

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
AUGUST 19, 2024**

**10,218**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 19, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard. Trustees: Barry Cheney, Carly Foster, and Mary Collura. Also, present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Absent was Trustee, Thomas McKnight. Others present, Warwick Police Chief, John Rader, and Donna Douglas.

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

**Acceptance of Minutes**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried for the Acceptance of Minutes: August 5, 2024

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Absent    Mayor Newhard Aye

**Acceptance of Reports**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried for the Acceptance of Reports - July 2024: Clerk's Office, Tax Collection, Justice Department, Planning Department, Building Department, Department of Public Works & June 2024 Justice Department report.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Absent    Mayor Newhard Aye

**Authorization to Pay all Approved and Audited Claims**

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$330,246.60.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

1. Police Report.

Chief Rader announced that National Night Out will take place this Wednesday at Memorial Park from 5:00 p.m. to 8:00 p.m. Activities include food trucks, a "Touch a Truck" exhibit, and various attractions such as axe throwing.

Trustee Cheney added that Black Dirt Bandits will provide live music throughout the evening.

Mayor Newhard praised National Night Out as a significant event that the community eagerly anticipates. He highlighted the Coalition's excellent work in showcasing the police force's positive contributions and their commitment to the Coalition's important goals. The Mayor also mentioned that the event is expected to attract a large number of attendees.

Chief Rader reported the completion of the second Junior Police Academy session, where 17 kids, aged 10 to 15 graduated. This brings the total number of graduates to over 100 since the program's inception in 2022. The Chief noted that the program has been successful and well-received.

Chief Rader updated that preparations are underway for Apple Fest as well as the Washington 5k. He mentioned that information about road closures will be communicated through social media to keep the community informed about these events.

**Correspondence**

1. Letter from Warwick Middle School Student, Elysia Wang, requesting to place a piano in a public space.

Mayor Newhard mentioned Goshen had a public piano a number of years ago and suggested reaching out to them to inquire about their approach.

During the general Board discussion, the feasibility of installing a public piano was explored. It was noted that Goshen had multiple playable pianos at one point and the Board discussed the challenges of protecting such pianos from the elements. The idea of placing a piano in the new visitor center was considered but deemed less ideal for public interaction. Instead, placing a piano in a protected area of one of the Village's parks, such as the picnic pavilion in Stanley-Deming Park, was suggested. The possibility of outdoor pianos designed to withstand weather conditions was also raised. The Board agreed to

respond to the young inquirer that they are exploring options and might implement a similar project. Additionally, it was mentioned that outdoor musical instruments, like those at the Warwick playground, could be a potential alternative if a piano proves impractical.

### **Discussion**

1. 2024 NY Forward Revitalization Initiative Grant Application Preparation Services.

Mayor Newhard shared that the Village has received two responses and is expecting another from Millennium, a public relations and grant writing firm based in Nanuet. He requested feedback on the potential firms and emphasized the need to move quickly. The Mayor proposed forming a focus group to work with the selected grant writer and handle outreach efforts required for the application. He suggested including key representatives from the Chamber, the Historical Society, and possibly other stakeholders. Additionally, he mentioned utilizing outreach facilities, such as the Farmers Market, for effective communication. The Mayor also sought thoughts on Choice Words and Barton & Loguidice.

Mayor Newhard informed the Board that he has been in contact with Mayor Harter from Florida. Both mayors will be submitting separate grant applications but aim to highlight their mutual respect and the potential for interactive collaboration if both villages were awarded.

Trustee Foster provided details on the proposals from Barton & Loguidice and Choice Words. Barton & Loguidice would handle the assembly of the letter of intent and review background information, but their proposal is significantly more expensive, reflecting their focus on engineering and planning. Choice Words, a PR firm, offered a walking tour of the area and included the facilitation of a public meeting or survey in their price if community engagement is necessary. She noted that Choice Words has a proven track record with NY Forward projects, whereas the success of Barton & Loguidice in similar endeavors was not as well known, noting that they did not state their success rate in their proposal.

