

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 4, 2024**

10,345

The Regular Meeting of the Board of Trustees of the Village of Warwick was held on Monday, November 4, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard. Trustees, Barry Cheney, Carly Foster, Thomas McKnight, and Mary Collura. Also, present was Deputy Village Clerk, Jennifer Mante.

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

Acceptance of Minutes

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried
Acceptance of Minutes: October 21, 2024

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney, and carried
Authorization to Pay all Approved and Audited Claims in the amount of \$231,819.40.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Announcements

1. All Things Halloween

Trustee Foster announced the winners of the costume contest. Trustee Collura announced the winners of the ‘Scare the Mayor’ contest. The Board congratulated the winners and participants.

2. The Village of Warwick has been designated as a Pro Housing Community.

Mayor Newhard announced that the Village had been designated as a pro-housing

community. He explained that the Village submitted a letter of intent with their application and received approval promptly, which he noted as a positive development. Mayor Newhard also thanked the Building Department for their work in achieving the designation.

Correspondence

1. Reply from Orange County Department of Planning regarding proposed Local Law to enact Chapter 115 entitled “Short Term Rental Property”.
2. Report from Village Engineer, Keith Woodruff on the petition for a zone change at 1 Galloway Heights Road and 4 Overlook Drive.
3. Letter from Planning Board Chairperson, Jesse Gallo, requesting revisions to the Village Code.

Mayor Newhard brought up the two pieces that the Planning Board Chairperson had requested revisions to in the Village Code. He mentioned that the revisions made sense to him, but he wanted to gather feedback before proceeding, as this would start the revision process.

Trustee Cheney expressed concern about the proposed changes to the expiration of variances from the Zoning Board of Appeals. He felt that the revision could make the process too open-ended, removing the time constraints for applicants to complete their projects. He emphasized that if an applicant does not follow through with the necessary approvals within a reasonable timeframe, the variance should lapse. He pointed out that circumstances in the area could change over time, and a project that was initially approved might no longer be suitable if delayed for too long. While he acknowledged that an extension could be justified, he did not agree with making it entirely open-ended.

Trustee Cheney pointed out that the proposal includes a provision stating that the 180-day expiration window would begin once the Planning Board or Village Board gives final approval. He expressed concern that this would allow applicants to take as much time as they need to secure the necessary approvals before the 180 days even begins. He raised an issue with this open-ended period for obtaining permits, as it could result in unnecessary delays before any action is taken.

Trustee McKnight raised the question whether there was an existing clock built into the process for obtaining approvals. Trustee Cheney responded that, to his knowledge, there was not such a clock, as he wasn't aware of any time constraints during the approval process itself.

Trustee McKnight suggested that he might be mistaken, but he believed there was already an expiration date, likely 180 days.

Trustee Cheney pointed out that once an applicant receives Zoning Board of Appeals (ZBA) approval, there is no requirement to obtain additional approvals from the Planning Board or Village Board within a specified timeframe. He emphasized that there is no time constraint for securing these further approvals from the Planning Board or the Village Board.

Trustee Collura suggested that a key issue is miscommunication, particularly regarding the applicant's understanding of the process. She pointed out that part of the challenge is ensuring applicants are aware of the meeting schedules for various boards, such as the Village Board, which meets twice a month and requires agenda items to be submitted the Wednesday before. She noted that while it's difficult to make applicants fully understand these requirements, part of the issue lies in a lack of clarity about the process and timing.

Trustee McKnight expressed concern about the potential for an indeterminate amount of time where applicants might secure a variance but then not proceed to the Planning Board. He noted that, in some cases, individuals could use an approved variance as a selling point for the property, potentially selling it with the variance in place without following through on the necessary steps.

Trustee Foster asked Trustee Cheney if his proposal was to shift from the current 180-day expiration period starting from the decision date to a system where the clock would reset after obtaining additional approvals. She suggested inserting an interim deadline, after which applicants would be required to initiate the process for obtaining other permits, ensuring that progress continues without unnecessary delays.

During the discussion, it was proposed that adding another 180 days to reach the next step in the process could help address the issue of an open-ended timeline. This would create a defined period for progress, with the possibility for either the Planning Board or Village Board to extend it by another 180 days if needed. This approach would help ensure the process doesn't drag on indefinitely.

Trustee Cheney suggested that whichever board the applicant is in front of could extend the deadline if the applicant demonstrates good faith in moving the project forward.

Mayor Newhard acknowledged that Trustee Cheney's point highlighted a potential loophole that could be exploited. He emphasized that the goal is to close that gap and prevent anyone from taking advantage of the system.

Trustee McKnight with Trustee Cheney's suggestion, along with the feedback from Jesse Gallo. He felt that by addressing the gap in the process with a small tweak to the current proposal, it could be a positive change. He noted that the spirit of the proposal is to accommodate well-meaning applicants who may be waiting on contingent pieces without creating unnecessary delays or red tape. The idea would allow the process to continue moving forward, while still ensuring that applicants make a genuine effort to keep things on track.

Mayor Newhard suggested that if they could finalize the language for the proposal, it could be brought to the next meeting for a public hearing. He mentioned reaching out to the Village Attorney and proposed having a joint conference call with Trustee Cheney to discuss the details further and ensure the language is correct.

Trustee McKnight suggested that if they were already planning to review the code, this issue could be added to the list of items to address. He agreed with Mr. Gallo's observation and noted that while it might not be an urgent matter, it was a pattern worth addressing. He proposed adding it to the growing list of issues to be reviewed.

Mayor Newhard agreed, stating that as long as there wasn't an urgent need to address the issue immediately, it could be added to the list of things that need attention. However, he expressed concern about it getting lost in the mix and emphasized the importance of not letting it slip through the cracks.

Trustee Collura pointed out that there is a need for the guidebook, which directly references many of the codes that need to be reviewed. She suggested that, given this connection, the issue should be moved up on the priority list for consideration.

During the discussion, it was asked when they would hear back about their last submission for code improvements. The response was that they should expect to hear back any day now.

The Board agreed to compile a running list of issues, as the information was currently scattered.

Trustee Cheney raised a question about a specific provision in the proposal stating that any order or decision for proposals not requiring a building permit shall expire if a certificate of occupancy is not obtained within 180 days of the Zoning Board of Appeals order or decision. He struggled to understand what types of proposals would fall into this category, as he believed a certificate of occupancy would only be issued after a building permit had been granted and the construction completed. He suggested that the matter be clarified with Mr. Gallo, as he was unsure about the intention behind this provision.

Trustee Cheney mentioned the flood damage prevention law, noting that regardless of whether the Planning Board or the Building Inspector is the administering body, the Village Engineer would still be needed for the process.

Trustee Cheney continued, noting that the flood damage prevention law typically only comes into play when a proposal is before the Planning Board, as the two processes go hand in hand. He questioned the need for the Building Inspector to be involved if their role would simply be to refer the matter to the Village Engineer. He suggested that the Planning Board could handle the referral to the engineer, allowing the process to be completed in front of the Planning Board instead.

Trustee Cheney further emphasized that the Planning Board cannot approve a proposal if it does not comply with the flood damage prevention law. He also referenced a recommendation to evaluate whether the law needs to be updated to reflect changes to flood standards. He suggested that this task should likely be handed to the Village Engineer, who could address both the compliance and potential updates to the law together.

Trustee Foster mentioned that she took a quick look at the flood damage prevention law and noted that New York State's requirements are above the minimum NFIP (National Flood Insurance Program) requirements, which are based on base flood elevation (the 1% annual chance flood or 100-year flood). New York State requires an additional two feet above that for residential properties, and the Village complies with this. However, she pointed out that elevation certificates, which are required to be obtained and retained, were not reflected in the law, including in the definitions.

Trustee Cheney confirmed that elevation certificates are not included in the current law.

Trustee Foster suggested that the Village may need to conduct a self-audit to ensure compliance with relevant regulations, particularly regarding elevation certificates. She mentioned that New York State occasionally conducts Community Assistance Visits to audit communities for compliance with the NFIP, although the NFIP itself does not require elevation certificates. However, it seems that New York State may have this requirement. She offered to assist with the audit process, noting that the Village Engineer should be familiar with the requirements.

Trustee McKnight suggested that the Village's Department of Public Works (DPW) Supervisor could potentially serve as the floodplain administrator. He mentioned that the DPW Supervisor could seek assistance from the Village Engineer or a contractor if needed.

It was decided that Mr. Moser, the DPW Supervisor, might be too removed from the situation to effectively serve as the floodplain administrator. Trustee Foster added that the role should be filled by someone certified as a floodplain manager, and she hoped the Village Engineer would be qualified to take on this responsibility.

During the discussion, the Board considered the possibility of naming the Village Engineer as the floodplain administrator. They discussed the potential of appointing the Village Engineer during the annual reorganization meeting and giving them the official title of floodplain administrator. Mayor Newhard would consult with the Village Attorney to make sure the action was appropriate.

The question was raised whether the Village would have a winter intern this year.

Trustee Cheney mentioned the previous intern expressed interest in returning but would require flexible hours due to previous commitments. Trustee Cheney also encouraged anyone with ideas on tasks the intern could help with to send them his way, as he has already started a list. Trustee Cheney stated that he wants the intern to spend some time verifying the meter numbers and ensuring they are accurate. Additionally, he suggested renaming some of the accounts to make them clearer, especially when reviewing vouchers and processing them within the system.

Trustee McKnight mentioned that he connected all the meters to the ENERGY STAR Portfolio Manager, which allows for automatic benchmarking. This is beneficial because it's also a requirement for the Climate Smart Communities (CSC) initiative.

Trustee McKnight suggested that the process could be significantly simplified if there were better organization and clarity regarding which meters belong to which accounts.

4. Letter from The Warwick Valley Chamber of Commerce regarding the annual Warwick Valley Farmers Market - Holiday Market on Sunday, December 22, 2024, from 9 a.m. to 2 p.m. in the Kuiken Brothers Company parking lot.
5. Letter from Village resident Raey Webster regarding the village streets.

Mr. Webster, a 48-year resident of Warwick, congratulating the Village. Mr. Webster praised the Department of Public Works, stating that the Village streets were in the best condition he had ever seen.

Mayor Newhard noted that Mike Mosher was pleased to receive Mr. Webster's feedback, calling it very nice. He went on to highlight the Village's participation in the Cornell Road program and efforts to refurbish local roads. While acknowledging the

community's desire for road repaving, Mayor Newhard expressed confidence that the Village was on a strong path and emphasized the substantial progress made over the past five years.

Trustee McKnight pointed out that some residents mistakenly judge the condition of Village roads based on the state roads, which the Village is not authorized to maintain. He noted that many Village roads, excluding the state-controlled ones, have been recently paved.

Mayor Newhard commented on the substantial amount of paving work the Village undertakes.

Discussions

1. Community Choice Aggregation.

Trustee McKnight provided an in-depth update on the Community Choice Aggregation (CCA) program, which he initially introduced to the Board about a year ago and revisited in the spring. Recently, he conducted further research, including discussions with New York State agencies involved in the program. Trustee McKnight explained that the CCA program was designed to support the state's climate goals by encouraging municipalities to join with others through an Energy Service Company (ESCO) to leverage collective purchasing power, theoretically reducing consumer rates. However, he identified issues with the program's opt-out model, which automatically enrolls consumers, and found that it was difficult to obtain clear data on potential savings.

Trustee McKnight's research revealed complications surrounding Renewable Energy Credits (RECs), which ESCOs rely on to meet state requirements for renewable energy. These RECs, particularly those produced in-state, have become increasingly costly—sometimes five to eight times more expensive than out-of-state credits. Trustee McKnight noted that utility companies and ESCOs pass these costs on to consumers, reducing any financial benefits.

He further highlighted that while the program initially aimed to create a competitive field for ESCOs, recent data shows that rates through CCA may now be comparable to or even higher than standard utility rates. Trustee McKnight observed that only a few municipalities, mostly in Westchester County, have adopted the program, with mixed results reported by officials there. He suggested that the state no longer sees CCA as a significant pathway toward its climate goals.

Given the program's diminished promise, lack of evident savings, and the challenges associated with the opt-out model, Trustee McKnight recommended that the Board fully disengage from any further consideration of CCA. He invited thoughts or questions from the Board.

Mayor Newhard expressed his intention to reach out to the New York Conference of Mayors (NYCOM) for further insight, noting NYCOM's previous support of the CCA program and its unusual alignment with a vendor. He believed NYCOM could provide a broader statewide perspective. Mayor Newhard agreed with Trustee McKnight's assessment, stating that if the program results in higher costs for residents, it is not a sensible option. While emphasizing the importance of using clean, sustainable energy, he suggested that there might be alternative ways to achieve this goal.

Trustee Foster recalled that, during the NYCOM conference, several municipalities had praised the benefits of the CCA program. She agreed, however, that if the data did not demonstrate clear advantages, the Board should reconsider participation. Trustee Foster expressed an interest in gathering more information before making a final decision.

Trustee Collura expressed reservations about promoting the CCA program, noting that if the Board could not fully support it, it would be difficult to communicate effectively to residents. She had always felt the program might be confusing for the public. However, she mentioned that through recent outreach efforts for the lead service line pipeline, the Village had prepared itself for future initiatives, suggesting that if the CCA program improves in the coming years, the Board could revisit it.

Trustee McKnight suggested that the positive feedback shared at the NYCOM conference might reflect past experiences when the CCA program offered substantial savings. He agreed that the Board could continue to monitor the program's developments but implied that the program's benefits might no longer be as strong as they once were.

Mayor Newhard mentioned that he began noticing issues with the CCA program about a year ago, receiving feedback similar to Trustee McKnight's observations.

Trustee McKnight expressed skepticism about the CCA program, attributing its challenges to the complexities of the commodities market, aggressive climate goals from New York State, and the motivations of ESCOs. He noted that CCA's inclusion on lists like the Clean Energy Communities and Climate Smart Communities can create an aspirational appeal for municipalities, as they seek points and grants associated with these programs. However, he cautioned that the CCA program's reliance on Renewable Energy Credits (RECs)—which he described as "murky waters"—creates an unstable foundation. Trustee McKnight felt that while the state may have had a solid concept, the program's

implementation has significant flaws. He suggested that adjustments from the state could improve the program in the future but, until then, he lacked confidence in it.

Trustee Cheney thanked Trustee McKnight for his thorough examination of the CCA program, noting that Trustee McKnight's insightful questions led to a reevaluation of the program's value. Trustee Cheney shared feedback from a recent regional meeting where representatives from Westchester County expressed concerns about their fixed-rate CCA deal, which left them puzzled as other rates fluctuated. He acknowledged that while the opt-out feature offers some flexibility, it remains a confusing and cumbersome process for residents.

Trustee Cheney supported the idea of consulting with NYCOM and suggested that Trustee McKnight join the discussion, given his knowledge and experience, to challenge NYCOM on the program's current effectiveness and viability. The rest of the Board agreed.

Trustee McKnight shared that in his conversations with NYSERDA and the Department of Public Services, he recommended removing the CCA program and REC-related initiatives from their lists. He explained that such listings can give these programs an implied endorsement, potentially leading other municipalities to adopt them without fully investigating the complexities involved.

Trustee Foster agreed, adding that ideally, NYSERDA should provide supporting data if they are promoting the CCA program. She asked if NYSERDA had mentioned any specific data they could offer.

Trustee McKnight reported that NYSERDA had confirmed the current trends no longer reflect the benefits seen six to eight years ago.

Trustee Foster found this information interesting and noted that, despite the diminishing benefits of CCA, renewable energy usage is still growing across the state. She suggested that the trend might be shifting toward incorporating a larger share of renewable energy in general.

Trustee McKnight shared insights gained through his research, noting that New York State's Climate Leadership and Community Protection Act (CLCPA) mandates the Department of Public Services to retire a specific number of Renewable Energy Credits (RECs) through NYGATS, a state tracking system. This requirement stipulates that the energy must be generated within New York, as the state cannot guarantee that power from out-of-state sources, such as wind energy from Texas, will physically reach and be consumed within New York. He highlighted that multiple tracking systems add further

complexity, and New York's stance is that they will not support initiatives that don't directly contribute to the state's energy targets. Trustee McKnight concluded that there remain more unresolved questions than actionable solutions and recommended the state remove it from their suggested practices.

Mayor Newhard suggested that the Board continue monitoring the situation.

2. Clean Energy Communities Project Funding.

Trustee McKnight introduced further findings on potential grant applications for Village projects. He explained that while \$5,000 grants (of which the Village has two) allow flexibility for initiatives like planting trees, installing bike racks, establishing pollinator pathways, and adding composting bins, grants exceeding \$5,000 come with stricter usage guidelines.

Trustee McKnight shared that he had begun exploring the possibility of installing a solar array on the roof of the old DPW garage, a sizable, south-facing structure measuring 180 by 30 feet. He explained that if outfitted with photovoltaic panels, the system could be connected to the grid through remote net metering, potentially offsetting not only the garage's energy costs but also those of other Village accounts. Notably, he highlighted that the Village currently holds 40 O&R (Orange & Rockland) utility accounts across various locations.

At Trustee McKnight's request, Trustee Foster explained the concept of "elective pay," describing it as a type of reimbursement similar to a non-competitive grant. She noted that it allows recipients to receive funds as a reimbursement without the need to compete for them.

Trustee McKnight elaborated on the potential financial benefits for the proposed solar project, noting that 30% of the installation costs could be reimbursed through elective pay, creating a strong incentive. He mentioned that he was exploring additional funding through NYSEERDA with the hope of covering 100% of the project's costs. Furthermore, he pointed out that completing the solar project could earn the Village additional points toward higher levels of grant eligibility, creating a positive cycle for securing future funding.

While Trustee McKnight expressed a preference to use the grant across multiple projects, he explained that any initiatives not on NYSEERDA's priority list are considered "custom projects," which involve a more complex approval process. He noted that although the

Village has technically qualified for the funding, he is awaiting official confirmation from the Hudson Valley Regional Council.

Trustee Foster highlighted the advantage of using grant funds for projects that would lead to cost savings for the Village.

Trustee McKnight explained that the Clean Energy Communities program focuses specifically on cleaner energy initiatives, unlike the broader Climate Smart Communities program, which encompasses a wider range of environmental actions. He noted that while an initiative like planting 130 trees may seem beneficial, it does not align with the primary goals of the Clean Energy Communities program.

Trustee Foster clarified that by implementing projects that create cost avoidance—such as generating savings through renewable energy—the Village essentially frees up additional funds. This financial flexibility could then be used for other initiatives or to reduce expenses overall.

Trustee McKnight discussed the potential impact of reducing the Village’s electric costs across its 40 utility accounts, emphasizing the benefits of achieving such savings. He is currently examining the specific rules governing the grant funding to determine how it can be applied to maximize cost reduction. To proceed, he mentioned preparing a Request for Proposal (RFP) to solicit bids, noting that the Village’s procurement policy requires competitive bidding for infrastructure projects exceeding \$30,000. Given the anticipated project scale, he estimated the cost could reach several hundred thousand dollars.

Trustee Foster asked if other buildings, such as 77 Main Street, might also be candidates for similar energy-saving projects, suggesting a potential expansion of the initiative beyond the initial site.

Trustee McKnight considered 77 Main Street for the project but noted that its smaller roof might not be ideal. He suggested that larger facilities, like the water and wastewater treatment plants with expansive roof space, would be better candidates. He outlined the steps required for the solar project, including determining the total cost, assessing NYSERDA’s funding contribution, and managing any upfront expenses until the Village can receive the 30% rebate.

Trustee McKnight mentioned the need to submit the project proposal within 90 days of the grant announcement and to enter a contract with NYSERDA, ensuring proper allocation of funds. He confirmed that the RFP for the project was on the agenda and credited the Town and Village of New Paltz for sharing their RFP template. Trustee

McKnight expressed appreciation to Mayor Tim Rogers of the Village of New Paltz for agreeing to collaborate and exchange insights as both communities work on similar NYSERDA-supported projects.

Trustee Foster commended Trustee McKnight for his efforts and dedication to the project.

Mayor Newhard praised Trustee McKnight for his thoroughness in pursuing the solar project, noting that his insightful questions and attention to detail were exceptional. He observed that these aspects are often overlooked, adding that he greatly appreciated Trustee McKnight's diligent approach.

3. Park Funding received from the Town of Warwick.

Mayor Newhard shared that the Town Supervisor preferred a more meaningful gesture than simply presenting a check for park funding at a meeting. Instead, he expressed interest in organizing an event at one of the Village parks to mark the occasion. Mayor Newhard asked the Board to review their calendars so they could coordinate a time and select a park for the event.

Trustee Foster received confirmation that there were no time restrictions on the use of the park funding and suggested potential uses, emphasizing the importance of consulting with the stakeholder advisory group once some cost estimates were established. She proposed identifying candidate projects that may be difficult to fund through other sources, and noted that partial funding could enable partnerships, such as with an Eagle Scout project, where the Village could contribute part of the cost. Trustee Foster recommended developing flexible project ideas that could be scaled up or down based on budget needs.

Trustee Newhard suggested considering all Village parks for potential projects, given the focus already directed toward Veterans Memorial Park due to recent master plan updates and funding from Senator Skoufis. He noted that with the skate park expected to begin in the spring, other parks might benefit from attention as well, allowing the Village to spread improvements across multiple recreational spaces.

Trustee Foster suggested that Lewis Woodlands could benefit from improvements, noting it "could use some love." She proposed adding bike racks, particularly artist-designed ones, as a valuable addition to the park. Since CEC funding is no longer an option for this purpose, she felt the park funding could support bike racks to enhance accessibility and encourage more visitors.

Trustee Foster added that installing a kayak launch could be a valuable, low-cost improvement. She noted that the linear layout of such a feature would enhance recreational opportunities and add significant value to the park.

4. 2025 RAISE Funding Application.

Trustee Foster provided an update on the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) funding application, sharing both disappointing and promising news. She explained that \$1.5 billion in national funding is available this year across two rounds. Applications rated as "high merit" in the previous fiscal year are automatically rolled over, reducing the application effort. However, while the Village's fiscal year 2023 submission received a high merit rating, the similar 2024 submission did not, meaning it won't automatically roll over.

Trustee Foster noted that some elements from the previous proposals are advancing through other channels. She outlined two project types for RAISE funding: capital projects, which require a benefit-cost analysis and have a minimum \$1 million request for rural areas, and planning projects, which can include design work and have no minimum ask or benefit-cost analysis requirement.

Reflecting on past strategy, Trustee Foster suggested prioritizing improvements to West Street to ensure safer routes for children walking to school. She mentioned that she reached out to the funding agency to confirm the merit rating discrepancy, given the previous high rating.

Trustee Foster shared that she was still awaiting a response on the merit rating question but suggested that focusing on planning and design for West Street might be the best approach. This smaller funding request would better align with the RAISE program's high demand and, if successful, could position the Village to apply for a capital grant in the future to implement the project fully.

Trustee Foster reviewed the Village's ongoing infrastructure goals, noting that they have been targeting several key projects:

1. West Street Design: Planning for sidewalk installations and improvements.
2. Route 17 and Galloway Road Improvements: Although much of this work is now progressing through state efforts.
3. Multi-Use Trail: A feasibility study is already underway for this project.

4. South Street Extension: This project's planning could potentially be included in the RAISE application.

Trustee Foster also observed a recent improvement in traffic calming efforts on local roads, though she suggested a closer look to assess current conditions. Lastly, she referenced the "state of good repair" initiative, which focuses on ADA compliance and repairs to existing sidewalks throughout the Village.

In the general discussion, the idea of focusing on a single project—West Street improvements—to concentrate efforts and resources effectively. They noted that other projects, such as the multi-use trail, are already progressing through separate grants or feasibility studies, allowing the Village to prioritize West Street for the RAISE funding application.

Trustee McKnight brought up the topic of Galloway Road, noting that the Department of Transportation (DOT) had decided against installing a sidewalk on the north side of Galloway due to the need for an additional culvert.

Mayor Newhard confirmed that the DOT is replacing the culvert and will be installing a sidewalk along Galloway Road, extending all the way down to South Street.

In the general discussion, attendees revisited the DOT's decision-making around the sidewalk project on Galloway Road. Initially, there had been some uncertainty about whether the sidewalk would cover the entire stretch, as there was one block that DOT had considered omitting. The Board expressed a desire for the project to extend to Forester Avenue, ideally addressing the intersection there as well.

There was speculation about future opportunities to complete this segment after road resurfacing and regrading, though it would likely need to be done without adding curbs to avoid damaging new paving. The rationale from the DOT for not extending the sidewalk further was attributed to the lack of pre-existing sidewalks in some areas, though remnants were documented between Route 94/Oakland and South Street. The Board noted that the DOT had claimed limited public interest for Forester Avenue, but the Board pointed out that the area serves important community locations, including a school, parks, a church, and a library.

Trustee Foster identified West Street, Galloway Road, State Road 94, and South Street Extension as the most dangerous areas in the Village.

Trustee Foster suggested focusing the RAISE grant application on planning and design for improvements to West Street, a portion of Galloway Road, and South Street

Extension. She noted that, as a rural community, the Village has faced high competition in the grant program and has not received funding over the past two years despite strong applications. She proposed a more focused, smaller request this year to increase the likelihood of receiving the grant.

Trustee Foster noted that the Village could still pursue the Safe Streets for All grant to fund project components not included in the RAISE application. She pointed out that the Village would receive a response on the RAISE grant before hearing back on the Safe Streets for All grant, allowing the possibility of applying for remaining project elements through the Safe Streets for All program.

It was discussed that the due date for the application was January 30th, which didn't leave much time to develop a large amount of new technical material.

Trustee Cheney discussed the area on Forester Avenue near the entrance to Memorial Park, noting that the current layout of Park Lane poses challenges for both pedestrians and drivers. After consulting with Mr. Moser, he suggested adjusting the crosswalk to align with the north side of Memorial Park Drive. This would place the crosswalk across the park's entrance and exit, connecting directly to the sidewalk on the opposite side. He also proposed adding another crosswalk at the south end of Memorial Park Drive, crossing Forester Avenue, while eliminating the existing angled crosswalk.

Trustee Cheney emphasized the need for a sidewalk on the northeast and east sides of Memorial Park Drive, as the existing sidewalk ends below The Legion. He proposed adding a crosswalk there, extending the sidewalk further, and constructing ramps on both sides. Additionally, he noted that Memorial Park Drive lacks a safe pedestrian lane, which has been a longstanding concern. He suggested that the width of the road could likely accommodate a dedicated pedestrian lane, potentially achieved through repainting.

Trustee Foster noted that the upcoming Patriots Path project would address this issue by creating a separate path for pedestrians. This path would keep pedestrians entirely out of the driveway area by providing a designated route along the side.

Trustee Cheney expressed some skepticism, noting that despite the presence of McFarland Path, pedestrians still tend to walk along McFarland Drive. He hoped that with the new path, pedestrians might feel more encouraged to use it, especially if it gives the impression of walking in a park.

Trustee McKnight stated that he believed a four-way stop would be beneficial at that intersection, noting that drivers tend to speed down the hill and back up the other side.

The Board agreed.

Trustee Cheney highlighted another issue with the intersection, pointing out that on the south side of Park Lane, the sidewalk ends at the Park Lane Apartments, leaving a section without a pedestrian walkway.

Trustee Foster mentioned that she had written a scope of work for McFarland and Forester but believed it was never submitted due to other decisions made. She noted that she had cost estimates available.

Mayor Newhard suggested that the improvements to the intersection could potentially be bundled into the Patriots Path project.

Trustee Cheney believed that adjusting the striping on Memorial Park Drive to create appropriately sized lanes could help slow down traffic. He explained that a confined lane would encourage drivers to reduce their speed, as opposed to having wide shoulders or unrestricted access.

Trustee Foster asked whether the focus should be on pursuing the RAISE grant for the proposed improvements or if the effort would just add to the existing backlog of projects.

Trustee Cheney shared that he was raising the question to explore options, noting that a primary reason for the lack of progress was the unavailability of funds. He mentioned that if funds were available, a contractor could quickly complete the concrete work, ramps, and striping. He suggested that, as previously mentioned, the improvements could potentially be incorporated into the Patriots Path grant if feasible.

Trustee Foster pointed out that the RAISE grant would require a full benefit-cost analysis, which typically involves having data on injuries or similar incidents to justify certain safety improvements. She expressed concern about reaching that point. However, she noted that if the improvements were more straightforward, they might not require a full design process and could potentially be simpler to implement.

Trustee Cheney noted that the decision would depend on whether the work should be done in-house or outsourced to a contractor.

Mayor Newhard mentioned that someone like Jane Samuelson has a keen eye for detail and praised her work. He highlighted that she had done all the engineering and design work for South Street and is currently producing the plans for the sidewalks on Wheeler.

Trustee Foster suggested revisiting the cost of the design work for the RAISE grant, particularly for Galloway and South Street, where careful planning is needed due to narrow roads and yards. She noted that the goal would be to connect to the DOT sidewalks, which already provides some justification. Regarding West Street, she mentioned that it might be possible to eliminate the design phase. She also expressed concern over the long timeline for the Safe Streets for All grant, which had taken almost a year just to sign the contract. Given the delays, she proposed that linking McFarland to the Patriots Path project might be a more efficient approach, as that funding is already allocated.

Public Comment - Agenda Items Only

GUIDELINES FOR PUBLIC COMMENT

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

No comments.

Payment #1 TAM Enterprises, Inc. – Well #3 Water Treatment Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Collura, and carried to approve payment #1 in the amount of \$19,142.50 to TAM Enterprises, Inc. for the Well #3 Water Treatment Project for work including bonds, insurance and submittals per the recommendation of project Engineer, Pitingaro & Doetsch. Funds are appropriated in budget code F8330.2350.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

RESOLUTION APPROVING NYS DOT LAND ACQUISITION
BY EMINENT DOMAIN

WHEREAS, the New York State Department of Transportation (“DOT”) is undertaking a highway improvement project in the Village of Warwick; and

WHEREAS, the DOT has commenced eminent domain proceedings (Proceeding 15372, PIN 8002.24.201, S.H. 1736, Map 16, Parcel 19) to acquire a certain small portion of Oakland Avenue at First Street identified as Map 16 Parcel 19 on the Appropriation Map from the Village; and

WHEREAS, in regard to the said proceedings, DOT has made an Offer of Settlement to the Village of One Thousand One Hundred and Fifty and 00/100 Dollars (\$1,150); and

WHEREAS, the Village Board finds that the proposed taking is for a public purpose and that the Offer of Settlement constitutes fair and adequate compensation for DOT’s acquisition of title to the property at issue.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board accepts the Offer of Settlement received from the DOT in regard to the said portions of Oakland Avenue, Main Street and on Maple Avenue; and
2. That the Mayor is hereby authorized to execute the Agreements for the acquisition of title to the said property by DOT through eminent domain and any documents necessary to carry out their provisions and to secure payment for the Village.

