

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 18, 2024**

10,373

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 18, 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, John Christinson, Nikki Grzegorzewski, Ken Beers, Tom Brennan, Maggie McNeely, Richard DiCostanzo, Bart Amatetti, Anne Prial, Greg Prial, Tony Cosimano, Cathie White, Bob Krahulik, and Mr. Muhammad.

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

A moment of silence was held for Dariel Vasquez, the young firefighter who was killed during the effort to control the Jennings Creek Wildfire.

Mayor Newhard expressed gratitude on behalf of the Board to all first responders for their tireless efforts in serving the community during this time. He acknowledged their incredible work and emphasized that while the situation was ongoing, their contributions were deeply appreciated and deserved recognition in the record.

Acceptance of Minutes

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried for the Acceptance of Minutes: November 4, 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 Collura, seconded by Trustee Foster and carried for the Acceptance of Reports – October 2024: Clerk’s Office, Tax Collection, Justice Department, Planning Department, Department of Public Works, Building Department and September 2024 Building Department Reports.

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 Foster, seconded by Trustee Cheney and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$583,906.99.

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.

Police Chief John Rader reported that he did not have a prepared report, as he had been working remotely at the Greenwood Lake command post for the past 11 days. He noted that he missed the October meeting but provided a brief update, stating that the Police Department successfully managed Applefest, the Halloween Parade, and Veterans Day. He assured the Board that a full report on the natural disaster and related activities would be presented next month.

Trustee Cheney expressed appreciation to Police Chief John Rader for ensuring that the Veterans Day observance took place despite stretched resources. He acknowledged the support the Chief received, which enabled his presence and assistance in making the event possible.

Chief Rader responded with gratitude, assuring the Board that the veterans would never be disappointed under his leadership.

2. **Continuation of the Public Hearing on a proposed Local Law No. 7 of the Year 2024 to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property."**

The Village Clerk read the public hearing notice.

LEGAL NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the 18th day of November 2024, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, NY 10990, on a proposed Local Law No. 7 of the Year 2024 to amend the Village Code by enacting Chapter 115 entitled “Short-Term Rental Property”

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick, and by enacting regulations for the administration and enforcement of the Village’s permitting requirement.

A copy of the proposed local law is on file in the office of the Village Clerk and is available for inspection by interested persons during Village Clerk’s business hours, and the proposed local law has also been posted on the Village’s website www.villageofwarwick.org.

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF WARWICK
RAINA ABRAMSON, VILLAGE CLERK**

Dated: September 26, 2024

Mayor Newhard noted that this was the second time the public hearing had remained open, spanning the past two meetings. He emphasized the importance of hearing public input and ensuring administrative readiness before finalizing the matter as a local law. He then opened the floor for public comments, inviting attendees to share their thoughts.

Margaret McNeely, a resident of 5 Welling Avenue in the Village, shared her remarks in favor of the proposed short-term rental regulations, framing her comments based on the law's stated purposes. She highlighted the potential for short-term rentals to serve as an important source of income for property owners in the Village. To enhance accessibility, she proposed a tiered licensing fee structure, similar to the Town of Warwick’s approach, which charges \$1,000 for out-of-town residents and \$250 for in-town residents. She also advocated for reduced fees or waivers for senior citizens, emphasizing Warwick’s long

history of supporting its senior population and the value of enabling residents to age in place.

Ms. McNeely also noted the economic benefits of short-term rentals, estimating that approximately 16 to 17 listings in the Village—primarily second-floor apartments on the main street—accommodate around 50 to 60 visitors on busy weekends. She emphasized how these visitors contribute to local businesses and expressed confidence that even with reduced licensing fees for Village residents, the program would generate sufficient revenue to cover administrative costs. Additionally, she mentioned pending state reporting requirements related to short-term rentals and encouraged the Village to prepare robust administrative processes and spreadsheets to ensure compliance.

Turning to potential drawbacks, Ms. McNeely acknowledged the risk of nuisance behavior, even though she found no evidence of complaints about existing short-term rentals. She urged the Board to reconsider the provision in the proposed regulations allowing parties of 10 or more, describing it as overly open-ended and potentially permitting large gatherings like weddings without sufficient oversight. She also identified inconsistencies in the code, such as conflicting definitions for "dwelling units" and bedroom sizes, which could create confusion. Furthermore, she raised questions about the licensing process, including whether licenses would follow a calendar year or be issued on a rolling basis, and how renewals would be handled.

Ms. McNeely concluded by recognizing the complexity of implementing the regulations and encouraged the Board to rely on simple tools, such as well-structured spreadsheets, to manage the process effectively. She wished the Board success in their efforts to finalize the short-term rental regulations.

