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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – August 17, 2020

Pursuant to Governor Cuomo's Executive Order 202.1, Village of Warwick meetings will be conducted virtually through Zoom Videoconference until further notice.

To View the Meeting:

FACEBOOK LIVE - The public may view the meeting live by going to the Village of Warwick's Facebook page: <https://www.facebook.com/VillageofWarwick>

VILLAGE'S WEBSITE – The public may view the meeting a day or so after its completion by going to the village's website: www.villageofwarwick.org

To Comment - During Privilege of the Floor Only:

FACEBOOK LIVE – Comments may be made during the Village Board Meeting through Facebook Live within privilege of the floor by going to the Village of Warwick's Facebook page: <https://www.facebook.com/VillageofWarwick>

TELEPHONE – Comments may be made during the Village Board Meeting by calling the Village Clerk's Office within privilege of the floor at (845) 986-2031 ext. 102.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
August 17, 2020**

8605

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 17, 2020 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Eileen Patterson, and George McManus. Also, present was Village Clerk, Raina Abramson, Village Attorney, Stephen Gaba, and DPW Supervisor, Mike Moser. Others present via Zoom Videoconference: Leo Kaytes, Laura Barca, Alec Gladd. In consideration of the current COVID-19 health crises and pursuant to Governor Cuomo's Executive Order 202.1 the public was able view the meeting and comment during privilege of the floor at the above date and time via Facebook Live on the Village's FB page <https://www.facebook.com/VillageofWarwick>.

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

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to accept the minutes of August 3, 2020

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson, and carried for the Acceptance of Reports, July 2020: Clerk's Office & Tax Collection Summary, Justice, Building, Planning Board & ZBA.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried for the Authorization to Pay all Approved and Audited Claims #20002084 – 21000414 in the amount of \$190,275.69.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

1. Police Report - *Suspended to Streamline Meeting due to COVID-19*

Privilege of the Floor

Please limit your comments to **five (5)** minutes. If reading a document, please submit a copy to the Clerk. 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.

Paul Rafanello (via Facebook Live): Why is the sidewalk closed on Bank Street?

Mayor Newhard: The sidewalk on Bank Street is closed by the County because it is in such a state of disrepair and Barry can chime in because you know through the County that work is being done through the County's DPW, their engineer to repair it and also to upgrade the bridge.

Trustee Cheney: Yes, they are working the design presently to give us a bridge that is going to be able to last us for a while without any problems. This bridge has been there for a long time and there's been pretty significant deterioration of the steel that is going to be replaced as well as the road bed, so it's about ready to be overdue for upgrade and repairs to it and that will be forthcoming.

Motions

Employee Training – Building Inspector/Code Enforcement Officer, Boris Rudzinski

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to grant permission to Building Inspector/Code Enforcement Officer, Boris Rudzinski, to attend the NYSBOC 2020 Rescheduled Spring Seminar at a total cost of \$300 on Tuesday, September 22, 2020 – Thursday, September 24, 2020 at the Town of Ramapo Recreation Bubble in Hillburn, NY. Overtime and travel time outside of the regular workday will apply. No mileage reimbursement is applicable, village vehicle will be used.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Extension of Outdoor Dining – Main Street

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to submit to the New York State Department of Transportation the proposed application for a COVID-19 Recovery Temporary Use Permit allowing temporary closure of a portion of Main Street (Route 94) to permit outdoor dining, and upon approval of the application by the DOT, to close the roadway on Thursdays, Fridays, and Saturdays through September 26th from 4:00 p.m. to 11:00 p.m. pending further extension of Governor Cuomo's Executive Order 202.38 covering those dates.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Mayor Newhard stated that this has been very successful and that he thinks that it has been a lifeline to many of the restaurants and also stated that it would be great to continue.

Extension of Outdoor Dining – Spring Street

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to allow temporary closure of a portion of Spring Street to permit outdoor dining on Fridays and Saturdays through September 26th from 4:00 p.m. to 11:00 p.m. pending further extension of Governor Cuomo's Executive Order 202.38 covering those dates.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee Patterson expressed concern about the road closure being moved up to South Street on Main Street, along with the closure at Spring and Wheeler, that the access to CVS and those shops was completely cutoff, along with access to the handicap parking in the lot. Discussion ensued with the Village Board regarding the placement of the barriers concerning safety and accessibility. DPW Supervisor, Mike Moser, explained that the placement of the barrier is an effort to divert traffic down South Street as a safety measure so cars don't continue down Main Street as well as to avoid bottlenecks, turnarounds, and other issues. Mayor Newhard requested that when the barriers are put out, to please be cognizant of the placement to still allow safe access to the CVS lot and Frank's pizza.

