

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
MAY 1, 2017**

7247

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, May 1, 2017. Present were: Mayor Michael Newhard; Trustees Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also present were Deputy Clerk, Barbara Ranieri; DPW Supervisor Michael Moser and Village Attorney, Adam Rodd. Others present: Roger Moss, Elizabeth Knight, John and Barbara Johansen, Patrick Gallagher, Tracy Gregoire, Shelly DeHaan, Carl Short, Joe Lawlor and others.

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

The Deputy Clerk held the roll call.

Public Hearing on the Tentative Budget of the Village of Warwick for the fiscal year beginning June 1, 2017.

Mayor Newhard: We're going to start out with two Public Hearings and the first is on the Tentative Budget and the other one is on a consideration for a zone change.

The Deputy Clerk read the Public Notice.

Mayor Newhard: I'm going to give an overall summary of the budget and then I'll ask our accountant, who is here tonight, to fill in any of the gaps that I may have left out. I am pleased to report that the Village has remained compliant to the New York State Cap/Tax Freeze. The allowable growth factor for this year is 1.15% and the total tax levy limit allowed through the Office of the New York State Comptroller is \$3,304.387. The proposed Village Levy is \$3,303.551. Some of the budget highlights for 2017-2018 include expenditures in the General Fund for increased security in Village facilities and parks, new equipment including a new excavator, a Tool Cat with snow attachments, a paving roller and an LED speed indicator sign. Our paving schedule will include Campbell Road and Welling Avenue, South Street, High Street, West Street and Parkway. In our parks this budget includes pavers and materials to complete the Stanley Deming Park gazebo, pavilion and walkways as well as the Veterans Memorial Park pavilion, parking lot and the McFarland Drive walkway. In the Water Fund we anticipate a 2% increase in water usage rates which does not include service charge. Some of the coming projects and expenditures include a multi-year improvement plan to repair spillways at the lower, middle and upper reservoirs, replacement of online analyzing equipment at treatment plants as well as comprehensive electrical repairs and upgrades and SCADA repairs for both plants. In Transmission and Distribution in the Water Department the budget calls for two major valve replacements, a new 20% E-drain valve at the middle reservoir, eight new hydrants, insulation for the water barn and purchase of a new mower. Under engineering and design we have scheduled design of the River Street Water Main Expansion and a design to implement Well #3 and a Safe Yield Study. In the Sewer Fund there will be an 8% increase in usage rates. This does not include service charges. Some of the planned projects include purchase of a SCADA personal

computer, a Genset pump for the Homestead Village Pump Station, continued work on the collection system manholes and pipe infrastructure. A budget is a multi-month, complex process that includes direct input by all Department Heads, collating collaboration of information by the Village Treasurer and reviews by the Village Board for final determination of expenditures. I would like to thank all involved in the process especially Village Treasurer, Cathy Richards and Village Accountant, Michael Vernieri for their efforts and work for the residents of the Village of Warwick that has helped create a budget that is fiscally conservative but allows a maximum of municipal services. So Michael, I will give you the floor now.

Michael Vernieri: The only thing I would like to add is if the people had been following the budget we have in part of the budget that's not included now is we have about \$2,000,000 that we're anticipating for a new dam or repair of the dam. We have over the last few years put money aside so that we don't have to go out for long term borrowing or any kind of borrowing when that project begins. That is being paid out of your land tax which is designated only for water and sewer. We are also going to spend about \$1,000,000 in new equipment and upgrades in our water and sewer department. Again that money is coming out of the land tax which is designated only for water and sewer. This has been a very positive approach to capital improvements without going out borrowing upon borrowing. Right now we kind of fund most of that stuff through the land tax or if we take out a BAN for the future to be paid back within a few years basically.

Mayor Newhard: I'd like to open it up to the public. It's a Public Hearing if anybody has any questions about this year's budget.

Roger Moss: Are there any long term estimates of the costs for water infrastructure improvements?

Michael Vernieri: Yes, we're waiting for the engineer to report on whether we're... I think Barry could speak about this better than me, but as far as the money is concerned, we're waiting for the engineer to come up with a repair of the water tanks and/or a change in the way that we're directing water as far as distribution. We have put in the General Fund... we have started this year a fund for that so that when and if it occurs we are prepared to begin the process. The possible cost of that could be as much as \$4,000,000. We're starting the process of not only looking into what we're going to do but how we're going to fund it so that we don't have to go out for a 20 or 30 year bond but trying to do it through the budget process.

Patrick Gallagher: Does the Board have any sense of how much they're going to spend on electricity in the next 25 years? Or any plan to avoid those energy costs... any idea how that money could... we could do in reach... we're going to give that money to O&R

or we're going to keep it. I'd like the Board to think about what you could do with the money you don't spend on electricity. I understand the costs are rising rapidly.

Mayor Newhard: We're already recognizing street light costs and switching to LED lights and there are other things that we're looking at.

Patrick Gallagher: I'm not going to go into it just this moment but there's an enormous opportunity to create your own electricity and a number of perfect locations in the Village and they would more than pay for themselves and create an income stream for the Village.

Mayor Newhard: Okay, let's talk.

Trustee Cheney: Just a follow up on replacement of the LED street lights, we're also looking at the opportunity to purchase those lights so that we would own the street lights here in the Village and not pay the street light tariff to Orange and Rockland. We are in the formative stages of that review but we're being told that the return on investment for something like that is two to three years. It makes a lot of sense to be able to do that and would drive down the costs... I think we're spending close to \$100,000 a year on street lights. We've got 460 street lights in the Village.

Patrick Gallagher: I think that's a very responsible and wise thing to do. You're still feeding them electricity that you could be making yourself.

Trustee Cheney: Every year we do go out for bids for the purchase of the energy. We're not getting the energy from Orange and Rockland.

Patrick Gallagher: But whoever the provider was, we can get it from ourselves. I very much appreciate what you're saying. I think it's fabulous.

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to close the Public Hearing. Five Ayes.

Public Hearing to consider a zone change for 41 South Street from Limited Office Overlay to Central Business

The Deputy Clerk read the Public Notice.

Mayor Newhard: So, Adam, things were a little mixed up jumping into a Public Hearing prior to a Resolution, correct? I believe this evening we should formulate a Resolution.

Adam Rodd: That's correct. I think you have a copy of it. You would simply need to introduce the proposed Local Law. You're introducing it to the public. Then you can commence the Public Hearing tonight. You cannot act on it tonight. That's all that we're doing. We're introducing the Local Law, we're commencing the Public Hearing, the applicant is supposed to supply SEQRA documentation. That's for the Board to review. You might have a number of questions tonight or perhaps at the next meeting.

Mayor Newhard: Potentially a review by the County as well.

Adam Rodd: That's correct. The entire application including the SEQRA application would need to be sent to the County of Orange for their comments. They will have 30 days to comment on that and the Board should not be acting until we either receive that comment or the 30 days has elapsed.

Mayor Newhard: Which would potentially be the first meeting in June.

Trustee Cheney: One thing relative to the resolution. It states the street address. Shouldn't it also state the Section, Block and Lot?

Adam Rodd: It doesn't have to.

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to adopt the following resolution:

WHEREAS, the Village Board of the Village of Warwick has received a petition pursuant to Village Code 145-171 from the record owner of 41 South Street, Warwick, New York requesting the zoning designation of the said property be changed from Limited Office ("LO") Overlay to Central Business ("CB"); and

WHEREAS, the Village Board has before it a proposed local law by which the requested zoning change could be enacted;

NOW, THEREFORE, BE IT RESOLVED that the movant of this resolution does hereby introduce the attached proposed local law.

A local law to amend Village Code Chapter 145 titled "Zoning" to change the zoning designation of certain real property located at 41 South Street in the Village of Warwick from Limited Office ("LO") Overlay to Central Business ("CB").

Section 1. Purpose: The purpose of this Local Law is to amend the Village's Zoning Code to change the zoning designation of certain real property located at 41 South Street in the Village of Warwick from Limited Office ("LO") Overlay to Central Business ("CB") as requested upon petition by the property owner and recommended by the Village Planning Board, such change being consistent with the Village's Comprehensive Plan.

Section 2. Amendment of Code: Village Code Section 145-21 "Zoning Map" is hereby amended by revising upon the Village's Zoning Map the zoning designation of the real property located at 41 South Street, Warwick, New York 10990 and identified on the Tax Map as Section 211, Block 10, Lot 19 from Limited Office ("LO") Overlay to Central Business District ("CB").

Section 4. Effective Date: This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

Discussion

Trustee Patterson: Just to clarify what we just read sounds like we're actually changing it but what we're doing is reading the law that's being proposed and no changes occur.

Adam Rodd: There's no action being taken on enacting this local law. We're introducing the local law and we're now having a Public Hearing on the proposed local law, not voting on the local law tonight.

