

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
JULY 1, 2019**

**8229**

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, July 1, 2019 at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present were: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Eileen Patterson and George McManus. Also, present were: DPW Supervisor, Michael Moser and Village Deputy Clerk, Maryann Benedict. Absent was Trustee Lindberg. Others present; Kati Bisaro, Lt. John Radar, Joseph Irace, Kathy Colquhoun, Alfredo Pacheco, Mateo Rodriguez, Oscar Figueroa and others.

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

The Clerk held the roll call.

**Acceptance of Minutes**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to Acceptance of Minutes: May 20, 2019 and June 3, 2019. Four Ayes

**Authorization to Pay All Approved and Audited Bills**

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried for the authorization to pay all approved and audited bills in the amount of \$74,099.09. Four Ayes

**Correspondence**

- 1. Letter from Ostrer & Associates, P.C. regarding JDM Holdings, LLC – request for zone change.**

Mayor Newhard: That will go to our council and I believe it would be appropriate to speak about that at our next board meeting, even in the work session prior to the meeting.

- 2. Letter from Raymond and Lugene Maher - Village View Estates.**

Mayor Newhard: That has been copied to the planning board.

**Discussion**

- 1. 47 Wheeler Avenue driveway request. Reconstruction plans on file in the Clerk's Office.**

Mayor Newhard: They have a driveway request, a reconstruction plan on file at the clerk's office.

Trustee Cheney: The Deputy Clerk has a drawing there, why don't you open that for the Board to look at. So basically, the outline in green on the aerial photograph is approximately where the property line is. So, if you look at the Spring Street parking lot according to the drawing, they gave us they want to have their driveway enter off of the parking lot.

Trustee Patterson: Off the Spring Street parking lot?

Trustee Cheney: Yes.

Trustee Patterson: Where does it enter now?

Mayor Newhard: From Wheeler. There is a driveway that comes down here.

Trustee Cheney: Yeah, that property line might be off a little bit. It might be going through the driveway right now; it might not be far enough right now.

Trustee Patterson: Oh, there it is, in there, ok.

Mike Moser: You are going to lose parking spaces.

Trustee Patterson: You'll lose parking spots then we become responsible for when we clear that parking lot of snow and if it's not fast enough for them.

Mike Moser: Or a pothole in the middle of the parking lot and they...

Mayor Newhard: Yeah and this becomes their private entryway into their...

Trustee McManus: Parking is too valuable to give it up for somebody's driveway.

Mayor Newhard: Yes, I agree.

Mike Moser: That means you must give up two or more spots in order to give them a turn radius to get out, you lose 34 feet.

Mayor Newhard: For that matter they touch Spring Street further down, they could put a driveway entry potentially there, I guess, parallel to the property line and go in that way.

Trustee Cheney: They are going to have to do that they might as well go out to Wheeler.

Mayor Newhard: Right. I think that there is a gate or something there but it's...

Trustee Patterson: It's a walkway.

Mike Moser: Were you speaking sir, that the gate is parallel to Spring Street. I think there is another gate there too that would almost make it easier for them to get through that way.

Mayor Newhard: Yeah.

Trustee Patterson: So, it's a second driveway or instead of?

Trustee McManus: No, instead of the way I read it.

Trustee Patterson: Oh.

Mayor Newhard: If they want to give us this entire piece of property for parking we can trade.

Trustee Patterson: That's fair.

Trustee McManus: No because it will cost us more to clear it all that's there than what it's worth.

Mayor Newhard: You're not going to get that many spots.

Trustee Cheney: I don't know what the terrain looks like.

Trustee McManus: Yes, I think he needs to come up with a different driveway plan.

Mayor Newhard: I agree, I think there is a consensus here.

Trustee McManus: So, in sense this is a formal request.

Mayor Newhard: We will write him a letter.

Trustee McManus: Should we make a motion to deny it now?

Mayor Newhard: We can do that, why don't we do that through a motion, and I think that's fine.

Trustee Cheney: Should we wait until we have advice of council relative to how we should respond to this and we can do it at our next meeting.

Mayor Newhard: We can do that. Yes, that's fine.

Trustee McManus: That's fine.

Mayor Newhard: I will bring it to his attention.

Trustee Cheney: He will be here next week.

**2. Vegetation Overgrowth Conditions.**

Mayor Newhard: What this is, is a request from our Code Enforcement Officer who has been extremely frustrated with the amount of time it takes to act on some of the grass overgrowth issues in houses throughout the Village. There is the architect...

Trustee McManus: We might as well let him know now instead of...

Mayor Newhard: Should we engage him.

Trustee McManus: Might as well.

Mayor Newhard: Yes, you know what, Mr. Irace...

Joseph Irace: Yes.

Mayor Newhard: We just finished discussing your request.

Joseph Irace: Oh, I'm sorry I was late.

Mayor Newhard: Yeah, I just wanted, the consensus from the Board, we're going to give this to our council, but the consensus from the Board was that ...

Joseph Irace: I brought a picture of it ...

Mayor Newhard: Right, we understand, I think some Board members even went to see it.