**Facility Use – Memorial Park Pavilion, McFarland Parking Lot & Railroad Green
Warwick Valley Rotary Foundation**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson, and carried to grant permission to the Warwick Valley Rotary Foundation to use the Memorial Park pavilion and surrounding grassy area, the McFarland Drive parking lot, and Railroad Green on Sunday, October 25, 2020 for 'The Great Halloween Hunt'. The event will take place from 1:00 p.m. to 5:00 p.m., with setup to begin at 11:00 a.m. and breakdown to be completed by 6:00 p.m., pending Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and NYS Department of Health. Completed park permit, proof of proper insurance, and security deposit have been received. Fit Body Boot Camp to receive notice that the pavilion will be unavailable for their use for afternoon classes on this date.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee Patterson suggested offering another spot to Fit Body Boot Camp. Trustee Lindberg stated that it would only be an issue if it was raining, because they are mostly outside. Trustee McManus suggested that they use another covered area such as in Stanley-Deming. Village Clerk, Raina Abramson, explained that after speaking with the owner of Fit Body Boot Camp, he was agreeable with allowing the Warwick Valley Rotary to use the pavilion during their requested date and time.

Leo Kaytes and Laura Barca from the Warwick Valley Rotary explained the Warwick Valley Rotary's event called 'The Great Halloween Hunt'. Participants will be emailed a list of clues

which will lead them to business or locations within the Village or Town of Warwick where they will be able to collect letters that will eventually create a word or a phrase. The idea is to encourage people to visit local businesses.

Facility Use – Memorial Park Pavilion, Patricia English

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to grant permission to Patricia English to use the pavilion and the surrounding grassy area in Memorial Park for outdoor fitness classes from August 18, 2020 through October 31, 2020 with sessions Tuesday through Thursday from 6:15 p.m. to 8:00 p.m. & Saturday and Sunday from 9:15 a.m. to 10:45 a.m. in coordination with Fit Body Boot Camp and November 1, 2020 – November 30, 2020 with sessions Tuesday through Thursday from 5:30 p.m. to 8:00 p.m. & Saturday and Sunday from 8:30 a.m. to 10:45 a.m. pending Governor Cuomo's Executive Orders, NYS Regional Phased Reopening Plan, and NYS Department of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW TO AMEND VILLAGE
CODE CHAPTER 135 VEHICLES AND TRAFFIC - WITHDRAWN**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."; and

WHEREAS, in order to consider adoption of the proposed local law it is necessary to first introduce it and hold a public hearing upon it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law; and

2. That a public hearing on the said local law is hereby set for September 8, 2020 at 7:30 p.m.; and

3. That the Village Clerk shall publish and post notice of the public hearing.

_____ presented the foregoing resolution
which was seconded by _____,

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

Barry Cheney, Trustee, voting _____

William Lindberg, Trustee, voting _____

George McManus, Trustee, voting _____

Eileen Patterson, Trustee, voting _____

Michael Newhard, Mayor, voting _____

Facility Use – South Street Parking Lot, Warwick Valley Chamber of Commerce

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to hold the Warwick Valley Farmers' Market in the South Street parking lot on Sunday, October 4, 2020 due to the cancellation of Applefest. Permission was previously granted from May 10, 2020 through November 22, 2020, except for Applefest Sunday. Completed facility use permit, security deposit and updated proof of proper insurance have been received as part of the application that was approved on January 6, 2020.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

NYS Gaming Commission Raffle Consent – Music for Humanity

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to

approve the New York State Gaming Commission form GC-RCF: Raffle Consent Form for Music for Humanity to sell raffle tickets in the Village of Warwick during the 2020 calendar year and authorize the Village Clerk to sign the same. Approval of form GC-RCF does not authorize the applicant to sell tickets at their leisure. All ticket sales during events and/or street fairs are subject to prior written approval of the event organizers and must be filed in the Clerk's Office. All other ticket sales are subject to prior written approval from the Village Board of Trustees.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Nay Mayor Newhard Aye

Discussion

Trustee McManus inquired where the ticket sales will take place if Music for Humanity is not allowed to sell them at their leisure. Mayor Newhard explained, that if Mr. Adelman wanted to sell tickets at a street fair, he would have to contact the organizers for permission. Mayor Newhard stated that it is a matter of control so that the Village is aware of where and when tickets will be sold. Village Clerk, Raina Abramson, stated that after a conversation with the NYS Gaming Commission, approval of this document only provides geographic consent, so geographically the Village of Warwick is allowing Music for Humanity to sell raffle tickets however, Mr. Adelman still must follow whatever rules, procedures, or permits that the Village Board requests.

