

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
MAY 15, 2017**

7286

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, May 15, 2017 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor Michael J. Newhard, Trustees: Barry Cheney, George McManus, William Lindberg and Eileen Patterson. Also present were: DPW Supervisor, Michael Moser, Village Clerk, Jo-Ann Rome and Village Attorney, Stephen Gaba. Others present: Lt. Rader, Tracy Gregoire, Mary Collura, Jennifer O'Connor, Kathy Gerstner, Jay Zeiger, John McGloin, Patrick Gallagher, Hannelore Chambers, Carl Short, Glen Carter and others.

Acceptance of the Minutes:

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the Minutes of April 17 and May 1, 2017. Five Ayes

Acceptance of Reports:

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the Justice, Architectural and Review Board, Planning and Zoning reports. Five Ayes

Authorization to Pay all 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 \$128,995.22. Five Ayes

Police Report:

Lt. Rader: We're participating in the Click It or Ticket Campaign. It's the end of May until the beginning of June and we're also going to be putting extra patrols out Memorial Day weekend for DWI. We had Coffee with a Cop last month in Derosa's in Merchant's Square. It was probably one of our best ones yet so we'll be planning the next one soon.

Presentation – Jay Zeiger – 12 Main Street:

Jay Zeiger: I have John McGloin with me. He's a surveyor and then there is Mr. Nazari who is the purchaser of the property. We're talking about the property at 12 Main Street.

John McGloin: There is a building overhang similar to a lot of the buildings along the creek where there is an overhang and there are steel posts going down with a small concrete foundation underneath the posts holding up the overhang. The wing wall that is underneath there is stone and concrete put together.

Mayor Newhard: Does the foundation of the building rest on there?

John McGloin: It attaches to it and it's right up to the overhang just in that small point. The wing wall actually connects to the building and there is no gap, there is no space and behind the wing wall is concrete. It's (inaudible) right to the wing wall out to the sidewalk. I just went and took a look just so I could be very descriptive about that. The bridge abutment is actually further away from the building. It starts right at the end of the wing wall where it hits the walk.

Jay Zeiger: Where we're at is Mr. Nazari wants to buy this property and he had it surveyed and the survey shows that well the seller owns this but your building is actually here and as a result he can buy it but he can't get good title and he can never finance it. I guess the primary motivation somebody can buy it with their own dollars, but a bank would never finance it. We had a title company search this area and John says it's confirmed by the tax maps as well. The title company tells us that they show nobody as owning these two pieces. They can't determine that it's owned by anybody. What they did say is because of its proximity to the sidewalk and its abutment over here and here that if the Village were to convey by Quick Claim deed even whatever rights they may have then the title company will redraw the description of the property to incorporate these two pieces and then they would insure that description and that would allow for our sale to go through and a bank to finance it because they would be insuring this. I can let Steve tell you what a Quick Claim deed is, but my brief explanation is a Quick Claim deed says we have no idea what we own and we're not telling you that we own anything but whatever it is that we may own or whatever rights we have we are conveying to you. When I spoke to Steve, the concern was about the wing wall which John focused on and we would still be okay if the Quick Claim deed were to reserve whatever you thought was appropriate. John thought it would be a right to whoever owns that wing wall to maintain it, to improve it ingress and egress to allow them access to it. I could work out the language, but that would be the concept so we are asking for the Village to convey by Quick Claim deed these two pieces to either the current owner Mr. Cossentino or at closing it would be conveyed to the new buyer or the entity that he's using.

Trustee Cheney: What does the wing wall support?

John McGloin: It's just holding back the dirt. It's really not supporting – there is nothing on it. It's sitting freely. There is a slight gap. The building isn't actually resting on it. The overhang is being supported by the steel posts I discussed and the rest of the structure is being held up by a foundation wall. That wing wall like I said it's holding up dirt. It's just a little gap. You can't really see what's underneath it, but beyond the building face is wall.

Trustee Cheney: And where in relation to this is the foundation abutment for the bridge?

John McGloin: It depends what you want to call parts of that are (inaudible). I would consider it starting at the edge of the walk and going towards 17A and 94. I believe you might consider the walk being supported by the abutment also. It depends on your definition. If you want to say

where it turns, that's where it starts or does it start underneath the sidewalk or does it start underneath the roadway itself.

Trustee Cheney: As far as the right of way for Route 94/17A what were you able to find relative to that and how far does that extend?

John McGloin: Absolutely nothing and the title company could find absolutely nothing. That's part of the problem. That was a big part of the research to try and find maps that actually depicted the structure locations verses the right of way lines if there are any. The title company couldn't find anything and I couldn't find anything otherwise we wouldn't be here. Also if anyone would like to see the tax map, I have it here. I have the property in question highlighted and it clearly shows that no one seems to know in the tax map department who owns the property and the creek bed either. It's beyond what they consider to be the boundary of the railroad.

Trustee McManus: I remember part of the original discussion being that until we knew more about the 17A/94 right of way and the bridge abutment and how that goes with a blessing from the State DOT before we were going to go any further.

John McGloin: I have not been able to get anymore and neither has the title company and they searched it back pretty far and it's hard to understand but the dark line that's on there is the deed of record. That's what's been conveyed over the years and this problem hasn't come up since nobody has had a survey done or has gone for any financing. The deed lines are what's shown dark there. They deviate very little from the survey distances three or four tenths of a foot because it doesn't mathematically close because it's so old.

Jay Zeiger: We have a letter by the way from the title company which I sent to Steve which says that they've done the search and that they have not found any evidence of ownership at all. The title company is willing to insure if we get a Quick Claim deed from the Village for those two pieces and as you know, that's a lot quicker and a lot less expensive than a quiet title action. Quiet title action we're probably going to have to get a court to issue somewhere a publication because there is no one to serve. There is no one with an adverse interest in the property and a quiet title action is an alternative, but again this is a quicker and a more effective.....

Stephen Gaba: Because you have the title company lined up to do your title policy so you would be all set.

Jay Zeiger: Correct.

Trustee McManus: But it's a state owned bridge.

Trustee Patterson: But have we clarified that the bridge and the abutment.....

Jay Zeiger: We haven't.

Trustee Cheney: But it doesn't intersect the two pieces that you're asking us to give up our title to?

John McGloin: Well the wing wall again it's where you consider to be the start of the abutment. The wing wall is actually underneath the overhang of the structure of the building.

Trustee Cheney: The wing wall for the bridge.

John McGloin: Correct. I can also tell you that I found railroad maps quite old that actually a lot of their railroad maps show the Village streets and show the buildings. This building has been like this quite a while. The railroad maps don't show any boundaries. They just had names.

Trustee Patterson: So just to say it out loud if we had to for whatever reason there came a point where that bridge was going to be replaced, what's the impact on the Village and what's the impact on the property owner if there is interference with the building and the bridge above it?

Jay Zeiger: I'm not sure I understand your question, but whoever owned that bridge and wanted to replace it they would presumably have a right of access because it's their bridge and what we're doing today wouldn't change any rights that they have before today. The wing wall which is attached to this building they have no evidence that they have a right – we've found no evidence that they have a right to be there but they've been there for so many years that if we clean this up and they wanted to replace the wing wall and fix it, that my client would have no ability to tell them no. I guess you could tell them no, but I think in court his no would not hold up. Nothing we're doing today.....

Trustee Patterson: Is going to change what would happen with them anyway.

Mayor Newhard: Interesting enough in the history of the bridge that bridge was redone I believe in I want to say the 1960's because the railings of that original bridge were then moved over to Bank Street. The bridge has had some work done over time and they put in the guard railing and there didn't seem to be any issue at that time that I've heard of or know of.