Roll Call Vote:

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

Mayor Newhard: With that we'll now open it for public comment. Please state your name for the record. I believe that we will not be closing this tonight. We'll leave it open to the next meeting. This is your opportunity to address the Board.

Adam Rodd: Is the applicant here?

Mayor Newhard: Yes, the applicant is here.

John Johansen: I have the EAS form and I have the letter stating that the property is 425 per the curb to Route 94 which is Main Street going into Town.

Mayor Newhard: Then it would go to the County.

Trustee McManus: How many feet from 94?

John Johansen: 425 feet.

Trustee McManus: I thought 500 was the limit that it had to be from a State or County road.

Adam Rodd: If it's within 500 it does, so here it does.

Mayor Newhard: If there are no comments tonight we'll move forward. We're leaving this Public Hearing open until the June 5th meeting. Do we have to make any motion towards that?

Adam Rodd: I would just make the motion unless there were any other comments or you want any more information to put it over until June 5th.

Trustee Cheney: Relative to the requirement that the property owners within 500 feet be notified, is that necessary and was that done?

Adam Rodd: As I understand from the code provisions that you have now all that's required is that the Public Hearing be noticed which it was. I know there was some discussion about amending the code about mailing requirements to do that but that's a subject for a later date.

Trustee Patterson: Whatever change wouldn't affect this applicant.

Adam Rodd: Exactly.

Trustee Patterson: Is there parking on your site?

John Johansen: Yes there is.

Trustee Patterson: Down in the back?

John Johansen: Yes, there is a parking lot in there.

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to leave the Public Hearing open until June 5th. Five Ayes.

John Johansen: So I understand that we just come back on June 5th?

Mayor Newhard: Yes.

Trustee Patterson: The Village is going to notify the neighbors, am I right?

Adam Rodd: At this juncture we just simply put the Public Hearing notice which I understand was already in the newspaper, so the public is here for this. Right now there's no additional mailing requirement.

Trustee Patterson: Understood, but we have another property that was requesting being considered for a zone change and we as a Board, I thought agreed we'd have the DPW distribute notices as we did for that other property, so I feel that the same should be done here. No offense to the applicant, it just seems fair. I'm just one vote. I don't know how everybody else feels. That's what we did for the property on Overlook.

Trustee Cheney: Can we do that once it's already been noticed?

Adam Rodd: Quite frankly it's gratuitous. You can. It has been noticed. The public has been notified that the Public Hearing is tonight. You're announcing that it's being put over to June 5th. That satisfies under the law the notice requirements. There's nothing prohibiting this Board from saying okay, we're also going to be mailing and it would be gratuitously notices to neighbors within 500 feet. There's nothing prohibiting you from doing that but you don't have to do that. It's not a requirement.

Mayor Newhard: I think it's something that we did and until we come up with a determination on how we're going to move forward with that actually as law, we'll probably continue that practice just because it gives everybody in the neighborhood a heads up.

Adam Rodd: Was it the clerk who did those mailings?

Mayor Newhard: Actually the DPW brought them door to door.

Adam Rodd: That's fine. Its belts and suspenders.

Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to pay all approved and audited bills in the amount of \$188,219.05. Five Ayes.

Presentation – Kick Ball League

Mayor Newhard: We have a couple of presentations tonight. The first one on the docket is the kick ball league.

Carl Short: I have been a resident of the Village for almost 20 years. This is not my first time being in front of the Board. What this really is is a social club to take the place of

the Men's Over 35 League. As noted in the paper I thought he did a great job, up to this point. In the past it used to be a place to go with dads and sons and families down in the park and it just kind of lost its interest. I've been on the Men's Over 35 League for about six or seven years and saw a decline over and over and over as was the attendance to come watch was dismal. Leaving this season open I thought instead of going home and getting yelled out why not invite her out and instead we made it co-ed and so far the response in surprisingly only two weeks, we have 60 people signed up. I wanted to see if the interest was there first, go through the insurance and follow suit. I didn't want to come here first, do all this and find that there was no interest. Surprising, there is interest. The funds have been allocated to places which would be the Warwick Food Pantry and the Backpack Attack; besides the equipment and taking responsibility for the lights. Mr. Cheney was nice enough to give me figures for the Men's, no problem, we'll probably use half of that. It's slotted for Friday nights. The way that we have it set up would be using the Men's Over 35 field as well as the T-Ball field. We'd stack the game on the Men's. That's about it. I do have my insurance forms here and open up to any specific liability questions or general questions. If anyone doesn't know what kick ball is, it's an elementary sport. You roll the ball, you kick it, you run. You are able to throw the ball but not at the head. Other than that there's no age limit and we're open to everybody. It's just another way of spending a Friday night. In closing one of the added things that we talked about is someone's donating backpacks and I was going to offer it to the local businesses if they want to put something in free of charge. I'm not looking for sponsorship from anybody. It's an open bag to give to people. Everything's on Facebook now. That's the way everything goes. I don't really have a Facebook. The members that were in the paper were actually people that in consulting with in regards to the field use, logistics, etc. Any general questions or specific questions?

Trustee Lindberg: I think it's great. I want to tell you when I was in fifth and sixth grade I was a kick ball champion in elementary school. You go through the application process. I know you have insurance. We've checked the dates. We have a firemen's carnival on one week.

Carl Short: I actually reached out to them to think that there was something that they'd want to do. It might be a great fundraiser for them as well or as I say, either a fundraiser or put something in. This is not unheard of in a lot of communities. It's a nice fit for us.

Trustee Lindberg: It's just one week that the carnival's in town and Warwick Little League has already blessed it. No conflicts there.

Carl Short: The only thing I was going to say to the firemen, again, if they want, the field's all theirs but if they want a discussion about doing something, but I don't know if that's here or offline, either way. My thought was the last day that we would have a double header or elimination and that would just be a fun day. One thing about this is the

kids are always there. The kids are always running around. It's something for the families. At the last day I was looking for a Saturday that we could just have a fun day with trophies or something. Beyond the forms today is there anything specifically that you need from me today?

Trustee Patterson: We don't actually need the forms today. It will be on the next meeting agenda.

Carl Short: Okay. The last thing on the insurance is there a specific number that you need for the amount? Here's a copy so I can always follow up with you.

Presentation – Too Good to Toss

Mayor Newhard: We also have Elizabeth Knight here tonight. Elizabeth was the inspiration of the "Too Good to Toss" event that happened last weekend. Elizabeth if you could give the Board a recap of what happened because it was a pretty amazing event.

Elizabeth Knight: Also Bill Green is here. He's the co-chair of this event. It might have been my idea but it would not have gotten off the ground without his help. For those who don't know the way this got started is Sustainable Warwick in partnership with the Sesquicentennial Committee was invited to host an Earth Day event in Stanley Deming Park. What we came up with was an event called "Too Good to Toss." The Village and Sesquicentennial Committee very graciously made the fenced basketball court available to us and provided a tent and Mr. Moser's department brought tables and chairs. The point is it took a lot of hands. For those who don't know what it was on the weekend of April 22nd and 23rd we had an event in order to build community and keep useful goods out of the landfill. It was really pretty simple. On Saturday people dropped off things that they no longer wanted but were clean, in good repair and had all of its parts. We checked with Big Brothers and Big Sisters for a list of things that they would take if there were things left at the end and vetted that list with you and made sure that they were cross pollinated so we weren't getting things that would be a problem like upholstered furniture, refrigerators, fluids, batteries, that sort of thing. Everything went surprisingly well and Barry, I think you stopped by about 3 o'clock on Saturday and we estimated that we had already collected by then approximately 12 dumpsters. It was still coming in at 5 o'clock that night. So, what kinds of things came in? One of the most surprising was a brand new faux fleece cat condo tree, which I looked it up online and it was about \$70; lots of art work, every piece of which went; lamps including chandeliers, there were half a dozen at least of those; mirrors, tools, kitchenware, tableware, toys, books, games, a lot of bicycles. At least 12 bicycles, many that had matching helmets. Not one was left at the end of the day. I saw a little boy walking out with a very odd object. I said, oh what did you get? He said a bicycle seat. I said, really, why did you want a bicycle seat? He said, well my bike at home needs a new one. I said, where did you get this one. He said oh,

from that bike over there. I told him I would really like it if you would go put that back on the bike so there's a complete bike for another kid who doesn't have one. His mother said well, it's got a lot of rust on it. I said, yeah, but if you haven't got a bicycle at all, a rusty bicycle is a big step up. I'd like you to do that and he went over and did it. We had been warned ahead of time what are you going to do if two people are fighting over the same thing? We were going to throw dice but it never happened. Everybody rose to the occasion. Everybody was friendly, happy, cheerful. So many people came to donate and when they saw the volume of stuff, said you guys are doing well and they stayed. They helped other people take things out of their cars, their trucks, set it up in the tent in designated areas. Then they came back the next day to do it all over again, to help at the front gate, to help manage people who still wanted to deliver things on Sunday and we said, no, yesterday was the day. We estimated that by... Roger and I got there about ten after eight Sunday morning and a lot of things had been sorted out the night before. We found out quickly that we needed a lot more tables, called the Community Center and we were able to go pick up several more. Newhard's gave us tables. One of the donors who came and said you need a lot of help when we needed the tables, he had gotten home and got his two teenage sons and all of them came to Newhard's to pick up the tables. The really interesting thing about it was they weren't the only ones. People brought their spouses, brought their kids, brought their significant others and they just stayed for two whole days. I kept saying why are you here? They said this is just so much fun. There were people I know and people I've never met. There were bonds formed right in front of your eyes.

