me, he talks about a neighbor that's ok with his plan. He's never approached me. I also share the same property side, so I am impacted by what's he's been doing. I find it really interesting that he has set himself up in such a way by working on the property and doing things without proper approval and then, it's been three years of just continuous nonsense of people not knowing what's going on there. He says he has plans, when he doesn't have plans. He's doing work on the property as if it's already commercial but there was a yard there on Overlook, it's not there anymore, so it does look like it was a parking lot, which it wasn't, so it's very hard as a resident living there, to believe anything that he says so I don't know how the Board can make any decision without reviewing everything that he's put in there, without revealing plans as a resident not knowing what his plans are for the office overlay is very confusing for me because I don't know what that's going to entail. He says that there's, that he has two people that are well known that are going to go in there that are, I understand that, but that can change. Anybody can go in there at any time, so I don't think there's enough information to approve anything at this point. He's all over the place.

Mayor Newhard: Well, we're not approving anything, so that's important to understand and we are, we do, really want to look at everything and speak to our Planning Board, Planning Board attorney, and just find exactly what the answers are.

Antoinette Quinn: And also, the timeline, this has been going on for three years where there are promises after promises and he keeps going back and forth to all these different Planning Boards and whatnot. When is it going to stop? When is he going to be put to a deadline to actually get

the work done? He does a little bit at a time. He doesn't do anything and then all of sudden he's there over the weekend doing all this work. Is the work that he's doing approved? Who knows?

John Quinn: I'm John Quinn. I'm her father. I live in Warwick for forty years and the backyard, like my daughter had said, it was a yard, it now looks like a driveway, so to me with Mr. Singer, it always seems he's putting the cart before the horse. It looks like he goes out there and does something and then he wants to get approval after the fact for it and then, like my daughter said, this is going on for three years, and we just want it to be done, to be finished. But, it sounds like listening to him, he doesn't know what he's doing. He's got tenants for 2, then he's going to turn it into residential. I mean he's all over the place so, we just want to know what the plans are.

Trustee Patterson: The tenants who may or may not be lined up for the offices are not a deciding factor in whether, I mean the Planning Board and our decision of the zone assignment, has nothing to do with what the potential...we have to think longer term than this tenants term so, if that... and everything will be laid out very precisely about what it's going to be, not the tenants, but what the property is going to look like, what the expectations are, and how many parking spaces there are, what the screening will be that's required before the approval takes place and so, it will start to come clear. This is not your only opportunity to speak about this.

Mayor Newhard: And what are the impacts?

Trustee Patterson: And what are the impacts, yes.

Antoinette Quinn: Well, and the other issue too is with communication from the Village itself that when certain things are being done, as being proposed to the Planning Board. People weren't notified, people that live directly there were not notified. I personally notified people.

Mayor Newhard: Well, that was prior and made us change our ordinance so that you will be notified.

Trustee Patterson: That was literally the reason we recently changed the zoning to say that when the Village Board is considering a zone change that we will do our best, which is very good, to inform property owners who are within three hundred feet, so that will change as a result of what you've gone through unfortunately.

Antoinette Quinn: Ok.

Mayor Newhard: Thank you very much. Would anybody like to speak to the Board? We will move on to motions. Before we get into resolution land we have a young lady here tonight, Taylor, do you want to come up here for a second and introduce yourself to the Board?

Taylor Hall: Hi, I'm Taylor Hall. I'm a senior at Warwick Valley High School in the senior project class. So, senior project is basically, you get to pick any project that you want. Some people make things or plan an event for the span of the ten months that you're in school and you write a collegiate level research paper on it by the end of the year. We already started writing it, mine's the benefit of a healthy diet, exercise and therapies for the body on autistic children. For my senior project I am hoping to host a walk through the Village of Warwick starting at Stanley Deming and finishing there. I'll make t-shirts for the participants and then walk down Main Street and Railroad Avenue and then Main Street again and the Railroad Avenue and finish at Stanley Deming. We'll have a reception afterwards with food and snacks and...

Mayor Newhard: It will be a walk on our sidewalks.

Taylor Hall: Yes.

Mayor Newhard: We're not closing down the streets or anything. Board do you have any questions, or would you like to...?

Trustee Cheney: The only caution I would have is that there isn't a lot of parking at Stanley Deming, so depending upon the size of the number of individuals that would be attending, parking may become a problem and there are also other uses there. I don't know whether given Memorial Park, having the availability of more parking, whether that's not something that might be an alternative?

