

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 22, 2019
MINUTES**

7966

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, January 22, 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: Kathy Gerstner, Alfredo Pacheco, Eloy Torreblanca, Robert Kennedy, Keith Woodward, Ron Charlton, Jason McGovern, Eric Hague and Lt. John Rader and others.

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

Acceptance of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the Minutes of January 7, 2019. Five Ayes

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to accept Reports: Clerk's Office (December 2018), Justice (December 2018), Building (December 2018), Planning Board & ZBA (December 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 \$74,420.24. Five Ayes

Police Report

No report at this time.

Announcement

1. Book Collection – Village Hall will be collecting pre-K to fourth grade books through January 31, 2019 for Books from Kids to Kids, a group of Warwick residents working with the African Library Project to establish a library in Kuke Primary School in Ghanzi, Bostwana.

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.

Alfredo Pacheco: My name is Alfredo from Nobody Leaves Mid-Hudson and as you see, the community is here, trying to get involved to see how we can work together.

Mayor Newhard: Thank you. We appreciate that and we are working towards our focus group. We have a letter that is going out to specific people and so we will be talking with you soon.

Alfredo Pacheco: Great.

Mayor Newhard: We appreciate that, thank you.

Alfredo Pacheco: Thank you.

Mayor Newhard: And thank you for coming this evening and watching your government work.

Motions

Vacation Carry Over – Antonio Rivera

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to grant permission to Antonio Rivera to carry over five (5) vacation days. Five Ayes

DASNY SAM Grant Project ID # 15548 – Stanley Deming Park

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to authorize the Mayor to sign the Grantee Certification for DASNY SAM Grant Project ID: # 15548 ‘Creation of an ADA Accessible Playground’ in the amount of \$75,000 with a total estimated project cost of \$90,255.80. Five Ayes

Treasurer’s Request – Budget Modification

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to approve the budget modifications as per the Village Treasurer's letter dated January 17, 2019. Five Ayes

Warwick Fire Department – Biennial Firefighters’ Parade

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to the Warwick Fire Department and OCVFA to hold a Biennial Firefighters’ Parade on Saturday, September 28, 2019 and to use Memorial Park from 8:00 a.m. to 12:00 a.m. September 29, 2019 including the use of alcohol within the park. The parade will begin at 2:00 p.m. Please see the attached parade route which has been approved by the Warwick Police Department. Completed park permit and proof of proper insurance, including Host Liquor Liability have been received. Security deposit has been waived. Five Ayes

Discussion

Trustee Lindberg: And again, just as a discussion, we serve beer to the people that are invited to the parade. We hold it in a separate area. We are in the Ahearn Field which is the infield and we also put another perimeter fence, so we have two fences. We will have people at the front gate checking for age 21. Nobody under 21 is allowed in there and we actually have the VFW will be serving the beer out of the Dana trailer, so it’s very well kept. Everybody that goes in there will have a wristband.

Mayor Newhard: Ok. I have one question and that is the parade route. I noticed that it goes down High Street at the end instead of around the corner and that is for...

Trustee Lindberg: We wanted to go past Excelsior Firehouse.

Mayor Newhard: I thought so, ok, very good.

Office – Full-Time Deputy Clerk

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to advertise for a full-time Deputy Clerk. Five Ayes

NYCOM 2019 Winter Legislative Meeting

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to grant permission to Mayor, Michael Newhard to attend the NYCOM 2019 Winter Legislative Meeting at Hilton Albany from February 10, 2019 to February 12, 2019 at a cost of \$250 for registration and \$450 for lodging. Five Ayes

Waive Reading – Bond Resolution for the WWTP Improvement Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and

carried to waive reading the resolution authorizing the issuance of \$12,250,000 bonds of the Village of Warwick, Orange County, NY, to pay the cost of the various improvements to the Village Wastewater Collection and Treatment Facilities, in and for said Village. Five Ayes

Bond Resolution – WWTP Improvement Project

BOND RESOLUTION DATED JANUARY 22, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$12,250,000 BONDS OF THE VILLAGE OF WARWICK, ORANGE COUNTY, NEW YORK, TO PAY THE COST OF THE VARIOUS IMPROVEMENTS TO THE VILLAGE WASTEWATER COLLECTION AND TREATMENT FACILITIES, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (the “Act”) to the extent required, have been performed and said capital purposes have been determined by the Village Board to have no significant impact on the environment within the meaning of the Act;

