

77 Main Street
Post Office Box 369
Warwick, NY 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK

INCORPORATED 1867

Village of Warwick Village Board Meeting – March 7, 2022

Pursuant to New York State Chapter 1 of the Laws of 2022 public bodies may conduct meetings and public hearings either remotely pursuant to the requirements of Chapter 1 or in-person following CDC and New York State Department of Health guidance; therefore, the Village of Warwick Village Board meetings will be conducted virtually through Zoom Videoconference until further notice.

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
MARCH 7, 2022**

9187

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, March 7, 2022, 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, Corey Bachman, and George McManus. Trustee Lindberg was absent. Also, present was Deputy Village Clerk, Jennifer Mante.

Pursuant to New York State Chapter 1 of the Laws of 2022 public bodies may conduct meetings and public hearings either remotely pursuant to the requirements of Chapter 1 or in-person following CDC and New York State Department of Health guidance; therefore, the Village of Warwick Village Board meetings will be conducted virtually through Zoom Videoconference until further notice. 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.

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried for the Acceptance of Minutes: January 18, 2022, and February 7, 2022.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman, and carried for the authorization to Pay all Approved and Audited Claims in the amount of \$217,506.54.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Announcements

Mayor Newhard read the following announcements:

1. The Village Election will take place on Tuesday, March 15, 2022, at the Goodwill Hook & Ladder Co., 25 Church Street Ext., Warwick, NY. The polls will be open from 9:00 a.m. to 9:00 p.m.

2. The Board of Trustees of the Village of Warwick will hold Budget Work Sessions for FY 2022-2023 at Village Hall, 77 Main Street, Warwick, NY 10990 during the following dates and times: Tuesday, March 8, 2022, at 9:30 a.m., Wednesday, March 9, 2022, at 9:30 a.m., and Thursday, March 10, 2022, at 2:00 p.m. The public is invited to attend.

3. The 2022 Village of Warwick Easter Egg Hunt will take place Saturday, April 16, 2022, at 10:00 a.m. in Veterans Memorial Park.

Discussion

1. Application to the New York State Liquor Authority for an on-premises liquor license.

Mayor Newhard said that he called the State liquor Authority and mentioned his concerns about the number of liquor licensing establishments in a small area. Mayor Newhard said he found out that in communities with a population of under 20,000, the 500-foot law does not apply, however, if there are concerns about oversaturation, the Board can approve an official letter be sent to the State Liquor Authority, and that would cause them to examine the application more carefully before making their determination. Mayor Newhard said that there are currently eleven drinking establishments within 500 feet of the addresses application and believed the number would increase.

Trustee McManus stated that as a member of the Prevention Coalition, he thought there were far too many establishments with liquor availability. Trustee McManus said that if there were eleven on Railroad Avenue, that would make another twenty or so in the rest of the Village, and that he would like the new application to be examined closer.

Trustee Bachman asked what some common objections to an establishment like this were. Mayor Newhard answered that objections could be the hours that the establishment is open, but also it could be about the density of the number of restaurants and bars in a vicinity. Mayor Newhard continued by saying that the 500-foot ruling would get looked at by the State Liquor Authority in relation to this application because a concern was brought up, even being under the 20,000-population threshold, that check would come into play.

Mayor Newhard said he spoke to Lieutenant Rader about evening vandalism and there was not a significant amount that occurred in 2020 or 2021, that there will always be some level of vandalism/pranksters, but nothing outstanding. Trustee Cheney said he remembered instances in the past where summer planters were vandalized.

Trustee Cheney said he is also in the Prevention Coalition and understood where Trustee McManus was coming from, but that the main focus of the Coalition was to stop underage drinking. Trustee Cheney continued by saying that The State Liquor Authority has a responsibility and an obligation to be involved in that process whereby checking establishments for improper sale, in most cases, the eleven on the list are restaurants that have combined food and liquor sales. Trustee Cheney stated that he was torn because the Board does not generally get into the business of regulating who can put something somewhere unless it's restricted by zoning, and if it is something that the Board is serious about, then it should be addressed in the zoning. Trustee Cheney expressed his concern over being involved with a process such as this. Trustee Cheney gave a scenario where a business owner goes through the process and gets approval for an intended restaurant by the Village Planning Board, puts in a significant investment into the project, then gets objections by the Village Board when applying for a liquor license, which could hurt the whole project. Trustee Cheney said he thinks there are opportunities to look at it, and he feels better knowing the police department feels there are not pervasive problems in the Village, isolated instances that do exist should be directed at the location where those problems emanate from if it can be determined.

