

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
FEBRUARY 19, 2019  
MINUTES**

**7999**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, February 19, 2019 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, Village Attorney, Stephen Gaba and DPW Supervisor, Michael Moser. Others present: James Gerstner, AJ Arias, Sgt. Alton Morley, Patrick Gallagher, Anita Page, Rob Coleman, Keith Woodruff, John Christison, Caroline Bisla, Glen Carter, Susan Graf, Gene Bowen, Rachel Berlin, Margaret Bowes, Jill Schensul and others.

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

**Acceptance of Reports**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the January 2019 Reports: Clerk's Office, Justice, Building, Planning Board & ZBA. Five Ayes

**Authorization to pay all Approved and Audited Bills**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to authorize to pay all approved and audited bills in the amount of \$123,076.66. Five Ayes

**Police Report**

No report at this time.

**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.

Patrick Gallagher, John Christinson, Keith Woodruff, Glen Carter, Susan Graf, Gene Bowen, Rachel Berlin, Margaret Bowes, and Caroline Bisla spoke about the removal of trees buffering the homes surrounding the 16 Elm Street build site.

**Motions**

**Return of Special Use Permit Application Fee**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to authorize the return of the Special User Permit Application fee in the amount of \$200 to Armando Jorge Ferreira for an application that was received on January 7, 2019 for 72 South Street, and then was recalled by the applicant on February 9, 2019. The application was not reviewed by the Village Board, Village Attorney or Engineer. Five Ayes

**Discussion**

Trustee Cheney: I looked in the schedule of fees and some of the schedule of fees say non-refundable. This does not say non-refundable, so I think we're pretty much stuck with returning it. As far as the application fee goes and the application whether it was reviewed by the Village Board, Village Attorney or Engineer, those would all be part of an escrow, so no escrow was even established so it seems reasonable to return it.

**Water Line Easement at 116 South Street Ext. James Tomaselli & The Village of Warwick**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to authorize the Mayor to sign the Water Line Easement Agreement between James Tomaselli residing at 116 South Street Extension, Warwick, New York, Section 214 Block 2 Lot 6 and the Village of Warwick. Five Ayes

**Discussion**

Stephen Gaba: Just a note, that's ratification, that's already been signed.

Mayor Newhard: Ok.

Stephen Gaba: You can leave the wording, I just wanted in the record that you are ratifying it.

Mayor Newhard: Ok.

**Employee Training – Boris Rudzinski / Hudson Valley CEO Educational Conference**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson, and carried to grant permission to Boris Rudzinski, Building Inspector, to attend the Hudson Valley CEO Educational Conference on April 24, 25, and 26, 2019 at a cost of \$300.00 for registration. This conference will be held at the Poughkeepsie Grand Hotel in Poughkeepsie, NY. Five Ayes

**Discussion**

Trustee Cheney: This doesn't include overtime for travel or any means of getting there in terms of cost, so it may have to be revised but I think it's appropriate. He needs twenty-six hours a year as a Code Enforcement Officer and this is going to provide him with eighteen or nineteen, I believe.

Trustee Patterson: Is he going up each day or is he staying over?

Mike Moser: Traveling each day.

Trustee Patterson: Ok, thank you.

**Employee Training – Mike Moser / Hudson Valley CEO Educational Conference**

**MOTION** to grant permission to Michael Moser, DPW Supervisor, to attend the Hudson Valley CEO Educational Conference on April 24, 25, and 26, 2019 at a cost of \$300.00 for registration. This conference will be held at the Poughkeepsie Grand Hotel in Poughkeepsie, NY.

**WITHDRAWN**

**Advertise - Summer Office Intern**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to advertise for the position of Summer Office Intern. Five Ayes

**Advertise - Summer Engineer Intern**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to advertise for the position of Summer Engineer Intern. Five Ayes

**Winslow Therapeutic Riding Center – Annual Duck Derby**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to Winslow Therapeutic Riding Center to hold their annual Duck Derby on Sunday, May 19, 2019, at 1:30 P.M. in Linear Park by the Wawayanda Creek and South Street parking lot. Completed park permit, proof of proper insurance, and \$100 security deposit have been received. Five Ayes

**Warwick Little League 2019 Park Request**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to Warwick Little League to use Memorial Park and Stanley Deming fields for the 2019 Little League season which will extend from March 1, 2019 through November 15, 2019 as

per their letter dated February 5, 2019. Completed park permit, security deposit and proof of proper insurance have been received. Five Ayes

**Warwick Little League 2019 Parade and Picture Day**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to the Warwick Little League to hold their Opening Day Parade and Picture Day on Saturday, April 6, 2019. The parade will step-off promptly at 10:00 a.m. with lineup beginning at 9:30 a.m. The parade route will be Main Street, Railroad Avenue, South Street, Parkway, Park Lane, and then crossing Forester Avenue into Memorial Park. Picture Day activities will be between 8 a.m. and 6 p.m. in the Pavilion. Completed park permit, proof of proper insurance and security deposit have been received. Five Ayes

**Discussion**

Trustee Cheney: Just a point of information, this year the parade will probably include, we've been in discussions with them, the athletes from Beautiful People.

Trustee Patterson: That's awesome.

Mayor Newhard: That's great.

Trustee Patterson: That's a great idea.

