

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
MAY 15, 2023**

9648

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, May 15, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Carly Foster, Mary Collura, and Tom McKnight. Also, present was Village Clerk Raina Abramson, Village Attorney Stephen Gaba and DPW Supervisor Mike Moser. Others present: Town of Warwick Police Chief John Rader.

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

Executive Session

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to enter into Executive Session to seek confidential advice of counsel.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Executive Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to enter into executive session for discussion regarding proposed, pending or current litigation.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

In Executive Session

In Executive Session: Michael Newhard, Mayor, and Trustees Barry Cheney, Carly Foster, Mary Collura and Tom McKnight. Also present, Village Attorney Stephen Gaba and Village Clerk Raina Abramson. Others present, Town of Warwick Police Chief John Rader.

Exit Executive Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to exit executive session and resume the regular meeting.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried for the Acceptance of Reports – April 2023 Clerk’s Office, Justice Department, Building Department, and Department of Public Works.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$262,703.77.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Police Report

Town of Warwick Police Chief John Rader reported about the Chamber Mixer.

Discussion

1. Connection Fees.

Trustee Cheney said that the Village looked at the various water and sewer fees and took a deeper look to determine the actual cost to the Village which would then necessitate a number of changes to permit application fees, inspection fees, tap-in fees and those types of items. Trustee Cheney added that a wording change was made from service charge to base fee to avoid confusion. Trustee Cheney explained that the Village has been undercharging for tap-ins that the

DPW or Water Department do as a service and the Village has also been undercharging for meter installation, so those fees are going to be increased, especially the tap-in fees in particular.

Mayor Newhard stated that the big difference is that it will be per tap as opposed to per unit. Trustee Foster stated that this results in a big savings for multifamily. Trustee McKnight said yet it's a much larger penalty for a single tap-in, single unit. Trustee McKnight said that he doesn't necessarily agree with how substantially it is increasing. Trustee McKnight said he appreciates the work that was put into the different roles and different hours conceivably they would put towards a project as a base for the fees but just thinks they are looking at whether it is new construction or someone is putting on an addition, maybe the changed the location of the sewer tap-in or water tap-in, there are a lot of uncertainties. Trustee McKnight said that when you look at this in the aggregate, the fee schedule already was quite prohibitive and there are some changes that need to be made, specific to water and sewer this makes it that much more prohibitive. \$7,000 up from \$3,000 to tap into the sewer. Trustee McKnight said that he understands the numbers that go behind it but it's also the challenge of going on opportunity costs is the assumption that the laborers are otherwise be 100% efficient doing some of the tasks. Trustee McKnight stated that he thinks that some of the fees were fine where they were, if not should be lowered a little bit. Trustee McKnight added that he is all about the data driven approach but thinks when you look at everything all together it could be quite prohibitive.

Trustee Cheney stated that the homeowner or the developer has complete opportunity to do those connections themselves if they want to hire a contractor. In that case they would then have to pay the inspection fee that is considerably greater than the one that was probably established in 1965.

Discussion continued regarding the fees and the basis for the proposed cost.

Trustee Foster stated that she feels it's important for the fees to represent the service that's being provided by the Village because there is so much that does need to be done for the good of the whole and the Village is taking that time and the budget in terms workers and in other areas is tight.

Mr. Gaba stated that the numbers are solid and doesn't think it would benefit the Board to go back on them. If the Village wants to charge less than what it's going to cost, that is something the Board can do but it's a policy decision. Mr. Gaba said that these are the numbers that reflect what the cost to the Village is, this is what you can charge for these fees, but if there are concerns, the Village is not required to charge penny for penny because it's rough proportionality as the standard so the Village can charge half or three quarters but the Board will have to come up with a policy to justify charging less.

Mayor Newhard asked if it would be considered a gift. Mr. Gaba said it would not be a gift because the Board has a lot of discretion as to what the Village sets the fees at. Mr. Gaba said it applies village wide to anybody who gets charged these fees.

Discussion continued about charging the actual cost versus a reduced fee and how the costs were calculated.

Trustee McKnight said that he thinks there's a balance between what's fair given the work that goes into it on the Village's behalf and what promotes responsible development and growth that is not a deterrent, that doesn't significantly harm the issue the Village already has with affordability and the Village doesn't want to incentivize because a developer is paying now more than two times what they were paying on the sewer tap-in fees to cut corners of quality construction in other places. Trustee McKnight stated that he thinks the Village wants to find the balance.