Trustee Foster expressed concerns regarding Choice Word's proposal. Although the firm has demonstrated past success and articulated their expertise as a PR firm, Trustee Foster noted that the contract terms and payment structure were unclear and differed from standard practices. Additionally, Choice Words did not provide detailed information about the expected length of the submission or the timeline. Trustee Foster suggested sending follow-up questions to both Choice Words and Barton & Loguidice to clarify

these aspects. She also raised concerns regarding markups on outside services. Trustee Foster expressed interest in what the third proposal would involve once submitted.

The Board discussed the budget implications of the proposals. Barton & Loguidice's proposal exceeds the budget by more than double, while Choice Words is slightly over budget. Choice Words offered a lump sum payment structure, with half paid upfront and the remainder upon completion. Mayor Newhard had already reached out to Cornwall regarding their experience with Choice Words and they responded with exclusively positive feedback.

The Board discussed the budget constraints for the grant application services, noting that the allocated budget is \$10,000. Given this limitation, Barton & Loguidice's proposal is not feasible.

The Board also discussed the type of documentation required, highlighting the need for technical details, cost estimates, and the ability to demonstrate impact and leverage. The importance of effectively telling the project's story was emphasized, as advised by the Mid-Hudson Economic Committee.

It was noted that both Choice Words and Millennium had suggested working independently rather than partnering with other towns and villages.

The Board decided to wait for additional information before proceeding. The suggestion of a Zoom meeting with Choice Words or Millennium was mentioned. They also acknowledged the need for a formal contract, including insurance requirements.

**2. Draft Short-Term Rental Code.**

Village Board Attorney, Stephen Gaba provided an update on his recent tasks related to the code revisions. He discussed safety inspections with the Building Inspector, Boris Rudzinski, who confirmed that bed and breakfasts and hotels receive annual fire inspections. Although short-term rentals are similar, Mr. Rudzinski suggested that annual inspections might be suitable due to their less commercial nature and the six-month owner-occupied requirement.

Mr. Gaba also reported on updates to the code: Section 115-4 now mandates the disclosure of individuals with a 10% or greater interest in a corporate entity applying for a short-term rental, and Section 115-6 has been revised to extend the reporting requirement for permit holders from 48 hours to five business days.

Additionally, Mr. Rudzinski raised concerns about Section 115-3, Sub-1, which currently restricts short-term rentals to single-family dwellings, duplexes, and accessory units. He recommended clarifying the language to explicitly prohibit short-term rentals in multiple dwellings (three or more units) to ensure compliance with state law and avoid confusion. Mr. Gaba will integrate these revisions and provide further clarification as needed.

Trustee Foster asked for Mr. Gaba's input.

Mr. Gaba responded that the current language in Section 115-3 is clear to him in prohibiting short-term rentals in multiple dwellings. He noted that owners of such properties are likely aware of the state law prohibiting short-term rentals in buildings with three or more units. However, Mr. Gaba acknowledged Mr. Rudzinski's concern about mixed-use buildings and suggested that the code may need additional language to address this type of use. He recommended considering whether the code should explicitly cover mixed-use buildings to ensure clarity.

The Board discussed the applicability of short-term rental regulations to mixed-use buildings. Concerns were raised about whether buildings with commercial uses, such as retail or restaurants, and three or more residential units above them would be classified as multiple dwellings, thus prohibiting short-term rentals. The discussion highlighted that, under state law, such buildings are considered multiple dwellings and are not allowed to have short-term rentals.

The Board debated whether the existing language in the code sufficiently addresses mixed-use scenarios or if it requires clarification. It was suggested that the code should explicitly state that short-term rentals are allowed only in buildings with up to two residential units above commercial uses, to avoid ambiguity and ensure alignment with state law.

Mr. Gaba inquired about the Board's preference regarding the frequency of inspections for short-term rentals. He asked whether the Board favored maintaining the current requirement of inspections every two years or transitioning to an annual inspection schedule.

Mayor Newhard expressed concern regarding the increased workload on the building department if the inspection frequency switched to annually.

Trustee Foster agreed that a two-year inspection schedule is appropriate, noting that Mr. Rudzinski was not actively advocating for that change. Trustee Foster expressed concern that property owners might struggle to remember the annual requirement and predicted

that this could result in inadvertent violations if inspections were annual, but renewals occurred every two years.