Jay Zeiger: Again, this building has been sitting where it is with nobody being able to prove ownership. Nobody can turn to the owner of the building and say your building is on my property you have to move it and there may be a whole lot of defenses to any such claim even if there was an actual owner so the problem is not can the building remain, can the wing wall remain, can the bridge remain, can anything that's there remain. The problem is is that until the title company has something better by way of a description a title company can only insure the area under the description and as a result a good title can't be conveyed so you're act by

conveying a Quick Claim deed that would allow for the building to be financed by the current buyer or by any future owner.

Stephen Gaba: In all honesty I'm not a title surveyor or anything like that but I don't think the Village has an interest in this property.

Mayor Newhard: So we have a resolution?

Stephen Gaba: I wrote a resolution which would start....what you have to do in order to convey if you're inclined to do that what you have to do is you have to abandon your punitive rights to the property just like you would abandon any property which you can do as a resolution but you're going to need a SEQRA EAF so you can adopt a negative declaration on it and then you're going to need a resolution abandoning the property. The other thing is and fair is fair I don't know how the Board feels about it or what you've done in the past, but you're going to incur some costs in the course of doing this and you're going to incur the costs for this particular property owner. What a lot of these municipalities do is say okay you want us to abandon this property to you, you want us to draw up deeds for you, you want us to execute the recording documents for you, post an escrow with us and we'll draw on that so I left a space in the resolution if you want to make a deposit of \$1,000 or whatever you think is appropriate and then you can proceed if you're inclined to do so. You don't have to do anything.

Jay Zeiger: So am I taking that the resolution is going forward?

Mayor Newhard: It's coming up on the agenda.

Trustee McManus: And you're welcome to stay and see the results.

Correspondence:

Mayor Newhard: Under correspondence we have a letter from the Warwick Fire Department inviting the Mayor to participate in its Biennial Parade and also a letter from Curt Zimmerman asking the Village Board's permission to be accepted into the Village Shade Tree Commission.

Discussions:

50 Orchard Street – Water Bill:

Mayor Newhard: This is a letter from the Governor's Office of Storm Recovery who has actually purchased the building and if you are aware of this building it's a very small residential building at the very end of Orchard Street and it has been plagued with flooding in every storm occurrence that we've had and actually Dan Kelly and I spoke to the people that live there and

recommended that they look into some State programs to be bought out and the way the program goes is right now there are funds available through New York Rising and through the Office of Storm Recovery it would be purchased and then the building would be demolished. It would be then given to the Village for free or for \$1.00 I guess with the understanding that nothing would be built on that property which is in a floodplain and the floodway so that's what we have before us and I was speaking to Steve earlier before the meeting and do you want to just talk about the inter-municipal ability to waive?

Stephen Gaba: There is a provision in the New York State Constitution which prohibits gifts by any State entity to private individuals or corporations. That prohibition, however, does not extend to municipal entities so you can give away municipal assets to another municipality. You might for example have a truck which you would loan to another municipality to use in the event that the Town needed it or Florida needed it or whatever it might be and you don't have to charge for it. Whereas if it was a private individual, you absolutely could not do that it would be a gift of public funds. You can't even plow private driveways or anything like that – another municipal parking lot, absolutely. It's the same things with fees. You can waive fees for other municipalities if you have a good reason for doing so otherwise it's not illegal but it's really imprudent – you impose a fee for a reason and you ought to charge it. I feel like this though where I guess it was a leak.....

Trustee Patterson: No, it says they were under the impression that the water was turned off.

Stephen Gaba: So if you're inclined to do so, you absolutely are within your rights to waive that water bill if that's what you want to do.

Trustee Patterson: I'm not inclined to do so unfortunately because they didn't have their electric turned off either if their water heater was going so it sounds like they're not doing their due diligence and taking care of the property before they take it over. My first thought was if Mr. Croslak was sitting here who had a very unfortunate situation with his water bill and his bill went up to \$6,000 due diligence was an issue there too and we couldn't waive that and I don't think it's fair for us to waive this.

Trustee McManus: I agree. We spend hundreds of thousands of dollars a year producing water which these people just wasted because they didn't do what they should have done. I have no interest in waiving this fee.

Trustee Cheney: I just would just like to add another nuance to that and that is that the Office of the State Comptroller in issuing an evaluation that they did of another Village's water system chastised them for failing to compare their produced water to their billed water and said that that was something that they should have made that happen. We do that. We're very diligent about

knowing what we produce and what we sell and where the unsold water goes and so I think that I'd not like to run afoul with the State Comptroller to waive this.

Trustee Lindberg: I don't want to waive it.

Privilege of the Floor:

Patrick Gallagher: I'm not sure what message this conveys.....

Mayor Newhard: I did speak with the Planning Board secretary and what she circled was Mr. Gross called the Village's engineer and had lengthy discussions after the fact of him giving a paper and the question was whether it was appropriate use of Village resource time that I think was the question that's what her question was and we'll look at it.

Patrick Gallagher: It's not the matter of the amount. It's a matter of the fact that it was sent that concerns myself and everyone else who knows about it that is there a bias that we had the nerve to bring up the situation.

Mayor Newhard: I don't think there's a bias because there is costs that are absorbed that are the costs that she felt were appropriate.

Patrick Gallagher: I don't know what is and what is not appropriate as I said to this Board before and I'm still unclear on what is and what is not appropriate and hope at some point I will get clarification from the Board rather than simply a conversation with you.....

Trustee Patterson: As I understand it, this was a consultant that reviewed the property on Elm Street.....

Patrick Gallagher: The neighborhood collected about \$2,000 to hire a consultant to investigate the environmental issues

Trustee Patterson: And then he presented his report.....

Patrick Gallagher: Not the environmental issues at the property – to look at the review that was submitted to the Planning Board which was according to the letter that we submitted missing....errors and omissions all over the place lots of them. Massive amounts of errors and omissions. The Planning Board is getting very limited information on this whole thing and we're concerned about whether they are or are not actually in depth reviewing this.

Trustee Patterson: Right, but the point of this is that this gentleman was hired by your group and then contacted a Village engineer for which the Village pays the bill for that engineer's time.

Patrick Gallagher: The Village may pay the bill for that engineer's time the question is whether or not it's appropriate for a citizen's group that's collecting money to challenge something that's in the planning process for us to be billed for that? The amount is incidental it's the question of is there some sort of bias on the part of the Planning Board that would kind of say here let's poke them in the eye a little bit – let's give them a little bill to put them on notice. That would be our concern.

Trustee Patterson: My concern is that it's our staff whether it's for the Planning Board or the Village Board or any other counsel that we hire we go through a bidding process, we go through a contract review process, we do our due diligence before we contract the services of any consultant and this gentleman is not one of them so we don't have the ability to pay a bill for somebody that we didn't hire. It's our fiduciary responsibility to spend taxpayers' money.

Trustee Cheney: That's not what we're being asked. What's questioned here is the cost of Mr. Getz's time to have a conversation. We're not being asked to pay their consultant.

Trustee Patterson: Right, but their consultant took it upon himself to contact our counsel and spend our Village taxpayers' money.

Trustee Cheney: But there's no provision within our laws that allows us to collect fees from anybody but the applicant.

Trustee Patterson: So then this gets passed on to the applicant?

Trustee Cheney: I wouldn't think so.

Patrick Gallagher: We think it's inappropriate. It concerns me that's why I brought it in. One of the reasons why it concerns me the errors and omissions in what's been handed to the Planning Board so far and the level of absent information is now being continued. These are two reports based on Phase I and Phase II environmental assessments done in 2012 and 2013. I haven't handed it over to an expert and I'm certainly not one myself, but it is heavily, substantially and massively redacted page after page.