Joseph Irace: Yes, it is an existing gate and a no parking paint on the ground but, listen I'm just doing this from Mark's end, if he doesn't get it, it doesn't matter to me. It just makes it a lot closer for him to go from his barn to the road, it's like right there where he parks.

Mayor Newhard: Right.

Joseph Irace: Versus crossing his entire property to get to the barn so he just said what do we have to lose by asking for it. So, just whatever you think.

Trustee Patterson: So, the worse we can do is say no, right.

Joseph Irace: He'll still use it as a walking path, he just wanted to use it as a driving path because the gate's already there and no one parks in front of it but it's not wide enough to drive a car through it so he would have to rework his entrance. That's why we need permission.

Mayor Newhard: I don't know why there is no parking in front of it because I don't believe there is an easement.

Joseph Irace: It's painted with stripes, maybe the previous owner did it.

Mayor Newhard: Well...

Joseph Irace: I have no idea.

Trustee Cheney: So, to your knowledge there's nothing in a deed or there's no easement that has been granted to the property owner by the Village as part of the access.

Joseph Irace: Well it's Village property, so....

Trustee Cheney: Right.

Joseph Irace: Does it need an easement to cross Village property if anyone wants to drive or park on it?

Trustee Patterson: Right, our question is about whether that it's appropriate sign for no parking.

Joseph Irace: I mean it's painted on the ground.

Trustee Patterson: Yeah but...

Joseph Irace: It's stripes on the ground already painted. John just bought it a year ago, not even and he assumed it was part of his right to transverse that in terms of his property, but I don't know the history. We had an existing survey so I'm assuming...

Trustee Patterson: He probably still can have the gate there, but I think our question is whether there can be a no parking sign there.

Joseph Irace: I have no idea.

Mayor Newhard: As far as it as an access or egress I think the consensus as a Board is it presents a lot of ripples out to other problems, snow removal, you know maintenance of our lot if it's not up to "snuff".

Joseph Irace: Right, who plows it...

Mayor Newhard: So, I think the overall feeling of the Board in the discussion we just had was, no.

Joseph Irace: For vehicular, even for grass?

Mayor Newhard: Yes.

Joseph Irace: Ok.

Mayor Newhard: And we'll pass this onto our council, but that's the general...

Joseph Irace: So, that's fine, I don't know if it was a deal breaker, he already owns the land and he can access it from the other side, but he just wanted to go through this process.

Mayor Newhard: Right it's not that much further on Wheeler over to West Street if that's the way he must leave.

Joseph Irace: Exactly, well make a letter or something for him.

Mayor Newhard: We will, we will follow through with a formal decision.

Joseph Irace: Alright, thank you. So, do I need something further?

Mayor Newhard: No.

Joseph Irace: You want to just keep these and put them in the file.

Mayor Newhard: We don't need them all, but we will put one in the file.

Joseph Irace: Thank you for your attention to this matter.

Mayor Newhard: The next thing under our discussion is the Vegetation Overgrowth Conditions. And your tenant has been a little irresponsible in that.

Joseph Irace: Yes, and I recommended people who cut grass and landscape to him, local people and I don't know if it's been done or not.

Mayor Newhard: It has finally been done but he's brought that issue up to us so we're just...

Joseph Irace: Yeah, it's not a good way to start ...

Mayor Newhard: A relationship.

Joseph Irace: Unless he's trying to grow a hay field and feed people overseas.

Mayor Newhard: Yeah, it is not PDR.

Joseph Irace: Yeah, it was way too tall. He's aware of it and he's back, he's been kind of out of town and now wants to do something with the property and clean it up and do some construction. So, we're back on track.

Mayor Newhard: Ok, very good. Thank you, Joe. So back to the discussion on Vegetation Overgrowth Conditions, the way our code reads it's a very long process, like up to thirty days it seems almost.

Mike Moser: That's the just I'm getting, every time that we drive around looking at these houses he's telling me he sends letters and the code says they have thirty days to respond and by that time the tenants grass is now twenty-six inches of grass and it takes a goat to get it instead of a mower. What we are looking to do is tighten it up, the one you were given is what it is but it's just functioning, it's a ten day code, after ten days, after you get the letter after the tenth day the Village has the right to either cut it ourselves and bill against the property or have a landscaper come in and bill against the property. As it stands now the few, not a lot, the few that are not combined with the code as is, it's a very bad eye sore right in the middle of everybody's neighborhood and they are few and far between but it's still. Thirty days is an extremely long time for somebody not to mow their lawn in the middle of summer.

Trustee McManus: True.

Trustee Cheney: After not being mowed for three weeks to begin with.

Mayor Newhard: Right.

Trustee Cheney: Or four weeks.

Trustee McManus: There are more abandoned houses in the neighborhoods then you are leading it to appear. There are not tons of them in the neighborhood but there are enough in the neighborhood to bother people.

Mike Moser: It's enough to keep him busy. Yeah, I'm not doubting that but all we are trying to figure out is you can tighten it up so that we are not waiting, or every person looking at the lawn is waiting thirty days for us to get no response and then start the process of tagging the door or whatever.

Trustee McManus: I'd like to know more on the process of who's going to mow it because we've mowed several recently and it's always been the same person and it's never been questioned, Boris just tells one person to go do it and then we sign voucher's.