Mr. Gaba reported that Mr. Rudzinski was pleased with the provision allowing other qualified individuals, such as building inspectors, home inspectors, engineers, and architects, to perform inspections if necessary. This flexibility would help manage inspection delays. Additionally, Mr. Rudzinski recommended increasing the fines associated with code violations. While higher fines could serve as a stronger deterrent, Mr. Gaba noted that this is a policy decision and pointed out that \$500 per day is already a significant penalty. He suggested that if the Board is satisfied with the current fine structure, no changes are necessary.

Trustee Cheney questioned the rationale behind treating short-term rentals differently from bed and breakfasts in terms of inspection frequency. He suggested that if the activities are similar, there might be no substantial reason to justify a two-year inspection interval for short-term rentals compared to the one-year interval for bed and breakfasts. Trustee Cheney emphasized that if additional effort is needed to manage inspections, it should be addressed by the Board to ensure consistent enforcement across all types of rental properties.

Trustee Foster received clarification that Trustee Cheney was advocating for annual inspections as opposed to every two years. She stated that she understood the argument for consistency.

Trustee Cheney noted that even if short-term rentals are not used as frequently as bed and breakfasts, this does not mean there are no potential violations that need to be addressed. He expressed concern that infrequent inspections could result in issues going unnoticed, especially if properties are not in use for extended periods. Trustee Cheney emphasized the importance of regular inspections to ensure that all properties, regardless of their usage frequency, are compliant with regulations and safety standards.

Trustee Foster reasoned that maintaining consistency in inspection schedules across different types of rental properties supports administrative clarity and efficiency. This consistency ensures that policies are straightforward and easier to enforce.

Trustee Collura agreed.

Mayor Newhard highlighted the disparity in the number of properties, noting that there are three bed and breakfasts compared to 17 short-term rentals. He emphasized the need for effective monitoring and oversight given the larger number of short-term rentals, which could complicate enforcement and inspection efforts.

Trustee Cheney suggested that if the Board encounters difficulties in conducting inspections, property owners could be notified to provide inspection certifications themselves. This approach would turn the issue into an administrative matter, potentially reducing the need for professionals to physically visit each site and streamlining the inspection process.

Trustee Foster inquired about the administration of allowing property owners to provide their own inspection certifications. She asked how this process would be managed and compared it to the current system for bed and breakfasts, questioning whether they are licensed by village or by state.

The Board discussed the licensing and regulatory process for bed and breakfasts, the conversation focused on understanding how this system compares to the proposed process for short-term rentals and the implications for enforcement and administration.

The Board also discussed the challenges associated with tracking and managing inspection schedules for short-term rentals, given their varying due dates throughout the year. They noted that enforcement could involve sending reminders or notices to property owners who are delinquent in their submissions. It was suggested that the code enforcement and building permit management system, Muncity, could be utilized to provide reminders and help maintain compliance. This system should ideally flag upcoming inspections and ensure that all necessary certifications or inspections are completed on time.

Trustee Foster updated the Board that the current short-term rentals available in the Village were now 38.

Trustee Foster inquired whether there is a fee associated with the inspection of short-term rentals, noting that, to her knowledge, there is only a fee associated with registration and renewal.

Mayor Newhard suggested that the Board review all fees related to short-term rentals.

Trustee Cheney discussed current inspection fees for different types of properties, noting the following: \$50 for assembly spaces, \$25 for general commercial spaces, \$100 for institutional properties, and \$50 for multiple dwellings with over 10 units. He suggested creating a specific fee structure for bed and breakfasts and short-term rentals, which could be established by a resolution of the Board.

Village Board Attorney Stephen Gaba reviewed the revisions that were discussed: First, revising Section 115-3 to clarify that up to two units in a mixed-use building can be used

for short-term rentals, provided there are three or more units in the building. Second, changing the inspection period from two years to one year.

Trustee Foster reiterated the concerns regarding the administrative impacts of increased inspections.

Trustee Cheney noted that when the Village had a building inspector and a part-time inspector, they were effectively managing fire inspections. Currently, the part-time inspector is undergoing certification and shadowing. It is anticipated that, even before completing certification, the part-time inspector will be able to conduct fire inspections independently and assist with issuing COs (Certificates of Occupancy) under Mr. Rudzinski's guidance.

Trustee Cheney mentioned that, previously, an intern assisted by taking photographs of completed projects, such as roofing, which allowed the Building Department to close out permits and issue COs. He emphasized that Mr. Rudzinski has the authority to utilize additional resources to help manage these tasks.

