

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 16, 2019**

8449

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 16, 2019 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney and George McManus. Trustees, William Lindberg and Eileen Patterson were absent. Also, present were: Village Attorney, Stephen Gaba and Village Clerk, Raina Abramson. DPW Supervisor, Mike Moser was absent. Others present; Sgt. Alton Morley, Mateo Rodriguez, Alfredo Pacheco, Corey Bachman, Stephen Kitar, Mary Collura, Brian Singer, Joe Irace, Katie Bisaro, and others. Approximately fourteen people were in attendance.

Motion to Close 7:00 p.m. Work Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to close the work session.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

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 Cheney and carried to accept the minutes of November 18, 2019 & December 6, 2019.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to accept the reports: November 2019: Clerk's Office & Tax Collection, Justice, Building, Planning Board & ZBA.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A MOTION was made by Trustee McManus, seconded by Trustee Cheney and carried for the authorization to pay all approved and audited claims #20001014 – 20001099 in the amount of \$76,283.17.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Police Report

Sgt. Alton Morley stated that due to the increased pedestrian holiday traffic due to the holidays, motorists should be conscious of pedestrians in the crosswalks and all the other increased traffic out on the streets. He also said regarding parking enforcement that even though the meters are suspended, other parking violations are still in effect. On behalf of the Warwick Police Department, Sgt. Morley wished everybody in the Village and the Town a safe and Happy Holiday.

Trustee McManus reminded residents that only putting money in the meters is suspended, but the time limits are still in effect.

Announcements

1. 2020 Village of Warwick Calendar of holidays and meeting dates for the Village Board, Planning Board, Zoning Board of Appeals, and Architectural and Historic Review Board.
2. Santa's Toy Box Annual Toy Drive for the children of Orange County, November 25 through December 23, 2019.
3. Village of Warwick Apple Eve 2020 – Tuesday, December 31, 2019, Railroad Green.
4. Village-wide pickup of storm-damaged tree limbs begins Monday, December 16, 2019.

Correspondence

1. Letter from NYS DEC – Village of Warwick Reservoir Dam Inspection. The full report is on file in the Clerk's office.

Trustee Cheney stated that it was a good inspection. He said that the DEC is satisfied with what the Village has been doing and that the DEC said that the Village showed improvement over the previous inspection in 2017. Trustee Cheney stated that the Village continues to pay close attention to the requirements of maintaining its infrastructure.

2. Report from Village Engineer, David Getz, regarding the proposed zone change at the Warwick Feed and Grain property located at 15 Elm Street.
3. Report from Village Attorney, Stephen Gaba regarding the proposed zone change at the Warwick Feed and Grain property located at 15 Elm Street.
4. Notice of Public Scoping Session for Pulpit Rock Inn, West Street Extension, SBL 43-1-48.
5. Draft Scoping Document for Pulpit Rock Inn - Draft Environmental Impact Statement.
6. Letter of resignation – Joe Schweizer.
7. Community Development Block Grant – FY 2020 Award Letter for the Village of Warwick ADA Walkway in Stanley Deming Park in the amount of \$50,000.
8. Village of Warwick Water System 2019 Accomplishments and 2020 Plan

Mayor Newhard thanked Trustee Cheney for the excellent job he does yearly, along with the help of the entire Water Department. Mayor Newhard stated that this report is available through the Clerk's Office.

Trustee Cheney stated how the 'Village of Warwick Water System 2019 Accomplishments and 2020 Plan' will morph into the 2019 Annual Water Quality Report, and that this report was prepared specifically for the inspection that the Orange County Health Department performed.

Mayor Newhard thanked Trustee Cheney for such a great and concise job. He stated that the work really shows what this administration has prioritized in terms of its infrastructure and maintenance of a system that is vital to the community. Trustee Cheney applauded the Village Board.

9. Warwick Commercial Properties - 4 Overlook Zone Change Short EAF

Discussion

1. Local Residency Card Application and Fee.

Trustee Cheney suggested adding a signature line for the Clerk's Office to reflect who from Village Hall reviewed and approved the application. He also suggested additional language be added to the disclaimer and that documents submitted for proof of residency be dated not more than six months prior to the date of the application, as opposed to not less than six months. Village Attorney, Stephen Gaba, will prepare a draft local law and resolution to set a public hearing to amend the Local Residency Card Local Law that was adopted on October 21, 2019 and delay the issuance of permits until the local law has been revised. The Village Board also agreed that the application fee of \$10 be set by Board motion at a future meeting.

2. 15 Elm Street, Warwick Feed and Grain property - proposed zone change.

Mayor Newhard explained to Mr. Irace that the Village Board discussed the petition for a zone change during the work session that took place prior to the Board meeting. He said that the Board discussed the change from LI to CB and whether mixed used was allowable. Mayor Newhard said that from what the Board could see, mixed use was in fact allowed because in CB you are allowed to have second and third floor apartments and you are allowed to have offices, and it is a combination of the two. Village Attorney, Stephen Gaba, explained to Mr. Irace that he will have to submit an application to the Village of Warwick Planning Board and go through SEQR review.