Mike Moser: I will look into that but where I come from we use to, and that's your call, but the DPW did it and the violation, the fine, the money came back to the Village and it paid for the guys to be there. It was a standard fine depending on whether it was a two family or a commercial building, or whatever size house it was. Whoever is registered as the tax thing, and then we would go and cut it ourselves and then if it went into, like some of these lawns we going to have to bring in a toolcat or something to cut down the lawn at seventeen inches high, we charge them for the equipment too. So that after the second time they kind of learn to cut their lawns. But here, since I been here, it's the same houses every year or vacant lots, the same thing and same spots. And also, what we did after a while there was in the code it was after we send the first letter to go mow the lawn, the second letter was five days, because in the middle of the summer you're not waiting another ten days every time. And then after the third offense, you can just tag the door whether they are there or not or it's a vacant house and it was still legal, it was by their code within the city and every time we went to court we never lost.

Trustee Patterson: So, you wouldn't go to court until after you did the work though, right?

Mike Moser: Yeah, usually they don't fight it because you got them. But there is a stickler or two that like to go the full bore and then we sit there and bring out everything. I mean, everything I've seen he has day after day of showing that this isn't cut it's just a lot of wasted time and you know his time too. Everybody's looking at that and a couple of them are your main strips, not that they aren't more important than any other but...

Trustee Patterson: Can you pass this along to the attorney and ask him to adopt it for our code?

Trustee Cheney: Well, I have a number of significant exceptions with what was presented to us. One of the most important ones, 188-2 the Duty of Owner, well this puts us in a position of being able to enforce this upon a lessee, tenant or occupant. I don't think that a property owner who's renting has an agreement with his tenant that they are responsible for maintaining the lawn, that



we would have any reason to deal with the tenant on that, we should be dealing with, because we don't know about that contract, that contract isn't on file here...

Trustee Patterson: It would be the same as the water bill.

Trustee Cheney: We should just be dealing with, well some owners...

Trustee Patterson: The underlying things...

Trustee Cheney: Yes, and also some of the, it was unclear what payment was being received and for instance for a single family residence, pay \$100 for the first time, a decent size lawn will probably cost more than that to do so I would think we want to have a cost plus a \$100 fine associated with it.

Mike Moser: What you're looking at is a small city lot...

Trustee Cheney: No.

Mike Moser: what he gave you, it's not comparable to the lawns that you are looking at here. Some of them are but some of them aren't.

Trustee Cheney: Let's put it this way, if my first fine was \$100 and I owned a property that is a couple of acres in size, I'd probably let the village cut it for me too...

Mike Moser: I would too.

Trustee Cheney: because it's going to be cheaper than a landscaper charging me. So, you know it has to kind of be basic.

Mike Moser: I wouldn't know anybody inside the Village limits that has that big of piece of property.

Trustee Cheney: Yeah, and then just in terms of the specifics it was kind of the description of at what point do they take action on a property of the height of the grass being six inches on the average, well if it's on the average six inches could part of it be mowed down to two inches, 50% mowed down to two inches and then the other at nine inches and the average...

Mike Moser: You have the discretion of the certified New York State Code Enforcement Officer that would make the decision what got cut and left or did somebody happen to...

Trustee Cheney: Well you cut half of it, and you know you cut the back yard, but you don't cut the front.

Mike Moser: I completely understand.

Trustee Cheney: And I think we probably can rework ours to add what we want to have added.

Mike Moser: Yes, I think he just brought this up to make a discussion so that maybe at the work session you want to bring him along and he can clarify this a little better for you than I can. I'm just going from what I use to do with him and the other town and then just trying to apply it. You know, tighten up some of the dates that....

Trustee Cheney: Right the big issue is, you stated it and I agree, is the length of time that you have to basically do something before you serve notice and I think that could probably be taken care of within our existing local law.

Mayor Newhard: Well do you want to take a stab at that Barry? I'll work on it with you together.

Trustee Cheney: I'll try.

Mayor Newhard: Ok, we'll do it together. Now I won't see you for two weeks.

Trustee McManus: Could we work on it so we can get to council before our next meeting so we can talk more about it?

Mayor Newhard: Yes, we can.

Trustee McManus: Otherwise summer is going to be over and we're going to be in the same discussion.

Trustee Cheney: Well it's a local law so by the time it gets sent to the state summer is going to be over anyway. It doesn't mean we shouldn't try.

Mayor Newhard: Ok so Barry and I are going to work on it this week and get drafts out to everybody and to our council so hopefully next week we can start that process.

Trustee McManus: Thank you.

**Privilege of the Floor**

(Please limit your comments to **five (5)** 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.

Deputy Mayor Cheney: Privilege of the floor, would anybody like to speak to the Board, this is your opportunity.

Lt. John Radar: I know it's not our regular meeting to be here, I want to follow up on a discussion we started at the Coalition Meeting the other night we were talking about the parade route for the State Run Parade. We were talking, again I have no issue with going to Bank Street at the end, but we did kind of tail off the fact that Bank Street is open to vehicular traffic during the Farmer's Market.

Mayor Newhard: Right.

Lt. John Radar: I spoke with Chief McGovern following that meeting and it's our recommendation that Bank Street be closed to vehicular traffic during the Farmer's Market hours.

Mayor Newhard: Every Sunday?

Lt. John Radar: Every Sunday.

Mayor Newhard: Every Sunday, ok.

Lt. John Radar: Yes, there is to many people walking around, it's just the two cones that separate the pedestrians from the cars. South Street right up there on Railroad on the other side, there's really no reason to have to access Bank Street during those hours.

Mayor Newhard: Well, I agree with you. You have so many people going to the Farmer's Market on Bank Street alone when I am going back and forth on it, people are not on the sidewalk they are in the middle of the street walking.

Lt. John Radar: And just being distracted walking around the Farmer's Market you walk past one of those cones looking down or talking to somebody, you could walk right into an oncoming car. So, it's our recommendation that it be closed during those hours.

Trustee Patterson: I think it's a good idea.

Trustee McManus: I think it's a great idea, but I still would like to keep the cones there so that the market doesn't envelop all of Bank Street....

Lt. John Radar: Absolutely. Yeah, I'm not looking to...

Trustee McManus: Yeah, I know that, but the market would.

Lt. John Radar: I took notice of it a couple of weeks ago and we kind of segwayed in that conversation with the Coalition Meeting. I figured this is timelier at this meeting than at the next meeting to bring to your attention. And then the other thing is we'd like to renew the discussion we had in the past about the crosswalks with moving the parking spots to the opposite sides of the crosswalk. We had another incident this past weekend where a pedestrian became aggressive towards a car that the person driving, that car reported to us they did not see that person until they stepped right out because it was blocked by the car that was parked before the crosswalk.

Trustee Patterson: So, in addition to the ones when you're coming north on Main Street, right, so that side of the crosswalk is already gone. You're suggesting on the other side as well?

Lt. John Radar: The parking, there should be no parking prior to the crosswalk when you're going north on Main Street. Because when you're park there and somebody steps out into the crosswalk, we noticed that we had discussed that in the past, that's with the loading zone I believe by Fetch.

Mayor Newhard: Yes.

Trustee Patterson: Like right behind the bookstore.

Lt. John Radar: That's even worse because it's usually merging...

Trustee McManus: There is no parking spot before the crosswalk coming left by the bookstore.

Trustee Patterson: Yes, there is. There is a spot there.

Trustee McManus: Not coming north. That's the red zone by Chase.

Trustee Patterson: You're talking about Chase but Lt. Radar is talking about on the opposite side of the road. So, in fact it's after the crosswalk.

Trustee McManus: So south.

Lt. John Radar: Yeah, I'm talking about past Chase, by Fetch, I mean Chase isn't as much of a problem with that, I believe that's where the incident happened to occur. So that is a parking enforcement issue but it's also...

Mayor Newhard: That is a no parking zone.

Lt. John Radar: That is a no parking zone but further up by Fetch, so that discussion is what's going to renew what we talked about in the past about relooking at where people are going to step into the crosswalk as opposed to where the vehicles are parked. We could give that a second look over and see if...

Mayor Newhard: We definitely will.

Lt. John Radar: The biggest problem besides this is the amount of people that are not crossing in the crosswalks.

Mayor Newhard: Now that we have these intensely bright signs up and down our Main Street and Business District...

Trustee Patterson: They are not at all the crosswalks.

Trustee McManus: Yes, they are.

Mike Moser: On the state road.

Mayor Newhard: On the state road, yes.

Trustee Patterson: On West Street there?

Trustee Cheney: No, the state came in and put those signs in.

Trustee Patterson: Oh, ok.

Trustee McManus: They even did the one down on Third Street.

Trustee Patterson: Why wouldn't we put them at all the crosswalks then? West Street is a particularly dangerous crosswalk because of that crest of the hill.

Trustee McManus: That's controlled by the traffic light.

Trustee Patterson: That one by UMAC is the one I'm talking about.

Lt. John Radar: The increase in traffic just in the Village on the weekends right now, the increase in jay walking is causing more delays coming down Main Street and its constant stop and go for a driver and it's looking to avoid a tragedy.

Mayor Newhard: Right.

Trustee Cheney: So, the only place where there is a spot close to the crosswalk is Fetch.

Lt. John Radar: I believe Fetch is the one we had talked about in the past.

Mayor Newhard: The next one on South Street, that's a no parking zone just prior to the corner to the intersection.

Lt. John Radar: And I believe Fetch, that loading zone was moved to the other side of the crosswalk which should be fine. It's coming out blind from the sidewalk onto the street in front of a vehicle with oncoming traffic.

Trustee McManus: I thought we were eliminating the loading zone that's in front of Fetch. We put it on the other side of the street.

Mike Moser: Yeah, there should be no self-parking there.

Trustee Patterson: No, it's still ...

Mike Moser: The hydrant is striped and then...

Lt. John Radar: I'll check it, we just want to look it over.

Mike Moser: There should be no trucks there.

Lt. John Radar: This being reported to us it's definitely happened before and we're not looking for anybody but the jay walkers also.

Mayor Newhard: I wish we could put bump outs in those areas of our crosswalks, that would make people more visible and actually make people understand that's where they should cross, you know jay walking is terrible.

Trustee Patterson: People know where they should cross.

Mayor Newhard: Yeah, well.

Lt. John Radar: Well if we could look them over and see if there are more suggestions give them to me. I know we talked about it in the past, just keep the discussion going.

Mayor Newhard: Ok, thank you. Anyone else? Sir, you want to speak to the Board.

Alfredo Pacheco: Yes, my name is Alfredo Pacheco. I wasn't here last meeting; I was at our meeting trying to push the driver's license. But my comrades were here, and I think we wrote in letters.

Mayor Newhard: Yes.

Alfredo Pacheco: We are still translating those letters.

Mayor Newhard: Ok, thank you.

Alfredo Pacheco: Because we didn't have enough time, or the capacity to do that the last two weeks but as soon as we get those, we will send them over to you.

Mayor Newhard: Thank you we appreciate that.

Alfredo Pacheco: Yes, so just know that we got it and we will just keep working to translate them, alright.

Mayor Newhard: And our council is looking at some different questions that were still lingering and we are moving forward.

Alfredo Pacheco: Yes, let us know when you're done. We will get the letters as soon as we get it done.

Mayor Newhard: And congratulations on the success of the driver's license.

Alfredo Pacheco: Thank you, yes. Thanks to all of Warwick and the people also for the support because when you advocate for that and you feel it's possible and know that it's the right thing to do, I think that makes a lot of difference.

Mayor Newhard: Did everybody here go to Albany.

Alfredo Pacheco: Some of us, just one person because they were all working. But we had a group of people going there and they all set up. We are celebrating this week coming up and you are invited.

Mayor Newhard: Thank you.

Alfredo Pacheco: We are going to do a little celebration on July 7, 2019 at the Community Center. You are all welcomed.

Mayor Newhard: Thank you very much. I appreciate it.

Alfredo Pacheco: It starts at 1:00 p.m. to 5:00 p.m.

Mayor Newhard: Oh wow, long.

Alfredo Pacheco: It's going to happen from 1:00 p.m. to 5:00 p.m. but I don't think a lot of people are going to stay that long. We say that so we can clean up after the event.

Mayor Newhard: Right.

Alfredo Pacheco: We will wait for you.

Mayor Newhard: Ok, thank you.

Trustee McManus: Thank you.

Mayor Newhard: Very appreciative. Ok, anybody else?

### **Village of Warwick's Comprehensive Plan**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to advertise and receive proposals for consultant services to update the Village of Warwick's Comprehensive Plan. Four Ayes

### **Barbara Drive Pressure Reducing Valve**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to advertise and receive bids for the replacement of the Barbara Drive Pressure Reducing Valve. Four Ayes



**Well #3 – Extension for Engineering Design of Treatment System**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to extend the deadline for submission of sealed proposals to the Village of Warwick to perform an engineering design of a treatment system for Water Supply Well #3 until 3:30 PM (local time) on July 11, 2019. All parties who have already submitted sealed proposals will be advised in writing by the Village Clerk that the deadline for submissions has been extended and that they may rest on their current submissions, or supplement, withdraw, or resubmit their proposals up until the extended deadline. All proposals for the "Water Supply Well #3 Engineering Design Services" project shall be submitted to Village Hall, 77 Main Street, PO Box 369, Warwick, NY. Four Ayes

**Outside User Water Agreements - 11 Hathorn, LLC**

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus and carried to approve a revision to the previously approved Outside User Water Agreements for 11 Hathorn Road to substitute the name 11 Hathorn, LLC, as the property owner to whom the Agreement is given. Four Ayes

**Establishing Energy Benchmarking Requirements For Certain Municipal Buildings**

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to waive the reading of the resolution Establishing Energy Benchmarking Requirements For Certain Municipal Buildings. Three Ayes, One Nay (Trustee McManus)

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Warwick is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Village of Warwick Board of Trustees desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare

by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Warwick; and

**WHEREAS**, the Village of Warwick Board of Trustees desires to establish procedure or guideline for the Village of Warwick staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Warwick that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Building Department.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUP” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2019, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2019 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

- (b) For each Covered Municipal Building individually:
  - (i) The status of compliance with the requirements of this Policy; and
  - (ii) The building address, primary use type, and gross floor area; and
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
  - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

#### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

#### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Board of Trustees including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

#### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

#### **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting      Aye

William Lindberg, Trustee, voting      Absent

Eileen Patterson, Trustee, voting      Aye

George McManus, Trustee, voting      Aye

Michael Newhard, Mayor, voting      Aye

**CLIMATE SMART COMMUNITY PLEDGE RESOLUTION**

WHEREAS, the Village of Warwick (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Village of Warwick, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) Build a climate-smart community.**
- 2) Inventory emissions, set goals, and plan for climate action.**
- 3) Decrease energy use.**
- 4) Shift to clean, renewable energy.**

- 5) Use climate-smart materials management.
- 6) Implement climate-smart land use.
- 7) Enhance community resilience to climate change.
- 8) Support a green innovation economy.
- 9) Inform and inspire the public.
- 10) Engage in an evolving process of climate action.