Trustee Patterson: It's a Saturday in May during baseball season.

Mayor Newhard: And Stanley Deming is friendlier. Stanley Deming, if you bring little kids there's more to do.

Trustee Cheney: Right.

Mayor Newhard: It has more amenities in a way than Memorial Park.

Trustee Patterson: The parking lot on South Street, not the South Street lot, but the Chase Lot opens up on the weekends a lot doesn't it? It's free parking.

Mayor Newhard: Yes, it is free parking on the weekends and also the parking lot at the school above.

Trustee Patterson: Oh, right yes. That would be a great idea. Do we need Taylor to provide us with insurance and all of that?

Mayor Newhard: She did.

Trustee Patterson: Oh, she did. I'm sorry.

Taylor Hall: I had it in last Wednesday.

Trustee Patterson: Oh yes, I see it.

Mayor Newhard: Just for your information, I think it's a wonderful project, to bring awareness to autism. One of the resolutions we have tonight is actually all about that. It's by Marcus Molinaro who is the County Executive in Dutchess County and the resolution is about creating a stronger and greater awareness in our community about autism, so it's a perfect synergy.

Trustee Patterson: I think it sounds like a great project. I think it's going to be a lot of work but good for you, I think it sounds like an awesome project.

Taylor Hall: And all of the donations will be donated to Autism Speaks.

Mayor Newhard: That's great. Ok, well thank you. We're going to make a motion on it so, George. I thought we'd go ahead and do it now then she doesn't have to stay for the entire thing.

Walk to Benefit Autism Speaks

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson to grant permission to Autism Speaks to hold a walk to raise awareness and donations for autism beginning at Stanley Deming Park on Saturday, May 5, 2018 from 11:00 a.m. to 2:00 p.m. with a rain date of Saturday, May 12, 2018. Completed park permit, proof of proper insurance and \$100 security deposit has been received. AMENDED

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Hall Family to hold a walk to benefit Autism Speaks at Stanley Deming Park on Saturday, May 5, 2018 from 11:00 a.m. to 2:00 p.m. with a rain date of Saturday, May 12, 2018. Completed park permit, proof of proper insurance and \$100 security deposit has been received. Five Ayes

Discussion

Trustee McManus: My reason for changing it, is I'm assuming the insurance went to your home owners.

Cynthia Rivera-Hall: No, we had to take a separate insurance because they wouldn't give us an umbrella insurance.

Trustee McManus: But Autism Speaks as a foundation is not putting on the walk, you folks are.

Cynthia Rivera-Hall: No.

Trustee McManus: Ok, that why I'm moving it to the Hall Family.

Cynthia Rivera-Hall: Yes, ok.

Mayor Newhard: Ok.

Trustee Patterson: The only change I would make is ask you to encourage your participants to park at the school and get permission from the school to use that parking lot.

Taylor Hall: I'm making flyers for my school and emailing it to my relatives.

Trustee Patterson: But, you'd probably want to check with the school to make sure, because it's theirs, the parking lot. Just to make sure and I'm sure since it's a senior project, I won't make their decision but, I don't think they'll have a problem with that.

Mayor Newhard: Thank you, Taylor.

Waive Reading of Resolution Approving 2018 CDBG

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to waive the reading of the resolution approving the 2018 Community Development Block Grant. Five Ayes

Discussion

Trustee Patterson: My only problem, I think this is great and I know that it's a really good use of the funds, but I'd like to ask for very stringent reporting coming back to use from the Community Center about how they're progressing and what their project is going to be. We're handing over a tremendous amount of funds and responsibility and I just, I'm not a fan of their reporting – their history of reporting. That's my only...otherwise I think it's great.

Mayor Newhard: Ok.

Trustee Cheney: They've received the same grant through the Town for a number of years, so they should have it down pat I believe.

Trustee Patterson: Right, I have no idea whether they report...

Trustee Cheney: What they have to do for Community Development...

Mayor Newhard: It's also Community Development has a threshold too or reporting that's pretty...

Trustee Patterson: But, I just don't want to lose sight of it plus, it reminds us that the grant opportunity is there, and it doesn't have to be to them next year, you know what I mean.

Mayor Newhard: Ok.

Trustee Patterson: Otherwise, I think it's great.

