

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JUNE 4, 2018**

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The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, June 4, 2018. Present were: Mayor Michael Newhard; Trustees Eileen Patterson, Barry Cheney, William Lindberg, and George McManus. Also present was Deputy Clerk, Barbara Ranieri. DPW Supervisor, Mike Moser was absent. Also present: Patrick Gallagher and Mary Collura.

The Mayor called the meeting to order.

The Deputy Clerk held the roll call.

Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to pay all approved and audited bills in the amount of \$372,086.23. Five Ayes.

Announcement

Mayor Newhard: I have a very nice announcement to make and that is the following. Peter Liepke and Elliot Belokostolsky will be our Artist in Residence for 2018. Peter is a photographer; a very well know photographer. Elliot is an abstract expressionist painter. The Poet Laureate for this coming year is Donna Haley, who actually is also a painter and an actress. She came to us with a proposal that we felt really fit into the Poet Lauriat category and that is a modern adaptation of the Spoon River Anthology. If you're familiar with that it is the story of a community through poems. Donna plans to be working on that as a project and we've asked Peter and Elliot to actually collaborate with her on that project and potentially at the end of the year there'll be either an exhibit or some kind of performance. We've very excited about that. That's the first time that we've had this kind of collaboration and we had more artists and poets apply than ever before. We are rich with creative people in our community in the Village and we're grateful that so many did apply. This is an ongoing program every year. If you did not get accepted this year, please re-apply again next year.

Correspondence

Mayor Newhard: Under correspondence tonight we have a memo from DPW Supervisor, Mike Moser, regarding property damage at 29 North Lynn Street. I believe we should pass that on to our legal counsel for his review. We also have an email from Concert Coordinator, Bill Iurato, regarding the July 3rd concert sponsored by Fetch Bar & Grill. I'd like some response from the Board about that.

Trustee Cheney: I think we need to consider some sort of a policy as to what's allowed if there's a sponsorship; what the cost of the sponsorship should be... those types of things so that we can apply it equally to anyone who requests it.

Trustee Patterson: I think we actually have done that in the past or maybe it's just become a practice that the sponsors are announced and thanked but he would have to have a peddler's permit and then do we allow other restaurants or organizations that are sponsoring to be there selling their wares as well. I think it feeds over into the peddler's permits.

Mayor Newhard: He does have a peddler's permit.

Trustee McManus: At least one other sponsor who had a display booth of his services, but he wasn't selling anything that night.

Trustee Patterson: But I agree with you.

Trustee Lindberg: You're saying he does have a peddler's permit?

Mayor Newhard: Yes, he does. He has three.

Trustee Patterson: I think back to the hotdog stand.

Trustee Cheney: But they weren't sponsoring.

Trustee Patterson: Okay, so you're saying...

Trustee Cheney: I'm saying a policy specific to sponsoring... to being a sponsor and what they're entitled to if they are a sponsor and what the cost of the sponsorship should be.

Trustee Patterson: I think it's really important that we really lay it out. I agree with you Barry. We should include in whatever correspondence or whatever collateral we use to get sponsors, we tell them what they're entitled to and what then we have to actually do it, whether it's a banner or an announcement... at the very least I think it should be an announcement. If there's a big crowd at the concert we should say, please understand this is being brought to you by the generosity of these businesses.

Trustee McManus: There is a banner...

Trustee Cheney: That's the general sponsorships. This is a special concert for a single event.

Trustee McManus: I understand. Let's go back to the single event, are we going to allow it or not. We need a policy but that's not going to happen for this event.

Trustee Lindberg: I'm thinking that we should work on a policy, but I would be in favor of giving them permission for the 3rd of July.

Trustee Cheney: I think there are two levels of sponsorship. One is the blanket donation or individual donation that they make which can be anywhere from probably \$100 to maybe \$500. Generally, not at much as \$800 as I understand it. Although there are probably some businesses that are benefitting more than \$500 from the fact that the concerts are at Railroad Green. As I see it, this is a different level of sponsorship.

