

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
JULY 2, 2018**

**7941**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, July 2, 2018. Present were: Mayor Michael Newhard; Trustees Barry Cheney, William Lindberg, and George McManus. Trustee Eileen Patterson was absent. Also present was Deputy Clerk, Barbara Ranieri and DPW Supervisor, Mike Moser. Also present: Lt. Radar and Kathy Colquhoun.

The Mayor called the meeting to order.

The Deputy Clerk held the roll call.

**Approval of Minutes**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to approve the Minutes of May 21, 2018 and June 4, 2018. Four Ayes.

**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 \$428,045.88. Four Ayes.

**Correspondence**

Mayor Newhard: Under correspondence this evening we have a letter from David Garwood from Pinsky Law Group, PLLC regarding the South Street Extension fire station replacement project including the Short Form EAF. There's also a letter from Village Engineer, David Getz, regarding the Warwick Fire District Station 3 Replacement and a letter from the Project Manager JCO Inc., Keith Herbert regarding recent deliveries with a new chemical vendor. Those are all under motions.

**Discussion**

Mayor Newhard: Under discussion tonight we have Street Light Purchase/LED Conversion and Barry you've been our guiding light on that...

Trustee Cheney: We've had money in the budget I think for the last two years to fund the capital cost of purchasing our street lights from Orange & Rockland and replacing them with LED lighting. This year we took it out of the budget because we weren't able to fund that along with the other things. In the past we've been working with the Mid-Hudson Street Light Consortium and they were preparing an RFP that the Village could use to purchase the new LED lights and they were giving technical guidance on all aspects of this purchase process. It appears now that that effort has kind of ground to

somewhat of a halt and they've kind of gone a different path and they're using the New York Power Authority as the project manager for interested municipalities. In addition to the Power Authority there are private consultants who provide the project management services associated with this... those companies also have financing options available, so we could finance the project through them and in terms of a lease purchase agreement whereby we'd be leasing the lights in the beginning but after a certain period of time we'd end up owning those lights. The reason I'm bringing this up again is the Town's received proposals from both NYPA and a private company and the Village of Florida has already contracted with a private company. I'm bringing this up now because things seem to be going on and evolving... naturally with the conversion there should be considerable savings in our costs for annual operating of the street lights, but probably not enough to pay the debt on a five-year BAN which is usually the way we go with things. The return on investment, initially they were talking about three and a half to four and a half years and now it's stretching out to be a little longer than that, maybe five and a half to six years. What I wanted to do was just bring everybody up to date on that and look for input as to how we might want to proceed with the conversion. One of the options that we would have would be to issue an RFP and receive proposals which would give us a greater certainty between the difference between what we're paying now for street lights and what we would have to pay on an annual basis under one of the proposals. That's basically where that stands now. I'd like to see if you have any questions or input on it.

Trustee McManus: Is there any input or any help from NYSERDA?

Trustee Cheney: Well, NYSERDA was the sponsor for the Mid-Hudson Street Light Consortium so I'm not sure where they are on this. Funding wise I don't believe there is. There was the support that they were giving in terms of technical consultants and things like that.

Trustee McManus: Well they do a lot of green energy financial support.

Trustee Cheney: Not that I'm aware of.

Mayor Newhard: But you say that private companies are structuring purchase agreements... we could look at what the Town has and of course the Village of Florida.

Trustee Cheney: You can structure it whereby we would pay the capital costs associated with it and then finance it ourselves, own it right from the get go. The private company would serve as a project manager and basically walk us through procurement and installation of the LEDs once we've made the purchase and then we'd be paying directly the full amount for that conversion.

Mayor Newhard: Of course, we took it out of the budget.

Trustee Cheney: Again, that's not the end of the world because by the time that go through some of the steps we may be ready to prepare for next budget and be ready to do it in June.

Trustee McManus: I think we should go for the RFP and see where we stand and what's out there and what's available.