Ms. McNeely also sent the following letter to the Board of Trustees:

Thank you for the opportunity to speak at the Public Hearing on November 18th concerning Short Term Rentals in the Village. Please note that there seems to be much confusion surrounding the meaning and scope of the proposed rules beyond the public hearing mechanism. I do understand that an informational meeting might be unusual prior to final rulemaking but it could clarify the proposed rules before a final decision is made. As requested, the following is a summary of my recommendations/comments/concerns:

Fee Structure

I believe a tiered application fee structure for non-residents, residents, and senior citizen owner/operators of short-term rentals should be part of the local law. The application fee structure needs to consider the cost to the Village in managing this process including

inspections, record keeping, and mandated reporting requirements. If it is not already completed, a reasonable assessment of person hours based on the number and rental rates of extant short-term rentals will better inform the fee setting process.

Specific Provisions

115.2 Definitions

The Bedroom definition seems both unnecessary and overly prescriptive. The type and scale defined in Housing or Dwelling Unit and Residence is clear.

Add a definition of Village Quiet Hours in this section.

115-3 Regulation of Short-Term Rentals

(5) Provide a timeline for new short-term rentals to register and obtain a permit.

115-5 Grant of Permits for Short-Term Rental Property

A timeline for Steps 1-3 would be useful. For example, the inspection and issuance of short-term rental permit will be completed within five (5) days of the payment of inspection and permit fees.

Allow for pre-inspection process for a fee of \$XX prior to formal inspection and permit fee to identify possible issues with dwelling.

Need further definition of substandard.

115-6 Duration and Terms of Short-Term Rental Permits

(vi) Revise to prohibit the use of residence for party or event to no more than 10 guests and/or the maximum capacity of the rental unit.

General Comments

Develop a Short-Term Rental Registration Application similar to the Town of Warwick's. Note: it may also serve as the basis for tracking over time.

Given that this not a "one time event," is it appropriate to establish an annual review of rules, procedures, etc.?

Thank you again for the opportunity to comment on the proposed local law. It is always an interesting combination of oversight, foresight, and hindsight.

Sincerely,

Margaret McNeely

Bob Krahulik addressed the Board with several comments regarding the proposed short-term rental regulations. He began by noting that, based on his research, some properties in the Village may soon be disqualified or deemed illegally operating as bed-and-breakfast establishments because they are not owner-occupied. He expressed concern that the owners of these properties, who have likely made significant investments, might be unaware of the potential implications of the law. To address this, he suggested the Board consider measures such as amortizing their use by allowing them to operate for up to five years to recoup their investment, selling the property, or even grandfathering them into compliance. He also proposed adopting a rule, used in some municipalities, requiring property ownership for at least two years before being eligible to operate a short-term rental, which could discourage speculative outside investments.

Mr. Krahulik questioned the rationale behind the requirement for Airbnbs to be owner-occupied, noting that the only apparent exemption was for properties in the Central Business District. He suggested that the Village could benefit from a provision similar to one in the Town of Warwick, which makes it illegal both to operate an Airbnb and to advertise without a permit. He explained that such a provision simplifies enforcement by targeting advertising. Officials could track the days a property is advertised on platforms like Airbnb or VRBO, which is easier to prove than verifying actual guest stays. He also noted the Town of Warwick's enforcement strategy, which imposes fines of \$500 per day for advertising without a permit and an additional \$500 per day for unauthorized occupancy, giving the law more substantial enforcement power.

Regarding occupancy limits, Mr. Krahulik suggested adopting a rule similar to the Town of Warwick's, which caps occupancy at two people per bedroom regardless of additional sleeping arrangements, such as pull-out couches or sleeping bags. He argued that this approach effectively prevents overcrowding and limits noise, ensuring fairness to neighboring property owners.

He also recommended requiring property owners to submit their rental agreements for review to ensure they include all provisions mandated by the Village.

Mr. Krahulik supported earlier comments about prohibiting parties and special events at short-term rental properties, suggesting that the Village set a maximum limit of 10 people on a property at any given time, including overnight guests.

He also raised a concern about handling unruly guests, noting that property owners or their agents might face challenges in removing disruptive tenants. While police often consider such situations civil matters, he clarified that short-term rental guests are legally equivalent to hotel guests, allowing property owners to eject them and remove their belongings if necessary.

John Christensen inquired about ensuring that short-term rental operators comply with tax obligations, specifically state sales tax and the Orange County bed tax. He questioned whether these operators are registered with the county and if the Board of Health needs to be involved to ensure all due taxes are collected. He emphasized that fulfilling tax responsibilities is an integral part of operating such rentals.

