

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
NOVEMBER 7, 2022**

**9413**

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 7, 2022, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Bill Lindberg, Carly Foster, and Tom McKnight. Also, present was Deputy Village Clerk, Jennifer Mante. Others present: Daniel Mack, Meghan Carlson, Scott Hollowell, Christine Tyler, Isabelle Hayes, Mary Collura, Abigail Ashley, Stephen Gross, Christina Thomas, and Jane Newman.

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

**1. Public Hearing on the Village of Warwick draft updated Comprehensive Plan.**

The Deputy Village Clerk read the public hearing notice.

**NOTICE OF CONTINUED PUBLIC HEARING**

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on the Village's draft updated Comprehensive Plan on the 7<sup>th</sup> day of November, 2022, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York.

A copy of the draft updated Comprehensive Plan 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 draft updated Comprehensive Plan has also been posted on the Village's website <https://villageofwarwick.org/>.

The Village Board will, at the above-stated date, time and place, hear all persons interested in the draft updated Comprehensive Plan. Persons may appear in person or by agent. Written comments regarding the draft updated Comprehensive Plan will be considered, but all such written comments must be received by the Village Board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD  
VILLAGE OF WARWICK  
RAINA ABRAMSON  
VILLAGE CLERK  
Dated: October 18, 2022

\*Mayor Newhard read a written comment from Christina Thomas of the Warwick Greenbelt Preservation Society. Please see attached.

Mayor Newhard: I wanted to tell everyone your comments will be taken back to the committee, and we've received already, some very good, that will add to this document and that's what we plan to do with the comments we hear tonight. With that I open it up to the public. Please state your name for the record and address the Board.

Jane Newman: I don't live in the Village but a mile and a half of our farm borders the Village. We feel like we're kind of in the Village, as close as you can get. One thing that a small business or medium sized business or even a large one should ask when their successful and they're on their way up, as they were, is how big can we get before we get bad.

Mayor Newhard: May I interrupt? How big population-wise or business-wise?

Jane Newman: Business, population, whatever.

Mayor Newhard: Okay.

Jane Newman: How big should we get, can we get, before we get bad? I think it's a good thing to ask about Warwick Village as it is right now, I mean obviously we're very constrained by the borders and with that said I didn't think it's a good idea to annex land. There is lots of pieces of land that look like they could be put into the Village, But the question is would it strain us; would it be too much? Nobody's actually demanding more and more and more other than maybe the State and the County, but our Village is really unusual and precious and different and really important to the people who live in it. When you ask people to use adjectives to describe Warwick, two adjectives keep coming up, one is rural, obviously, and the other is neighborly. By neighborly they mean that it's bigger than just being a neighbor, it's about being helpful; about walking down the street and having people nod and recognize you and being acknowledged. Working together and helping one another. I think we have three hundred and sixty-five volunteer groups in Warwick, that's like one for everyday of the year. We love to help, to get together and help. We love that, all of us and everybody in Warwick has something that they work on. We don't want to lose that. Then we come to this NIMBY thing, not in my backyard, you know, I'm here now and I don't want it to get any bigger as it were, don't let anybody else in and we're fine. But I would say that at some point we should establish how far we're going to go, if at all. We have the whole of the rest of Warwick Town and all the area up near the supermarkets that can be developed. The actual Village is so precious and for most residents it's the fact that it's surrounded by this sea of green, that is so important. We're like a little island in a sea of green and that means so much about being protected and safe and neighborly and rural. I've said this to Michael before, in England there are all these beautiful villages that just stopped growing. So, it's perfectly possible to not add anymore housing to an area. And it's protected, those villages, those really beautiful Cotswold villages without losing anything. People change, people come, people go, pubs change, the bars change, the restaurants change. There are more events, maybe, they'll be a charity event, a bonfire night event. That's just my comment, I don't want us to get bigger.

Mayor Newhard: Thank you, Jane.

Stephen Gross: For the record to include some of my resume for the purposes of looking at the Comprehensive Plan. My undergraduate degree is in planning from Rutgers University. I have since 1977 working professionally in the planning and land use advisory field. I've worked for two different municipal planning departments in New Jersey. I've worked for three different planning

firms, one in Jersey, two in New York. Since 1997 I've operated my own firm in the environmental advisory services, right here at 71 Colonial Avenue. I also served for five years; I served in the past for five years on the Village Warwick Planning Board. Most recently I've worked with these people behind me as vice president of the Warwick Greenbelt Preservation Society. So, with that combined background I took a look at this, and I basically have comments in three areas. The first one is to support what Christine and Jane already said. Of course, we totally agree with the inclusion of promoting greenbelts around the Village. Now to that end, I was looking for the other reference in here, is what I was feverously looking through where it was, but I know in here there were basically two action items, one was to identify properties for a greenbelt around the Village, but there was also a reference to annexing additional properties into the Village for development. Are those two plans of action, those two goals are inherently in conflict with each other. One, were we want to have green land around the Village and the other were we want to annex the land and develop it. What I want to recommend as a suggestion for this to be considered in this document is a proposal to take land that's already in the Village on the edge, or especially land like where the Village goes into the Town lies in both municipalities, as well as land immediately surrounding the Village that's vacant and set up a zone called a green belt zone; any land that would get annexed in could automatically be incorporated into the green belt zone. Maybe work with the Town on establishing a green belt zone on these properties where they line the Town. Have as a requirement in the green belt zone that any development proposal on those properties must include a provision for setting aside land for a corridor to connect to the neighboring properties set aside so they can develop the land.

Trustee Foster: So, like an overlay?

Stephen Gross: You could do it as an overlay. But basically, to have a requirement for anything in the green belt zone, maybe not an overlay because you would want to identify specific properties and have them under this requirement that any development proposal that comes forth on those properties must, if you're going to be part of the green belt, set aside a connecting piece of land with adjacent properties to preserve the ability for...because one they're developed if they are annexed in and get developed, that opportunity is gone. There's very limited land surrounding the Village that can serve either of these purposes. That can serve either as a green belt or as land to be annexed in, there basically the same properties. Planning ahead there's that term, planning, instead of waiting for a proposal to come in and say to the developer, hey how'd you feel about doing this, have it set up in the zone already that it's a requirement that some land be set aside to make this connecting green belt piece.