Trustee Cheney: There are probably a couple other things that we may need to do... well we have to create the RFP of course but we probably are due for a forensic audit of our utility services that we get. There are a number of companies that do that. NYCOM probably knows some of them. The one package that the Town received, there's a company in there that they said they could bring into the mix to do the forensic audit. Our engineering intern last summer did an extensive inventory categorization of all our street lights including the location with the GPS so it was all in the gps and it gives all the features of the light, in other words what the wattage is, what type of light it is, what the length of the arm is, all those things that would need to be factored in relative to verifying that we're purchasing the right things from O&R and also it gives us an idea as to how the replacement should be done and what LED lights would be appropriate to replace those.

Trustee Lindberg: Would they give us a pretty accurate number on how much we would be saving per year?

Trustee Cheney: There are going to be variables to it because as things get installed we may need to change out lights in certain locations. We may decide that the LED light is too strong. There are some things they can give a good idea with some issues... a lot of it they can't pin down until they actually do it but they're able to give a pretty good understanding of the costs. It shouldn't be off by too much. The private company in the information they gave the Town said they'd try and be very conservative when they do the calculations.

Mayor Newhard: Do you know if the Town went out with an RFP?

Trustee Cheney: I don't believe so. They received two proposals, one from the Power Authority and one from a private company.

Mayor Newhard: It would be a nice learning experience for the intern to work on that RFP.

Trustee Cheney: Which intern?

Mayor Newhard: The engineering intern. Thank you Barry, that was great.

**Privilege of the Floor**

There were no comments from the floor.

**Motions:**

**Revoke Resolution – Bid for Totalox – East Coast Environmental**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to revoke the May 1, 2018 resolution which accepted the bid from East Coast Environmental for Totalox and authorized a one-year contract for the same, on the grounds that East Coast Environmental is unable to comply with the prescribed insurance requirements. Four Ayes.

**Bid for Totalox – Slack Chemicals**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to award the bid for Totalox in the amount of \$11.85/gallon to Slack Chemicals per the recommendation of the DPW Supervisor and Keith Herbert, Chief Operator JCO. Lowest bidder, East Coast Environmental was unable to comply with insurance requirements. Four Ayes.

**Resolution – Warwick Fire District**

**Discussion:**

Mayor Newhard: Before we do number three we have two gentlemen in the audience who are here as representatives from the Fire District and in the conversation I had earlier today with Trustee Cheney, we hoped to move forward with this motion which is exempting the Fire Department from local zoning. But the question I think that both Barry and I have, and I believe other members of the Board would share is the communication that the Fire Department... especially this particular firehouse with the neighbors as you move forward with the project. It just seems critical to get everybody acquainted with it, knowledgeable and to share that knowledge; maybe it's through an open house or there are many ways that you can do it. I just think it would be a good neighbor policy. That goes beyond exempting zoning but maybe you've planned this already, but I just think that it would be a very healthy move.

Man: I think that's good advice and we actually would like to stay engaged with the Zoning Board anyway.

Mayor Newhard: That's the other thing we were hoping too; just to keep us in the loop. We think your design is beautiful and it's a much needed facility. I've been inside, and I've seen those trucks and you have to kind of shimmy your way through.

Man: That's good. I'll take that back and at the work session we'll talk about what our options are for an open house; maybe we could put something in the Advertiser.

Trustee Cheney: It might even help you to actually get the addresses of some of the nearest neighbors or just do a letter announcement and put it in their mailbox or on their door so that they get a more personal invitation that they would less likely miss than something just published in the paper.