Mayor Newhard: I agree and it's for a specific concert so yes, their name should be mentioned and if they have a table set up to sell... well we've had insurance companies, we've had Certa-Pro... we've had numerous different applications. This is the first time we've had somebody who is a restauranteur and has a food truck. I think that's very specific.

Trustee Patterson: Insurance would be his own responsibility to go with the peddler's permit. I agree with Bill, whether or not we can get this together for this year as far as a specific listing I think it's okay for this one.

Mayor Newhard: Why don't we do it as a motion.

Trustee McManus: I would disagree saying I think we should have a policy in place before we go down that path.

Trustee Patterson: I would agree with you except that he has a peddler's permit.

Trustee McManus: He doesn't follow all the rules that are out there now, so why put another opening into it?

Mayor Newhard: It would be through our allowance. It's not that he's just going to show up.

Trustee McManus: No policy, votes no.

Mayor Newhard: Well, I'd like to make a motion.

Trustee McManus: That's fine.

Mayor Newhard: We also have a letter from the Warwick Fire District regarding the proposed solar panel project at 28 Church Street which we had a public hearing on at our last meeting; and an email from Lieutenant Rader regarding the Pride Parade on June 10th, 2018 and the Recover Walk on July 29th. The police have reviewed the routes and will assist with the events.

Trustee McManus: That's the Break the Stigma Walk, not a Recovery Walk.

Trustee Patterson: To be fair to the Fire Department at our joint session with the Planning Board made it seem as though the Fire Department wasn't responding. I know they had been asked a couple of times and the letter made it seem like those comments were optional.

Trustee Cheney: Thanks for pointing that out.

Trustee Patterson: Another point that I'd like to make, we did include it in the code that the Fire Department should be consulted or asked for feedback about a particular solar panel because of the changes and their involvement I don't think that's been communicated to them since we've adopted that code that we will be reaching out to them and asking for their feedback as these applications come up.

Trustee Lindberg: I think there was some confusion though because Rosemarie thought it was the Fire Department, it's actually the Fire District who owns that property. I think there was some confusion there as far as where the letters went.

Trustee Patterson: Who owns what property?

Trustee Lindberg: 28 Church Street.

Trustee Patterson: The Fire District?

Trustee Lindberg: The Fire District owns the property, all the buildings and then there's the Fire Department and then the Fire Companies.

Trustee Cheney: Who did we contact?

Trustee Lindberg: I think they originally contacted the Fire Department who really has nothing to do with it. It's the Fire District.

Trustee Cheney: But isn't the Fire Department the one who responds...

Trustee Lindberg: They don't own the building.

Trustee Patterson: They own the building at Georgia Pacific?

Trustee Cheney: The Fire Department's equipment and buildings that it's housed in are owned by the District.

Trustee Patterson: But just the idea that whoever's going to be potentially fighting hopefully it never happens fire is aware of and has given us feedback about the feasibility of the solar panels. So, we could just send them a note and a copy of the code I guess.

Mayor Newhard: We should send that to the Fire District.

Trustee Lindberg: Yes.

Trustee McManus: You could probably CC the Fire Companies.

Privilege of the Floor

Patrick Gallagher spoke about a letter the residents wrote to the Building Inspector/Code Enforcement Officer. He then read the following letter.

“During the course of the review for the 16 Elm Street project, the applicant claimed that existing business establishments, and even background noise levels, were in violation of the existing noise code for the Village of Warwick. This raises several questions. First and foremost, I’d like to understand by way of an official explanation from your office if there are circumstances under which sound code violations under the existing code are acceptable. Is it actually true, as the project sponsor for 16 Elm Street has claimed that the noise code is currently being violated on a regular basis?

“It would be reasonable to presume that any regulatory code would have some sort of measures or procedure by which it may be enforced. To that point, I would like to ask the following questions:

- “1. What are the processes for addressing sound code violations?
- “2. Who is responsible for documenting sound code violations?
- “3. Is the person responsible trained on the equipment the Village has or plans to purchase?
- “4. Is the equipment of a quality and type that is admissible and or considered valid in court?
- “5. How is the data acquired during the process of monitoring potential violations stored and logged in the Village of Warwick?
- “6. Would a trained individual be available for spot monitoring or be able to set up and log neighborhood complaints/concerns if they occur?