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Warwick, Orange County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the various improvements to the Village wastewater collection and treatment facilities, which may include, but are not limited to, the partial reconstruction, redesign and expansion of the existing wastewater treatment plant and new equipment therefor, and new mechanical screen equipment at the Orchard Street pump station, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$12,250,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$12,250,000, and the plan for the financing thereof is by the issuance of \$12,250,000 bonds of said Village authorized to be issued pursuant to this bond resolution, provided, however, that the amount of bonds ultimately to be issued shall be reduced by any Federal or State grant moneys received and applied to pay part of the cost of the aforesaid class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. The Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose for each issuance of bond anticipation notes or renewals thereof, which may be evidenced as provided in Section 6 hereof. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Warwick, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year

sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from sewer rents or charges, or other available sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form. All obligations issued hereunder shall be signed in the name of the Village of Warwick, Orange County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk. The Mayor or a delegate of the Mayor may execute said obligations. Such execution by the Mayor or a delegate of the Mayor shall constitute conclusive evidence of the consents referred to in Sections 4, 7 and 8 hereof. If the Mayor is absent or unable to act, the Deputy Mayor may execute said obligations with the same effect as if executed by the Mayor. The Mayor, in lieu of execution of such obligations, may evidence consent to the issuance thereof by a separate writing dated as of the date of delivery thereof.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds, and provided further, however, that the Treasurer shall obtain the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for this purpose, when exercising the powers delegated to the Village Treasurer in this paragraph, which may be evidenced as provided in Section

6 hereof. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer, with the consent of the Village Mayor, or a delegate of the Village Mayor selected by the Village Mayor for these purposes which may be evidenced as provided in Section 6 hereof. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are,

or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Warwick Valley Dispatch, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee, Barry Cheney	VOTING	<u>AYE</u>
Trustee, William Lindberg	VOTING	<u>AYE</u>
Mayor, Michael Newhard	VOTING	<u>AYE</u>
Trustee, Eileen Patterson	VOTING	<u>AYE</u>
Trustee, George McManus	VOTING	<u>AYE</u>

The resolution was thereupon declared duly adopted.

DASNY SAM Grant # 12929 – Lift Bucket Truck

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to approve and accept DASNY SAM Grant # 12929 - \$75,000 for purchase of Lift Bucket Truck – and to authorize the Mayor to sign the Grant Disbursement Agreement and all documents necessary to carry out the terms thereof. Five Ayes

DASNY SAM Grant # 8784 – Parking Lot and Walkway at Veterans' Memorial Park

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to approve and accept DASNY SAM Grant # 8784 - \$50,000 for construction of improvements to the Parking Lot and Walkway at the Veterans' Memorial Park – and to authorize the Mayor to sign the Grant Disbursement Agreement and all documents necessary to carry out the terms thereof. Five Ayes

Resolution Granting Special Use Permit for The Proposed Kennedy Apartment Development Project

WHEREAS, Robert Kennedy, on behalf of Kennedy Companies, Inc., has submitted an application to the Village Board for a special use permit pursuant to Village Code §145-120 and §145-127 to construct a multiple dwelling; and

WHEREAS, the subject property is located at 77 Forester Avenue in the Village of Warwick [Section 211, Block 12, Lot 1]and is zoned Residential ("R");

WHEREAS, a public hearing was held upon the application on September 17, 2018 and on October 1, 2018, at which time the public hearing was closed; and

WHEREAS, it appears from the information and materials before the Village Board that the applicant proposes to construct a 40-unit apartment building on a lot of approximately 97,574 square feet; and

WHEREAS, the Village of Warwick Planning Board, as lead agency SEQRA review of the project, has issued a negative declaration; and

WHEREAS, all required referrals on the application have been made and responses have been received;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby makes the following findings on the application herein for a special use permit:

(A.) The location, size and character of the proposed apartment building will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the site or adjacent properties. The project site is zoned for residential development. The applicant proposes to construct the apartment building in what is currently a parking lot area of the existing Mechanical Rubber building that fronts on Forester Avenue. The construction of residential development in relatively close proximity to a commercial use is, in this instance, acceptable as a transitional lot. Particularly, the proposed development of the project site as a multiple residence will serve as a buffer of sorts and provide an appropriate transition from the Mechanical Rubber building to less intense uses.

(B.) The site layout of the apartment building, its internal roadways and ingresses/egresses for access to Village streets is safe and suitable for both pedestrian and vehicular traffic. The Planning Board has reviewed the site plan and has found that it poses no significant danger to pedestrian or vehicular traffic.

