

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
AUGUST 19, 2019**

8307

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 19, 2019 at 7:30 p.m., in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Eileen Patterson, and George McManus. Trustee William Lindberg and DPW Supervisor, Michael Moser were absent. Also, present: Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Others present: Lt. John Rader, Kathy Gerstner, Joseph Lawler, Alfredo Pacheco, Ignacio Acevedo, Bill Iurato, and others.

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

Trustee Patterson awarded the following individuals with the New York State Conference of Mayors "Certificate of Public Service" which honors public officials who have served a single community for twenty-five years or more (awards are listed in five year increments only): Mayor, Michael J. Newhard – 25 years, Trustee/Deputy Mayor, Barry Cheney – 30 years, DPW Work Leader, James Quackenbush – 25 years, DPW Laborer, Arthur Wendel – 40 years, Architectural and Historic Review Board Chairman, Michael Bertolini – 30 years, Planning Board Chairman, George Aulen – 30 years.

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the minutes: July 15, 2019, July 23, 2019, and August 5, 2019. Four Ayes

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the reports of July 2019: Clerk's Office & Tax Collection Summary, Justice, Building, Planning Board & Zoning Board of Appeals. Four Ayes

Authorization to Pay All Approved and Audited Bills

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried for the authorization to pay all approved and audited bills in the amount of \$152,953.80. Four Ayes

Police Report

Lt. Rader: No report at this time.

Correspondence

1. Letter from Donna Kipp & Merritt Guy Kipp - Village View Cluster Subdivision

2. Letter from Barbara Hilley – Village View Subdivision

Discussion

1. Scheduling of a Work Session to discuss the proposed Short-Term Rental Regulations and Village Resident ID's.

Mayor Newhard: And a discussion amongst the Board about scheduling a work session if you feel that it is necessary, to discuss the proposed Short-Term Rental Regulations and Village Resident ID legislation.

Trustee Patterson: I'm ready to move forward with it as is as long as Boris has been educated on what the process is for him.

Stephen Gaba: I haven't spoken to Boris about the short-term rental.

Trustee Patterson: I actually did mention it to him, and I suggested that he speak with Mr. Gibbson in our Town's Building Inspectors office to just get himself up to speed on what he needs to do.

Trustee Cheney: I'm not prepared to go ahead with a motion tonight. I certainly would be at the next meeting.

Mayor Newhard: So, the procedure is actually a public hearing, correct?

Stephen Gaba: Yes. A local law.

Mayor Newhard: On each of them.

Stephen Gaba: Yes.

Trustee Cheney: Ok.

Stephen Gaba: Short-term rental might be subject to SEQRA so just to be on the safe side I will prepare an EAF for you on that.

Mayor Newhard: Ok.

Stephen Gaba: The back side, yes, you would post notice of your public hearing and adopt you would any other local law.

Mayor Newhard: Ok.

Trustee McManus: We have a public hearing scheduled for the second meeting in September so why don't we just include this one?

Mayor Newhard: I will not be here. I will be at NYCOM and there is a concern about that actually, the public hearing. It hasn't been advertised yet to date. We just recently reached out to Chase, it's on the Chase Lot, and so we have not heard back from them but we do finally have a contact person and so I don't know if there's...we really need to have that conversation, that dialogue, with Chase before we move forward with the public hearing on any changes in that lot.

Trustee Cheney: Well, we could rescind that motion at our next meeting if that was...I suggest we keep it the way it is right now. We don't have to advertise between now and the next meeting.

Mayor Newhard: Not yet.

Trustee Patterson: On the chance that you do hear back from them.

Mayor Newhard: Yes, it would be great to move on it as quickly as possible.

Trustee McManus: Didn't we set the public hearing (inaudible).

Trustee Cheney: No, just the one.

Trustee McManus: Right.

Trustee Cheney: It was one for parking issues. We were also going to work out the South Street configuration and include that in the public hearing. So, I guess, do we have enough time because it's on a Tuesday.

Raina Abramson: Well, my concern was that if Chase doesn't get back to us within a day or so, all the material would then have to be sent to Steve with all of the proposed changes we are going to be making, right, to the Village Code, so I was more concerned that maybe Steve wouldn't have time, by the time we got him all the material, to then get it advertised in time.

Trustee McManus: But we set the meeting for the late meeting in September, the public hearings.

Trustee Cheney: Right.

Raina Abramson: I don't think it still would be enough time to advertise though.

Trustee Patterson: It was for September 3rd, the one for the Chase Lot. It says that for the public hearing to be on September 3rd.

Trustee Cheney: No, that was amended, keep going, turn the page. No...

Raina Abramson: It was, it's below it. Go back a page.

Trustee Patterson: Oh, yes sorry.

Trustee McManus: So, why not just advertise it and if we have the information, we have it and if we don't have the information, we reschedule the public hearing, but we can settle on South Street and we can do these.

Raina Abramson: When we do the public hearing notice though, Steve, don't you usually provide me with the language that lets the public know...

Stephen Gaba: You are holding a public hearing on what in regard to Chase?

Raina Abramson: Chase Parking Lot.

Stephen Gaba: Yes, but what are we doing with it?

Raina Abramson: It's currently a permit lot only.

Stephen Gaba: Yes, so we are doing a local law?

Raina Abramson: It would be a local law? Correct? It would be a local law to change it to municipal and ...

Stephen Gaba: You cannot hold a public hearing until you have the draft local law so, I mean, if you don't have the language queued up yet, you really shouldn't post notice of a public hearings.

Mayor Newhard: Ok.

Trustee Patterson: Can we establish municipal parking in a lot that is on property that is not our own?

Stephen Gaba: Sure.

Trustee Patterson: That's leased?

Stephen Gaba: Sure.

Trustee McManus: We already do.

Trustee Patterson: Does that make it...what do you mean?

Trustee McManus: The CVS lot, we don't own that.

Trustee Patterson: Does that make it permanent parking?