RESOLUTION APPROVING 2018 CDBG

WHEREAS, in association with Warwick Community Bandwagon, Inc., the Village Board has applied for a Community Development Block Grant for proposed improvements to the Warwick Valley Community Center; and

WHEREAS, the Orange County Office of Community Development has provided the Village with a FY-2018 Community Development Municipal Agreement under which the Village will receive funds in the amount of \$50,000 for the said improvements to the Warwick Valley Community Center;

WHEREAS, the Village Board finds that it is in the Village's best interests to enter the said Agreement;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the proposed improvements to the Warwick Valley Community Center constitute a Type II action under SEQRA as maintenance, repair, rehabilitation or reconstruction of an existing structure or facility in kind and/or upgrading structures to meeting building or fire codes;
2. That the Village Board approves and agrees to the FY-2018 Community Development Municipal Agreement, a copy of which is annexed hereto; and
3. That the Village Mayor is authorized to execute the FY-2018 Community Development Municipal Agreement on behalf of the Village.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

Waive Reading of Resolution Approving 2018 CDBG Subrecipient Agreement

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to waive the reading of the resolution approving the 2018 Community Development Block Grant Subrecipient Agreement. Five Ayes

RESOLUTION APPROVING 2018 CDBG SUBRECIPIENT AGREEMENT

WHEREAS, in association with Warwick Community Bandwagon, Inc., the Village Board has applied for a Community Development Block Grant for proposed improvements to the Warwick Valley Community Center; and

WHEREAS, the Orange County Office of Community Development has provided the Village with a FY-2018 Community Development Subrecipient Agreement under which Warwick Community Bandwagon, Inc. will undertake improvements to the Warwick Valley Community Center and the Village will provide pay for such improvements out of grant funds in the amount of \$50,000 received from the County of Orange;

WHEREAS, the Village Board finds that it is in the Village's best interests to enter the said Agreement;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board approves and agrees to the FY-2018 Community Development Subrecipient Agreement, a copy of which is annexed hereto; and
2. That the Village Mayor is authorized to execute the FY-2018 Community Development Subrecipient Agreement on behalf of the Village.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

RESOLUTION CALLING ON THE VILLAGE OF WARWICK, RESIDENTS AND BUSINESS OWNERS TO ADOPT THE “THINK DIFFERENTLY” INITIATIVE TO ASSIST INDIVIDUALS WITH SPECIAL NEEDS AND THEIR FAMILIES

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum, and

WHEREAS, our state and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publicly supported services available to them in the community; and

WHEREAS, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the “Think Differently” initiative is an important statement that our Village officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT RESOLVED that the Village of Warwick, residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

RESOLUTION APPROVING SOFTWARE LICENSING AGREEMENT

WHEREAS, the Village has a need for the software products to assist in its day-to-day operations, and

WHEREAS, the Village has received a proposal from Software Consulting Associates, Inc. to license various municipal software products (hereafter “Municipality Software”) to the Village at a contract price of \$10,480.00 for the first year for the software, installation, training, maintenance, support and hosting; and

WHEREAS, under the proposal Software Consulting Associates, Inc. will provide maintenance, support, and hosting for the Municipality Software at a cost of \$1,330.00 for each of the next two years.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Village Board hereby approves the agreement with Software Consulting Associates, Inc. for a licensing agreement for Muncity Software, a copy of which is attached; and
2. The Village Board hereby authorizes the Village Mayor to execute the agreement with Software Consulting Associates, Inc. for the Munity Software.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

Release of Final Retainage Payment to Mancon, LLC

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to release the final retainage payment to Mancon, LLC in the amount of \$11,106.50 for the construction of the Stanley Deming Gazebo and Pavilion completed in January 2017. Five Ayes

Advertise and Receive Bids for Public Water Production System Operator and Wastewater System Operator

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to advertise and receive bids for Public Water Production System Operator and Wastewater System Operator. Five Ayes

Discussion

Trustee Cheney: The three-year term is up on the contract with JCO so we're going out to bid. With the Board's concurrence I'd like to add two one-year optional renewals of the contract at the sole discretion of the Village. So, it will be a three-year contract and then we would have the ability to extend it one year, and then extend it a second year if we so desire, at our sole discretion, so...

Trustee Patterson: For the existing contract or for the...

Trustee Cheney: No, for the new contract.

Trustee Patterson: Then why don't we just make it a...