Further discussion ensued between Village Attorney, Stephen Gaba, and the Village Board regarding the approval.

Trustee Cheney further explained that this form is a requirement from the State, covering approximately twelve municipalities and even though Music for Humanity may receive general geographic approval covering these municipalities, Mr. Adelman still must comply with whatever requirements those municipalities have established for his sale of raffle tickets. Trustee Cheney explained it as a two-step process; step one gives Music for Humanity the ability through the State Gaming Commission to sell raffle tickets within our jurisdiction but sales can't take place unless the applicant complies with the other aspects of the motion.

Village of Warwick Justice Court Internal Audit – May 31, 2019

A **MOTION** was made by Trustee McManus, 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, 2019 to comply with section 2019-a of the Uniform Justice Court Act and has found that all reporting and record keeping is being completed in a timely manner and the reports are in compliance with the New York State requirements.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Renewal of Special Use Permit – New Cingular Wireless PCS, LLC / AT&T - AMENDED

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg to grant the application of New Cingular Wireless PCS, LLC, ("AT&T") pursuant to Village Code §145-120.1(BB) for renewal of a special use permit for the cellular antenna array on the Saint Anthony's Community Hospital building located at 15 Maple Avenue for a period of five (5) years from July 19, 2020 to July 19, 2025.

The vote on the foregoing **motion** was as follows: **AMENDED**

Trustee Cheney ____ Trustee Lindberg ____ Trustee Patterson ____

Trustee McManus ____ Mayor Newhard ____

Discussion

Alec Gladd from Cuddy & Fedder, LLP explained that the request is a simple renewal of AT&T's existing wireless facility on the St. Anthony Community Hospital where six antennas are maintained and mounted on the side of the building with supporting equipment platform on the roof. Mr. Glad stated that it is a 4G LTE site that was last upgraded in 2016 with no additional modifications proposed, except a possible discussion to extend the renewal period for longer than five years.

Village Attorney, Stephen Gaba, explained that by Code, five years is the maximum that can be granted. Mr. Gaba also stated that it has been confirmed by Building Inspector/Code Enforcement Officer, Boris Rudzinski, that there have been no complaints, no violations, and that the application provides all the required information. Mr. Gaba also explained that the Village Board does not have a lot of leeway as far as the Code goes on renewing these special permits when nothing has changed, and everything is in order.

Trustee Cheney wanted to ensure that AT&T was still in compliance with the special conditions included in the motion. Village Attorney, Stephen Gaba, explained that the permit is automatically extended for a period up to six months to give the Village Board a chance to review the application and that the permit is still in effect through January 2021 if the Board wanted to have Mr. Rudzinski perform a site inspection.

The Village Board decided to revisit the matter at the first meeting in September pending a report from the Code Enforcement Officer.

Renewal of Special Use Permit – New Cingular Wireless PCS, LLC / AT&T - TABLED

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus, and carried to table the motion to grant the application of New Cingular Wireless PCS, LLC, ("AT&T") pursuant to Village Code §145-120.1(BB) for renewal of a special use permit for the cellular antenna array on the Saint Anthony's Community Hospital building located at 15 Maple Avenue for a period of five (5) years from July 19, 2020 to July 19, 2025 and revisit it at the first meeting in September pending a report from the Code Enforcement Officer.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Reports: *Suspended to Streamline Meeting due to COVID-19*

Final Comments from the Floor – No reports currently.

Final Comments from the Board – No comments currently.

Executive Session

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson to go into Executive Session to seek confidential advice of counsel.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

In Closed Session, Present: Mayor Michael Newhard, Trustees Barry Cheney, William Lindberg, Eileen Patterson, and George McManus.

Resume Regular Board Meeting

A **MOTION** was made by Trustee McManus to exit closed session and resume regular Village Board Meeting. Seconded by Trustee Patterson.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye

Adjournment

A **MOTION** was made by Trustee McManus to adjourn regular Village Board Meeting at approximately 9:30 p.m. Seconded by Trustee Patterson.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Patterson Aye

Trustee McManus Aye Mayor Newhard Aye