Mayor Newhard: The gentleman that you introduced me to. That was an incredible story. Loss but also rebirth.

Elizabeth Knight: ...and being able to give things and we were both in tears. That was just one of the many, many stories that day. The man who came to pick up the tables at Newhard's happens to be the facilities manager for the FDR Museum and House in Hyde Park. That organization puts on a number of World War II reenactments. His son found a vintage 1935 typewriter, called his dad over and his dad was rummaging through the small electronics pile and found another one from the same generation. They're now in Hyde Park to be used in an event. Speaking of vets there was a woman collecting these metal traverse rods for the curtains and I said oh, I'm so glad. I was a little concerned those weren't going to go. She said I'm shopping for a vet who's just been given housing of his own and he needs everything and she filled up a shopping cart with other items as well. There were people shopping for free collecting books by the armloads and all the VHS tapes that you think nobody wants? The Thrall Library in Middletown was thrilled to have them. They can't keep them in stock. The big thing was... oh and the bicycles there was one young man who scored a vintage 1980 Italian racing bike that was bought for \$1,200. He happens to do that as a sport and this is... that's him. He said how much is this? I've been looking for one of these and I can't afford it. When he was told nothing...

there's his face. I've included materials with links to a lot of the other photos. This was just one story. We get there at ten of eight Sunday morning, there's only six or seven people in line. Bill how many people were in line by quarter to ten?

Bill Green: Around 300 and they were lined up and they were all very happy. We let them in 30 to start with and then ten at a time so there wouldn't be too many people in there. People were happy in line. It was just... it was all for free so they had nothing to complain about and they went around and we told them to take an armload or as much as you can carry and if you want more please come back, just join the end of the line, come around and by noon or so there wasn't a line and people were just coming in and they were happy. Tons of stuff went away that would have been in the pick-up or landfill one way or another. It was just a great reuse Earth Day event. They were all like when are you going to do it again?

Elizabeth Knight: By the end of the day, most of it was gone by around 1... the quality of the furniture was astonishing. Wooden and metal furniture, first class, but at the end of the day, the Hopechest came by with a pick-up truck and car and volunteers helped them load it up. We hadn't anticipated it but a lot of people brought metal cages for ferrets and gerbils and dogs, most of those were gone. What was left behind was taken to the Humane Society along with the blankets. We had 22 boxes of books left behind. Roger and I loaded them in a car and took them to our garage and they're going in batches to the Thrall Library because they can't handle it all at once.

Trustee McManus: Chosun Taekwondo does a book sale. They might take them from you.

Elizabeth Knight: That's a very good idea. By Monday morning the estimate was that less than a half dumpster was left behind. So from at least 12 to a half dumpster...

Mayor Newhard: ...and a lot of happy people, on both ends.

Elizabeth Knight: Several people said to me this is so great because I've got my kids toddler bed, I just can't kick it to the curb for the spring pick-up. It's too nice for that. I want it to go to somebody who needs it. If I heard stories like that once, I heard 50 of them. I've been saving this, I didn't know who to give it to. My kids don't want it but somebody needs it. They were so happy to be able to give to each other, even to somebody you didn't know. I've got packets for you of the comments... Geoff Howard was asking people as they were exiting, what did you pick up, what did you think about it? I come from a marketing background so I said we need to know, how did they hear about this, what did they take today and is there anything they want to say, good or bad, so we can improve this. I've got a lot of comments for you but some of the most significant were so proud to be a part of a community like this, excellent recycling reuse

from all the stuff that's been delivered you can see what an important event this is, do it every year. I don't know this gentleman but I imagine all of you do, he's the owner of H&B Lawn Care and Landscaping and said he's lived in the Village since 1966, fabulous idea. The tent was money well spent. I believe this should be done every year to save the Village thousands of dollars because they're going to pick it up off the street anyway. It was all about community. That was the word that came up over... it was just astonishing and then at 5 o'clock that afternoon I got an email that I want to read to you. "As Warwick's Municipal Historian I'd like to commend the originators and implementers of this inspiring event which I would regard as one of the most successful community building exercises I've observed in my many years of research and writing on our town. It brought people of all backgrounds together in a common endeavor of giving and taking, tangible household objects of real value and mutual benefit. As only one of hundreds of examples the Historical Society desperately needed 20 metal folding chairs for its lecture hall. It found them at this event enabling one party to dispose of items they no longer needed while giving a community organization a cost-free opportunity to enhance its ability to make more seats available at their public lectures and fundraising events. Frankly, I cannot recall such a broadly participatory win-win spirit building community undertaking. It is eminently worthy of becoming an annual event of mutuality. And it is certainly deserving of strong municipal and foundation support. Professor Richard Hull, Warwick Town Historian." I have a request. I'd like the Village to make a commitment to help plan and provide adequate funding to do it again next year, not once a month, next year, prior to the 2018 Village cleanup and it would be even better if we can work with the Town to be a partner on this. I think we'll have an even bigger response next year. I'm still getting phone calls from people saying I didn't hear about this but my neighbor got and "X"... well it was the front page of the Warwick Advertiser, it was on all kinds of social media, Facebook, but a lot of people still didn't know about it. People came to drop stuff off one day and came back and shopped the next and then brought other people with them. It was just astonishing but the best part was... yeah the landfill part's great and even if you don't care about a green environment you can care about green in your pocket. It was a way to demonstrate what you cared about other than yourself. Like they said aren't you proud to be part of a community like that. It's going to take all of us... so I'd like your help next year.

Mayor Newhard: Just as a matter of record it was the Sesquicentennial Committee that paid for the tent out of their funds. That was a lot of hats and mugs and other things sold that put that tent up.

Trustee Patterson: Have you approached the Town?

Elizabeth Knight: Not yet. I would like some partners to approach the Town.

Trustee Cheney: I would expect that it's not going to be an issue... the Town participating.

Trustee Patterson: At a Town park?

Trustee Cheney: No as part of this one location.

Elizabeth Knight: The location was ideal because of the lockable basketball court.

Bill Green: We couldn't have done it without the fence. People would have gone shopping all night long, even though we needed another gate in the fence, but people didn't come in. It was all set up and nothing was disturbed. People really respected it well.

Trustee Lindberg: You need another tent.

Elizabeth Knight: We were told that over and over again.

Mayor Newhard: Maybe that's where the Town comes in.

Bill Green: It's certainly something... Everybody in line, because I was letting them in, they were just thrilled. There were all sorts of different people, mainly younger people than people who were dropping off. It was sort of an inter-generational thing. Kids are gone, I'm trying to clean up.

Mayor Newhard: I know that my son came home with a belt sander, table belt sander, it's enormous and he's very excited.

Elizabeth Knight: Somebody saw three twenty-something guys and she said what are you looking for and they said bowls. It turns out the three of them live together and they only had two cereal bowls. Peyton Swenson who has an organization business and she helps people clear out houses and other things and Janice (inaudible) on West Street, they were actually advising people about the clothing, no don't wear that jacket, you need the green one. That's not the right bag, get that one. It's just the connections between the people. It was so heartwarming. Don't take my word for it. I have a packet for each of you with the quotes from live people who I did not know.

Mayor Newhard: I'm thinking in terms of municipal support if this was a committee of Sustainable Warwick and how many people were on the committee?

Elizabeth Knight: Two.

Mayor Newhard: That's what I thought. I was thinking maybe you could formulate a committee with a Village representative and a Town representative.

Trustee Patterson: I would love to volunteer to be on that committee.

Mayor Newhard: Actually you helped out didn't you?

Trustee Patterson: I did a little bit.

Elizabeth Knight: Actually Eileen sent us home... the two of us home and said you look like you're going to fall down, you need something to eat. I came the next morning and she had already arranged the entire section so I did not have to think about it. I think you brought your son and your husband back too.

Mayor Newhard: That's what I recommend because I think everyone will be in the loop.

Bill Green: A lot of the local organizations that helped people ended up getting stuff. There were tons of jigsaw puzzles that apparently were needed by Mount Alverno and somebody volunteers there and had a huge armload... the Humane Society got a bunch of stuff. There was a music teacher from the high school who got some good instruments for kids who can't rent their own. It sort of gave back... the Little League lady got book shelves for the snack shop...

Elizabeth Knight: ...and she needed a microwave and there were three microwaves, one of which was brand new.

Bill Green: It sort of fed back in... people who help other people in the Village. It was really nice.