Mayor Newhard suggested starting with annual inspections and, if they prove to be challenging or burdensome, revisiting the frequency.

Mr. Gaba agreed with the plan to start with annual inspections and suggested making the proposed changes to the draft. He proposed submitting the revised draft for the first meeting in September to adopt a resolution scheduling a public hearing. He noted that public comments might prompt further revisions and advised against setting the public hearing date until the draft is finalized.

Trustee Cheney raised a concern regarding the zoning code for off-street parking. He questioned whether this reference would necessitate an amendment to the zoning code, noting that the current code does not include specific provisions for short-term rentals. Trustee Cheney pointed out that short-term rentals could potentially bring in more cars compared to a typical single-family residence.

Mr. Gaba explained that the parking requirements for bed and breakfasts were previously set to include one space for the owner plus additional spaces for each bedroom in use. However, he noted that short-term rentals differ from bed and breakfasts because the owners typically aren't present, and the parking needs should be treated similarly to those of single-family homes, duplexes, or mixed-use buildings. If the Board prefers to set specific parking requirements for short-term rentals, similar to those for bed and breakfasts, Mr. Gaba would need to revise the language accordingly.

Trustee Foster recalled the previously discussed concern that owners using their properties for short-term rentals might not have made modifications to their parking to accommodate additional vehicles, potentially due to the added expense. She noted that it might not be desirable to require significant parking changes in residential areas to accommodate short-term rentals, and thus the decision was made to use the underlying zoning of the property for parking requirements.

The Board discussed making changes to the 10% or greater interest in a corporate entity section by matching the Town's recent revision of full owner disclosure.

Trustee Cheney pointed out that while the code explains how to calculate the maximum permitted overnight occupancy, it does not describe how daytime occupancy limits are determined. He suggested that the code should clarify how daytime occupancy is calculated and regulated.

Trustee Cheney noted that the code includes a provision requiring tenants hosting a special event with more than 10 invitees, beyond the occupants, to obtain special approval. He emphasized the importance of this provision for managing larger gatherings.

In the general Board discussion, it was noted that if short-term rental tenants plan to use the residence for a party or event with more than 10 guests, they must inform the owner. The intent is to ensure the owner is aware and responsible for managing the event. The discussion also covered occupancy limits for overnight and daytime guests. The permit will specify these limits, including how many people can sleep there. Concerns were raised about defining "overnight" in the context of parties that might continue late into the night. It was suggested that definitions for "daytime" and "overnight" occupancy should be clarified to avoid ambiguity and ensure effective enforcement.

Trustee Foster raised concerns about the imposition on regular residential properties, questioning whether the proposed short-term rental regulations might duplicate existing noise ordinances and other rules.

Trustee Cheney emphasized the need to define specific hours for what constitutes "overnight" in the short-term rental regulations. He argued that without clear restrictions, tenants could continue activities like parties until early morning hours, potentially causing issues.

Trustee Foster suggested that if there is no disturbance to the peace, there might not be a need to intervene. She emphasized that the Board's goal should be to limit disturbances and ensure health and safety, rather than micromanaging social activities. She suggested

that the regulations should focus on the minimum requirements necessary to achieve these goals without imposing unnecessary restrictions on social gatherings.

Mr. Gaba acknowledged the concern about not micromanaging personal social activities but emphasized the need for clarity in the licensing scheme. He noted that while the intention is to avoid intrusion into people's private events, the code must define terms like "overnight" and "daytime" occupancy to ensure compliance and avoid confusion. He argued that providing clear definitions will help manage expectations and make the licensing process more effective.

Trustee Foster agreed that the hours needed to be distinguished.

Trustee Cheney raised a safety concern about not having clear restrictions for overnight occupancy. He pointed out that if the code does not specify limits for overnight stays, there could be a situation where more people than intended are staying in a single bedroom, which could pose a serious risk in case of emergencies, such as a fire. This would make evacuation more difficult and potentially increase the risk to occupants.

Trustee Foster argued that existing codes adequately address concerns about disturbances, noise, and other issues. She suggested that the Village should not over-regulate short-term rentals beyond what is already covered by existing codes. She emphasized that the goal should be to complement, not duplicate, the measures in place and avoid unnecessary restrictions on property use.

