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VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – December 6, 2021

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, the Village of Warwick Village Board meetings will be conducted virtually through Zoom Videoconference until further notice or until the expiration of the law on January 15, 2022.

To View the Meeting:

YOUTUBE LIVE - The public may view the meeting live on the Village of Warwick, NY YouTube channel: <https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

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:

VIA EMAIL OR MAIL - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: clerk@villageofwarwick.org or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor. Please limit your comments to **three (3) minutes**.

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 6, 2021**

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 6, 2021, 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, Corey Bachman and George McManus. Also, present was Deputy Village Clerk Jennifer Mante. Others present: Doug Krauze.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, the public was able view the meeting live by the public on the Village of Warwick, NY YouTube channel: <https://www.youtube.com/channel/UCK7D7KGBZF6nYfbcWGH6-VA>

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

Mayor Newhard stated that tonight there is a public hearing.

1. **Public Hearing on proposed Local Law No. 4 of the Year 2021 entitled: "A Local Law To Opt Out Of The New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption."**

The Deputy Clerk read the Public Hearing Notice:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 6th day of December 2021, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 4 of the Year 2021 entitled: "A Local Law To Opt Out Of The New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption".

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

A copy of the proposed local law is on file in the office of the Village Clerk and available for inspection by interested persons during Village Clerk's business hours.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19: Members of the Village Board will attend the meeting via Zoom videoconference. The public hearing may be viewed live on the Village of Warwick, NY YouTube channel. Interested parties may submit comments to be received by 4:00 p.m. on December 6, 2021, via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email; clerk@villageofwarwick.org. Comments may also be made via YouTube during the public hearing by going to the Village of Warwick, NY YouTube channel.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF WARWICK
RAINA ABRAMSON, VILLAGE CLERK**

Dated: November 10, 2021

Mayor Newhard: I just want to make a couple of comments because there seems to be some confusion about the opting out of the cannabis laws. What the State has determined is that we have to opt in or opt out, or if we want to opt out we have to do that before the end of December. The State has determined that if you do opt out you are allowed to opt in at any time. So that is significant to know and the reasons for that is maybe as regulations become clearer there would be the ability to opt in on a certain level. But that has not come to us from the State, frankly we have no guidance from the State at this point, they just created a task force so it's really, I think at the beginning stages trying to figure out how to set that up with dispensaries and or other activities that include marijuana. The other two villages have opted out and the town has allowed dispensaries in certain zones within the town. In the conversation with Supervisor Sweeton, if there is some activity in those zones with dispensaries, there would be a sharing of any revenue that would come from the taxes of that, so that I think was a generous offer on his part I wanted to say that to make it a bit more of a public record, but I think that is the spirit. The big difference I believe is zoning, in that the town has a bit more pinpoint zoning in various areas, where for example the Village has one or two commercial zones and they're very broad, they stretch from one end of the village to the other and that would probably give a free ride to someone who wants to set up some kind of facility, where maybe that shouldn't happen. And so, I think we really have to examine and hear from the State, and then, if at some point down the line if opting in makes sense then this Board or another Board can do that.

William Lindberg: What zones have they determined the town?

Mayor Newhard: It is, for example, near Price Chopper that specific area, I don't know what the name of that zone is.

William Lindberg: Ok.

Mayor Newhard: George, what is the response from the Coalition?

George McManus: They would totally be opposed to any in use facilities or sale facilities.

Mayor Newhard: I think our local police also have concerns and mostly because there's too many unknowns as this point. Without that level of regulation then you don't have the ability to monitor or to watch over something. Corey, do you have any questions? I know you've been speaking with the young man who's interested in this.

Corey Bachman: I just want to know if there was going to be any speakers tonight about the issue, but my main concern was if we do vote to opt out can we, once we know more, look at and review opting in.

Barry Cheney: I think you did a good job summarizing what's in front of us I think, I agree with you completely. I mean currently there are no regulations. We have no idea how things are going to work and I think the regulations would play a big part in us determining if and where we would like either of these types of facilities to be allowed in the Village. I think the prudent way to go about it at this point is to precede with the opt out, and if in the future once we know a little bit more and we've seen it in operation in the state, then it can be revisited. If we opt in at this point there's no opting out in the future.