Mr. Muhammad asked whether the owner-occupancy requirement for short-term rentals would apply to mixed-use buildings. He specifically inquired if a business operating in part of such a building would allow the owner to run Airbnbs in the remaining areas of the property.

Village Attorney Stephen Gaba clarified that for one- and two-family homes, there is no prohibition on mixed-use properties concerning short-term rentals.

Mr. Muhammad inquired about the permissibility of operating short-term rentals in mixed-use buildings that feature commercial spaces on the ground floor and residential units above. He sought clarification on whether the residential units in such buildings could be utilized as Airbnb rentals.

Trustee Cheney clarified that within the General Commercial zone, specifically in the Central Business District, short-term rentals are permitted in upper-floor residential units without the requirement for the owner to occupy any of those units. This allows property owners to operate short-term rentals in these areas without residing on the premises.

Mr. Muhammad inquired about the Village's stance on encouraging businesses like Airbnb. He sought clarification on whether the Village is inclined to support the operation of short-term rental businesses within its jurisdiction.

Mayor Newhard responded that the Village does not take a definitive stance for or against short-term rental businesses like Airbnb. He explained that the purpose of the proposed regulations is to ensure public safety and maintain awareness of the businesses operating within the community. While acknowledging the positive contributions of short-term rentals, such as supporting tourism and bringing revenue into the Village, he emphasized that the regulations are intended to address the presence of these businesses in a constructive and balanced manner.

Mr. Muhammad inquired about the existence of a grace period for current Airbnb operators to comply with new regulations. He sought clarification on whether existing short-term rental businesses would be granted time to align with the forthcoming rules.

Mayor Newhard acknowledged that there is no grace period currently included in the proposed regulations but assured that the suggestion would be taken into consideration. He emphasized that the purpose of the public hearing was to gather thoughts and feedback from the community and expressed appreciation for the input, noting that it would be reviewed further.

Trustee Foster outlined the goals of the proposed short-term rental policy for the benefit of attendees who may not have participated in prior sessions. She highlighted six key objectives:

1. **Economic Support for Homeowners:** Encouraging homeowners to benefit financially from short-term rentals, as previously acknowledged by others.
2. **Safety and Building Code Compliance:** Ensuring that properties used for short-term rentals adhere to safety standards and building codes.
3. **Noise, Nuisance, and Garbage Avoidance:** Mitigating disruptions to neighborhoods caused by noise, waste, or other nuisances.
4. **Consumer Protection:** Recognizing the vulnerability of out-of-town guests staying in others' homes and ensuring their safety.
5. **Safeguarding Housing Inventory:** Protecting the local housing supply from being overly impacted by conversions to short-term rentals.
6. **Zoning Expectations:** Preserving the integrity of residential zoning so that residents can rely on their neighborhoods remaining primarily residential.

Trustee Foster suggested that the written policy could further clarify these goals and noted that they were central to the draft presented to the public.

Bob Krahulik addressed the Board, referencing the previous speaker's comments regarding limitations on mixed-use buildings. He noted that, according to the current code, mixed-use properties are permitted to have only two rental units.

Mayor Newhard confirmed that the limitation of two rental units in mixed-use buildings is dictated by state law.

Trustee Foster clarified that, according to state law, short-term rentals are prohibited in multi-unit buildings such as apartment complexes and condominiums. This restriction applies to properties with multiple residential units, including those in mixed-use buildings.

Bob Krahulik sought clarification regarding the application of state law to mixed-use buildings, specifically those with a commercial storefront on the main street and three residential apartments above.

During the discussion, it was clarified that under New York State law, that in a mixed-use building with a commercial space and three apartments above, only two of the apartments can be legally used for short-term rentals. Bob Krahulik acknowledged this information, noting that he was previously unaware of this restriction.

John Christensen raised a question regarding the use of temporary signage for short-term rentals, such as sandwich board signs that indicate an Airbnb is available for the night and display the address for arriving guests. They suggested that while such signs may be temporary and removed after use, they should still adhere to all Village signage regulations.

Trustee Foster emphasized that during the development of the short-term rental code, the intent was to avoid duplicating or overriding existing Village code unnecessarily. She clarified that if the short-term rental code does not address a particular issue, the existing Village code would govern in those areas. She thanked the speaker for raising the point.

Village Attorney Stephen Gaba noted that the Board had received comments from the Planning Board, County Planning, and members of the public. He suggested drafting a revised version of the proposed short-term rental code, incorporating these inputs as a redlined document for the Board's review. He proposed presenting the draft at the first December meeting, allowing the Board to review and suggest further changes. The public hearing could then remain open until the second December meeting, at which point a revised draft could be posted for additional consideration and potential further revisions.