3. 4 Overlook – proposed zone change.

Mr. Singer expressed to the Village Board that he started the process in 2017 asking to change the zone from Residential District to Office Overlay. Village Attorney, Stephen Gaba, explained that two years ago the Village Board said that they would consider introducing a local law for the change if there were six or seven items completed from a checklist. Mr. Gaba asked Mr. Singer to see Village of Warwick Building Inspector, Boris Rudzinski, to ask him to communicate to the Village Board that everything that was agreed on from the checklist has been completed. Mr. Gaba also stated that once that step is complete, the Village Board may adopt a resolution that states that they are willing to go forward with the process. At that point, Mr. Singer should go back to the Planning Board to have them start SEQR review and then if the Planning Board adopts a negative declaration, the Village Board may go forward with a local law.

Mr. Gaba also stated that there was a problem with the Short Form EAF that was submitted to the Village Board because it just looks at the local law, not the project at all. He said that the

EAF must consider both the zoning change and the project(s). Mr. Singer also had some questions regarding how the property has been taxed as a commercial business. Mr. Singer also talked about an amended site plan that he has been working on with Village Engineer, Dave Getz and his engineer, Kirk Rother, to be presented to the Planning Board for 4 Overlook. He stated that the discussion was to have 4 Overlook attached to the other three lots because of cross easements and being that it's owned by the same LLC, which was determined by the Village Engineer.

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.

Stephen Kitar: Stephen Kitar stated that he is a local business owner. He said he did file a complaint regarding the action of a Village employee and believed that the Village Board was in receipt of the complaint. Mayor Newhard confirmed that the Board did receive it and that it was on the last meeting's agenda. Mr. Kitar said it was sent three weeks ago and he expected a response. Village Attorney, Stephen Gaba, said that he did send Mr. Kitar a letter via regular mail and will email the letter to him as well. Mr. Kitar also wanted to know how the affidavit of service was delivered. Mr. Gaba said that it would be a Village Justice Court matter.

Warwick Lions Club - Donation of a Bench to the Village of Warwick

On behalf of the Warwick Lions Club, Trustee George McManus and Warwick Lions Club Member, Corey Bachman, presented the Village Board with a bench made of recycled plastic. Trustee McManus explained that the Warwick Lions Club has been collecting plastic, the items that can't be recycled in resident's curbside recycling bins such as dry-cleaning bags and plastic bags that wrap around water cases. The Lions Club sends the plastic back to Trex Corporation and for every five hundred pounds of plastic that the Club collects, Trex sends them a park bench. The first bench was donated to the Warwick Valley Community Center and the Warwick Lions Club is donating this second bench to the Village of Warwick. Through a very informal polling on the Lions Facebook page, the preferred location for the bench to be placed is in Memorial Park by the creek so people who are kayaking have a place to sit, enjoy, and relax.

Motions

Return of Escrow – Planning & Zoning Board, M&L Equities, 18 Elm Street

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to return the Planning and Zoning Department Board escrow balance of \$557.50 to M & L Equities, LLC in connection with the Warwick Carwash, 18 Elm Street. All invoices have been billed and paid as per Village Engineer, Dave Getz and Planning Board Attorney, Robert Dickover.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Return of Escrow –Zoning Board, George Angelastro, 19 Cropsey Street

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to return the Zoning Board of Appeals escrow balance of \$2,125 to George Angelastro for 19 Cropsey Street. All invoices have been billed as per Zoning Board of Appeals Attorney, Robert Fink.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Resolution Approving Stormwater Control Facility Maintenance Agreement for The Forester Avenue Apartments Development Project.

WHEREAS, Forester Avenue LLC, is in the process of developing certain real property located at 77 Forester Avenue in the Village of Warwick; and

WHEREAS, one of the conditions imposed upon the approval of the project was that the property owner provide the Village with a Stormwater Control Facility Maintenance Agreement under which the property owner and its successors would be obligated to maintain and repair the stormwater control facilities proposed for the said development; and

WHEREAS, the property owner has submitted a proposed Stormwater Control Facility Maintenance Agreement for the project to the Village, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby approves the proposed Stormwater Control Facility Maintenance Agreement on condition that at the end of the first paragraph therein the words "located at 77 Forester Avenue in the Village of Warwick" are added after the words "below named project"; and

2. That the Village Board hereby authorizes the Mayor to sign the said agreement and any other and further documents necessary to implement the terms thereof.

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

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting _____

William Lindberg, Trustee, voting _____

George McManus, Trustee, voting _____

Eileen Patterson, Trustee, voting _____

Michael Newhard, Mayor, voting _____

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WHEREAS, the property owner has submitted a proposed Stormwater Control Facility Maintenance Agreement for the project to the Village, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby approves the proposed Stormwater Control Facility Maintenance Agreement on the following conditions:

a. That at the end of the first paragraph therein the words "located at 77 Forester Avenue in the Village of Warwick" are added after the words "below named project"; and

b. That the words "or following a major storm event as directed by the Village" are added after the words "in every five-year period" in the first sentence of item number four; and

c. That the following revisions are made to Schedule A of the Stormwater

Control Facility Maintenance Agreement entitled “Post-Construction Inspections and Maintenance”:

- i. That the second paragraph of Section 1.2, “Mowing and Sweeping” be deleted in its entirety and replaced with “Paved areas must be swept at least twice a year to include sweeping in the early spring for removal of deicing materials”; and
- ii. That in the first sentence of Section 1.7, “Winter Maintenance” the word “recommended” be replaced with “required”; and
- iii. That in Section 1.7, “Winter Maintenance”, item number five, the word “should” be replaced with “must”; and

2. That the Village Board hereby authorizes the Mayor to sign the said agreement and any other and further documents necessary to implement the terms thereof.