Trustee Cheney: I can't credit for it, but it is a great idea.

Trustee Patterson: And just to note that we received an email from the police that they are aware of and approve the parade route.

Trustee Lindberg: Yes.

Trustee Cheney: I don't know that...it's been submitted to them. I don't know whether, have you seen anything from them yet?

Trustee McManus: They verbally agreed yes.

Trustee Cheney: Ok.

Mayor Newhard: It's sort of the standard route.

**Warwick Little League – Request for Closure of Church Street**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus and carried to close Church Street on Saturday, April 6, 2019 starting at 9 a.m. for the benefit of the Little League parade. Barriers to be provided by the Department of Public Works. The parking spaces on the east side of Main Street between High and Church Streets to be designated as "No Parking" so they can be used for drop-off of participants. Five Ayes

**Village of Warwick Background Check Policy**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson for the Village of Warwick to adopt the Village of Warwick Background Check Policy effective February 19, 2019. **TABLED**

**Discussion**

Trustee Cheney: It said that it doesn't include anyone under eighteen, but we hire recreation staff under eighteen. Is that because they don't have drivers licenses if they're under eighteen?

Raina Abramson: Are you allowed to do a background check on folks under eighteen?

Stephen Gaba: I don't think you are.

Raina Abramson: That was my understanding.

Trustee McManus: But they're working with youth.

Trustee Patterson: Isn't that something that came up with the auditor?

Stephen Gaba: I know but if the minor has any criminal record it's going to be sealed anyway. Maybe you could do it, but you can't find out anything because their record is sealed. I'll look further into it if you want, but my initial reaction is I don't think you can background check minors.

Trustee Patterson: I think that was an issue that came up when the state comptroller's office was here.

Raina Abramson: Not to my knowledge about employees under the age of eighteen.

Trustee Patterson: No, no just the fact that we need to do background checks on those who work with the camp, with the kids. So, I would like to suggest if we can't do a background check on anybody under eighteen that we don't hire anybody under eighteen because these people are working with children.

Stephen Gaba: But every municipality hires summer counselors who are under eighteen. You see it all the time at summer camps. So maybe there is some way. It can't be that hard. Let me make a couple of calls and I will get back to you as quick as I can.

Trustee Patterson: Ok, great.

Trustee Cheney: And the other question was it wasn't clear. Does it include appointed positions as well, because the appointed can be interacting with each other in Village Hall.

Mayor Newhard: When you say appointed positions...

Trustee Cheney: Planning Board.

Mayor Newhard: All positions.

Trustee Patterson: Volunteering.

Stephen Gaba: Well, yes, why wouldn't it.

Trustee Cheney: I didn't see where it clearly said that. I'm not sure whether it was contradictory or not.

Mayor Newhard: Well, why don't we just put this on hold and take a closer look at it.

Trustee Cheney: It says any adult staff member so if we changed it to employees or volunteer board members?

Trustee Patterson: Appointed positions covers it.

Stephen Gaba: Yes, a volunteer board is appointed because you get appointed if you're a volunteer.

Mayor Newhard: Ok, so you're going to look into this for us?

Stephen Gaba: Yes, I will look into it.

Mayor Newhard: Ok, so we will table that.

**Waiving the Reading of Resolution Revising Village Employee Handbook**

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to waive the reading of the resolution revising the Village Employee Handbook. Four Ayes, One Nay (Trustee McManus)

**Resolution Revising Village Employee Handbook**

WHEREAS, it is appropriate for the Village Board to periodically review and revise the Employee Handbook of the Village of Warwick to update the policies and procedures set forth therein in order to better serve the needs of Village, its employees and the community; and

WHEREAS the Village Board has before it a proposal to make certain revisions to the Employee Handbook; and

WHEREAS, the Village Board has reviewed and considered the said revisions, and finds them to be necessary and proper at this time;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Section 2.0, "Employee Classifications" of the Employee Handbook of the Village of Warwick including all subparts of Section 2.0, is hereby deleted in its entirety and replaced with the attached revised text.

2. That Section 3.5 of the Employee Handbook, "Behavior Policy", is hereby amended to add a new item (v) to Subparagraph (v) reading as follows:

**"Attendance Policy Violations** – The following actions will be cause for disciplinary action and/or discharge from employment:

1. Excessive absenteeism;
2. Excessive tardiness;
3. Unauthorized absences and/or failure to give proper notice.

(vi) An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.”

3. That Section 4.1 of the Employee Handbook of the Village of Warwick is hereby deleted in its entirety and replaced with the attached revised text.

4. That Section 6.3 of the Employee Handbook of the Village of Warwick is hereby deleted in its entirety and replaced with the following text:

**"6.3 Compensation Rates.**

(a) Except as provided by a collective bargaining agreement, the compensation rate for Village employees shall be set by the Village Board. Salary increases shall generally be accorded by the Board, in its discretion, and the Village's FY Budget. Such compensation shall be paid on the following basis:

(i) Hourly Compensation Positions:

Code Enforcement Officer  
Village Treasurer  
Deputy Treasurer  
Village Clerk  
Deputy Clerk  
Water Billing Clerk  
Senior Clerk  
Court Clerk  
DPW Clerk  
Planning Board Secretary  
Part-Time Employees  
Seasonal Employees  
DPW Employees (Paid hourly Per Collective Bargaining Agreement)