Stephen Gaba: Well, if it's leased it's only as long as you have it and you can always rescind your use of it if it's a Village lease.

Trustee Patterson: My question is, as it relates to the Planning Board's rule that each establishment needs to have a certain amount of parking and it must be permanent parking that's irrevocable. Would that be considered? Because if it's going to be...

Stephen Gaba: So, you think it would invalidate Chase's site plan. Is that what you're saying? The banks?

Trustee Patterson: Nope. I'm saying if there's a project that's within three hundred, or is it five hundred, three hundred feet of the Chase Lot, could the Chase Lot be considered parking to fit the needs for the site plan approval?

Stephen Gaba: Well, not unless it's designated as permanent. You'd have to...even then I don't know how you could, well, not if it's leased. I don't think it would count. I don't think so.

Trustee Patterson: Even if it's municipal parking?

Stephen Gaba: Because it's not municipal land.

Trustee Patterson: Ok.

Stephen Gaba: It's you have a right to use it for parking but if I was a restaurant and I wanted to say I'm going to set up here and there's off-street parking over there in that municipal lot and the municipal lot was leased property and the lease was going to terminate at some point and you can even have a guarantee that it was going to remain? I don't know if the Planning Board would count it. Is that a problem?

Mayor Newhard: It is a problem, yes.

Trustee Patterson: I'm just trying to make it...

Trustee Cheney: It is because it is still within 300 feet of South Street and South Street doesn't constitute valid spots for residential use.

Trustee Patterson: Because there is no overnight parking in South Street, but if you have a 24-hour permit in the Chase Lot, then you checked the box for 24-hour parking accessibility. But not if that's still considered non-permanent parking, that's my question.

Mayor Newhard: Permanent is a pretty interesting word.

Stephen Gaba: I could look into it further, but it seems to me lease space that your using for municipal parking. Even with a ninety-nine-year lease it's not permanent.

Mayor Newhard: Nothing is that permanent.

Stephen Gaba: If the municipality owned the land then you designate it as parking it would be looked at differently, but we are under a lease, I don't know.

Mayor Newhard: Ok.

Trustee Cheney: But we would have to designate that as 24-hour parking in order for it to even be able to be considered.

Trustee Patterson: We still have 24 hour permits in there.

Trustee Cheney: No, we don't.

Trustee Patterson: I thought we did.

Mayor Newhard: Twelve and twelve, you can do it in the evening.

Trustee Patterson: Equivalent of 24 hours.

Trustee Cheney: But you can't park there on Sundays or Saturdays. That doesn't extend to Sundays and Saturdays.

Trustee Patterson: Interesting, ok.

Mayor Newhard: Ok.

Stephen Gaba: They didn't schedule a date for a public hearing.

Raina Abramson: For Chase.

Mayor Newhard: For Chase, I don't think we can without a local law, and we can't create that local law without some dialogue with Chase. So, I think we are being too premature as much as we'd like to try to expediate the change.

Raina Abramson: So, there will be a motion?

Mayor Newhard: So, there will be a motion. And then the other two legislative pieces, I feel the short-term rental regulations are in place. I think they are fine from what I read. Greenwood Lake actually help create them, the Town has taken them as well, so it's been vetted on a number of different levels. And I just feel that it's ...

Trustee Patterson: Ready.

Mayor Newhard: It's ready and pretty strong. Did you see anything in there as you were writing?

Stephen Gaba: No, the only comment I have on it and its very thorough local law, is that your building department is going to have to go out and inspect these things and maintain a registration of them. If the building department is ready to do that then it's not an issue. If the

building department is going to be overwhelmed by it, I don't know how heavily the Village is Air B&B traffic is, are you going to have fifty of these registered, maybe twenty, maybe two hundred, I don't know. But that aside I don't see a problem with it.

Mayor Newhard: I think once, I mean there's probably like anything first flush of people have to sign up and there will be a learning curve.

Stephen Gaba: If I remember correctly, I'm sorry Michael, I think it says that the fees set by your schedule of fees.

Mayor Newhard: Right.

Stephen Gaba: So, you going to want to adopt a local law as a resolution amending your schedule of fees saying the fee is going to be \$25.00, \$50.00, or \$100.00...

Mayor Newhard: It's \$150.00.

Stephen Gaba: \$150.00.

Mayor Newhard: Greenwood Lake and the Town.

Stephen Gaba: Well either I can prepare that, or you can just do it by motion.

Trustee Cheney: First generally the rule is \$50.00.

Mayor Newhard: It was \$150.00 and then, I have it on a little piece of paper and I'll get it to you.

Trustee Patterson: So, are we making the motion for the public hearing tonight?

Stephen Gaba: If you want to.

Mayor Newhard: We can.

Stephen Gaba: You have the local law before.

Mayor Newhard: I think we are ready for that but the other legislation for the Village resident ID's, I had some conversations with the clerk, there is some concerns about the internal piece and it rests on her shoulders or the office staff shoulders. So, there's a desire to have some discussion about that.

Stephen Gaba: Raina had a good idea of adding I-9, the information from the I-9?

Raina Abramson: That's right.

Stephen Gaba: Report cards and things like that so that if you had a minor would have a hard somebody vouching for their resident's address. There are some other items of proof of

residency which could be written into the law. So, maybe you want to talk that one over some more before you release a public hearing on it, but that's up to you.

Mayor Newhard: So, Board members, what is your...

Trustee Cheney: What was going to be the effective date of the ID...

Stephen Gaba: Well you can either have it effective upon filing with the Secretary of State or you can set a date for it, January 1, 2020. It's up to you.

Trustee Cheney: So that will give us time to work with the clerk to establish the procedures that don't necessarily have to be in the law.

Stephen Gaba: If you want a lead up time like that, sure, you can do that. Get it ready and then January 1 or whatever, 10, December 15, whatever date it is that suites you to say I'm open for business.

Trustee McManus: And they get the equipment.

