

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JUNE 20, 2023**

9698

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Tuesday, June 20, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Carly Foster, Mary Collura, and Tom McKnight. Also, present was Village Clerk Raina Abramson and DPW Supervisor Mike Moser. Village Attorney Stephen Gaba was absent. Others present: Tiffany Howell, Lisa King, Tom King and Gail Hoffer-Loibl.

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 McKnight , seconded by Trustee Foster, and caried for the Acceptance of Minutes: June 5, 2023 Work Session.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Acceptance of Reports

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried for the Acceptance of Reports – May 2023 Clerk’s Office, Justice Department, Building Department, and April & May 2023 Planning Department.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$552,446.00.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye
Trustee McKnight Aye Mayor Newhard Aye

1. Police Report - No report at this time.

Announcement

1. Due to the Village of Warwick Summer Camp, Stanley-Deming Park will be closed to the public Monday-Friday, June 26, 2023 – July 28, 2023, from 8:45 a.m. – 2:15 p.m.

Discussion

1. Building Department fees.

Trustee Cheney began by saying that he had been gathering information from the building department about updating the building fees. He said one of the issues with the current fees is that they are based on the cost of construction, but as construction costs have increased, the time and work required by the building department has not increased proportionally. He proposed basing the fees on the square footage of the property, with a base fee plus an additional amount per square foot. He believed this would be a more accurate reflection of the time and inspections required. He planned to distribute a proposal to the board at the next meeting. He also said the base fees would likely need to increase somewhat to cover the processing and inspection costs.

2. New York State Consolidated Grant Funding.

The board discussed applying for grants through the New York State Consolidated Funding Application. There are many different grants available through various state departments. The board members discussed potential projects that could apply for the grants, including finishing the comprehensive master plan, tourism and bathroom facilities, dam safety repairs, recreational trails, and a skatepark. They agreed that in order to apply for the grants, they would need to identify projects that are already developed and have the necessary information and documentation ready. Trustee Cheney mentioned that they could apply for a grant for dam safety repairs, as they already have an engineering report and are in a good position to apply. The board decided to focus their efforts on applying for the dam safety grant and to gather more details on other potential projects.

3. Safe Streets for All.

The board discussed applying for the Safe Streets for All grant to fund transportation improvements in the village. Trustee Foster explained that the proposed scope of the application includes:

- Sidewalk accessibility upgrades in the central business district - Crosswalk improvements at key locations - Marketing and branding for the dial-a-bus program - Slowdown Warwick campaign - Complete streets design for McFarland Road - Signage and demonstration projects at gateway roads

The application is due July 10. The board agreed to draft a resolution in support of the transportation safety action plan to submit with the application. Trustee Foster said crash data showed that most injury-producing crashes have occurred on gateway roads and were caused by driver behavior issues. The board agreed to obtain letters of support from local organizations to strengthen the application. Trustee McKnight said the transportation safety action plan pulls together data and narratives from previous grant applications to make the case for the proposed improvements. The board supported moving forward with the application and sharing the draft transportation safety action plan for feedback.

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.

Richard Wilson:

Richard Wilson spoke on behalf of his son Kevin Wilson, who owns a property at 43-45 Colonial Avenue. He explained that work needed to be done on the foundation at the property, which required removing the water meter. However, once the meter was removed, they realized they needed temporary use of water until the meter could be reinstalled. Richard asked if the temporary water use fee could be waived since the

village water department did not need to do any work. Mayor Newhard said that further discussion can take place during the motion on tonight's agenda.

Tiffany Howell:

Tiffany Howell asked if she could speak about flags on Main Street during the non-agenda public comment period. The mayor informed her that she could speak about that during the second public comment period for non-agenda items.

Motions

Temporary Use of Water – 43-45 Colonial Avenue

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster to approve the request for Temporary Use of Water at 43-45 Colonial Avenue, Warwick, NY. The application fee has been received as per Village Code § 141-7.

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____

Trustee McKnight ____ Mayor Newhard ____

Discussion

Trustee McKnight questioned if a temporary permit was actually needed, saying it sounded like the same meter would just be reinstalled once the foundation work was done.