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

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting	Aye
William Lindberg, Trustee, voting	Absent
Eileen Patterson, Trustee, voting	Aye
George McManus, Trustee, voting	Aye
Michael Newhard, Mayor, voting	Aye

#### **Discussion Prior to Vote**

Trustee Patterson: Is this the plan where the residents must opt out.

Mayor Newhard: No.

Trustee Patterson: Ok, because I was just going to highlight that if that was the case.

Mayor Newhard: No, this is really...

Trustee Patterson: I understand what it means, I just wanted to make sure we weren't just entering into that agreement and it's only fair that we let the residents know about that.

Mayor Newhard: Yes, absolutely. What this does though is once we become a Climate Smart community, it's not just from this resolution it's also through a checklist of specific things we've done. It opens a revenue stream for a grant, so that's a great thing.

Trustee Patterson: Great.

Mayor Newhard: Ok so we have a roll call vote.

Trustee McManus: Before you go on the previous motion should have also been a roll call vote.

Trustee Cheney: So, we should go back.

Mayor Newhard: Ok, very good, thank you.

Trustee Patterson: What the way of the reading, oh no, the other one. Ok.

Trustee McManus: Not the way of the reading, the actual motion.

Trustee Patterson: Gotcha.

Mayor Newhard: Thank you George. So, the prior...

Trustee Patterson: Number seven.

Mayor Newhard: Number seven.

Trustee Cheney: No, number six.

### **Employee Training**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to Mayor, Michael J. Newhard to attend the 27<sup>th</sup> Annual New York State ReLeaf Conference on Friday, July 19, 2019 from 11:00 a.m. to 4:00 p.m. at Mount Saint Mary's College, Newburgh, New York. at a cost of \$80.00 for registration and \$25.00 for council membership for NYS Urban Forestry Council. Mileage reimbursement is not applicable, village vehicle will be used. Four Ayes

### **Employee Training**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to Robert Scheuermann to attend the 27<sup>th</sup> Annual New York State ReLeaf Conference on Friday, July 19, 2019 from 11:00 a.m. to 4:00 p.m. at Mount Saint Mary's College, Newburgh, New York. at a cost of \$80.00 for registration and \$25.00 for council membership for NYS Urban Forestry Council. Mileage reimbursement is not applicable. Four Ayes

**Warwick Youth Football**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to grant permission to Warwick Youth Football and Cheer to use Memorial Park from July 10, 2019 to July 31, 2019 for smaller training practices, August 1, 2019 to November 20, 2019 from 5 p.m. to 8 p.m. and Saturday and Sundays from 10 a.m. to 10 p.m. Completed park permit, security deposit and proof of proper insurance have been received. Parking is to be in the designated parking lot and not in the grass on the entrance roads in and that it's the responsibility of Warwick Youth Football and Cheer to enforce that. Four Ayes

**Discussion Prior to Vote**

Trustee Patterson: I believe the park closes at 9:00 p.m. So, I don't think it should be from 10:00 a.m. to 10:00 p.m.

Trustee Cheney: They do have lights.

Trustee Patterson: Ok, but it makes it seem the whole park is open. I hear you, I understand, I guess baseball and softball sometimes goes past 9:00 p.m. too. For that reason, ok, that's fine.

**Turn the Towns Teal**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to grant permission to Turn the Towns Teal, Inc. to tie ribbons on trees in the Village of Warwick to bring awareness to Ovarian Cancer. Ribbons will go up on or about September 1, 2019 until September 30, 2019. Four Ayes

**2019 Summer Recreation Staff**

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to approve four (4) additional 2019 Summer Recreation staff and salaries as per the enclosed list pending the receipt of approved background checks and to remove three (3) of the 2019 Summer Recreation staff approved on June 3, 2019 who no longer wish to participate in the program. Four Ayes

Trustee Patterson: Second, you said June 23, 2019, I think you meant June 3, 2019.

Trustee McManus: Oh, yeah. June 3, 2019.

Trustee Patterson: Second as modified.



Mayor Newhard: And just for the Board to know, we have record numbers at our park program. So, we have a second.

Trustee Patterson: Can we make a motion to close Bank Street during the Farmer's Market at the recommendation of the Police Department.

Mayor Newhard: Can we....

Trustee McManus: The Police can close the road at any time they deem necessary.

Mayor Newhard: But to formalize it.

Trustee Patterson: Because then...

Mayor Newhard: I don't see why we wouldn't make that motion. Would we use, cones are not significant enough, I think we need...

Trustee Patterson: It would be the same as for the concert.

Mayor Newhard: A barricade.

Trustee Patterson: Yes. Do you have guys here on Sunday mornings anyway?

Mike Moser: No.

Mayor Newhard: The Farmer's Market could do it.

Mike Moser: Yeah, we can lay them out along the side.

Trustee Patterson: So, we will need to reach out to the Farmer's Market to let them know that they need to set those up.

Trustee McManus: And the cones can remain at the end of the parking lot.

Trustee Cheney: I would suggest that we speak to the impacted parties, like the Farmer's Market and the businesses along Bank Street prior to enacting it.