(C.) The site plan for the proposed apartment building, including the location and height of buildings, walls and fences and the proposed landscaping will not hinder or discourage

the development and use of adjacent land and buildings. The Planning Board has reviewed the proposed site plan and reports that it does not pose any significant concerns in regard to the development and use of adjacent land and buildings.

(D.) The proposed apartment building will not create an undue fiscal burden on the Village in regard to public facilities or services. No doubt the addition of forty apartments will impose an additional burden on the Village in regard to the cost of municipal services. However, the Village is need of the type of housing proposed by this development and, therefore, finds that the fiscal burden will not be undue.

2. That the Village Board hereby grants the requested special use permit subject to the following conditions:

- (A.) Compliance with the provisions of Village Code §145-127, provided, however, that the Zoning Board of Appeals may, upon an appropriate showing, grant variances from the requirements set forth therein;
- (B.) That the property owner shall be required to provide Village Officials with access to the property upon reasonable notice for inspection to determine compliance with the terms and conditions of any and all permits issued for the property by the Village;
- (C.) Payment of all fees, costs and expenses due and owing to the Village for inspections, review, approval and issuance, land use approvals granted for the property.
- (D.) Submission of a storm water management plan, lighting plan and landscaping plans acceptable to the Planning Board.
- (E.) The proposed off-site drainage improvements offered by the applicant shall be bonded or completed prior to issuance of a building permit for the property.

- (F.) A maximum of forty (40) units shall be permitted on the property with no more than sixty-eight (68) bedrooms.

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

Discussion

Stephen Gaba: As far as discussion on that, of course it's the Boards prerogative, but I thought that it would be appropriate to note that the County Planning Department issued a report on this project in which it proposed two mandatory, mandatory meaning you can only approve the project without them by a supermajority vote, terms. And the first was that the project should incorporate 30% of the proposed units as affordable housing and the letter proposed terms for the affordable housing. And the second is that certain particular stormwater management provisions should be incorporated into the plan. The resolution that this Board is considering does not include the affordable housing component and the reason for that is that there is nothing in your code that mandates affordable housing for this particular project, this particular type of project. There's some provision regards to subdivisions but certainly not site plans for apartments. It's your decision of course but none of it came up in the public hearing or anything like that so, in adopting this resolution you will be overriding the County Planning Departments recommendation in regard to that, which you have every right to do if you are so inclined. It's just I think it would be wise for you to have it on the record if that's what you're doing. In regard to stormwater management the resolution provides that they have to provide a stormwater management plan to the satisfaction of the Planning Board, so rather than this Board adopting wholesale the County Planning Departments stormwater management recommendations you leave it to the Planning Board to design them as may be appropriate for this project. Which I think even County Planning would probably find to be acceptable, but since it isn't verbatim

except it's of the term, again you're going to need the supermajority vote to adopt this resolution as it is.

Trustee Patterson: Is that for stormwater management?

Stephen Gaba: Yes.

Trustee Patterson: Isn't that one of our...

Stephen Gaba: It is but they want particular improvements. They want a reduction in onsite parking spaces from ninety-six to eighty. They want stormwater management facilities including a detention pond or bioretention area, I think to some extent that's already been incorporated. And they want to incorporate additional stormwater management measures such as rain barrels, green roofs, permeable pavement, and other such measures, which again you are leaving to the Planning Board as to what might be appropriate as opposed to accepting County Planning's recommendations.

Mayor Newhard: I think that's been achieved.

Trustee Cheney: And I think one of the things that may not have been clear to the reviewer at County Planning relative to stormwater, because the comment was made that the proposed project was going to create impervious surfacing on approximately 80% of the property, well that already exists in the form of the pavement that's there for the parking lot, so I'm not sure that was clear to the reviewer when they did their review. And the other thing that I'll mention relative to housing affordability, the reviewer indicates that by 2020 the Town of Warwick will require 681 more affordable housing units than it had at the time that the study was conducted. My understanding is that the study was conducted in 2009 and since 2009 Liberty Green has been added so that number is reduced even more and that's town wide not just the Village of Warwick.

Trustee Patterson: But Liberty Green is a restricted community. It's not just...

Trustee Cheney: It's affordable housing.

Trustee Patterson: I understand that it's affordable housing, but it's not affordable housing for those who are under 55. People under 55 need affordable...