Mayor Newhard read the new motion that was given to him by the Board's council, which differed from the motion on the agenda. Trustee Buchman asked if the Board raised a question toward this application, would the next establishment that applied be automatically investigated due to the number. Mayor Newhard answered by saying that it depended on location, because the number would be based on the address and the 500-foot ruling.

Mayor Newhard agreed with Trustee Cheney in that if this was a concern, then it needed to be addressed in the zoning ordinance, and that it would be a much healthier way then for the Board to be the judge of alcohol. Mayor Newhard expressed that having a concern maybe makes it more appropriate when the Village's zoning is looked at by acknowledging an issue that seems to be growing. Trustee McManus said that it may or may not change the outcome of their application but thinks it's the Boards due diligence to let the State look into it, and maybe by putting a notice on this application that would force the State to pay more attention to the underage drinking problems that are in the Town.

Trustee Cheney asked Mayor Newhard if it was correct that the Board receives these applications/notice forms for everyone applying as well as renewing. Mayor Newhard stated that he believed that the renewal process was not passed along to the municipality, that only new applications were brought before the Board. Trustee Cheney brought up the recent liquor application that the Board chose not to waive the 30-Day period for. Trustee Cheney said that this is something the Board would get each time, and we would have to decide in each particular instance whether or not the State Liquor Authority should look into a particular application. Trustee Cheney stated that he did not know if by sending a letter regarding this application is going to do anything down the road to subsequent applications in terms of the way the State

Liquor Authority look at them unless the Board chooses to send the same letter each time. Trustee McManus agreed with Trustee Cheney and stated that chances of the next one being within 500 feet of those other eleven were pretty slim, and how the street is already locked up. Trustee Cheney responded by saying that the Village had a bank turn into something that required a liquor license, so that if that is an opportunity, then there are other opportunities where store fronts that might not be a restaurant could become a restaurant. Trustee Cheney said he did not think it was going to slow down or change until the needs of the community change in such a way that the restaurants with liquor licenses cannot endure. Trustee Cheney continued by saying that he was not going to object to sending a letter but thinks that there is more work to do if a change is really wanted in the Village of Warwick. Mayor Newhard agreed with Trustee Cheney and said that the method to that is not to do a piecemeal, but to look hard at the zoning ordinances that control this type of activity.

Privilege of the Floor

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Mayor Newhard read the following letter:

Honorable Mayor and Trustees,

On behalf of Warwick Skatepark Initiative committee members, I would like to express our support and thanks to Joshua Rodrigues and Eagle Scout Troop 45 for their interest and initiative in wanting to design and build a welcome and needed information kiosk that would be installed at the new site of the new skatepark. We support this project and hope that it will approved!

Thank you for your kind attention,

Donna Kaminski
WSI Committee Secretary

Renew JCO, Inc. Contract for Additional Year - June 1, 2022 – May 31, 2023

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to renew the contract with JCO, Inc. to provide services to operate and maintain the wastewater system and the water production system as set forth in the existing contract for an additional one (1) year

period (June 1, 2022, through May 31, 2023) and direct the Mayor to execute said change to the contract.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for Bid – Chemical Delivery

A **MOTION** was made by Trustee Cheney, seconded by Trustee Bachman, and carried to go out to bid for chemical delivery for the Village of Warwick Water and Sewer Plant, to include delivery to the Water Plant, Well #2, Well #3, and the Micro Filtration Plant. Bids will be for FY June 1, 2022, through May 31, 2023. Bid opening to be held April 5, 2022, at 12 p.m., as per the recommendation of DPW Supervisor, Mike Moser.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for Bid – Refuse Container

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to go out to bid for refuse pickup and delivery of a 30-yard refuse container on an as per need basis. Bids will be for FY June 1, 2022 through May 31, 2023. Bid opening to be held April 5, 2022 at 12 p.m., as per the recommendation of DPW Supervisor, Mike Moser.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for Bid – Electrical, Plumbing, and HVAC

A **MOTION** was made by Trustee Cheney, seconded by Trustee Bachman, and carried to go out to bid for the following on-call services: Electrical, Plumbing, and HVAC. Bids will be for the

period of June 1, 2022 through May 31, 2024. Bid opening to be held April 6, 2022 at 12:00 p.m. at Village Hall, as per the recommendation of the DPW Supervisor, Mike Moser.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for Bid – Electrical Power Supply

A **MOTION** was made by Trustee Cheney, seconded by Trustee Bachman, and carried to go out to bid for Electrical Power Supply for the Village of Warwick for the period of June 1, 2022, through May 31, 2024. Bid opening to be held April 7, 2022, at 12:00 p.m. at Village Hall, as per the recommendation of the Building Inspector, Boris Rudzinski.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for Bid – Natural Gas Supply