Mayor Newhard: Thank you for your leadership. These things don't happen if you don't have the spark. Congratulations.

Bill Green: We'll work with you and try to work with the Town.

Trustee Patterson: We have a Town Councilman in the back of the room.

Jim Gerstner: You should definitely go to a Town Board meeting.

Mayor Newhard: I would hope that you would give the same presentation to the Town. I think it really was a far reaching event.

Jim Gerstner: We have a work session about 6 o'clock before the meeting and the meeting starts about 7:30. May 11th is the next one and I believe that's an afternoon meeting. It starts at 1 o'clock. You're welcome to come to that also.

Elizabeth Knight: Thank you.

Bill Green: We'll be there.

Presentation – Warwick Food Truck Festival

Mayor Newhard: We have one more presentation this evening. This is the evening of Public Hearings and presentations. Tracy would you please come forward and Shelly.

Tracy Gregoire: We're here on behalf of St. Stephen's School. We were asked by the Sesquicentennial Committee and the Village of Warwick to partner to be part of the Sesquicentennial calendar and to host a community event this summer. We put together a Food Truck Festival. We are just going to go over the event with you tonight. We're not asking for approval but that is what we are asking of the Village... you can ask us questions tonight about what we have going on and maybe at the next meeting we can do the approval. If you haven't heard already we're having this Food Truck Festival the first Thursday of June, July and August at Stanley Deming Park. The festival will take place from 4:30 to 9 p.m. We will have food trucks, a total of nine assorted food and dessert. They will be given an area in the park. They're self-sufficient. We don't have to provide water or electricity. They drive in, they open up their shop, they sell food, they close up their shop, they go home. We also will be having on site a wine and beer garden which will feature local producers, local breweries and wineries and cidery, also selling their product. We've been extremely careful how we've set up the beer and wine garden to make sure that it's safe and secure. We will double (inaudible) so that there is one point of entry, people will be carded and we actually will be hiring an actual security guard to make sure there are no fake ids or anything like that because we are not professionals. We'll also charge a cover charge to come into the beer garden to discourage people... we don't want people thinking it's a fraternity party. It's a community event... of grownups.

Shelly DeHaan: Also live music. We'll have bands playing.

Tracy Gregoire: There will be a band at each event as well featuring different types of music each time, different genres. It's a free event so that encourages participation. We also would like to highlight what has happened at Stanley Deming Park and just the evolution of the new parts of the park. It highlights the changes that we see, the change in the gazebo area so people have a chance to maybe look at... I don't know if we would have the opportunity to have the plan for that out so people can see it and get more excited about that as well. We're also going to have children's events. There will be kids'

activities so there is fun. There's fun already in the park for the kids, we've got swings, we've got playground equipment, but we'll also have a little bit of organized events for the kids. There will be vendors who will do face painting, hair braiding, we'll have a bounce house. We'll have things like sand art, coloring pages... there's lots that the kids can keep busy while mom and dad are listening to the music. We are going to set up a collection station to collect non-perishable food items to donate to the Warwick Food Pantry. So if we're having a food event the least we can do is give back to our community, so we will collect donations for the pantry. There will be merchandising booths for the Sesquicentennial Committee. As far as the event that's kind of everything that will be laid out that day. We are collecting and have collected liability insurance and permits... the liability requirements will be reviewed by John Sanford and by NYMIR so we have collected from our vendors with the needs of the Village and Sesquicentennial event. We do want to protect the Village. Hold harmless certificates will be signed for the Village as well. As far as there being alcohol served in the park, we did speak with the New York State Liquor Authority regarding the event and reviewed with them exactly how it's set up. We asked if as the host or the Village as the venue were required to get permits or to have any kind of permission to have alcohol served or if we were all liable... what they assured us is it is the responsibility of the vendors. We are to have the vendors do what is called a temporary beer/wine/cider permit and then also we would collect liquor liability insurance from those vendors both for the Village and for our organization... both parties that are involved. Food vendors will have food service permits and I think that is pretty much the highest level of what's being built for close to a year now that we could have this event with the Sesquicentennial Committee.

Mayor Newhard: This is taking the place of Taste of the Town, correct?

Tracy Gregoire: The way this came to be I guess is St. Stephen's is known for having the Taste of the Town each year. It's been over a decade. Last year when the Sesquicentennial Committee was looking for events for the calendar of events, I think it was in the Warwick Advertiser, kind of looking for partnerships, St. Stephen's was approached please bring Taste of the Town to the Village of Warwick. We said we'll bring a food event but it didn't really make sense to bring Taste of the Town, so we changed it to a Food Truck Festival and that's why it was created that way.

Trustee McManus: I think we need to discuss if we're going to allow alcohol in the park first. Right now you can't. I think it'd be a great event without having alcohol there.

Tracy Gregoire: We already have vendors who engaged based on conversations... we've been working on this for almost a year. I understand completely just so you all know where we are with this.

Trustee McManus: You can have a wonderful event without having alcohol served. It just creates other problems, other liabilities, other issues... it's just not necessary. People can have fun without alcohol. We will need to discuss if we will allow alcohol in the park. Sounds great but I would be opposed to alcohol.

Trustee Cheney: A related question to the alcohol, you mentioned that you were going to require the vendors that were providing the alcohol to have the insurance and have responsibility but at the same time you're going to be responsible for checking ids and issuing the bracelets so how does that fit? Or is that something... I would think that the vendors would be able to say well they had a wristband, it's not my problem that they were under 21.

Tracy Gregoire: I hope that there wouldn't be somebody under 21 but if ids are being checked then that person...

Trustee Patterson: I think what Barry is pointing out is there are two entities at work here, those who are checking ids and those who are serving alcohol.

Trustee Cheney: The ones who are serving the alcohol are the ones who know the rules and know how to check... I guess if I were to even consider it there'd have to be that same level of security as you would have if you were actually the provider of the alcoholic beverage.

Tracy Gregoire: We can look into that.

Shelly DeHaan: The other issue is where it's being served and consumed is in the beer garden. It's a point of entry in but you can't take the alcohol out. It stays within the confined area that it's being consumed in. That was the point of having the guard letting people in but you can't leave with your drink.

Trustee Patterson: I have questions about having the assistance of the DPW help direct and park the trucks on site. What time do you anticipate the trucks arriving?

Tracy Gregoire: We hadn't let the trucks know exactly what time yet. The festival opens at 4:30 and I would think they need to be there before that and set up so it would be in regular hours for DPW.

Mayor Newhard: I think the supervisor... we don't need the whole department. It's just like the carnival.

Trustee Patterson: I just don't want to pay overtime is what I'm saying.

Tracy Gregoire: We would ask Mr. Moser what do we need to do and how do we need to do it and look for your direction.

Michael Moser: You've got it.

Trustee Patterson: My second question is... my first reaction and again I'm just one vote, I'm not a fan of waiving the no glassware in the park. It's a basketball court. It would be impossible to protect the people... if a glass breaks in the basketball court which is where the alcohol would be served.

Tracy Gregoire: No, we have a site plan...

Shelly DeHaan: The beer garden is on the grass and it's against the backstop of the baseball field and that it will be double walled with snow fencing around that again with a single point of entry in and out.

Trustee McManus: It's where children will play.

Trustee Patterson: I'm just not a fan of the potential for broken glass even if it's not in the basketball court.

Tracy Gregoire: Completely understood to your point of glass versus plastic because we were thinking of plastic as well. Glass is a third of the price of plastic and also just from an environmental perspective we felt going with glass might be a little more environmentally friendly so that's why we've been going down that road. Certainly it's up to the Board whether or not we receive permission to waive the glassware regulation. If not, we'll have to go to plan B.

Trustee Patterson: I'm just speaking from the perspective of liability under the same heading I'm not a fan of the bounce house. You just hear too many stories about bounce houses that are not safe for kids.

Shelly DeHaan: We were approached by a company to do the bounce house but it was just an approach from a vendor.

Trustee Cheney: Would there be an admission charge for the bounce house?

Shelly DeHaan: That would be up to the vendor.

Trustee Patterson: We would have all of the insurance from all of the vendors before... and do you have plans for the Department of Health to come and inspect?

Shelly DeHaan: I've invited them. They haven't confirmed with me if for sure they'll come that day. I asked them to please consider it. It was up to them. It's their call and if they are coming to please let me know what time so that we can make sure all the trucks are in by that time so that they can be inspected. They most likely will come because there are some trucks that are out of county, so if they're out of county they want the opportunity to individually inspect them and also for in county trucks, they just want to come and double check to make sure everything's in order.

Trustee Patterson: I'm with George on the no alcohol in the park. I just feel that if you're promoting a family event, you're feeding the parents alcohol... I'm not saying the parents are going to be irresponsible but I just... we had the apple drop, I don't think there was alcohol there.

Trustee McManus: No, and Applefest doesn't and at restaurants there's no alcohol in the area...