Trustee Cheney: Because we didn't do it originally.

Trustee Patterson: Understood, alright.

Trustee Cheney: That's something I'd suggest. I think its reasonable. If we're happy we can keep going.

Mayor Newhard: Ok.

Mike Moser and Boris Rudzinski to Attend the Hudson Valley CEO Educational Conference

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to approve DPW Supervisor, Mike Moser and Building Inspector/Code Enforcement Officer, Boris Rudzinski to attend the Hudson Valley CEO Educational Conference April 18 through April 20, 2018 at the Poughkeepsie Grand Hotel, Poughkeepsie, NY. Five Ayes

Warwick Fire Department – Annual 9/11 Memorial Service

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to the Warwick Fire Department to hold the annual 9/11 Memorial Service in Memorial Park on Tuesday, September 11, 2018 at 6:00 p.m. Proper insurance has been received. Five Ayes

Warwick Little League – Opening Day Parade and Picture Day

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to the Warwick Little League to hold their Opening Day Parade and Picture Day on Saturday, April 7, 2018. The parade will step-off promptly at 10:00 a.m. with lineup beginning at 9:30 a.m. Picture Day activities will utilize the Memorial Park Pavilion and the surrounding area between 8:00 a.m. and 6:00 p.m. Completed park permit, proof of proper insurance and \$100 security deposit has been received. Five Ayes

Warwick Little League – Opening Day Parade Closure of Church Street

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to close Church Street on Saturday, April 7, 2018 starting at 9:00 a.m. for the benefit of the Little League Opening Day Parade. Barriers to be provided by the Department of Public Works. The parking spaces on the east side of Main Street between High and Church Streets to be designated as ‘No Parking’ so they can be used for dropping off participants. The parade route will proceed down

Main Street, make a left on Railroad Avenue, make a right on South Street, make a left on Parkway, a left on Park Lane crossing Forester Avenue into the park. Five Ayes

Discussion

Trustee Patterson: I don’t think that using the spots on the east side of Main Street is smart for dropping off participants. I think the whole purpose of it was that they get dropped off on Forester in the parking lot back there. It’s a really dangerous spot to suggest that parents drop kids off, because it gets closed and if their late, right, because that’s where the parade lineup is. It’s kind of congested right there. It’s my only suggestion. It’s not going to stop me from approving it but...it used to be that they would drop them off on Forester on their way to...

Trustee Cheney: They have the ability to do that, but Little League is no longer a thousand kids and the lineup doesn’t stretch much past the parking lot for...a little bit beyond there so...

Trustee Patterson: It just seems dangerous.

Trustee Cheney: If they were on Forester they wouldn’t see people on Church Street.

Trustee Patterson: Oh, that’s too bad, ok. Just as a suggestion. It’s fine. I totally agree with no parking there.

Mayor Newhard: As long as it’s safe and there’s cones there and we have no parking.

Trustee Cheney: Well, we cover the meters.

Mayor Newhard: This is like in front of...right along the picket fence.

Warwick Masonic Lodge Annual Lobster Bake

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to the Warwick Masonic Lodge #544 to hold their annual Lobster Bake in the Memorial Park pavilion on Sunday, June 10, 2018 from 7:00 a.m. to 8:00 p.m. Tables and chairs and bathrooms are requested. Completed park permit, proof of proper insurance and \$100 security deposit has been received. Five Ayes

Discussion

Trustee Lindberg: We only have about a hundred chairs and tables so that's what we'll put out.

Mike Moser: Yes, there's twelve tables and a hundred chairs.

Warwick Applefest 2018

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg to grant permission to the Warwick Valley Chamber of Commerce to hold the 30th annual Warwick Applefest on Sunday, October 14, 2018 from 9:00 a.m. to 5:00 p.m. in the area between Lewis Park and Stanley Deming Park, encompassing High Street, South Street, and the parking lots on South Street and Railroad Avenue/Village Green as per their letter dated February 9, 2018. Proof of proper insurance and detailed map has been received. **TABLED**

Discussion

Trustee Patterson: We normally include the Community Center in this request. Are they not involved anymore?

Mayor Newhard: I think they are involved on a contractual basis.

Trustee Cheney: And then the park, did they request the parking lot on First Street?

Trustee McManus: Yes, number fifteen.

Trustee Patterson: Yes, it's another motion.

Trustee Cheney: It is another motion?