Mayor Newhard: That makes sense, I would prefer that there was a little bit of a lag so that we can make those adjustments internally and figure out the timeline and start it but, as George points out the equipment as well.

Stephen Gaba: Alright well there's a last sentence in the local law that says this law shall take effective upon and tell me what the date is, and we'll change it from filing with the Secretary of State to whatever date it is you want.

Mayor Newhard: So, Board, do you want a public hearing set up?

Trustee McManus: Yes.

Trustee Patterson: Sure.

Trustee Cheney: Yes.

Mayor Newhard: Ok.

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.

Matias Rodriguez: Hello, my name is Matias Rodriguez and as you know I'm so happy every time we are here just to see you guys. We are still waiting for our municipal ID and I want to say thank you, also my community, I will tell them soon, we will get them something, and they are so happy, that's all I can say. Thank you.

Alfredo Pacheco: Hi, Alfredo, as you know, and I came here a year ago to talk about this issue and this topic and just listening to them and getting together we are going through some difficulties in our lives and they keep going. So, it's not a name or anything, it's the people want this change and they don't give up, they keep trying and trying and I wasn't here for two weeks because I was away two weeks, and they still come here.

Mayor Newhard: Yes.

Alfredo Pacheco: So basically, they don't need me, they know they can do everything. So, I feel happy things are changing because they want it not me, they need it, they're residents of Warwick and I'm happy to hear you guys keep it moving. Thank you.

Mayor Newhard: Alfredo, I just want to say that a year, that's a long time and I just want to commend your leadership during that year. I think that this entire Board felt that you respected us and you were a great liaison to the community and I just want to tell you that because it's important for you to know that we were very pleased with the process, we didn't feel that we were being pushed. There were a lot of details that we had to look at, a lot of care that we had to take in making these decisions, and I just want to say thank you.

Alfredo Pacheco: Thank you.

Mayor Newhard: Anyone else? Hi Bill.

Bill Iurato: Hi, how we doing? Well you know why I am here, I'm here for the closing of Bank Street on Sunday's from 9:00 a.m. to 2:00 p.m. and I'm asking the Board to go back and review it because it's been affecting my business. Obviously, I'm not open from 9:00 a.m., I don't open until noon on Sunday's so I would like to, you know if the Board would review it, go back and maybe open the street at noon. I know, I made a suggestion, really to me it's not the cars it's the people who pay no attention to what they are doing. I see people walking across back and forth across South Street, Railroad Avenue and even Main Street. The other day I was walking down the sidewalk in front of your store Michael and this woman with a five year old kid just went between two cars and there was all this traffic, I stopped and looked at her and said, why don't you go use the crosswalk? And she went, "Oh, good idea" and she went back and used the crosswalk, part of the problem is nobody uses them. And on Sunday's when they park in Kuiken Brothers nobody wants to walk down to the Caboose, they are all over the place. But you know for me it's just affecting my business every Sunday. Eileen, how was your business when they

closed off and paved Kings Highway? You know they paved it and closed it down and you probably had a lot of people having trouble getting to you that day.

Eileen Patterson: This is going to sound like I'm....it was fine. Honestly, I had no problem because we had...

Bill Iurato: You have access from the other side, right?

Eileen Patterson: Yes, and we have other places for people to park. I was concerned about the trucks getting there but you know. I was open that day it wasn't on a day that I was only open a couple of the hours.

Bill Iurato: Right, well I'm only open six hours and 12:00 p.m. to 2:00 p.m. are my two busiest hours of the day on a Sunday. And a lot of people come into town, they don't come to the Farmer's Market they just come to my store, so they want to drive down. Because as you all know on a Sunday trying to get a parking space is not very easy. The people are parking in Kuiken and in the Chase lot, that's where we're talking about and just walking all over the place. So, I don't know what the answer is, I feel if you can open the street at noon, I mean I think the busiest time is 10:00 a.m. to 12:00 p.m. I'm down there a lot and I think that 10:00 a.m. to 12:00 p.m. the busiest time. From 12:00 p.m. to 1:00 p.m., yes, it's still busy but not as busy and from 1:00 p.m. to 2:00 p.m. it's definitely winding down and going away. But I had a lot of my customers come to me and tell me they can't get to me on a Sunday because they are coming into town, they just want to come to my shop, there is no place to park and they're going somewhere else. So, I don't really feel it is very fair to me, I'm the taxpayer down there, and Barry and Bill were down there, I talked to them about it and they took pictures. Barry even mentioned the fact that the pizza guy he's practically out in the middle of the street. I mean the Farmer's Market needs to button up a bit, he shouldn't be leaving his truck there, maybe he should be parking somewhere else. Button it up, maybe we can put some sawhorses to a little bit more of a walkway for people or something. But, you know, I've been down there a long time, I was there before the Farmer's Market was even there. In twenty five years it was never an issue, you know, I still have to go in there on Sunday's I do drive in there as I spoke to Michael about and I still go in there on Sunday's but I would like you to go back and review the whole thing and if worse comes to worse then move the Farmer's Market across the street over to the Chase lot if need be, I know that has been mentioned as a thought. But, that's really about it, I thought my neighbor across the street was going to be here tonight, but I guess not. He may have his own issues eventually down the road. It is what it is, and I'd like you to go back and review it and discuss it. I was a little upset because obviously I sat on the Board here for twelve years with all of you and normally when something gets brought up you usually say let's table it and lets review it and come back in two weeks but that particular night you didn't. You just voted on it and you know,

I know Barry actually even mentioned that maybe you should even come talk to me first and you didn't.

Trustee Patterson: You know, in response to that in the twelve years that you were on the Village Board, do you ever one time remember us asking any of the businesses on Railroad Avenue if it was ok with them if we close for the dozens of times all summer that we close Railroad Avenue for the concerts?

Bill Iurato: Yes, I talked to all of them.