The Board talked about exploring other fees as well, such as building and planning fees.

Mayor Newhard asked if the Board moves forward to the new schedule of fees, how does that affect preexisting projects that have been approved. Mr. Gaba said that if someone hasn't paid the fees then the new fees apply.

The Board decided to have further discussion at the next meeting.

Trustee Cheney said that the impetus that started this discussion was the per unit fee and the Village has a few projects that are waiting for the decision so that they don't have to take other action, and since it's the Village's intent, suggests that the Village looks to adopt the new schedule soon and then looking at everything holistically when adding in building permits, etc. the Village wants to change it again it can.

Public Comment - Agenda Items Only

GUIDELINES FOR PUBLIC COMMENT

The public may speak only during the meeting's Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

No comments were made.

Motions

Acceptance of Surveying Services – Engineering & Surveying Properties, P.C.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to accept the proposal dated May 1, 2023, from Engineering & Surveying Properties, P.C. to provide land surveying services on South Street between Third Street and Galloway Road for the South Street renovation project with an initial cost total of \$8,800 and authorize the Mayor to sign the same. Funds are appropriated in the 2022-23 in budget code A1440.4000

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

O’Connell Electric, Payment #4 – Wastewater Treatment Plant UV Disinfection Improvements Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to approve payment #4 in the amount of \$8,159.55 to O’Connell Electric for the electrical work associated with the installation of the UV equipment completed as part of the Wastewater Treatment Plant UV Disinfection Improvements Project, per the recommendation of Barton & Loguidice. Funds are appropriated in budget code H.8120-2000 in the 2022-23 budget.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

O’Connell Electric, Payment #5 – Wastewater Treatment Plant UV Disinfection Improvements Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to approve payment #5, final payment, in the amount of \$4,245.78 to O’Connell Electric for the electrical work associated with the installation of the UV equipment completed as part of the Wastewater Treatment Plant UV Disinfection Improvements Project, per the recommendation of Barton & Loguidice. Funds are appropriated in budget code H.8120-2000 in the 2022-23 budget.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Vacation Carry Over - Dylan Gerstner

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to grant permission to Village of Warwick Employee, Dylan Gerstner, to carry over 5 vacation days.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Acknowledge Receipt of Liquor License – 100 Main

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to acknowledge receipt of the Standardized Notice Form from the New York State Liquor Authority for an on-premises liquor license to 100 Main located at 100 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: **APPROVED**

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Mayor Newhard said the establishment had changed its name and would no longer be known as 100 Main Street. Mayor Newhard asked if the name change would matter in this instance. Mr. Gaba replied that they would have to amend their liquor license.

A discussion ensued regarding liquor licenses.

Facility Use Request – Veterans Memorial Park, Highlander Rugby - AMENDED

MOTION to grant permission to Highlander Rugby to use the football field between the parking lot, Over 35 Field, and grassy area to the right of the parking lot in Veterans Memorial Park for practices on Tuesdays and Thursdays from 7:00 p.m. to 9:00 p.m. from May 2023 through

December 2023, and to use the football field in Veterans Memorial Park for games on weekends, including use of the football snack shack. The event is in coordination with other organizations that regularly use the park for practice and games. 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. Completed facility use permit, proof of insurance, security deposit, and Memorial Park Football/Over 35 Field Light fee have been received.

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

Trustee Cheney ___ Trustee Foster ___ Trustee Collura ___

Trustee McKnight ___ Mayor Newhard ___

Discussion

Trustee Cheney said he believed the Village did not have the authority to grant use of the snack shack, as the Village did not have access to the keys.

A discussion ensued, which resulted in an amendment to the motion.