Trustee Patterson: Just because it's a sesquicentennial event which is a Village entity, I'm just not a fan but again it's just my opinion.

Trustee Cheney: Relative to rain, what is your plan?

Tracy Gregoire: Rain or shine. It's a rain or shine event.

Trustee Cheney: Well there is the potential... I don't know the size of the trucks, but we've had the carnival... they're not like a piece of carnival equipment but at the same time they have potential to do damage.

Trustee McManus: It would be like a dump truck driving over it.

Trustee Patterson: The RV's at the carnival have done damage. They've had carnivals in the church parking lot that have done the same damage on a rainy June day.

Trustee McManus: If they're out of county food trucks they would have to be inspected and have a county license.

Tracy Gregoire: Do you mean as far as a food permit? That's up to the Department of Health or something separate?

Trustee McManus: If they didn't make it that day those trucks would not be able to be allowed to serve food.

Tracy Gregoire: I feel that the trucks know better than I do how to run their business and they are getting their permits and they are getting everything that they need to do business in Orange County.

Shelly DeHaan: We can double check and make sure that they have their permits if they're out of county and we'll put that on our check list. But these are food trucks that travel already so I'm sure they would have the proper permit.

Trustee McManus: The alcohol is definitely going to be a drawback for me.

Mayor Newhard: In your mind can it be a successful event without alcohol?

Tracy Gregoire: Can it be Mayor? Certainly, but at this point because we've come so far with the understanding that it was a consideration, it was something that we were able to do, we have vendors engaged and booked. It's a little bit difficult...

Trustee Patterson: To be fair though... I understand that you've put a lot of planning in but this is the first discussion you've allowed us to have with you about it. It's a shame if they're already engaged but that might have been premature on your part.

Tracy Gregoire: We thought we were engaged with the people we needed to be engaged with.

Mayor Newhard: You were engaged with the Sesquicentennial Committee people but at the end of the day... and you know that the final vote is with this Board.

Tracy Gregoire: Completely understood. We knew we had to come here so we've been trying to get here.

Trustee McManus: Especially since it involves changing the laws, glass and alcohol. I'd like to hear some more from our counsel.

Adam Rodd: In terms of?

Trustee McManus: What you've heard or what we could be open to...

Adam Rodd: Well, I mean I think that from a legal perspective for the protection with respect to alcohol, that's something that could be addressed through insurance and making sure that the Village is named as an additional insured on any insurance certificates that they get. In terms of the decision overall, your personal preference as far as the Board is concerned as to whether or not alcohol should or should not be utilized, that's not a legal call. That's up to you. There's nothing illegal about saying we prefer

that you don't have alcohol. It's not a protected class. You're not excluding people based on their protected characteristics. From a legal liability standpoint certainly if you decide to do it then the appropriate certificates naming the Village as an additional insured would protect the Village in the event that there are any claims. Certainly I don't see the Village as having any direct sort of liability, God forbid that there was some sort of alcohol related event that happened at this thing because under the dram shop laws you are not a seller of alcohol. You're simply permitting another organization to conduct a particular event on Village property so there would not be a dram shop liability. But in terms of the overall preference, that's not a legal issue.

Mayor Newhard: We do allow the Masons to serve alcohol.

Trustee Patterson: But that's a closed event though, isn't it?

Mayor Newhard: No, it's open to the public.

Tracy Gregoire: That was the other point, kind of the risk management piece of serving it or allowing people to drink alcohol is that the entry into the beer garden is actually \$10, so that prevents I think, people from over partaking and minimizing the number of people who drink too much.

Trustee Lindberg: They have been very diligent talking to John Sanford and NYMIR so the insurance to protect all parties is being worked on.

Tracy Gregoire: Absolutely, in fact we've been serving two masters as we need to make sure we do everything right for the Village of Warwick and by the Archdiocese of New York. We've had some pretty tough customers on both sides of the house as we should over a risk management perspective to protect both entities. I think we've buttoned it up pretty tight from all the conversations that we've had with everyone involved and all of the folks whose job it is to protect here and to protect the archdiocese as well.

Trustee Lindberg: We've been working with this group for quite a while and I think it's an exciting event for three Thursdays during the summer and it's going to bring a lot of people to the Village. We've got some great bands and some great food and I'm excited about it.

Trustee Patterson: I'm excited about it too. I think it looks like it's going to be a great event. It's just I'm worried about the broken glass and I'm worried about the bounce house and I'm worried about the alcohol. But other than that I think it's going to be a great event.

Trustee Lindberg: Here's the bulletin about NYMIR's bounce house.

Tracy Gregoire: Oh, that's any inflatable equipment.

Trustee Lindberg: It just talks about insurance. They consider it a mechanical house.

Mayor Newhard: I think you've done an excellent job in organizing. You've been working on it for a year, obviously it shows and I know it's been very difficult in some cases to know as you said, the deciphering, its complex. You're working with the Sesquicentennial Committee and simultaneously at the end of the day, this Board makes all the approvals. What we've been trying to do is to make sure you're aware of the needs or especially the insurance needs so that you can do what you want to do. I think you've done a great job on every level.

Trustee Cheney: Could you make copies of the map and distribute it to the rest of the Board?

Mayor Newhard: Sure.

Tracy Gregoire: I would offer to leave our sample glassware with you but it's my only one. I can show you if you are interested.

Mayor Newhard: Show it to us, that would be fine. That would give us a sense...

Tracy Gregoire: Here you go. Glassware that would be used as merchandise to honor the Village Sesquicentennial as well as promote the event.

Shelly DeHaan: It can be etched onto plastic as well.

Tracy Gregoire: Not etched, it would be printed.

Trustee Patterson: Oh, so it could work with plastic.

Tracy Gregoire: It's three times the price and it's not as sustainable.

Mayor Newhard: This is a souvenir of sorts.

Tracy Gregoire: It is.

Trustee Cheney: That's what you get for \$10?

Tracy Gregoire: Yes.

Trustee Cheney: But you pay for each fill?

Tracy Gregoire: Yes.

Discussion – Draft of Village Code 145-171

Mayor Newhard: We have two things under discussion tonight, the Draft of the Village Code 145-171. Has the Board members reviewed that? That refers to basically what we were talking about earlier tonight.

Trustee Cheney: The Version #1 is I think what we were talking about earlier where we were going with it requiring anyone who is petitioning the Board for a zone change to be responsible for providing certified mail return receipt requested for property owners within 500 feet, which I agree with. I think that there is a word missing on the one line but we can fill that in later. While there's an exclusion for the Planning Board or the Village Board not having to pay the fee, I think there should also be an exclusion for the Village Board or the Planning Board to not be required to make that notification by certified mail return receipt requested because if we make a change and it's Village wide, then the cost to send out 2,600 certified letters would be \$15,000. I think if it's that broad of a change that there'll be sufficient opportunity to discuss it as a Board,, it would get publicized in the newspaper and through the recorded meeting that the word would get out.

Trustee Patterson: So, Barry, just to be clear, you're saying that if... don't you think that exception that you just discussed would be covered if we the Village Board were the ones to... because it says here all petitions for amendment of this chapter excepting those submitted by the Planning Board or on motion of the Village Board shall be accompanied by a fee... should we could change the language to say the Village Board or the Planning Board do not have to provide proof and whatever means is most cost effective to get the word out.

Trustee Cheney: As determined by the Village Board at the time...

Trustee Patterson: If we are the petitioner... if it was something affecting the entire Village of course it would be us as the petitioner, right? I agree with you if we just add that language and I do like the first version the best.

Mayor Newhard: I can tell you that we are potentially working on our Comprehensive Master Plan in the near future which then of course breaks open zoning review. It's important to recognize that it's on the horizon. Adam did you get that language?

Adam Rodd: Steve drafted that so from what I'm hearing Version #1 is the version that you're most comfortable with.

Trustee Cheney: With an exclusion where the Village Board or the Planning Board is the petitioner and that they not be required to comply with the certified mail return receipt. They would choose the means by which the notice...

Adam Rodd: Right and I would imagine as a practical matter, if the circumstance were that the Village would be initiating some sort of zoning change it would be more of a global Village wide type of project as opposed to for example what we had this evening, one lot, one property.

Trustee Cheney: On the underlined portion down on the fourth line that's underlined it starts out "hearing and a summary of the proposed amendment, has been to all" there's a word missing. Has been mailed... has been received by... I don't know what fits in there best.

Mayor Newhard: So, Adam, our next step on this would then be for this to become Local Law.

Adam Rodd: Correct. I'll make sure that you get a cleaned up version of #1. We'll provide it to you together with a proposal of law to incorporate this into code.

Mayor Newhard: Then we'd have to have a Public Hearing.

Adam Rodd: Yes.

Trustee Patterson: Should we schedule that for May 15th?

Adam Rodd: I would probably do it the first Monday in June just to make sure there's enough publication time.

Mayor Newhard: Should we make a motion tonight to set the Public Hearing for that meeting?