Trustee Patterson: As a rule of the Village Board, because I remember doing that one time. I think, in fact while you were on the Board there was a certain point we would say, we would make the motion to close Railroad Avenue for the concerts and we were advised by our attorney not to close it at the request of a particular person having a event there. But for the benefit of the community, so it was the Boards decision to close it, we never once checked with business owners.

Bill Iurato: No, but I went and talked to them.

Trustee Patterson: I know you personally did but I just saying as a Board it was not a rule that we would check with business owners before we close the road for the purposes of safety. And on that some note don't you think that businesses on Railroad are impacted by closing the road for all the concerts?

Bill Iurato: Absolutely not. Every single one of them has fantastic nights as long as they're open of course.

Trustee Patterson: Right.

Bill Iurato: Some of them don't open at nights.

Trustee McManus: They're impacted but not negatively.

Bill Iurato: I mean there are only four businesses there. You know, so I mean obviously Blarney has a great night, even the Junction has a good night and people are in and out. Grappa has a great night and The Olive Oil Company doesn't open.

Trustee Patterson: Because people park someplace else and walk to their business.

Bill Iurato: Well no, they park and come to the concerts.

Trustee Patterson: Right.

Bill Iurato: They are coming down for hours, they are not coming down for two minutes to run into a store, get something and go home.

Trustee Patterson: Right.

Bill Iurato: So, I mean it's different. I mean if nothing else Saturday night showed exactly what it was like around here in this town and how things have been. I don't know if you were out that night John, Saturday night...

John Rader: It was, I did hear about it.

Bill Iurato: it was unbelievable, it was a wonderful evening. But that's all I can do is ask you guys to review it maybe one more time and talk about it.

Mayor Newhard: Bill, but just to go back and to defend, it was a difficult decision and I understand exactly where you are coming from, you wished you had a heads up. But when we were presented with something that talks about public safety, for us to wait two weeks and if something was to happen, you know...

Bill Iurato: I understand if this was something that was new, but this has been going on for twenty-five years.

Mayor Newhard: Well there is a lot...

Bill Iurato: A few more weeks wasn't really going to...

Mayor Newhard: No, well to say that and Mr. Krahulik brought up that, why now, is not to recognize the significant difference in what the Farmer's Market has become in terms of its traction to people. I mean it has become bigger and more well used by the entire community and so there is a change there has been a change which has gradually happened over many years. So, now that is made even probably worse in terms of Bank Street by the one side of the bridge being shut to pedestrian traffic so now there is that whole scenario.

Bill Iurato: That's another scenario.

Mayor Newhard: That is another scenario. But still that makes it even more difficult with only one side for pedestrian traffic.

Trustee McManus: But going on what Bill is saying, the market is supposed to be confined to the parking lot.

Mayor Newhard: Right.

Trustee McManus: If they are in the street, we need to make sure the market stays in the parking lot. If somebody has the pizza thing in the middle of the street tow them away or move them, it's simple. They don't belong there, parked in the middle of the street, the market is in the parking lot. If it's not, then we need to fix that. I'm not saying open Bank Street or close Bank Street, they still need to be confined to the space.

Mayor Newhard: They were told that because when they were told it was going to be closed it was clearly pointed out the reasons why were for public safety including the ability for emergency vehicles to get through Bank Street. So that nothing could impede that, so we have to look at that.

Bill Iurato: When Barry and Bill were down, I think it was two weeks ago, he took pictures and even mentioned, Barry or Bill, one of you mentioned the fact that the pizza guy was literally on the crosswalk and part of his truck was out in the street. So, it really needs to be...and there's plenty of room and he really has no need to leave his truck there I don't think, I don't know for sure. But just go back and discuss it and see what you can do. There is not more I can do.

Trustee McManus: I would like to have the Clerk write them a letter, an official letter saying you are confined to the parking lot and do not go past the crosswalk that's painted there.

Trustee Cheney: There isn't a crosswalk painted there.

Trustee McManus: Well then...

Trustee Cheney: We need to do that.

Trustee Patterson: What crosswalk are we talking about?

Trustee McManus: Across the parking lot.

Trustee Patterson: Ok but where does Bank Street end? Does it end at the bridge and the parking lot begins? Or does it go straight through to South Street?

Trustee McManus: Goes straight through to South Street.

Bill Iurato: It goes straight through to South Street.

Trustee Patterson: Well then, it's one way the entire way.

Trustee Cheney: During the Farmer's Market.

Trustee Patterson: It's one way the entire way...

Trustee Cheney: No, it's not.

Bill Iurato: No, it's not. Because the do not enter signs are at the bridge so if you come in off South Street you can go up to the bridge and then you see do not enter. Technically from the bridge to South Street it's a two-way street.

Trustee Patterson: It might be confusing for somebody driving on there because there are arrows pointed in only one direction on the ground from...

Bill Iurato: That has more to do with the people who come off Main Street and come down. Instead of making that first left going up the wrong way of the parking lot the arrows are meant for people to go straight so they go around the parking lot.

Trustee Patterson: Yeah but if you're just driving and you're not in this conversation or weren't the person who painted the arrows or having the discussion about where the arrows were being painted, you could very easily assume that it's a one-way street.

Trustee Cheney: That should probably be corrected too.

Trustee Patterson: Well my suggestion is that it be consistently a one-way street if in fact the street goes beyond the bridge which I'm not convinced that it does. And make that the end of it at South Street be an exit only and you have to enter the parking lot from up closer to the UPS drop offs.

Trustee Cheney: So then how do you get to the first row of parking spaces?

Trustee McManus: You have to drive all the way back.

Trustee Cheney: You have to drive all the way in past the second row and then come back around.

Trustee Patterson: Yes.

Bill Iurato: Nobody does, people just...

Trustee Patterson: Well with direction maybe they would.

Bill Iurato: I mean I've been there, and people go up and down. I don't know, when I drive into a parking lot if I see all the cars on an angle like this, I go around. I have seen some people come in...