(ii) Salaried Compensation Positions:

DPW Supervisor (which is an Exempt Employee Position under the Fair Labor Standards Act)\*

Elected Officials (which are Exempt Positions under the Fair Labor Standards Act)

(iii) Stipend Positions:

Planning Board Members (Public Officers with a stipend determined by the Village Board annually in the Village's Budget)

(iv) Volunteer Positions:

ZBA Members  
Architectural Review Board Members  
Other Volunteers as approved by the Village Board"

*Footnote \* - Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not.*

(b) Longevity pay: In addition to the regular salaries for full time and office employees, the following schedule of longevity pay shall be in effect to be determined as of the employee's anniversary date. Longevity pay shall be paid in a flat amount in accordance with the following formula:

After five (5) complete years of service	\$280.00
After ten (10) complete years of service	\$560.00
After fifteen (15) complete years of service	\$840.00
After twenty (20) complete years of service	\$1,120.00

Longevity pay is not added to wages for the purpose of calculating yearly increases.

5. That the aforesaid revisions to the Employee Handbook shall be retroactively effective *nunc pro tunc* as of June 1, 2018.

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

The vote on the foregoing resolution was as follows: **AMENDED**

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

**Discussion**

Trustee Cheney: Relative to Section 4.1 travel relative to conferences and overtime.

Trustee Patterson: So, it's number three in this resolution. T That Section 4.1 of the Employee Handbook of the Village of Warwick is hereby deleted in its entirety. Is that what you mean?

Stephen Gaba: The revised text is what he is talking about.

Trustee Cheney: I'm talking about the revised text. So, on page five what we have for Section 4 where it says 'Travel' that we strike the preamble to that "In accordance with the U.S. Department of Labor Wage and Hour Division and the NYS Conference of Mayors" and then 'travel during regular workday, that stays the same. Travel outside of the regular workday would read 'time spent by an employee in approved travel outside of their normal workday is, strike the not, considered worktime and will, strike the next not, be counted as time worked. Then in 'Travel Away from Home Community' it should be revised to read 'Travel that keeps an employee away from home overnight is travel away from home. Approved travel away from home is considered worktime. And then strike from when it occurs all the way to the end of the hours of 8:30 a.m. to 4:00 p.m. And then travel, instead of 'it' replace that with travel, must be pre-approved by the Mayor and Village Board. And the rest of it...

Trustee Patterson: Ok, so what you're saying is they will be paid for travel time even if it is beyond the hours of their workday, their typical workday hours.

Trustee Cheney: Right.

Trustee Patterson: Ok.

Trustee Cheney: And even if it's on a Sunday it doesn't have to be within the structure of their normal workday. It can be anytime. My feeling is, if we're sending somebody to a conference or training session, it's for not only the benefit of the individual but the general benefit of the Village itself so I feel as an employer that if it's incumbent upon us to pay for that time.

Trustee Lindberg: If they are being paid by the hour.

Trustee Cheney: Right.

Trustee Lindberg: Right.

Trustee Patterson: Right.

Stephen Gaba: The only thing I would say Barry if you want to do that, and that's fine as far as you're not required to but you can if you want to, are you going to be added this as hours worked or are you just going to be paying this as a stipend.

Trustee Cheney: Hours worked.

Trustee Patterson: Hours worked.

Stephen Gaba: Right, so they're going to get overtime.

Trustee Patterson: They're going to get overtime if they hit forty hours that week.

Stephen Gaba: I understand. So, if you send them up to Buffalo, they're going to get an awful lot of hours.

Trustee Cheney: Yes.

Trustee Patterson: Yes.

Stephen Gaba: That's just the way, ok. As long as you're aware, that's fine.

Mayor Newhard: We recognize that it really isn't that many times and that for example our Public Works Department, if they do travel, they automatically get a stipend or a three-hour overtime by their contract, which is fine, that's great – we understand that, but it just seemed that it should be fair if we...

Stephen Gaba: You want it to match up. Ok, as long as you're aware.

Trustee Cheney: And then I did have just some clean up things on 3.5 Behavior Policy. On page three I think Mr. Gaba's intention was that section v the time and attendance violations, that those small roman numerals be changed to numeric numbers, 1,2,3,4,5 so there wasn't any confusion.

Raina Abramson: Ok, I thought it was just the excessive absenteeism 1, 2, and 3 so I'm sorry if that was my mistake.

Trustee Patterson: No, the numbers would be...

Trustee Cheney: So, then that would have to be a, b, and c.

Raina Abramson: Correct.

Trustee Patterson: Lower case a, b, and c.

Raina Abramson: Yes, ok.

Stephen Gaba: Wait what.

Raina Abramson: We have to change that to numbers.

Trustee Patterson: But then wouldn't that be true in section u as well?

Trustee Cheney: Yes, I guess that should be too. And then I don't know if this applies to anybody yet...

Stephen Gaba: Yes, that would be fine.

Trustee Cheney: In section u we have smoking and non-smoking areas and that's fifth one and sixth one is smoking in Village vehicles or equipment, should we change that to say smoking or vaping?

Trustee McManus: Yes.

Stephen Gaba: Just to be on the safe side.

Trustee Patterson: Literally.

Raina Abramson: Which letter was that?

Trustee Patterson: U, V and 5 and 6.