Trustee Collura expressed her disagreement with the idea of simplifying the regulations for short-term rentals. She highlighted the high number of Airbnbs and short-term rentals in her neighborhood and emphasized that knowing each property is limited to a specific number of occupants provides a sense of safety. She stressed that detailed regulations, including maximum occupancy limits and hours, contribute to neighborhood security and help manage potential emergencies. Despite acknowledging the concerns raised by others, she feels that the thoroughness of the proposed code is necessary for maintaining safety and comfort in residential areas.

Trustee Foster acknowledged Trustee Collura's concerns and validated the importance of feeling safe in the neighborhood. However, she questioned how different the issues with short-term rentals are from those in existing residential situations. She pointed out that residents already have the ability to host parties and gatherings, and if disturbances occur, there are mechanisms like police intervention to address them. Trustee Foster suggested that the existing systems for handling disturbances and ensuring comfort might be sufficient for short-term rentals as well.

Trustee Collura argued that short-term rentals are different because they are often rented out as vacation destinations. Unlike a regular resident who might host a few parties a year, short-term rentals could host events or gatherings every weekend, especially during peak seasons. This frequent turnover and high volume of events could lead to more frequent disturbances, making strict regulations and safety measures more necessary for short-term rentals compared to typical residential properties.

Trustee Cheney added that short-term rental tenants may lack a sense of community and personal investment in the neighborhood. This detachment could lead to less consideration for the impact of their activities on the local area, compared to long-term residents who have a more vested interest in maintaining the neighborhood's quality.

Mayor Newhard suggested that clearly defining what constitutes daytime and nighttime occupancy in the code not only clarifies expectations but also emphasizes to Airbnb owners the importance of adhering to these guidelines.

In the general Board discussion, it was considered whether the hours for short-term rental occupancy should align with the noise ordinance. The noise ordinance includes specific decibel levels and time restrictions for noise, which may or may not match the proposed hours for day and night occupancy limits. The discussion touched on how aligning these hours could potentially simplify enforcement and ensure consistency, but it was also noted that the specific details of how the noise ordinance applies to short-term rentals might need further clarification.

Trustee Foster expressed that she is fine with specifying the hours for day and night occupancy. She clarified that her concern was not with identifying these hours but with the initial direction of the discussion.

Trustee Cheney suggested starting with a time frame of midnight to 8:00 a.m. for the noise ordinance. He proposed that while short-term rentals should adhere to the noise ordinance, extending the restriction to midnight would still align with the regulations.

Trustee Foster expressed concern that 8:00 a.m. might be too late.

After a brief discussion, the Board settled on midnight to 6:00 a.m.

Trustee Cheney raised concerns about handling violations of short-term rental regulations. He suggested that if the Building Inspector determines a violation, the notice could be sent via certified mail, requiring the recipient to acknowledge receipt. If there's no response within 10 days, the permit could be revoked. He questioned whether this

approach might violate due process, considering that some recipients might ignore notices, causing issues to remain unresolved.

Mr. Gaba explained that if the Building Inspector determines a violation, a notice is sent by certified mail to the owner. If the owner does not pick up the mail, it remains their responsibility. A report is then sent to the Village Board, which sets a hearing date no less than 10 days from the notice date. This process ensures the permit holder has an opportunity to be heard before any action is taken. If they don't attend the hearing, then the inspector's report is deemed to be true.

Trustee Cheney noted that if the Village Board meets every two weeks and schedules the hearing 10 days from the meeting, it could effectively delay the process for almost a month before the issue gets addressed.

Mr. Gaba clarified that the process should take less than 30 days and is likely to conclude within 3 to 5 days. He also noted that the suspension of a license can be for up to two years.

Trustee Foster inquired about how fines for violations are applied, specifically whether they are backdated to the date of the violation.

Mr. Gaba explained that fines are assessed on a per-day basis from the date the court imposes them. For instance, if short-term rentals were conducted without a license for 15 days, the fine would be \$500 per day for those 15 days.

Trustee Foster then asked if, in the event of a violation finding and subsequent process that takes a month, the fines would cover every day the short-term rental was conducted between the initial violation and the final decision.

Mr. Gaba explained that ongoing violations can be included in the complaint, and fines can cover the period covered by the complaint. New violations occurring after the initial filing would require a separate complaint.