Trustee Patterson: Everybody does things wrong sometimes or you know, obviously. But my point is with better direction and better signage we could make it more clear that it is one-way all the way through. Because I think most people believe that it is, and it could be very logically based on arrows that are painted on the ground. Except one small one that directs people into that first row.

Bill Iurato: Well, I'm not going to argue with you but it's not, it's not the way it is right now. If you want to change it that's fine, but that's not the way Bank Street works. It's one-way from Main Street to the bridge and it's a two-way from the bridge over...

Trustee Cheney: If it were one-way the entire length then the parking spaces that are next to your place and the parking spaces that are in Krahulik's lot would be inaccessible.

Bill Iurato: Well you would have to come off of Main Street to get there.

Trustee Patterson: Or go around the parking lot.

Bill Iurato: Or you would have to go around the parking lot.

Trustee Cheney: But not between 10:00 a.m. and 2:00 p.m. on Sunday.

Trustee Patterson: I'm not just talking about Sunday. I think we did the right thing to close it. Two more weeks, you know, I'm happy we didn't have risk for two more weeks. Is it worth it? There is a potential for somebody to get hurt tomorrow you do something about it today you don't wait two weeks.

Bill Iurato: Where were you ten, fifteen years ago, were you worried then?

Trustee Patterson: You know what Bill, we were very, very lucky. Where were we ten years ago when...

Bill Iurato: People don't come flying down Bank Street at 40 m.p.h. like they come down South Street.

Trustee Patterson: But wouldn't it be a shame if they did and we had waited the two weeks.

Bill Iurato: Well they don't, nobody comes down that street.

Trustee Patterson: I mean ten years ago they let people bring dogs in until somebody realized there was a safety risk there and so now, they don't allow dogs. I mean things change, things evolve, things get better.

Bill Iurato: Yeah but that doesn't affect the businesses like it affects mine.

Trustee Patterson: I understand that.

Bill Iurato: I mean you know; how would you have felt if they closed Forester and nobody can get to you for two hours. Or any other street, if they closed Main Street for any business.

Trustee Patterson: It would have been a bummer, but I would have had to just suck it up because what needed to happen was the road needed to be paved. Why do you keep bringing up my business, it has nothing to do with this?

Bill Iurato: That's just one day I get two hours...

Trustee Patterson: I understand.

Bill Iurato: every single week for, and I assume this is going all the way to Home for the Holidays, the Sunday before Thanksgiving. So, you know, you're talking about thousands and thousands of dollars to me.

Trustee Patterson: But where are those people if they are able to get down Bank Street, where are they going to park to go into your business. Why couldn't they just park...

Bill Iurato: They park in front of my store, they park in front of Krahulik's little fence, they come in they run in and they leave.

Trustee Patterson: They park there illegally? In front of your store and in front of Krahulik's, I mean those aren't parking spots. They specifically say no parking there. You're making it seem as though your business is completely inaccessible between 10:00 a.m. and 2:00 p.m. on Sundays. And that is not the case, they can park in CVS, they can park at Spring Street, they can park in the Chase lot, they can park on Railroad Avenue.

Bill Iurato: Would you park in Spring Street lot and walk all the way up where my store when you can just drive down to the Shop-Rite and get a parking space right next to the liquor store down there?

Trustee Patterson: Yeah because your store is way better than Shop-Rite. Because I'm local, I want to support local business and I'm a dedicated customer to you. I mean, I'm not really because I don't drink but if I were, I would be dedicated to you.

Bill Iurato: Yeah, well...

Trustee Patterson: I buy all my gifts there, my friends do drink.

Bill Iurato: If it's 90 degrees out nobody's parking in Spring Street.

Trustee Patterson: The point is realistically they're coming to the Farmer's Market, they are walking to the Farmer's Market, they're potentially...

Bill Iurato: Not necessarily, not everybody. A lot of people don't go to the Farmer's Market, they just come to town.

Trustee Patterson: You have a valid point; I feel like we haven't cut off complete accessibility to your business. There is still an opportunity for people to get there and ...

Bill Iurato: Why am I doing less money if you haven't cut off accessibility to my business?

Trustee Patterson: Safety supersedes it. Maybe it's you know...

Bill Iurato: Because people don't want to walk, they want convenience, they want, it's because they want convenience, that's what it is. They want convenience, they want to drive down like they been doing every Sunday for the last twenty-seven years.

Trustee Patterson: I understand.

Bill Iurato: And that's the way they been doing it. Now all of a sudden, they can't do it, so they go somewhere else.

Trustee Patterson: I understand.

Mayor Newhard: I mean you have a same scenario at the beer store not far from you on South Street. And in terms of parking people parking coming in getting out you know leaving. And it is pretty chaotic on that end of the, on South Street as well because people are parking

Bill Iurato: It's chaotic, South Street is actually worse than Bank Street. I mean I've seen people step out in front of a car and put their hand up and stop them so they can jay walk across the street. I see people stick their hands out at people. So, I don't know, maybe we should close South Street too then, I don't know, maybe. The same thing on Railroad Avenue, the people just walk in between cars, walk out in front of people, walk out in front of cars. The whole situation down there is bad on a Sunday, South Street, Railroad Avenue, Bank Street. Farmers Market maybe should be moved to the back lot where it would be, at least if you park in Kuiken Brothers you don't have to cross the street. You can have half of that lot; people would park in the lot next to me and then cross the street. But there is more room back there it's a much bigger lot.

Mayor Newhard: Well that's a whole other discussion.

Bill Iurato: Well, it's kind of part of the whole discussion.

Mayor Newhard: Well it is, yeah.

Bill Iurato: You know, so, I'll let you discuss it and do what you have to do.

Mayor Newhard: Thank you.

Bill Iurato: Ok, have a good night.

Mayor Newhard: Thank you Bill. Good night.

Trustee Patterson: You too Bill.

Joseph Lawler: Good evening ladies and gentlemen. I have a couple questions, Barry Cheney's first motion on stipulation settlement, how much money are we talking about?