Raina Abramson: Thank you.

Trustee Patterson: Which will be the future e and f.

Stephen Gaba: If you have it in word just search for smoking anywhere and then make it smoking and vaping.

Raina Abramson: Ok.

Trustee Patterson: Ok, is that it Barry.

**AMENDED Resolution Revising Village Employee Handbook**

WHEREAS, it is appropriate for the Village Board to periodically review and revise the Employee Handbook of the Village of Warwick to update the policies and procedures set forth therein in order to better serve the needs of Village, its employees and the community; and

WHEREAS the Village Board has before it a proposal to make certain revisions to the Employee Handbook; and

WHEREAS, the Village Board has reviewed and considered the said revisions, and finds them to be necessary and proper at this time;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Section 2.0, "Employee Classifications" of the Employee Handbook of the Village of Warwick including all subparts of Section 2.0, is hereby deleted in its entirety and replaced with the attached revised text.

2. That Section 3.5 of the Employee Handbook, "Safety and Health Violations", under item (u) Subparagraph (5 and 6) is amended to read as follows:

5. Smoking or vaping in non-smoking areas.

6. Smoking or vaping in Village vehicles and/or equipment.

3. That Section 3.5 of the Employee Handbook, "Behavior Policy", is hereby amended to add a new item (5 and 6) to Subparagraph (v) reading as follows:

**"Attendance Policy Violations** – The following actions will be cause for disciplinary action and/or discharge from employment:

a. Excessive absenteeism;

b. Excessive tardiness;

c. Unauthorized absences and/or failure to give proper notice.

6. An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.”

4. That Section 4.1 of the Employee Handbook of the Village of Warwick is hereby deleted in its entirety and replaced with the attached revised text.

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Village Clerk  
Deputy Clerk  
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Planning Board Secretary  
Part-Time Employees  
Seasonal Employees  
DPW Employees (Paid hourly Per Collective Bargaining Agreement)

(ii) Salaried Compensation Positions:

DPW Supervisor (which is an Exempt Employee Position under the Fair Labor Standards Act)\*

Elected Officials (which are Exempt Positions under the Fair Labor Standards Act)

(iii) Stipend Positions:

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(iv) Volunteer Positions:

ZBA Members  
Architectural Review Board Members  
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*Footnote \* - Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not.*

(b) Longevity pay: In addition to the regular salaries for full time and office employees, the following schedule of longevity pay shall be in effect to be determined as of the employee's anniversary date. Longevity pay shall be paid in a flat amount in accordance with the following formula:

After five (5) complete years of service	\$280.00
After ten (10) complete years of service	\$560.00
After fifteen (15) complete years of service	\$840.00
After twenty (20) complete years of service	\$1,120.00

Longevity pay is not added to wages for the purpose of calculating yearly increases.

6. That the aforesaid revisions to the Employee Handbook shall be retroactively effective *nunc pro tunc* as of June 1, 2018.

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
Eileen Patterson, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

**FY 2018-19 Back Overtime Schedule for Overtime Payments**

**MOTION** to approve the FY 2018-19 Back Overtime Schedule for overtime payments to the Village Employees listed thereon. **TABLED**

**Discussion**

Trustee Patterson: We are going to table motion number thirteen until such time as our Village Accountant has had an opportunity to review it.

**American Legion – Annual Memorial Day Parade**

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to the Nicholas P. Lesando Jr., Warwick Township Post #214 of the American Legion to hold their annual Memorial Day Parade on Monday, May 27, 2019 at 11 a.m. as per their letter dated January 3, 2019. The proper insurance has been received. Five Ayes

**Deputy Village Clerk**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to appoint Denise Bulnes to the position of Deputy Village Treasurer effective February 21, 2019 at an annual salary of \$38,000. Five Ayes

**Stanley-Deming Park – Closure in Preparation of Build Week**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to close the current playground area and bathroom at Stanley-Deming Park on February 20, 2019. A construction fence will enclose the area to allow the removal of existing equipment, surveying, regrading and installing posts in preparation for the Build Week of April 22 – 28, 2019. The playground will reopen in May 2019 after rubber surfacing is installed and all proper inspections have been completed. Five Ayes

**Discussion**

Trustee Patterson: My question is do we have a specific plan for where the existing playground equipment will go? Can it be reused and all that stuff?

Mayor Newhard: We have a meeting with Playtime, I believe.

Trustee Lindberg: Yes.

Trustee Patterson: Oh, to determine if it can be reused.

Trustee Lindberg: And obviously it would be important how it comes out.

Trustee Patterson: Once it's been taken apart.

Trustee Lindberg: How it comes out of the ground.

Trustee Patterson: But the fire truck and the rock wall and slide are staying?

Mike Moser: They will stay, yes.

Trustee Lindberg: Well, we are obviously going to be restoring them and reinstalling them.

Trustee McManus: And the ADA swing stays.

Trustee Patterson: And the ADA swing. But if we could, I think George had suggested to me anyway, that we make a spot for the swing if they can be reused over at Memorial Park over by the pavilion.

Trustee Lindberg: Yes.

Trustee Patterson: Not anything else, just the swings because...or at least consider it.