Mayor Newhard: So, cluster development on some of them?

Stephen Gross: Cluster development or even if it's not a cluster, still set aside land. Ideally the best way for the developer to get the full benefit of the credit for the land would be a cluster. But even if it wasn't a cluster still set, if they wanted to do traditional, still set aside a connecting piece of land with their neighboring properties. That's my first recommendation, the second one is I was reading with interest ideas for artists' studios living in their residence and having a studio. I see that it was proposed for commercial/industrial zones. I've always felt and listen, this hasn't come up from just

from my reading this, this is an idea that I've always had in my own head, that on some of the major thoroughfares in the Village, like the entrance ways and maybe also Forester, South Street, Grand Street, that there be an allowance for people that in addition to having a home office could also have tourist related retail. So, arts studio, antique shop, makers market type business if they make their own thing in their house then they can have retail. Limited to the major roads and so it's not in some smaller neighborhood but on the roads where you would have tourists coming in. Hang a shingle out for artist studio, antique shop, or makers market type items. I think that's the way of, first of all, recognizing that the economy, a home-based economy; we are living in this area of home-based economies and secondly further promoting tourism as the financial basis of this Village and Town. So that's my second recommendation, my third is based on my own experience and observing things in the Village. I also read with interest about for instance, one of the recommended actions was strength provisions of buffer residential areas from commercial intrusions. We already have in the current zoning code protections that do that. The problem has been for both this and for other things in this Village that we fail on the implementation part. So, I think that there should be some attention paid to why there's been a failure in the implementation part. One of those obvious examples to me of where we needed a buffer between a residential area and commercial intrusion is the 16 Elm project. In the zoning code currently there's provisions that instruct the Planning Board to consider the impact of a proposed commercial use on a neighboring residential use and in the zoning code there's a list of prohibited uses. One of those, paragraph J, says any other use that is of such a nature as to be detrimental to neighboring properties by reason of admission or of odor, noise, or any other factor that is dangerous to comfort, peace, enjoyment, health of the area community is prohibited. That was in the zoning code at the time that Yesterday's was proposed and was completely ignored by the Planning Board. So, you have in here a recommended action to strengthen provisions of buffer residential areas from commercial intrusions, and yet it was in the zoning code all along. But it was ignored, so the question that I think should be addressed in this planning process is to identify how that happened. How did you have something already in the code that wasn't even considered at the time when this proposal was before the Planning Board. There are other areas where you have provisions in the existing code that have been ignored or misinterpreted or whatever. Another example was with the Village View development when they had a proposal at the time, they took advantage of their interpretation of the cluster provision to say, hey, now we can get, what was it, forty-two lots instead of, I think twenty-four.

Mayor Newhard: Right.

Stephen Gross: And that was how they interpreted this. They said, hey look at this, we can take advantage of this to get more units. But really what the purpose of the cluster provision was was to give a benefit, a bonus of additional units in exchange for avoiding environmental constraints for avoiding wetlands, streams, steep slopes. And at the time, I know because I was asked to review it, I looked and said, they're completely purposing all of these units right on the steep slope, excessively steep slopes, it was right smack on top of them. While they were looking at the one provision that said we can get a bonus, they weren't doing the other part and it wasn't being addressed by the Planning Board. I didn't stick with the entire review; I don't know how the plans changed after my involvement.

Mayor Newhard: It reverted back.

Stephen Gross: Well, no, now it reverted back.

Mayor Newhard: And clustered.

Stephen Gross: Now I know it reverted back. It all reverted back now because there was a lawsuit filed. It wasn't because the Planning Board decided oh, we were wrong on...

Mayor Newhard: There was also a financial piece to it too.

Stephen Gross: Okay.

Trustee Cheney: Excuse me, but I think to Steve's point those changes moving away from the steep slopes, moving away from the ravine where the steam corridor was was taken into account by the Planning Board in subsequent negotiations and discussions with the applicant and that was resolved.

Stephen Gross: Right. Then I know Jim Patterson told me himself that there was my testimony at the public hearing where I pointed that out. He said it woke us up and make us realize that. I shouldn't have needed to do that. Why wasn't that caught without a resident pointing it out. To me that was a failure, the 16 Elm Street was a failure. I'll point out also that with the entire ten lot subdivision that's across the street from me on Colonial Ave. The Planning Board had provisions such as they had required that driveways of neighboring houses were to have one point of access. So, two neighboring houses would have one curb cut and they did that for several of the units along Colonial Ave. Never happened, that was not implemented. That's what the Planning Board approved, never implemented. There's a ten acre piece behind the Village portion that's in the Town and the Planning Board required that there was an easement, it was placed in a very weird way and I don't agree how it was placed, they placed an easement for foot access to get to the ten acre in case it was ever developed for recreational use and it went through several different properties, which is why I thought it was strange, it should have never gone through multiple properties. Everyone of those properties has been allowed to build fences right across that easement completely blocking it from ever being utilized if it was to be utilized. The point I'm making is that the Planning Board when it approved a project had several different provisions in place that were ignored, now not by the Planning Board, but by the building department staff. The recent one across the street from me there was a provision required by the Planning Board that there be a twenty-five-foot buffer of trees maintained between the house and the neighboring houses that are on Benedict in the Town; the property owner was allowed to clearcut the entire property before he even had a permit. He never had even applied for a permit, a building permit and I was told by building department staff, yeah you want to go clearcut, go clearcut. Which included the twenty-five-foot buffer of trees that was required by Planning Board approval to be there. So, I can name all these different things on one single subdivision that was lost on and not implemented by...so my point is there's been mistakes by the Planning Board, there's been mistakes by the Zoning Board, there's been mistakes by building department staff. You can have the best document in the world, and you can have this then, you

know, with the implementation changes to the Zoning code and whatever. You can have the best Zoning code; I think we have a pretty great Zoning code right now. But unless it's implemented, unless the people that are in the positions of power, either on the boards or in the staff, no what's in there and know how it's supposed to be implemented and know what's been approved in the past and know to implement that. Unless those people are in a position to act correctly, I don't know if it's more training, I don't know what it is, I don't know what the answer is. I have no recommended solution for you. But...