Trustee Foster suggested holding a work session to review the comments received from the Planning Board, County Planning, and the public. She proposed discussing the implications of these comments in detail before Village Attorney Stephen Gaba proceeds with drafting a redlined version of the short-term rental code. She proposed scheduling a work session before the next Board meeting, suggesting a 6:00 p.m. start time to allow an hour for the Board to collectively review and discuss the compiled comments. She emphasized that Board members should review the comments individually as well but noted that a group discussion would provide clear direction for Village Attorney Stephen Gaba to draft the redlined version of the short-term rental code.

Village Attorney Stephen Gaba agreed that holding a work session to review and discuss comments as a Board would be a more efficient approach than having him draft a

redlined version independently. He recommended keeping the public hearing open until the second December meeting, regardless of the approach the Board chooses.

Hold Open Public Hearing – “Short-Term Rental Property”

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to hold open the Public Hearing on a proposed Local Law No. 7 of the Year 2024 to amend the Village Code by enacting Chapter 115 entitled "Short-Term Rental Property" until December 16, 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

Announcement

1. Village of Warwick is designated as certified as a Pro-Housing Community.

Mayor Newhard announced that the Village of Warwick has been certified as a Pro-Housing Community, a significant achievement within New York State's initiative to address housing shortages. This certification indicates that the Village aligns with state objectives to promote affordable housing and supports the development of rental units to meet community needs. The Pro-Housing Communities Program, launched by Governor Hochul, recognizes municipalities committed to housing growth and provides them with priority access to state discretionary funding.

2. Village of Warwick General Election – Tuesday, March 18, 2025.
3. Village of Warwick receives a NYS Urban Forestry Council Tree City USA Reward Grant in the amount of \$1,000.

Mayor Newhard announced that the Village of Warwick received a \$1,000 Tree City USA grant from the New York State Forestry Council. He highlighted that the Shade Tree Commission has already begun utilizing the funds, planting one of three trees planned for Stanley Deming Park. The remaining two trees will be planted soon, providing much-needed shade for the playground.

Correspondence

1. Letter from Village of Warwick Architectural and Historic District Review Board Chairman Michael Bertolini regarding violation notices.
2. Report from Village Engineer, Keith Woodruff, on the petition for a zone change at 42 Orchard Street, Section 210, Block 11, Lot 5.

Mayor Newhard stated that the matter would be included on the next agenda for discussion by the Board.

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.

Police Chief John Rader offered to research and address any questions directed to the police department concerning Airbnb operations before the next meeting.

A RESOLUTION DEDICATING THE "OVER 35 FIELD"
IN VETERANS MEMORIAL PARK TO
"THE DANIEL PRIAL FIELD"

WHEREAS, Chief Warrant Officer 2 Daniel Prial was a dedicated and honorable member of our community, serving with distinction in the United States Army; and

WHEREAS, Daniel Prial's service and commitment to his country and community and contributions to Warwick Little League, marked by a unique blend of humility, optimism, and love for his family, friends, and country, have left a lasting impact on the Village of Warwick, inspiring residents of all ages; and

WHEREAS, the Village of Warwick and the Warwick Little League wish to honor the memory and legacy of Chief Warrant Officer 2 Daniel Prial by renaming the baseball field currently known as “The Over 35 Field” located in Veterans Memorial Park;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Warwick hereby dedicates and renames the field in Veterans Memorial Park as “**The Daniel Prial Field**” in honor of Chief Warrant Officer 2 Daniel Prial; and

BE IT FURTHER RESOLVED, that the Village of Warwick, in partnership with the Warwick Little League, will hold an official dedication ceremony in the Spring of 2025 to celebrate this renaming and to honor the memory of Chief Warrant Officer 2 Daniel Prial.

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

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

Barry Cheney, Trustee, voting	<u>Aye</u>
Carly Foster, Trustee, voting	<u>Aye</u>
Thomas McKnight, Trustee, voting	<u>Absent</u>
Mary Collura, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

Discussion

Mayor Newhard expressed gratitude to the Little League for recognizing an initiative and approaching the Village with the idea. He acknowledged their efforts and stated his appreciation for their commitment and involvement.

Trustee Cheney remarked on Mr. Prial’s dedication to the community, noting that as a helicopter pilot, he likely would have prioritized assisting with the fire in Greenwood Lake, demonstrating his commitment to helping others.

An unidentified speaker shared a heartfelt memory of participating in the league, recalling nights spent playing baseball under the lights and how the field brought together kids of all ages to enjoy the game until their parents were ready to leave. They

highlighted Daniel's deep connection to the park, noting that he played on every field, umpired during his high school years, and was a true baseball purist. The speaker expressed gratitude to the Board for the decision to name the field after Daniel, emphasizing how meaningful this gesture is to the community.