Trustee Cheney: By whom, the applicant?

Patrick Gallagher: I picked it up upstairs today. I paid \$11.50 for it. It was submitted by the applicant I guess to satisfy whatever portion of...as I said before, how this all works I don't know, but it's page after page. Please as the Village Board look it over and look at what they are handing to the Planning Board. If I was the Planning Board and I was given this sort of information and if I had been given this sort of information that they had received to begin with, I mean you have to think that whoever submitted it must have thought oh they're idiots.

Trustee Patterson: Has the Planning Board received that yet?

Patrick Gallagher: I'm sure they have.

Mayor Newhard: I just want to point out that happens all the time when things are submitted and there is lack of information and the Planning Board I believe are clear headed and look at things very carefully and recognize that and would say at a drop of a dime this is not complete, this doesn't have information, this has information missing. You have a five member Board.

Patrick Gallagher: Everybody is on edge about this. The Village is on edge, the Planning Board is on edge, the residents believe me are very upset and very concerned. A lot of these people are there for 50 years, 40 years, 30 years. I'm there 25 years. It's wrong for the neighborhood. I'm not going to preach to you about that, but it's wrong. It's wrong and it feels like it's being railroaded to make no reference to its former use. There are many things in here indicating that the presence of environmental contaminants is very, very, very likely. Now there are ways to skate around that, but we're concerned because we're not lawyers and we're not experts and we are paying for those people and will continue paying for them as long as it takes. If you look at this and you look at where the wells were placed and you look at where the (inaudible) surveys were placed, it's all on the racetrack. None of it is in the area that I can tell anyway. I couldn't tell because it's completely blacked out. If you were able to tell, it doesn't look like anything was surveyed significantly. There is a tank in the ground. There are four tanks noted on another map. We would like to know that the Village Board is looking and that's pretty much all I've got to say. Thank you.

Tracy Gregoire: We had a discussion May 4th and we are on the agenda this evening for a motion. I have some comments and remarks that I would like to add to our conversation. Thank you for your offer to (inaudible) the Warwick Food Truck Festival to its fruition as it was originally discussed and planned and agreed. We understand that since our May 1st presentation there has been opposition from various stakeholders and Board members regarding the inclusion of alcohol and craft beverages in our event. We appreciate the opportunity now to discuss this with the Board so that we can have a complete, inclusive conversation. We'd like to take a moment for the record to provide context for our discussion of where we are and how we came to be here so I'm going to go back a couple of minutes in time. Last summer our school's fundraising Chair was asked by a member of this Board to (inaudible).....

Trustee Patterson: Can I interrupt you? I knew you were going to say that. I wasn't speaking to Mary Juliano as a member of this Board. I was speaking to Mary Juliano as a Chair of Warwick in Bloom asking the school of which I am a member of the community to partner with Warwick in Bloom to have the event. At no time was I saying the Village wants this to happen. I wasn't speaking as a St. Stephen School parent, I was speaking as a business owner, I wasn't speaking

as a Board member. I was speaking as a Chair of Warwick in Bloom and I actually was asking Mary to partner with Warwick in Bloom so that that could be a joint effort for us.

Tracy Gregoire: That's fine. I wasn't privy to that conversation so I don't really want to comment on it. My understanding of how we came to be here is first there was a conversation between yourself and Mary Juliano who's our head fundraiser for the school. Next step is that when we talk about Taste of the Town, Taste of the Town is a food family community event. It's been here in Warwick for over a decade. Alcoholic beverages from local craft producers are available for purchase at Taste of the Town – that's the way that event is structured. Shortly after an article in the Warwick Advertiser requested that local organizations who are interested in partnering for the Sesquicentennial bring their ideas to the Village. We did – members of our school myself included met and discussed the event with Mayor Newhard. We changed our food booths to food trucks to accommodate the location of Stanley Deming Park and that's how we came to the Warwick Food Truck Festival as an event. Since last summer we have been talking with members of the Village and Sesquicentennial Committee to organize the event. As you can imagine, it's a very large undertaking to put on an event of this size. Throughout the planning we've always been clear about our intention to include craft beverages in the event. This is typical of a food truck festival. It also mirrors the food and wine event which is Taste of the Town. As other local organizations such as the Masonic Lodge have a history of hosting events including alcohol in Village parks, this was not expected to be an issue. We were clear in describing the event on numerous occasions including Sesquicentennial Committee meetings and conversations with Village Board members. Our event partners have been clearly communicated. There are online (inaudible) since our website and social media pages which were launched in March. This too was described at Sesquicentennial meetings. It was never communicated to us that including craft beverages was prohibited. In the first week of March, I was notified at a Sesquicentennial Committee meeting that we need to present our event to the Village Board to request approval of the use of Stanley Deming Park. At that time the Village's insurance broker was brought to the table to make a recommendation on the level of liability insurance the Village would require for the event. While the liability requirements were stated on the Facility Use Request, this was raised by the broker as a question that needed answering. I was asked such questions as what insurance does the Archdiocese of New York have available, what can you offer to us. It took close to two months for the Village's insurance requirements to be articulated. As a result, we missed three Village Board meetings. I was told not to come before the Board for approval of our park permit until we have our liability certificate available which we could not complete until the insurance requirements were provided by the Village. This brings us to our May 1st presentation and why we were first able to present to all of you on May 1st for a June 1st event. As you all know, a concern was raised at that meeting regarding serving alcohol at the Park. We have taken every step to comply with the New York State Liquor Authority and the Village's insurance requirements. The Village's attorney stated at the May 1st Board meeting that including alcohol in the event was not a matter of liability or law. It is simply a personal preference of the Board members and so we're here now to request the

Board's vote on our application for use of Stanley Deming Park for our Food Truck Festival this summer.

Mayor Newhard: In the meantime and doing some very close investigation of our local law and our code it is prohibited to have alcohol in Stanley Deming Park. That is something that we discovered. I'm sorry, but that is something that we didn't even know. We made a presumption because there was an activity that happened in one of our Parks that that actually overflowed to the other Parks. That something we didn't know. If we had known, I think that would have helped everyone along the way.

Tracy Gregoire: I realize that we collectively didn't know so we were working with the information that we had which is completely understood and appreciated but what's important for us is as we come to this point we don't feel comfortable saying no to our vendors. The alcohol vendors for this event are local businesses. They're locally growing and producing and crafting beverages here in Warwick. We're talking about Warwick Valley Winery, Applewood Winery, Clearview Winery, Pennings Cidery, Glenmere and Pine Island Brewing. These are local families. These are local businesses. They draw people to Warwick all the time. They shop on Main Street. They come to our restaurants. They help us live in the community in which we live because of the support of folks coming here supporting businesses and tourism. They're also committed to us and to our event some folks as early as February. They have busy summer schedules. I don't feel comfortable saying to them we're very sorry we didn't know you can't be part of the event when they have provided their commitment to us. I feel that our commitment is owed to them as well. We are not in a place where we are able or willing to remove craft beverages from the event.

Mayor Newhard: Understood.

Tracy Gregoire: So from what I'm hearing it sounds like it's a no from the Board and perhaps it doesn't need a vote or is it something that you still will go ahead and vote on?

Mayor Newhard: I don't think it needs a vote if it's not allowed. I don't think we can move forward on it. The other option – there were three options that I sent to you. The Board was privy to those options and they came basically from conversations with the Board and I think if it's alcohol involved, I think that that really changes the whole thing and I wish I had given you a clear sense of that way before and I apologize for that and I'm sure Bill does too.

Tracy Gregoire: It wasn't purposeful Mayor.