- “7. What are the consequences for the violator and what is the remedy for affected homeowners?
- “8. If the equipment has not been purchased, what is the process by which residents can be involved in the specifications for the equipment prior to purchase.

“I would like to be included in discussions regarding the answers to these questions so that your answers address my specific concerns, rather than receiving answers that simply tick off items but fail to address the nuance and intent of each specific item. If your office is unable to answer any of these questions please refer them to the appropriate Village government individuals and advise me who you have requested assistance from so we can all be in the conversation where responsibilities overlap.

“We reasonably expect the Village to create and have in hand a detailed and established baseline of existing conditions in my yard and in my neighbor’s yards at key points over the course of days and nights over a period of time in the near future.

“By creating this the new equipment can be transparently tested and evaluated.

“We expect to determine that baseline and starting point during our discussions so the residents of this Village of quiet homes and the Village government responsible for protecting the peaceable enjoyment of our homes can anticipate regarding enforcement of existing code.”

Mr. Gallagher felt that the response from the Building Inspector was inadequate. He requested answers to the letter which he read.

The Mayor advised Mr. Gallagher that the Village has budgeted for sound monitoring equipment.

Mary Collura spoke to the Board regarding the Bicycle Parade and Pageant on July 4, 2018. Check in is at 10:15 in Railroad Green and the parade will start at 10:45 a.m. and end at the Warwick Valley Community Center.

Motions

Preliminary Engineering Report – Wastewater Treatment Plant

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to authorize the Mayor to enter into a contract with Barton & Loguidice for engineering services to provide Preliminary Engineering Report, Planning & Funding Assistance for the Wastewater Treatment Plant based on the proposal dated April 25, 2018 at a lump sum cost of \$37,500. Five Ayes.

Seasonal Office Intern

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to hire Christopher Blaskovich to the position of Seasonal Office Intern effective June 5, 2018 for 20 hours a week at \$10.00 per hour. Five Ayes.

Seasonal Laborers

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to hire Angello Mason and Ryan Korson for the position of Seasonal Laborer. This is a 12-week position at a rate of \$12.00 per hour without benefits. Angello Mason start date June 5, 2018; Ryan Korson start date to be determined. Five Ayes.

Internal Audit – Village of Warwick Justice Court

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson to acknowledge that Michael Vernieri, Auditor for the Village of Warwick, performed an internal audit of the Village of Warwick Justice Court as of May 31, 2017 and has found that all reporting and recording is being completed in a timely manner and the reports are in compliance with New York State requirements and to adopt the findings that he made – AMENDED

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to acknowledge that Michael Vernieri, Auditor for the Village of Warwick, performed an internal audit of the Village of Warwick Justice Court as of May 31, 2017 and has found that all reporting and recording is being completed in a timely manner. The reports are in compliance with the New York State requirements and the fines that have been collected have been turned over to the proper officials of the Village. Five Ayes.

July 4th Bicycle Parade

The **MOTION** was not made since the Village does not have to give itself permission to host an event.

Discussion

Mayor Newhard: Since it is a Village event, I think the consensus is that we really don't need to do a motion on that.

Trustee Patterson: We're able to provide insurance for it? Do we do that for the Halloween parade?

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Mayor Newhard: Yes, we do. We've already talked to John Sanford about it.

Park Avenue School Family Picnic Day

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to close Park Avenue from Galloway Road to Burt Street on June 15, 2018 from 5 p.m. to 8 p.m. for the Park Avenue School Family Picnic Day. Five Ayes.

LGBTQ Pride Parade

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Warwick Valley Community Center to have a LGBTQ Pride Parade on Sunday, June 10, 2018 at 1:30 p.m. The parade route from the Community Center to Railroad Avenue, Main Street and back to the Community Center has been approved by and will be assisted by the Warwick Police Department. Proof of proper insurance has been received. Five Ayes.

