

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 7, 2019**

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The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, January 7, 2019. Present were: Mayor Michael Newhard; Trustees Barry Cheney, Eileen Patterson, William Lindberg and George McManus. Also, present was Deputy Clerk, Barbara Ranieri and DPW Supervisor, Mike Moser. Also present: Katie Bisaro, Jim Gerstner, Ignacio Acevedo and others.

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

Mayor Newhard: I want to say Happy New Year to everybody around the table and of course out there in the audience.

Approval of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to approve the minutes of December 17, 2018. Five Ayes.

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 \$237,601.58. Five Ayes.

Discussion

Safety Surfacing at Stanley-Deming Park – DASNY Grant Project Budget

Mayor Newhard: Under discussion this evening, the first item is Safety Surfacing at Stanley-Deming Park – DASNY Grant Project Budget. The question here is we did receive \$75,000 through Senator Bonacic for this project. The question is whether the Village would opt to pay the difference and they would get their entirety of their safety surface as opposed to just a smaller amount obviously. I've spoken to Cat, it wasn't budgeted of course, but it is within... we do have lines such as our Money in Lieu of Parkland...

Trustee Patterson: What is the total cost of the Safety Surfacing?

Mayor Newhard: The total cost is \$90,000, so we would make up the difference which would be \$15,255.

Trustee Cheney: It's on page three of the project information sheet. Is there a requirement in the Grant for any in kind contribution?

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Mayor Newhard: I don't believe there is, no. There's no specific requirement for that.

Trustee Patterson: Did the Warwick Playground Dreams folks realize that that Grant is for this part of the project?

Mayor Newhard: Yes.

Trustee Patterson: So that means that they included the cost of the safety surface as part of their project or what the Village would contribute?

Mayor Newhard: As part of their project and their request is if the Village would pay the extra.

Trustee Lindberg: Again, some of it is the mulch that we would put on an annual basis anyway.

Trustee Patterson: That's part of that \$15,000, right? It's not in addition to? How much do you have budgeted for that Mike? Do you know?

Mike Moser: We usually do about \$8,000 for the mulch around that whole park.

Trustee McManus: Around the whole park or around the playground?

Mike Moser: The playground and the swing sets are the only place we put mulch out. I think the budget is \$10,000 a year.

Trustee Cheney: I guess that I would suggest that in the presentation that our in kind be put on the wood fiber line since it's part of what we're doing anyway. It's page three.

Trustee Patterson: It is in the in kind, isn't it?

Trustee Cheney: It is but move it down to wood fiber since that's what we're accustomed to doing on an annual basis anyway.

Trustee McManus: I think we should.

Mayor Newhard: They have done a remarkable job of the fundraising. They received a Grant from the Christopher Reeve Foundation on top of everything else for one particular piece of equipment which is a handicap accessible merry go round.

Trustee Patterson: The anticipated date of the project completion is May 31st so it's possible that we wouldn't have to reproduce this year's budget for the mulch and what

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we would have spent next year for the mulch because it's May 31st. It's the end of our budget year.

Trustee Cheney: But we're probably going to have to re-mulch... but it would be a lot less...

Trustee Patterson: We could option just to allow for it in next year's budget because by the time it gets done it would be next year's budget.

Mayor Newhard: I asked Cat about that, but she was very clear that the dates of this are... they have to be in relationship to a fiscal year. But I think that we are fine with the lines that we do have available in parks. I think that we should do that as a motion.

Playground Equipment – Engineer Stamp

Mayor Newhard: The next under discussion is Playground Equipment – Engineer Stamp. There's been a lot of back and forth about concerns about that. Eileen you had some concerns. Our insurance provider has basically stated that it's not necessary and probably a civil engineer would not sign off equipment such as this because in essence it's out of their realm. They can look at footings and they can look at construction and how it is installed but the actual equipment itself is very specific to that genre.

Trustee Cheney: It's like any piece of manufactured equipment like when we're doing the wastewater treatment plant the engineer wouldn't be certifying to a tank or the vertical bar screen, something that's a manufactured piece of equipment. The manufacturer has that liability to do it correctly.