The board agreed they needed more information to determine if a temporary water use permit was actually required. Trustee Cheney withdrew the motion, saying it seemed unnecessary based on the new details provided. The board and Richard Wilson agreed to revisit the issue once they had clarified the exact situation with the water connection and meter. Richard Wilson said he did not have access to the basement at that time to confirm all the details.

Trustee Foster suggested taking some action to ensure the property owner had water in the meantime, and then coming back with a new resolution determining the appropriate fee once they had more information. Trustee Cheney agreed that a temporary use permit may not be needed if the same meter could just be reinstalled. He withdrew the motion, and the board agreed to resolve the issue directly with the property owner.

Seasonal Department of Public Works Laborer – Matthew Hyland

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to hire Matthew Hyland to the position of Seasonal Laborer at a rate of \$16.50 per hour at 40 hours per week for 12 weeks with a start date of June 26, 2023, per the recommendation of DPW Supervisor, Michael Moser.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Seasonal Department of Public Works Laborer – Matthew Hann

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to hire Matthew Hann to the position of Seasonal Laborer at a rate of \$16.50 per hour at 40 hours per week for 12 weeks with a start date of June 26, 2023, per the recommendation of DPW Supervisor, Michael Moser.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Resolution Amending Schedule of Fees to Change Certain Water Fees

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

WHEREAS, in order to amend the Village's Schedule of Fees to change the water fees 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 "Water" the following fees shall be added:

Category	Sub-Category	Type of Fee	Amount	Code
Water		Meter replacement charge up to and including 1"	\$750.00	
Water		Transmitter Replacement	\$500.00	
Water		Transmitter Wire Repair	\$100.00	

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Trustee Cheney explained that these fees were being added for instances where the village has to replace or repair a water meter or transmitter due to damage caused by the customer, such as a dog chewing through transmitter wires.

Resolution Amending Schedule of Fees to Change Certain Sewer Fees

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

WHEREAS, the Village's Schedule of Fees contains a provision for sewer fees as follows,

Category	Sub-Category	Type of Fee	Amount	Notes	Code
Sewers		Permit Application Fee	\$1,200.00		109-5

; and

WHEREAS, in order to amend the Village's Schedule of Fees to change the sewer fees 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 “Sewers” the fees shall be revised to appear as follows:

Category	Sub-Category	Type of Fee	Amount	Notes	Code
Sewers		Permit Application Fee, per tap	\$1,200.00		109-5

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Trustee Cheney explained this clarifies that the fee is charged per connection or tap to the sewer system, as each tap requires a separate plan and application review.

Landscape Master Plan for Veteran's Memorial Park Cost Increase

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to increase the total cost for landscape architectural services from Karen Arent for the preparation of a Landscape Master Plan for Veteran's Memorial Park to \$15,000. The project cost of \$10,000 was previously approved on May 16, 2022.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Budget Appropriations – FY2023-24 CHIPS, PAVENY, EWR

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster, and carried to approve the FY 2023-24 budget appropriations and revenue for the increase in CHIPS, PAVENY, and EWR as per the Village Treasurer's letters dated June 13, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Budget Modification – FY2022-23 Budget

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster, and carried to approve the FY 2022-23 budget modification and transfer request as per the Village Treasurer's letters dated June 15, 2023.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Shade Tree Commission - Sherwood Stevens

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to appoint Sherwood Stevens as Village of Warwick Shade Tree Commission Member to fill a vacancy of an unexpired term through April 7, 2025.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Request for Zone Change – 4 Overlook Drive - AMENDED

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to acknowledge receipt of the petition for 4 Overlook Drive for a Zoning Change and to refer the petition to the Village's Attorney and the Village's Engineering Consultant for review and **comment.**

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

Trustee Cheney ____ Trustee Foster ____ Trustee Collura ____

Trustee McKnight ____ Mayor Newhard ____

Discussion

Trustee Cheney stated that he spoke with the village attorney who recommended establishing an escrow account for engineering and legal costs related to reviewing the petition. Village Clerk, Raina Abramson, said that an escrow was originally established in 2017 with a current escrow balance of \$805.50. Trustee Cheney said the attorney estimated around \$2,000 may be needed.

Trustee McKnight asked why the petition was coming now and if the applicant would be represented at this or the next meeting. Trustee Cheney said the attorneys and engineer needed to review the petition first and provide their feedback before the board dives into it.