Mr. Gaba confirmed that the \$500 per day fine applies to each day the violation occurred, not just after the hearing. He also clarified that suspensions and fines are separate issues.

Trustee Cheney asked whether Webster's Dictionary definitions are sufficient for distinguishing between "tenant," "guest," and "invitee".

While Mr. Gaba agreed that the policy did not specifically define the terms, he did not believe it was necessary to do so.

**Public Comment - Agenda Items Only**

**GUIDELINES FOR PUBLIC COMMENT**

The public may speak only during the meeting's Public Comment period and at any other time a majority of the Board allows. Speakers must be recognized by the presiding officer, step to the front of the room/microphone, give their name, residency, and organization, if any. Speakers must limit their remarks to three minutes (this time limit may be changed to accommodate the number of speakers) and may not yield any remaining time they may have to another speaker. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information. The Village Board is not required to accept or respond to questions from the public at meetings but may request that inquiries be submitted in writing to be responded to at a later date. All remarks must be addressed to the Board as a body and not to individual Board members. Interested parties or their representatives may also address the Board by written communications.

No comments.

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW  
TO ENACT VILLAGE CODE CHAPTER 115 –  
"SHORT TERM RENTAL PROPERTY"**

WHEREAS, the Village Board of the Village of Warwick has before it a local law entitled: "A local law to amend the Village Code by enacting Chapter 115 entitled 'Short-Term Rental Property'"; and

WHEREAS, in order to enact the said local law it is necessary to formally introduce it and to hold a public hearing on it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law, and
2. That a public hearing on the proposed local law be set for September 16, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

\_\_\_\_\_ presented the foregoing resolution which was  
seconded by \_\_\_\_\_,

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

Barry Cheney, Trustee, voting \_\_\_\_\_

Carly Foster, Trustee, voting \_\_\_\_\_

Thomas McKnight, Trustee, voting \_\_\_\_\_

Mary Collura, Trustee, voting \_\_\_\_\_

Michael Newhard, Mayor, voting \_\_\_\_\_

**Change Order No. 2 – Jorrey Excavating, South St. ADA Sidewalk Phase 3 Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to approve and authorize the Mayor to sign Change Order No. 2 for the South Street ADA Sidewalk Phase 3 Project with Jorrey Excavating, Inc. for the adjustment to contract pricing for the increase in concrete sidewalk thickness to 6” in driveway locations, whereby bid documents specified 4” minimum thickness. Additionally, the installation of 6” thick concrete within the designated driveway aprons, in lieu of asphalt, increasing the project cost by \$17,025.39 with a new contract price of \$201,848.99 as per the recommendation of Village Engineer, Keith Woodruff.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**Discussion**

Mayor Newhard explained that the sidewalk project on South Street was initially completed with a concrete apron, but the subsequent phase was not due to cost constraints. He reached out to Nicole Anderson from Community Development, who indicated that there are available funds that might cover both the change order and potentially reduce the Village’s overall contribution to the project. The project was awarded \$111,000, and with approval of the change order, this amount could increase to \$201,848.99. Additionally, there may be discretionary funds from other county projects,

though this process involves public hearings and can take time. The immediate goal is to secure funds to cover the change order, with the possibility of further reducing the Village's contribution.

Trustee Cheney commented on the benefits of the project, noting that the upgraded sidewalk, which will have six-inch sections with welded wire mesh, is more durable compared to the previous four-inch sections without mesh. He mentioned that asphalt can have issues with settling and durability, making the concrete sidewalk a more resilient option. He suggested that in future projects, having an alternative bid option for similar upgrades could help the Board make more informed decisions based on affordability and needs.

Trustee Foster remarked that opting for the least expensive option can lead to numerous change orders and potentially higher overall costs.

Trustee Cheney noted that the Board is somewhat at the mercy of the contractor.

Trustee Foster inquired about the discrepancy between the bid documents specifying a four-inch minimum thickness and the decision to proceed with a six-inch thickness for the sidewalk.

Trustee Cheney explained that the six-inch thickness is being used only at the driveway areas to accommodate heavier loads from vehicles, while four inches is deemed sufficient for the rest of the sidewalk. The original bid aimed to minimize costs, but the higher thickness at driveways will result in a more durable and better-quality project. In hindsight, including an alternative option for thickness in the bid documents would have been preferable.