Trustee McManus: It's number fifteen.

Mayor Newhard: It's a separate motion.

Trustee Cheney: Oh, sorry.

Trustee McManus: How come we're not getting a security deposit?

Trustee Patterson: We got a security deposit.

Trustee McManus: Not according to that motion.

Trustee Patterson: Well, on the permit, it's it on the permit.

Raina Abramson: I'm sorry, I put it on thirteen and fourteen. What they did was submit two park requests. They had their letter and then they had two park requests, one for Veterans' Memorial and one for Stanley Deming and we received two security deposits.

Trustee McManus: And what about Railroad Green in twelve?

Raina Abramson: Yes, ok.

Mayor Newhard: Ok. Any other comments besides adding that to the motion?

Trustee Patterson: Are they using Lewis Park?

Mayor Newhard: No.

Trustee Patterson: It's not ours to give anyway.

Trustee McManus: That would be up to the Historical Society.

Mayor Newhard: The Historical Society is planning to do something very interesting in Lewis Park. They are going to make it a truly historical experience, not a vendor, but have an encampment and have ...

Trustee Patterson: Really, that's a great idea.

Mayor Newhard: Yes, I think it's wonderful.

Trustee Lindberg: Is it in our interest to make sure the Community Center gets involved in that or is it not?

Mayor Newhard: I think that's an agreement between the Community Center and the Chamber.

Trustee Lindberg: I just want to know how the Community Center was involved?

Trustee Cheney: I think it's the community's interest that the Community Center be involved so, I would hope that they are able to work things out. I'm sure we will hear about it if they don't.

Trustee Lindberg: That's not a part of our responsibility in this motion. I'm certainly interested in it but...

Mayor Newhard: They have their own private agreement between the two groups.

Trustee Patterson: The whole purpose since we're talking about it, the whole reason that Applefest started was for the benefit of the Community Center, not for the benefit of the Chamber of Commerce. I have nothing against the Chamber of Commerce, but I believe the community is motivated to be invaded on a Sunday in the fall and everybody gives up their town for that day because it's such an important beneficiary that the Community Center so, I really have a lot of trouble with it and I would love to have more information about how the Community Center is going to benefit from this 20+, what is it 25 years, if not more, why they're suddenly not going to benefit anymore, if they're not going to benefit anymore.

Trustee McManus: This is the 30th Applefest.

Trustee Patterson: Is it the 30th, yes, it's been a long time and I think the people who formed this event would be upset to know that, if the Community Center isn't benefiting.

Mayor Newhard: I believe they are and I believe that there was a lot of peace made between the two groups. They were at odds for some time, but they are, they have the entire portion of Stanley Deming Park, across the stream at their disposal to create activities and they did last year and they got a very good response. It was less carnival like, they did have some rides for smaller kids but then they had other things that were more apple related and that were a lot of fun for families. And plus, also they do the parking, so there is an agreement about that so, I think there are numerous ways that they are benefitting.

Trustee Patterson: Ok, good.

Trustee McManus: We could also hold off and talk to the Community Center and make sure their agreement is in place. This is February and the event is October.

Trustee Lindberg: I'd like to do that.

Mayor Newhard: Ok.

Trustee Patterson: Me too.

Mayor Newhard: Ok.

Trustee Cheney: I think the motion that we've got tonight is none specific about any kind of a carnival.

Trustee Patterson: Well, it's further on. Motion number fourteen is the Stanley Deming portion of it which is being requested by the Chamber of Commerce and if contractual agreement is that the Chamber, it's under the umbrella of the Chamber, that's fine but it does talk about that part.

Trustee Cheney: But, nothing about any kind of a carnival.

Trustee Patterson: Well, kids activities in connection with Applefest. Not having a carnival is not making me sad, you know. The carnival that the Fire Department puts on, I think is amazing and it's appropriately placed in Memorial Park. I don't think any of us were ever huge fans of having a carnival in Stanley Deming.

Mayor Newhard: So, I hear a consensus of the Board to hold off on this motion and I would say the three motions.

Trustee Patterson: Four.

Trustee McManus: Twelve, thirteen, fourteen and fifteen.

Mayor Newhard: Right. So, we will table those until we have further information.

Trustee Patterson: Will you reach out to the Chamber?

Mayor Newhard: I will.

Trustee Patterson: Ok.

Mayor Newhard: And the Community Center.

