

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JULY 15, 2019**

8262

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, July 15, 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, and Eileen Patterson. Trustee George McManus was absent. Also, present: Village Clerk, Raina Abramson, DPW Supervisor, Michael Moser, Village Attorney, Stephen Gaba. Others present: Lt. John Radar, Jonah Mandelbaum, Benjamin Ostrer, Kathy Gerstner, Matias Rodriguez, Alfredo Figueroa, 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 Patterson, seconded by Trustee Lindberg and carried to accept the minutes: June 17, 2019, July 1, 2019, & July 3, 2019. Four Ayes

Acceptance of Reports

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to accept the reports – June 2019: Clerk’s Office & Tax Collection Summary, Justice, Building, Planning Board & ZBA. Four Ayes

Authorization to Pay All Approved and Audited Bills

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried for the authorization to pay all approved and audited bills in the amount of \$223,838.32. Four Ayes

Police Report

Lt. John Rader: No, I just wanted to thank you for, I left before you acted on the Bank Street issue, but I just wanted to thank you for taking quick action on it.

Mayor Newhard: Ok, thank you. The other thing I sent you an email that was sent to me this evening. Did you see that?

Lt. John Rader: I did see that.

Mayor Newhard: On the triangle on Galloway.

Lt. John Rader: We will look into it.

Discussion

1. Electric Vehicle Charging Station Fee

Trustee Cheney: Basically, the process was never completed to charge fees when we installed the original station. We now have a new replacement station that we've installed and it's important for us to create a fee structure for that station. Just one of the things is kind of background information, the charging station isn't separately metered so it's part of the meter that I guess controls the parking lot lights and the outlets and I'm not sure what all at South Street. So, there's not really a way for us to determine exactly what the costs are relative to electrical costs. Charge Point is the company that we've worked through and has the system to do the charging as well as providing the unit. They are suggesting that we consider an hourly rate because the hourly rate provides an incentive for the owner of the vehicle to unhook and move the vehicle once it's fully charged or charged to the point that they want it to be. And they said normally charges don't exceed two hours. They also recommended a charge of between \$1.00 and \$2.00 an hour to do that and based on some preliminary numbers that I was able to look up, that looks like that would certainly cover our utility charges, but again there are other costs that we have in terms of upkeep, maintenance, service agreements and things like that that I didn't go into detail to factor in but they felt that most of the places that they work with that have a charge, charge between \$1.00 and \$2.00 an hour. Any questions on that?

Mayor Newhard: \$1.00 and \$2.00 an hour?

Trustee Cheney: So, it could be \$1.00 an hour or \$1.50 an hour or \$2.00 an hour whatever we chose.

Mayor Newhard: But with limitations on the amount of hours?

Trustee Cheney: No, but there probably needs to be some rules in place relative to them needing to...because my understanding is that with the electrical vehicles you can have an app that tells you when your car is charged so you should be going back to it. It's also visible somewhere on the vehicle, probably on the dash there's a green light or that light turns green when it's charged. So, again I don't know all of the details but that's...

Trustee Patterson: Isn't there a limitation on the amount of time that they can park in that spot based on the parking lot that it's in?

Trustee Lindberg: It should be, yes.

Mayor Newhard: Same as the South Street parking lot.

Trustee Patterson: So, what is it, three hours?

Mayor Newhard: Three hours, yes.

Trustee Patterson: I don't think it should be different than those three hours.

Mayor Newhard: Right.

Trustee Patterson: And they wouldn't be charged based on the time, they would only be charged based on the time that the charger is running, so it effectively turns off when the car is charged.

Trustee Cheney: No, they would continue to be charged as long as they were hooked up, \$2.00 an hour or a \$1.00 an hour, whatever it is.

Trustee Patterson: Well, then it behooves them to go move their car.

Trustee Cheney: Absolutely.

Mayor Newhard: Well, people have abused it. I mean, I've seen certain vehicles use it as a parking spot all day.

Mike Moser: Overnight.

Mayor Newhard: I don't know about overnight, but extended parking.

Trustee Patterson: No matter what is going on at that parking space they are still restricted to the amount of time that the...

Mayor Newhard: They should be.

Trustee Patterson: Yes. And it's only in the South Street lot? Am I right?

Trustee Cheney: Right now.

Mayor Newhard: Right now. We are going to be putting one in at Stanley-Deming.

Trustee Cheney: We got a grant for a second one at Stanley-Deming.

Trustee Lindberg: What are their service agreements as to maintenance agreements?

Trustee Cheney: I don't have backup on that information. They have to run the charging, excuse me, the financial aspect of the charge being assessed to the user through the credit card. I don't know whether we have the maintenance agreements, we probably should or extended maintenance agreements for the equipment.

Mayor Newhard: Who would have that?

Mike Moser: We have agreements with them and I'm not positive, but I think we pay like a \$1,000 or \$1,200 a year through them just to keep up with what you have now. I'm sure that the

billing, because they offered it to us, and I think it's in there already, but I don't know if they are going to charge you for, everybody wants their cut, they might want something for every charge. Every time a car hits it, you're \$1.00, \$0.33 might go to them. I don't know.

Mayor Newhard: Well, so I think we have a little bit more homework to do.

Trustee Patterson: Plus, I think Trustee McManus has some strong feelings on this subject and I think it would be best if we wait and talk about it with him.

Trustee Cheney: He wants to charge.

Trustee Patterson: I know.

Mayor Newhard: Yes.

Trustee Cheney: I think he wants to move forward with the charge.

Mayor Newhard: Yes, I think we are all...

Trustee Patterson: Right, but I'm talking about the amount.

Mayor Newhard: The amount. I think we are all on board about charging, obviously, it was a great intro to electric vehicles 101 but now it's time so, especially since they are more prevalent.

Trustee Cheney: We may not get enough money to pay the \$1,000 for maintenance.

Mayor Newhard: Ok, so some more research and conversation and also McManus at the board meeting next time. I'm just curious, I mean other municipalities or other even private concerns must have a setup like this and they're not giving it away so...

Trustee Cheney: Yes, they are.

Mayor Newhard: They are?

Trustee Cheney: A lot of them are.

Mayor Newhard: A lot of them are.

Trustee Cheney: Yes, you can go online onto Charge Point and most of the ones that I saw are free.

Trustee Lindberg: The Tesla cars are free.

Trustee Cheney: I think the Tesla ones that are at locations and then some of the charging stations are at car dealerships, so there are no fees associated with that because it's private.

Mayor Newhard: Right.

Trustee Patterson: What about Price Chopper? What happens there?

Mayor Newhard: That hasn't worked in some time. But they paid for it. They actually shouldered the charges.

Trustee Cheney: Yes, I think that one is free also or it was.

Mayor Newhard: Ok, well we will continue to look at that.

2. Municipal ID's

Mayor Newhard: So, the other issue under discussions was the Municipal ID which we we've been working on for some time and you did a really great comparison so...

Stephen Gaba: Was the Board interested in moving forward with that or not or where did we come down on it?

Mayor Newhard: I think we are.

Trustee Cheney: Yes.

Mayor Newhard: The overall consensus has been yes.

Stephen Gaba: So, the first question I would have is what information do you want on the cards? You want it to be a photo ID I assume?

Mayor Newhard: Yes.

Stephen Gaba: With name, date of birth, height, weight, address, issue date, expiration date and card number. Some require gender. Some don't require gender for reasons I've laid out. Anything more? Anything less? Did you give any thought as to what you want on your Village cards?

Trustee Patterson: I've actually given this a tremendous amount of thought and done a lot of reading about it. I've read lots of articles and talked to people locally and not so locally who have opinions about this and I think we're treading in dangerous water and for the sake of the people, the particular population of people, that we're trying to help I actually think we're potentially going to hurt them. If we decide that through this municipal ID we're going to somehow become a sanctuary city or something like that where we are giving someone who is otherwise undocumented some documentation, I think, and knowing that there's a court case that says that immigration can't come and ask us for that list, I think we would be hard pressed to

defend against the Federal Government if they decide to try and supersede that ruling with subpoenas and their legal teams. I think we would be financially in dire straits if we had to defend ourselves against that. So, having said that, if we move forward in this way with all of these points of documentation, I don't know how the rest of the Board is going to vote, I'm pretty sure it's going to pass, I'm going to abstain because I don't believe that it's actually going to do good. I think it's going to do harm. I think it's actually going to put a target on the backs of the people for whom we are trying to protect with this municipal ID. So, having said that, why wouldn't we just have a Village ID card that we don't ask for any particulars, any immigration issues, and nationality documentation. We just ask them to bring a lease that shows where they live. We take their picture and we mail the card to them at the address that is on the lease and I know that that is possible. I know that that will...that's...I mean I've been told that that would work, that that would serve the same purpose.

Stephen Gaba: Provided that you have a disclaimer on the card that you don't vouch for the identity of the person you are issuing it to, I don't see a problem with that.

Trustee Patterson: I don't think that we have to do that. It's similar to what...

Stephen Gaba: You may not legally have to do that but I'm telling you, you don't want to have somebody coming back saying the Village said that this is Joe Smith when in fact it's you know convicted arsonist Arty Johnson or whatever it is so I think you'd be well served to have a disclaimer on your cards if you're going to go that route.

Trustee Patterson: That's the only way I'll vote for it. I'm not opposed to it. It's important that you know that I'm not opposed to it. I'm in support of it and I'm supporting the reasons for it, but I actually feel very strongly that we would be doing a disservice if we did with all of the documentation.

Mayor Newhard: You mean because we would be reviewing documentation.

Trustee Patterson: Yes, and we sort of have been hanging our hats on this Supreme Court ruling that says that nobody can come and ask us for that list. And one particular attorney that I spoke to who is, actually two attorney's that I spoke to, who work in immigration, one said there is no way that there's a Supreme Court ruling without going through the process of showing the case and whatever, but, even if there is one, if the Federal Government decides to send their lawyers with subpoenas we would have to defend ourselves against that. I don't think it's something, no offense to you, I'm sure you'd be great, but you know...

Stephen Gaba: I'm sure I would be too.

Trustee Patterson: But you know we'd be up against...if they decided to make a case of, you know, the Village of Warwick decided they are going to be, make some major announcement or

you know whatever, decision to go this route. And the second attorney that I asked about this was the immigration attorney. I think his name was Mr. Fuchs who came and he actually said, he was talking about the special driver's license and he said, he recommended that people who are undocumented not use that because it's actually a red flag to you know, when you show it and then after the meeting, and I wish I had done it at the meeting, but after the meeting I asked him about the municipal ID card and he said same thing. It's the same thing. It's just as, you know, it's just as risky so, I'm ok with that disclaimer but...

Mayor Newhard: So, a streamline version.

Trustee Patterson: Yes, the library does that and then mails the card to them at that address and then that's their verification.

Stephen Gaba: Ok. So, that's what you want. Just the name, the photo, no age, no other information about the cardholder. Name, picture, I'm a resident of Warwick – end of story.

Trustee Patterson: Yes.

Trustee Lindberg: And it would be open to anybody.

Trustee Patterson: Yes. I don't want my age on it. I'm not sure I want my picture on it frankly, I take a terrible picture but, yes, it would be for anybody. And that's the whole point, it's for anybody. It's not for any particular population. If we start to get into the rest of this, we are in fact announcing that we are doing something for a particular population.

Trustee Lindberg: Yes, I think that's a good idea.

Mayor Newhard: Well, it makes the threshold a lot easier obviously.

Trustee Patterson: Yes.

Mayor Newhard: But we should have an address of course, on it.

Trustee Patterson: Yes, it would have the address that's on the lease or whatever one piece of residential documentation. Just like when someone comes in to do a tag sale, what do they show?

Raina Abramson: Their driver's license or they just give their property address if they are holding a garage sale which is in the Village.

Trustee Patterson: Right, but I mean what do they show you if they don't have a driver's license?

Raina Abramson: That's never been an issue.

Trustee Patterson: They always have a driver's license?

Raina Abramson: Yes.

Mayor Newhard: And how long would it last? Four years?

Stephen Gaba: That's up to you. That's one of the questions I was going to get to.

Mayor Newhard: Ok.

Stephen Gaba: But let's kind of take it in order, so, this next item I guess is pretty much taken care of by the first but other cards to deter fraud or duplication include a barcode, serial number, a watermark, a seal of the municipality, or other security measures. I take it we will just be foregoing that altogether. Here is your card with your picture, your name and your address. That's it. We are not going to do anything, or are we?

Trustee Patterson: Well, I think a seal is a good idea.

Mayor Newhard: Yes, the Village seal.

Stephen Gaba: Alright. How much do you want to charge? \$15.00 for adults to \$10.00 for adults is where the current market is set in Middletown, Newburgh, Poughkeepsie. Children \$7.00 to \$5.00. The children have to be over fourteen by the way for everyone else. Is that ok with you or do you want ID cards for children under fourteen?

Mayor Newhard: No, I think fourteen is it.

Stephen Gaba: Ok.

Mayor Newhard: Reasonable.

Stephen Gaba: So, that would be and...

Mayor Newhard: So, it would be somebody that doesn't have a driver's license, a young person who didn't have a driver's license and it could be useful for them as a photo ID.

Stephen Gaba: I would suppose so. And for people over sixty-two years old there's a discounted rate. Most people go with the same as for the children. How do you feel about the fees?

Trustee Patterson: We do have to buy the equipment. We thought we had it, but we don't, right?

Mayor Newhard: Correct.

Trustee Patterson: So, the advice that we were given from Nobody Leaves Mid-Hudson said that if we charge between \$15.00 and \$20.00 it would pay for itself within the first year. I guess it depends on how many people want it.

Mayor Newhard: That's right.

Trustee Patterson: So, the fees are fine.

Mayor Newhard: Yes, I think those fees are...

Stephen Gaba: Yes, but it's either \$10.00 or \$15.00 you've got to tell me which way you want to take it.

Trustee Cheney: I'd say \$10.00.

Mayor Newhard: \$10.00

Stephen Gaba: \$10.00. Now, other municipalities include a provision in their laws saying that the Clerk issues them generally speaking and that the Clerk is authorized to waive the fee in the case of financial hardship. I do not think it is legal to allow your Clerk to waive fees and the financial hardship standard and is non-existent. They don't say in any of the laws what you have to show, so I think if you want to have a waiver provision it would be fine but it should come to the Village Board and not the decision by the Clerk and if you have it come to the Village Board you're really going to need to establish standards for it. Do you really want to get into that?

Mayor Newhard: I don't think so.

Trustee Patterson: If anything, we could just have the Mayor decide the way he decides, there are other issues that we have him decide so you don't have to come to the Board every time, like banners.

Stephen Gaba: Yes, well fee waivers are a different matter. The fee is money that actually belongs to the Village. I suppose you could vest the authority on the Mayor to waive it but you're going to have to set standards under which he does it. If someone comes in and shows I make less than x dollars, maybe then you could have it, but...

Mayor Newhard: I think the \$10.00 fee is reasonable. I think we're ok.

Stephen Gaba: Good because I'm uncomfortable with the waiver provision as it is. Alright, the next was the issue of, well I guess we are going to obviate that because I was just going to say you're going have to have all of these different types of ...

Mayor Newhard: Points and stuff.

Stephen Gaba: We're no points.

Mayor Newhard: No.

Stephen Gaba: Ok. A lease or utility bill, that's what we're talking about?

Trustee Patterson: Something that proves they're living there which would be a lease or a utility bill.

Stephen Gaba: Alright.

Trustee Patterson: I can't think...I mean I guess car insurance.

Stephen Gaba: If I think of anything else, I'll put it in. If anybody else thinks of something...

Trustee Cheney: What if you have a multi-generational family living together in the same building and the utility bill is only in one person's name?

Stephen Gaba: That's true. If you have John Smith getting the bill, how's Mary Smith going to show you that she in fact resides there?

Trustee Cheney: Or Mary Smith's mother, Mary Jones?

Stephen Gaba: Exactly right. So, how about that?

Trustee Patterson: I don't know I had all of the other ideas.

Stephen Gaba: Let somebody else pull the oar on this one, ok.

Trustee Patterson: What about school, like...

Trustee Lindberg: Or a fourteen-year-old, what would they have?

Trustee Patterson: Well, they could have their report card or anything. What is something that gets mailed to them that's been through the postal service cancelled or whatever.

Stephen Gaba: If it's alright with the Board, let's do this, I have this whole list of various types of documents which might prove ID, I will attempt to come up with a somewhat lengthier list than just the lease or utility bill and I'll give you the law in draft form and if we want to fill it out once you get a look at it, what the law looks like, then I think we can add things to it at that point.

Mayor Newhard: Ok.

Stephen Gaba: Because I don't think it would be profitable to just kick it around here tonight. I mean if you feel otherwise, I'd be happy to list them.

Mayor Newhard: No, no I think that would be the best move.

Stephen Gaba: Ok. Other municipalities have, as I've mentioned, a disclaimer on their ID's. I think if you're going to go this route, again it's your decision of course, but my advice would be to copy the disclaimer used by Newburgh and Poughkeepsie as far as look this an ID card, we're

issuing it but we make no certification as to the accuracy of the information contained here on. I just think it's something you are going to want to have in your back pocket as time goes by. I mean, unless you feel otherwise, you can leave it off if you want but I...

Mayor Newhard: I think as our legal counsel, I think it's...

Stephen Gaba: Ok. You can make the language a little tamer than I would like it to say if you're so inclined, but we will work on that. I think the other issue that I had, the last issue actually that I had is obviated to. The other municipalities struggle with the issue of, well, it really isn't obviated because you are going to get something. What are you going to do with the documentation that you get by way of utility bills and ... you're not going to maintain them?

Trustee Patterson: We're going to look at them. We are going to write down the address and we are going to hand it back.

Stephen Gaba: Ok.

Trustee Patterson: In my opinion.

Mayor Newhard: That's my opinion as well.

Stephen Gaba: That's fine, that's fine.

Trustee Cheney: There's going to have to be an application form.

Stephen Gaba: Yes. It can be very minimal though as far as that goes.

Trustee Cheney: And at the bottom of the application form for Village use the Clerk or whoever issues can have a check off as to what documentation was provided.

Stephen Gaba: If they want returned, or do they want it destroyed. That's true.

Trustee Cheney: No, no just what documentation was provided. Ok, I got a birth certificate, a foreign birth certificate. I got this, I got that.

Stephen Gaba: That's right.

Trustee Cheney: Just check that off and hand the documents back to the individual and this is what the Clerk saw.

Stephen Gaba: And that documentation, the applications, you would have to maintain because those are official records.

Trustee Cheney: Right.

Stephen Gaba: But that would be it. So, just like a one-page sheet or index card or whatever it is.

Trustee Cheney: Or the bottom half of it.

Stephen Gaba: And you would keep those on file or scan them and keep the scans on file.

Trustee Patterson: I don't think we should do that. I think we should do it similar, just like we would for someone who wants proof to use the brush pile or to have a garage sale permit. They just show it, we type it in or whatever. It's done and that's it.

Trustee Cheney: Nothing is done internally for the brush pile?

Mayor Newhard: No.

Trustee Cheney: Just driver's license at the brush pile.

Trustee Patterson: Ok, we could use this for the brush pile though, right.

Trustee Cheney: So, you would use it for the brush pile?

Trustee Patterson: Sure, it's their village proof of residency. Or for a garage sale permit.

Mayor Newhard: Right.

Trustee Patterson: For all intents and purposes, it could be for that reason that they are getting the ID card. So, for the garage sale permit they just, Raina is saying, they just look at the documentation and that's it.

Trustee Cheney: I think it's important for us to have a check off that says what documentation was looked at to allow the card to be issued on the application form.

Stephen Gaba: I don't know how you could issue ID's and have absolutely no backup, even with the disclaimer, that you know, somebody could come in and ask for five different ID's, you know. I mean you really don't want to be part of that. You want to have, this was the application, this is the information that was given to us and we issued one to this person.

Trustee Patterson: Ok.

Mayor Newhard: Why don't you put it together?

Stephen Gaba: Alright.

Trustee Cheney: And we'll continue to talk about it.

Mayor Newhard: Yes.

Trustee Patterson: Yes, that's exactly what I'm trying to avoid is what I'm saying is having the paper trail.

Mayor Newhard: I understand that, yes.

Stephen Gaba: Well, it would be a much shorter law than the other ones if you go this route and that's just fine with me. I'll put together a draft and you can look that over and talk about it at your next meeting.

Mayor Newhard: Ok. Thank you.

Privilege of the Floor

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

Benjamin Ostrer: Maybe I could ask, after your executive session could I expect to, perhaps I can communicate with Mr. Gaba to see what the scheduling would be. If there is any schedule.

Mayor Newhard: I don't know what will be discussed so...

Trustee Patterson: Well, with that in mind we could consider that and tell you. You're certainly welcome to stay in case we do come up with that, right?

Benjamin Ostrer: Just when it might be an agenda item.

Stephen Gaba: There's no reason I can't talk to Ben, is there?

Mayor Newhard: There's no reason you can't talk to Ben.

Stephen Gaba: Ok.

Benjamin Ostrer: I'll do that. I'll check with Steve.

Mayor Newhard: I just had a question for you, Ben. Is there a time? We received a letter. We received your request. What is the time sequence of that? I mean is there...

Stephen Gaba: Well, if you determine that you're going to go forward with it, which you have absolutely no obligation to do, then you would have to get an escrow and then you would proceed with, well that's one of the things I need to talk with you about with which you'd proceed with, but it would essentially be the same as adopting any other local law.

Mayor Newhard: Ok.

Stephen Gaba: A few more bells and whistles in this case.

Trustee Patterson: Is it possible that we would want to have a conversation with these gentlemen after the executive session to answer questions that could potentially come up and maybe we move this along faster.

Mayor Newhard: It's up to...

Stephen Gaba: I think that would be premature. If you are really interested in that of course it's the Board's prerogative, but if you ask my opinion, I think it is premature.

Trustee Patterson: Ok.

Mayor Newhard: Ok, anyone else.

Benjamin Ostrer: Thank you.

Mayor Newhard: Thank you.

Matias Rodriguez: Hi Mr. Mayor. I heard a little about what you discussed about the municipal ID's but at the same time I with that Alfredo was here but he's busy over in Newburgh right now, so probably next meeting, or you could email to him.

Mayor Newhard: I will reach out to Alfredo.

Matias Rodriguez: Yes.

Mayor Newhard: And I will tell him exactly what we discussed.

Matias Rodriguez: Yes.

Mayor Newhard: Just so he is informed and so he can pass the word on.

Matias Rodriguez: Thank you, and I also want to ask you what you think about the letters you have that my community sent to you, we gave it to you a couple of meetings ago.

Trustee Patterson They were awesome. The letters were awesome. Some of them were in Spanish though and we had to ask to have them translated. I'm sure that I know the spirit of the letters even though I don't understand the language, but I think we are waiting for the translated versions.

Matias Rodriguez: We try hard. Even my daughter she tried to, because I tried to write mine and I told my daughter because she writes in English, and when I tell her in Spanish she had a little hard time to translate it in English but I do a little bit by a little bit and probably one of these days I will bring my own letter to you that way you could share it if you want to.

Mayor Newhard: Well, we appreciate that.

Matias Rodriguez: Thank you.

Mayor Newhard: Thank you. Hi Oscar.

Oscar Figueroa: I say thank you for the providing the good news. I think my community is really happy for this. I don't know, I'm really excited and thank you for this opportunity and I think it helps a lot for our community. Thank you very much.

Mayor Newhard: Thank you. Ok, we will move on to motions. Trustee Cheney.

Trustee Cheney: Just a question for Mr. Gaba. Should I just eliminate the one we aren't going to consider tonight, the fee change, when I read it?

Trustee Patterson: We have to read them out loud? Can we waive the reading?

Stephen Gaba: You can certainly waive the reading as far as that goes, however, you have a draft resolution before you and when Trustee Cheney proposes it he should either say I'm proposing it in revised form or he can read the motion and say we're going to move to amend it. You could go either way. So, you would say, I'd like to present this motion absent, whatever it is, the third, fourth paragraph down. Identify the opening words of the...but if you want to waive the reading then you have to have a motion to waive the reading.

Motions

Waive the Reading Amending Schedule of Fees for Water System Operations

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to waive the reading of the resolution amending the schedule of fees to change the type of fee for water system operations. Four Ayes

Resolution Amending the Schedule of Fees to Change the Type of Fee for Water System Operations - AMENDED

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

WHEREAS, the Village's schedule of fees contains a provision for water fees as follows:

Type of Fee	Amount	
Cost of service pipes		§ 141-33
3/4- inch service	\$1,000	
Services line in excess of 12 feet, Per linear foot	\$30	§141-33D
Water shutoff or reconnect fee, each	\$50	
Special meter reading (i.e. closings)	\$25	
Meter Test	\$25	
Meter installation charges, based on size of meter		§ 141-36
5/8" x 3/4" with generator register with connections	\$450	
3/4" with generator with connections	\$477	
1" with generator with connections	\$530	

; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the above referenced fees it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees, under heading "Water" is hereby amended to delete the above referenced fees and replace them as follows, including other sections of the Schedule of Fees that reference the same:

Type of Fee	Amount	
Cost of service pipes		§ 141-33
3/4- inch service	\$3,000	
Services line in excess of 12 feet, per linear foot	Actual cost to Village, including inspection	§141-33D
Water shutoff or reconnect fee, each	\$100	
Special meter reading (i.e. closings requested by customer)	\$50 per appointment	
Meter Test	Actual cost to Village	
Meter installation charges, based on size of meter		§ 141-36
5/8" x 3/4" with generator register with connections	\$500	
3/4" with generator with connections	\$550	
1" with generator with connections	\$650	

-RESOLUTION AMENDED

Resolution Amending the Schedule of Fees to Change the Type of Fee for Water System Operations Excluding Water Shutoff or Reconnect Fee

A **RESOLUTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried amending the schedule of fees to change the type of fee for water system operations excluding the fee for water shutoff or reconnect fee which is listed at currently as \$50.00 and proposed as \$100.00. Four Ayes

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

WHEREAS, the Village's schedule of fees contains a provision for water fees as follows:

Type of Fee	Amount	
Cost of service pipes		§ 141-33
3/4- inch service	\$1,000	
Services line in excess of 12 feet, Per linear foot	\$30	§141-33D
Special meter reading (i.e. closings)	\$25	
Meter Test	\$25	
Meter installation charges, based on size of meter		§ 141-36
5/8" x 3/4" with generator register with connections	\$450	
3/4" with generator with connections	\$477	

1" with generator with connections \$530

; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the above referenced fees it is necessary for the Village Board to adopt a resolution:

NOW, THEREFORE, BE IT RESOLVED that the Village's Schedule of Fees, under heading "Water" is hereby amended to delete the above referenced fees and replace them as follows, including other sections of the Schedule of Fees that reference the same:

Type of Fee	Amount	
Cost of service pipes		§ 141-33
3/4- inch service	\$3,000	
Services line in excess of 12 feet, per linear foot	Actual cost to Village, including inspection	§141-33D
Special meter reading (i.e. closings requested by customer)	\$50 per appointment	
Meter Test	Actual cost to Village	
Meter installation charges, based on size of meter		§ 141-36
5/8" x 3/4" with generator register with connections	\$500	
3/4" with generator with connections	\$550	
1" with generator with connections	\$650	

-RESOLUTION CARRIED

Resolution Amending Schedule of Fees to Change the Type of Fee for Returned Checks

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

WHEREAS, the Village's schedule of fees contains a provision for returned check fees as \$25.00; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the returned check fee to \$20.00 it is necessary for the Village Board to adopt a resolution:

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

In the Schedule of Fees, under heading "Treasury Department" the subheading entitled "Returned check fee" the subheading shall be revised to appear as follows:

Type of Fee	Amount
Returned check fee	\$20.00

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 Absent

Eileen Patterson, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Resolution Authorizing Closing - 50 Orchard Street Property

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

WHEREAS, the Village Board had previously adopted a resolution approving the purchase of same; and

WHEREAS, following execution of the contract of sale a fee title report was ordered from GreenAcre Abstract, LLC; and

WHEREAS, both parties are now prepared to close this transaction;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby authorizes the Village Mayor to execute closing documents and all related documents necessary to close this transaction and record the deed; and
2. That the Village Board hereby directs the Village Clerk to pay the annexed voucher submitted by the title company for closing costs, title insurance, recording fees and special district taxes.

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	Absent
Eileen Patterson, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

Facility Use – Railroad Green / Hispanic Heritage Celebration

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to the Hispanic Ministry of the Warwick Reformed Church to use Railroad Green on Sunday, September 22, 2019 from 2:00 p.m. to 11:00 p.m., this time will include set-up and break down time, for their Hispanic Heritage Month Parade and Celebration per their letter dated June 6, 2019. Completed park permit, security deposit and proof of proper insurance have been received. Four Ayes

Road Closure – Railroad Avenue / Hispanic Heritage Celebration

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to close Railroad Avenue on Sunday, September 22, 2019 from 2:00 p.m. to 11:00 p.m. for the benefit of the Hispanic Heritage Month Parade and Celebration. Four Ayes

Hispanic Heritage Parade

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Patterson and carried to grant permission to the Hispanic Ministry of the Warwick Reformed Church to have a parade on Sunday, September 22, 2019 starting at 4:00 p.m. per the attached letter and parade route map. The Warwick Police Department has been notified and approved the route. Proof of proper insurance has been received. Four Ayes

Road Closure – William Close / Neighborhood Block Party

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to close William Close, beginning at 7 William Close, on Sunday, September 1, 2019 from 11:00 a.m. to 4:00 p.m. for the benefit of a neighborhood block party per the request of Village resident, Jen Haysom. Four Ayes

Discussion Prior to Vote

Trustee Patterson: Don't we need some kind of insurance? It's a village road.

Trustee Cheney: We don't do this too frequently.

Trustee Patterson: No, I know. I can't think of the last time.

Trustee Cheney: The last time was a couple of years ago.

Stephen Gaba: Well, it would be better if you had insurance. What is your practice as far as block parties go?

Trustee Patterson: We very rarely have them. I can't...like I said.

Trustee Cheney: Yes.

Stephen Gaba: You require it for parades, don't you?

Trustee Patterson: No.

Stephen Gaba: Or don't you?

Mayor Newhard: No.

Stephen Gaba: If you don't require it for parades then how are you going to require it for a block party.

Trustee Patterson: Ok, cool.

Mayor Newhard: Ok. So, we will supply them with sawhorses and such.

Trustee Patterson: But we're not going to send the DPW crew there. We're going to have the sawhorses for them to setup. They will set it up then, ok.

Schedule of Fees – Annual Budget

MOTION to amend the Schedule of Fees to reflect the amounts set in the Budget of the Village of Warwick for the fiscal year beginning June 1, 2019. **WITHDRAWN**

Discussion Prior to Vote

Stephen Gaba: If I could just on that...what's happening is that you change the amount of the rates and fees for the utilities in the budget and that actually establishes what the rates and fees are. You also have a schedule of fees which tells people if they look, what it is and right now because you changed it in the budget that's inaccurate, ok. Now, you could as we're doing, as that original draft was, every year, every time that you change this, enacting one of those resolutions, but it just seems to me to be a lot easier if you adopt one resolution now directing the Clerk every time you in your budget change the utility fees, the water and sewer, to revise the schedule of fees accordingly and that way you won't have to constantly every time you change

it, adopt a resolution like this. Just do the one now and you're done. So, we have revised wording that would affect that. It does exactly what the one Barry just read does, but it also allows her to continue to do that in perpetuity.

Schedule of Fees – Annual Utility Billing Rates

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to authorize the Village Clerk to annually revise the Village's Schedule of Fees to reflect the Utility Billing Rates (water and sewer) and utility charges and fees as set in the approved Village Budget without further action by the Village Board of Trustees. Four Ayes

Reports

Trustee Cheney's Report:

I just wanted to mention to the public that if there are streetlights in their neighborhood that are not working properly like they are on all day or not on at night or they go on and off, that they have an option. They can go on the O&R website and report that streetlight or they can call Village Hall DPW which is 986-2031 extension 6 and there are two rows of numbers on the poll, one above the other, five numbers in each row, so a total of ten numbers and that's the number that you would need to report it to O&R or you would need to provide to the Village DPW. Hopefully, we can get O&R out here to do it fairly expeditiously. I believe that have to do it within about two weeks.

Trustee Lindberg's Report:

Just a short report. I talked to Ron Introini, the Village of Warwick Recreation Director, he said that the park is running fine. No problems with the playground or the bathrooms or any of the equipment. He said the counts are a little bit down this year but he's happy with the progress.

Mayor Newhard: Maybe for the sports, but the camp program, the numbers are spiked and have actually risen due to the playground.

Trustee Lindberg: Yes, it was busy today. It is busy every day.

Mayor Newhard's Report:

I just have a couple of things. I wanted to first wish our sympathy and condolences to the Emmerich family, Suzie Emmerich who was the Emmerich matriarch passed away recently and Suzie as many of us know, led in the community sing-along on Christmas Eve for forty-nine years and so she is definitely someone who has been well loved by our community. It's a very special event that the Village puts on and she's done it as a volunteer for almost forty-nine years

and people have great memories. Beyond that, as a musician and a singer, she was a remarkable woman and she was dedicated to women's issues and had a large family. Was a wife, mom, grandmother, great-grandmother, a beautiful woman, forever young and we will miss her so our condolences to that family and to the community. I think everyone will really miss her.

And I also want to congratulate the Buckbee family. Yesterday was the celebration of their two hundredth anniversary of their farm out on Bellvale Lakes Road and you know, that is an essential and important part of our valley. It's all protected farmland. It actually creates a greenbelt around our village, the same as Pioneer Farm. It's the reason people come to our community when they are at the crest of Mt. Peter having ice cream and they look down, that is what they see, the mosaic of incredible farmland that is protected. So, thank you to the Buckbee family for two hundred years of agricultural success.

Closed Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee Lindberg and carried to go into closed session to seek the confidential advice of counsel. Four Ayes

Discussion

Mayor Newhard: And when we return, we will not be making any motions or doing any business.

Adjournment

A **MOTION** was made by Trustee Patterson, seconded by Trustee Cheney and carried to exit closed session, resume the regular session of the Village Board meeting and adjourn the regular meeting at approximately 9:00 p.m. Four Ayes

Raina M. Abramson
Village Clerk