Trustee McKnight: Sir, with all due respect a lot of what you're saying is subjective. Some of the stuff I agree with, some of the stuff I don't, that's not the point. If we look at the Comprehensive Plan, right, we're having a public hearing. Do you have any specific suggestions for how to alter that?

Stephen Gross: About the last point I've been making?

Trustee McKnight: No, about the Comprehensive Plan.

Stephen Gross: Oh, I did already. I said about the greenbelt zone.

Trustee McKnight: I heard that one.

Stephen Gross: I said about possibly allowing home retail in certain areas. But this is my third one which is that it's, I like what's in this draft Comprehensive Plan, but I find things are being recommended that already is existing in the code. So, the problem is not getting it into the code, it's action, implementation.

Trustee Foster: Evaluating enforcement issues.

Stephen Gross: Yes. Understanding the code and whatever. Everything is well intentioned in here, but unless there's some aspect that addresses the implementation that real life in the field practical application, then this doesn't matter.

Mayor Newhard: One of the things that we discussed too amongst this Board is the ability to have work sessions with the Planning Board and with the ZBA to do just what you're saying, to review things such as this. The other thing is to bring, to try to figure out a way to bring the public in at an earlier point so that they can air and see and get a sense of what is happening and have a voice. That's something we're trying to figure out how do we do that. And make sure that a project which is, you know, an applicant can not be stymied by that, but also could learn and could create a stronger project through that. That's something we are doing.

Stephen Gross: I saw that in there too about trying to make things more applicant friendly and one of the things you put in there, which I agree with, is better communication right up front. For instance,

with the house that was built across the street from me the communication should not have been, yeah you can clearcut. Also, the other problem there was that it required...

Trustee McKnight: Sir, again you're going to things like yes, you can clearcut. I wasn't at that ZBA meeting that you were, I read all the minutes, that wasn't my understanding. Again, I feel like we keep going back to that. Your points taken, focus on the implementation, if I'm characterizing what you say as accurate, that you believe there are elements already in the code, which are okay and to focus on implementation.

Stephen Gross: Yeah.

Trustee McKnight: I understand.

Stephen Gross: Okay.

Mayor Newhard: Do you want to summarize?

Stephen Gross: I think I've covered all the points. I don't want to upset Mr. McKnight any further. I think these are the points I want to make.

Trustee McKnight: Sir, I don't think I was upset but, you know, there is a three-minute time limit, and you were covering a lot of the same stuff.

Stephen Gross: First of all, no one mentioned anything about a three-minute time limit, and I don't think there's enough people that want to speak that it matters.

Mayor Newhard: We're fine.

Stephen Gross: Yeah, thank you.

Mayor Newhard: Okay, so thank you. Anyone else would like to speak to the Board this evening?

Abby Ashley: I'm part of the Sandford family so for generations, obviously, we have a very vested interest in preserving the Village of Warwick and the Town included. I think one of my questions was the infrastructure sustainability, just touching upon what Jane was saying in terms of our infrastructure how much can we realistically sustain when it comes to our water sources, our land sources, etc, etc. I would really like to learn more about that. And then, just a side note, I was watching the video on the last meeting and they were talking about speeding through the Village, especially West Street. I think speaking on behalf of myself and every single parent I've spoken to, parents would like to see their kids walk to and from school. This has been a long-held wish and dream that we have a sidewalk and safe way for our kids to walk to and from school, get them exercise, just being able to walk around the Village in general from outside the Town. A suggestion I was thinking of was if we had more crossing guards along West Street and crosswalks. Crossing

guards in Florida, as you know Florida, NY does, cross guards have, you know, they've done all these studies, they really have an impact because it's somebody out there and they have signs and they're always watching. People are less likely to go speeding down West Street if they're crosswalks and crossing guards during different busy hours, school hours. Mary and I would be more than happy to wear Day-Glo colors and signs and tell people to stop and slow down. In fact, we would be phenomenal at it.

Mayor Newhard: You would, I believe that.

Abby Ashley: People would drive outside the Village of Warwick to avoid us and how we would be.

Mayor Newhard: A little history, Abby, a number of years ago the school district raised the radius, expanded the radius of walking to school to two miles. So, in response to that, we did have crossing guards, but they were mostly focused on Park Avenue School. Children coming and families coming down from Highland Avenue area and also Third Street and even along Main Street. But it died out. Eventually we didn't have as many people as what started out. It started out with a great gusto and there was even a parent walk to school day where there was a parade of families.

Trustee Cheney: It was called walking bus, or something?

Mayor Newhard: The Walking Bus, that was another piece, yes. It's always an important thing. I agree about the crosswalks and that's something we're looking at on all of our streets. The more crosswalks we have, it reads more clearly that people are going to be crossing the street, it's a pedestrian area, just as a mental note, I should go slower. We're looking at that on West Street. The one thing, you just can't put a crosswalk in, it has to be handicap accessible on both ends; there's a bit of a structure or work that has to happen; construction of some sort.

Jane Newman: If there's no sidewalk what does it have to be handicap accessible for if there's no sidewalk?

Mayor Newhard: Right, if there's no sidewalk then it's difficult to put a crosswalk per say, but we could look at that. There has to be a corner, it has to have some connection from one to the other. It's unusual to put a crosswalk in the middle of a block. It's really at the end of a block that goes to another end of a block, things of that nature. We're game, we're looking at everything and we have a workshop coming up with New York State DOT and their engineering pool to help us sort thing out; help us create a Town-wide effort.

Abby Ashley: What is the major obstacle for the sidewalks?

Mayor Newhard: They're owned by the homeowner.