A **MOTION** was made by Trustee Cheney, seconded by Trustee Bachman, and carried to go out to bid for Natural Gas Supply for the Village of Warwick for the period of June 1, 2022, through May 31, 2024. Bid opening to be held April 7, 2022, at 12:00 p.m. at Village Hall, as per the recommendation of the Building Inspector, Boris Rudzinski.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Accept Proposal - TAM Enterprises

MOTION to accept the proposal from TAM Enterprises dated February 22, 2022, for repairs to Wastewater Treatment Plant RBC Unit #10 for shaft repair and idler bearing replacement at a cost not to exceed \$12,580 based on the recommendation of JCO Contract Operator Keith

Herbert and DPW Supervisor Michael Moser. Funds are appropriated in budget code G8120-4400 in the 2021-22 budget.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

**RESOLUTION APPROVING EXTENSION OF COVID-19 HARDSHIP DEFERRED
PAYMENT AGREEMENTS FOR MUNICIPAL WATER & SEWER SERVICES**

WHEREAS, the COVID-19 pandemic resulted in a state of emergency being declared within the State of New York; and

WHEREAS, one of the state-wide measures taken as a result of the said state of emergency was a moratorium on utility service shutoffs, which included a right for persons who incurred COVID-19 related hardships to enter into deferred payment agreements ("DPAs") regarding any arrears on municipal central water and sewer service charges; and

WHEREAS, pursuant to the Guidance received from the New York State Department of Public Service, municipalities are to continue offering COVID-19 related DPAs through June 30, 2022;

WHEREAS, the Village of Warwick has received requests from property owners to enter into DPAs based upon Covid-19 related hardships; and

WHEREAS, the Village has prepared revised forms for DPAs to reflect the said extension which may be utilized for such purposes, copies of which are annexed hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby approves the revised DPA forms for use by the Village in Covid-19 related hardship cases;
2. That the Village Board hereby authorizes the Mayor to complete and execute such DPAs on any requests for a Covid-19 related hardship DPA that were received by the Village on or before June 30, 2022;
3. That any property owner who requests a DPA but fails to return a properly executed copy to the Village Clerk within thirty (30) days after such DPA was mailed or otherwise provided to the property owner shall be deemed to have irrevocably rejected the DPA; and

4. That until June 30, 2022 the Village shall continue to include notice in all water and sewer bills of customers' right to enter into a DPA and, further, shall provide thirty (30) days' notice of the Village's intent to relevel prior to releveling on unpaid/overdue charges.

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

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

Barry Cheney, Trustee, voting	<u>Aye</u>
William Lindberg, Trustee, voting	<u>Absent</u>
George McManus, Trustee, voting	<u>Aye</u>
Corey Bachman, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

Facility Use Request – Highlander Rugby

A **MOTION** was made by Trustee Bachman, seconded by Trustee Cheney, and carried to grant permission to Highlander Rugby to use the football field between the parking lot and Over 35 Field in Veterans Memorial Park for practices on Tuesdays and Thursdays from 7:00 p.m. to 9:00 p.m. from March 8, 2022, through December 31, 2022, and to use the football field in Veterans Memorial Park for games on weekends, in coordination with Warwick Youth Football, including use of the football snack shack. Request includes use of restrooms and field lights for the season. It is the responsibility of Highlander Rugby to enforce that parking is in the designated parking lot and not in the grass on the entrance roads. All activities must be in accordance with the Orange County and NYS Departments of Health. Completed facility use permit, proof of proper insurance, security deposit and Memorial Park Football/Over 35 Field Light fee have been received.

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

Trustee Cheney	<u>Aye</u>	Trustee Lindberg	<u>Absent</u>	Trustee Bachman	<u>Aye</u>
Trustee McManus	<u>Aye</u>	Mayor Newhard	<u>Aye</u>		

Banner Request – Stanley Deming Park, Too Good to Toss

A **MOTION** was made by Trustee Bachman, seconded by Trustee McManus, and carried to grant permission to Wickham Works to hang a 3' x 6' banner along the fence enclosing Stanley-Deming Park for the purpose of the Earth Fest Warwick 2022 event for the period of April 16, 2022, through April 30, 2022.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Facility Use – Stanley Deming Park, Too Good to Toss