Trustee Patterson: Great.

MOTION to grant permission to the Chamber of Commerce to use Veterans' Memorial Park for parking for Applefest attendees on Sunday, October 14, 2018 from 6:00 a.m. to 6:00 p.m. Completed park permit, proof of proper insurance and \$100 security deposit has been received. **TABLED**

MOTION to grant permission to the Chamber of Commerce to use Stanley Deming Park on Sunday, October 14, 2018 from 9:00 a.m. to 5:00 p.m. for crafts, non-profit vendors, and kid's activities in connection with Applefest. Completed park permit, proof of proper insurance and \$100 security deposit has been received. **TABLED**

MOTION to grant permission to the Chamber of Commerce to use the First Street parking lot in connection with Applefest on Sunday, October 14, 2018 from 9:00 a.m. to 5:00 p.m. **TABLED**

Memorial Park – Painting Lines in the Location of the Pump Station

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to paint red lines in Memorial Park at the location of the pump station fill site for Warwick Fire Department's use only. Five Ayes

Park Avenue Elementary School – Third Grade Picnic

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to Park Avenue Elementary School to hold a third-grade picnic in Stanley Deming Park on June 15, 2018 with a rain date of June 18, 2018 from 9:00 a.m. to 12:00 p.m. Completed park permit, and proof of proper insurance has been received. Security deposit has been waived. Five Ayes

Community 2000 – Too Good to Toss Tent Rental

Discussion

Mayor Newhard: It was brought to my attention that at the last meeting, which I was not at, that there was a motion that was made to allow for the Too Good to Toss program to happen in Stanley Deming Park which is wonderful, it was such a great event last year, so positive and this is part of Earth Day and there are numerous activities that are going on simultaneously in the park and Sustainable Warwick is looking for support from the Village and the Town for a tent and so that was talked about at the last meeting but it wasn't resolved or...

Trustee Patterson: It was talked about at the January meeting and not resolved because it was incorporated with another motion and then it was to be separated out in the last meeting but wasn't.

Mayor Newhard: Ok. So, I would like to bring that motion back and just have some discussion on that if there needs to be. Personally, I think it's a worthwhile cause.

Trustee Patterson: Ok, so can I make the motion?

Mayor Newhard: You sure can.

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried that the Village of Warwick join with the Town of Warwick to support the cost of a tent rental for the Too Good to Toss event over the weekend of Friday, April 20 through Monday, April 23 at a cost of approximately \$1,172.50. Four Ayes, One Nay (Trustee McManus)

Discussion

Mayor Newhard: I just have one question, there's a certain amount of control when we are allowing, giving money, it's a gift to some degree, correct?

Stephen Gaba: Well, I think gift is a little bit strong. It's a community event that you're assisting by providing a token.

Mayor Newhard: Ok. I just want to make sure that we have that clarity.

Stephen Gaba: Yes, you and the Town are partnering to provide a tent for this community event, the Too Good to Toss, there's nothing wrong with that.

Mayor Newhard: Ok.

Stephen Gaba: Now, you're going to want to make sure the tent is put up properly and that it's covered by your insurance and there's an understanding that you and the Town are responsible for the tent God forbid it collapses or something but, with that aside...

Trustee Patterson: The organization that's hosting the event has provided insurance for that, but are you saying by virtue of us paying for it....

Stephen Gaba: You should both be named insured under that policy.

Trustee Patterson: We are. Well, the Village is. I don't know about the Town. I imagine the Town has asked to be.

Stephen Gaba: Yes, I would hope.

Trustee McManus: I still have a problem with the Village of Warwick paying for a non-profit's organizations community service event. People who have talked to me since the last two meetings when this came up are waiting in line to come up ask for donations to sponsor their community service events. It's not a community event that the Village is putting on or the Town is putting on. A private non-profit organization is sponsoring the event and it's asking for the Village to give them money to hold that event.

Mayor Newhard: I understand that, and I understand your rational, I also feel like the ripple effect of the event is something that is something that affects Village residents in a very positive way, and also Town residents. We have garbage pick up in the spring and potentially this can help lighten the load. We talked about that before so, it does have a benefit. It's more than just putting on a street fair. It's a benefit to the community and I think that...

Trustee McManus: But all non-profit organizations who put on a community service event have a benefit to the community and those other groups don't ask us to pay for it.

