

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
MARCH 19, 2018**

**7800**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, March 19, 2018. Present were: Mayor Michael Newhard; Trustees Eileen Patterson, Barry Cheney, William Lindberg and George McManus. Also present were Deputy Clerk, Barbara Ranieri, Village Attorney, Steve Gaba and DPW Supervisor, Mike Moser. Also present: Lt. Rader, Katie Bisaro, Patrick Gallagher, Joe Lawlor and others.

The Mayor called the meeting to order.

The Deputy Clerk held the roll call.

**Acceptance of Reports**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to accept the Justice Reports for February 2018. Five Ayes.

**Approval of Minutes**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to approve the minutes of February 20, 2018. Five Ayes.

**Approved and Audited Bills**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to pay all approved and audited bills in the amount of \$654,116.75. Five Ayes.

**Announcements**

Mayor Newhard: Under announcements the General Village of Warwick Election will take place Tuesday, March 20<sup>th</sup> at the Goodwill Hook & Ladder Company on Church Street Extension from 7 a.m. until 9 p.m.

Mike Moser: The Village of Warwick will again have the Brush Disposal Program. A valid picture ID showing Village Residency will be required at the site. Only Village of Warwick residents will be allowed to dispose of brush at the disposal site. The disposal area is located at the Village of Warwick Dept. of Public Works site in Memorial Park. No commercial operators will be permitted. Brush cannot exceed 6" in diameter. Bagged leaves will be accepted, paper only. No grass clippings will be allowed. Hours of Operation: April, May and June, Saturdays & Sundays 12 p.m. to 4 p.m.; July, August and September, first and third weekends 12 p.m. to 4 p.m.; October and November, Saturdays and Sundays 12 p.m. to 4 p.m. Site closed Applefest Sunday.

Mayor Newhard: The last announcement is Karl Scheible has been selected to fill the vacancy on the Village of Warwick Planning Board due to the resignation of Ryan Denerley. I just want to say thank you Karl for raising your hand and thank you Ryan for the work that you did for your service to the Planning Board and to the Village.

### **Correspondence**

Mayor Newhard: Under correspondence tonight we have a letter from Village of Warwick ZBA member, Mathew Blaskovich regarding his resignation effective April 2018. So, we will be seeking a replacement for that and a letter from the Village of Warwick Planning Board Alternate Member Raey Webster regarding his resignation effective April 2018.

Trustee Cheney: Mr. Blaskovich, was his term set to expire April of 2018?

Mayor Newhard: Yes, it was, and the alternate is interested in becoming a full-time member. We'll deal with that at re-org.

### **Discussion**

Mayor Newhard: Under discussion tonight we have work session dates for the budget.

A discussion followed, and the following dates were set: April 2<sup>nd</sup> from 9 a.m. to 11:30 a.m.; April 4<sup>th</sup> from 6:30 p.m. to 9 p.m.; April 9<sup>th</sup> from 9 a.m. to 11:30 a.m.

Mayor Newhard: Also, while we have our calendars out we want to set a work session date with Warwick Playground Dreams to further discuss the splash pad concept. We had promised that we wanted to keep that conversation going. My thought is closer to the end of April because we've got a lot in the beginning of April.

A discussion followed, and a tentative date of April 10<sup>th</sup> or April 30<sup>th</sup> was set at 7:30 p.m.

Trustee Patterson: Can we ask them to come with some answers to questions that they know we have as far as different options for the water amounts and the run off?

Trustee Lindberg: I've talked to Rich from Splashpad, they're out of Utah. He has agreed to do Facetime and have some sort of sales presentation.

Trustee McManus: Can we get some input from Mr. Vernieri at this meeting?

Mayor Newhard: Yes.

**Privilege of the Floor**

Patrick Gallagher: The procedures surrounding the Planning Board's approval of 16 Elm were biased from the start. The Planning Board turned a blind eye to residents' concerns, stated that there would be no impact on the neighborhood or neighbors and supported that stance with flawed reports full of conclusions skewed for approval by various experts hired by the applicant. Many of the studies and statements made by these professionals fly in the face of logic and previous studies. They were seen no evil deliberations. All the applicant's experts seemed to be familiar and on a collegial first name basis with the Planning Board. Phil Greely, Bud Going, B.S. Winglovitz. The high levels of lead contamination that alarmed an Orange County Supreme Court Judge enough to order a temporary restraining order have been present on the surface all along, mysteriously invisible to the experts but brought to the attention of all parties during the process, photos provided, including this Board and contemptuously disregarded by the Planning Board in the same way that the residents' objections have been. All the while the Village Boards have pointed fingers at other parties claiming inability to act for various reasons on the advice of counsel. The lead level on one test is 180 times the permitted level. 180 times the permitted level on the surface, there the whole time, pink flags beside it. Another test commonly used by the DEC called a Toxic Contaminant Leaching Potential test shows levels as high as 850ppm. The EPA limit is 5ppm. The united Village of Warwick Board scolded us for foolishly purchasing our properties next to a parcel zoned commercial while ignoring language in the same zoning that makes the proposed bar a prohibited use. When we residents raised the issue of sound ordinance violations you told us you don't have the equipment or training to measure it accurately. Your Planning Board says the Village, this Board, will have to enforce using the Building Inspector, any violations... have to enforce remediation if the bar chatter and table service are in violation or even if the operation with doors closed by virtue of proximity to the neighborhood violates the sound code. They say you will force the operation to comply. But you can't, and I think you know you can't. We don't think that you will. I don't know if the equipment has been purchased or if any discussions have been had surrounding that but as far as we can tell, or as far as I can tell, that's not the case.

Mayor Newhard: I just want to interject, we're in budget as you heard and that already has been a discussion internally.

Patrick Gallagher: Thank you. I'm very glad to hear that. Once again remediation is not compliance. You could know in advance what's going to happen. It can be simulated but you would have to want to know and you'd have to act accordingly in advance. The heavy metals present on the site are just a big glaring example and symptom of the way this flawed process has been conducted. Independent environmental screening has to be done. Whatever alliances, allegiances have prompted the Boards and all parties involved to continue to ramrod this inappropriate business down the throats of our neighborhood

have got to be set aside for the good of the whole Village. Some or one or all of you have to break ranks and begin to lead. Lead and lead are spelled the same way. After the fact when our legitimate concerns that this is a prohibited use, inappropriate for the location and will violate the sound code and devalue our homes are validated will you be prepared to remediate all that and a lead poisoned child? That may sound extreme, but I don't think that that is extreme. I don't think that an excavator pulling up chunks of God knows what is going to stop and say wow, what's that any more than the engineer who overlooked problems lying on the surface was able to do it. He's employed by the people, something comes up and that excavator is going to look the other way and keep going. Are you willing to take that chance? Are you ready to take that chance? The contamination could be ignored. It could be disregarded or explained away as has been done to date, but the real issues are not the chemicals or the heavy metals. Elm Street, West Street, VanBuren, Wheeler, Orchard, Welling, Hamilton are not Main Street. We've been asking for more than a year to have your help in protecting our neighborhood. Glorifying belligerent bar culture with swerving green lines painted by an imaginary staggering alcoholic is not the message we think local kids, or anyone should be getting. I don't know if any of you have driven down Elm Street this weekend but some party unknown, there's plenty of plausible deniability to throw around, took it upon themselves to paint Elm Street with a swerving green line. What's really staggering is this Board's tacit acceptance of that kind of branding for our Village on any street. No amount of short term gain is worth the destruction of our neighborhood. Two members of this Board sit on the Warwick Valley Prevention Coalition, so George McManus and Barry Cheney both know that the coalitions mission is to reduce alcohol abuse among youth and to prevent initiation into all drug use by encouraging wise and healthy decisions by all community members. Not for the last time and on the eve of the elections we believe this business in this location in our back yards is not appropriate, wise or healthy. Thank you for your time.

Mayor Newhard: May I have a copy of that for the record?

Patrick Gallagher: You can have this one.

Mayor Newhard: Would anyone else like to speak to the Board this evening?

Joe Lawlor: Good evening. A couple of questions for the Board. The Playground of Dreams, I imagine that's in Stanley Deming Park?

Mayor Newhard: Yes, it is.

Joe Lawlor: Donna Kaminski has been calling me and asking me to set up a committee. She had scheduled a meeting. I showed up here but after 20 minutes I left because nobody showed. She keeps asking me to put together a committee from the Legion,

which I did. The answer now from the Legion is we have no interest in a skateboard park in the park. Okay?

Mayor Newhard: Why?

Trustee Patterson: There's one there already.

Joe Lawlor: We're talking about this other one that they want to build up by the DPW.

Trustee Patterson: I'm not aware of it.

Joe Lawlor: \$500,000 project...

Mayor Newhard: The reason why it was it was brought to the Legion because they wanted to have that conversation early on before anything was designed.

Joe Lawlor: I know. All that panned out. We went through the presentation. Like I said we were supposed to have a meeting here. I guess that's been rescheduled with her and Bill and I don't know who else was involved but at the meeting last night at the Legion anyway we put together a committee and had a general discussion and they don't want to put another skateboard park in the park. That was the consensus of the group.

Mayor Newhard: Well, I think we need another meeting. I would urge you to go back to the group and to say that I'm sorry that that meeting fell through but I think that the idea and the effort is definitely worth looking at and truly they're being very respectful, I think by coming to you first and their hearts are in the right place and the problem with the skatepark that we have is that it is in the flood plain and floodway, so it is very limited as to what can happen there. That's part of the conversation. I can't give you the conversation, but I hope that we can rekindle that. I'll ask Donna to reach out to you.

Joe Lawlor: Which she has, so I put together the committee.

Mayor Newhard: I was at that initial showing and that's what came out of that was a committee would be formed.

Joe Lawlor: Right that's what she called me and left me a message to do. I found some volunteers last Wednesday night at the meeting.

Trustee Patterson: I would just encourage you to definitely listen to them, to meet with them again, having been involved in an update of the skatepark like ten or 12 years ago, I learned a lot about the sport of skateboarding. It has, for whatever reason, a negative connotation to it but when you start to learn what these athletes do and the amount of

time and effort and energy that they put into it, when you live in a society where we're trying to find ways to get our kids away from screens and doing something outdoors and athletic, they're really no different than the kids who play football there and the kids who play baseball at that park. I'm not trying to make your decision for you, I just would ask that you go back and ask your committee to be more open minded to the idea that these athletes need a place to practice their skill.

Joe Lawlor: I might add though the Town is quite willing to accept these skateboard parks so there are alternatives.

Trustee Patterson: The transportation becomes an issue.

Mayor Newhard: We'll have that conversation. But it is now an Olympic sport.

Joe Lawlor: I don't know about skateboarding, snowboarding is...

Mayor Newhard: But it's coming in two years. Board, we have two templates for our meetings and one is Barb's template and the other is Raina's; and Barb used her template so we're missing a few things. Because Raina's doing the heavy lifting tomorrow, so the reports for the Trustees are not on there and the Police report is not on there. Do you have anything for us?

Lt. Rader: Not at this time.

### **Motions**

#### **Generator Maintenance Service**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to advertise and receive bids for Generator Maintenance Service. Five Ayes.

#### **Robert J. Dickover, Esq. – Appointment**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to appoint Robert J. Dickover, Esq. of Dickover, Donnelly & Donovan, LLP to represent the Village of Warwick regarding the application for a judgment pursuant to CPLR Articles 30 and 78 against the Planning Board of the Village of Warwick received on March 6, 2018. Five Ayes.

#### **Orange County Community Development Program**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to schedule a Public Hearing for Monday, April 2, 2018 at 7:30 p.m. to solicit public comments and suggestions regarding projects to be considered for funding under the Orange County Community Development Program. Five Ayes.

**Elm Street Traffic Study**

Trustee Cheney: Motion 4 is being withdrawn.

**Barton & Loguidice – Master Service Agreement**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to authorize the Mayor to enter into a Master Service Agreement with Barton & Loguidice for engineering services on a task assigned basis. Five Ayes.

**Discussion**

Trustee Patterson: This is separate from our agreement with Lehman and Getz?

Trustee Cheney: This is for water and sewer. They've been working on the odor issue and we just need to have a more formal task order document that we can go to.

Trustee Patterson: We don't have to go out to bid for that?

Steve Gaba: Professional services, no.

**Resolution Authorizing Reduced and Installment Payments for the Reimbursement of Certain Overpayments**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to adopt a Resolution Authorizing Reduced and Installment Payments for the Reimbursement of Certain Overpayments.

**RESOLUTION**

**AUTHORIZING REDUCED AND INSTALLMENT PAYMENTS  
FOR THE REIMBURSEMENT OF CERTAIN OVERPAYMENTS**

**WHEREAS**, between 2005 and 2016, the Village of Warwick miscalculated the amount of certain Village employees'/officers' health insurance premium contribution payments and under withheld the correct amount.

**WHEREAS**, based upon the foregoing, certain health insurance premium contribution payments are currently outstanding to the Village from such Village employees/officers.

**WHEREAS**, the Village first became aware of such outstanding reimbursement payments in 2017.

**WHEREAS**, the unexpected nature of such reimbursement payments may cause financial hardship to such Village employees/officers.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees of the Village of Warwick hereby authorizes the Village to pursue the collection of outstanding health insurance premium contribution payments.

**BE IT FURTHER RESOLVED**, that the Village Board of Trustees of the Village of Warwick hereby authorizes the Village to offer such affected employees/officers the following repayment options if the employee/officer signs a repayment agreement within 30 days from the date of the repayment notice:

- (1) A 20% reduction on the total amount owed if the employee/officer makes payment within 30 days from the date of the repayment notice.

A 10% reduction on the total amount owed if the employee/officer makes payment in equal installments each month over a five (5) year period with no interest provided the employee/officer remains current on his/her payments during the entire repayment period.

Roll Call Vote

Trustee Cheney            Aye

Trustee Lindberg	Aye
Mayor Newhard	Abstain
Trustee Patterson	Aye
Trustee McManus	Abstain

**Warwick Adult Kickball**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to Warwick Adult Kickball League to use the T-Ball, Over 35 and Football Fields in Memorial Park every Friday from May 11 through July 15, 2018 (excluding Carnival days) from 6:45 p.m. until 9:30 p.m. for kickball games. Completed park permit, security deposit and proof of proper insurance have been received. Five Ayes.

**Discussion**

Trustee Cheney: Did they provide port-o-johns last year? There are no bathrooms.

Trustee Lindberg: We might have had a port-o-john for the Over 35 field anyway for all the summer activities. Maybe it wasn't last year. I know we do put a port-o-john right about the third baseline for summer activities. Maybe not last year, but in previous years.

Trustee Cheney: I think it's alright to proceed with it. It might be something that we might want to raise with Kickball.

Mayor Newhard: Little League facilities are not open at the times that they're there.

Trustee Cheney: Depending upon the evening, it's possible that we wouldn't be and a lot of times we're out of there by 9:30. They wouldn't have access to bathrooms. If there are six teams playing that kind of overwhelms our facilities.

Mayor Newhard: Football has a facility. Maybe that's a possibility.

Mike Moser: Maybe that's why port-o-johns were there the year before because the bathrooms were burned down.

Trustee Lindberg: Maybe we can check with Cathy. I thought it was an ongoing thing.

**Bright Beginnings Preschool**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to Bright Beginnings Preschool to use Stanley Deming Park on June 4, 2018 from 10 a.m. to 2 p.m. with a rain date of June 5, 2018 for a fun day for students and families. Completed park permit, security deposit and proof of proper insurance have been received. Five Ayes.

**Wickham Works, Inc. – Banner Request**

Mayor Newhard: Motion #9 is withdrawn.

**Warwick Historical Society – Antique Tractor Parade**

Motion was withdrawn.

**Discussion**

Trustee McManus: I would like to hold off on that one until we get further discussion from the police that they're going to have the manpower available to man a parade.

Mayor Newhard: We'll go back to the Historical Society and have them reach out to the police. Would that work?

Lt. Rader: Yes.

Mayor Newhard: Should they reach out to you?

Lt. Rader: They can call me. We'll discuss it further.

Mayor Newhard: There's a lot going on that day. There is the Earth Day event at Stanley Deming Park and there is a Health Fair on Railroad Green but that's important to know in all the logistics.

Lt. Rader: On the Coalition side is that also the Pill Drop day?

Trustee McManus: That would be the 28<sup>th</sup> probably. The same day as the shredding event. It's usually at the same time at the parking lot. I can verify that on Thursday. But there's a lot of streets involved in this request.

Trustee Cheney: It comes right by the Too Good to Toss and Earth Day activities.

Mayor Newhard: Maybe it could be minimalized. Maybe it doesn't have to have such a long route. If there's a line up at Railroad Avenue and it just goes up Main Street to the parking lot of the Buckbee Center. That would make things a lot easier I think.

Trustee Patterson: The Health Fair is going on at Railroad.

Mayor Newhard: The streets not going to be closed it's just in the park.

Lt. Rader: The Fire Department's parade route requires a lot of assistance. I don't imagine it would be the length of the Fire Department's parade but it's still a lot of intersections. Logistically it takes a lot of people to safely close this many streets.

Trustee Patterson: On a day where people are trying to get from one place to the next anyway.

Trustee McManus: They're going to try to get to the Health Fair then they'll try to get to other places. They're looking to close streets that those people are going to be trying to get to.

Lt. Rader: I believe the Little League season is already underway at that time.

Trustee Cheney: Yes, our parades on the 7<sup>th</sup>.

Trustee Patterson: Maybe we go back to the Historical Society and encourage them instead to have a tractor show, stationary, in Memorial Park where people can kind of go around and look at the tractors.

Lt. Rader: That would certainly be a nice alternative.

Trustee Patterson: Actually, they could do it right in their parking lot.

Lt. Rader: Without all these other events it's manpower intense.

Trustee McManus: They could parade it from the Buckbee Center down Church Street to Memorial Park. I'd much rather they talk to you before we say yes to the parade.

Trustee Patterson: So basically, you'd tell them to change the route.

Mayor Newhard: I will talk to them before they talk to you.

Lt. Rader: You have one meeting before this, correct?

Mayor Newhard: Yes, we have a meeting on April 2<sup>nd</sup>.

Lt. Rader: We have to do this sooner than later.

Trustee McManus: We have two actually before it.

Mayor Newhard: But they would want to advertise it I'm sure.

Trustee McManus: The first one would be preferred.

Lt. Rader: On our end too because it's hard to schedule.

### **Reports**

**Trustee Cheney's Report:** I just repeat what I said last time but also relative to the Howe Street bridge I noticed today I was back in the area and there are construction materials that are on site now for the temporary crossing that's going to be installed. According to the DPW Supervisor apparently they've been there for a while. That's obvious that they're getting ready to begin. The railroad planned on beginning the crossing some time in March. They were waiting on the County for a signed agreement. The County has the project plan for early spring, so the first step is going to be to complete the detour connection and then the bridge would be demolished except for the footings and the bearing walls and then the bridge would be repaired, and all the County materials have been procured and are at the County DPW yard.

**Mayor's Report:** I just want to wish everybody, all our Christian friends a happy Easter, happy spring tomorrow. Also, I want to wish our Jewish friends and neighbors a very happy Passover which is starting Good Friday.

### **Adjournment**

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

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Barbara Ranieri  
Deputy Clerk