Mayor Newhard: No, and the reason for that and to help people understand that is that once you opt in people will start developing plans which would include financial plans, financial activity. So it's going to be difficult if you suddenly pull the rug out from somebody who is then figuring out, has backers, is developing some kind of facility which would be very expensive, I imagine, so that's basic reason for that.

William Lindberg: Makes sense.

Mayor Newhard: If there's no more questions or comments, could I have a motion to close the public hearing?

Close Public Hearing on proposed Local Law No. 4 of the Year 2021 entitled: "A Local Law To Opt Out Of The New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption."

A **MOTION** was made by Trustee Cheney, seconded by Trustee Bachman, and carried to close the Public Hearing on proposed Local Law No. 4 of the Year 2021 entitled: "A Local Law To

Opt Out Of The New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption.”

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried for the Acceptance of Minutes: November 3, 2021 & November 15, 2021.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman 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 in the amount of \$216,803.27.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Announcements

1. 2022 Village of Warwick calendar of holidays and meeting dates for the Village Board, Planning Board, Zoning Board of Appeals, and Architectural and Historic District Review Board.

Mayor Newhard stated that the dates will be on the website and available for the public to see.

2. The Village Board recognizes, Doug Krauze, for designing and constructing Warwick's new outdoor Christmas Nativity.

Mayor Newhard thanked, Doug Krauze, who was present on the Zoom call, and presented him a certificate of appreciation for his care and service to the community for designing and constructing the new Christmas Nativity.

Correspondence

1. Letter from Orange County Executive, Steven M. Neuhaus, regarding the 2022 Community Development Block Grant awarded to the Village of Warwick in the amount of \$108,570.00 for South Street ADA sidewalks.

Mayor Newhard said the project will be for sidewalks specifically between Second and Third Street where there are some very precarious, double level sidewalks. Mayor Newhard said the project is very involved because it involves the Assembly of God and their wall and steps. Mayor Newhard added that it was going to take a bit of engineering to make it work. Mayor Newhard continued by saying he believed the work would be done in house, which will help afford it more readily. Mayor Newhard said we've done the sidewalks for that entire street starting on First Street all the way through the park on the opposite side and this is the last piece that has not been finished because of the difficulty. Mayor Newhard stated his gratitude to Community Development for their grant, and how it would go along way to get the project done.

RESOLUTION SETTING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED RENEWAL OF THE FRANCHISE AGREEMENT WITH CABLEVISION OF WARWICK, LLC FOR CABLE SERVICE IN THE VILLAGE OF WARWICK

WHEREAS, the Village Board of the Village of Warwick has received an application from Cablevision of Warwick, LLC to renew its cable franchise agreement with the Village, and

WHEREAS, it is necessary to hold a public hearing on the said application,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a public hearing on the said application of Cablevision of Warwick, LLC to renew its cable franchise agreement with the Village is set for December 27, 2021, at 11:00 o'clock a.m.; and

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

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

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Engineer Intern – Wakeley Banker

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to rehire Wakeley Banker to the position of Village of Warwick Engineer Intern at a pay rate of \$15 per hour at 32.5 hours per week, not to exceed 6 weeks, with a start date to be determined by DPW Supervisor, Mike Moser.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Part-Time Assistant Building Inspector III

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to create the position of Part-Time Assistant Building Inspector III and authorize the Mayor to sign form MSD-222 in accordance with Orange County Civil Service requirements.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Pioneer Farm Subdivision – Orange County Office of Real Property

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize the Mayor to send a letter to the Orange County Office of Real Property advising them that the Village of Warwick has received the subdivision plan entitled Pioneer Farm Subdivision and does not take exception to the town of Warwick Planning Board approving such application.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