Trustee Foster raised a concern about the maintenance and repair of sidewalks, noting that while property owners are generally responsible for sidewalk upkeep, the Village has the authority to make necessary changes and cost-share repairs. She highlighted the issue of public expectations, as the Village upgrades sidewalks in heavily trafficked areas. Trustee Foster wondered if there might be a broader approach to addressing sidewalk repairs, considering the many areas in disrepair and the potential implications for property owners who might expect similar action from the Village.

Mayor Newhard noted that the sidewalk projects are specifically designed to ensure ADA (Americans with Disabilities Act) compliance.

Trustee Foster emphasized that the sidewalk projects are in highly trafficked public areas and serve as public infrastructure.

**Payment #1 – Jorrey Excavating, Inc., South St. ADA Sidewalk Phase 3 Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to approve payment #1 in the amount of \$6,156.95 to Jorrey Excavating, Inc. for the South Street Sidewalk ADA Improvements – Phase 3 project for work including the project mobilization and the initial demolition and excavation work as per the recommendation of Village Engineer, Keith Woodruff. Funds are appropriated in budget code A5110.4400.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**Payment #3 – TAM Enterprises, Inc., DPW Pole Barn Project**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to approve payment #3 in the amount of \$77,227.40 to TAM Enterprises, Inc. for the Pole Barn DPW project for work including the final excavation, preparation, and the pouring of the concrete foundation slab as per the recommendation of Village Engineer, Keith Woodruff. Funds are appropriated in budget code A1640.2350.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**Proposal from Barton & Loguidice – Multi-Use Trail Feasibility Study - AMENDED**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney to accept the proposal from Barton & Loguidice dated July 26, 2024, with a total cost not to exceed \$99,920 to provide Consulting and Professional Services for the Village of Warwick Multi-Use Trail Feasibility Study project as part of the 2023 Empire State Development Strategic Planning and Feasibility Study Funding Program. Funds are budgeted in FY2024-25 budget code A.1440.4.

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

Trustee Cheney \_\_\_ Trustee Foster \_\_\_ Trustee Collura \_\_\_

Trustee McKnight \_\_\_ Mayor Newhard \_\_\_

**Discussion**

Trustee Foster proposed an amendment to the motion to remove the markup on external services from the contract. She expressed concerns that including a 15% markup on outside services, such as lab services and printing costs, is unreasonable. She argued that this markup would result in the charges being paid twice—once as part of the hourly rate and again through the markup—and requested that this provision be removed from the proposal.

Trustee Cheney noted that applying a markup on external services is a standard practice. While acknowledging he was unsure if the 15% rate was standard, he explained that markups on outside services, such as subcontracted surveying or testing, are common. He also pointed out that in some cases, avoiding these charges can be achieved by going directly to the service providers.

Trustee Foster explained that the markup on external services is not an allowable fee for federal grants. She noted that even though markups are common, they are not permitted because the managing firm is already compensated for the time associated with overseeing subcontractors. Therefore, she requested that the markup be removed from the proposal.

Trustee Cheney explained that the markup on external services generally covers costs not directly related to the technical aspects of a project. This includes the costs associated with billing, financial management, and other administrative tasks incurred by the managing firm. He noted that such markups account for the financial handling and payment processing involved, which are standard practices even if not always visible.

In the general Board discussion, it was noted that if office administrative or project management-related costs are covered separately, then adding a markup for external services could be seen as duplicative or "double dipping." While recognizing that a markup is common in the industry, there was a consensus that such charges should be minimized or avoided, especially if administrative costs are already being covered.

**Proposal from Barton & Loguidice – Multi-Use Trail Feasibility Study**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney to accept the proposal from Barton & Loguidice dated July 26, 2024, with a total cost not to exceed \$99,920 to provide Consulting and Professional Services for the Village of Warwick Multi-Use Trail Feasibility Study project as part of the 2023 Empire State Development Strategic Planning and Feasibility Study Funding Program conditioned upon Barton & Loguidice's agreement to remove the

provision of Outside Services Cost Plus 15%. Funds are budgeted in FY2024-25 budget code A.1440.4.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

### **Reports**

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

Trustee Cheney reminded everyone about the ongoing lead service line inventory, emphasizing its importance for improving water safety and securing future grants for replacement. Homeowners should have received a postcard with instructions on determining their pipe material and submitting a picture. The inventory process is designed to be simple and is crucial for identifying trends and confirming data. The goal is to complete the inventory by October, with further visible activities expected as the project progresses.