Trustee Patterson: I can change my mind on my point which I made in the email was five years down the road, ten years down the road, at some point down the road when this committee is disbanded and Play by Design, we are not their customer and we need to make a change or repair or something, whether it's a signature or stamp or whatever, I guess I was thinking the stamp or the signature is our confirmation that our engineer is aware of the entire project, has looked at it and if something happens in the future that we need to make a change or replace or make a repair to it, the engineer is not going to be like, I didn't sign it. I'm not saying our engineer would do that, just from a knowledge basis is what I'm asking.

Trustee Cheney: From a repair standpoint, Bill you can vouch for this, we do it pretty regularly with the equipment that we have and we go back to the manufacturer and the manufacturer gives us the parts. If it's five or six years down the road, the manufacturer's warranty on that equipment is not going to extend that far. I don't know what the

warranty would be, but it would be a much shorter period than that, maybe a year or two for defects and workmanship.

Trustee Patterson: I guess I just want to know that the engineer is educated, whether it's a stamp or a signature, I just want to know that he's been fully informed and is aware. I agree with you, the manufacturer would come in. It just seems like there is so much that goes on that we want him to be aware of and I just thought that this was another one of those things.

Trustee Cheney: Dave's been involved in the process but not to the point that he would vouch for the drawings of the manufacturer and Playground by Design.

Trustee Patterson: Which is what the stamp is about is vouching for it?

Trustee Cheney: Basically, yes.

Trustee Patterson: Again, I can change my mind about the stamp or the signature as long as I feel comfortable and I guess I would want the Board to feel comfortable that our engineer is educated about the project without the technicality of the stamp or the signature.

Mayor Newhard: I believe that before we accept it, that our engineer will do a thorough examination and he's going to be watching the installation, so I believe just as in any project it gets signed off to some degree.

Trustee Cheney: I guess maybe there are two different things we're talking about. One is the physical design of the playground and all that entails and that's going to come from Play by Design and that's something our engineer would not be in a position to vouch for and something that our insurance company has said we don't need to have.

Trustee Patterson: Which is what Dave was referring to in his letter.

Trustee Cheney: Yes. Now the second thing is to the degree that we want oversight by the engineer to see that it's being installed in accordance with the plans and specs that we've got from Playground by Design, that's another matter and that's something that we have to decide, and we can direct the engineer to do that. We're just going to have to pay for it.

Trustee Patterson: That was my point. I guess your definition as an engineer your definition of stamp or signature is a very specific one. Mine is just like the stamp of approval that Dave is aware of it. I would like him to be involved. I think it's a worth while expense.

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Trustee McManus: So are we going to have him test concrete pressures for footings. Are we going to go that far with everything?

Trustee Cheney: I don't know to the degree that that's necessary. We can have him look at it.

Mike Moser: Brian was there for the gazebo footings.

Trustee Cheney: I think again, let's separate it into two things. The one is the design itself.

Trustee McManus: The design I'm okay with.

Trustee Cheney: So, the next thing is that we have to have a discussion with Dave and decide what we want to do relative to his oversight of the construction of the project.

Trustee Patterson: Okay, but I don't know that... I guess I kind of feel that it's up to us rather than asking Dave if it's okay with him. It could be a discussion among us to say we want him to be...

Trustee Cheney: I think part of it is what level of oversight do we want? Do we want to have somebody there every hour that the work's being done to watch it? There may be components of the project that are important for the engineer to be there to view like the footings, any of the foundations and then when it comes to putting together the pieces, that's Playground by Design's basic responsibility.

Trustee Patterson: I agree.

Mayor Newhard: I think we understand and it's a conversation we have to have with Dave, what we anticipate and also this is a very important project for the Village. Obviously, anything that is built in the Village as our engineer he does have some responsibility.

Trustee Cheney: That would come with a cost, we would have to pay for the time that Dave would be out there.

Mayor Newhard: But considering the larger amount of cost is being borne by the people who have raised money and made it possible.

Work Session too review Special Use Permits for Kennedy Apartments, Village View and Village View Annexation

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Mayor Newhard: That work session is slated for Thursday, the 10th at 7 p.m. Our legal counsel will be present as well as our engineer.

Correspondence

Mayor Newhard: Under correspondence we have a letter from Deputy Treasurer/Deputy Clerk, Barbara Ranieri regarding her retirement. Barb thank you for all that you've done for us. You've been wonderful and I see your work every day and I know it's like being in a batting cage without a bat sometimes. You've served our Village so extremely well and I can't thank you enough. We will miss you and as your letter said it was a hard decision for you to make and it's hard for me to accept it on many levels. We appreciate everything that you've done for us.

Barbara Ranieri: Thank you.

Trustee Patterson: Thanks Barb.

Mayor Newhard: Then we also have a letter from NYS Department of Environmental Conservation regarding the Water Quality Improvement Project which was a UV Disinfection Project. It was a grant that we had applied for, but we did not receive.

Trustee Cheney: The UV Disinfection was also submitted as part of the preliminary engineering report and that grant so it's going to be given 25% out of the \$3,000,000.

Mayor Newhard: Actually, we really won a prize.

Privilege of the Floor

Ignacio Acevedo, organizer Nobody Leave Mid-Hudson spoke to the Board about continuing to cooperate with the Village Board and community. He said it was a learning experience for his organization about how the Village works. He offered his support of whatever projects come up. Mayor Newhard advised Mr. Acevedo that two of the Trustees were going to head a focus group and invite a panel of other people from many key organizations within our community such as the school district, library and Chamber of Commerce. Possibly having a series of three meetings for the group to be as unbiased and come back to our Board with their findings.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment,

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employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation as well as the proposed acquisition, sale or lease of real property, or the proposed acquisition or securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
Five Ayes.

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

Mayor Newhard: We have to add a motion to hire a full time Deputy Treasurer.

Trustee Patterson: To go out to advertise.

Motions

Resolution Approving Contract for Purchase of 50 Orchard Street Property

WHEREAS, the New York State Housing Trust Fund Corporation has agreed to sell certain real property located at 50 Orchard Street, Warwick, New York to the Village of Warwick for nominal consideration; and

WHEREAS, a contract by which the sale of the said property may be completed has been prepared and reviewed by the Village Attorney, a copy of which is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby approves the said contract for the purchase of the real property located at 50 Orchard Street; and
2. That the Village Board hereby authorizes Michael Newhard, the Village Mayor, to execute the contract and all related documents necessary for the transaction.

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

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

Discussion

Trustee Cheney: Just to get it on the record the one document states that the buildings have been demolished, the structures have been removed but the contract states the purchasers shall purchase land and all buildings. I checked tonight and confirmed with Mike that the building has not been removed yet. I think we can go ahead with this tonight, but I think the Mayor has to wait until that gets clarified before he signs anything.

Mayor Newhard: Absolutely. I'll be speaking with Mr. Gaba about this. Also, just for clarification to the newspaper and anyone who is listening, this was actually a property that is in the flood plain and flood way. Over many terrible storms that we had, especially Irene, it became obvious that this house was inhabitable. Once we had a hazard mitigation plan in place the homeowners were able to pursue selling the property to the State which is what has happened.

Trustee Cheney: And the State's going to sell it to us for \$10, that's the nominal fee.

Mayor Newhard: We are obligated not to build on the property and really the only obligation becomes public property.

Warwick Valley BBA, LLC – Escrow Balance

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to return the Village Board escrow balance of \$9.17 to Warwick Valley BBA, LLC for the

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Special Use Permit of the Photovoltaic Energy System located at 28 Church Street. All invoices have been paid as per the letter from Village Engineer, Dave Getz and Village Attorney, Stephen Gaba. Five Ayes.

Odor Control Equipment Procurement

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to approve payment #2 in the amount of \$10,010.00 to Eco Verde, LLD for Odor Control Equipment Procurement per the recommendation of Barton and Loguidice. Five Ayes.

CPR and AED Training

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus and carried to authorize twenty-seven Village Hall employees to complete Adult and Child CPR and AED training through the Warwick Community Ambulance Service, Inc. on Tuesday, January 8, 2019 and Wednesday, January 9, 2019 at a cost of \$30 per person. Five Ayes.

Stipulations of Settlement

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to approve the proposed Stipulations of Settlement of two Notices of Claims filed by two Village Trustees in regard to payments for waiver of health insurance coverage and to authorize the Mayor to execute the same and all documents necessary to implement their terms. Three Ayes (Trustee Cheney recused, Trustee Lindberg recused.)

Chamber of Commerce – Warwick Valley Farmer’s Market

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to rescind the previously approved motion for the Chamber of Commerce relative to the Warwick Valley Farmers’ Market. Five Ayes.

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to grant permission to the Warwick Valley Chamber of Commerce to hold the Warwick Valley Farmers’ Market from May 12, 2019 through November 24, 2019 in the South Street parking lot with the exception of October 6 for Applefest. Five Ayes.

State and Municipal Facilities Capital Program

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried that the Village will support the creation of the ADA accessible playground as part of the State and Municipal Facilities Capital Program project an amount of \$15,255.80 for the purchase of wood fiber mulch. Five Ayes.

Discussion

Trustee McManus: I thought we were going with the poured in place?

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Trustee Cheney: No, the wood fiber is what we would apply our \$15,000 to because it’s the same as what we’ve already budgeted for spending for that item in our budget.

Trustee Lindberg: We still need the mulch.

Mike Moser: You shouldn’t need the same amount of mulch if you’re getting that and we’re doing it in April.

Trustee McManus: I’m still confused. I thought we were eliminating the wood mulch and putting poured in place.

Trustee Cheney: Two items for poured in place and two items for the wood fiber mulch. So, the areas where the wood fiber mulch would be used would not require the wheelchair accessibility, which is why we’re doing the poured in place.

Trustee Patterson: It doesn't change our budget... it changes the product, but it doesn't change what we put the money aside for on the budget. That's why Barry said we should move that amount down to here earlier.

Mayor Newhard: The DASNY Grant will cover the \$13,685 for the poured in place.

Trustee Cheney: No, it will cover the \$28,941.

Trustee McManus: It's just not making sense to me.

Trustee Patterson: These are the four things that have to happen for this whole ground cover thing as listed by Warwick Playground Dreams. We're just taking this \$15,255 which was randomly put under poured in place and putting it under wood fiber. It's the same money spent it's just we're spending it on something that we already allowed for in our budget.

Trustee McManus: I thought they wanted poured in place.

Trustee Patterson: It's both. It's poured in place and wood fiber on top of it. The maintenance part is the wood fiber.

Trustee Cheney: We need all of it. We need all those four items that are on page 3 of 3.

Trustee McManus: Fine.

Full Time Deputy Treasurer

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried add a position of full time Deputy Treasurer and to begin advertising for that position based on the job description that Raina Abramson and Cat Richards developed. Five Ayes.

DPW Supervisor's Report

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Mike Moser: Since my last report the Village Department of Public Works has been working on the following projects and assignments. Christmas tree pick up has begun throughout the Village. We assisted in preparations, execution and clean up of the Apple Eve event. We had a snow event early this year and the men did an excellent job. Our roads were some of the only drivable streets in the County. We repaired a water leak in Warwick Meadows. We planted a number of street trees with the Shade Tree Commissioner. The curbside leaf pick up is completed. The early snow did make the project more difficult, but the guys worked through it and got it all done. All parking meters with work orders have been repaired or replaced. All Village owned properties are being continuously maintained. We installed drainage and constructed a pad for the Odor Control Unit at the Wastewater Treatment Plant. We hung all the holiday decorations for the Gardeners on Railroad Green. We're working with the Village Engineer on the drainage structure on Maple Avenue and a sanitary sewer issue. We put up the decorated lanterns. We made a temporary repair to the front steps at Village Hall as we look for

more vendors on that project. Asphalt patching of potholes continues throughout the Village. We're continuing on our Infiltration Investigation working to resolve that high inflow issue. We're working with the New York State DOT regarding a new water service being installed under Maple Avenue at #64. We met with the security company for more camera coverage on Village owned properties. We had the inspection of the DPW garage by Comp Alliance Insurance Company. We moved the Driver Feedback Sign from West Street to South Street Extension to assist motorist's memory of the speed limit. A concrete pad was made for the generator at the Homestead Village pump station.

Trustee McManus: I have a question. To make it easier on our residents who live in the condominium areas where not all of the streets are Village streets. Can we go in and pick up trees on those instead of having them drag them out to Village streets?

Mike Moser: Absolutely. If they see them, they'll get them. I'll tell them to go in now that we know we can.

Trustee Cheney: We should contact the homeowners' associations and let them know we'll pick them up there.

Trustee McManus: Instead of making people drag them out to the main streets.

Trustee Patterson: Can I ask you a question about the street trees that were planted. Do we have a policy that we don't plant them under power lines and if we don't, don't you think we should?

Mike Moser: Well, the trees that he chose for under power lines are only supposed to grow up to be 8 feet. That's as high as they're supposed to go. I'm not a tree expert. I go by what he tells me, and we went around and looked at all these spots so I'm under the assumption...

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Trustee Patterson: Okay, so it wasn't a mistake. It was on purpose.

Mayor Newhard: Right tree, right place.

Mike Moser: He specified each tree.

Mayor Newhard: I've actually looked and they're fine.

Trustee Patterson: I just want to personally thank you, Mike, for being at Apple Eve. You were not paid overtime to be there. You were completely above and beyond your job description and to not be with your family on the holiday... I was surprised, not surprised but impressed that you were there. I wanted to thank you for that.

Trustee Lindberg: Second year in a row, or maybe third.

Trustee McManus: Third year in a row.

Trustee Lindberg: Your wife was there for the first one.

Trustee McManus: The weather was good for the first one.

Trustee Patterson: Can I also ask, at our last meeting we were going to review the employee handbook. You asked us to carefully look at that and I had asked to have it emailed to me. Can we try that again? That document that was part of the agenda at the December 17th meeting. It's easier for me to edit it if I'm looking at it on my screen, if that's okay.

Trustee Cheney: I just wanted to mention that I think most of us in and around the Village received a letter from Orange & Rockland regarding their attempt to do tree cutting around the Village. They do have a customer service line if you as a resident have concerns about what they're doing and how they're doing it. It explained it pretty well in the letter. It's not pretty but I guess it's effective relative to minimizing the number of power outages that we have due to storm events. I'd encourage you to contact the customer service at O&R and I think that you can also if that fails in any way contact Village Hall. We have a working relationship with Orange & Rockland and can take a look at what they're doing and possibly make some changes if that's appropriate.

Mayor Newhard: I can honestly say by participating in this program with O&R it does eliminate a lot of outages that may have occurred. We've been doing this for many, many years and also now as you were asking Eileen, our practice of where we put trees and what trees we plant is very specific to power lines and other conditions.

Trustee Lindberg: Just to continue the Apple Eve celebration, thanks obviously to the DPW. It's a lot of work trying to get this together. The Warwick Fire Department came in full gear for five to six hours. They raised and lowered the apple with our new truck. Thanks to those who came out. Probably by 12 o'clock there might have been 400

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people. It was terrible, terrible weather with rain. I would consider that a good crowd considering the elements.

Mayor Newhard: I must say that truck is beautiful, a very impressive truck and the firemen did a great job of ushering in their 150 years. I want to just shout out to Nar and Chris Kane and Mike Finelli for the work that they did. Nar, his artistry, Chris is part of that too. They did a great job and it becomes the focal point of the event. We truly appreciate it.

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson to adjourn the meeting at 8:55 p.m.

Barbara Ranieri
Deputy Clerk