2025 Warwick Fire Department Biennial Parade

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to grant permission to the Warwick Fire Department to hold a Biennial Firefighters' Parade on Saturday, June 14, 2025. The parade will step-off at approximately 4:00 p.m. with lineup beginning at 3:00 p.m. near Park Avenue Elementary School as per their letter received October 23, 2024. The parade route will be as follows: Burt Street, Park Avenue, Parkway, South Street, Clinton Avenue, Linden Place, Oakland Avenue, Main Street, High Street, Forester Avenue, ending at Veterans Memorial Park. The Town of Warwick Police Department approved the route and will have officers assist with traffic and crowd control. Request has been submitted to use the Park Avenue Elementary School parking lot. Completed park permit and proof of insurance have been received.

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

Facility Use Request – Warwick Fire Department, Veterans Memorial Park

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried to grant permission to the Warwick Fire Department to use Veterans Memorial Park for the Biennial Firefighters' Parade on Saturday, June 14, 2025, from 9:00 a.m. to 10:00 p.m. and for clean up on Sunday, June 15, 2025, from 9 a.m. to 12 p.m. Request includes use of the entire park, including the pavilion, parking lots, McFarland Parking Lot, electricity, Village owned tables and chairs, pavilion lights and use of the Village light tower on June 14, 2025. Applicant requests to serve food and alcohol in the park, to use a PA system for trophies, to set up portable toilets, and to set up a tent on Friday, June 13, 2025, to be removed on Sunday, June 15, 2025, as per the enclosed map. DPW Supervisor, Mike Moser approved the attached parking plan. Completed park permit and proof of insurance have been received. Request is in coordination with Warwick Little League.

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

Veterans Memorial Patriots Path – Advertise and Receive Bids

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney and carried to advertise and receive proposals from landscape architects for the Veterans Memorial Park Patriots Path project.

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

Trustee Foster reported that she and Mayor Newhard met with representatives from the American Legion, VFW, and Heroes Indeed to discuss the Patriots Path project and veterans memorials and monuments within Veterans Memorial Park. Following this discussion, they decided to form a Patriots Path Committee to support planning efforts.

The veterans strongly recommended hiring a landscape architect experienced in developing such community resources. As a result, the Village will issue a Request for Proposals (RFP) for this purpose.

Trustee Foster noted that the initiative will be funded through a grant received from Senator Skoufis’ office for the Patriots Path project, which was initially developed by the stakeholder advisory group as part of the Veterans Memorial Park Master Plan. She acknowledged the presence of multiple representatives from the group in attendance.

Waive the Reading of Resolution Amending the Village Employee Handbook

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura and carried to waive the reading for resolution number five amending the Village Employee Handbook to include sections: 5.6 Leave Time for Voting, 5.7 Leave Time for Cancer Screening, 7.10 Disability Benefits Insurance Coverage, & 9.8 Rights of Employees to Express Breast Milk in the Workplace.

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

**Resolution Amending the Village Employee Handbook to Include Sections:
5.6 Leave Time for Voting, 5.7 Leave Time for Cancer Screening,
7.10 Disability Benefits Insurance Coverage, &
9.8 Rights of Employees to Express Breast Milk in the Workplace**

WHEREAS, it is appropriate for the Village Board to periodically review and revise the Employee Handbook of the Village of Warwick to update the policies and procedures set forth therein in order to better serve the needs of Village, its employees and the community; and

WHEREAS the Village Board has before it a proposal to make certain revisions to the Employee Handbook; and

WHEREAS, the Village Board has reviewed and considered the said revisions, and finds them to be necessary and proper at this time;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Section 5.6 ‘Leave Time for Voting’ be added to the Employee Handbook of the Village of Warwick as follows:

Pursuant to New York State Election Law § 3-110, employees who do not have “sufficient time to vote” are eligible for up to two (2) hours of paid leave from work to vote. An employee is deemed to have “sufficient time to vote” if the employee has four (4) consecutive hours to vote either from the opening of the polls to the beginning of their work shift, or four (4) consecutive hours between the end of a working shift and the closing of the polls. An employee must notify the Village Clerk at least two (2) working days, but not more than ten (10) working days, prior to their intention to take paid leave to vote. This paid leave to vote applies to employees who are New York State voters and applies to all elections where they may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to any federal, state, county, city, town or village office, or deciding any ballot question submitted to all the voters of the state or the voters of any county or city, or deciding any ballot question submitted to the voters of any town or village at the time of a general election. The above paid leave to vote does not apply to early voting periods.