Facility Use Request – Veterans Memorial Park, Highlander Rugby

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to grant permission to Highlander Rugby to use the football field between the parking lot, Over 35 Field, and grassy area to the right of the parking lot in Veterans Memorial Park for practices on Tuesdays and Thursdays from 7:00 p.m. to 9:00 p.m. from May 2023 through December 2023, and to use the football field in Veterans Memorial Park for games on weekends. The event is in coordination with other organizations that regularly use the park for practice and games. 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. Completed facility use permit, proof of 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 Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Road Closure – Engine Company No. 3, Fire House Dedication

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to close a portion of South Street Ext. from Galloway Road to Ball Road for local traffic only on Saturday, July 22, 2023, from 12:45 p.m. to 4:15 p.m. for the benefit of Engine Company No. 3's New Building and Fire Apparatus Open House/Dedication. Fire police will direct traffic. Completed facility use application and proof of insurance have been received.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight had concern over the length of road that would be closed to traffic and asked about alternative routes.

A discussion occurred about possible detours and the reason why the road needed to be closed for the event. The Board concluded that it would be an inconvenience for the road to be closed, but that alternative routes were available and that it was necessary for the event.

Facility Use Request – Stanley-Deming Park, August for the Arts

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to grant permission to Wickham Works to hold August for the Arts in Stanley-Deming Park on Saturday, August 5, 2023, with a rain date of Sunday, August 6, 2023. The event will take place from 4:00 p.m. to 9:30 p.m. with setup to begin at 12:00 p.m. and breakdown between 9:30 p.m. to 11:30 p.m. with any additional cleanup taking place the following morning between 10:00 a.m. and 12:00 p.m. Request includes use of the sound system, the set-up of tents, Village owned tables and chairs; use of electricity, restrooms, 10 (ten) parking cones, as well as (2) two additional garbage and recycling cans to be placed near food and concert areas by the DPW. Additional requests include 2 (two) food trucks to be parked in the area past the pavilion and gazebo before the restrooms and the set-up of a portable video projection screen. Furthermore, use of the lawn area to the left of the basketball courts for additional parking. Approval is contingent upon proof of permission from the Warwick Valley Central School District to use the Park Avenue School for parking. Completed park permit, security deposit, and proof of insurance have been received. The Warwick Fire Department, EMS, and Police Department have been notified of the event.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight asked who would be responsible for the cleanup.

Trustee Foster answered that the event organizers were responsible.

Trustee McKnight asked the DPW Supervisor, Mike Moser if the DPW was needed for the event. Mr. Moser asked if the DPW was expected to set up the tents. Mayor Newhard confirmed that they were not.

A discussion ensued regarding the DPW's involvement in the event.

Parade - Wickham Works, August for the Arts

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to grant permission to Wickham Works to hold an Art Parade on Saturday, August 5, 2023, with a rain date of Sunday, August 6, 2023. The parade will step off at 6:00 p.m. with lineup beginning in Stanley-Deming Park as per the letter received on May 5, 2023. The parade route will be as follows: Park Place, South Street towards Main, left on Main Street, left on Railroad Avenue, right on South Street, ending back at Stanley-Deming Park. Completed facility use permit, security deposit and proof of insurance have been received. The Town of Warwick Police Department will assist with vehicle and pedestrian traffic control during the event.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Facility Use Request – Stanley-Deming Park, Park Avenue Elementary Picnic Day

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to grant permission to Park Avenue Elementary School to use Stanley-Deming Park for Picnic Day on Thursday, June 1, 2023, with a rain date of Monday, June 12, 2023, from 10:00 a.m. to 2:00 p.m. Request includes the use of restrooms. Completed facility use permit and proof of insurance have been received.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Budget Modification

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight, and carried to approve the budget modification requests as per the Village Treasurer's memos dated May 11, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Budget Transfer

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight, and carried to approve the budget transfer request as per the Village Treasurer's memo dated May 11, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

NYS Gaming Commission Raffle Contest – Masonic War Veterans Beth-El Post #29

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney, and carried to approve the New York State Gaming Commission form GC-RCF: Raffle Consent Form for Masonic War Veterans Beth-El Post #29 to sell raffle tickets in the Village of Warwick during the 2023 calendar year and authorize the Village Clerk to sign the same. Approval of form GC-RCF does not authorize the applicant to sell tickets at their leisure. All ticket sales during events and/or street fairs are subject to prior written approval of the event organizers and must be filed in the Clerk's Office. All other ticket sales are subject to prior written approval from the Village Board of Trustees.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Special Use Permit – Patrick Corcoran, 43 Wheeler Avenue

A **MOTION** was made by Trustee McKnight, seconded by Trustee Cheney, and carried to acknowledge receipt of the application from Patrick Corcoran for a Special Use Permit for the proposed construction of a 3-family dwelling with a total of 6 bedrooms at 43 Wheeler Avenue section block and lot 207-5-1, to set an escrow for processing of the application at \$2,000, and to refer the application to the Village Attorney and the Village’s Engineering Consultant for review and comment.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Village Attorney, Steven Gaba asked if there were any building plans or surveys for this and asked for them to be sent to him. Mayor Newhard said there were, and they would be sent.