Mayor Newhard: We were excited about the event. We were excited for St. Stephens. We were excited for you and of course within that excitement you kind of lose track and I think we did so

I hope you won't hold it against us. I know that you have spoken to the Town about St. Stephen's Lane so that's good.

Tracy Gregoire: We did. We didn't know how this meeting would take place and honestly we don't have a lot of time. This is a really big event to find out at such a late time in the event planning that it needs to change so we've been working through two scenarios. If we remain in Stanley Deming, we have this list of things to do. If we need to pull it back to St. Stephens, we have this list of things to do and we've been waiting for tonight so that we could have a conversation and discuss where we would go next. You mentioned three options – you did talk about Memorial Park and offered that to us....

Mayor Newhard: Yes, if it was not a Sesquicentennial event.

Tracy Gregoire: Understood – two different things one being a little bit of confusion about alcohol being okay in Memorial Park and not being okay in Stanley Deming Park and maybe that has to do with what you just said about specific regulations that apply to Stanley Deming Park.

Jo-Ann Rome: It's our Code. The only park alcohol is allowed in is Memorial Park and that's with Board approval. No other Park in the Village is allowed to have alcohol.

Tracy Gregoire: It's one of those things that if we realized six or eight months ago we could have maybe built that way. As we stand now, as you know that evening there are a lot of games going on with the kids. There is a snowboard shop in Woodbury that tells us they're building a skate park event the same evenings as our event. We also don't feel great about bringing our event to Memorial Park where there are concession stands there. I imagine that those concession stands depend on the money that's raised there to support parks and recs, to support the sports teams.

Trustee Patterson: I think Memorial Park was offered because it's another option.

Tracy Gregoire: I completely understood, but the point of coming to the Village was to partner and to be a Sesquicentennial event. We don't need a home for our event. The reason that we were coming to the Village was to partner and to have a Sesquicentennial event in honor of the Village. As excited as you expressed being Mayor, our little school is very excited. They have been talking about it all year about how we were partnering with the Village and we were having an event in town. They were really looking forward to it so we're not looking for a venue. We have a venue. We have our events there all the time and we're okay with that. The point of coming to town was to be a Sesquicentennial event.

Mayor Newhard: Completely understood and along the way we've learned a great deal. I think it's very important. At the end of the day this Board has the final say. This Board is the group

that has to look at everything every which way and the observation that a Sesquicentennial event should potentially not have alcohol connected with it I fully understand that. None of the events that we have had and that we will be having have that piece so it does kind of change the complexion of it. I think it's fine, it's not that it's unsafe but it just changes the way the event is perceived.

Trustee Patterson: And there's a reason why there is only two members of the Board on the Sesquicentennial Committee. It's a separate and distinct organization from the Village Board and the Sesquicentennial Committee has to abide by the rules just as much as everybody else does so whatever misconceptions there were there or misunderstandings.....

Tracy Gregoire: Miscommunications Eileen I think is the appropriate word.

Trustee Patterson: That was the next word I was going to use, but I was pretty clear with you when you and I spoke in late February, early March about having to have the insurance and I can say for certain whether it's a Sesquicentennial event or any other event we do not approve anything unless the insurance is in place.

Tracy Gregoire: Just a reminder I was notified that I needed to come to this Board the first week of March which is when I started that ball rolling which is when I spoke with you, the Mayor and Trustee Lindberg about what we had prepared so far. When we began to understand what we needed to provide as far as insurance so you can appreciate that that wasn't a lot of time for us to accomplish what we needed to accomplish or to provide this Board with feedback, with insight, with a description of the event so that we could have a conversation and work things through.

Trustee Patterson: Well as often as I'm at St. Stephens I'm surprised I wasn't approached before March. Next time I'm happy to answer any questions you may have as I'm sure any other member of the Board is.

Tracy Gregoire: In October I asked the Village for guidance and I was told that the Mayor would be asked if we needed a permit. Not until March was I told that we did so again I'm working with the communication with the information given to me. No hard, no foul – it's where we are today. It's how we got to be where we are today. There are a lot of steps that I need to take now to kind of keep this event going forward. I would ask that perhaps in the future one of the learnings from this is that when we're having conversations and when we're having ideas of when we're thinking about great events, that maybe we think through the impact on the folks that are agreeing to move their event into your neighborhood in celebration of you. I fully understood it's not purposeful.

Mayor Newhard: My general sense is that the public response to this has been stellar and so that is something that drives the event basically. The ability to have the event fully what you want it

to be and to use the church grounds and hopefully the playing fields next door would be I think just wonderful. I definitely will be at the Food Truck Festival to honor your hard work, but also to enjoy it. I think it's going to be truly wonderful event. We believe this is the first of its kind in Orange County. I don't think you'll have any problem finding the people to come. You have our support. St. Stephens is important to us. It's a very valuable, important connection. I'm sorry that this is how it happened.

Tracy Gregoire: Thank you.

Trustee Cheney: Are you withdrawing your application?

Tracy Gregoire: Well, I would appreciate a vote. I think we heard our answer. I think I hear that you're not in favor of.....

Trustee Cheney: The application says Stanley Deming so the application would have to be amended by the applicant or withdrawn I would think.

Trustee Patterson: So you would have to resubmit your application.

Mayor Newhard: And there is no time.

Tracy Gregoire: No, and as I said it doesn't make sense for us to come to Memorial Park and not have a Sesquicentennial event.

Trustee Cheney: So you're withdrawing.

Tracy Gregoire: We will withdraw.

Trustee Lindberg: I just want to echo what the Mayor was saying. I know you and Shelly have done a tremendous amount of work. I thank you for doing it. I learned a lot in the process for sure.

Trustee Patterson: So you're withdrawing your request for the banner as well?

Tracy Gregoire: Yes.

Glen Carter: I would like to make a request from the Planning Board to help me and refresh my memory. I only read the letter from Steve Gross once and I would like to hear it again and have it read into the record if that's possible – the environmental study.

Trustee Patterson: Are you asking that of the Planning Board?

Glen Carter: Yes, I'm asking if that letter is present in the room, I would like someone to read it please.

Mayor Newhard: This is a Village Board and that is pertinent to the Planning Board and to the process that they're going through.

Trustee Patterson: Can it be read into the record at the point at which they're asking for public feedback?

Mayor Newhard: Of course.

Trustee Patterson: That would be the time to ask.

Glen Carter: Thank you. I read it once and there are many things in that document that are germane to this proceeding so I would like to hear it again please if you could read it.

Mayor Newhard: We don't have it.

Trustee Patterson: Because it hasn't been presented to us because we're the Village Board.

Trustee Cheney: It would be inappropriate. We don't have an action to take on it.

Glen Carter: Okay, thank you.

Trustee Patterson: So if you go to the public comment of the Planning Board, at that point is when either you can read it or Mr. Gross could read it or it can be read into the record at that time at the Planning Board meeting.

Mayor Newhard: On that note I will make sure that all the members of the Board get a copy of it.

Trustee Cheney: Our Board?

Mayor Newhard: Yes.