2. That Section 5.7 ‘Leave Time for Cancer Screening’ be added to the Employee Handbook of the Village of Warwick as follows:

Pursuant to New York State Civil Service Law § 159-b, employees are entitled to a leave of absence for cancer screening scheduled during their regular work hours. Cancer screening includes physical exams, blood work or other laboratory tests for the detection of cancer. The paid leave allowance covers the duration of appointments or procedures, plus travel time, up to four (4) hours, one (1) time per “anniversary year” of the employees hire date. Unused time does not accrue and absence beyond the four (4) hour cap will be charged to paid leave accruals (e.g., sick, personal, vacation). Medical documentation verifying that the employee’s absence was for the purpose of cancer screening must be submitted to the Village Clerk.

3. That Section 7.10 ‘Disability Benefits Insurance Coverage’ be added to the Employee Handbook of the Village of Warwick as follows:

The Village, as a public employer, is not required to provide disability benefit insurance coverage to employees for off-the-job injuries or illnesses. However, the Village has voluntarily opted to provide disability benefit insurance coverage to its full-time employees. Eligible employees are required to contribute towards the cost of such coverage at the rate of \$0.35 per week, paid through payroll deduction. For information on filing a claim for disability benefits, please contact the Village Clerk.

Please note that while the Village provides disability benefit insurance coverage to its full-time employees, it does not provide Paid Family Leave Benefits, which is not required for public employers.

4. That Section 9.8 ‘Rights of Employees to Express Breast Milk in the Workplace’ be added to the Employee Handbook of the Village of Warwick as follows:

Pursuant to New York State Labor Law Section 206-c, for up to three (3) years following childbirth, employees are entitled to thirty (30) minutes of paid break time to express breast milk as often as they reasonably need (typically every 3 hours). Employees may use existing paid break or meal time if they need additional time for breast milk expression beyond the paid thirty (30) minutes. If an employee wants to express breast milk at work, they must give the Village reasonable advance notice, including before returning to work if the employee is on leave, to allow the Village time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk at work should do so by submitting a written request to their direct supervisor. Upon request, the Village will provide a private room or alternative location for the purpose of breast milk expression that will: be close to an employee’s work area; provide good natural or artificial light; be private– both shielded from view and free from intrusion; have accessible, clean running water nearby; have an electrical outlet (if the workplace is supplied with electricity); include a chair; and provide a desk, small table, desk, counter or other flat surface. If the worksite has a refrigerator, employees may use it to store breast milk. However, the Village is not responsible for ensuring the safekeeping of expressed milk stored in any Village refrigerator. Employees are required to store all expressed milk in closed containers and bring milk home after the end of their shift.

5. That the aforesaid revision to the Employee Handbook shall be effective immediately.

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

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

Barry Cheney, Trustee, voting	<u>Aye</u>
Carly Foster, Trustee, voting	<u>Aye</u>
Thomas McKnight, Trustee, voting	<u>Absent</u>
Mary Collura, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
TO REVISE THE VILLAGE CODE’S PROVISIONS REGARDING A REAL
PROPERTY TAX EXEMPTION FOR VOLUNTEER FIRE FIGHTERS AND
AMBULANCE WORKERS**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: “A local law amending the Village Code of the Village of Warwick by repealing

Article IIA entitled ‘Exemption for Volunteer Fire Fighters and Ambulance Workers’ of Chapter 124 entitled ‘Taxation’ and re-enacting the same in compliance with New York State Real Property Tax Law §466-A”; 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 December 2, 2024 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

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 Absent

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Resolution Enacting Short-Term Rental Local Law – Withdrawn

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to withdraw the resolution enacting the Short-Term Rental Local Law.

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

**RESOLUTION ENACTING
SHORT TERM RENTAL LOCAL LAW**

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

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law and heard all persons interested in the subject matter thereof;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby adopts the above local law; and
2. That the said local law shall be published, posted and filed in the office of the Secretary of State in Albany as required by applicable law.

_____ 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 _____

CDBG FY-2023 Amendment & Extension - South St. ADA Sidewalk Improvement Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to authorize the Mayor to sign the Amendment and Extension of the Municipal Cooperative Agreement Community Development Block Grant – Municipal Agreement for FY-2023 for the South Street ADA Sidewalk Improvement Project.

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 Proposal - Construction Management & Grant Administration for Well #3

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to accept the proposal from Pitingaro & Doetsch Consulting Engineers for Construction Management & Grant Administration for the construction of improvements to bring Well #3 online at a fixed fee of \$113,100 for Construction Management and at a fixed fee of \$37,800 for Grant Administration. Funds are appropriated in Budget Code F1440.4950.