Abby Ashley: Yes, so it's a liability issue, correct?



Mayor Newhard: Yes, it's a liability issue. If you own a sidewalk then you're responsible for it, right?

Abby Ashley: Right.

Mayor Newhard: If it's in bad condition then you can get noticed from the building department to fix it. People who do not have sidewalks often don't want a sidewalk because they then have to maintain it and have a level of liability. Sadly, at a certain period of time when new development came in, they did not put sidewalks. That is definitely a problem now because it's hard to go back and put a sidewalk where no sidewalk has been. We're trying to figure that out as well.

Jane Newman: Does it have to be both sides of the street or just one side?

Mayor Newhard: It can be one or both sides, but in developments during a certain period one time in the 70s, I think mostly, 60s and 70s, car was king, and sidewalks were not considered as important. Any new development now does have sidewalks, usually on both sides, but they connect to places that have no sidewalks and that's a problem too.

Stephen Gross: Is there any way around that liability on the homeowner? Trust me, I swore in this plan there was a recommendation for sidewalks right where my front lawn is, I don't want that.

Mayor Newhard: See, there you go.

Stephen Gross: Everyone can walk across my lawn all they want, I'm fine with that. Is there any way around that liability issue? You have a right-away on my front lawn and the Village maintains the water lines and the sewer lines. Why would it not be the same situation for a sidewalk?

Mayor Newhard: For the Village to accept that level of liability on every sidewalk in the Village it would bankrupt us.

Stephen Gross: Uh huh.

Trustee Cheney: Yeah.

Mayor Newhard: Yeah, it would, just the trips and falls/bangs and the attorneys that go along with that.

Stephen Gross: On the other hand, you're expecting to have a multitude of owners of a single sidewalk and expect them to all maintain them is a recipe for failure.

Mayor Newhard: That's why our more successful sidewalks are done through community development projects.

Trustee Cheney: People, at least from the standpoint of removing snow and keeping the sidewalks clear, do a very good job of it generally.

Stephen Gross: Right.

Trustee Cheney: We don't really have a problem there. There are some sidewalks in disrepair and as the Mayor said, we look for avenues to find funding to allow us to step in and be able to make those improvements and add sidewalks where sidewalks might be necessary.

Stephen Gross: All the bluestone heaving, I love the bluestone, but when you see it heaved and broken...

Trustee Cheney: I think we've moved to different types of trees that would maybe not eliminate it, but at least reduce the impact of it. When we do have a problem, South Street sidewalk is a good example, between First Street and Third Street on the east side, there was a tree there that was a problem. When we had the funding that allowed us to make improvements to that sidewalk, to the bluestone, one of the trees that we figured was going to be a problem continued to be a problem; the tree had to be removed, the stump ground down, the sidewalk leveled so that it wasn't an issue.

Stephen Gross: By the way, the crossing guards were they all adults?

Mayor Newhard: Yes, yes.

Stephen Gross: Well, speaking as the former captain of my elementary school safety patrol, I don't understand why you can't have a kids safety patrol.

Trustee Cheney: They didn't put you out in the street in traffic, did they?

Stephen Gross: Oh God yes.

Trustee Cheney: Really?

Stephen Gross: Oh yeah.

Trustee Foster: It was a different time.

Mayor Newhard: They were different times, yeah.

Stephen Gross: It was the 60s.

Mayor Newhard: Would anyone else like to speak to the Board this evening?

Scott Hollowell spoke of the importance of farms and greenspace within the Village and Town of Warwick.

Christine Tyler spoke of preservation and future farmers. Ms. Tyler also stated her concerns of traffic safety within the Village. Ms. Thomas asked for clarification if one can utilize a dogleg turn onto Church Street from Wheeler Avenue crossing Main Street.

Mayor Newhard responded that it was a no left turn. Trustee Cheney agreed that it was right turn only and a dogleg could not be legally done from Wheeler Avenue.

Stephen Gross: Isn't it the state regulating that left turn?

Trustee Cheney: Yes.

Mayor Newhard: Yes.

Stephen Gross: That's what I thought. You have nothing to do with it.

Trustee Cheney: Well...

Mayor Newhard: Enforcement.

Trustee Cheney: You can't say nothing.

Stephen Gross: I mean as far as...at one point you had a left turn here and then you had to put it back to right turn only.

Mayor Newhard: One of the things which we're working on and one of the other public hearings tonight is to put metered spots there to actually slow traffic down and not allow people to pass by, which has been very dangerous to pedestrians.

Stephen Gross: What I love are the people who are in the Duncan Donuts lot and drive out the old entrance across the curb.

Trustee Foster: That will also be mitigated.

Mayor Newhard: That will be mitigated by parking.

Trustee Foster: That's the parking that we're talking about.

Stephen Gross: I have seen that over and over.

Trustee Cheney: Oh yeah.

Mayor Newhard: And two trees have been planted as well, we're trying. Would anyone else like to speak to the Board this evening before we close the public hearing?

Trustee Foster: For the Comp. Plan.

Mayor Newhard: For the Comp. Plan, yes.

Abby Ashley: I think one more thing that I thought was interesting, we were at the land trust meeting and there was something that resonated with every single person in that room, regardless of whatever party they're from, all came together in agreement about the fact that green open land is food security.

Mayor Newhard: I think that's what Scott was saying.

Abby Ashley: I know this is the Comprehensive Plan, I know this is the quote unquote Village, but when it comes to the green open space, I think that way of thinking is so, so imperative right now in going forward. It's just so important.

Mayor Newhard: I mean the Town has been a pioneer in purchasing the developmental rights and really the thing that drove, that also was what Scott pointed out, was the quality of our earth. We have such an interesting environment because we're in a valley. We have highlands, middle ground, and lowlands, Pine Island; their all suited for a different type of farming, which is pretty extraordinary. Not every place has that.

Abby Ashley: Yes, absolutely, 100%.

Mayor Newhard: Anyone else before we close the public hearing on the Comp. Plan? Okay, can I have a motion to close the public hearing?