Trustee Patterson: I believe that one of the businesses down along Bank Street has asked us to do this in the past.

Trustee Cheney: I'm not aware of that.

Trustee Patterson: Ok. I don't see why we wouldn't take their recommendation but that's fine, whatever you think.

Trustee Cheney: I'm only one vote.

Mayor Newhard: I'll reach out to the Farmer's Market and the businesses.

Trustee Patterson: The businesses...

Mayor Newhard: Yes and talk to them. Mike do you have a report.

Mike Moser: I figured I would wait.

Mayor Newhard: Was there another motion we were going to add, I thought there was something earlier on. We were going to have our council look at the Wheeler Avenue driveway request.

Trustee Patterson: We were considering a motion to deny that request but...

Mayor Newhard: We will wait for him.

Trustee McManus: We're not making a motion to close Bank Street?

Mayor Newhard: We're going to wait. We're going to talk to the Farmer's Market and talk to the businesses.

Trustee McManus: I don't think it should be a choice for the Farmer's Market.

Trustee Patterson: I don't either, I agree with George. I think we have been given the advice of our Police.

Trustee McManus: Our Police Department who is much more involved in safety than the Farmer's Market, recommends that we close Bank Street. It's our responsibility to either we agree with them or no, it's not the Farmer's Market choice to close it. Who are the businesses along the street? The business has access from the other end of the street.

Mayor Newhard: Right. At that time of day, there should be...

Trustee McManus: You can't walk up from...

Trustee Patterson: Oh, you can walk, yeah, you can't drive but you can walk.

Trustee McManus: Ok.

Trustee Patterson: Well they don't have parking down there anyway on those days so it's not like anybody can drive to them anyway.

Mayor Newhard: I'm a little torn but I hear what you say, and I agree. I mean our police look at it as a safety issue, I see it as a safety issue from my comments and I don't know if we should wait two weeks before we...

Trustee McManus: I won't be at the next meeting so.

Mayor Newhard: I don't see why the Farmer's Market wouldn't want it.

Trustee Cheney: I don't believe that, or I believe it's probably in the best interest to do that, however, I think that we gone through almost half the Farmer's Market season, well not quite half.

Trustee McManus: No.

Trustee Cheney: The Farmer's Market season got...

Trustee McManus: July, August...

Trustee Cheney: two months.

Trustee McManus: September, October, November.

Trustee Cheney: And, I guess I just think that anybody that's potentially impacted should have the opportunity to speak to it.

Trustee McManus: How is it impacting the Farmer's Market by closing the street?

Trustee Patterson: Nobody should be driving...

Trustee McManus: There's no place that they can park to access the Farmer's Market.

Trustee Cheney: I don't have that answer because I'm not the Farmer's Market.

Trustee Patterson: Ok, can I just make the motion and we can vote? And then...

Mayor Newhard: Yes.

Trustee Patterson: Ok.

**Farmer's Market – Close Bank Street**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to close Bank Street on Sunday's for the hours of operation and the remainder of the Farmer's Market season per the recommendation of the Warwick Police Department. Three Ayes, One Nay (Trustee Cheney)

**DPW Supervisor's Report**

Mike Moser:

- Spring junk cleanup has been concluded throughout the Village.
- All Village owned properties are continuously maintained.
- I attended the Cornell Highway Superintendent's school at the college.
- We are working on signage issues and new road paint with the traffic committee.
- We are continuing working on the brick pavers in Stanley Deming Park.
- All the safe 811 utility requests were performed.
- The water and sewer connections were made for the newly constructed home at 118 South Street Extension.
- We assisted the Community Center with the Family Fun Day Parade.
- Working with Barton & Loguidice on the reservoir tank project, we began clearing the land for the survey today.
- Asphalt patching up potholes throughout the Village.
- We had a meeting with security regarding Warwick camera protection at Deming Park.
- The backfoot preventor was installed at the little league fields.
- The volleyball court at Deming Park was turned over and the net was put up.
- Intern Ben is working on GIS mapping system of the culverts and the backfoot preventors.
- We're continuing the infiltration investigation where there is a high flow issue.
- The hanging baskets and banners were hung on the poles.
- The giant flowerpots were put out.
- And the watering of plants is ongoing.
- The sweeper is out at least once a week if not more often.
- I met with the reclamation paving companies and I'm waiting on dates most likely in August we are going to be paving West, Colonial, First, Second, and then we'll see about Welling and Campbell.
- We helped the Gardens Club with Railroad Green.
- Road painting started for the season today.

- We cleared almost all the work orders out of the system.
- And I met with Orange and Rockland gas line for the Homestead generator again and they said it will be installed within the next three weeks.

Trustee McManus: I have a question or maybe a recommendation on Colonial, before we pave if there are any lots that can be developed that we would then later on have to do water hook ups, put a hook up on their property now so we are not digging up Colonial Avenue afterwards.

Trustee Patterson: That's a good idea.

Mike Moser: Absolutely, I do believe that was done for most of them though, but I will check. We're also doing a job out on the end of West Street Ext. The same thing with the valves, we do them before the paving is done so there will be some infrastructure done before paving but you're right, it's smarter to do before we pave than after we pave.