Motions:

Slack Chemical – Acceptance of Chemical Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from Slack Chemical for PACL, Caustic Dry Bead, Liquid Caustic, Sodium Bisulfite,

Sodium Permanganate and Ortho Phosphate as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 to May 31, 2018. Five Ayes

Wechsler – Acceptance of Chemical Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from Wechsler for Hypochlorite as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 to May 31, 2018. Five Ayes

Coyne – Acceptance of Chemical Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from Coyne for Polymer and Endimal as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 to May 31, 2018. Five Ayes

Surpass – Acceptance of Chemical Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from Surpass for Hydrogen Peroxide and Citric Acid as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 to May 31, 2018. Five Ayes

E.C.E. – Acceptance of Chemical Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from E.C.E. for Totalox as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 to May 31, 2018. Five Ayes

Interstate Waste & Recycling – Acceptance of Refuse Bid:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the refuse bid from Interstate Waste & Recycling as per the DPW Supervisor's recommendation. The contract period will be from June 1, 2017 through May 31, 2018. Five Ayes

2017 Highway School – DPW Supervisor:

A **MOTION** was made by Trustee Cheney and seconded by Trustee Lindberg to grant permission to the DPW Supervisor to attend the 2017 Highway School at Ithaca College from June 12th through June 14th, 2017 at a cost of \$485.00. (**AMENDED**)

Discussion: Trustee Cheney: Do we also need with the new policy relative to the vehicles to include if the Supervisor so desires to take the Village vehicle there?

A **MOTION** was made by Trustee Cheney seconded by Trustee Lindberg and carried to grant permission to the DPW Supervisor to attend the 2017 Highway School at Ithaca College from June 12th through June 14th, 2017 at a cost of \$485.00 and to allow the Village DPW Supervisor to use the assigned Village vehicle for transportation to and from Ithaca. Five Ayes

Scheduling of Public Hearing – Proposed Local Law Amending Village Code §145-171 and Referring Proposed Local Law to the County Planning Department:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to adopt a Resolution introducing proposed Local Law to amend Village Code §145-171, scheduling a Public Hearing on the proposed Local Law for Monday, June 19, 2017 at 7:30 p.m. in Village Hall, and referring the proposed Local Law to the County Planning Department pursuant to GML §239-m.

Roll Call Vote:

Trustee Cheney: AYE
Trustee Lindberg: AYE
Trustee McManus: NAY
Trustee Patterson: NAY
Mayor Newhard: AYE

Discussion: Trustee Patterson: That last sentence under Section 2 “submission by the Planning Board on or motion of the Village Board shall be wholly discretionary with the Village Board and shall not be required”. That was not what I thought what we were going to have. I thought we were going to have it be required, but just not required by certified mail that we could have it be delivered by DPW or.....

Trustee Cheney: This would allow us I believe the way it’s written to do it at our discretion.

Trustee Patterson: Right, I don’t want to do it at our discretion. I want the spirit of it to continue on that it gets done by the Village Board because then we talked about the tremendous expense if we were to do a change to the zoning that impacts the entire Village and we would have to send certified mailings to the entire Village so we felt comfortable posting it potentially having the DPW deliver it, maybe including it in the water bills or something that I felt like we were still going to be obligated to provide the information.

Mayor Newhard: But again even if it’s not certified mail even if it’s regular mail let’s say we were doing a tremendous amount of zoning changes.

Trustee Cheney: I would suggest it would be cheaper to mail it at 47 cents than it would be to have DPW walk the entire area.

Trustee Patterson: The reason why I'm kind of sticking to this and again I'm only one vote, but we have an issue before the Village right now where there has been some commentary that at no point were residents given the opportunity to comment on what is potentially going to be bordering their property and the reality is we did have a motion to adopt the new zoning document and the new zoning map and we did offer at that time through the newspaper for people to come and comment so that's the answer to that question that comes up but I feel like maybe we need to tighten that up a little bit and I think the \$1,200 is money well spent again due diligence seems to be the common thread of the evening. I feel strongly about that.

Trustee Cheney: I think we dealt with the issue of the residents not being notified by the change we made relative to an applicant requesting a zone change and that they now have to by certified mail notify every property owner within 500 feet so that's the issue that prompted us to begin to do this. I think we've done a good job of creating a document or a law that allows us to put the onerous on someone coming to the Village Board and asking for a zone change and that the property owners within 500 feet are going to be notified.

Trustee Patterson: I agree with you whole heartedly and that was the reason that we initially started this process, but in the meantime the question was raised what if it's something Village wide that we initiate as a Village and I think if we're going to do it we might as well do it thoroughly so that's why I feel I don't want to allow the Village Board to be discretionary because a Board ten years from now who may not be us understands the spirit of the reason that we put this on the books.

Mayor Newhard: I thought there also was a question that was brought up by Counsel about missing someone and the exposure and liability.

Stephen Gaba: Well I don't know about liability, but your local law could be overturned if you don't comply with the rules that you set for yourself so if you say you're going to require that we mail it to everybody in the Village and you miss a street or a neighborhood maybe even as little as one person you can turn around and you have that person upset that they didn't get the mailed notice and come in and overturn the zoning that you spent months to do. You can turn around and re-enact it and re-notice it, but you're going to set yourself back I don't know how many months to do it.

Trustee Patterson: I'm one vote. If you guys think this is okay, I guess in this case I'm a fan of belts and suspenders.

Mayor Newhard: Well, I guess my question is the difference between a local law and a policy.

Stephen Gaba: A local law is binding, a policy is optional.

Trustee Patterson: The policy sticks with this Board. If there is a new group of people in place, it may not happen.

Trustee Cheney: The second part of it clearly puts the onus on the Village Board to make a decision relative to what's appropriate in the way of notice.

Trustee Patterson: Right.

Trustee Cheney: And you're suggesting we need to go further than that?

Trustee Patterson: I just feel like I would just like to put some teeth into it. I just don't like the discretionary part.

Trustee McManus: The discussion was clearly that we would remove ourselves when the requirement had to be certified mail, but we were very clear that we were going to mail.

Trustee Patterson: Right, that's what I thought and I think the DPW suggestion was raised too.

Stephen Gaba: I will say this though and I don't mean to interject myself into your debate but the regular mailing is easy enough to get your mind around. The DPW delivery is going to open up a whole can of worms. How do you prove that your DPW people delivered the notices?

Trustee McManus: How do you prove if we mail them that they were done?

Stephen Gaba: Well you just have the Clerk sign an affidavit, but then you only have one person signing an affidavit saying that the mailings went out. If you have DPW guys delivering this, you're going to have five different guys saying I went to this street and that street.

Trustee McManus: I'm fine with mailing.

Trustee Patterson: Me too. I think it's money wells spent.

Mayor Newhard: I agree. I like the belts and suspenders policy or local law, but I guess I get a little nervous when we start having to send a notice to every resident in the Village. I wish there was some discretion on like large zone changes.

Trustee McManus: Well I think you have to mail them to every property owner, not to every resident.

Stephen Gaba: Well you have basically three options. Option 1 is you can decide you just want to go through with it as it is. Option 2 you can decide you don't like it as it is and you want it redrafted to include the mandatory mailing provision and Option 3 you can go forward with this drafted local law and you can prepare an alternate version local law and you can have the Public Hearing on them both and you can decide which one you wanted to vote on once you have them both in front of you.

Trustee Cheney: We've got a motion before us. I would ask the Mayor to call the question.

Advertise for Two Seasonal Laborers:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to advertise for two seasonal laborers for a period of 12 weeks each at 40 hours a week at a salary of \$10.00 an hour. Five Ayes

Request to Abandon Village Property Located at 12 Main Street:

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to entertain a request to abandon Village property located at 12 Main Street, establish an escrow and make referrals to the Village Attorney and the Department of Public Works. (Roll call vote)

Discussion: Stephen Gaba: The Board really needs to decide how much of an escrow you want on this.

Trustee Cheney: Can you give us a little guidance as to.....

Stephen Gaba: It's not going to be a ton of work as far as that goes. I think between \$750 and \$1,000 should more than cover you and if it goes higher than that, they wouldn't get their deeds until they paid it.

Trustee McManus: Why don't we set it at \$2,000 and then we can refund them anything that's left.

Stephen Gaba: You can absolutely do that.