Adam Rodd: Yes, that's fine, just a motion.

Discussion – Vehicle Use Policy

Mayor Newhard: The next item under discussion is the Vehicle Use Policy. Mr. Gaba gave us a very thorough review of that. I'd like the Board's feedback.

Trustee Patterson: On the first item I agree with you that the Mayor can simply report his personal use of the Village vehicle to make sure it's within accepted Village protocol

instead of that Village Board would be responsible to approve the Mayor's use of the vehicle. On #2 I don't think we should allow for any personal use of the Village vehicles.

Trustee Lindberg: What does personal use mean? For example if I was driving home in a personal vehicle and I had to stop for a gallon of milk on my way home, would that be considered personal use?

Trustee Patterson: I guess if it's on your way home. I guess if we have to be that specific then it's an issue. I think that if anyone was using a Village vehicle they should not take their kids to a soccer game or go do their grocery shopping on a Saturday afternoon.

Trustee Cheney: So the intent is that an employee who has the right to use a Village vehicle to travel between work and home, the intent is that they travel between work and home and that's the limit of it. Maybe with exceptions to go to doctor's appointments if it's on the way.

Trustee McManus: I don't know, if the person we're saying needs to use the vehicle is basically on call, if there's an emergency and that person was at somebody's soccer game for example, he or she shouldn't have to drive 30 miles to go home to get the vehicle then to come to work. If the purpose of using the vehicle is because you're basically on call for an emergency to come in and do whatever, there has to be some leeway on use.

Mayor Newhard: So, Mike Moser, you living the real life scenario of utilizing a municipal vehicle. What makes sense to you?

Michael Moser: In my experience and I've had a municipal vehicle for the last number of years at my other job and it's to go to and from work and if I'm called out in the middle of the night I can get to places quicker. You don't have to go and get a vehicle and swap out. The only times fortunately for me since I've been here, the only times I've been called here in an emergency situation, if I'm with my kids I just bring them. I usually have my wife's car. We just come here. We see what's going on and then I assess the situation, get my guys moving and then I can take them home and come back. It's not that big of a deal. My use of the vehicle is strictly to and from work. I may stop on the way home to buy a gallon of milk, that does happen. What's coming up again is schools. The last was in Chester or Poughkeepsie. I'm constantly going to NYMIR or NYCOM. If my kids have been sick I've gone home and got my own jeep to pick them up. I wouldn't feel comfortable having them in the vehicle because it only takes once and I'm on the front page of the Record.

Trustee Cheney: But going to those conferences and training sessions is not personal use, that's work.

Michael Moser: But when I'm there, I use the vehicle to go to dinner.

Trustee Patterson: Its still work.

Michael Moser: I'm just explaining.

Trustee Patterson: Mr. Moser's description of how he uses the company car is exactly what I would expect and we're lucky that we have him as our first person doing this and it's a standard for anyone in the future.

Trustee McManus: We need to figure out how to put that in writing for the next person.

Trustee Patterson: I don't think we have to be that specific about...

Michael Moser: I would have to assume that person that you would give enough responsibility to take the vehicle home that they would have the common sense not to be parking it or stopping at the racetrack or anything of that nature.

Trustee McManus: From coming from a company where a lot of people had company vehicles, that's not true.

Trustee Patterson: We have to write the rules for the worst case scenario. As I say, we're lucky that we have the best case scenario to lay down the foundation for the policy. I don't think we have to be specific except to say that... because if we are specific, if we don't list something in that specific list then it's implied that it's allowed, am I right. If we say you're not allowed to pick up milk then we have to say you're not allowed to pick up eggs and if they pick up eggs, then it's okay. It's a very simple example...

Adam Rodd: I think it's a practical matter. You have to define it with some degree of generality. I mean, just of necessity.

Trustee Patterson: I think no personal use is sufficient.

Mayor Newhard: I agree because even pointing out the idea of the 30 mile...

Trustee Patterson: Also that 49% of all personal errands is not... it's a really good point so I think if we say no personal use we don't have to worry about it. My next comment skips to #4 unless anyone has anything on #3. I say it's okay that the Mayor can give... our two choices are the Mayor give the manager/supervisor written approval each time they need to use a car or does the Mayor simply authorize the manager/supervisor to assign vehicles at his discretion. I think only applying to Mr. Moser and potentially a Board member, probably most likely the Mayor would be the only ones to use the car so I

think that it would be that it's each time unless it's a long term situation like Mr. Moser's. If there's somebody else that needs to use a car then it should be approved each time.

Trustee McManus: #5 would be inspect for physical damage daily... all lighting equipment and stuff are functional daily...

Trustee Cheney: Do we have a sheet that covers that?

Michael Moser: We do. We do an inspection sheet on the trucks every day.

Trustee McManus: Please don't tell me that.

Michael Moser: We do.

Trustee McManus: Then we need to have a long discussion.

Trustee Patterson: So that same list you would use...

Michael Moser: Yes, I can implement it on my truck.

Trustee Patterson: I think we've already covered #6 by saying only people who use the cars are Mr. Moser and potentially the Mayor.

Trustee McManus: #7 first phone call is police, second phone call is to the supervisor. Your spouse might be your second phone call but the police have to be first. We did include in the policy that any accident is mandatory drug and alcohol testing.

Trustee Patterson: I don't think that's in here though. That wasn't one of my red lines it was something we said at the last meeting. I think we need to check if it's already in the employee handbook but it's not included in this document, so we should carry that over in there.

Adam Rodd: What aspect of the employee handbook?

Mayor Newhard: If there's an accident a mandatory drug and alcohol test...

Trustee Cheney: The only thing it says is the Village vehicle must be operated in a safe and responsible manner and applies to all applicable traffic laws in effect. In the event of an accident regardless of severity or fault the employee must report the incident to the Mayor within 24 hours.

Adam Rodd: In the event of an accident a prompt within 24 hour report is the requirement that you're looking for in the handbook?

Trustee McManus: We want immediate notification to police and in case of an accident there will be mandatory drug and alcohol testing.

Trustee Patterson: Immediately, like right then?

Trustee McManus: Hopefully the police do.

Trustee Lindberg: Would that be a police issue as opposed to a Village issue?

Trustee McManus: We can send them the next day. Any employee using a plow truck or a piece of equipment.

Adam Rodd: That's an aspect that I think I definitely would feel more comfortable looking into that a little bit more. I don't know if it was addressed last time.

Trustee McManus: It was discussed and we thought it was already going to be looked into, that's why we're asking now.

Adam Rodd: Okay. I don't have an answer. I apologize for that, on mandatory drug and alcohol testing in the event of an accident, but let me discuss that with Steve and get an answer.

Trustee McManus: It might not be mandatory by State law but we should be able to say that anybody that's in an accident in any Village owned piece of equipment, any equipment, we have the right to send for alcohol and drug testing.

Trustee Cheney: Regardless of the severity of the accident?

Trustee McManus: That's our choice.

Trustee Cheney: But you're suggesting regardless of the severity... would that be a moving accident or say somebody opens their door in a parking lot and crinkles somebody else's door?

Trustee McManus: As a door ding or has the door opened and ripped it off the truck?

Trustee Cheney: As a door ding.

Trustee Patterson: I think we should speak more in general terms. I don't think we should be specific.

Trustee Cheney: Well if we're not specific and our intention is not followed we don't have any way to enforce it being followed.

Trustee Patterson: I'm saying that with any incident... that's what I mean about not being specific. I'm not saying not to do it. I agree with George there.

Trustee McManus: I don't think a door ding qualifies under any law or any insurance as an accident.

Adam Rodd: I will look into that and discuss that with Steve. The issues that it raises ordinarily to do that type of testing in the world in general, you need some reasonable suspicion, probably cause that there is alcohol or drug involvement because of the privacy issues, fourth amendment issues, potentially at stake. The red flag that's raised, especially in an employee handbook that spells out that hey, in the event of an accident that the Village is going to require you and obviously the Village isn't going to be administering a drug or alcohol test it would be some medical law enforcement official that would do it. I think care needs to be taken in terms of overstepping, just having a blanket rule regardless of the type of incident, for example, inadvertently backing up and damaging some property, just gee, I wasn't careful enough in looking to see what was behind me as I was backing up a Village vehicle. Would that automatically trigger you need to within 24 hours go for drug or alcohol testing?

Trustee McManus: That could have been a child behind that he or she didn't pay attention to backing up, so yeah.

Adam Rodd: Why I think an accident resulting in personal injuries is certainly in a category unto itself in terms of just, I backed up and hit the neighbor's garbage can or I dinged a mail box or another vehicle. I just have concerns about an automatic trigger which isn't to say that I have the answer right now that no you can't do it, it's illegal, but I would feel more comfortable before I gave advice as to whether we should include it in the handbook to look into that particular issue.

Mayor Newhard: Anything else on the policy? So Adam did you get all the details on that on the reporting number one?

Adam Rodd: This is on the vehicle use policy. Yes, I have them.

Mayor Newhard: Then where are we at this point in terms of this policy becoming instated?

Adam Rodd: To get additional language all it would need is a resolution. You don't need a Local Law. You don't need SEQRA or anything like that but I think that the issue about the drug testing in the event of an incident... define an incident, what's it limited to, I recommend that we bring more information to the Board with our recommendations on that specific issue.

Mayor Newhard: I think we're basically very close. It's just that one piece that we really need to have more information on and maybe by next meeting we'll have at least a draft to act on.

Correspondence

Mayor Newhard: Under correspondence we have a letter from Orange & Rockland Utilities regarding Street Lighting Options. That goes back to the point that you made earlier Barry about our investigating the purchase of our street lights. But this piece is also a program where any street light that they are removing and putting back into place would be put back with an LED light...

Trustee Cheney: We have to provide them our consent to do that.

Mayor Newhard: Right, so there is a resolution in that correspondence but I would feel more comfortable if our counsel looked at that and got back to us for the next meeting.

Adam Rodd: Okay. The O&R LED lighting, I'll make note of that.

Privilege of the Floor

Patrick Gallagher: I'm tired and I'm sure you're tired so I'll read you my notes. These are copies of a review done by Hudson Highlands Environmental Consulting for the EAF submitted, Michael, you already have one I believe. Reviewing the work submitted by an applicant to purchase 16 Elm Street, it hasn't been purchased. That was around for quite a while. Everybody thought it was a done deal. It isn't. In the spirit of belt and suspenders I'm coming to you after speaking to the Planning Board, I want to be sure that the Village Board is fully aware of the deficiencies in the EAF part one and phase one archeological study of 16 Elm Street. They're glaring and believe me it's not an emotional response when you read the report it's pretty clear that there's a lot missing, so there's copies attached for your review. The entire neighborhood wants to know what it will take for the Village to take an interest in stabilizing 16 Elm Street and preserving what would theoretically celebrating in this sesquicentennial year. In spite of a lot of recent attention no involvement in Village government has reached out to the neighborhood. I don't know if that's your place. I can tell you that the neighborhood is very deeply concerned about what's going on there. What's being proposed and we're not hearing from anybody.

Mayor Newhard: Can I just correct you on that? I believe that I had the neighborhood in my office and in this room...

Patrick Gallagher: Reached out is the key point. I appreciate the fact that you had us there. I have not heard from anyone nor have my neighbors. I think that we are fairly well organized. I'm not getting feedback that we're hearing from the Village, so I'm asking for that feedback. I'm asking for you guys to step up and help us because we don't understand all these processes. We don't understand all the Planning Board ins and outs. These are nuances and legal aspects... a different language, no question about it it's a different language, the law. We need to know what the Village can help us with or if they can't. If it's beyond the bounds of what the Village can do, we need to know that too. That's the feeling. We understand the residents on Overlook were experiencing or are experiencing some confusion about what to expect from the Village Board in terms of help when the neighborhood has a problem. To add to it and this is for the future, but covered parking, solar canopies installed on that property will produce a positive cash flow through parking proceeds and very significant avoided energy costs and I understand the Village is very concerned about the electrical costs going forward and as they stand now. We could lock in a fixed price for all the electricity created with solar and that price is never going to go up. It will pay for itself and it will remain stable for 25 years which is the warranty period on these things. They'll continue to produce well after that and as energy usage declines due to developments along the lines of what LED's are compared to incandescent now, we could easily have very significant portions of the electricity for the Village being produced even when the half-life of these things was passed. You pay for the infrastructure so it's not simply that they would generate income but they would pay for the infrastructure and generate income and will either pay for the electricity or keep the money and hold the taxes down and the savings are quantifiable. A bar with 90 indoor bar seats and 2,083 square feet of outdoor decks is inappropriate in any neighborhood. We are not in the historic district but we're historic. Drugs and alcohol go hand in hand. There were two overdoses on West Street the other night. Why inject drugs and alcohol into our backyards and the question is who represents us. It's a rhetorical question. We need your help. We need to know what's going on and we need some outreach. We need guidance because we've already shelled out a couple thousand bucks. We're going to end up shelling out a lot more money. I personally will go into my retirement savings, paltry as they are and spend every nickel I've got because not just my house but every house in the area is going to lose property value as the result of something like that going in. It's just inappropriate. I don't expect you guys to answer a whole lot tonight but I want to make sure that you do know what's going on over there and hope that you'll work within your spheres of influence to speak to the Planning Board. Whatever your capacity is, however that can be done, please help us. Thank you all very much for listening.

Joe Lawler: A couple minor things. I'll try to go real quick. Since you just talked about vehicle use... somebody mentioned something about 24 hours. If you're going to do drug and alcohol testing it has to be immediately after the incident. You can't wait 24 hours to do the testing. You have no way to maintain that. The only one who might be involved is Mike getting a phone call from somebody that they had an accident... if it was 3 o'clock in the morning and somebody has to tell because you have no way to do it to tell the police to do it because the hospital won't do it. The police will do it only if they're requested to do it. I think you'd have to take it up with the police first on how you would work that out. The notice of zoning, I mentioned it before, I always thought that somebody is distinctly responsible for sending out those notices. It's usually the person who's trying to make a zone change or the company or entity, whatever it is that were responsible to mail out return receipt requested. The Village did in that case because they knew it was overlooked and was trying to get the Public Hearing to go on that particular item, but I think in all cases, maybe it's the Planning Board, I don't know, the Village or the Planning Board, it was whoever was doing the work.

Trustee Patterson: The zoning document allows for if the application is made to the ZBA or the Planning Board then that is where the mechanism kicks in that the applicant sends out the letter return receipt requested, but when the application comes before the Village Board there's nothing in our zoning code that requires it, so that's what we are correcting. That's why we're putting it in, so that the applicant... it was in the spirit of what we wrote but it wasn't in the letter of what we wrote.

Joe Lawler: That's why I was getting confused.

Trustee Cheney: You're correct for Planning Board applications, for site plans and subdivisions where a Public Hearing is required it's the responsibility of the applicant to mail a certified return receipt requested to the property owners within I don't know if it was 300 or 400 or 500 feet.

Joe Lawler: I don't know if it's changed to 500, it was 300 because when they first started building the fitness center I was I don't know ten feet outside it. I even showed the Mayor I had a letter from the Planning Board that met with the contractor and he would promise to include me on the notifications even though I was a few feet outside the 300 feet which I never got notices of. If you take over the lighting, somebody talking about taking over the electricity for it and all, I imagine it was somebody trying to do solar work but who's going to maintain the lights?

Mayor Newhard: If we purchase them then we would maintain them but life of an LED is much, much longer.

Trustee Cheney: Plus we're all, the Town, the Village of Warwick, the Village of Greenwood Lake and the Village of Florida along with other communities around us are looking at opportunities to enter into an intermunicipal agreement with a contractor to come in and do that.

Joe Lawler: So it wouldn't be the Village DPW doing the work.

Mayor Newhard: No, it would be contracted out

Joe Lawler: I know you'd have to have backup lights, backup... why you say the LED's last for three years the street light outside my house and this goes back to Bill Schmick so it's about three or four years ago...

Trustee Patterson: It's more than that.

Joe Lawler: I remember that there was a whole procedure, you notified Orange & Rockland, they had 18 days to come and look at the light to see if it was actually burnt out and then they had another period of time to fix it. They did put an LED, three years later it was out again. I'm just saying they came the next day to change it. It's amazing but also not only the light, they're responsible for changing the detector... the light detector that tells you whether it's night time or not to turn it on. They also did put a new prism in I hadn't seen before. They put one outside my house and while the light is lower, the way they did the prisma on the light, it actually extended the light further around. I was really amazed to see. You can look at one of the old ones and one of the new ones in front of my house and you can see the way the prisms are, it actually extends the light out in a much better fashion than the old one. I couldn't get on the computer today to see the agenda or anything it was locked out. It said no document available. I'm just saying I told Barbara about it. Flags, gentlemen, you're going to start the kick ball on the Over 35 field, that's the only one left that needs a flag. Actually Barry reminded me about it, I saw him a few days ago to tell him about the flags. I saw him in the park so I said oh here's my chance and I went on the computer today to look it up. I always try to look up the backup material to understand what this is and I couldn't get on. It kept saying document not available or something. It's the first time it's ever happened so I came in cold tonight.

Motions

Budget of the Village of Warwick for the fiscal year beginning June 1, 2017

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to adopt the Budget of the Village of Warwick for the fiscal year beginning June 1, 2017. Five Ayes.

Zone Change for 41 South Street

Trustee Cheney: This motion is being withdrawn.

Belt Filter Press at the Sewage Treatment Plant

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to approve Change Order #1 from BDP Industries, Inc. to extend the contract completion date from March 31, 2017 to April 28, 2017, with no change in contract price, for the Belt Filter Press at the Sewage Treatment Plant as per the Village Engineer's recommendation. Five Ayes.

Discussion

Trustee McManus: I assume it's complete.

Trustee Cheney: Yes.

Repairs to Sludge Holding Tank – Wastewater Treatment Plant

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to approve final retainage payment in the amount of \$9,038.00 to TAM Enterprises, Inc. for the Repairs to Sludge Holding Tank, Wastewater Treatment Plant as per the Village Engineer's recommendation. Five Ayes.

Monroe Crusaders 10U

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to the Monroe Crusaders 10U to use the Brown Field in Memorial Park for practices and scrimmages on Sundays from May 7th to July 9th, 2017 from 3 p.m. to 5 p.m. The dates of the games will be coordinated with Little League. Completed park permit, proof of proper insurance and security deposit have been received. Five Ayes.

Discussion

Mayor Newhard: What are the Monroe Crusaders?

Trustee Cheney: It's a travel team and it consists of both players from Warwick and outside of Warwick.

NYCOM Annual Meeting & Training School

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to the Mayor to attend the NYCOM Annual Meeting & Training School from May 7th to May 8th, 2017 at a cost of \$475.00. Five Ayes.

Warwick Youth Wrestling – Banner

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to Warwick Youth Wrestling to hang a banner on West Street from May 17th to May 29th, 2017. Completed banner request, diagram of banner and proof of proper insurance have been received. Four Ayes, One Nay (Trustee McManus)

Discussion

Trustee McManus: Which banner? Do we get to choose? Again, I'm still going to say it says 20 feet and the one hanging up there is not 20 feet. Go measure it, it's not.

Michael Moser: It wasn't 20 feet?

Trustee McManus: No. Is this one banner?

Trustee Patterson: I think they're just giving us an idea of what it would look like.

Mayor Newhard: I would advise them to go with the one with the dark background.

Trustee McManus: I say that we should say no and they should tell us which banner they want to hang and give us an example of it.

Trustee Patterson: I don't think it's a matter of our opinion of the design that they're showing us the banner. I think it's just to show us that there's nothing offensive or inappropriate on the banner.

Trustee McManus: It says a sample of the banner they want to hang.

Trustee Patterson: Each of those three signs...

Trustee McManus: Which one do they want to hang?

Trustee Patterson: I would be okay with any of them is the point I'm making. That's why I don't think... give them a chance to make and hang it. It's okay with me as long as it's one of those.

Seasonal Engineering Intern

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to hire Daniel Palaj to the position of seasonal engineering intern effective May 22, 2017 at a salary of \$14 an hour. Five Ayes.

Public Hearing – Zoning Code 145-171

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to schedule a Public Hearing on June 5, 2017 for the change in the zoning code 145-171 regarding notification of property owners. Five Ayes.

Discussion

Trustee Cheney: This is going to be for a local law, right?

Adam Rodd: This is on the petition set for June 5th.

Trustee Cheney: Do we first have to have a resolution similar to what we had earlier for 41 South Street to introduce the proposal?

Trustee Patterson: We're changing the zoning document so we need to... it's not about changing the zone for South Street. It's about changing the zoning document to require the notification.

Adam Rodd: Yes, that would require a local law.

Trustee Patterson: So then we have to schedule a Public Hearing?

Adam Rodd: Yes.

Trustee Patterson: That was the question.

Trustee Cheney: But we have to have a resolution introducing the proposed local law don't we?

Adam Rodd: Yes, but I think you can do that on the same night.

Trustee Patterson: We said earlier that we were going to schedule it for June?

Trustee McManus: Don't we need one to schedule a Public Hearing for the vehicle use policy?

Trustee Patterson: No because that's not a Public Hearing, it's just a resolution. It's not a local law. Right? To change the vehicle use policy we don't need a local law it's just a resolution so we don't have to schedule a Public Hearing for it.

Adam Rodd: Right, that's just a resolution. That's planned for June 5th.

DPW Supervisor's Report

Michael Moser: Spring clean-up is scheduled for May 15th and May 22nd. Streets are listed on the website as to where we'll be each week. Please do not put out items early. We will not be picking them up and Code Enforcement could violate properties who put it out too early from the New York State Property Maintenance Code. Hydrant flushing has been completed. We found a few minor issues and are addressing them now. The lagoon to sewer force main project is complete. The pumps are installed and working. We still need to install the meter but that hasn't arrived yet. We filled potholes and ditches with hot asphalt. The sweeper has been out when weather permitted. Now we're doing it Tuesdays and Fridays. We repaired catch basins from work orders. The new fully functioning doors have been installed at Stanley Deming Park bathrooms. We repaired a hydrant on Forester by the railroad tracks. We cut down broken trees and limbs from the upper section of Memorial Park near the pavilion, by the stream and near the Little League stand, also on Pond Hill parcel we borrowed a chipper from the Village of Florida and we thank them for that. We had a few sewer calls, all internal, no main blockages. All 811 Digsafe mark outs were completed. The brush pile is reopened and filling up quickly. Compost bins have been refilled multiple times. The residents seem to be getting lots of use from this service. We repaired or replaced damaged or missing street signs. We assisted with the Founders' Day celebration, the "Too Good to Toss" event and Arbor Day festivities. We replaced a manhole on South Street to reduce the rattling for the neighborhood. We built and installed two new benches on the front porch at Village Hall. I attended a Code Enforcement Training in Poughkeepsie on April 19th through 21st. We worked on the budget. It's finished. We cleaned 71 flower pots and took them to Scheuerman's for fancying up. We assisted the library with construction of a temporary parking lot to be used during their lot expansion. We made repairs to the front steps of Village Hall again. All parking meters that had work order complaints were repaired or replaced. We did an initial lay out of the brick pavers with the park planner. We ordered the bricks. They should be coming in this week and that project will be starting as soon as the ground isn't... well, it's not so soupy as it was. We swept the school parking lots as per the agreement. We met with the engineer regarding the Wheeler Avenue culvert to see if we could change the specs so all work will be done internally by DPW. We put out flags at Village Hall and telephone poles for Founders' Day and the Little League parade. We replaced a water service from the main to the curb valve on Forester Avenue. Mowing has begun at all Village owned properties.

Trustee McManus: Can I ask, it's prior to your spring trash pick-up but the fencing laying down that was taken down from the house on the corner of South Street and Galloway Road has large nails in it and it's a path for kids to the park. Break your rule and either go pick it up early or we have some Code Enforcement person go talk to the homeowner.

Michael Moser: We will certainly take care of that tomorrow.

Mayor Newhard: Where is it again?

Trustee McManus: South and Galloway, right on the corner across from Larry's. They took down their picket fence and it's there but there are huge nails in it hanging out. He's probably assuming next week you're going to come pick it up. You should take them out for your guys hands as well.

Final Comments from the Board

Trustee Cheney: I would like to invite the members of the Board and the public if they so desire to come to the Orange County Legislature meeting at 7 p.m. this Thursday at which time there will be a proclamation honoring the Village of Warwick's 150th anniversary.

Mayor Newhard: I will definitely be there.

Trustee Cheney: It's at the emergency services center.

Mayor Newhard: I just want to mention to the Board of course is invited and the public is invited this coming Sunday, May 7th at 5 p.m. at the Old School Baptist Meeting House is the Sesquicentennial Spiritual Service which is an interfaith service of worship to thank God for the 150 years of the Village of Warwick. Reverend Michael Otte who is the head of the ecumenical clergy group in the Village or in the Town really, is organizing it. He will be giving the sermon and there will be a combined choir from all our local churches under the direction of David Crone who is the music director at Christ Church. I think it will be very lovely. That's the night I go to Saratoga so I'm going to be there then leave immediately after it.

Trustee McManus: I would just like to say this past weekend with the clean-up with the Chamber of Commerce and the Girl Scouts... they did a great job and the Lions Club did paper shredding and removed 14 thousand pounds of paper.

Mayor Newhard: You saved the Village a great deal of money. We truly appreciate that. The whole thing is great. I'm glad that the Chamber does that yearly.

Trustee Lindberg: I'd also like to thank... littering is one of my favorite topics to talk about. Unfortunately we have a lot of examples in the area. Julia Vargas of the Girl Scouts has been taking that project and she's graduating so hopefully somebody will fill in. The Village has Adopt-a-Highway program now. The Town has Adopt-a-Highway program. I'm hoping that organizations will take advantage of that. Right now Good Will Hook and Ladder has a section. Greenwood Lake Fire Department has a section. The Rotary has a section north of the Village... particularly when you're talking about a Town road. You need an organization to take care of that as opposed to an individual. The Village and surrounding towns are so gorgeous in the spring time. When you go down the highway you see all the litter. It's discouraging. The more groups that can help pick it up and more importantly don't throw it out of your car.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried 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. Five Ayes.

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to go back into the regular meeting. Five Ayes.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to adjourn the meeting. Five Ayes.

Barbara Ranieri
Deputy Clerk