Man: I think that's good advice and I'll take that back.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to adopt a resolution Determining Fire District's Exemption from Local Zoning:

**RESOLUTION DETERMINING FIRE DISTRICT'S EXEMPTION FROM LOCAL ZONING.**

WHEREAS, the Warwick Fire District is the owner of certain real property located at 132 South Street Ext., Warwick, New York 10990; and

WHEREAS, the said property is located within the territorial boundaries of the incorporated Village of Warwick; and

WHEREAS, the Warwick Fire District proposes to demolish an existing fire station and construct a new fire station on the said property, and

WHEREAS, the improvement of land in one municipality by a separate municipal entity raises the question of applicability of the "host" municipality's Zoning Code and Building Regulations; and

WHEREAS, in resolving conflicts between the zoning code of one municipality and the statutory authority of another municipality to perform designated public functions

the appropriate analysis to be conducted is the so-called "County of Monroe Balancing Test" [See Matter of City of Rochester, 72 N.Y.2d 338 (1988)].

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve and adopt the annexed balancing analysis pertaining to applicability of the Village of Warwick Zoning Code to the Fire District's proposed construction of a new fire station; and
2. That pursuant to the said analysis it is hereby determined that the Warwick Fire District's project to construct a new fire station is exempt from the provisions of the Village Zoning Code.
3. That pursuant to the Short Form EAF be amended and represented to the Village with the proper designation of municipalities and signed by a Commissioner of the District.

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

The vote on the foregoing resolution was as follows:

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

**Discussion:**

Trustee McManus: By exempting them from zoning code are we accepting the EAF as it was presented? I have a couple of questions on that.

Trustee Cheney: It takes it out of our hands. The EAF would no longer be in our hands.

Mayor Newhard: We would not be the lead agency. The Fire District is the lead agency.

Trustee McManus: Since this is still a State form and we're waiving some rights to it; I think A) it needs to be signed by a Commissioner, not just the Warwick Fire District typed in; we need to clarify that it's the Village Planning Board, not the Town; that it's a Village road not the Town.

Trustee Cheney: I believe Dave Getz made those comments.

Trustee McManus: The form that we see, and I have are those and since it's a legal document it should be filled out correctly and if that's something that has to be done before we waive the rights then I think we should hold up on waiving the rights until the legal form is filled out correctly. No offense to the Fire Department.

Mayor Newhard: Board, how do you feel about George's concerns?

Trustee Cheney: Valid, but I think that there are things that are not as egregious as in the body of the form, it says that there's no impact here and we believe there is; those types of things, but I really don't have a problem voting in favor of this resolution tonight.

Trustee Lindberg: It's easy fixable items that have to be addressed.

Mayor Newhard: It would be then a motion, even though it's a resolution, I would also add to the motion that these things be fixed, and the document signed.

Trustee McManus: Which are all very easily corrected and sign able and I don't see where two weeks is a big issue for a state form not be filled out correctly. We've had too many recent issues with EAF's or proposed EAF's so it's upon us to make sure that the form as it's presented to us is filled out correctly.

Trustee Cheney: According to this resolution, that form no longer is part of any purview that we have over the project.

Trustee McManus: Then I'm going to have to vote no on the resolution because it's happening in our Village that we are responsible for and it is a State form that I think should be filled out correctly before it's accepted and before we say anything else about it.

Trustee Lindberg: I'm ready to vote. This whole process is to take us out of the process.

Trustee McManus: We are never out of the process.

Mayor Newhard: That's true but... and quite frankly gentlemen I understand George's concern.

Trustee Cheney: I'm not dismissing them. I understand them too but again we're basically in a position here where according to the law and according to the balancing analysis. We can't really input ourselves unless invited in to the subsequent development of this project. If it would move it along to add a third resolve that the short form EAF be amended and re-presented to the Village with the proper designation of municipalities and signed by a Commissioner of the District.

Mayor Newhard: I would agree with that.

#### **Employee Vacation Carry-Over**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to grant permission to Village Employee, Arthur Wendel to carry over five (5) vacation days. Four Ayes.

#### **Warwick Youth Football and Cheer**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to Warwick Youth Football and Cheer to use Memorial Park from August 1, 2018 to November 15, 2018 from 5 p.m. to 9 p.m. and Saturday and Sundays from 10 a.m. to 10 p.m. Completed park permit, security deposit and proof of proper insurance have been received. Parking is to be in the designated parking lot and not in the grass on the entrance roads in and that it's the responsibility of Warwick Youth Football and Cheer to enforce that. Four Ayes.