Trustee Cheney: It's not directly an amount of money that we're, it's going to cost us money to be able to go to court and get the money so we determined that the costs of going ahead with it would be close to what we might be able to get. And I think we are talking about, at this point, probably less than \$20,000.00.

Joseph Lawler: Ok, that's what I'm...

Trustee Cheney: Amongst nine people.

Joseph Lawler: Just nine people uh?

Trustee Cheney: Yes.

Joseph Lawler: How did it happen?

Trustee Cheney: There was, Eileen alluded to it before, there was a lack of communication between the Treasurer and the Deputy Treasurer that goes back to 2000 and...

Joseph Lawler: Five.

Trustee Cheney: five, yeah. And so, it wasn't found out until fifteen.

Joseph Lawler: Twelve years.

Trustee Cheney: Twelve years.

Joseph Lawler: Has this been fixed?

Trustee Cheney: Yes. It was fixed when it was discovered two years ago.

Trustee Patterson: In collaboration with the Deputy Treasurer.

Joseph Lawler: \$20,000.00, somebody should have paid. When did we know electively that, there is all this talk about Valley View...

Trustee Cheney: No, Village View.

Trustee McManus: Village View.

Joseph Lawler: Village View, I'm sorry, I always get this screwed up.

Trustee Cheney: It's ok.

Trustee McManus: Valley View is a nursing home.

Joseph Lawler: I got an excuse, I'm a senior. When did we find out they want to build forty-five additional homes adjacent to the ones they are discussing with us on the land?

Trustee Patterson: I don't think it is an additional forty-five.

Trustee Cheney: No...

Trustee Patterson: I think it's like ten.

Trustee Cheney: They have, by right, I believe twenty-seven or twenty-eight lots. They have come to the Village with a proposal for forty-five lots on that property and then they are putting a road through the Town end of it to come out onto Sleepy Valley and that I believe could yield six lots under the existing zone if the town were to approve that.

Joseph Lawler: Six? Because I read forty-five, that's why...

Trustee Cheney: Well the forty-five is within the Village. And that's what they requested which is in addition to what they have by right under the existing zoning. They are allowed to ask for more lots.

Joseph Lawler: Right, I understand, I know what they are doing.

Trustee Cheney: That jumped it from twenty-seven or twenty-eight to forty-five.

Joseph Lawler: Right, provided they do certain things.

Mayor Newhard: Right, it's a cluster...

Joseph Lawler: Right.

Trustee Cheney: provision.

Mayor Newhard: provision, so...

Joseph Lawler: Cluster, yeah, we won't go no further with that.

Mayor Newhard: Sadly, I read your mind.

Joseph Lawler: That discussion, that was what Mike does I tell you, all the discussion that was going on here about Valley View and...

Mayor Newhard: Village View.

Trustee Patterson: Village View.

Joseph Lawler: Oh, so sorry, VV how's that? And nobody brought out the fact that they want to expand adjacent to it on Town property another additional set of homes.

Mayor Newhard: That has come out and it's been now before the Planning Board because it was clearly understood through the public hearing process that it's not, I think the comments were

from the public, well this developer owns this Town layout. So how do we know it's going to happen? Why isn't this looked at holistically as to whatever is going to happen in the Village and what's going to happen in the Town. Whether it happens now or in the future at least we have a clear picture of the impact.

Joseph Lawler: Right.

Mayor Newhard: And that's why this is happening.

Trustee Cheney: And the other aspect was through the discussions, the exit point, the upper exit point onto Sleepy Valley was in a fairly poor location from a site distance wise and it also required a considerable amount of disturbance of streams and wet areas. And it would have required a culvert to be installed with probably twenty something feet of fill over the top of it that would have then become the responsibility of the Village when we accept the dedication of the street. So, this was seen as a better alternative to, coming out further up Sleepy Valley and not having that ravine be cut across. There were a lot of aspects to that, that were more beneficial than with the new then with the old.

Joseph Lawler: Ok, I'm just curious so, they did the traffic study. Was that done in mind that it may be increased with the additional lots above it?

Trustee Patterson: The traffic study was done in 2009 I believe.

Mayor Newhard: And I think there is a new traffic study that is being done.

Trustee Patterson: Yes, they are doing a new one.

Joseph Lawler: Well there is a lot of controversy about that but, some people think it's going to be done in another zone. But I'm just saying doing a traffic study are they including the impacted traffic that's going to come from the additional...

Trustee Cheney: six lots...

Joseph Lawler: six lots being developed above it?

Trustee Cheney: They will need to, yes.

Joseph Lawler: Right now, they are only going to study it for what's being done in Village View. Is that right?

Trustee Cheney: Yes. Well they done that already in their past environmental impact statements so it would be incumbent upon them to add the additional lands that are in the Town, the lots that would be created as a result of that.

Joseph Lawler: That's what I would think, but that's why I'm asking the question.

Trustee Patterson: To be clear that's not a question that we can specially answer, it would be decided by the Planning Board or the Town Planning Board, right?

Trustee Cheney: Both.

Trustee Patterson: Both working together.

Trustee Cheney: Yes.

Joseph Lawler: Ok, thank you.

Mayor Newhard: Thank you. Anyone else?

Motions

RESOLUTION RATIFYING THE TERMS OF THE STIPULATION SETTLEMENT

RESOLVED, that the Board of Trustees of the Village of Warwick hereby approves and ratifies the terms of the Stipulation of Settlement between the Village and the International Brotherhood of Teamsters, Local Union No. 445, dated July 19, 2019, and hereby authorizes the Deputy Mayor to execute all documents pertaining to same and to take all actions consistent with the terms thereof.