Discussion

Trustee Patterson: We did get that insurance?

Barbara Ranieri: Yes.

Trustee McManus: The same day.

Warwick Community Bandwagon July 4th Event

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson to close Hamilton Avenue and Campbell Road as per the attached map on July 4, 2018 from 9 a.m. to 6 p.m. for the benefit of the Warwick Community Bandwagon July 4th, 2018 event – AMENDED

Discussion

Trustee Patterson: All of Campbell Road?

Trustee Cheney: No, west of Wheeler. That's what it shows on the map. The map's not going to be attached to the minutes, right? I'll make a motion to amend it.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to close Hamilton Avenue and Campbell Road west of Wheeler as per the attached map on

July 4, 2018 from 9 a.m. to 6 p.m. for the benefit of the Warwick Valley Community Bandwagon July 4th, 2018 event. Five Ayes.

Break the Stigma Walk – Warwick Valley Prevention Coalition

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Warwick Valley Prevention Coalition to hold a “Break the Stigma” walk on Sunday, July 29, 2018 as per the attached map. The parade will start at the Warwick Valley Community Center at 10 a.m. and end at Railroad Green. Proof of proper insurance has been received. The parade route has been approved by and will be assisted by the Warwick Police Department. Five Ayes.

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to the Warwick Valley Community Center to use Railroad Green on Sunday, July 29, 2018 from 10 a.m. to 1 p.m. after the “Break the Stigma” parade to have speakers and tables for organizations who support recovery. Completed park permit, security deposit and proof of proper insurance have been received. Five Ayes.

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to close Railroad Avenue on Sunday, July 29, 2018 from 10 a.m. to 1 p.m. for the benefit of the Warwick Valley Community Center “Break the Stigma” event. Five Ayes.

July 3rd Concert – Fetch Bar and Grill

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to allow Adam Powers of Fetch Bar and Grill to bring his two food trucks, the cheesesteak food truck and Good Humor truck for the July 3rd concert at Railroad Green from 6 p.m. to 9 p.m. since he is sponsoring the event. Four Ayes, One Nay (Trustee McManus)

Discussion

Mayor Newhard: I just want to say that I do agree that we do need to create a policy, but I do understand this time and also the generosity of his sponsorship.

Final Comments from the Board

Mayor Newhard: I wanted to actually ask you, George, if you could give us a little bit more information about the event that the Coalition is organizing. It sounds wonderful.

Trustee McManus: The Warwick Valley Prevention Coalition is obviously a coalition of residents and organizations to prevent the underage use of specifically alcohol and

marijuana in their Mission Statement. In the Town of Warwick there's a group of that coalition who are in recovery and want to show that people who are in recovery are not duel-headed monsters that everybody should be afraid of; who are just normal people part of the community and want to have a community fun day at the center and a walk up to Railroad Green then some speakers just to get out there and show that they're normal people.

Mayor Newhard: I think it's great. Considering the crisis we've been dealing with... the opioid crisis in particular...

Trustee McManus: They're expecting about 200 people. The group firmly believes they can come up with that number.

Mayor Newhard: I will definitely be there. I hope the rest of the Board can show up as well and support it.

Trustee Lindberg: It's on the Village website but just a reminder our summer recreation program registration is June 18th and 19th at the Warwick High School from 6 p.m. to 7:30 p.m. The summer program is from June 25th through July 26th. The other one is just a reminder since Mike is not here, the Village pickup is going on and just to remind the folks that there are restricted items. There's no construction items, no appliances, no paint, PC's, etc. Televisions. Pretty much the stuff that makes sense. We'd appreciate that you don't put that out. The end result will be that it'll be left for you to do something with afterwards. I'd also appreciate that you don't put a TV on somebody else's property that we've noticed many times. Same rules that apply every year and Mike and his crew does a tremendous job. There's a lot of stuff out there. We'd just appreciate your help in that matter.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Five Ayes.

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

Adjournment

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

Barbara Ranieri
Deputy Clerk