Trustee Lindberg: Hanne gave me an email this morning. She suggested...I know there's a lot to be done and this is added work for the DPW so they just can't drop everything so that's why it takes a little bit more time, she made a suggestion should we keep it open until maybe Monday or Tuesday to give the people who have played on that playground for twenty years to say goodbye to it. That was her suggestion.

Trustee Patterson: Monday or Tuesday of next week instead of tomorrow?

Trustee Lindberg: Well, she didn't give me a date. Instead of tomorrow, maybe the rest of the week and then we close it on Monday.

Mike Moser: We have three boxes of locks that we left in the back of the room for people to pick up for four months now.

Mayor Newhard: Yes.

Trustee Patterson: He's got a good point and it's supposed to snow tomorrow.

Mayor Newhard: But I think it behooves us to do a lot of outreach on our social media to tell people that it will be temporarily closed and make sure they don't show up with a van full of kids so I think that's going to be more critical than the last hurrah.

Trustee Patterson: I appreciate the sentiment of Hanne's suggestion but pragmatically,

logistically I think we better just do it.

Trustee Lindberg: No, I understand I wanted to make you aware of that.

**Award of Sludge Conveyor System Replacement Project – J Squared Construction Corp.**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to accept the bid from and authorize the Mayor to enter into a contract with J Squared Construction Corp. in the amount of \$158,000.00 to complete the Sludge Conveyor System Replacement Project per the recommendation of the Village Engineer. Five Ayes

**Discussion**

Trustee McManus: Has J Squared ever done anything for us before?

Trustee Cheney: I don't believe so although the engineer's recommendation letter indicates that they found the bid documents submitted by them to be complete and they also discuss previous projects that they've completed with various references and received favorable comments from each reference.

Trustee McManus: Thank you.

**Film Permit – An American Saga, LLC**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney to grant permission to 'An American Saga, LLC' to film a scene on Railroad Avenue on March 5, 2019, from 10:30 a.m. to 3:00 p.m. per the attached letter, map, permit application, application addendum, and Village of Warwick release and hold harmless agreement for production filming. The request includes closing Railroad Avenue, closing sidewalks along Railroad Avenue, the use of one (1) parking space at the corner of First Street and Oakland Avenue, the use of one (1) parking space at the corner of First Street and South Street, and the use of twenty-four (24) parking spaces in the South Street Parking Lot. All fees including permit, shooting, parking lot rental, street, and sidewalk closer fees have been received. A \$5,000 security deposit and proper insurance have also been received. **AMENDED**

**Discussion**

Mayor Newhard: Sir, if you want to maybe come forward because we may have some conversation.

Rob Coleman: I'm Rob Coleman. I'm here to represent Imagine Entertainment and American Saga, LLC.

Trustee Patterson: So, it says in your letter no parking will be held on prep and wrap days. You just mean the parking will be held during the actual filming.

Rob Coleman: Just strictly for filming purpose because it is a period piece and it takes place in 1980.

Trustee Patterson: Ok, understood.

Rob Coleman: But for prep, we are pretty much going to be working on taking signs off of Better Homes, so no, no parking what so ever.

Trustee Patterson: Right. Ok, and then the parking spots that you're asking to use in the South Street lot, can I ask what that's for?

Rob Coleman: Mainly for Better Homes and Gardens is asking relocation of their employees. They want to see if they can have spots there and we have some support spaces. We are looking for two of our trucks possibly parking there as well.

Trustee Patterson: Ok.

Rob Coleman: Apparently, there is something going on in the morning with Better Homes and Gardens and they were asking about relocating cars and I thought that would be an opportune place.

Trustee Patterson: Yes, in my opinion these are the two most prime parking spaces, places to park are Railroad Avenue and the South Street lot, so I feel like we're kind of reserving that so I would be agreeable to setting aside some parking spaces in the lower CVS lot for that reason. I don't believe Better Homes and Gardens typically has more than six or seven spots.

Rob Coleman: They actually have a special Chamber event that is going on and they were going to have a large amount of people from 8:00 a.m. to 9:30 a.m. she said.

Trustee Patterson: Ok.

Rob Coleman: So, I was just trying to placate them.

Mayor Newhard: 8:00 a.m. to 9:30 a.m. in the morning?

Rob Coleman: Correct.

Trustee Patterson: Yes.

Rob Coleman: They are actually working on relocating it to another day. If that's the case it may not be necessary, just trying to be pre-emptive in case they do need to...

Trustee Patterson: I was just going to say, with that being a little bit up in the air anyway I'm even more enthusiastic about offering the lower CVS lot because I don't want to restrict it now and then have them end up changing their date and we have given no place for anyone who goes into the Village, not no place, but limited spots for people to park. So, if you guys agree.

Trustee McManus: Most times during the day the Chase lot is emptier than the lower CVS lot.

Mayor Newhard: Because the Chase employees are no longer parking in their specific spots.

Trustee Patterson: Oh, right.

Mayor Newhard: I think that would be better. I think that's quiet a long walk.

Trustee Patterson: It's a beautiful village though.

Mayor Newhard: It's a beautiful village.

Rob Coleman: Yes, that's fine. One of the things I ask I do have two trucks that are about a car and a half length that we would try to ask permission to park somewhere, if not in the Chase lot we could put it in the CVS lot.

Trustee Patterson: No, that would actually be...if there is something that you're going to have to actually, get to repeatedly...

Trustee McManus: The Chase lot is across the street from the lot you're asking for.

Rob Coleman: Yes, I've been there. I never parked in there. I didn't know if that was for people or ...

Trustee Patterson: Well it's permit parking and then it was permit parking for the employees of Chase, the Chase branch which recently closed so that frees those spaces up.

Rob Coleman: Great.

Trustee Patterson: I'm fine with Chase for all it – the trucks and the Better Homes and Gardens.

Rob Coleman: That would be wonderful. I think we can coexist there perfectly.

Mayor Newhard: We will double check to make sure that that is all available.

Rob Coleman: Ok, well we will make do with what we get, but that's a great idea because the South Lot looks like that is definitely utilized by the Village.

Trustee Patterson: My second question or comment is to encourage you and anybody who comes into work on your project how many restaurants and food opportunities there are in the Village. I hope that, I'm not going to tell you what to do, but I am going to strongly encourage you not to bring food from the outside the community, but to take advantage of the ...

Rob Coleman: And we are. First of all, we will be here for two days, a lot of us will be in the Town itself at a farm and downtown, our crews are going to stay in town or stay nearby so we would give the service list for all the restaurants nearby and make recommendations. We are probably going to try to do a lunch at Grappa while we are here.

Trustee Patterson: Great.

Rob Coleman: The craft service we will purchase locally, and we are very committed to doing that – try to bring as much...

Trustee Patterson: And it happens to be Marti Gras. There's a lot of events going on that night in town for Marti Gras – it's a fund raiser too.

Rob Coleman: Well, that's wonderful. We will definitely take advantage of that. We also have a crew of seventy-five that are going to look for somewhere to eat and they will be downtown in the Village.

Trustee Patterson: Great. Thank you. We appreciate it.

Rob Coleman: Absolutely.

Trustee Cheney: So, during the day the sidewalks, are they going to be permanently...

Rob Coleman: No, not at all.

Trustee Cheney: Ok. People would have access to the businesses along Railroad Avenue?

Rob Coleman: Absolutely. The only time we would ask for any reason is if anytime we are looking in for picture for rolls and cuts of thirty seconds, but we encourage people to come and watch. We are encouraging people to come and join us. It only depends if we are looking at a certain perspective.

Trustee Cheney: Sure.

Rob Coleman: But we've already guaranteed the businesses on the block that we are not impairing them and we will definitely work out a payment for everyone to have something for the loss of business if there is any.

Trustee Patterson: Wow, that's great.

Rob Coleman: But we're not going to encourage it, but we're going to make a deal with everyone on the block so that filming stays positive and then we can come back again, that's always a possibility.

Mayor Newhard: What about weather? What if...this time of year can be very...

Rob Coleman: That's a great question. The scene takes place where there's a child on a bus coming to see his uncle so a lot of it is inside the bus itself. The way we are emphasizing these hard to do reschedule, I think we have to kind of run with it either way just because we have a set schedule and we have to meet a deadline for delivery, so I don't see us having another option. We just have to hope the weather holds up, but if there's something on your end that you think is an issue we need to discuss as we get closer to the date, meaning snow or something.

Trustee Patterson: Snow removal.

Rob Coleman: Well, we have a company too.

Mayor Newhard: Ok.

Trustee Cheney: How did you come by finding us.

Rob Coleman: Well, I did a feature film two years ago with Jim Gaffigan that we shot in the Town of Warwick and on that occasion, we were at the Roadhouse, we were at Halligan's, we were at G's Restaurant. We were everywhere downtown for over a week and so when I got the script and it had this small-town look and image, I immediately thought of Railroad Avenue. I immediately thought I had some photos of it, and everyone said that that was it.

Trustee Patterson: Great.

Rob Coleman: That's the thing, once you film somewhere and have a great experience you always try to come back again because you know the terrain, you know what's around. It's easier and it's great Village for events.

Trustee Patterson: Great.

Mayor Newhard: Thank you very much.

Rob Coleman: We would love to return again.

Mayor Newhard: Ok. Will you be needing this particular...I mean this is a series so you do think there will be a return visit at some point?

Rob Coleman: I did mention in the script, the third script, we are on the first right now – the pilot. But I believe the third script there is a return where the character does ride back to the bus stop. I am working on the dates and all of that. I will try to get that to you as soon as possible to see if you are agreeable. And that scene is a ... we are roughly looking to finish both of these scenes we have inside the bus, right outside the bus, within three hours but I think if we did return it would be in those same parameters, that same time. But we will need a day to dress the shops. I think it's going to be fun and like I said we encourage the neighbors - if there are any schools or classes that want to come we can teach them film making.

Trustee Patterson: Oh, that's awesome.

Mayor Newhard: Good, very good.

Rob Coleman: I'm a big fan of that, I love talking.

Trustee McManus: The high school does have a audio visual program.

Rob Coleman: Let me know if there is someone to reach out to. I'm happy to see if they're available that morning.

Mayor Newhard: That would be great.

Rob Coleman: Raina, should I reach out to you about that?

Raina Abramson: That would be great.

Rob Coleman: I'll reach out tomorrow.

Trustee Lindberg: So, we're just deleting South Street and changing it to Chase Lot.

Trustee Patterson: So, second as amended right?

Mayor Newhard: Ok.

Stephen Gaba: Well, alright, if you want to dwell on it – I was going to send you guys an email. The deal is that if somebody makes a motion and then they say wait, wait, wait, I want to change this, ok, then somebody can second it as amended because the person who made it made the amendment but if Barry makes a motion and then Bill says I don't like that I want it to go this way, then you need a second on his motion or amended motion. So, you have to have three in that instance. The important thing is that the record shows what's actually being voted on.

Trustee Patterson: I thought Bill did make the motion.

Trustee Cheney: You vote on the amendment itself, the change to the motion, and then you have to go back and vote on the amended motion, right?

Stephen Gaba: Well, you could take an additional step of having somebody move, like say Bill didn't like your motion, I move that we amend the resolution but often, that's not what happens, he just makes a competing motion so then you would vote on that, but in this instance, who made it?

Trustee Patterson: Bill did, and Bill made the amendment.

Stephen Gaba: Bill made the amendment?

Trustee Patterson: Yes.

Stephen Gaba: Then you're absolutely right, then it's second as amended.

Mayor Newhard: Ok.

Stephen Gaba: I'll send an email to clarify.

Rob Coleman: I have one last question; our goal is to begin filming at 10:30 a.m. but we wanted to see, and I wasn't too clear in the letter and I apologize but would we be able to begin setting up at 9:00 a.m. for filming at 10:30 a.m.?

Mayor Newhard: Yes.

Rob Coleman: Ok, we are going to have police officer assistance and we know the NJ Transit buses, we will make sure they can get through.

Trustee Patterson: They come up Railroad Avenue.

Rob Coleman: Exactly, yes. I already spoke with Chief McGovern about it.

Trustee Cheney: For concerts we route them around up to the end of South Street and then they make that illegal turn.

Rob Coleman: Well, that would be great.

Trustee Patterson: And at that time of day there are not that many, I mean at 9:00 a.m.

Trustee McManus: There probably isn't a bus.

Trustee Patterson: No, probably not for a while.

Trustee McManus: You're probably good until late afternoon before the next bus comes.

Trustee Patterson: But is it a good idea for this gentleman to reach out to NJ Transit, anyway, are you are saying or are you saying...

Trustee Cheney: Somebody has to reach out to NJ Transit.

Raina Abramson: Cathy usually does. Cathy does.

Trustee Patterson: And you spoke to Chief McGovern?

Rob Coleman: Absolutely, we actually met in person as well. I've worked with him before.

Mayor Newhard: Ok.

Rob Coleman: Thank you so much. I appreciate it.

Trustee Patterson: Thank you.

**AMENDED Film Permit – An American Saga, LLC**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to 'An American Saga, LLC' to film a scene on Railroad Avenue on March 5, 2019, from 10:30 a.m. to 3:00 p.m. with set up to begin at 9:00 a.m. per the attached letter, map, permit application, application addendum, and Village of Warwick release and hold harmless agreement for production filming. The request includes closing Railroad Avenue, closing sidewalks along

Railroad Avenue, the use of one (1) parking space at the corner of First Street and Oakland Avenue, the use of one (1) parking space at the corner of First Street and South Street, and the use of parking spaces in the Chase Parking Lot. All fees including permit, shooting, parking lot rental, street, and sidewalk closer fees have been received. A \$5,000 security deposit and proper insurance have also been received. Five Ayes

### **Reports**

#### **Trustee Cheney's Report:**

I would just like to let our viewers know that the Warwick Valley Farmers' Market is seeking a market manager for this coming season. This is a customer and community facing position year-round with at least twenty-eight market Sunday's from Mother's Day through Thanksgiving. The individual must be able to lift up to forty pounds comfortably and be on his or her feet for approximately eight to nine hours for set up and breakdown, monitoring and coordination. They are looking for experience and skills in marketing, communication, organizational. The marketing manager reports to the Warwick Valley Farmers' Market Steering Committee and if you're interested you can send a resume or inquiries to the following email:

[wvfmmanager@gmail.com](mailto:wvfmmanager@gmail.com)

#### **Mayor Newhard's Report:**

I just have one quick statement to make and this about the AIM funding. We've spoken about this publicly. There have been articles in the paper. The Governor actually came back. There is something called a thirty-day amendment and he has actually reinstated it, but it has bells and whistles which I'm just going to read you the statement from the New York Council of Mayors Executive Director, Peter Baynes:

"While we appreciate the fact that the Governor has acknowledged that the elimination of AIM funding would have serious implications for the State's villages and towns, his "restoration" of this \$59 million is in reality a robbing of one property taxpayer to pay another. Rather than playing this shell game, New York State should be fulfilling its obligation to increase its investment in municipal aid and the property tax relief it will generate. Imposing a new mandate on counties to make up for the state's cut to villages and towns will only further harm New York's already overburdened taxpayers."

And basically, what the Governor is proposing is that it would require counties rather than the state to fund the AIM program through their portion of the sales tax revenue and further calls for freezing the AIM funds at current levels in perpetuity.

Trustee Cheney: And supposedly, the sales tax revenues that were to be received from online purchases.

Mayor Newhard: That's right. Through the ...

Trustee Cheney: Additional sales tax revenues that are going to come to the counties.

Mayor Newhard: Right, so anyway the saga continues, and I received a very long intensive email from Jen Metzger who is definitely there as an advocate for us and understands what exactly the Governor is implying with his restoration, so it isn't over.

### **Final Comments from the Floor**

AJ Arias (Warwick Valley Dispatch): Can I just ask a few questions?

Mayor Newhard: Yes.

AJ Arias: First, can I see motion eighteen. I want to see the road closures for that film. Because that's March 5<sup>th</sup> right.

Trustee Patterson: Yes, here you go. It actually has his letter and explanation of the project and everything too.

AJ Arias: Perfect. Thank you.

Trustee Patterson: Sure.

AJ Arias: Another quick thing, so, the plan that you guys were going to draft up about having a resolution with everything, is like a set-in stone plan or is that just something you are working on? About working on the resolution with the engineer?

Trustee Patterson: For the Elm Street project?

AJ Arias: Yes.

Mayor Newhard: Well, it is a change. It would be called like a modification of the site plan.

Stephen Gaba: Well, no it would agreement to resolve the... well it's not going to be part of the site plan, it's going to be a resolution, an agreement to resolve the alleged violation of the site plan. To clarify what the terms and what would be required for compliance with the approved site plan.

AJ Arias: Just because I had a feeling that what you were talking about...I want to be sure I characterize it correctly.

Trustee Patterson: So it's going to be a committee formed by the Mayor with the Building Inspector, the Village Engineer, the applicant, the applicant's engineer and the applicant's landscape architect to come up with a plan that will be guided by the original site plan as approved by the Planning Board to make sure that the buffer that was understood is in fact there.

Stephen Gaba: Well, to make sure that the letter and spirit of the site plan are complied with.

Mayor Newhard: The word I was looking for was field change. I mean it is in essence that.

Stephen Gaba: Well, yes. The Building Inspector can approve a field change, but I think that there is a little more at issue here. There's a claim that they've exceeded, if not what's written in there, is their clearing limit, what was understood to be their clearing limit, and that's, I think, why they're willing to do things to clear this up. So, what's going to happen is they're going to say alright, maybe we have to do this, maybe we don't but we don't want to have a fight over it. Here's what we're willing to do. And then Dave Getz and Boris are going to look at that and say well alright, but I think we need to have this, that and the other thing in addition and then you at least in the first instance will look at that and say well, maybe that's enough, maybe it isn't but how about this and maybe you go back one more round and eventually you come up with something that everybody's, at least a tentative plan, reasonably happy with and then you present it to the whole Board and to the public and then you accept comments on it and then you go back with them and Dave Getz and Boris and you try to come up with a final one which this Board would approve by resolution and that's how you tie up the issue of whether there is going to be an action to prosecute them for violation of their site plan or not. Because you would have to agree that whatever you come up with is going to be satisfactory and you're not going to go after him as long as they stay within those bounds.

AJ Arias: Now, all of this happens during regular meetings, right? Well, not the committee meetings but going back, going to the Board and it's not technically a public hearing but...

Trustee Patterson: No, it will just be the ...

Stephen Gaba: The Board will accept comments on it.

Trustee Patterson: The privilege of the floor.

AJ Arias: Got it.

Mayor Newhard: Or like a charette.

Stephen Gaba: Yes, you could schedule it separately from privilege of the floor, however you want to work it.

Trustee Patterson: But it will be during a regular Village meeting.

AJ Arias: Got it. So, you said that the trees were taken down in December. Do you know when?

Mayor Newhard: I don't remember. I would say early to mid-December.

AJ Arias: And you were made aware right away?

Mayor Newhard: Yes.

AJ Arias: My final question, not necessarily, because I couldn't get a grasp on the distance, how far within the limits were they with the big trees that they knocked down? Because they showed you the site plan, this is not something I'd quote you on but something, how far within the limits did you find that they were with the trees? Because their claim was that they violated that they're outside of the perimeters and I know when they showed the site plan, they were saying that it was within the perimeters, how far within the perimeters were they? Were they right on the border or was it well within?

Trustee Patterson: I don't think that we want to say...

Trustee Cheney: I don't think we know.

Trustee Patterson: We're not even sure that anything was violated.

AJ Arias: Ok.

Trustee Patterson: I think the resolution we came up with tonight was clearly the neighbors are unhappy and clearly the applicant is willing to make some movement towards making them happy without any acknowledgement, admission of guilt, accusation of violation, it's just at the end of the day, the neighbors want a buffer. The applicant wants a buffer and we're going to try and make that happen – facilitate that buffer.

AJ Arias: Ok.

Trustee Patterson: Steve doesn't like that.

Stephen Gaba: It's close enough.

AJ Arias: And Raina I know spelling of a couple people who spoke, I'll probably call you at some point tomorrow to double check.

Raina Abramson: Ok, I have to look into some of them too.

AJ Arias: Well, thank you everyone.

Mayor Newhard: Thank you sir.

**Executive Session**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session to seek confidential advice of counsel. Five Ayes

**In Closed Session**

Present: Michael Newhard, Mayor, Barry Cheney, Trustee, William Lindberg, Trustee, Eileen Patterson, Trustee, and George McManus, Trustee.

A **MOTION** was made by Trustee McManus to exit closed session, resume the regular Village Board meeting and adjourn at approximately 10:30 p.m. Seconded by Trustee Patterson. The vote on the motion was as follows:

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

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Raina M. Abramson  
Village Clerk