A **MOTION** was made by Trustee Bachman, seconded by Trustee Cheney, and carried to grant permission to Wickham Works to use the east side of Stanley-Deming Park, from 9:00 a.m. on Friday, August 26, 2022, through Monday, August 29, 2022 for the 2022 Too Good to Toss event. Permission to include use of the basketball court and lawn area around the handball court, use of restrooms and water fountains, blocking off 18 parking spaces near the entrance of the basketball court, and posting no parking signs and/or yellow tape to discourage parking in the grass. Village of Warwick DPW to provide 15+ orange parking cones, 10 reflective vests for parking volunteers, 4 garbage cans for basketball court, and pickup of leftover items on Monday, August 29, 2022. All activities must be in accordance with the Orange County and NYS Departments of Health. Completed facility use permit, proof of proper insurance, security deposit, permission from Park Avenue Elementary to use the school parking lot has been received. The Warwick Police Department, Warwick Fire Department, and Ambulance Corps have been notified and approve of the event.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Nay Mayor Newhard Aye

Warwick Fire Department Coin Toss

A **MOTION** was made by Trustee Bachman, seconded by Trustee Cheney, and carried to grant permission to the Excelsior Hose Company No. 1 to hold a coin toss on Saturday, March 19 and Sunday, March 20, 2022, from 10:00 a.m. to 3:00 p.m. on Route 94/Oakland Ave. near the entrance to the Village in front of 27A Oakland Ave. Completed facility use permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Acknowledge Receipt of Liquor License - Boneyard Cantina

MOTION to acknowledge receipt of the Standardized Notice Form from the New York State Liquor Authority for an on-premises liquor license to Boneyard Cantina to be located at 17 Main Street, Warwick, NY 10990 and authorizes the Village Clerk to submit a letter notifying the New York State Liquor Authority that there are (no) objections to this notification and application.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Authorize the Mayor to Send a Letter to the State Liquor Authority Regarding Concerns – Boneyard Cantina Liquor License Application

A **MOTION** was made by Mayor Newhard, seconded by Trustee McManus, and carried to authorize the Mayor to send a letter to the State Liquor Authority regarding the liquor license application of the Boneyard Cantina expressing the Village Board's concern over the location of the proposed establishment based upon the existing density of establishments serving alcoholic beverages on the property at issue and in its neighborhood.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Eagle Scout Project - Joshua Rodrigues

MOTION to grant permission to Joshua Rodrigues, Life Scout Troop #45 of Warwick, to build an information kiosk for an Eagle Scout project. Project will be in cooperation with Warwick Skatepark Initiative and will be installed at the site of the new skatepark in Memorial Park with the assistance of the Village of Warwick DPW.

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

Trustee Cheney ____ Trustee Lindberg ____ Trustee Bachman ____

Trustee McManus ____ Mayor Newhard ____

Eagle Scout Project - Joshua Rodrigues

A **MOTION** to grant permission to Life Scout, Joshua Rodrigues, Boy Scout Troop #45 of Warwick, to build an information kiosk for an Eagle Scout project in accordance with the provided plan. Any modifications to be approved by the Mayor and the DPW Supervisor. Project will be in cooperation with Warwick Skatepark Initiative and will be installed at the site of the new skatepark in Memorial Park with the assistance of the Village of Warwick DPW.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee McManus said that the Board of Trustees is once again providing the time and labor of DPW to a private organization, yes it benefits the park, but it's still a private organization. Warwick Skatepark Initiative is not a Village function, it is private, we are again giving DPW time and labor that other people on this board are stretched with outside organization. Mayor Newhard addressed Trustee McManus's concern by saying that he believed that the bulk of the work was going to be done by the Eagle Scout. Trustee McManus said that he believed that, but he wanted to point it out, that they can't be too busy when it's convenient, or when the Board thinks it's convenient.

Final Comments from the Board

Trustee Cheney said that he would like to point out to fellow Board members that the newly installed vertical spiral screen at the Orchard Street Pump Station is functioning as designed by keeping rags and other solids from reaching the Wastewater Treatment Plant, which will be a big help for the operation and other processes that occur there.

Trustee McManus asked Trustee Cheney if the bearing and possible shaft failures of RBCs were new or the old ones. Trustee Cheney responded by saying that they were put in in the 80s, that there are fifteen of them and three have been taken offline due to bearing and shaft problems.

Trustee Cheney continued by saying that over the last five to ten years there have been similar issues on other ones where bearings and in some cases the shaft needed to be replaced. Trustee Cheney said the sooner we get out of this technology and get into the new plant, the better off we're going to be. Trustee McManus asked if the RBCs would all be new at that point. Trustee Cheney said they are going to a new technology. Mayor Newhard interjected by saying that there would be no RBCs at all.

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney, and carried to adjourn the regular meeting at approximately 8:10 p.m.

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

Trustee Cheney Aye Trustee Lindberg Absent Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Jennifer Mante, Deputy Village Clerk