#### **Discussion**

Trustee Cheney: I guess while it's not said, I think it goes without saying that if they're not able to enforce it we do have a police department. I know it's been difficult in the past to get compliance. I don't know whether our DPW Supervisor has any thoughts on what we might be able to do to keep them off the grass on the entrance road in. I know we've done it with the tape before, but I don't like the idea of the tape being up there from August 1<sup>st</sup> until November 15<sup>th</sup>.

Mike Moser: The other way we could do it is the guard rail that we put in. I did put a chain up over by the football field the other day between the football field and the

skatepark to stop because there was a chain, and everybody now has made their way around it. So, I put another chain up and they decided to take that down.

Trustee Cheney: That was kickball. We can have that discussion with kickball. I happened to have been there on Friday evening for the Little League. We hosted a tournament game and after the tournament game kickball had started so I went down to watch a little bit but yes, the whole area along where the football refreshment stand and equipment sheds are was just lined with cars.

Trustee Lindberg: We do have plans to put a fence along third base just to help with vehicles going through there.

Mike Moser: If there is a decision made about that other parking lot I could just pave that before football season starts and maybe they would use that.

Trustee Cheney: It's been there for years. You get six or seven cars that make their way back to there because everybody parks on the way in. This is the closest I'm going to get.

Mayor Newhard: It's like a domino.

Trustee Lindberg: I can go talk to Brian at one of his Board meetings.

Mike Moser: That guard rail that we made, we're putting in lag bolts. When it comes time for the carnival we can always pull sections out and the posts will be there to guide people, but they'll still be able to go through. It'd be a viable option because eleven months out of the year you don't want people driving through there and then for a couple weeks you allow it, then everybody just decides you allowed it last week they must allow it today.

Mayor Newhard: That's a whole other thing that we have to... they're asking for permission to use the park, so we should really look into and find A) you really have to speak to them as a group but B) maybe something structurally we can do to thwart that, that's also flexible enough so when we need it, we can have it.

### **Turn the Towns Teal**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to Turn the Towns Teal, Inc. to tie ribbons on trees in the Village of Warwick to bring awareness to Ovarian Cancer. Ribbons will go up on or about September 1, 2018 until September 30, 2018. Four Ayes.

### **Treasurer's Request – Budget Modifications**

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to the Village Treasurer to make End of Year Final Budget Modifications for FYE 5/31/18 as per the attached spreadsheet. Four Ayes.

**Historical Society – Tractor Parade**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to the Historical Society of the Town of Warwick to hold an Antique Tractor Parade on Sunday, July 29, 2018. Line up will be at 9:15 a.m. on Campbell Road. Step off time is 10 a.m. Parade route begins at Campbell and Oakland, down Oakland Avenue, down Main Street, right onto Colonial Avenue, right onto Forester Avenue, ending at the A. W. Buckbee Center, contingent upon the Historical Society providing the Village of Warwick with written approval of the Warwick Police Department. Four Ayes.

**Chemical Supplier Contract**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept and certify as correct the report of JCO, Inc., regarding the neglect and failure of Main Pool & Chemical Company to supply materials in accordance with the terms of the May 21, 2018 Contract for Services to Deliver Chemicals to the Village Water and Wastewater Treatment Plants and to terminate the contract for cause upon three (3) days written notice pursuant to the terms and provisions of Paragraph 19 of the contract. Four Ayes.