### **Close Public Hearing - Draft Updated Comprehensive Plan**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to close the Public Hearing on the Village of Warwick draft updated Comprehensive Plan.

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

- 2. Public Hearing on proposed Local Law No. 3 of the Year 2022 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."**

The Deputy 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 7th day of November 2022, at 7:30 p.m., at Village Hall, 77 Main Street, Warwick, New York 10990, on a proposed Local Law No. 3 of the Year 2022 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

The purpose of this local law is to promote the public health, safety, and welfare by amending Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

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](http://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: October 4, 2022

Mayor Newhard: Carly, for our audience, which is now a camera, could you explain how this happened because there is a little bit of history that you are familiar with, that the Board is familiar with, but I think that the public doesn't fully know.

Trustee Foster: Sure, and there is two different dimensions to the proposed modifications, one has to do with pedestrian safety and the other has to do with accessibility and codifying existing accessibility. The first is out in front of Village Hall, the crosswalk across Main Street. We've identified it to be potentially hazardous for pedestrians there because the roadway on the...which direction is this, north bound, south bound? So south bound. It appears to be two lanes when in fact it's just a single lane. Right in front of Village Hall you have metered parking that makes it very clear it's a single lane, but in front of the Duncan Donuts it's not metered parking, so it appears to be two lanes. Occasionally a vehicle will be stopped to allow pedestrians to cross and then someone behind them will go ahead and pass, which has led to multiple incidents where it's put pedestrians at risk. We haven't had an incident as far as I know, but...

Mayor Newhard: Close calls.

Trustee Foster: Close calls and we don't like those at all. We also have the issue of folks not realizing they can't exit the Duncan Donuts across the curb and so having metered parking there will both mitigate the risk that people will believe that it's a double lane when in fact it is not. It will provide a physical barrier as well as a visual barrier there and then it will also mitigate the risk of people driving across the curb.

The second piece is we're adding some additional accessible parking at Memorial Park, and we are codifying and improving the existing accessible parking at Memorial Park. Next to the little league there is a spot that will now be adjusted to be van accessible, whereas prior it was not. In the large parking lot where there are existing spaces we'll be adding spaces and delineating actual parking spots at the skating park. Then we'll be putting signs up at the entrance of Warwick Grove.

Mayor Newhard: Very good. That's it in a nutshell. Board, any comments? Can I have a motion to close the public hearing?

**Close Public Hearing - Local Law No. 3 of the Year 2022**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McKnight, and carried to close the Public Hearing on Local Law No. 3 of the Year 2022 entitled: "A local law to amend Village Code Chapter 135, 'Vehicles and Traffic' to add traffic safety regulations and traffic control devices."

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

- 3. Public Hearing on the proposal of the New York State Department of Transportation ("NYSDOT") to make improvements to the public sidewalks along Route 17A/94 in the Village of Warwick to make them compliant with the Americans with Disabilities Act ("ADA").**

The Deputy Village Clerk read the public hearing notice.

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will conduct a public hearing pursuant to 23 CFR 774 at Village Hall, 77 Main Street, Warwick, New York, on the 7th day of November, 2022, at 7:30 p.m. on the proposal of the New York State Department of Transportation ("NYSDOT") to make improvements to the public sidewalks

along Route 17 A/94 in the Village of Warwick to make them compliant with the Americans with Disabilities Act ("ADA"). Particularly, the Village Board will hear comments on whether the NYSDOT proposal to use approximately 447 square feet of parkland space on Railroad Green for construction of ADA compliant sidewalks will or will not adversely affect the features or attributes of, and public activities conducted on, Railroad Green. Copies of the NYSDOT proposal and plans for the sidewalk improvements have been posted on the Village's website and are on file in the office of the Village Clerk for review by the public.

The Village Board will, at the above-stated date, time, and place, hear all comments from the public on the proposed sidewalk improvements. Persons may appear in person or by agent. Written comments regarding the proposed sidewalk improvements will be considered, but all such written comments must be received by the Village Board at or prior to the public hearing.

BY ORDER OF THE VILLAGE BOARD VILLAGE OF WARWICK

RAINA ABRAMSON

VILLAGE CLERK

Dated: October 17, 2022

Mayor Newhard: I'll just mention in essence that this is part of a much broader, much larger New York State DOT project which will be the repaving of Route 94 and also rehabbing of sidewalks along Oakland Avenue. This is just one piece, in order to do the work they have to do, they have to take over that small piece of property.

Trustee Cheney: About 440 some square feet. It's very minimal and I think in the long run it's going to enhance the use of Railroad Green parks. It will be better accessible for individuals that need that assistance.

Trustee Foster: It's that front corner, right?

Trustee Cheney: It's the corner of Oakland and Railroad Avenue.

Mayor Newhard: Yeah.

Trustee Foster: This corner?

Trustee Cheney: Where the flower display is.

Trustee Foster: Is it disrupting the flower display?

Trustee Cheney: No.

Trustee Foster: Okay, I didn't think so.

Mayor Newhard: Nothing will change except that they will be redoing the ADA compliant ramping system. Probably broaden it as more of an apron, which will be good. It may give us a good model that we can use too if it's done really well. Can I have a motion to close the public hearing?

**Close Public Hearing – NYSDOT Sidewalk Improvements Route 17A/94**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McKnight, and carried to close the Public Hearing on the proposal of the New York State Department of Transportation ("NYSDOT") to make improvements to the public sidewalks along Route 17A/94 in the Village of Warwick to make them compliant with the Americans with Disabilities Act ("ADA").

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

**Acceptance of Minutes**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Lindberg, and carried for the Acceptance of Minutes: October 17, 2022.

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

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

A **MOTION** was made by Trustee McKnight, seconded by Trustee Lindberg, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$280,898.64.

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



### **Correspondence**

1. Comments for the continued public hearing on the Village of Warwick's draft updated Comprehensive Plan from Rachel Berlin.
2. Letter from the Orange County Water Authority regarding the 2022 Leak Detection Program.