Trustee Foster thanked Trustee Cheney and Trustee Collura for all their work on the project.

Trustee Cheney stated that Trustee Collura will be in attendance again at the Farmers Market this Sunday with the exhibit and encouraged residents to stop by the booth.

Trustee Collura noted that the submission deadline is September 16, with the final deadline for the complete inventory being October.

Trustee Cheney emphasized that early submission of the lead service line survey is preferred, as it will expedite subsequent steps. Residents experiencing any issues or having questions are encouraged to contact Village Hall and speak with the Water Billing Clerk, who will assist or direct them to someone who can help.

#### **Trustee Foster's Report:**

No report.

#### **Trustee Collura's Report:**

Trustee Collura reported that the fall newsletter is scheduled to be delivered in the first week of September. She is currently finalizing the content and has an upcoming meeting to complete the editing and layout. She encouraged anyone with additional content to submit it as soon as possible. For future newsletters, she asked that anyone who takes photos or gathers information from events or training classes send the details to her, as she only has access to the information she is directly involved with.

Trustee Collura shared that she met with Judy Quackenbush, the senior liaison, to discuss the needs and information requirements of senior citizens. Additionally, the Warwick Friendly Visitor organization reached out to her seeking volunteers. As a result, she has dedicated one page of the fall newsletter to senior citizens, including comprehensive information such as resources from the Orange County Office of the Aging. She is pleased with this addition, believing it will significantly aid in providing valuable information to the senior community.

Trustee Foster suggested informing the public that the dial-a-bus service is available not only for seniors but also for other residents who may need it.

**Trustee McKnight's Report:**

No report.

**Mayor Newhard's Report:**

Mayor Newhard reported that one of the initial projects for the master plan at Veterans Memorial Park is an Eagle Scout project led by Joey Sanzone. The project involves creating a dog park. Although the fence is up and the park is not yet complete, reports indicate that it is already being used, highlighting a strong community need. The project has preserved as many trees as possible, and the final details are being worked out. Donations for a monumental sign and bricks have been generously contributed by the community, supporting the park's development. The dog park is dedicated to Veteran Canines, which goes with the overall theme of Veterans Memorial Park.

Mayor Newhard added that this dog park project is just the beginning of many upcoming improvements at Veterans Memorial Park and expressed enthusiasm about the future developments.

Trustee Foster commented that a lot of activities will be seen in the spring.

Mayor Newhard announced several updates. The Village has successfully closed on a two-acre property at Robin Bray, adjacent to the 14-acre Lewis Woodlands Park. This

land, part of a stream corridor leading to the Hudson River, was acquired through a partial gift from Marina Case and Jeffrey Alario, along with open space funds from the Town. This acquisition safeguards the area from potential development. Additionally, renovations at 75 Main Street are nearing completion. This property will soon be the new headquarters for the Chamber of Commerce, which will include a visitor center open to the public. Volunteers interested in assisting at the visitor center are encouraged to contact the Village or the Chamber of Commerce. Lastly, to celebrate the 100th anniversary of Greenwood Lake, the Village gifted a sugar maple tree to be planted in Centennial Park. This gesture reflects the Village's commitment to its sister village and its values as a Tree City member. The Mayor concluded with gratitude for the support and participation in these community efforts.

**Public Comment – *Non-Agenda Items***

No comments.

**Final Comments from the Board**

No comments.

**Executive Session**

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster and carried to enter 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.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

**In Executive Session:** Village Attorney, Stephen Gaba. Mayor, Michael Newhard and Trustees Barry Cheney, Mary Collura, and Carly Foster.

**Adjourn Executive Session**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to exit Executive Session and resume the regular meeting.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Absent    Mayor Newhard Aye

**Adjournment**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to adjourn the regular meeting at approximately 9:25 p.m.

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

Trustee Cheney Aye    Trustee Foster Aye    Trustee Collura Aye

Trustee McKnight Absent    Mayor Newhard Aye

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Raina M. Abramson, Village Clerk