Trustee McManus: And there is a large pothole on Village Green Court and Weather Vane Way intersection.

Trustee Patterson: I have a question for you Mr. Moser. Do you we own the parking meters that we were going to put in on South Street?

Mike Moser: Yes.

Trustee Patterson: Why haven't we installed them?

Mike Moser: From the traffic committee, Mr. Lindberg, I was told they were put on hold. South Street?

Trustee Patterson: Yeah.

Mike Moser: Yeah, I was told that was a no go from last year.

Trustee Patterson: There's a traffic committee? Or is it just Trustee Lindberg?

Mayor Newhard: Just Trustee Lindberg.

Mike Moser: That's what he calls himself. When he says I need a meeting with the traffic committee, and nobody shows, but I still have to show up.

Trustee Patterson: I would like to just have the Board consider the time, effort and energy that was put into the actual committee that reviewed the traffic issues, some of them whom are

business owners and residents in that area and it was their recommendation and we agreed with that recommendation that we installed parking meters on South Street. And what is happening now is the committee of seven people, most of whom are residents and business owners, knew what was going to happen, said was happening then, people who are either commuting to the city are parking there and walking over taking the bus from Burger King where there is a completely free park and ride parking lot not three miles away at the County Park or employees of one particular building are parking there all day.

Mayor Newhard: When they should be parking in the Chase lot.

Trustee Patterson: When they should be parking in the Chase lot, CVS lot, and the tiny business owners who are on South Street are paying the price because they are the kind of business where if somebody drives by and there is no parking space they're not going to go in and do business there. So, I don't think it's fair that Trustee Lindberg made a unilateral decision that the Board had previously agreed to and spent the money on it, and we have people waiting for us to do what we said we were going to do. In the meantime, the Chase lot is reserved for permits and all of that, we currently have forty-seven available spaces that we have set aside for permits and we have had that for many years. So, I would like to, with your advice Mr. Moser, to find a way to make those and address those as free parking spots until such time they are purchased or reserved by permit holder. I don't know how to do it, obviously we can't, is there individual signs we put up, is it just an updated list to the parking enforcement officer?

Mike Moser: Is there any way we can move the people we have to spots and block off sections?

Trustee Patterson: Something along those lines, yeah. We're not at the dire state that many people think we are with parking in the Village. We are close but we are not there yet and...

Mike Moser: It just needs to be reconfigured, just put temporary signs around that section and as they close them, we will just make it tight.

Trustee Patterson: With due respect to Trustee Lindberg, of course he would have a say in that. Because the people who were on that committee with me several years ago are coming directly to me and saying, what happened, and that's a legitimate concern. That's all I had.

Trustee Cheney: One other thing about Colonial, there are some drainage issues on Colonial that was the deterioration of the pavement, those need to be resolved before we pave Colonial.

Mike Moser: Yes sir.

Trustee McManus: Is the state going to do anything with the storm drain grate they covered over, that now gets the big puddle on the intersection?

Mike Moser: At the Mobil?

Trustee McManus: Yes.

Mike Moser: Yeah, they turned it over to us. They said that it doesn't attach to any of their culverts and it is our responsibility so I'm going to have to address it. I need to pull the whole thing out; the structure is beyond repair so that's going to be a night job and it's going to be right before the paving so I figure we will tie it all into a couple bad weeks.

Trustee McManus: Ok.

Trustee Cheney: Do we have a list of the catch basins that the state believes are theirs?

Mike Moser: Believes are theirs?

Trustee Cheney: Yes.

Mike Moser: Zero.

Trustee Cheney: Oh, ok.

Mayor Newhard: Yes, I was going to say...

Mike Moser: Because the same time this one started, the one down in front of the diner started.

Mayor Newhard: Caffé A La Mode?

Mike Moser: No G's. And I met the guys and I asked this one here, he said No, none of them. I said it's on a state road, and he said it's inside your building.

Mayor Newhard: They pick and choose.

Mike Moser: I try.

Mayor Newhard: Anything else for Mr. Moser while we have his undivided attention?

Trustee Patterson: Not unless I think of something, give me time.

Mayor Newhard: Final comments from the Board? May I have a motion to close the meeting?

Trustee Patterson: I would like to go into Executive Session, may I have that sheet?

**Executive Session**

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to go into executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. Four Ayes.

In Executive Session:

Present: Mayor Michael Newhard, and Trustees Barry Cheney, Eileen Patterson and George McManus.

A **MOTION** by Trustee McManus to exit Executive Session and resume regular session of Village Board meeting, seconded by Trustee Cheney. The vote on the motion was as follows:

Barry Cheney, Trustee, Aye  
Eileen Patterson, Trustee, Aye  
George McManus, Trustee, Aye  
Michael Newhard, Mayor, Aye

A **MOTION** by Trustee McManus to adjourn the Village Board meeting at approximately 8:45 p.m., seconded by Trustee Cheney. The vote on the motion was as follows:

Barry Cheney, Trustee, Aye  
Eileen Patterson, Trustee, Aye  
George McManus, Trustee, Aye  
Michael Newhard, Mayor, Aye

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Maryann Benedict Deputy Village Clerk