Trustee Cheney said that the Village's application had been sent in. Trustee Cheney explained that the Village had thirty-five miles of watermain and how the Orange County Water Authority provides the funding approximately every two to three years. Trustee Cheney stated that it allows the Village to have a company come in and go through the entire Village's water system with leak detection equipment to determine if they're any locations that need further investigation. Trustee Cheney further explained that the last time this service was done was in February 2020, and they had found one main waterline leak, five service line leaks, and twelve hydrant leaks. Trustee Cheney said that out of the twelve hydrant leaks, eleven of them were resolved the day they were found and how it was just closing down the valve in those cases and how it is very helpful service.

3. Letter from The Warwick Valley Chamber of Commerce regarding the 4<sup>th</sup> annual Warwick Valley Farmers Market - Holiday Market on Sunday, December 18, 2022, from 9 a.m. to 2 p.m. in the Kuiken Brothers Company parking lot. Proof of insurance has been provided.

### **Announcements**

1. Veterans' Day Remembrance on Thursday, November 10<sup>th</sup> from 6 p.m. to 8:30 p.m. at the A.W. Buckbee Center.
2. Veterans' Day Parade on Friday, November 11<sup>th</sup> at 11:11 a.m. Hosted by Warwick VFW Post 4662. The Warwick Fire Department will sponsor a BBQ to be held following the parade.
3. Reminder to vote.

### **Privilege of the Floor**

Please limit your comments to **three (3)** minutes. If reading a document, please submit a copy to the Clerk. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before speaking. These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Christine Tyler asked if the Veterans' Day Parade was open to the public. Trustee Cheney answered that it was.

Scott Hollowell said that he loved Warwick and wanted to see it blossom.

**Motions**

**RESOLUTION ADOPTING VILLAGE OF WARWICK**  
**LOCAL LAW NO. 3 OF 2022**

WHEREAS, the Village Board has before it a proposed local law entitled "A local law to amend Village Code Chapter 135, "Vehicles and Traffic" to add traffic safety regulations and traffic control devices."; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law; and

WHEREAS, the proposed local law constitutes a Type II Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is attached hereto;
2. That the Village Clerk is hereby requested and directed to publish, post, and file the same in the Office of the Secretary of State in Albany; and
3. That the said local law shall be effective upon filing with the Secretary of State.

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**RESOLUTION PURSUANT TO 23 CFR §774 DETERMING THAT  
THE PROPOSED SIDEWALK IMPROVEMENTS AT RAILROAD GREEN  
WILL HAVE ONLY A DE MINIMIS IMPACT.**

WHEREAS, the Village of Warwick owns certain real property located in the Village of Warwick at the northeast quadrant of the intersection of Oakland Avenue (NYS 17A/94) and Railroad Avenue (parcel SBL 211-6-1.21); and

WHEREAS, the said property is maintained as public parkland known as "Railroad Green"; and

WHEREAS, The New York State Department of Transportation ("NYSDOT") is undertaking a sidewalk improvement project in the Village of Warwick to ensure compliance with the Americans with Disabilities Act ("ADA"); and

WHEREAS, one part of the NYSDOT project is improvement of the sidewalks on Oakland Avenue (NYS 17A/94) along the Railroad Green property; and

WHEREAS, the existing sidewalk along Railroad Green has not been constructed entirely within NYSDOT's right-of-way boundary, as a result of which in order to construct the ADA compliant sidewalk improvements it will be necessary for the NYSDOT to acquire ownership of approximately 447 square feet of Railroad Green alongside the said right-of-way boundary; and

WHEREAS, under the Code of Federal Regulations ("CFR"), Railroad Green constitutes a Section 4(f) resource and, therefore, under 23 CFR §774 alienation of the said 447 square feet of Railroad Green requires a finding by the Village Board that the NYSDOT's proposed use of the property will have a *de minimis* impact on use of Railroad Green as parkland; and

WHEREAS, a public hearing was duly noticed and held upon the proposed alienation of the said 447 square feet of Railroad Green for construction of public sidewalks by the NYSDOT; and

WHEREAS, the Village Board has considered all information provided by the NYSDOT, the Village's own officials and consultants, and all comments made at the public hearing;

NOW, THEREFORE, the Village Board hereby makes the following findings and determination:

1. The 447 square feet of Railroad Green proposed to be deeded to the NYSDOT for purposes of the NYSDOT sidewalk improvement project is currently used principally as public pedestrian right-of-way, on or immediately alongside the existing sidewalk;

2. The sidewalk improvements proposed for the 447 square feet of Railroad Green proposed to be deeded to the NYSDOT will not adversely affect, impair or diminish the the activities, features, or attributes of Railroad Green as parkland space and, in fact, will improve the accessibility of the parkland space;

3. The project goal of ADA compliance cannot be met without making the proposed sidewalk improvements on the Railroad Green parkland property, and there is no feasible and prudent avoidance alternative available; and

4. Based on the foregoing, the Village Board finds that the proposed use of the said property will have a *de minimis* impact, as defined in 23 CFR §774.17, on Railroad Green.

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

William Lindberg, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

**Valve Vault, Robert Drive - Payment Application #2, TAM Enterprises**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize payment #2 to TAM Enterprises, Inc. in the amount of \$5,201.25 for the improvements to the Robert Drive Valve Vault for work including the acquisition of piping and valves as certified by Village Engineer, David Getz of Engineering & Surveying Properties. Funds are appropriated in budget code F.8340.4 in the 2022-23 budget.

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

**Generator Installation Work, Hilltop Pump Station - Payment Application #1, Skyward Electric Co.**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize payment #1 to Skyward Electric Co. in the amount of \$52,004.25 for the Hilltop Pump Station Generator Installation for work that includes all mobilization, the cost of the generator and transfer switch, and the majority of the labor as certified by Village Electrical Engineer, Matthew Blake of Blake Engineering, PLLC. Funds are appropriated in budget code F.8320.2 in the 2022-23 budget.