Trustee Patterson: Well, we do contribute to the concerts and...

Trustee McManus: We put the concerts on. They are part of the Village.

Trustee Patterson: Not completely, we have sponsors too.

Trustee McManus: And they put on the ones when our money runs out so, once our share of the concert money runs out, we're not putting them on.

Trustee Patterson: Right, and the Summer Arts Festival, we help with that and we help with events that take place at the Community Center, you know we help to fund that every year. We've talked about this. I'm a fan of this event.

Trustee McManus: I don't have a problem with the program or the thing. It's a community service event put on by a non-profit that they want the Village, and I won't even discuss the Town because I'm not on the Town Board, that they want the Village to pay for. There are other groups who do just as good community projects that don't ask for Village money to do it. They do it as a community service and I don't see the difference where one group is ok, and the others aren't.

Mayor Newhard: Well, I believe that...

Trustee McManus: And I know I'm going to lose this battle.

Mayor Newhard: But it's worth the discussion. I think it's a discussion about sustainability of an activity and yes, I agree, and maybe that has to be, but for now, but by us helping or by us participating and partnering it can happen. Maybe as it moves forward and becomes even more successful, then it will have mechanism to be able to afford that tent by themselves.

Trustee McManus: It happened last year without us paying. Why would we think it wouldn't happen this year?

Mayor Newhard: No, the Sesquicentennial Committee paid for it last year.

Trustee McManus: It's still a community service, non-profit community service group that wants Village money to put on their community service event.

Trustee Patterson: Which I think as a Village we buy into the ideology behind the event just as we do the idea of the commerce that the concerts bring to the Village or Summer Concert Series or the Summer Arts Festival brings to the Village or the Fire Department, you know, any of those things...

Mayor Newhard: Tourism.

Trustee Patterson: Tourism, commerce, improved, you know, people who come in for this event are going to spend money in our...you know just like the benefits that we offer to Applefest for their activities and other...

Trustee McManus: Just remember this conversation when there's six or ten other groups in here looking for your money.

Mayor Newhard: And then we will have to really look at it very carefully.

Trustee Cheney: We would have to use discernment and decide what we can afford to do and what we feel is appropriate to do in terms of supporting community events.

Trustee Patterson: And the other thing, it's not just about this one event, it's about a recycling effort and the green initiatives that go along with it, which is a priority for our ...

Trustee McManus: It's still a community service.

Trustee Patterson: I agree.

Trustee McManus: A non-profit community service group taking Village money to put their event on. It's not the Warwick's Village Too Good to Toss event, it's Community 2000 or

Sustainable Warwick, but it's not ours. We are giving them tax payer money to put on their community service event.

Stephen Gaba: Well, I don't think you can do exactly what you're saying George.

Trustee McManus: That's what we're doing.

Stephen Gaba: Well, that be the practical effect of it as far as that goes but it's not like you're just writing a check and then...by sponsoring the tent with the Town, you're participating in the event. That's different from just giving somebody money to go out and do something. It's got to be structured that way or you can't do it.

Mayor Newhard: It is, and it is. It will be.

Trustee McManus: Who are we making the check out to? Warwick General Rental or Community 2000?

Mayor Newhard: I believe we would rent the tent.

Trustee Cheney: Yes.

Trustee Patterson: Yes.

Trustee McManus: We can only rent half of it. We can't rent...

Mayor Newhard: There's two tents.

Trustee Patterson: There are two tents. It's actually two.

Mayor Newhard: So, one will be us and the other will be the Town and it will be directly to Warwick Rental.

Trustee Patterson: We can't write a check to a non-for-profit organization unless...for example every year we give \$1,000 to Warwick in Bloom and \$2,000 to the Chamber of Commerce in support of their efforts. The Chamber of Commerce is specifically, what they ask for, is specifically tourism and they provide us with paid bills up to \$2,000 and we reimburse them, same as Warwick in Bloom provides us with paid bills up to \$1,000 and we reimburse them. We've been doing that for eight, nine years.

Trustee McManus: But that's all the money that's in our budget.

Trustee Patterson: I'm sorry.

Trustee McManus: That's already money that's in our budget. We've agreed to do that. We've agreed to sponsor them. We've agreed to help them with tourism.

Trustee Patterson: Ok.

Trustee McManus: So, now were just coming up with eleven hundred and something dollars that's not budgeted and giving it, basically giving it, to a community service group. You can say were renting a tent but we're really paying for their event to be put on.