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

Trustee Foster briefly explained for the benefit of the public that the project would provide a redundant water source for the Village. She emphasized the timeliness of the

initiative, given the current drought conditions and the likelihood of similar situations recurring in the future.

Trustee Cheney provided an update on the project, noting that a contractor had been selected through a bidding process, with two contracts awarded: one for general work and one for electrical work. He explained that the contracts include construction administration, construction observation, and grant administration services.

The project is funded in part by a federal grant of nearly \$1 million, with the remaining costs, approximately \$1.3 to \$1.4 million, covered by funds from the American Rescue Plan Act (ARPA) allocated to the Village. Trustee Cheney pointed out that, since the funding comes from federal sources, it is only indirectly supported by taxpayers.

Mayor Newhard highlighted that the significant federal grant funding the project was secured through the efforts of Congressman Pat Ryan.

Village of Warwick Engineer Intern, Timothy Verboys

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to hire Timothy Verboys to the position of Village of Warwick Engineer Intern for the period of December 13, 2024 to January 17, 2025. Rate of pay to be in accordance with the FY24-25 budget.

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

Permission to Sell as Scrap – Village owned 2004 Ford F-350

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura and carried to grant permission to DPW Supervisor, Michael Moser, to sell as scrap the Village owned 2004 Ford F-350 (vin # 1FDWF37L24ED83521).

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

Trustee Cheney explained that the truck was put up for auction but did not receive any bids. As a result, the next course of action would be to scrap it.

Budget Modification

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster and carried to approve the budget modification request as per the Village Treasurer's memo dated November 13, 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

Standardized Notice Form from the NYS Liquor Authority – Eight x Sand

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster and carried to acknowledge receipt of the Standardized Notice Form from the New York State Liquor Authority for an on-premises liquor license for 'Eight x Sand' located at 12-14 Railroad Avenue, Warwick, NY 10990 and authorize the Village Clerk to submit a letter notifying the New York State Liquor Authority that there are no objections to this notification and application.

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

Creation of Orange County Job Title “Typist (Spanish/English Speaking)”

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura to create the position of 'Typist (Spanish/English Speaking)' and authorize the Mayor to sign form MSD-222 in accordance with Orange County Civil Service requirements.

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

**RESOLUTION SUPPORTING AND CONCURRING IN THE APPLICATION OF
THE VILLAGE OF WARWICK THROUGH THE ORANGE COUNTY OPEN
SPACE PROTECTION PROGRAM TO PURCHASE PROPERTY LOCATED IN
THE VILLAGE OF WARWICK WATERSHED**

WHEREAS, in 2024, the Orange County Legislature appropriated \$1 million to the Orange County Open Space Fund to preserve and protect valuable open space and natural resources throughout the County;

WHEREAS, the Orange County Open Space Fund provides matching grants to villages, towns, cities, qualified not-for-profits, and individual property owners for the purchase of land, development rights, or conservation easements that meet the objectives set forth in the Orange County Open Space Plan;

WHEREAS, the Village has received a Water Quality Improvement Program Grant for Watershed Acquisition from the New York State Department of Environmental Conservation in the amount of \$288,150 and three property owners have expressed an interest to convey, and the Village of Warwick wishes to purchase or obtain a conservation easement over the property, the land located on Cascade Road in the Town of Warwick and listed on the tax map as SBL 64-1-6, 64-1-7, 64-1-8.

WHEREAS, the Village of Warwick intends to apply to the Orange County Open Space Fund for matching support in the amount of \$196,050 to purchase or obtain conservation easements over the proposed properties;

NOW THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Warwick, in its capacity as governing body of the Village, does hereby support and concur in the application by the Village of Warwick for funding to purchase or secure a conservation easement from property owners over his or her lands located on Cascade Road in the Town of Warwick and listed on the tax map as SBL 64-1-6, 64-1-7, 64-1-8.

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	<u>Aye</u>
Carly Foster, Trustee, voting	<u>Aye</u>
Thomas McKnight, Trustee, voting	<u>Absent</u>
Mary Collura, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

Discussion

Mayor Newhard expressed enthusiasm about the ongoing efforts to secure easements or purchase property within the Village's watershed. He acknowledged the significance of this opportunity and extended his gratitude to Trustee Cheney for leading the initiative and making substantial progress in the process.

Trustee Cheney explained that the Village's share for the state grant would now be covered by the open space fund.