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

**Appointment of Summer Concert Coordinator – John Johansen**

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to appoint John Johansen as Village of Warwick Summer Concert Coordinator.

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

**Discussion**

Mayor Newhard commented that Mr. Johansen was a musician and was very excited about taking the baton from Bill Iurato. Mayor Newhard explained how he received another request from Michael Gurvich, who has a great background in sound and was hoping they'd work together. Mayor Newhard explained they would all meet at the next meeting and will bring Michael in under the fold.

Trustee Foster liked the idea and said how it seemed to be a lot of work that could be shared.

Mayor Newhard stated that with vacations and things of that nature he thought it would work out much better.

**Chamber of Commerce - Home for the Holidays, Buggy Rides**

A **MOTION** was made by Trustee Foster, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to hold the Home for the Holidays event and to allow the traditional horse & buggy rides to take place by the same fully insured company (Dun Dreaming Farms, Sean Geary) as previous years during the holidays in the Village of Warwick. The rides will be offered during the following dates: November 20, December 3, 4, 10, 11, 17 and 18, 2022. The times for the rides will be approximately 11 a.m. to 4 p.m. The route will be the same as past years starting on Railroad Avenue and continuing to Main Street, then onto South Street, ending back at Railroad Avenue. Completed park permit, security deposit, and proof of insurance have been received.

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

**Chamber of Commerce - Home for the Holidays, WVCSD Ribbons on Meters**

A **MOTION** was made by Trustee Foster, seconded by Trustee Lindberg, and carried to approve the implementation of free parking for the period of November 21, 2022, through January 1, 2023, per the request of the Warwick Valley Chamber of Commerce and to grant permission to the Warwick Valley High School FFA to hang ribbons on the meters on November 18, 2022, in coordination with the Village of Warwick DPW. Proof of insurance has been received from the Warwick Valley Central School District.

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

**Chamber of Commerce - Home for the Holidays, Santa**

A **MOTION** was made by Trustee Foster, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to have Santa visit the sleigh on Railroad Green on Sunday, December 11, 2022, between the hours of 12 p.m. and 2 p.m. The Village of Warwick DPW to install the sleigh on Railroad Green. Completed park permit,

security deposit and proof of insurance have been received.

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

**Chamber of Commerce - Home for the Holidays, WVSD Organizations and Non-Profit Groups**

A **MOTION** was made by Trustee Foster, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to have non-profit groups, including Warwick Valley School District organizations, sell items such as hot chocolate, warm cider, and snacks on Railroad Green on the following dates: December 3, 4, 10, 11, 17 & 18, 2022, during the Home for the Holidays event. Completed park permit, security deposit and proof of insurance, including insurance from the Warwick Valley Central School District, have been received. Pending proper insurance requirements from additional non-profit groups that participate in this event.

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

**Resolution for the Unpaid Village of Warwick FY 2022-2023 Tax Collection**

Whereas; according to Real Property Tax Law § 1436, on or before November 1, the tax collecting officer must deliver an account of the unpaid taxes to the Board of Trustees; and

Whereas; attached is an account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$46,485.50 for the FY 2022-2023 Village of Warwick tax collection; and

Whereas; the Village Board of Trustees has compared the Village Clerk's account of the FY 2022-2023 unpaid taxes with the original FY 2022-2023 tax roll, and has determined that the account is accurate; and

Whereas; each member of the Village Board shall execute the attached certificate which recites that the account and the tax roll have been compared and found to be correct and that the total amount of taxes unpaid for FY 2022-2023 is \$46,485.50; and

Whereas; the signed certificate and account describing each parcel of real property upon which taxes are unpaid, the person or persons in whose name the property is assessed, and the amount of unpaid tax totaling \$46,485.50 for the FY 2022-2023 Village of Warwick tax collection will be returned to the Orange County Commissioner of Finance's Office prior to November 15<sup>th</sup> in the year in which the levy is made; and

Whereas; these facts must also be included in the official minutes of the Village of Warwick; and

Whereas; within 15 days of the tax collecting officer delivering an account of the unpaid taxes to the Board of Trustees, the Board must file the tax roll and warrant in the office of the Village Clerk. A copy of the tax roll must be permanently retained as a public record.

Trustee Lindberg 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

William Lindberg, Trustee, voting      Aye

Michael Newhard, Mayor, voting      Aye

**Advertise for the Position of Part-Time Billing Court Clerk**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Foster, and carried to advertise for the position of Part-Time Court Clerk.

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

**Vacation Carry Over – Sadie Becker**



A **MOTION** was made by Trustee Lindberg, seconded by Trustee McKnight, and carried to grant permission to Village of Warwick Treasurer, Sadie Becker, to carry over 4 vacation days.

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

**Part-Time Court Attendant - Hilton Dionet Rodriguez**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Foster, and carried to hire Hilton Dionet Rodriguez to the position of Part-Time Court Attendant with a start date of November 16, 2022, as per the Village Justice's recommendation.

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

**Resolution Revising Village Employee Handbook**  
**Section 4.5 Vehicle Use Policy & Section 4.7 Telephone and Cell Phone Usage**

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 the 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 4.5 ‘Vehicle Use Policy’ of the Employee Handbook of the Village of Warwick is hereby amended as follows:
  - i. Under subsection “Terms and Conditions of Use” item (f) to read as follows:

- a. “Under New York State law you cannot use a hand-held mobile telephone or portable electronic device while you drive. Illegal activity includes holding a portable electronic device, talking on a handheld mobile telephone, composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving electronic data such as email, text messages, or webpages, viewing, taking, or transmitting images, and playing games. Calling 911 to contact medical, fire or police personnel about an emergency is the only exception.”
  - ii. Under subsection “Terms and Conditions of Use” item (m) to read as follows:
    - a. “New York State requires all passengers to buckle up regardless of where they sit in the vehicle - including drivers and passengers.”
2. That Section 4.7 ‘Telephone and Cell Phone Usage’ of the Employee Handbook of the Village of Warwick is removed and replaced with ‘Telephone / Personal Cell Phone & Village Owned Cell Phone Usage’ a copy of which is attached hereto;
3. That the aforesaid revision to the Employee Handbook shall be effective November 7, 2022.