**DPW Supervisor's Report**

Mike Moser: We finished the drainage project on Marie Place. We installed five new catch basins and pipe in the cul-de-sac to control groundwater for the property owners. We continue to fill potholes and ditches throughout the Village. The Village-wide clean up is finished. The guys did an exceptional job and finished ahead of schedule. We've cleaned and repaired catch basins. We continue the I/I investigation for manhole infiltration of groundwater including TAM videoing some sewers. We assisted the Gardeners Club at Railroad Green. We jetted sewer lines for preventive maintenance. We did all Digsafe 811 requests. We assisted the electrician with wiring from the generator at the Microfiltration plant to our shop as our emergency backup supply. We repaired two separate water leaks in the stream bed. All parking meters that had work order complaints were repaired or replaced and meter money was collected. We have received a new RAVO sweeper. Training of the men on and off site is in progress with each guy being certified on the machine. Playground mulch has been installed at Stanley Deming Park. The new crosswalk on Grand Street is just about completed. The solar crosswalk system is installed with the speed unit temporarily. We started painting today the white outline and the red will be done before the end of the week. I attended Code Enforcement

Training in Poughkeepsie for yearly recertification and the Cornell Roads Highway Superintendents School. Mowing of Village owned properties continues. We moved the shed for the park program. The new parking lot at the pavilion has been paved and will be striped tomorrow. All the spots taken care of, handicapped included. We received the Lion's Water Fountain today. We will install that tomorrow morning. A reminder that milling of West Street is scheduled for July 17. The public should prepare for traffic delays on that day. Paving will follow the next week hopefully. I'm still waiting on the County Bid paving contractor to give me a date.

Trustee Cheney: The water leaks in the stream beds, where were they.

Mike Moser: One was right down here next to Cactus Pete. It was an old blow off or something that they had constructed in the stream bed and had taken away with debris. Chris found it leaking. The other one was a two-inch water line over there by River Street which was found by the County.

Mayor Newhard: Could I mention one thing? That speed unit is up there temporarily. I did get a complaint about it causes people to look at that when they should be watching to see if there's a pedestrian potentially. Could we find a new home for it as soon as possible?

Trustee McManus: On West Street once it's paved. I assume County Waste is picking up the dumpsters in Homestead Village tomorrow.

Mike Moser: We told them they could start picking them up because one of them was filled to capacity. Yes, they should be gone by tomorrow.

Trustee Cheney: Do we have a count on the number of dumpsters this year compared to last year?

Mike Moser: Not yet.

Trustee Cheney: Try and get it if you can over the last three or four years.

Trustee McManus: There's still a bunch of potholes on Homestead Village Drive.

Mike Moser: Yes, I met with Mr. Webster and drew them out.

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

Trustee Lindberg: Just a reminder that on July 4<sup>th</sup> we're having our 2<sup>nd</sup> Annual Bicycle Parade and Pageant from Railroad Avenue at 10:45 and goes to the Community Center.

There will be prizes for the Best Vintage, Most Patriotic, Most Unique Bicycle. You do need to wear helmets. If you bring a bike that's decorated and don't have a helmet you're going to have to walk the bike. Our police department will be there too to help us make that short journey to the Community Center as always. Then our Community Center is having a fundraiser on July 4<sup>th</sup>. The parade will go there and hopefully they'll stay there along with the rest of the group from Warwick. It's the Olde Time Family Fourth. It's a fundraiser. It's a major fundraiser for the Community Center. They'll be all sorts of entertainment; games, contests, moustache, jello contest, lots of food. There'll be a dunk tank that I'm sure the Mayor will be in as he was last year. Hopefully you'll all come out. The fair is from 11 a.m. to 5 p.m.

Mayor Newhard: I think it should be fun. Now with the parade the concern is a bit about the weather and so by 8 o'clock that morning we'll make a determination and put it on Facebook. Gentlemen if you get a chance, I'm not going to put my bike in the parade, but I did decorate a bike; one of my son's old bikes and it's in the window of my store to give people an idea of what could be done.

### **Executive Session**

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

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to return to the regular meeting. Four Ayes.

### **Adjournment**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to adjourn the meeting at approximately 8:30 p.m. Four Ayes.

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Barbara Ranieri  
Deputy Clerk