Trustee Cheney: The numerical issue doesn't separate those two.

Trustee Patterson: I know, but I think the Village of Warwick does. I mean that I know that part of our zoning, when we were rewriting the zoning document, was we were making a

commitment to provide not affordable housing in the general terms of affordable housing but workforce housing so that, not just my kids, but my kids ages can come back and live in Warwick, so I don't think that's covered in my opinion outside of whatever rules they're considering. It doesn't apply to the affordable housing need in the Village of Warwick and I have to say that I actually was under the impression that this was, I think we talked about this at the public hearing, that I was under the impression that it was going to incorporate affordable housing and I'm disappointed that this letter is dated August 29th and we've had so many conversations and it's sort of getting thrown in at literally the 11th hour and 55 minutes for us to consider it.

Trustee Cheney: We discussed it at the public hearing I believe.

Trustee Patterson: Well, Mr. Gaba just said it wasn't discussed at the public hearing. I think it was, but I didn't know that the County was requiring it.

Trustee Cheney: This document was discussed at the public hearing.

Trustee Patterson: I didn't realize that it would require a supermajority vote for us to override the County Planning Department's recommendations. I'm sorry my vote goes with affordable housing just in general and I'm glad that the County agrees with me. I'm just one vote though. I think we should've talked about it more. Do you want a copy of it? Do you want to see it?

Robert Kennedy: Yes, so I can see what everybody is seeing.

Trustee McManus: You guys commented on that already.

Trustee Patterson: Yes, and said that there's not going to be any affordable housing. It's not the plan.

Robert Kennedy: Right now, the plan is for market rate apartments, which we feel is affordable comparatively to someone going out there and buying a home in Warwick and paying those taxes etc. so it depends how you define affordable. The way they're defining it is I believe we offer apartments at a discounted rate and heat and utilities and everything included, which makes it difficult obviously to build a certain standard apartment if you're going to give it away for less, you're going to make less than it's actually worth. So, I don't recall the exact discussions we had at the public hearing myself. I don't think we're entirely opposed to the idea of affordable housing, but at the same time I believe their numbers 11-13 units which is 30% and that's excessive. That doesn't help the project. I don't believe that allows the project to work as it should.

Trustee Patterson: Well, is there a number that does allow the project to work?

Robert Kennedy: We don't have that answer right at this moment, but it would be minimal.

Stephen Gaba: I think the public hearing, what was brought up was that a number of the units are going to be one-bedroom units.

Robert Kennedy: Correct.

Stephen Gaba: And therefore, they will command lower rents than larger apartments or houses if they'd be rented and, in that sense, not in the traditional sense, will they be affordable, but they will be more affordable than other housing stock in the village.

Trustee Patterson: I don't remember that conversation from the public hearing. I don't think we went into that detail. I think it was just in general terms it was market rates for this rent, for a rental, which as I recall was between \$1,800 and \$2,100.

Robert Kennedy: Potentially, yes.

Trustee Patterson: The only reason I remember that is because I went and checked the market rate for one- and two-bedroom apartments so I don't think that comes under affordable housing. People who need affordable housing sometimes need two bedrooms too. So, I don't think a one bedroom being less rent is seen as affordable housing.

Stephen Gaba: I seem to recall that being said at the public hearing. Maybe perhaps I'm mistaken but that the comments I recall.

Trustee Patterson: I mean I would love it if you could, and again I'm one vote, but I would love it if you could go back and think about, even if it was 5 units or 7 units. Just to create the opportunity.

Robert Kennedy: Right. Well, 5 or 7 is still quite a good amount of losing money on the market. Why am I going to build them if I'm going to lose money?

Trustee Patterson: Right, that makes sense.

Robert Kennedy: Why would we build them if we're not going to make money. So, I don't think 5 or 7 is on the table, but the Planning Board has the ability I guess to work with us on this situation if we are granted the special use to move forward.

Trustee Cheney: That's correct that the Planning Board is also bound by the requirements that they do a majority plus vote.

Stephen Gaba: Planning Board is also bound, that's absolutely right. So, they get two bites at the apple.

Mayor Newhard: I mean in essence that letter from Orange County Planning was to the Planning Board, in response to the Planning Board.

Stephen Gaba: It just was to the Planning Board, yes.

Jason McGovern: This specifies the Town of Warwick units and then it comes down to Village, so one of our questions was should this number incorporate the Town's numbers as well to get to that discount, not discounted, but affordable.

Mayor Newhard: Well, I can say that the Village probably does its greater share of affordability as far as...mostly it's senior housing as Eileen pointed out.

Jason McGovern: Yes. I think if you had it in the Town, it just says the Town needs more units. Which is the thought that we had, does that change this number a little bit?

Trustee Patterson: I'm not sure what you mean.

Jason McGovern: The Town demographics, if you added the median household income for the Village and for the Town, does that change, does it make it – that the income would be more therefore we would need less affordable. I don't know. It's a question.

Mayor Newhard: Well, we need a supermajority, correct.

Stephen Gaba: You need four votes.

Mayor Newhard: Four votes.

Trustee Patterson: I don't want to vote against a project. I really don't. I think it's going to be an improvement for sure, I just, I'm just asking you to consider incorporating some element of affordable housing.

Jason McGovern: Sometimes on the ground levels too we can, there would be a spot.

Robert Kennedy: Right.

Jason McGovern: Seniors or whatever or somebody that wants that apartment.

Trustee Patterson: Don't misunderstand we're not talking about senior housing.

Jason McGovern: I'm not saying its senior housing, I'm just saying you could offer the ground floor apartments at...I know they did that in a project in Chester that one of the builders developed.

Trustee Patterson: Right.

Jason McGovern: They asked for just a couple of the apartments on the ground floor to be affordable for elderly people or disabled people, or whatever.

Trustee Patterson: Or just young people who want to come back and live in the town that they were born and raised in and they want to...they're a first-year teacher at Warwick High School or they're a hostess at a restaurant in town.

Robert Kennedy: But I think they might need to meet a threshold, is that correct? That is set by the County as far as pricing. They can't just be a new teacher and say they need an affordable house, they actually have to be below a certain level of income that determines...

Stephen Gaba: That's why without a ...

Trustee Patterson: Are you talking about the County or the Village?

Robert Kennedy: I'm talking about this County letter that requires or requests...

Jason McGovern: That states on there what their income has to be.

Stephen Gaba: You don't have a provision.

Trustee Patterson: Ok, well I'm sure there are people in the...I thought that our affordable housing criteria was broader than that. I thought that we were specifically focusing on workforce housing.

Mayor Newhard: But there was a criteria though.

Trustee Patterson: With income.

Stephen Gaba: How it would not apply to this provision which the County is proposing, they want it to be as per the County's affordable housing provisions.

Mayor Newhard: Which that includes...

Stephen Gaba: But you're not required to do.

Mayor Newhard: Right, which also includes the cities in our ...

Stephen Gaba: Oh yes, the whole county.

Mayor Newhard: You're including Port Jervis, Newburgh, and Middletown as part of your overall equation as to what is affordable too. So, I mean that's a whole different demographic so to speak in terms of size even, the amount of people but I don't...it does change the numbers.

Stephen Gaba: It does, I mean look, of course it's the Board's decision, I'm just saying that from a legal perspective I would be much more comfortable with imposing an affordable housing component on a development like this if you had a provision in your code saying everybody is required to do it, these are the terms under which it's done. As opposed to having the County write in and say impose this on this particular development and just importing the County's terms. They may or may not say it for the next developer through and you know, I'm troubled by that.

Mayor Newhard: Well counsel.

Stephen Gaba: Well, you have a motion and a second. You've had a discussion.

Mayor Newhard: No, but there's something more here because I think we're touching upon some very important topics that I think they need to be in some ways flushed out and understood. I mean there is a desire, I believe, by this entire Board to see some level of affordability within our community so how can we balance that with seeing a project as distinctive as this, move forward and make that also work together. Is there some way, and is there some way through our special use permit process and our Planning Board process, where that can happen without putting undue burden on the developer as well?

Stephen Gaba: I don't know what an undue burden is.

Mayor Newhard: Well, if they want to have a successful project, it's costly to build something in this day and age.

Stephen Gaba: Oh, no question. Well, what your special use permit provisions state is that there's a criteria which Barry read over and the proposed findings have been made on it. There's also a provision that says reasonable conditions can be imposed. So, if you were going to imposed under your code, a provision for affordable housing, it would have to be in the form of one of those conditions that were added at the end. The special permit can be granted under the circumstances that, if you want it to vary from this, they say 30% I mean you'd have to have a basis for it. You couldn't just arbitrarily say 15% or 10% or whatever, 5 units, 7 units, whatever. You'd need some input probably from a planner or an engineer at least to justify the number.

There is a provision in the resolution stating that there won't be undue fiscal impacts on the Village, and it notes there will be fiscal impacts, but we don't feel, you don't feel, that they are undue because this is the type of housing that you're looking to for in the village. It's the second or third finding in the resolution. So, I mean you have to amend that to find that there's not going to be undue fiscal impacts because of the type of finding, housing, that you want, and you really feel that there should be some degree of affordable housing in this. So, you would rework your findings and impose a condition under the rubric of your code that's pretty much the only way to do it. The only other thing you could do is, because County Planning makes it a mandatory term, you could adopt their provisions wholesale and say, it is what it is. And I told you I'm not real comfortable with that, but I mean if you want to do it.

Mayor Newhard: No, I don't think that that's the object here.

Trustee Patterson: Can we, because I don't believe where, I think it is just ingenuous of us to go back and undo everything we said at the last meeting where we said they met all of the criteria that you laid out for the special permit, can we just ask the Planning Board to have a more in-depth look ...you're going to stop me.

Trustee Cheney: I was going to support you. Because the Planning Board based on what we got from the County, what the Planning Board got from the County, they're required to do that. They have to take that look just as we do, but that question has to be taken up by them because they have to decide. They would need the supermajority as well so it's something that will be continued in terms of the discussion.

Stephen Gaba: Yes, you could either leave it at that and just rely on the fact that County Planning included it in their report or if you wanted you could tack on another condition at the end and say subject to consideration and if appropriate imposition by the Planning Board of such terms and conditions for affordable housing as may appear to be appropriate.

Trustee Patterson: Yes, I definitely wouldn't want to go with the County's requirements for the affordable housing, but I just want it to be part of the conversation.

Mayor Newhard: I think what this Board would like is to communicate to the Planning Board that it's important at the end of the day if there can be affordability, that it is important to us. It doesn't have to follow the criteria of the...

Stephen Gaba: And I hear you on that, however I do not believe that site plan provisions of the code allow for impositions, mandatory impositions, on affordable housing.

Mayor Newhard: Right.

Stephen Gaba: I think possibly in subdivision there is a provision, but I do not believe there is in site plan, so if you want to hook that in, you're going to have to provide that as a condition at the end of your resolution. Or you could just leave it County Planning's proposal and let it go to the Planning Board with that.

Trustee Cheney: But our current zoning doesn't require any affordable housing relative to site plan.

Stephen Gaba: I do not believe it does, no.

Trustee Cheney: So, if that's the case then I would think that for us to try to impose something arbitrarily at this point might not be in the best interest of the Village.

Stephen Gaba: If you wanted to do that kind of thing you might want to revise the provisions of your village code so that it applies to everybody. You know, not kind of ad-hoc for just these guys, this applicant.

Trustee Patterson: Did the Planning Board get that letter?

Raina Abramson: Yes, they did get that.

Mayor Newhard: So, is there then an addition we can put on to this, on the provisions?

Stephen Gaba: Yes, if the Board is so inclined you can add on what condition, what were we up to there, (f), (g), so it would be a condition (g). It would be, well I'll write it out. Subject to imposition of such terms and conditions, if any, which the Planning Board finds appropriate to impose in regard to affordable housing under terms approximating those recommended in the report of the County Planning Department.

So, you're saying look, if you find the terms are appropriate you can impose them in regard to affordable housing. They don't have to be what it says in County Planning's report but whatever you find is appropriate approximating that. You are kind of letting them roll their own there as far as that goes, but unless you're going to say import what there is as far as terms go in the Village Code regarding subdivisions, I don't know that you have a choice but to be kind of broad that way.

Trustee McManus: I'm more uncomfortable adding that then I am overriding the County's because if we don't know what we want and it's not in our code why should we, in the middle of it, put it on this applicant?

Mayor Newhard: What's your answer to that?

Stephen Gaba: Well, it's the countervailing argument, isn't it? I mean, I said in the beginning, I'm not real comfortable with the idea and there's nothing in your code and you are kind of saying well, this development requires it, but your findings didn't have anything like that, so you're cobbling it on at the end now. Gee, we'd like to see affordable housing, we're not quite sure what, but the Planning Board can take care of it for us based on these recommendations. But, it's that or nothing. Well, not nothing. It's that or sending it to the Planning Board with County Planning's report.

Mayor Newhard: When County Planning reviews this do they look at our code? Are they aware of what our code says?

Stephen Gaba: They're pretty thorough, I'll say that. But I mean they get a lot of applications in and they look them over. They certainly don't look at the application and review your entire code. They're going to review the sections that pertain to this application, but they wouldn't go through your subdivision regs if they site plan in.

Trustee Cheney: And I think based on the comment letter, there were some pretty obvious flaws in terms of what degree they really reviewed it. For instance, they didn't include the fact that Liberty Green has been built since they did the analysis to determine the number of units that the Town of Warwick still needed to construct as affordable housing so, that would've changed by about two hundred and something. Again, as Eileen pointed out, it doesn't include all affordable housing. That's just the senior, but it still affects the number and they probably didn't make a site visit because they didn't take into account that the site was already 80-100% impervious surface and that this was either people improving the amount of impervious surface and so that has an affect on the stormwater.

Stephen Gaba: Yes, there is no way they did a site visit and even in regard to the affordable housing I haven't spoken with them about it, but I'm very sure that it isn't something they looked at this particular development and said this is a great candidate for affordable housing. I think they feel there's a need for affordable housing and any apartment complex of reasonable size that comes along they say let's impose that on or recommend that as a imposition in order to just kind of address the need that they feel is County wide. I don't think it was directly specifically to this development.

Mayor Newhard: So, to George's point.

Trustee Cheney: I'm in agreement with George and I kind of thought maybe the resolution or the amendment that would have been added was a little bit leading in terms of how far we want the Planning Board to go relative to it. It doesn't leave the discretion more to them.

Stephen Gaba: Well, you can table it if you're unhappy with it and want to discuss it some more. It's not like you need to vote on it.

Trustee Cheney: I'm ready.

Trustee Patterson: The letter is directed to the Planning Board, so hopefully the Planning Board...

Trustee Lindberg: I'm ready to vote.

Mayor Newhard: Ok.

Trustee McManus: If it's not in our code shame on us we should fix it.

Trustee Patterson: Say that again.

Trustee McManus: If it's not in our code and we want it, shame on us, then we should continue on and then fix the code so next time it comes up, it's there.

Mayor Newhard: That's right. Ok, so we have a second so it's a roll call vote.

VILLAGE OF WARWICK'S RESOLUTION in OPPOSITION to GOVERNOR CUOMO's PROPOSAL TO ELIMINATE AID and INCENTIVES TO MUNICIPALITIES (AIM)

Discussion

Mayor Newhard: The resolution that is before you board members is something that was sent to me through Karl Brabenec's office and was written actually by Mike Sweeton for the Association of Towns and Village's and it will be resolved at their next meeting but Karl asked if it could be done also on local levels as well and I know, I reached out immediately to Jen Metzger's office and we received a response from her and then a response went out to all municipalities about supporting this fight in opposition to Governor Cuomo's request or proposal to eliminate AIM funding so, George would you mind reading it.

Trustee McManus: Sure, I would just like to point out that Brabenec should know the Senator's names and it's Jen Metzger not Jan Metzger.

VILLAGE OF WARWICK'S RESOLUTION in OPPOSITION to GOVERNOR CUOMO's PROPOSAL TO ELIMINATE AID and INCENTIVES TO MUNICIPALITIES (AIM)

WHEREAS: Gov. Andrew Cuomo has proposed eliminating AIM to Municipalities funding to ninety-one (91%) percent of towns and villages in New York as part of his 2019-20 budget proposal, and

WHEREAS: The Governor's proposed elimination of AIM to thirty-eight (38) of the forty-two (42) Municipalities in Orange County will definitely impact the financial wellbeing of those thirty-eight (38) Towns and Villages, and

WHEREAS: The Towns and Villages are already dealing with a 2% tax cap in their budgets while the cost of relative products and services continues to rise, and

WHEREAS: New York State continues to issue mandates to be instituted by local governments that cost money to institute with no financial relief to pay for them, and

WHEREAS: Many of the Towns and Villages in Orange County have already adopted their budgets for 2019 and elimination of this funding will necessitate that said budgets will have to be amended and it will be difficult, if not impossible, to meet their fiduciary responsibilities.

NOW, THEREFORE, BE IT RESOLVED THAT: Because this proposal of elimination of AIM by Governor Cuomo will have a negative financial impact on every Town, Village and City in Orange County, as well as the rest of New York State, the Village of Warwick does hereby give strong voice to Governor Cuomo to remove his proposal that would eliminate the AIM funding, that represents 2% of our budgets, in his 2019-20 budget.

BE IT FURTHER RESOLVED THAT: This resolution of opposition to the elimination of Aid and Incentives to Municipalities ((AIM) be sent to Governor Cuomo as well as Senator James Skoufis, Senator Jen Metzger, Assemblyman Karl Brabenec, Assemblyman Colin Schmitt and Assemblyman Jonathan Jacobson with the hope that they will do due diligence, on behalf of their constituents, to have the Governor's proposal to eliminate AIM funding removed from the 2019-20 New York State budget.

A motion was put forth to adopt this resolution by Trustee McManus, seconded by Trustee Cheney, and was adopted by all AYES and no NAYS, by those members eligible to vote, at a duly held meeting of the Village of Warwick held on the 22nd day of January 2019.

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 Patterson: Are we going to schedule a public hearing?

Trustee McManus: We are not scheduling a public hearing?

Trustee Lindberg: Do we have to agree what we want before we schedule it?

Trustee McManus: No, that's why we schedule a public hearing.

Stephen Gaba: Ok, I thought we were waiting to figure out what you want to be in the text of the local law. Isn't there an issue over some of the streets?

Mayor Newhard: Well, I think there is some conversation, but that's what a public hearing is about, right. We're not asking...

Stephen Gaba: Yes, you could absolutely do that. You could go with the text you have and then schedule a public hearing on it. If there are substantial changes on it you're going to have to schedule another public hearing but if you're just backing things out of it or there are just minor textural changes you could probably enact them.

Trustee Patterson: Well then let's wait.

Mayor Newhard: Ok. Yes, there are some substantial changes potentially so we will wait.

Reports

Trustee Cheney's Report:

I want to remind everybody if there are street lights out in your neighborhood then you can do one of two things. You can contact the Orange and Rockland through their website www.oru.com and provide the pole number, the closest street address and the nature of the problem with the light. If you would prefer you can also call Village Hall with that same

information and the Village will contact O&R. As far as the pole number goes it's a series of two rows of five numbers in each row on the pole.

Trustee Lindberg's Report:

I just want to remind the public that as part of the Warwick Fire Department's 150th Anniversary that goes on all year the next event is scheduled this Saturday at the bowling alley, Pin Street Bowling Alley, on Route 94 and it starts at 4:00 p.m. I think it's \$25 per person or \$30 at the door. It's through our Facebook, just show up. It will be a fun gathering for the Warwick Fire Department – 4:00 p.m.

Mayor Newhard: "Bowling with the Bravest".

Trustee Lindberg: "Bowling with the Bravest".

Trustee McManus' Report:

I don't have a report, but I have a couple of comments for Mr. Moser. Some of the, I know you've been busy, but there are some car eating potholes on Village streets. Forester I know has a car eater and if maybe you and or Boris could kind of look at the state roads and the county roads right before they enter the Village and notify those agencies because there are some really car eating potholes along there instead of each resident calling and telling them.

Mike Moser: You got it.

Mayor Newhard: Especially, I have a new car and I don't want it eaten, please.

Trustee McManus: And I didn't know that. I've already taken a couple of tires.

Mayor Newhard: Oh no.

Trustee McManus: There are some car eaters out there.

Mike Moser: You got it.

Trustee McManus: 17A from Larry's to Oakland is...

Mike Moser: Oh yes, no I road that. Absolutely.

Trustee McManus: Somebody needs to tell them. Thank you.

Trustee Lindberg: And I did talk to a number of people from Warwick Grove and they were very happy and satisfied with how the roads were handled in Warwick Grove.

Mayor Newhard: And I want to add to that to say that I think the men did an excellent job. It was a very long, hard storm to watch and to kind of get through. I mean it was like a two-day event and plus, Main Street, by the time you guys got to your normal taking care of the parking on Main Street, it was like a tundra out there. It was frozen solid and I was shocked to see how well you were able to clean it up and then at the 11th hour early that morning when I texted you because the UAME Church was having their Martin Luther King celebration and the streets were of course on McEwen Street and North Street are very narrow and they were just hoping that we could widen them a little be for all the guests that were going to arrive and you did it. It was very – job well done. Thank you very much.

Mike Moser: Thank you sir.

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 matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Five Ayes

Return to Regular Meeting & Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to exit executive session, resume monthly meeting and adjourn at approximately 9:00 p.m. Five Ayes