WHEREAS, the Village Board of the Village of Warwick has received a request from Mr. Alfred Nazari to abandon certain real property located at 12 Main Street to which the Village has a potential or putative claim as shown on a survey prepared by John McGloin, L.S.; and

WHEREAS, the Village Board is willing to consider taking action upon the said request;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That upon the applicant posting with the Village Clerk an escrow in the amount of \$2,000 to pay the Village's costs and expenses herein, and upon providing a metes and bounds description of the property at issue, the Village will commence the requested abandonment proceedings; and
2. That the said request to abandon Village property is hereby referred to the Village Attorney and the Village Department of Public Works to review and report on the request; and
3. That the Village Board directs that a draft resolution by which the requested abandonment may be effected be prepared and submitted to the Board for consideration.

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

The vote on the foregoing resolution was as follows:

| | |
|--------------------|-----|
| Trustee Cheney | AYE |
| Trustee Lindberg, | AYE |
| Trustee McManus, | AYE |
| Trustee Patterson, | AYE |
| Mayor Newhard, | AYE |

Amendment to Section 4.5 of the Employee Handbook – Vehicle Use Policy:

A **MOTION** was made by Trustee Cheney and seconded by Trustee Paterson to amend Section 4.5 of the Employee Handbook regarding the Vehicle Use Policy. (**AMENDED**)

Discussion: Trustee Patterson: In Section IV where it says upon approval by the Village Board I was pretty sure that we said that it would be by the Mayor not by the Village Board and that the Mayor would just report his use of the car or the vehicle. And then in Section V where it says, “the vehicle operator is responsible to inspect the vehicle daily” – I thought we said weekly instead of daily and I thought that Mr. Moser was going to provide the checklist for that that the DPW uses.

Trustee Cheney: I think those items should be daily, but I think you’re right we did talk about having to go through the entire checklist daily. The vehicles should be reviewed weekly using the Village authorized checklist.

Trustee Patterson: And also the part, “Individuals assigned a Village vehicle with commuting privileges may make “incidental personal uses” – I think if we say such as stopping at a grocery store or going to the bank on his or way home – I don’t think we have to have that part in there because that means if they go to the Farmers’ Market and not the grocery store it’s specific. I just don’t think we need to be specific. I’ve learned over the years through various attorneys working with us that the more specific we are the more trouble we can get into. And then the rest is just that it’s approved by the Mayor and unless it is the Mayor using the vehicle, then he would report it after the fact. He doesn’t have to report it before the fact because he may not know before the fact that he has to use the vehicle.

Trustee Cheney: If we go to Section VI Overnight Usage – we have a definition there for limited personal use and yet in the previous bullet that we just discussed it was kind of described as incidental personal uses. Should those two be consistent and then I’m just wondering about the travel within 30 miles of the Village. Is that something that.....how does that work into it with all the other restrictions? Do we need that?

Trustee Patterson: No.

Stephen Gaba: Just eliminate it.

Trustee Patterson: Yes.

Stephen Gaba: So you can approve it as amended and I get a clean copy to you or I can provide you a clean copy and at the next meeting you can approve it. It’s up to you.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Paterson and carried to amend Section 4.5 of the Employee Handbook regarding the Vehicle Use Policy as amended by the Board. Five Ayes

S.E.M. Security Systems – (TABLED):

Motion to authorize the Mayor to sign the Maintenance Agreement with S.E.M. Security Systems for Bosch Village park cameras described in the attached letter. The service agreement is at a cost of \$2,004 per year. **(TABLED)**

Goodwill Hook & Ladder – Annual Picnic:

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to Goodwill Hook & Ladder to hold their annual picnic in the Memorial Park Pavilion on July 29, 2017 from 10 a.m. to 7 p.m. Completed park permit and the proper insurance has been received. The \$100 security deposit has been waived. Five Ayes

Warwick Valley Central School District – Third Grade Field Trip – Lewis Woodlands:

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus and carried to grant permission to the Warwick Valley Central School District to have a third grade field trip in Lewis Woodlands on May 9th and May 12th, 2017 from 9 a.m. to 11 a.m. Completed park permit and the proper insurance has been received. The \$100 security deposit has been waived. Five Ayes

Discussion: Trustee McManus: The Warwick Valley Central School District is very, very strict on their policy of approving things. They charge \$15.00 to even come on to their website to get approved. They will never approve anything after the fact.

Mayor Newhard: We were perplexed on how to deal with this. We learned after the fact that these were scheduled – not asking the Village to use a Village park and we found out that it was the District person who organized the event who had no idea which was shocking.

Trustee McManus: The District person is the one who says you must pay an application fee, we don't approve things after the fact and you have to apply in a timely manner. It's already taken place and I'm sure we're going to approve it, but I would really like a letter sent to the school stating under no circumstances will we approve something after the fact and we're going to start charging application fees.

Mayor Newhard: What was shocking and frustrating about this after the fact was that we had another sponsored event that was going to happen in Lewis Woodlands that was our activity and because of that I said to Mike please mow the grass and make sure all the trees that are over the trails have been cut so that there is complete access. Now had that not happened it would have been a mess.

Trustee McManus: Our rules say Wednesday prior to the meeting. They should be told that.

Mayor Newhard: I agree it deserves a letter and also an explanation of all the things that I said.

Food Truck Festival – (WITHDRAWN):

Motion to grant permission to St. Stephen's School to hold a Food Truck Festival in Stanley Deming Park/Memorial Park on June 1, 2017 from 4:30 p.m. to 9 p.m. Completed park permit, \$100 security deposit and the proper insurance has been received. **(WITHDRAWN)**

Food Truck Festival – Banner – (WITHDRAWN):

Motion to grant permission to St. Stephen's School to hang a banner on First Street from May 22nd through June 2, 2017. Completed banner request form, image of the banner and the proper insurance has been received. **(WITHDRAWN)**

Warwick Playground Dreams Corp. – Bring Your Parent to the Playground Event:

A **MOTION** was made by Trustee Lindberg and seconded by Trustee Patterson to grant permission to Warwick Playground Dreams Corp. to have a Bring Your Parent to the Playground event in Stanley Deming Park on June 10, 2017 from 10 a.m. to 2 p.m. as per their letter received on May 10, 2017. Completed park permit, \$100 security deposit and the proper insurance has been received. Five Nays

Discussion: Mayor Newhard: We're looking forward to the Work Session we're going to have.

Trustee Lindberg: I spoke to Christina. There are a number of questions obviously with this as far as the letter and the motion. My number one concern is June 10th is the Fireman's Parade and the staging area is right around there.

Hannelore Chambers; I know we had reached out to the Village to see what the schedule was for Stanley Deming Park that day.

Trustee Lindberg: Not in the Park, but on the street.

Mayor Newhard: Think of Fire Departments from all over the County and beyond with their gear, their rigs.

Trustee Lindberg: I think we have a number of questions and those questions I'm hoping will be asked and answered next Monday. We have a work session. We have questions about the playground design and also this request.

Mayor Newhard: Are you capable of changing the date?

Hannelore Chambers: Certainly. This is a very simple, fun, family friendly event so I don't think it would be a big issue to postpone it to another date.

Trustee Patterson: I am just so opposed to bouncy houses with all that has come across in the news about them. That's just my opinion.

Hannelore Chambers: That wouldn't make or break our event. We just remembered we saw one at the Apple Drop.

Mayor Newhard: I don't think we'll have that again. You learn along the way. Trustee Patterson has brought that information to light and I think that's very important information to look at in terms of liability.

Hannelore Chambers: We discussed having small carnival games. Simple things for the kids – bean bag tosses – that sort of thing. One of our fundraiser committee members came up with a dunk tank, but not actually where the person gets dunked into a tank. It would just be a bucket above their head and it tips the water on them. I don't know if that would be something you would be comfortable with.