Trustee Lindberg 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

William Lindberg, Trustee, voting   Aye

Michael Newhard, Mayor, voting   Aye

**Return of Planning Board Escrow – 149 South Street Extension**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Lindberg, and carried to return the Village of Warwick Zoning Board escrow balance of \$125 to Mr. & Mrs. Proulx for an area variance at 149 South Street Extension. All invoices have been paid as per Village of Warwick Zoning Board Attorney, Robert Fink.

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

**Martin Rogers, P.E., Consulting Engineer – Agreement to Assist Building Inspector**

A **MOTION** was made by Trustee McKnight, seconded by Trustee Lindberg, and carried to enter into an agreement with Martin Rogers, P.E., Consulting Engineer to assist the Village of Warwick Building Inspector in the review of building plans, particularly for more complex developments such as large residential projects, on an 'as needed' basis and authorize the Mayor to sign the same.

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

**Discussion**

Trustee Foster questioned the terms such as that the consultant not being required to carry liability insurance and that the Village would have no obligation to carry them as additionally insured and was not required to defend or indemnify them for any claims or lawsuits arising from the provision of services under the agreement.

Mayor Newhard said that it was already vetted by Village Attorney, Steve Gaba.

Trustee Cheney explained the issue and how it was different than a typical design contract where you could have liability, but how this was reviewing someone else's plans and pointing out where there might be deficiencies relative to the code. Trustee Cheney said that Mr. Gaba had vetted and believed that it was also vetted with the Village's insurance carrier.

Trustee Foster also questioned that the consultant could charge for travel and asked where they would be traveling from.

Trustee Cheney said that Monroe was where he was located.

Trustee Foster said she was also a consultant, and she did not charge her clients for travel.

Trustee Cheney stated that it was unlikely the consultant would be traveling to the meetings, instead the consultant would communicate with Boris, the Village's building inspector, who would then communicate the comments to the applicant which would probably be done mostly by phone and email.

Trustee McKnight asked if the building inspector makes the determination if they need help from a consultant.

Trustee Cheney explained that it was and that generally it would be for large projects such as the multi residential type buildings and commercial. Trustee Cheney said that it was a step above a typical residential single or two family, the fees for which were based on the cost of construction, which are considerable and how it should, in all cases, cover not only the consultants time but also the building inspectors time in doing inspections.

Trustee McKnight asked about the Village's part-time building inspector and if that person could be used.

Trustee Cheney responded that at this point he would not have skills that are in advance of the building inspectors.

Mayor Newhard said that he was doing a lot of training and that he wasn't there yet. Trustee McKnight clarified that these were specialty skills pertaining to larger scale projects.

Trustee Foster and Trustee Cheney both explained that it was for large complex projects.

### **Final Comments From the Board**

#### **Trustee Foster:**

Trustee Foster spoke of the upcoming traffic safety meeting and explained how nine members of the DOT were going to be in attendance. Trustee Foster detailed some of the topics to be addressed in the meeting such as best practices for traffic calming in general, both permanent and temporary, issues such as speeding on the Village's gateway roads, and the next steps related to potential projects and funding. Trustee Foster indicated that the DOT will be focusing on state

run roadways and to limit the conversation to the two state owned roads and how the DOT will be speaking about their project on Route 94. Trustee Foster said that the meeting will be open to the public and anticipated a lot of residents will want to voice their traffic concerns.

Mayor Newhard explained that he and Trustee Cheney had also been speaking with representatives from the DOT and their design team regarding changes to the intersection of Colonial Avenue, Route 94, and Maple.

Trustee Foster said she would be finalizing the agenda for the meeting. The Board discussed various topics that should be on the agenda such as sidewalks and spoke about the role of the DOT.

**Mayor Newhard:**

Mayor Newhard thanked the committee from Warwick Playground Dreams who helped plant 2,000 narcissus bulbs around the 9/11 Monument at Stanley Deming Park.

**Trustee McKnight:**

Trustee McKnight spoke about Sustainable Warwick's video series, Project Drawdown. Trustee McKnight explained that Project Drawdown compiled the world's most comprehensive plan for addressing climate issues and reaching drawdown, the point in the future where levels of greenhouse gases in the atmosphere stop climbing and start to steadily decline. Trustee McKnight stated that for those who would like to be more informed about this topic, Sustainable Warwick will be having a moderated session on Tuesday, November 15<sup>th</sup>, 2022, from 6:00 p.m. to 7:00 p.m. at the Albert Wisner Public Library. Trustee McKnight also stated that Sustainable Warwick has the information on their website including several free videos.

**Executive Session**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McKnight, and carried to enter into Executive Session for 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 and also to discuss the medial, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline 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 Lindberg Aye

Trustee McKnight Aye Mayor Newhard Aye

**Adjournment**

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to exit Executive Session, resume the regular Village Board meeting, and adjourn at approximately 9:42 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

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Deputy Village Clerk, Jennifer Mante

**Raina Abramson**

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**From:** Christina Thomas <cthomas10021@gmail.com>  
**Sent:** Monday, November 7, 2022 8:58 AM  
**To:** Michael Newhard; Carly Foster; Tom McKnight; Bill Lindberg  
**Cc:** Raina Abramson  
**Subject:** Village draft Comprehensive Plan. Meeting November 7th. 2022

## Village Trustees

On behalf of the Warwick Greenbelt Preservation Society I would like to endorse the following section from your Comprehensive Plan Draft, page 12

**RECOMMENDED ACTION:** Work with the Town to designate key parcels of open space to be incorporated into a greenbelt around the Village. The two municipalities can both benefit by jointly identifying parcels to be included in a greenbelt that could provide scenic vistas, add recreational opportunities and/or preserve the working landscape.

We strongly support this goal and will help make it a reality in any way we can.

Thank you  
WGPS

--

Christina Thomas  
646 539 8098