Request for Zone Change – 4 Overlook Drive

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to acknowledge receipt of the petition for 4 Overlook Drive for a Zoning Change and to refer the petition to the Village's Attorney and the Village's Engineering Consultant for review and comment and require the applicant to add to the current escrow account with the Village to bring the total to \$2,000.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Reports

Trustee Cheney's Report:

No report this evening.

Trustee Foster's Report:

Trustee Foster had two updates:

- 1) The village should hear back about the RAISE grant application within 8 days. The grant is for transportation improvements like sidewalk design and complete streets design.
- 2) The feedback from the Memorial Park master plan open house has been published. The draft plan is on the website along with a way to provide feedback.

Trustee Collura's Report:

No report this evening.

Trustee McKnight's Report:

No report this evening.

Mayor Newhard's Report:

Mayor Newhard shared that the village received a \$600,000 grant from a local foundation for the Warwick skatepark initiative. He said the grant would make a lot of children happy and be an exciting gift and initiative.

Public Comment – Non-Agenda Items

Tiffany Howell:

Village resident, Tiffany Howell, expressed concerns about the removal of American flags from Main Street during the Pride parade. She observed that it appeared that the American flags had been taken down, which she felt was disrespectful to veterans and their families. She wanted to know if there was a way for businesses to add pride flags while still keeping the American flags up, including the ones in front of Village Hall.

Trustee Foster reiterated that flags weren't taken down from Main Street for the pride flags because they weren't there. Trustee Collura confirmed that the pride flags went into brackets that were not being used. Trustee Foster said that she could see how there could be confusion because right after the event, American flags were hung all down the street, but they were not there.

Tiffany Howell asked if there were no American flags prior to the event.

Trustee Foster replied that they were only in front of Frazzelberries.

Trustee Cheney suggested figuring out a way to have both American flags and banners on the telephone poles along Main Street so that when the banners are put up for the veterans, we don't have to take down the American flags.

The board and Tiffany agreed that having higher and lower brackets could allow for both flags and event banners to be displayed.

Mayor Newhard thanked Tiffany for her concern and observation. Trustee Collura stated that each pride flag that was hung in front of a business was done with the permission of the business owner.

Lisa King:

Village resident, Lisa King, asked who paid for the flags. Mayor Newhard and Trustee Collura replied that the Community Center paid for the flags. Trustee Cheney stated that it was not a board or village action to put the Pride flags up, it was a private action.

Lisa King made several comments regarding drag queens performing at the Pride event:

She argued that drag queens are a career and profession, not representative of how LGBTQ people live their daily lives. She said drag shows are not related to celebrating pride.

She brought up that unexpectedly obscene drag queens showed up at the 2021 event, which the community center disavowed. She said unforeseen things happen and the board cannot be blamed for that. But it raises the question of why the board would approve a Pride event with drag shows at a children's playground.

She asked the board to be more inclusive in the future and to have similar events at locations where the community would feel more comfortable, without drag shows and children in the same playground.

The board members reiterated their role in approving events that comply with laws and did not want to inhibit free speech.

Lisa King believed the board has the ability to make reasonable decisions on behalf of the community. She asked the board to have a deeper adjudication process when considering drag shows at a children's playground due to the many young children who may not be able to comprehend such things.

In the end, Lisa King asked the board to be more inclusive and have similar events at locations where the community would feel more comfortable.

Final Comments from the Board

No comments were made.

Executive Session

A **MOTION** was made by Trustee Collura, seconded by Trustee McKnight, and carried to enter into Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Lindberg Aye

Trustee McKnight Aye Mayor Newhard Aye

Mayor stated that when the Board returns it will not be conducting any more business.

In Executive Session

In Executive Session: Michael Newhard, Mayor, and Trustees Barry Cheney, Carly Foster, Mary Collura and Tom McKnight.

Adjournment

A **MOTION** was made by Trustee Cheney seconded by Trustee McKnight, and carried to exit Executive Session, resume the regular Village Board meeting and adjourn at approximately 9:00 p.m.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Lindberg Aye

Trustee McKnight Aye Mayor Newhard Aye

Raina M. Abramson, Village Clerk