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

The vote on the foregoing resolution was as follows: **APPROVED AS AMENDED**

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

15 Elm Street, Warwick Feed and Grain, Irace Architecture

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to resolve to introduce a local law for enactment of the zoning change requested by Irace Architecture P.C. regarding real property located at 15 Elm Street upon submission by Irace of an application to the Village Planning Board for land use approvals for the subject property along with an Environmental Assessment Form under the State Environmental Quality Review Act.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

RESOLUTION INTRODUCING AND SETTING A PUBLIC HEARING ON PROPOSED LOCAL LAW PROVIDING THAT ELECTIONS SHALL BE HELD BIENNIALY IN ODD-NUMBERED YEARS

WHEREAS, the Village Board of the Village of Warwick has a proposed local law before it entitled: "A local law altering the terms of office of the Mayor and Village Trustees so that elections may be held biennially in odd-numbered years"; and

WHEREAS, in order to enact the proposed local law, it is necessary to 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 above proposed local law, and
2. That a public hearing on the proposed local law be set for January 6, 2020 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

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

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

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

Budget Modification

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to approve the budget modifications as per the Village Treasurer's letter dated December 11, 2019.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent
Trustee McManus Aye Mayor Newhard Aye

Road Closure - Village of Warwick Apple Eve

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to close Railroad Avenue for the benefit of the Village of Warwick Apple Eve Event on Tuesday, December 31, 2019 from 9:00 p.m. to Wednesday, January 1, 2020 at 12:30 a.m. Village of Warwick DPW to place 'No Parking' bags on the meters beginning at 7:00 p.m.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent
Trustee McManus Aye Mayor Newhard Aye

Vacation Carry Over – Robert Helt

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to DPW Laborer, Robert Helt to carry over five and a half (5.5) vacation days.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Vacation Carry Over – Maureen Evans

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to Maureen Evans, Planning Board Secretary to carry over three (3) vacation days.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Vacation Carry Over – Cathy Schweizer

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to grant permission to Cathy Schweizer, DPW Secretary to carry over one and a half (1.5) vacation days.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Reports

Trustee Cheney's Report:

We had our inspection with the County Health Department, and I think that we got a very favorable response from the engineer, the sanitarian that was here to review things. I think we will get a nice letter confirming that in the next couple of weeks.

Trustee Lindberg's Report: Absent

Trustee Patterson's Report: Absent

Trustee McManus' Report:

Yesterday several of us attended a celebration for the Community Center for the Prevention Coalition, for their tenth-year anniversary. It was a very nice event. Everybody was recognized for what they do.

Wednesday is the vote for the school project. Extend your right to vote, however you feel right.

DPW Supervisor, Mike Moser's Report: Absent

Mayor Newhard's Report:

I simply want to say Merry Christmas, Happy Hanukkah, and Happy New Year to all of our residents in our community, and Happy Kwanza as well. It's been a pretty intense holiday season. I'm glad that the police officer mentioned about pedestrian safety. It's dark outside and the weather hasn't been the best and that's not such a great mixture when it comes to a very intense shopping district so just please be careful as the officer said. Just drive slowly, pay attention and shop locally – it's always good.

Final Comments from the Floor

Alfredo Pacheco: Mr. Pacheco said that drivers licenses were beginning to be issued today and that it was a great turnout. He stated that it made everybody very happy because of the acceptance of municipal ID's that are issued in different towns. He stated that he is really excited about the Village of Warwick issuing municipal ID's because it gives residents an opportunity to prove who they are as a proof of identity.

Mayor Newhard stated that the Village Board will be revising the Village's Local Residency Card in terms of what documents are required to get the ID which will create a bit of delay, maybe a few days, but none-the-less it will be moving forward. Mayor Newhard also thanked Mr. Pacheco for his advocacy.

Mateo Rodriguez: Mr. Rodriguez stated that the volunteer firefighters who were working on Forester Avenue when the power was out were working very hard. He said that one volunteer was only letting residents get through for safety and that one person was becoming upset. Mr. Rodriguez said that he understands that they are only volunteers and that it's unfair to become upset with them. He wanted to thank the volunteers for their service. Mr. Rodriguez expressed how he would like to become a volunteer as well.

Final Comments from the Board – No comments made

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and to adjourn the regular meeting at approximately 8:40 p.m.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Patterson Absent

Trustee McManus Aye Mayor Newhard Aye

Raina M. Abramson
Village Clerk