Trustee Patterson: I think that would be fun.

Hannelore Chambers: We have been working on getting a packet of information to distribute to all of you in advance of the work session.

Trustee McManus: I'm assuming you're going to have costs and stuff.

Hannelore Chambers: We don't yet. This is just the preliminary phase of the design process. We have been working with Karen Arent and trying to establish how we can work the design within the flood plain of Stanley Deming Park even though the current playground equipment sits in that flood plain as well. This is the preliminary/preliminary schematic design. We were actually hoping to be able to present to you a final preliminary schematic design but because we don't have.....Karen Arent had given our playground designers guidance on how far back from the creek they could design the playground and that's what they did for us on April 7th and then since then there were some conversations between Karen Arent and the playground designers about possibly needing Planning Board approval for structures.

Mayor Newhard: The Planning Board is the flood plain administrator so that's why they come in.

Hannelore Chambers: Just one question in terms of formalities because we're not an applicant to the Planning Board per se. Is there any way to get that guidance from them without.....

Mayor Newhard: You would have to make an application to the Planning Board to be on their agenda.

Hannelore Chambers: So still two weeks in advance so we're waiting until June 17th for the definitive word from them.

Mayor Newhard; Yes, but you have to get on that agenda to make that and give them as much information as you possibly can. The engineer is present at that Board meeting.

Trustee Cheney: What about pre-application discussion?

Mayor Newhard: Yes, you can have a pre-application discussion with the Planning Board Chair and the engineer.

Trustee Patterson: There is a meeting this Thursday. It might be worth it for you to come to that meeting because you'll have the engineer and the Planning Board Chairman together. You don't have to worry about leaving messages and getting back and forth. If you came probably at 7:15, they would probably both be here. Is that permitted that they have a quick chat before the meeting to schedule something?

Trustee Cheney: I don't see why not.

Hannelore Chambers: That's great advice. We will be presenting to you and Monday is just the very first rough draft of what the playground could be and even when we get the finalized preliminary schematic if we all are happy with it and we are happy with Play By Design and we want to move forward with that as a community then there follows an additional 10 to 12 week design process beyond that where again there's a lot of communication back and forth. When we get the final schematic design that preliminary design, that's when we receive from Play By Design the list of materials, the cost of specific pieces of playground equipment. Actually researching the cost of the materials will fall on my organization.

Trustee McManus: Can you ask your engineer or playground people if they can somehow pinpoint a cost of the ADA equipment?

Hannelore Chambers: So you would like to know specifically for like the wheelchair accessible merry-go-rounds that sort of thing - that I should be able to get for you Monday.

Trustee McManus: That would be great.

Mayor Newhard: Are you looking at it as something that might be related to the Lions?

Trustee McManus: The Lions International Foundation can't fund the playground, but they can fund ADA portions of the playground.

Mayor Newhard: We have a swing that we're looking at to add to the current swings that would be ADA compliant if you're interested. We'll work with you every way we can to find a new date for the event.

Trustee Patterson: Just to be fair to the office staff with whom you spoke about the calendar there isn't anything going on in Stanley Deming that day. It's just the area around it and that's not something that they would be expected to think through and anticipate.

Warwick Adult League Kickball:

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to Warwick Adult League Kickball to hold kickball games at the Memorial Park Over 35 Field and T-Ball Field on June 2nd through July 21st, 2017 from 6:45 p.m. to 9:30 p.m. with the exception of June 23rd and 30th. Completed park permit, \$100 security deposit and the proper insurance has been received. Five Ayes

General Aviation Appreciation Month:

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to proclaim the month of May General Aviation Appreciation Month. Five Ayes

Warwick Community Bandwagon, Inc. – Banner on West Street:

A **MOTION** was made by Trustee Patterson, seconded by Trustee Cheney and carried to grant permission to the Warwick Community Bandwagon, Inc. to hang a banner on West Street from June 5, 2017 through June 12, 2017. Completed banner request form, an image of the banner and the proper insurance has been received. Five Ayes

Treasurer's Request – Budget Transfers and Modifications:

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to approve the Treasurer's request for budget transfers and modifications as per the attached letter. Five Ayes

Park Avenue Elementary School Request for Road Closure – Annual Family Picnic:

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to close the road in front of Park Avenue Elementary School on June 2, 2017 from 4 p.m. to 9 p.m. with a rain date of June 3rd from 11 a.m. to 5 p.m. for the Park Avenue Elementary School annual Family Picnic. Five Ayes

NYS Defensive Driving Course:

A **MOTION** was made by Trustee McManus and seconded by Trustee Lindberg to hire George Arnott to present the NYS Defensive Driving Course to Village employees at a fee of \$35 per person. Five Ayes

Discussion: Trustee Cheney: Is this going to be given on Village time?

Jo-Ann Rome: Village time.

Trustee Cheney: Is this required by either our insurance agent or NYMIR or anybody?

Michael Moser: I don't think it's required. I think they just suggested it.

Trustee Patterson: Don't we potentially get a discount on our insurance?

Trustee Cheney: Do we know what that is?

Jo-Ann Rome: 10% for three years.

Trustee Cheney: 10% of the Village's total insurance bill.

Jo-Ann Rome: No, they'll get it off their personal.

Trustee Cheney: If they're going to get it off their personal, why are they doing it on Village time?

Jo-Ann Rome: I think it's just going over safety practices, rules of the road and all that.

Trustee Patterson: Who's paying the \$35.00?

Jo-Ann Rome: The Village.

Trustee Cheney: If they want to give their time, I don't have a problem with us providing the \$35.00. The other thing would be that maybe if NYMIR has a shorter time course that they can give in an hour or two hours to the employees that drive vehicles that that would probably be more appropriate and less costly to the Village.

Trustee McManus: You can do it online.

Trustee Patterson: I don't think it's fair if we offer it to only the employees that drive Village vehicles if they're going to get a discount on their insurance. I think we have to offer it to all Village employees.

Trustee McManus: I think we should offer it, but it should be on their time.

Trustee Patterson: I agree with that, but I don't think it should be just for employees who drive Village vehicles.

Trustee Cheney: If it's not an employee who drives a vehicle for the Village, then why would we have justification to pay \$35 for them to take the course?

Trustee Patterson: To tell you the truth, up until two minutes ago I thought it was going to be a discount off the Village's automobile insurance policy so that kind of undoes the whole thing for me. If we agree we're going to do this out of the goodness of our hearts for our employees, I believe we should do it for all of them, but I agree it should be done during personal time. It should not be on Village time.

Trustee Cheney: I'd like to suggest the motion be withdrawn and we look into some other options relative to giving the appropriate training that NYMIR might be suggesting at possibly a lesser cost and lesser time commitment.

Trustee McManus: We have a motion so why don't we just deny it.

Curt Zimmerman – Appointment to Village Shade Tree Commission:

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to appoint Curt Zimmerman to the Village Shade Tree Commission. Five Ayes

Mayor Newhard: This was one of the applicants for the Shade Tree Commissioner and I thought he was very well qualified and after the fact I sent out a request to see if he was interested in serving on the Shade Tree Commission.

Trustee Cheney: And we had a third applicant that we interviewed. Was he sent the same?

Mayor Newhard: Yes.

Trustee Cheney: And you haven't heard back?

Mayor Newhard: No.

Request for Park Avenue Road Closure – Park Avenue Elementary School Field Days:

A **MOTION** was made by Trustee McManus and seconded by Trustee Patterson to close Park Avenue to traffic on June 6th and 9th, 2017 with rain dates of June 12th and 13th from 8:50 a.m. to 2:50 p.m. for Park Avenue Elementary School to have field days. **(AMENDED)**

Trustee McManus: I'm eliminating the June 5th request date because it's prior to our meeting which is that night.