Trustee Patterson: We're showing our support of their event. I hear you and I think that's a recommendation...

Trustee McManus: Remember this conversation when the rest of the people line up looking for help with their community service event.

Trustee Patterson: I think the recommendation would be to the organization to submit a letter each year saying we appreciate your support of our initiative, at budget time.

Mayor Newhard: Right, it's not automatic.

Trustee Patterson: It's not automatic for Warwick in Bloom or the Chamber either.

Mayor Newhard: Ok.

Reports

Mayor Newhard's Report:

I just want to report that I was up in Albany last week for the New York Council of Mayor's Conference and it was great. I now sit on a committee for environmental resources and policy making for New York Council of Mayor's and that's a committee from all over the state of other mayor's so that's kind of a nice place to be. We will be meeting probably four or five times throughout the year to define policies for our village's and cities and there was a lot of information that was shared. And a lot of information that I'll bring to your attention on things that are on the horizon and most of the discussion was about the governor's budget and what was in it and some of the language that was in it, so I will share that with you.

Trustee McManus' Report:

I would just like to remind people or advise people that on Friday night at the library there's a movie called "Chasing Heroin", which is hoping to start a conversation about the opioid crisis locally which is a prelude to a panel discussion on March 9th with some experts, or well maybe not experts, but more knowledgeable persons.

Mayor Newhard: It's a pretty large panel.

Trustee McManus: It's a pretty large panel, a good panel to get the conversation going on how to address the opioid crisis in this area.

Trustee Cheney: It's at 7:00 p.m.

Trustee McManus: 7:00 p.m. to 9:00 p.m.

Mayor Newhard: And I urge people, if their interested, to preregister because it's limited seating. I think there will be a pretty good crowd there.

Final Comments from the Floor

Elizabeth Knight: I would like to say, thank you. I understand your concerns and I also appreciate the fact that this was part of the entire way our community looks at what do we do with things we have to dispose of. This is part of an entire jigsaw puzzle of what do we do with excess stuff. The taxpayers are part of this. I worked with Mr. Cheney for two and a half years with my husband to try to get us a recycling coordinator that's part of the package. I understand that this was mentioned at the Orange County Association of Mayor's, and other municipalities. I understand that there's been renewed enthusiasm today with the green meeting about the Repair Cafés.

Trustee Cheney: Yes, in fact it seems like it's blossoming throughout the county. There's interest in a lot of places. Apparently, Cornwall's been doing it and nobody knew, so hopefully the people around Cornwall...

Elizabeth Knight: And their library was not as quite as regular. There are now over thirteen hundred Repair Café's in thirty-three countries, six continents. We've got eighteen in the Hudson Valley and lower Catskill's. I'm the one that started the only one at the moment in Orange County and I'm really hoping that there will be another soon. I will contribute whatever I can to make that happen. That's my way of giving back to the community. It's all volunteer but it's the right thing to do for keeping the rural character, keeping the environment clean, clean water, clean land, and what do we do with our stuff? The easiest thing to do with our stuff is, I don't need it and you do.

Trustee McManus: That's not my argument.

Elizabeth McKnight: I understand that. I understand your argument. I'm just telling you the other half of it.

Mayor Newhard: I want to say also, thank you for being this advocate but also I was at the meeting of supervisor's and mayor's which is a wonderful association that we have in our county, and both you and Eileen were there as a tag team and you did an extraordinary job and you did plant seeds and so I'll be eager to see the result of that, but I thought it was genius that you were there because you reached a lot of municipal leaders in one room.

Elizabeth Knight: And the fact that you were able to be there to tell your half of the story which only you could tell was wonderful.

Mayor Newhard: Thanks.

Trustee Patterson: Yes, it was fun. It was good. And there was a lot of good feedback, a lot of people were asking questions about it and we were encouraging other towns to do this event in their town which makes it easier for us.

Elizabeth Knight: And if anybody has a concern, I'm happy to explain how we did it. It has to be community grown. I can't make it happen, but I can certainly help support it and provide the guidance. Thank you so much.

Mayor Newhard: Thank you very much.

Trustee Patterson: Thank you Elizabeth.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee Cheney and carried to go into executive session for the purpose of 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. Five Ayes

Return to Regular Meeting

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

Adjournment

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

Raina M. Abramson
Village Clerk