Reports

Trustee Cheney's Report:

Trustee Cheney reported that the Village is currently in a drought alert due to a significant lack of rainfall, resulting in dry conditions and declining reservoir levels. To manage the situation, the Village has shifted reliance to Well #2 in Memorial Park and reduced usage of the reservoirs.

Additionally, the Village canceled its third scheduled hydrant flushing for the year, a step that will remain in place unless substantial rainfall alleviates the drought conditions.

Trustee Cheney urged residents to conserve water by addressing dripping faucets and leaking toilets, running full loads when washing clothes or dishes, and limiting outdoor water use, such as landscape watering and car washing. He emphasized that with community cooperation, the Village could navigate this challenging period.

Trustee Foster's Report:

No report.

Trustee Collura's Report:

Trustee Collura announced that the Village newsletter is expected to be released in early December. She noted that the holiday at the end of November would impact the production schedule and asked for patience.

She also highlighted the start of the annual "Home for the Holidays" event, beginning the weekend before Thanksgiving. The event includes free horse and buggy rides, weather permitting, on November 24, 29, and 30, as well as December 1, 7, 8, 14, 15, 21, and 22. Trustee Collura also mentioned that Santa would be part of the festivities, with more details forthcoming.

Additionally, she announced that the Village of Warwick Chamber Visitor Center will have limited hours this weekend and called for volunteers to assist with staffing. Volunteer shifts are flexible and last three hours on Saturdays or Sundays. Trustee Collura shared her excitement about interacting with visitors to gather insights on frequently asked questions and informational needs, with the goal of creating a script for future use. Interested volunteers were encouraged to email her at collura@villageofwarwick.org.

Trustee McKnight's Report:

No report.

Mayor Newhard's Report:

Mayor Newhard shared a story about a gentleman from Pennsylvania who had lived in the Village 50 years ago. As a 16-year-old, he witnessed the demolition of the Oakland Theater and salvaged a sign from the rubble. Now, five decades later, he returned to the Village to gift the sign to the community through the Historical Society.

The Village hosted a small ceremony between Village Hall and the Visitor Center, attended by about 35 people. The event included nostalgic reflections, popcorn provided by Mary, and historical images of the Oakland Theater.

He expressed gratitude for the return of this relic, a meaningful piece of the Village's history, and concluded his remarks by noting the need to enter Executive Session later in the meeting.

Public Comment – *Non-Agenda Items*

Richard DiCostanzo, referring to the field dedication, expressed gratitude to the Village for their unwavering support, noting that whenever a request is made, the response is always positive and accommodating. They also shared plans to hold an event on April 26, Daniel's birthday, which was met with enthusiasm and appreciation from those present.

Tom Brennan expressed gratitude to the Village for hosting the meeting last Thursday for members of the Veterans Memorial Park Stakeholder Advisory Group. He noted that while not all topics were covered, the meeting was a strong start, with ideas flowing quickly. Mr. Brennan added that he, along with other group members, had additional ideas to contribute as the project progresses. He expressed enthusiasm and confidence that the effort would result in something wonderful, stating he couldn't wait to see it come to fruition.

Mayor Newhard explained to the public that the project being discussed is known as the Patriots Path, a planned walkway designed to serve both recreational and educational purposes. He emphasized that while the walkway will cater to the community's love of walking, it will also provide an educational experience focused on the history and contributions of veterans across all eras. He expressed enthusiasm for the project, noting that the funding received has significantly accelerated its progress and underscoring the Village's excitement about its potential impact.

Mr. Brennan shared a recent encounter with Senator Skoufis at a veterans event, expressing gratitude and excitement for the Senator's support of the project. He praised the Senator for his contributions and complimented him on the personal story he shared during the event. Mr. Brennan noted that the story, which highlighted the impact of liberation on the people of other countries, resonated deeply with him, describing it as phenomenal and moving.

Mayor Newhard emphasized the importance of stories, highlighting that they are a key element of the Patriots Path project. He expressed hope that the walkway would be enriched with narratives that reveal and honor the experiences and contributions of veterans, making the path both meaningful and educational.

Mr. Brennan reinforced the significance of storytelling, recalling advice from the West Point Museum director, who emphasized that the essence of such projects lies in the stories they tell. He reiterated that this focus on narratives is a critical takeaway for the Patriots Path project.

Final Comments from the Board

No comments.

Executive Session

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney and carried to enter into Executive Session to discuss the proposed acquisition, sale or lease of real property, or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicly would substantially affect the value thereof.

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. Thomas McKnight was absent.

Exit Executive Session

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster and carried to exit executive session and resume the regular meeting at approximately 9:15 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

Adjournment

A **MOTION** was made by Trustee Collura, seconded by Trustee Foster and carried to adjourn the regular meeting at approximately 9:15 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