Mayor Newhard: I don't understand that.

Trustee McManus: It came in after Wednesday when it was due for this meeting and our next meeting is the 5th because they can't have it earlier that day before our meeting that night.

Trustee Patterson: Okay if I could make a suggestion to leave the motion as it is and then if we choose to amend it to remove that after discussion we choose to remove that date.

Trustee McManus: I'm making the motion as I read it.

Mayor Newhard: But that's not their request.

Trustee Patterson: I'm not going to punish first and second graders for a secretarial error or a clerical error.

Trustee McManus: They do it every year. They know the system.

Trustee Cheney: I've got a question – do they know where they're going to park the vehicles that usually park along there?

Trustee Patterson: They just want access across the road.

Trustee Cheney: I'll make a motion to amend it.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to close Park Avenue to traffic on June 5th, June 6th and June 9th, 2017 with rain dates of June 12th and 13th from 8:50 a.m. to 2:50 p.m. for Park Avenue Elementary School to have field days. Four Ayes, 1 Nay (Trustee McManus)

Reports:

Trustee Cheney's Report:

Just a reminder that we do have two bins in Memorial Park – one has compost and the other has wood chips and we invite all our residents to come there and avail themselves of some good compost and some good mulch.

Trustee Patterson: The mulch is wonderful. My garden looks great.

Trustee Lindberg's Report:

The Red Umbrella Tour is a fabulous tour through the Village. I took it on Sunday. Usually Michael Bertolini does it, but he was busy yesterday so our esteemed Mayor did it. It was very,

very interesting. It took about an hour and 15 minutes from the Buckbee Center to Railroad Avenue. I would encourage people to go on the Red Umbrella Tour.

Mayor Newhard: It's usually the third Sunday, but because of Mother's Day they made it a special event on Mother's Day. The reason why I was pinch hitting for Michael Bertolini was because he had hurt his leg and he was walking around with a cane. I sat down with him and he wrote the notes for me and then he started doing drawings. I went home immediately and wrote the script because I had to retain everything he was giving me.

Trustee Patterson's Report:

I just wanted to announce that the Chamber of Commerce is bringing the EXPO downtown this year so it's Saturday, May 20th and it's taking place on Railroad Avenue and potentially on to Main Street and it's an opportunity for business owners who are normally not in those areas to come out and show what kind of services they offer. The event has been held in the Middle School for the last several years and it's a good opportunity for the residents to come out. I think some of the shops are being involved this year so I just wanted to announce that. Warwick in Bloom – the pots will be here soon. Spectacular pots that are funded purely by the donations from residents and businesses in Town and they should be out mid to late June but they have to get planted so Warwick in Bloom invites everybody to get their hands dirty and come down to Scheuermann's on Little York Road this coming Sunday, May 21st at 7:30 a.m., 8:00 a.m. It goes very quickly. It's about 80 pots that we'll plant. It's all figured out. It's a lot of fun. I'd like to thank the DPW in advance for bringing the pots over there and then we'll thank them again when the guys put them out. We do appreciate it.

Trustee McManus's Report:

I just want to remind everybody that tomorrow is the school district budget vote so please go out and vote. The budget is up and three Trustee seats and there are eight people running for those three seats.

Trustee Patterson: I just wanted to see what the Board thinks about potentially because of all of what we learned tonight maybe if we add, "Will alcohol be served at this event" to our park permit. It would alleviate any issues and then if they check yes, that starts the mechanism to say well then you have to have your event at Memorial Park and it must still be approved by the Village Board.

Mayor Newhard: We'll take a good look at the whole thing.

Mayor Newhard's Report:

I'd like to extend from our Board condolences to the family of Jude Roche who passed away recently. She was the Village Poet Laureate for 2016/17. She was 94 years young as was said in her obituary. On Sunday, May 7th and this is one of the Sesquicentennial activities we had an interfaith service at the Old School Baptist Meeting House which included a Maypole dance provided by the Bruderhof community. Pastors, Rectors, Priests and Rabbis came together and brought along their choirs who sang together under the direction of David Crone who was the Choir Master and I want to thank Reverend Michael Otte and the Ecumenical Committee and the Bruderhof community for organizing this wonderful event and also the Sesquicentennial Committee. Later that very evening and as I was trying to get out of town to go to the NYCOM Conference I visited the Mother's Day celebration at the Hispanic Ministry of the Reformed Church and that was really quite wonderful. There were a lot of very happy moms and kids. I was at the NYCOM Conference in Saratoga the next day and of great interest to us specifically are the State EFC funding and grant money. Usually EFC is low interest loans, but now there seems to be a large amount of money that will be issued as grants and so that's both for drinking water and wastewater. I've had a conversation with Barry and we're going to be sitting down with our engineer Barton & Loguidice to look at some different projects that we might apply for. May 10th was the kick off meeting with Heritage Landscape who are doing the Cultural Landscape report on the Mrs. Isabell Fowler Garden which is in Lewis Woodlands and the meeting included representatives from Warwick in Bloom, Warwick Valley Gardeners, The Orange and Dutchess Garden Club, the Historical Society and the Department of Public Works and this work is going to be ongoing but this was a kick off meeting. It was very exciting and I'm glad the grass was cut. Sunday, May 14th was the opening of the Warwick Farmers' Market. If you have the opportunity, go and try a tomato amazingly enough we have a local tomato grower who grows heirloom tomatoes in greenhouses that are completely edible and delicious. And try all of the other produce as well. As Bill said later on that day I was pinch hitting for Michael Bertolini for the Red Umbrella Tour. Saturday, May 20th is the Warwick Chamber of Commerce Community Showcase EXPO on Main Street and Railroad Avenue and also I wanted to tell people that same day in the middle of Main Street, 52 ½ Main Street, there is a building that many people pass and don't know what it is. It is actually the Oddfellows Lodge and they are celebrating their 150th anniversary as well as the Village. They are having an open house that day so if you are interested in the Oddfellows and what they do which they are a wonderful organization they do a lot of things under the radar that you would never know about – scholarships and helping families and just doing really good deeds. If you're interested in architecture and history, then opening the doors will be like opening a door to history because it's very much unchanged in that building so I think it's a very interesting event that they're planning. That building was built in 1867. On May 21st which is Sunday besides the Annual Duck Derby there also will be a Chorale Recital that will take place at the Reformed Church and the concert is titled, Seeking the Right Path - American Songs, Music from the Civil War Era and the Timeless Music of Irving Berlin and George Gershwin and the concert starts at 4 p.m. It's a free concert, but donations are accepted. They do pass the hat. I want to say that the Sesquicentennial Committee approached the Chorale and asked them if they could select music

that would be appropriate for the Sesquicentennial and so they decided it was the 1860's and the Civil War and that whole era had this incredible bounty of beautiful, historic music and so they've done that for us so I think that's really quite wonderful and I'm looking forward to that recital. The last thing is Memorial Day which is May 29th, the American Legion, the VFW, the Sesquicentennial Committee and the Historical Society are working together to present a Salute to Veterans which begins May 29th with the Parade and barbeque after the Parade and runs until Flag Day which is Saturday, June 14th. On June 3rd in the middle of this will be an event at the Buckbee Center which includes demonstrations and the opening of an exhibit of military uniforms, photographs, memorabilia and works by local artist, Bob Fletcher. It's a pretty busy time in the Village of Warwick.

A **MOTION** was made by Trustee McManus seconded by Trustee Patterson and carried to adjourn the meeting. Five Ayes

Jo-Ann Rome
Village Clerk