Acceptance of Proposal – Searchlight Consulting

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura to accept the proposal from Searchlight Consulting for web development and maintenance services for FY 2023-2024.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight explained that the Village’s website was run for many years by Mark Damian, who was now retiring. Trustee McKnight thanked Mr. Damian for his work over the years.

Mayor Newhard stated that he was impressed with the amount of inhouse work that was done on the website thanks to the office staff, who handled about 80% of the workload, and how cost-saving that was to the Village.

Village of Warwick Engineer Intern - Katarina Tomich

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to hire Katarina Tomich for the position of Village of Warwick Engineer Intern at a pay rate of \$16.50 per hour at 32.5 hours per week for approximately twelve (12) weeks. Hire date to be determined.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Full-Time Billing Control Clerk - Debra Pawliczak

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to hire Debra Pawliczak to the position of Full-Time Billing Control Clerk in accordance with Civil Service requirements. Start date to be determined by Village Clerk, Raina Abramson.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Rescind Motion – Bank Street

A **MOTION** was made by Mayor Newhard, seconded by Trustee Foster, and carried to repeal the March 6, 2023, resolution of the Village Board to close Bank Street for the benefit of the Warwick Valley Farmers Market on Sundays from May 14, 2023, through November 19, 2023, from 7:00 a.m. to 2:30 p.m. except for May 21, 2023, at which time Bank Street will be closed.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Nay Mayor Newhard Aye

Discussion

Trustee McKnight explained that numerous discussions had occurred on this topic and there was more to it than just this motion. Trustee McKnight said he was uncertain what direction would be taken after this and how he was personally not in favor.

Reports

Trustee Cheney's Report:

No report.

Trustee Foster's Report:

Trustee Foster stated a tentative schedule for Veterans Memorial Park Master Plan open house was on Wednesday, May 31st at 6:00 p.m. and Sunday, June 4th at noon at the Veterans Memorial Park. Trustee Foster explained that it took a long time to confirm with the landscape architect if the materials would be available by that time and asked the Board if they felt the timeline was too tight to allow for advertising.

Trustee Collura believed the deadline that was previously decided was this Friday.

Trustee Foster said that would allow for two and a half weeks for promotion.

Mayor Newhard stated that he thought that would be okay, but it should be done now.

Village Clerk, Raina Abramson stated that if you were to get it to the paper by the 19th at noon, it would be in the 26th paper.

Trustee Foster said the Village wouldn't normally have the advertisement in the paper that far in advance anyway, and that it just left less time to set it up.

Trustee Foster stated that the structure would include a talking tour of the park and make a recording due to a request, and then have verbal and written feedback.

Mayor Newhard thanked Trustee Foster for shepherding the project along.

Trustee Foster thanked the Stakeholder Advisory Group and stated how lovely they have been to work with.

Trustee Collura's Report:

No report.

Trustee McKnight's Report:

No report.

Mayor Newhard's Report

Mayor Newhard stated that there was a volunteer effort this Sunday at 10:00 a.m. in Veterans Memorial Park at the DPW garage facility. Mayor Newhard explained the event was open to all, and volunteers would be planting the flowerpots that get placed around the Village during early summer. Mayor Newhard said the pots were designed by Debra Sweeton and the growers included Sherman Farm, Sugarloaf Mountain Growers, Corwin's , as well as Emmerich Greenhouses. Mayor Newhard praised the collaborated effort and encouraged those to volunteer.

Public Comment – Non-Agenda Items

No comments were made.

Final Comments from the Board

No comments were made.

Adjournment

A **MOTION** was by Trustee Cheney, seconded by Trustee McKnight, and carried to adjourn the regular meeting at approximately 9:30 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye