

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 27, 2021**

9135

A special meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 27, 2021, at 11:00 a.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Corey Bachman and George McManus. Also, present was Village Clerk Raina Abramson and Village Attorney, Stephen Gaba. Others present: Roger Connor.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, the public was able view the meeting live by the public on the Village of Warwick, NY YouTube channel: <https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

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

1. **Public Hearing for the purpose of considering a proposed renewal of the franchise agreement with Cablevision of Warwick, LLC for cable service in the Village of Warwick.**

The Clerk read the Public Hearing Notice:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 27th day of December 2021 at 11:00 o'clock a.m., at Village Hall, 77 Main Street, Warwick, New York, for the purpose of considering a proposed renewal of the franchise agreement with Cablevision of Warwick, LLC for cable service in the Village of Warwick.

Copies of the proposed cable franchise agreement are on file at the Village's Clerk's Office, Village Hall, 77 Main Street, Warwick, New York and may be viewed on the Village's Website at <https://villageofwarwick.org/> or at Village Hall during Village Clerk's business hours, between 8:30 A.M. and 4:00 P.M., Monday-Friday.

PURSUANT TO CHAPTER 417 OF NEW YORK STATE LAWS OF 2021, the said public hearing will be conducted in the following manner: Members of the Village Board will attend the meeting via Zoom video or teleconference. The public hearing may be viewed live on the Village of Warwick, NY YouTube channel at:

<https://www.youtube.com/channel/UCK7D7KGbZF6nYfbcWGH6-VA>

Interested parties may submit comments to be received by 11:00 a.m. on December 27, 2021, via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email;

clerk@villageofwarwick.org. Comments may also be made via YouTube during the public hearing by going to the Village of Warwick, NY YouTube channel.

NO IN-PERSON ATTENDANCE IS AVAILABLE OR PERMITTED FOR THE MEETING. There is no physical meeting location, but for the purpose of compliance with the applicable law, the location of the meeting shall be deemed to be conducted at Village Hall, 77 Main St, Warwick, NY 10990.

Mayor Newhard: Do we have any guests?

Raina Abramson: Yes, we have Roger Connor in the waiting room. Should I let him in?

Mayor Newhard: Yes, please.

Raina Abramson: And at this time, I haven't received any written comment regarding the Public Hearing.

Mayor Newhard: Very good. So, Roger we are at the point of the public hearing where we are accepting any comments. Would you like to comment anything to the Board at this point?

Roger Connor: I just wanted to introduce myself, Roger Connor, representing Altice in the franchise renewal negotiations. I will try to answer any questions that the Board or public may have or if I can't, I'll take those questions back to the Altice folks.

Mayor Newhard: It doesn't seem we have any questions right this second, Roger, but maybe something would unfold. Steve do have anything that you want to express or to tell the Board.

Stephen Gaba: We've gone over this contract. It's similar to the one that was previously entered. It's a ten-year term. The Board has come up with a list of public buildings that service will be provided to. We've negotiated some changes in the language but it's essentially the same agreement that the Village has had in place moving forward.

Mayor Newhard: Board Members, any questions, concerns, thoughts? So, with that may I have a motion to close the public hearing.

Public Hearing Closed - Renewal of the Franchise Agreement with Cablevision of Warwick, LLC

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to close the Public Hearing for the purpose of considering a proposed renewal of the franchise agreement with Cablevision of Warwick, LLC for cable service in the Village of Warwick.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

1. Village of Warwick Parking Courtesy.

Trustee Lindberg explained that during his trips to Skaneateles, NY he noticed parking kiosks and solar powered, Wi-Fi, parking meters that accept coin or credit cards. Trustee Lindberg said that during his latest trip he spoke with the Police Chief and Sargent about parking, and they recommended parking kiosks for charging in parking in lots but did not recommend the solar powered parking meters, saying that the old quarter meters are the best option because the solar powered meters are too complicated for some folks and when snow covers the top of the meter it stops charging. Trustee Lindberg said that the Police Chief told him that the best idea he ever had was called a 'parking courtesy' or envelope that the police place on cars as a courtesy to increase the time if the car has overextended the allowed parking limits. Trustee Lindberg stated that Skaneateles receives quite a bit of money mailed back to the police station from visitors that violated the parking limit but decided to make a donation.

Trustee Lindberg explained that after hearing many stories from the Village of Warwick Parking Enforcement Officer, Milissa Hyde, and in effort to promote additional friendliness in the Village, he felt it was a good idea if there was a car that came from out of state, as a courtesy, the Village could take an opportunity to put the parking courtesy envelope on their car that includes their license plate and the time. Trustee Lindberg felt that in some cases this is a good idea to promote a sense of grace in the Village. Trustee Lindberg explained that Milissa knows the cars that take advantage of the parking in the Village. Trustee Lindberg stated that he felt this is something to explore so folks want to come back to the Village as opposed to leave saying that they received a ticket and won't come back.

Trustee Cheney inquired if the Parking Enforcement Officer would just put the envelope on the vehicle or put a quarter in the meter. Trustee McManus stated that if the Village wanted to promote goodwill and not leave the courtesy to the discretion of one person, it should eliminate parking meters in the Village. Trustee Lindberg explained that one of the advantages of having meters and a time limit on the meters is to promote parking for the customers because there are

still quite a few owners of the buildings and businesses that park in front of their stores as long as they can which doesn't promote customers. Trustee McManus stated that the courtesy should not be at the discretion of one person and felt that either the Village has a law with parking meters with the signs and limits enforced or the Village doesn't have meters and comes up with other solutions for leaving signs on how long someone can park and let it go at that.

Village Attorney, Stephen Gaba, stated that there are a few legal issues with the courtesy. Mr. Gaba said the first issue is that a municipality cannot engage in fundraising but can accept donations and alert the public to the fact that the Village is going to accept donations for a particular fund or purpose; therefore, the letter has to be carefully written to not fall on the fundraising side, which would probably be illegal. Mr. Gaba said the second legal issue is gift of public funds because the Village cannot constitutionally make a gift a public funds to private individuals even if it's as little as a quarter. Mr. Gaba stated that as an enforcement matter the Village can decided that they're not going to issue a ticket and extend the parking periods. Mr. Gaba said that he was troubled by the idea of putting another quarter in the meter because you're spending public funds to increase the meter time and funds would be coming out of a municipality to benefit an individual. Mr. Gaba explained that he feels that placing a courtesy envelope on the window can be done but would be leery about feeding the meter for people.

Further discussion ensued with the Village Board and Village Counsel regarding the proposed parking courtesy.

The Village Board asked Mr. Gaba to revise the parking courtesy language and asked that the matter be placed under discussion at the next meeting to discuss the proposed criteria for issuing a courtesy.

Motions

**RESOLUTION OF THE VILLAGE BOARD OF THE
VILLAGE OF WARWICK RENEWING THE CABLE FRANCHISE OF
CABLEVISION OF WARWICK, LLC**

WHEREAS, the Village of Warwick (the "Village") is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the "Communications Act"), and is authorized to grant cable franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the "Cable Laws");

WHEREAS, Cablevision of Warwick, LLC ("Cablevision") currently provides telecommunications and information services within the Village pursuant to

authority under Section 27 of the New York Transportation Corporations Law and Title II of the Communications Act; and

WHEREAS, Cablevision has submitted a draft written franchise agreement to continue providing cable service within the Village for the next ten (10) years; and

WHEREAS, due negotiations between the Village and Cablevision have resulted in a proposed Cable Franchise Agreement, a copy of which has been filed with the Village Clerk; and

WHEREAS, the New York State Public Service Commission has sole jurisdiction over any SEQRA proceedings in this matter; and

WHEREAS, on December 27, 2021, at a meeting of the Village Board, a public hearing was held on the proposed Cable Franchise Agreement at which members of the Village Board, Cablevision and the public were given notice and opportunity to comment;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Warwick finds that it approves the character of Cablevision; and be it

FURTHER RESOLVED, that the Village Board finds that Cablevision is legally, technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Village and will meet all statutory and regulatory non-discrimination requirements; and be it

FURTHER RESOLVED, that the Village Board finds that although the terms of the proposed Cable Franchise Agreement are not identical to those of the franchise agreement with the incumbent operator, the terms of both agreements contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon one another; and be it

FURTHER RESOLVED, that the Village Board authorizes the award of a non-exclusive franchise to Cablevision to own, construct, operate and maintain a cable system along the public rights-of-way within the Village in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it

FURTHER RESOLVED, that the Village Board authorizes the Mayor to enter into the Cable Franchise Agreement with Cablevision of Warwick, LLC, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Village of Warwick.

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

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

RESOLUTION INTRODUCING PROPOSED LOCAL LAW
TO AMEND VILLAGE CODE CHAPTERS 39, 90 and A150 and TO ENACT A NEW
CHAPTER 39A REGARDING FACILITY USE AND PARK REGULATIONS AND
PERMITS

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend Village Code Chapters 39 and 90 and A150 regarding Village Parks and Facility Use Permits and to enact a new Chapter 39A regarding Assemblies"; and

WHEREAS, in order to consider adoption of the proposed local law it is necessary to first introduce it and hold a public hearing upon it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law; and

2. That a public hearing on the said local law is hereby set for January 18, 2022, at 7:30 p.m.; and

3. That the Village Clerk shall publish and post notice of the public hearing.

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

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Aye

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Final Comments from the Board

Trustee Cheney wished everyone a Happy New Year and said that Apple Eve will be taking place at 11:30 p.m. on Railroad Avenue.

Mayor Newhard wished everyone and the Board a very Happy New Year with a healthy, happy season ahead with a lot to be grateful for and a lot of challenges but feels promise.

Executive Session

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus and carried to enter Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Mayor Newhard said that the Village Board will come back into the regular board meeting but will not make any decisions or motions at that point.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to exit executive session, resume the regular meeting and adjourn the regular meeting at approximately 11:45 a.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Raina M. Abramson, Village Clerk