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 Absent

George McManus, Trustee, voting Aye

Eileen Patterson, Trustee, voting Aye

Michael Newhard, Mayor, voting Abstained

**RESOLUTION WAIVING ANY AND ALL OUTSTANDING UNDER COLLECTED
HEALTH INSURANCE PREMIUM CONTRIBUTION PAYMENTS**

WHEREAS, between 2005 and 2016, the Village of Warwick miscalculated the amount of certain Village employees'/officers' health insurance premium contribution payments and under withheld the correct amount; and

WHEREAS, based upon the foregoing, certain health insurance premium contribution payments are currently outstanding to the Village from such Village employees/officers; and

WHEREAS, the Village first became aware of such outstanding reimbursement payments in 2017; and

WHEREAS, due to the passage of time, the statute of limitations, and the time and expense the Village would need to undergo in order to pursue the collection of such outstanding health insurance premium contribution payments, the Village Board of Trustees has determined that it is in the best interest of the Village to forego the collection of certain outstanding health insurance premium contribution payments rather than to incur the cost and expense of litigation.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Warwick hereby waives any and all outstanding under collected health insurance premium contribution payments from its non-unionized and non-elected employees/officers accrued between 2005 and 2016.

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 Absent

George McManus, Trustee, voting Aye

Eileen Patterson, Trustee, voting Aye

Michael Newhard, Mayor, voting Abstained

Discussion Prior to Vote

Trustee Patterson: Have you already executed the agreement Barry?

Trustee Cheney: No.

Trustee Patterson: So...

Trustee Cheney: They have, the union has it and have given it to us.

Trustee Patterson: Oh ok.

Trustee Cheney: I'm not signing it...

Trustee Patterson: So, by virtue of this resolution we are authorizing you to execute the agreement and we're saying we're not going to collect it.

Trustee Cheney: No, the first resolution relates to the union members, the second resolution relates to the non-union members non-elected. Because we had two categories of employees that were affected.

Trustee Patterson: I understand.

Trustee Cheney: The second one is...

Trustee Patterson: This one, the Village of, ok, thank you, yes.

Trustee Cheney: Do we have a second?

Trustee Patterson: Yes, we do. George seconded and I...

Raina Abramson: Oh, you did, I'm sorry, I didn't hear that.

Proposed Action: Village of Warwick Reservoir Water Storage Tank Improvements

**RESOLUTION DECLARING THE INTENT OF THE
VILLAGE OF WARWICK VILLAGE BOARD
TO ACT AS LEAD AGENCY**

WHEREAS, the Village of Warwick (Village) is proposing the Village of Warwick Reservoir Water Storage Tank Improvements (Project), located in the Town of Warwick, Orange County, New York; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the Village of Warwick Village Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, Part I of a Short Environmental Assessment Form (SEAF) has been completed, reviewed by the Village of Warwick Village Board, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Village of Warwick Village Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Mayor of the Village of Warwick hereby is authorized to sign Part I of the SEAF (page 3); and it is further

RESOLVED AND DETERMINED, that the Village of Warwick will send said Part I of the SEAF and associated site figure to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA; and it is further

RESOLVED, that the Mayor of the Village of Warwick and the Village Board, together with the Village of Warwick Attorney and Barton & Loguidice, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

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 Absent

George McManus, Trustee, voting Aye

Eileen Patterson, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion Prior to Vote

Trustee Patterson: I feel like we should spell out Barton & Loguidice, no?

Trustee McManus: Yes, I agree.

Trustee Cheney: Yeah, well I said it so...

Trustee Patterson: Oh, ok.

Trustee Cheney: Raina will take care of that. And we got a revised document tonight and I had questions on number eleven. Relative to wastewater that they had answered no which is correct and if no describe the method, so I wanted to make sure that they're in there that it doesn't require wastewater treatment. And the other question that I had, although it didn't resolve in a change is in twelve B, it says yes, the project site or any portion of it located in or adjacent to an area designated sensitive for archaeological sites on the New York State Historic Preservation Office Archaeological site inventory and they answered yes correctly. And they told me today that the archaeological survey has been performed and the findings were negative meaning that no further action is required. So just for our identification.

Mayor Newhard: Ok, that's great. Do we have a second?

Treasurers Request – Budget Modifications

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to approve the budget modifications as per the Village Treasurer's letter dated August 5, 2019. Four Ayes

Warwick Fire Department Coin Toss

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Warwick Fire Department to hold a coin toss on August 24 & 25, 2019 and September 7 & 8, 2019 between the hours of 10:00 a.m. and 2:00 p.m. on Oakland Avenue just north of Linden Place. Proof of proper insurance has been received and participants shall wear safety clothing and traffic cones are to be used to direct traffic and proper insurance is on file. Four Ayes

Parade - Warwick Valley Central School District Homecoming Parade

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to the Warwick Valley Central School District to hold a Homecoming Parade on Saturday, September 14, 2019 as per their letter dated August 5, 2019. The proper insurance is on file. Four Ayes

JP Morgan Chase Parking Lot – Rescind Public Hearing Motion

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to rescind the public hearing motion for the Chase parking lot made at the August 5, 2019 meeting. Four Ayes

Discussion Prior to Vote

Trustee Patterson: I thought we weren't going to do that; we were going to wait until the first meeting in September and then cancel it if don't hear from Chase.

Mayor Newhard: Well...

Stephen Gaba: Well the issue is that you need to have a draft local law in order to notice the public hearing on draft local law.

Trustee Patterson: I'm sorry, yes, I apologize.

Mayor Newhard: Ok, so we have second, all in favor...

Scheduling of Public Hearing – Short Term Rental Local Law

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to schedule a public hearing on Monday, October 7, 2019 at 7:30 p.m. for consideration of the Short-Term Rental Local Law. Four Ayes

Scheduling of Public Hearing – Residential ID Program

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to schedule a public hearing on Monday, October 7, 2019 at 7:30 p.m. to consider the Resident ID Local Law. Four Ayes

Mayor Newhard: There were no other Addendum's correct? No, ok, reports.

Reports

Trustee Cheney's Report: No report currently.

Trustee Lindberg's Report: No report currently.

Trustee Patterson's Report: No report currently.