RESOLUTION ADOPTING VILLAGE OF WARWICK LOCAL LAW NO. 4 OF 2021
ENTITLED: "A LOCAL LAW TO OPT OUT OF THE NEW YORK STATE CANNABIS
LAW (CHAPTER 7-A OF THE CONSOLIDATED LAWS OF THE STATE OF NEW
YORK) IN REGARD TO RETAIL SALES AND IN REGARD TO ESTABLISHMENTS
FOR ON-SITE CONSUMPTION

WHEREAS, the Village Board has before it for consideration a local law entitled: "A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption", and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

- (1.) That the Village Board hereby adopts the above local law; and
- (2.) That the Village Clerk shall publish and post notice of the adoption of the above local law within ten (10) days from the date hereof; and
- (3.) That the above local law is subject to permissive referendum and shall not take effect until at least forty-five (45) days after its adoption, or until approved by the affirmative vote of a majority of the qualified electors of the Village if within forty-five (45) days after its adoption a petition for referendum under Municipal Home Rule Law §24 is filed with the Village Clerk.

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

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Final Comments from the Board

Mayor Newhard said he heard recently from NYS DOT and that a major pavement project was planned for Route 94, including downtown areas of the Village of Warwick and the Village of Florida. Mayor Newhard explained that this project is extensive and will deal with 94 primarily as well as the intersection of County Route 1 and 94. Mayor Newhard stated that this is long-awaited great news. Mayor Newhard said that feedback from the Comprehensive Plan was that there was a lot of information about street and pedestrian safety, as well as intersections that have issues. Mayor Newhard also said that he was able to set up a Zoom meeting with the design team last week, and he and Trustee Cheney participated. Mayor Newhard said that they were able to cover a lot of ground.

Trustee Cheney said they seemed receptive to some of the suggestions being made. Trustee Cheney continued saying improved pedestrian opportunities with crosswalks to the intersection on Colonial Avenue and Main Street were being considered. Trustee Cheney said that the intersection had been brought to their attention and that it had been looked at for some time. Trustee Cheney said that schematic drawings had been done for how that whole intersection, including back Colonial to Forrester Avenue, might work together for an overall improvement to the traffic patterns in that area. Trustee Cheney continued by saying 17A from Oakland Avenue to the village line would also be done. Trustee Cheney said how it should be an easier project, as no downtown area would be involved, however he was unsure if there was any curbing in the area.

Mayor Newhard answered by saying there where some drainage issues in that stretch that he believed would have to be contended with. Mayor Newhard stated how it was exciting news for the residents of the community because frustrations are heard weekly about the conditions of Route 94. Mayor Newhard said how we had been lobbying for years, being a squeaky wheel when possible, and how this is the fruits of that. Mayor Newhard also said he knew that Mayor Harter had also been a squeaky wheel, as he has roads on route 94, especially leaving Florida, that are in rough shape.

Trustee Cheney stated that the supposed plan is for Florida to get done in 2022, and Warwick in 2023.

Trustee Cheney spoke about the LED Street Light Conversion Project, and how the consultant, Real Term Energy, had been selected a while back. Trustee Cheney continued by saying how they were the same firm that provided services to the Town of Warwick and the Village of Florida for their streetlight conversion. Trustee Cheney said that the contract language was being finalized. Trustee Cheney stated how he was hopeful that it would be signed by the end of the year or beginning of the new year, and then the project could get started.

Trustee Cheney said that the Orange County Health Department is going to do its annual water system review inspection on Monday, December 13th. Trustee Cheney continued by saying he expected to be able to provide the Board with a preliminary report at the next meeting. Trustee Cheney also said that at the wastewater treatment plant, the UV disinfection system, there were some problems with the concrete failure and in UV lamp channels, which required the contractor to redo the work to correct that. Trustee Cheney said the work was accomplished about two or three weeks ago and it seemed the project was ready to be buttoned up.

Mayor Newhard thanked the Board members and asked if anyone else had any comments. Mayor Newhard said they will move forward with an Executive Session.

Executive Session

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried to go into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and also to discuss the proposed acquisition, sale or lease of real property, or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Adjournment of Executive Session and Regular Meeting

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to close the executive session, resume the regular meeting, and adjourn the regular meeting at approximately 9:00 p.m.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye