

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
OCTOBER 15, 2018**

7875

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, October 15, 2018 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also, present were: Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. DPW Supervisor, Michael Moser was absent. Others present: Robert Kennedy, Kirk Rother, Jay Myrow, Robert Silber, Benny Silber, Joe Lawler, Donna Kipp, Guy Kipp, Lugene Maher, Raymond Maher, Kayleigh Maher, Susan Charity, Kathy Gerstner, and others.

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

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the Minutes of October 1, 2018. Five Ayes

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to accept Reports: Clerk's Office (September 2018) & Tax Collection Summary (September 2018), Justice (September 2018), Building (September 2018), Planning Board & ZBA (September 2018). Five Ayes

Authorization to pay all Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to authorize to pay all Approved and Audited Bills in the amount of \$112,074.34. Five Ayes

Announcements

1. Scare the Mayor - Village residents are invited to try their best to Scare the Mayor for the Village's Second Annual "Scare the Mayor" Contest. This is a contest for the scariest, most frightful, scream worthy Halloween decorated house in the Village of Warwick. To register your home, please contact Village Hall by Friday, October 26. Judging will begin at 7:00 p.m. on October 30, 2018.

Trustee Lindberg: We started this during our sesquicentennial year. We had probably four contestants and they were, they went over the top, they were just wonderful. It was actually scary.

Mayor Newhard: It was pretty scary, especially the chainsaw.

Trustee Lindberg: Yes.

2. There is a Halloween curfew for all persons under the age of 18 unless accompanied by a parent or guardian on all Village streets and parks and other public areas in the Village of Warwick between the hours of 8 p.m. on Tuesday, October 30th to 6 a.m. on Wednesday, October 31st, 2018 and again on Wednesday, October 31st from 8 p.m. to 6 a.m. on Thursday, November 1, 2018.
3. The Village of Warwick Recreation Department and the Warwick Lions Club will hold a Halloween Parade on Wednesday, October 31, 2018. Lineup will be at 4:30 p.m. on Church Street and the parade will start at 5 p.m. and proceed down Main Street to Railroad Green where Halloween treats will be handed out, ending in a Costume Contest.
4. Oakland Court, Welling Avenue and Orchard Street west of Elm Street will be closed on Wednesday, October 31, 2018 from 4:00 p.m. to 8:00 p.m. because there are hundreds and hundreds of kids trick or treating on those streets.
5. No overnight parking within the Village of Warwick between the hours of 2:00 a.m. and 6:00 a.m. from November 1 until April 1 of the following year.
6. Leaf Pickup – Now that fall is here the Village of Warwick will begin picking up leaves on November 1. Leaves must be placed at the curb in paper bags. The last pickup will be during the week of December 10th. To ensure a final pickup, leaves must be placed at the curb prior to December 10th. Village residents may also bring bagged leaves to the Village Brush Pile which is open every Saturday and Sunday in October and November from 12:00 p.m. to 4:00 p.m.

Presentation

1. Village View Estates

Kirk Rother, engineer for Village View Estates, provided a presentation to the Village Board regarding a Special Use Permit application and Annexation Petition that is currently before the Village Board. This was a similar presentation to the one Mr. Rother provided to the Planning Board during the Public Hearing on September 20, 2018 for the Village View Site Plan Application. The applicant's attorney, Jay Myrow, was also present to provide information and to answer questions. Village Attorney, Stephen Gaba, spoke about Mr. Fairweather's report on bonus density lots in cluster development subdivisions.

Correspondence

1. Letter from Village Attorney, Stephen Gaba, regarding Village View Estates Special Use Permit Application.

2. Email from Village Attorney, Stephen Gaba, regarding Kennedy Apartments.
3. Letter from Pinsky Law Group regarding the Warwick Fire District fire station demolition and replacement.

Trustee Patterson: Apparently in the Village of Waterford.

Mayor Newhard: Yes, and the Town.

Trustee Cheney: And if you look on the Short Environmental Assessment Form Part 1, they are looking to need approval from the Town Highway Department and the Town Planning Board.

Mayor Newhard: That's right.

Trustee Patterson: Do we need to ask them to correct that?

Mayor Newhard: Yes, we do.

Trustee McManus: We did once already, and it hasn't been corrected.

Mayor Newhard: Did you read this Steve?

Stephen Gaba: Yes, they should sign the EAF as well.

Mayor Newhard: Yes, they should sign the EAF as well. So, I think we need to send a pointed letter pointing out all of these things, correct?

Stephen Gaba: Well, here's the bottom line on it, they're going to go forward, the district is, with SEQRA review and this is a letter saying to you if you have an objection with them serving as lead agency, now's the time to speak up. They really should be the lead agency on this project, I mean it's their project.

Mayor Newhard: We understand.

Trustee Patterson: They are lead agency.

Mayor Newhard: Right, we understood that.

Stephen Gaba: Right, that's all that letter says is we're telling you we are going to be lead agency and here's a copy of everything. Now, if you want to send a letter pointing out that if you should do the SEQRA review, it would be more appropriate to have the correct name of the municipalities involved, that's great, but it's not going to make any difference.

Trustee Patterson: I think it behooves us as a Village to work closely with them, to make sure that we're helping.

Trustee McManus: I think it would make a great difference if they are doing it through a different Village than the Village of Warwick.

Trustee Patterson: Well, that's only in the letter. I just think let's work with them and give them the advice they may not otherwise get the benefit of because they are lead agency.

Trustee McManus: We did do that the night they were here.

Trustee Patterson: I know, but maybe you can wright a letter.

Trustee Cheney: So, if we could just continue the discussion a little more. I'm confused because they say they need Town Planning Board site plan approval, which is Village Planning Board site plan approval. Why are they saying that? Right? They don't have any approval...

Stephen Gaba: We've gone over this with them before. I'm not sure why they are saying that. It's the County of Monroe Doctrine. They have another municipal entity, well you guys know this, so I mean maybe they are going to provide a courtesy submittal and not actually...

Trustee Cheney: They kind of went through the whole process so they didn't have to do that. They said they'd work with the Planning Board and keep the Planning Board apprised, I believe, when the representative from the Fire District were here.

Stephen Gaba: I don't like to guess but I was going to guess they prepared the EAF just saying what potential land use approvals there could be, of course they got the municipality wrong, and they just left it like that when they were done. They didn't change it to say, oh we've gone through the County of Monroe, and the Village has, and we don't need those land use approvals and they just never changed their EAF.

Trustee Cheney: And I have another problem with the Short Form and that was number six, it says, 'Is the proposed action consistent with the predominant character of the existing built or natural landscape?' I think given the significant changes they are making to the site plan that that probably should be answered 'no' and I think we should advise them of that as well so that they at least pay attention to it when they're deliberating over the Environmental Assessment Form.

Stephen Gaba: Do you me to assist you with a letter or do you want me to send a letter? What would you prefer?

Mayor Newhard: Why don't you assist me with a letter.

Stephen Gaba: Ok. We'll talk tomorrow.

Mayor Newhard: Ok, so we can have that which I think is very important, but also some of the errors.

Stephen Gaba: Well, you want to be nice about it.

Mayor Newhard: Right, I'll be nice.

Discussion

1. Kennedy Apartments Special Use Permit Application.

Mayor Newhard: Ok, under discussion this evening we have Kennedy Apartments Special Use Permit Application and you created kind of an overall...

Stephen Gaba: A draft resolution for the Board to consider if you want to go through that, I'd be happy to, but I mean it's up to you guys.

Trustee Cheney: Again, we have to wait until SEQRA.

Mayor Newhard: We have to wait until SEQRA, so we have time but are there any...I think the important piece is any stipulations that the Board may...

Stephen Gaba: Right, there are two parts besides the generic whereas clauses and vote that you have in any resolution, and the first portion of it is the findings that you are required to make to grant the special use permit for multiple dwellings and I kind of roughed out what I thought might be where the Board is going with this as far as how you look at this project and thought maybe those would be...but I am not a mind reader. Take a look at them and if anybody disagrees with what we have in there as far as the findings go, shoot me an email or whatever you think, we probably discuss it at a meeting if you like, and we'll change the findings so they reflect what your findings are not what I think your findings may be. And the other portion is the conditions, and of course there are boiler plate conditions that are in every special use permit as per the code but you may have other conditions that are specific to this site that you want to impose and I left a bracketed area for whatever it is that you thought would be appropriate conditions and you know, put it in the resolution and you guys can kick it around and get it in the final formula before you vote on it.

Mayor Newhard: I guess I'm wondering, and maybe we will find out what comes out of the SEQRA from the Planning Board as to what conditions they may impose.

Stephen Gaba: I think that will be very telling.

Mayor Newhard: Ok. Any questions for counsel?

Trustee Patterson: I actually would like to have a meeting.

Mayor Newhard: Attorney client privilege?

Trustee Patterson: Yes. I actually feel that the email that you sent was privileged, wasn't it?

Mayor Newhard: Yes.

Trustee Patterson: So, it shouldn't be in the agenda. I mean it's fine.

Stephen Gaba: What email are you referencing? Oh, that one well technically it is, but there's nothing in there that's....

Trustee Patterson: I mean there's nothing to hide, I'm just saying...

Trustee Cheney: No, it wasn't sent as privileged.

Trustee Patterson: I know well I feel like it should be. I feel like we are receiving through that email, getting advice from counsel. We don't do special permits very often and I think we have a variety of opinions about it and I for one, would like to flush it out and Steve is suggesting but I would like to do it with our attorney present because we have to do this, did we change it, do we not have to make our recommendations by the 18th?

Stephen Gaba: As far as SEQRA goes?

Trustee Patterson: As far as our conditions for the Planning Board. I was under the impression that we had to... am I wrong, did I read all those emails last week incorrectly? That we had to have a decision...

Stephen Gaba: The Planning Board is lead agency in SEQRA review. They have to make their SEQRA determinate finding statement is what they will eventually adopt first. Then this Board will make its determination on whether or not to grant the special use permit. That determines whether the Planning Board can go forward and grant site plan approval. So it has to go Planning Board on SEQRA, then Village Board on special use permit, then back to the Planning Board for site plan.

Trustee Patterson: Ok.

Stephen Gaba: So, you do not need to make any recommendations before the finding statement is made. You are free to comment if you're so inclined but your recommendations as far as site plan goes will be set forth in the special use permit. Their finding statement will, I would think, will influence how you determine the special use permit, any conditions that you may impose on it. And then when they go to grant site plan approval, they will be bound by any conditions or other terms you impose on the special use permit. Does that...

Trustee Patterson: It does, but the problem is that we only have one shot at SEQRA, right?

Stephen Gaba: Well, yes.

Trustee Patterson: So, if we for whatever reason decided that one of the reports or interested agencies, whether it's schools or traffic or whatever, is not one that the Planning Board is considering, that something separate that we're considering, we've missed our chance to have them get that analysis as part of SEQRA.

Stephen Gaba: Ok, we were working on a letter...

Mayor Newhard: There was a letter that did go out.

Stephen Gaba: Ok, was there anything in addition to that or...

Trustee Patterson: I don't know we haven't met and talked about it, that's my point. I mean that letter was good, and I'm certainly interested to have that happen, but that's the problem that I'm having, is that I don't know how my fellow Board members feel about this and I don't want to miss the opportunity to flush it out and add to that letter.

Stephen Gaba: We could discuss it now or you're not prepared to do that this evening?

Trustee Patterson: No, I am.

Mayor Newhard: I think the question is if executive session...?

Stephen Gaba: Well, you could consult with me as far as the legal aspects of the application. That would be acceptable if that's what you want to do, sure.

Trustee Cheney: But that's pretty narrow.

Stephen Gaba: Yes, yes, it is.

Trustee Cheney: So, if we're discussing issues or concerns that we have about the project that we feel the Planning Board needs to address, that's a technical thing that probably wouldn't be subject to allowing us to go into executive session?

Stephen Gaba: You cannot have a discussion in closed session among yourselves regarding conditions that might be imposed or issued. You could have a discussion, a closed session, to ask legal questions of me in regard to whatever it is whether you are concerned about drainage or traffic or visual impacts, the landscape or whatever it is and you could ask me and we could have back and forth on that as far as the legal aspects of imposing conditions or what's required as far as special use permit in closed session. I think that's what is being proposed, if I'm not mistaken.

Trustee Patterson: That's what I'm thinking.

Trustee McManus: I'd like to make a motion to go into executive session for discussion with counsel for information.

Trustee Patterson: Because we need this by the 18th, right, when they begin SEQRA.

Stephen Gaba: Well, that's the last date for written comments following the closing of the Public Hearing. Is that what's going on?

Mayor Newhard: For SEQRA, for the Planning Board.

Stephen Gaba: Yes, that's what I thought. Then yes, you do after the ... well, there's a period in which written comments are accepted on a DEIS and those comments must be addressed in the FEIS. Each and every one of them and there has to be an index saying this is where this one is addressed, this is where this one is addressed. If you want your comments to be addressed by the applicant in the FEIS then you must get in your comments before the deadline for the written comments on the FEIS.

Trustee Cheney: Right not the status of application is that they've asked for a Long Form EAF, which they received and a complimentary traffic study, which they received. So, they're going into a meeting Thursday night with those documents at hand, and I would think with the ability to issue a Negative Dec is they so desire.

Stephen Gaba: Oh, I see. Ok. I'm sorry I had it confused with Village View. That's the one that they issued a Positive Declaration on. This one they haven't decided one way or the other. Well, this one then you're not under a deadline for an FEIS or anything along those lines but you would like your comments in before the Planning Board determines whether or not they're in a position to adopt a Neg Dec or a Pos Dec and that being the case it's not a legal deadline it's just is as a practical matter, you better get your comments in or the Planning Board may make its decision.

Trustee Patterson: And that's on Thursday. So, I'm seconding George's motion.

Executive Session & Return to the Regular Meeting

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to go into executive session for discussion with counsel for information. Five Ayes

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

2. Water Billing

Mayor Newhard: We are going to move forward in our discussions to water billing. Ok, now Raina you're usually the quiet one at the end of the table but I'm going to ask you to bring the Board through some of the research you've done and actually the proposal that you and the Water Billing Clerk and you leaned on Mr. Gaba about.

Raina Abramson: Ok, in really starting to grasp and understand what the water billing process is and how the Village has two different cycles of billing and then understanding with our late fee penalties and then the amount of mailings that are being sent to the residents, the initial bill is mailed out, again for two different cycles, one on the 15th of the month and one on the 1st of the month and residents have thirty days to pay without penalty. And then after thirty days past due there is another late notice that is printed. And I should back up, the initial bill is done through our machine, printed with a printer and then run through the bill folding machine in the back and goes out in bulk mail. Then after the thirty days are past due, there is a late notice that is run. That late notice is hand folded, hand stuffed and put into an enveloped and stamped and mailed.

Mayor Newhard: And how many are there usually?

Raina Abramson: We have approximately 1,100 meters in each cycle. So, usually at this first thirty-day notice there has to be at least three hundred or so, if not more, that are receiving late notices. I would say Diane usually tells me about forty percent, so maybe a bit more. Then after that we have a sixty day past due notice where the three percent penalty is added. That second late notice, that goes out to about one hundred seventy-five accounts, that's what it was last time for cycle one. Again, those are printed, hand folded, hand stuffed and then stamped with postage individually. And then after seventy-five days past due there's a certified mailing that goes out. That ranges anywhere twenty to thirty residents each time, again for each cycle. Those are actually, another letter that is hand stuffed and then all of the certified mailing cards, stickers, everything. It's a cumbersome process for each of these steps. And then eighty-two days past due the door knockers are placed at the residence. The water department goes around and places door knockers, again those are all filled out by hand and placed on the doors. And then after eighty-five past due, that's when the water is finally turned off. But if you look at the cycles, just if you look in comparison at cycle one which is book ten and then cycle two which is book twenty, there's overlap each time. For example, today we're currently in period three for cycle one so residents had until today, October 15th to pay with the 3% penalty, where they are now going to receive a certified shut off notice. Again, that's going to be about twenty to thirty certified that have to go out. But if you look at cycle two in period three, we're not at the first late notice with the 5% penalty. Not tomorrow we have to send out all those thirty-day notices. So, there's overlap in each cycle where your spending literally hours folding and stuffing. What we're proposing it to cut it down. Of course, we did refer to Steve to help us out to be sure that we're compliant with our Village Code and what it states, and Steve advised us that we can cut out the middle notices. So, we're proposing we send out the initial bill, and again they have thirty days to pay that bill, and then after sixty days past due, so really ninety days since they received their first bill, they would then receive one shut off notice. They would still have twenty-five days to pay, but in this case, we would no longer print, hand fold and hand stuff the bills, we would use

the machine in the back. The bills would be printed in a different color ink than your initial water bill, it would say final notice. Each of the bills, the first bill you receive and of course the late notice/shut off notice would have all the language explaining the thirty days past due you have a 5% penalty, sixty days 3%, and then a shut off will be mailed to you and you have twenty-five days to pay. Again, they will receive a door knocker after that second notice which would have come sixty days later. We are also working to put our water bills online, so residents can go directly to the website. They can pay now online, but the difference is with Official Payments they have to have their bill in hand and they have to know the amount that is due. Once we go through Edmunds which is the software we are using, residents can go online and look up their account. They have to create a password, and they can see what their bill would be at any time and they can just pay it there online for a very small fee. So, what we are trying to do is streamline this very cumbersome process. Make it more efficient and bring it up to the times.

Trustee Patterson: The new millennium.

Raina Abramson: Yes. And just to reduce all of the paper. There are stacks of paper that leave our office and postage.

Trustee Patterson: I think it's great. I have no issue what so ever.

Trustee Cheney: So, after sixty days we collect no additional fee.

Raina Abramson: That's right. The fee schedule would still be the same we're not proposing to change the fee schedule. You will receive your initial bill and then thirty days later if you haven't paid you don't get a notice...

Trustee Cheney: So, if we do the thirty days, the sixty days – we shut their water off. They still don't pay, and they don't want it turned on - this is probably very unlikely that this would happen, we're collecting no additional...we're not getting the money and we're not collecting any fees?

Raina Abramson: That's right, but that's according to the fee schedule. The Village has only imposed a 5% and 3% and then there was a certified mailing fee charge which then the residents would no longer receive because we would no longer be sending the certified. That's \$6.50 is added to their bill each time so actually you're even saving residents money in that capacity by not sending out the certified. But, the schedule of fees, we don't have an additional eighty-five day, what ends up happening is that their water is turned off. If they want to turn it back on they have to pay their balance in full plus the \$100 reconnect fee. If nothing is paid at all, then that gets relieved onto their taxes and does happen. We had them this year.

Trustee Cheney: Which may not continue at least through the County, that the County would not be reimbursing us for that.

Mayor Newhard: Really?

Trustee Cheney: For the sewer / water type fees. Property taxes, yes.

Trustee Patterson: Interesting.

Mayor Newhard: That is interesting, yes.

Trustee Cheney: I believe they're not supposed to.

Trustee Patterson: But the late fees, if you're asking about the late fees, they would still be charged?

Raina Abramson: Oh, yes.

Trustee Cheney: But only for the first sixty days.

Raina Abramson: Right, but that's the way is already is now. Right.

Trustee Patterson: So, we're not actually losing any fees.

Trustee Cheney: But it doesn't make any sense that if we're not getting the money, like if you don't pay your credit card bill, they don't stop after sixty days if you haven't paid it. You continue to accrue interest and I guess I was wondering if maybe we should consider that up until water turn off, it's 5% a month, including... a month is the first day or the sixty first day, or the ninety first day, whichever it is, and then after water shut off, continue it at 2%.

Raina Abramson: That would be of course, your decision.

Trustee Patterson: That would be included on that language that you're talking about on the late bill.

Raina Abramson: That's right. Whatever the language is, whatever the schedule of fees you would want to be changed to. Right now, the issue is that we are really hoping we can reduce the mailings for sure.

Trustee Cheney: Definitely. Yes, that's great.

Trustee Patterson: Yes, and does Edmunds allow for those fees to be attached?

Raina Abramson: Absolutely, when we go into our software we apply those fees to both the water and sewer automatically to each cycle and then we go in and print them. We are just cutting out the printing. And we can go in and edit the bills. The initial bill that goes out, that

residents receive now, will have that additional language. Then their sixty-day notice which would be in a different color ink, it would be red as opposed to blue, it would say final notice and it would have it there. And then what I'm proposing is that because the cycles overlap so much there's no clear way to do this. We can't say as of such and such date on each cycle, the first day of your bill Eileen this is when it's going to go into effect, but the first day of George's bill is going to go into effect... We have to, I have on the back of one of the pages here, I'm proposing that we make this effective November 1st because tomorrow as I said we will be sending certified and sending out the thirty-day late notices. Because we haven't notified residents that we will hopefully be doing this. So, I'm proposing for cycle one we complete period three all together with the certified mailings. So, period four for the first cycle will be a clean transition. But for cycle two we have to complete period three with the first late notice, which we are doing tomorrow, are you following me?

Trustee Patterson: Nope (laughter). Trust me Raina, I am trusting that you know.

Raina Abramson: We're going to notify residents. We're not going to send out certified to the second group.

Trustee Patterson: Great job, seriously.

Trustee Cheney: So, we don't have a motion to do this.

Mayor Newhard: No, but maybe our counsel can guide us with a motion?

Stephen Gaba: Well, I thought that the motion was just to amend the schedule of fees. You don't need one as far as the

Mayor Newhard: Process goes.

Stephen Gaba: Right.

Trustee Patterson: But, do we need to amend the schedule of fees if we're not going to do certified mailings anymore.

Raina Abramson: That's what it's doing.

Trustee Patterson: It's not a matter of removing the fees, we're removing the certified.

Raina Abramson: That's correct.

Trustee Patterson: Ok.

Mayor Newhard: Ok.

Trustee Patterson: Well, does that apply only to the water bills, the certified mailing fee?

Raina Abramson: The certified mailing fee was only applied to the water side of water / sewer.

Trustee Patterson: Right, but as far as the fee schedule is concerned, that's the only place a certified mailing fee applies under water?

Raina Abramson: Yes, it is.

Trustee Patterson: Ok. I'm just thinking we might need it for something else. If we had to send a certified to somebody.

Trustee Cheney: This is only related to water ...

Trustee Patterson: On the schedule of fees. Right.

Trustee Cheney: The change we're making, so if it was somewhere else it wouldn't affect it.

Raina Abramson: I actually attached the schedule of fees to the back of the schedule of fees just, so you can see how it reads now and how it really is with the penalties.

Trustee Patterson: Ok. Really good job.

Raina Abramson: Thank you.

Trustee Lindberg: Very good.

Raina Abramson: Thank you.

Privilege of the Floor

(Please limit your comments to **five (5)** minutes. If reading a document, please submit a copy to the Clerk. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Raymond Maher: Hi my name is Raymond Maher. I live on 52 Woodside Drive. We're not here to rehash the show, right, this is Planning Board stuff that he showed to you in all its shining glory?

Mayor Newhard: Yes.

Raymond Maher: So, all the issues will be taken care of with the Planning Board on that?

Mayor Newhard: Yes, well the Planning Board will be making a SEQRA determination based on the information that they garnered at the Public Hearing which is still open of course and it's Thursday.

Raymond Maher: So, is there any input we need to say here about that demonstration, or...

Mayor Newhard: Well, why we saw it was because we're responsible for a Special Use Permit.
Raymond Maher: Yes.

Mayor Newhard: And so, it's appropriate for them to give us a presentation.

Raymond Maher: The other thing is was very shocked about when the lawyer was speaking, was that I don't know if it was a threat or holding the Village up for ransom or whatever by saying that if they don't get the fee reduction they're not going to put in affordable housing?

Trustee Patterson: It wasn't right. It wasn't a threat. It was them trying to determine...

Raymond Maher: I sounded like I'm going to take my ball and go home if you don't give me the reduction.

Trustee Patterson: No, I understood it that they were going to run their numbers and that's going to help them determine whether or not they can include the affordable housing.

Raymond Maher: Well, I mean he said if they don't get the fee reduction they were going to not do the affordable housing. That was pretty much...

Trustee Patterson: It's their choice whether or not they want to do the affordable housing.

Raymond Maher: Well, Jay Myrow's not here anymore.

Mayor Newhard: Well, they're not required and so if it can happen, the only way it potentially could happen, is if once they crunch the numbers whether they can do that, so, that's something they're going to have to look at carefully.

Lugene Maher: Yes, hi. I'm Lugene Maher. I live at 52 Woodside Drive. As you're well aware there have been a number of public hearings. There's been approval ten years ago for this particular development. If you have been following, and I know several of you have been at certainly the last public hearing and all along both from residents as well as experts you have heard there are significant concerns with this development pertaining to infrastructure, safety, traffic, water runoff, sewer, wastewater treatment, etc. that I think are extremely important to pay attention to in this process before anything is approved. Quite frankly the annexation of the sliver, I would request that no decision is made until we get through the process with the Planning Board. While it's presented as if it is preserving the landscape, it actually will allow the

developer to put a road on Woodside and add another home onto that property and may actually be less costly for the developer so they don't have to put another crossing over the stream, a second crossing as was in place ten years ago with the plan that was previously approved. To my knowledge this is the first cluster subdivision that is being built since the new law was put in place. Is that correct?

Mayor Newhard: That is correct.

Lugene Maher: So, this actually will set precedent. The decisions that are made by the Planning Board will set precedent for the rest of the Village, so the decisions that are made are extremely important and I would just urge everyone to proceed with caution with the development moving forward. The residents have enormous concerns, many of which I've already mentioned but with that, have had to pay out of pocket as taxpayers, pay out of pocket because we're not environmental consultants, we're not land trust attorneys. We're teachers, we're nurses, we're police officers, fire fighters. But because we had so many concerns we had to reach out to experts in this field of work confirming our concerns. So, I would just urge you please to read all the comments. To come to this week's public hearing to make sure as well that you're fully informed regarding all the issues with this before any decisions are made. Thank you.

Mayor Newhard: Thank you.

Guy Kipp: Guy Kipp, 25 Locust Street. With regards to...he talked a little bit about slope today, but if you've ever driven up Sleepy Valley, I assume most of you have. You know the slope on Sleepy Valley, if you were to walk up Sleepy Valley you'll be huffing and puffing and stopping, taking breaks and everything else, that's how steep it is. Now, they're going to put in a road that's going to be parallel, coming down that same slope right across from Ray's house and supposed to empty out onto Woodside. I want to give an instance that happened to me many years ago, because I've been there since 1985 on Locust Street. I had a car that came down and ended up in my front yard, ok, because on a snow day it came down right from the stop sign, couldn't stop, when it crossed the Decker's yard, it was on the corner, an old family of Warwick, and landed in my front yard and he actually went over my water pipe, the shutoff valve, and I never had it fixed. It's just below ground now. But anyway, just to show you what we're talking about with another development, with another road parallel to that one coming down that slope and I assume it's going to be approximately the same slope, I'm assuming that, ok. Now I'm sure he'll know exactly what it is, but that's a horrendous hill coming down Sleepy Valley, ok. And stopping at the stop sign if there's any snow or anything on that thing, boom – they're coming right down. They don't stop anyway a lot of times. I mean I could put a camera out my kitchen window and I could show you video's the people that stop and don't stop.

Mayor Newhard: Thank you Mr. Kipp.

Raymond Maher: To the point that in first, the approved FEIS, was the Village and Planning Board had deemed the road coming out of Woodside was unsafe and dangerous. I'm just trying

to figure out why now it's safe... and put a road coming down. That intersection is sketchy. You know besides water and runoff, you know, and there's other things like even I'm becoming knowledgeable on your codes here, which is sad, but you know there are not even one hundred-foot setbacks off of that stream. The houses are right off the... in one of his diagrams you have a, what do you call it, where there's water right away, or whatever, and it just stops for this retention pond. How does it just stop so you can put a retention pond in? If you had a map you could see it and ... this is stuff rehashing from the Planning Board, things that have to be resolved. Like some of these houses that he showed on his map where you asked about elevations by that upper road, from our engineer there's a sixteen-foot drop in elevation from the back of the house to the front of the house because they're built on 25% grade. I mean in your own notes at 25% grade is supposed to be protected. This is just the tip of the iceberg, what's wrong with that development. It's just too much. The twenty-eight acres, whatever, well they're making us think that they're doing us a big favor but, ok the first time they had the twenty-eight homes was, they fought and hemmed and hawed because they couldn't make it profitable because they had to build that second bridge over the stream, right, the economy went sour but that second bridge over that stream, as you mentioned it, was just too expensive and they couldn't make a profit. So, this Woodside is just to avoid that other crossing even though the Village and the Planning Board rightfully so said that it's too dangerous to put that road out onto Woodside Drive. And it goes on and on. You'll hear it from the Planning Board I'm sure. Thank you.

Joe Lawler: Good evening. Joe Lawler, Village resident. I don't have any bone to pick either way on the Village View, but if I remember you said ten years ago, if I remember that stop sign on Woodside was put in in view of a development that was upcoming. That was a while ago. Over a decade ago. There was no stop sign there before that.

Raymond Maher: We were responsible for that stop sign.

Joe Lawler: Ok, I remember it was put in for it. But my part is, the reason that we have these lists at a certain size was I imagine, due to a master plan that the Village put together and Town put together and said this is what we think our Village should look like. Correct so far?

Mayor Newhard: Yes.

Joe Lawler: Ok. In the old days if somebody wanted to build more homes then they were allowed they just paid some money under the table. Not here, I'm not saying here. Oh sure, but it went on. So, now we say ok, this is our master plan, this is the way we want the place to be. They come in and say we want to build more than that in here. How can we do that? Well, you pay us \$50,000 a home. To cover what expenses? Well, first of all why does the \$50,000 say that we should deviate from our original plan and say this is what we want Warwick to look like? And now we're going to make exemptions and we're not making it for affordable housing. We're making one on Forester Avenue for a forty unit one. That's supposed to have residential areas in it. This is homes, ok. They said seventeen additional homes. I'm going to say fifteen for

mathematical ease. That's \$750,000 that you stand to collect when they build those fifteen additional homes. Prorate that over ten years, just ten. That's \$75,000 a year. You can't pay a cop's salary for one year on \$75,000. So, how does that \$50,000 insure that we're going to supply emergency services, we're going to give extra money to the ambulance, fire, police, DPW, all these people are going to take a chunk out of that \$75,000 a year? I don't think so. If anything, you're not making any money to take care of the extra services. Take a look at it. Prorate it for ten years. You're not just going to pay that cop for the first year.

Mayor Newhard: I just want to point out that whoever buys a home will then start paying Village taxes.

Joe Lawler: That's correct.

Trustee Patterson: That's what pays...

Joe Lawler: You think that will compensate to pay the difference?

Mayor Newhard: I'm not saying that. I'm just pointing that out.

Joe Lawler: I know they do, unless they don't pay their bill. Right, Raina?

Trustee Patterson: Don't get her started. (Laughter)

Joe Lawler: I have nothing to do...this is on Valley View, I'm talking about from a conceptual point of view. All we've done basically is take the \$50,000 that used to come under the table, we put it above the table. We give it to the Village Board but it's not going to pay for the additional emergency services, DPW and everything else that will be involved with the Village. That's my point. I think \$50,000 is too low. That's my point. If you want us to deviate from our master plan, there has to be a good reason and we have to be reimbursed and paid for what is it's going to cost the Village. It's going to cost the Village more than \$50,000. I'm just talking off the top of here, no pencil tonight. That's from my review of the agenda and the minutes for tonight.

Mayor Newhard: Ok, thank you for your comments. I appreciate it.

Joe Lawler: Thank you.

Mayor Newhard: Is there anyone else that would like to speak to our Board?

Motions

**Resolution Amending Schedule of Fees in Regard to Fees for Bonus Density Lots
In Cluster Development Subdivisions**

WHEREAS, Village of Warwick Code §145-29 provides that property owners seeking cluster development approval for residential subdivisions may apply to the Village Board for a special use permit modifying the zoning restrictions on density to permit the creation of bonus lots beyond the number of lots that could otherwise be created in the subdivision; and

WHEREAS, Village of Warwick Code §145-29(D)(4) provides that for each bonus density lot sought by the developer and approved by the Village Board the developer must pay a fee established by the Village Board; and

WHEREAS, the schedule of fees approved by the Village Board currently sets the fee imposed by Code §145-29(D)(4) at \$50,000 per lot; and

WHEREAS, the Village Board commissioned Fairweather Consulting to conduct a study of the additional costs incurred by the Village due to the creation of bonus density lots in order to more accurately establish and set the fee imposed by Code §145-29(D)(4); and

WHEREAS, the results of the said study indicate that the fee imposed by Code §145-29(D)(4) should be set at \$40,000 per bonus density lot; and

WHEREAS, local laws or resolutions setting municipal fees constitute Type II (exempt) actions under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board accepts and adopts the findings set forth in the study conducted by Fairweather Consulting, a copy of which is attached hereto; and
2. That the Village's Schedule of Fees is hereby amended to delete from the subheading "Planning Board Application Fees", the entry reading: "Additional dwelling units as allowed by §145-29, Residential cluster development - \$50,000 per dwelling unit"; and
3. That the Village's Schedule of Fees is hereby amended to add at the end of the fees listed under the subheading "Subdivisions" an entry reading: "Additional dwelling units as allowed by §145-29, Residential cluster development - \$40,000 per dwelling unit paid into the Village's Infrastructure Reserve Fund; - **TABLED**

Discussion

Trustee Patterson: I thought we agreed at our last meeting that we weren't going to pass this resolution to adjust the cluster fees until the approvals were complete.

Stephen Gaba: Well, you can adopt it whenever you want to adopt it.

Trustee Patterson: I know but we had a letter from an attorney, and she had various suggestions about that topic, but one of them that struck home for us as a Board I thought that was that we were going to wait until after a decision was made before we determine the cluster fees.

Stephen Gaba: Well, it's up to the Board.

Trustee Patterson: I'm just surprised that it's on the agenda again because we voted on that, we decided not to vote on it at our last meeting and it...

Mayor Newhard: We tabled it...I thought that George said with the presence of legal counsel, so we can table it again.

Trustee Cheney: We can table it again.

Trustee Patterson: Yes, I would like to. I don't think it's appropriate to decide on that until we have a decision.

Trustee McManus: In the presence of legal counsel was a part of it, but not of the whole discussion so I thought it was tabled for a longer period.

Mayor Newhard: Ok. That's fine.

Approval to Pay Fred Devens Construction for the New Water Main Valve – Pioneer Farm

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to approve payment of \$102,829.90 to Fred Devens Construction for the New Water Main Valve Project on the Pioneer Farm property per the recommendation of Village Engineer, David Getz. Five Ayes

Approval for Payment #1 to EcoVerde – WWTP Odor Control Equipment Procurement

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to approve payment #1 in the amount of \$3,850 to EcoVerde, LLC for Odor Control Equipment Procurement per the recommendation of Barton and Loguidice. Five Ayes

Discussion

Trustee Cheney: Basically, this payment is not for what there building for us. It's for the development of plans and submission of shop drawings in that early stage process. The total project I think is about \$15,000 so this is the initial payment and the rest of it will not be applied for until such time as they deliver.

Adoption of the Sexual Harassment Policy

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried for the Village of Warwick to adopt the Sexual Harassment Policy for All Employers in New York State effective October 15, 2018. Five Ayes

Discussion

Trustee Cheney: This talks about the policy applying to all employees, applicants for employment, interns whether paid or unpaid, contractors, and persons conducting business with the Village. Are elected and appointed positions included in that as they're employees?

Stephen Gaba: Absolutely. They're considered as such under the Sexual Harassment Policy.

Trustee Cheney: Appointed's as well?

Stephen Gaba: Yes.

Trustee Cheney: Ok, good. Thank you.

Trustee Patterson: What about volunteers?

Stephen Gaba: Anybody who comes into your workplace.

Trustee Patterson: Like the ZBA for example who are not paid.

Mayor Newhard: They're appointed.

Stephen Gaba: Even vendors who come in are subject.

Warwick Fire Department – OCVFA Flag Raising/Memorial Service

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to the Warwick Fire Department to use Veterans Memorial Park for the OCVFA Flag Raising/Memorial Service from 8:00 a.m. to 11:00 a.m. on September 22, 2019. Completed park permit, and proof of proper insurance has been received. Security deposit has been waived. Five Ayes

Discussion

Trustee Patterson: We really do need to use all of the fields on this form. I know it's the fire department, but it's not signed by a Village resident. We have no proof of residency and we have a blank where it says excess insurance. And that may be ok, that we don't need excess insurance from them, so we just need to write N/A or \$0 or something on there. Ok?

Raina Abramson: I can start doing that, sure.

Trustee Cheney: So, the insurance that we've got doesn't expire until after September 22, 2019?

Raina Abramson: They would have to resubmit it. They would have to resubmit a new insurance. They set it up to where their insurance policy will automatically renew. It goes in accordance with their policy, so they don't take out this brand-new policy say on October 1st to cover the event, it's part of their policy, so whenever their policy started to whenever the year ends is when it renews again.

Trustee Cheney: So, if they didn't renew it, where are we? In other words, if it expires say December 31, 2018.

Raina Abramson: Right, if it did not renew, but I am tracking all of that. So, that is something that I am doing to be sure that we do receive the up to date document.

Mayor Newhard: Ok. Any more questions?

Warwick Fire Department – 9/11 Memorial Service

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to the Warwick Fire Department to use Veterans Memorial Park for the annual 9/11 Memorial Service on September 11, 2019 at from 5:00 p.m. to 7:00 p.m. Completed park permit, and proof of proper insurance has been received. Security deposit has been waived. Five Ayes

Resolution Amending Schedule of Fees Under Water to Remove Certified Mailing Fee

WHEREAS, Village of Warwick Code §64-1 provides that a comprehensive schedule of fees, including water system operations, be approved by the Village Board; and

WHEREAS, the Village's schedule of fees contains a provision for certified mailing fees to be applied as a penalty assessment for nonpayment to water accounts; and

WHEREAS, in order to amend the Village's Schedule of Fees to remove the provision for certified mailing fees to be applied as a penalty assessment for nonpayment to water accounts, it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees is hereby amended effective November 1, 2018 as follows:

In the Schedule of Fees, under the heading “Water” and the subheading entitled “Penalty Assessments” the following shall be removed:

Type of Fee	Amount
61 to 75 days after due date	Certified mailing; cost of mailing will be added to outstanding bill/penalties

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye
Eileen Patterson, Trustee, voting	Aye
George McManus, Trustee, voting	Aye

Reports

There were no reports

Discussion

Trustee Patterson: I do have a question about the one side of the street parking. Did you have any comment about that?

Trustee Lindberg: Which side?

Trustee Patterson: We had talked about one side of the street parking for Elm Street and Wheeler and Park Lane and I wanted to ask Mr. Gaba to move forward with that language for that change. But, then of course it's your bailiwick so I didn't know if you have any feelings or any additional roads.

Trustee Lindberg: Can you give me two more weeks?

Trustee Patterson: Yes, sure absolutely. Ok, thanks. And I have it spelled out in the email. I think it's no parking on east side or Elm. It's in the email.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session for the medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and to seek the confidential advice of counsel. Five Ayes

Exit Executive Session and Adjourn

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to exit executive session, resume the regular Village Board meeting and adjourn at approximately 9:30 p.m.

Raina Abramson, Village Clerk