Trustee McManus' Report: No report currently.

DPW Supervisor, Mike Moser's Report: No report currently.

Final Comments from the Floor

Ignacio Acevedo: October 7, 2019?

Trustee Patterson: The public hearing is October 7, 2019.

Mayor Newhard: Yes, the public hearing.

Ignacio Acevedo: October 7, 2019, how does the process go? There is a hearing and the next meeting there will be a vote?

Trustee Patterson: It could potentially be that night.

Ignacio Acevedo: The same day.

Trustee Patterson: The public hearing is to give the public an opportunity to come and be heard on it and then based on what we hear that night and any work that we done or thoughts that we had then that will determine whether or not we pass the law that night.

Ignacio Acevedo: Ok.

Mayor Newhard: If there's any, you know it usually if there's substantial changes that come out of it then we postponed it, we wait. But if not then we...

Ignacio Acevedo: Do you guys post the public hearing date in a newspaper or anything.

Mayor Newhard: Yes, The Warwick Dispatch and our website.

Raina Abramson: Yes.

Ignacio Acevedo: Would it be in Spanish by any chance?

Mayor Newhard: It's translatable.

Ignacio Acevedo: Ok so we will share it with people.

Mayor Newhard: Yes.

Trustee Patterson: But to be clear and correct me if I'm wrong, let's just say we do enact it that night on October 7, 2019 we then send the local law to Albany to the capital, we have to wait upwards of sometimes up to eight weeks before we can actually act on it, right?

Ignacio Acevedo: Ok.

Stephen Gaba: Well, no you have acted on it before it'll be effective.

Trustee Patterson: I mean before it becomes effective.

Stephen Gaba: The Board has discussed delaying the effective date of this beyond filing with the Secretary of State, do you have any thoughts on, do you want to do that or not? I mean you don't decide now but...

Trustee Patterson: We were thinking about January as a start date.

Trustee Cheney: We could write it in one way, and we could make a change...

Stephen Gaba: No, that's a substantive change as far as effective day, you can do that the day you adopt the local law.

Trustee Patterson: But we couldn't make it happen until...

Ignacio Acevedo: Yeah, it usually takes about, the shortest period being like three or four months and that was the shortest one. Poughkeepsie took a year and Newburgh took three months and they were already prepared.

Trustee Patterson: For the state to approve it?

Ignacio Acevedo: No, I don't know how...

Stephen Gaba: No for it to get set up and actually...

Ignacio Acevedo: For it to get set up and processed, training and all that stuff.

Trustee Patterson: Oh, ok.

Ignacio Acevedo: It took three months from the moment they voted, took three months to implement it.

Trustee Patterson: Well for a minimum for us it will be as long as it takes the state to stamp it ok and then, which in our experience it usually runs eight weeks.

Ignacio Acevedo: Ok. So, I don't know, we are now working with (inaudible), so.

Mayor Newhard: I realized that.

Trustee Patterson: Yeah, your email didn't go through.

Ignacio Acevedo: I know, yes, we just...

Trustee Cheney: A lot of frustration, right.

Ignacio Acevedo: Frustration and different direction, different ideas, we are still here, we're still immigrants it's not like we're done.

Trustee Patterson: Well to be candid, I was ...

Ignacio Acevedo: Yes, they told me that you rather...

Trustee Patterson: I would of rather of worked with you from the beginning then from the, I just felt like we weren't getting the information that we were asking for, we waited like six months.

Ignacio Acevedo: So, we're partners, this is how it works. You can reach out to him or me, same thing and that's my new email and my cell phone. I'm better at the cell phone, call me up.

Mayor Newhard: Ok, Ignacio thank you.

Ignacio Acevedo: We will be coming.

Trustee Patterson: Ok, great.

Alfredo Pacheco: Just one question, what do you like better, pens because I got a friend who's um...

Ignacio Acevedo (translating for Alfredo Pacheco): Oh, he says that his friend wants to give you guys a gift, a pen with your logo or name on it.

Mayor Newhard: Oh.

Stephen Gaba: I don't think that would be a good...

Mayor Newhard: I don't think so.

Trustee Patterson: I don't think we can accept that.

Trustee McManus: That is very nice but, thank you, but no.

Trustee Patterson: You are welcomed to make that donation to one of the not for profits in the community and you can take advantage of that.

Ignacio Acevedo: Ok, I'll do that then. Thank you so much.

Trustee McManus: Maybe you can share the email with everybody.

Mayor Newhard: I will, I will make sure I do that.

Final Comments from the Board

Mayor Newhard: So, there are no reports, but I just wanted to mention a couple of things. This coming Thursday is Ladies Night Out in the Village on Main Street from 3:00 p.m. to 9:00 p.m. and there will be crowning the queen for the day on Railroad Green around 8:00 p.m. I believe.

Trustee McManus: Railroad Avenue closed?

Mayor Newhard: Yes, I believe it is.

Trustee McManus: (Inaudible).

Trustee Patterson: (Inaudible).

Mayor Newhard: And then this coming weekend on Saturday is the biggest fundraiser that our historical society does yearly and that's called The Party in the Park. And it's a beautiful wonderful party and it's truly a fundraiser but it gives them the necessary funds to be able to preserve the historic properties that make our Village so beautiful. So, if you can muster the...

Trustee Cheney: Come out and support us.

Mayor Newhard: muster the funds to be able to support it, it's a really nice night. And that's all I have. Mr. Moser was in the trenches all day today so he could not be here to give us his report. But he will be giving us his report at the next meeting. We do have to go into Executive Session, I'm sorry but...

Trustee McManus: Here you go.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session to seek the confidential advice of counsel. Four Ayes

Adjournment

A **MOTION** was made by Trustee Patterson, seconded by Trustee Cheney and carried to exit executive session, resume the regular session of the Village Board meeting and adjourn the regular meeting at approximately 9:20 p.m. Four Ayes

Raina M. Abramson
Village Clerk