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

CREST - Streetlight Acquisition Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to confirm the Village of Warwick's commitment to provide funding in the amount of \$203,691 towards the Streetlight Acquisition Project as part of the Community Resiliency, Economic Stability, and Technology Program (CREST) and authorize the Mayor to sign the CREST Application. Funds are appropriated in the FY 24-25 budget code A5182.2000.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

LoCAP - Patriots Pathway

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to confirm the Village of Warwick's commitment to provide funding in the amount of \$734,500 towards the Patriots Path at Veterans Memorial Park as part of the Local Community Assistance Program (LoCAP) and authorize the Mayor to sign the LoCAP Application. Funds are appropriated in the FY 25-26 budget code A7140.4900.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Chris Bennett - Training Course

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to allow Chris Bennett to attend the Grade ‘A’ Compliant Lab Course on November 19, 2024, at the Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, NY from 8:30 a.m. to 3:00 p.m. The course is a hands-on Grade ‘A’ Compliant lab Course sponsored by the Hudson Valley Water Works Conference. The cost is \$85.00 per person. Funds are appropriated in Budget Code F8340.4750.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Temporary Revocable License Agreement - Warwick Grove Homeowners Association

A **MOTION** was made by Trustee Cheney, seconded by Trustee McKnight, and carried to authorize the Mayor to enter into a Temporary Revocable License Agreement with the Warwick Grove Homeowners Association and their snow removal contractor, Wright Brothers Landscaping, to allow two pieces of motorized equipment to be parked inside the fenced area of the sewage pump station located off Mistucky Circle for the period of November 1, 2024 – May 1, 2025.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Advertise for Bid - Safe Streets for All Initiative

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to advertise and receive proposals from qualified consultants or contracted special project coordinators for the Safe Streets for All initiative.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Warwick Lions Club – Bell Ringing

A **MOTION** was made by Trustee Foster, seconded by Trustee Cheney, and carried to grant permission to the Warwick Lions Club to ring bells for the Salvation Army at the business locations of 33-37 Main Street on December 7, 8, and 15, 2024, between the hours of 10:00 a.m. and 4:00 p.m. Proof of proper insurance has been received.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Wave the Reading of the Motion

A **MOTION** was made by Trustee Foster, seconded by Trustee McKnight, and carried to waive the reading of the motion.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Resolution for the Unpaid Village of Warwick FY 2024-2025 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 \$57,567.74 for the FY 2024-2025 Village of Warwick tax collection; and

Whereas; the Village Board of Trustees has compared the Village Clerk's account of the FY 2024-2025 unpaid taxes with the original FY 2024-2025 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 2024-2025 is \$57,567.74; 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 \$57,567.74 for the FY 2024-2025 Village of Warwick tax collection will be returned to the Orange County Commissioner of Finance's Office prior to November 15th 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.

Now, therefore, be it resolved that the facts set forth in the foregoing paragraphs are hereby included in the official minutes of the Village of Warwick and that the Village Board shall undertake the actions described therein.

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

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

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Agreement for Repayment of Water & Sewer Charges - 100 Main Street

A **MOTION** was made by Trustee Collura, seconded by Trustee Cheney, and carried to authorize the Mayor to enter into an Agreement for Repayment of Water and Sewer Charges with the property owner at 100 Main Street, Warwick, NY in the amount of \$3,282.57 (\$1,857.17 for water & \$1,425.40 for sewer) to be paid in 4 quarterly installments 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 Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Advertise for Bid - Roof-Mounted Photovoltaic System

A **MOTION** was made by Trustee McKnight, seconded by Trustee Collura, and carried to advertise and receive bids for the installation of a roof-mounted photovoltaic system at the Village of Warwick Department of Public Works Central Garage. Project is contingent upon receipt of funding through NYSERDA's Clean Energy Communities (CEC) Program.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Facility Use Request, Memorial Park - Warwick Youth Lacrosse Club

A **MOTION** was made by Trustee Foster, seconded by Trustee Collura, and carried to grant permission to Warwick Youth Lacrosse Club to use Veterans Memorial Park for practices on November 6, 7, 13, 14, 20, and 21, 2024, from 5:30 p.m. to 7:00 p.m. Request includes use of restrooms and use of electricity for the football/Over 35 Field lights. Completed park permit, proof of insurance, field light fee, and security deposit have been received.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Discussion

Trustee McKnight inquired as to when the facility request was submitted.

Trustee Cheney explained that the request came in late last Friday. He noted that there is an informal agreement between the Town and Village where the Village is responsible for youth football and Little League, while the Town handles rugby and soccer. The lacrosse fields, however, do not have lights, which is why the request for lights is being made. Given that it gets dark early in November, before 4:30 p.m., the lack of lights is a challenge for the lacrosse teams.

There was a discussion about whether the Town soccer fields had lights, but it was clarified that the lacrosse fields are located at the back of the park, where no lights are available.

Trustee Cheney expressed concern about the limited window for maintaining the fields, which are in use from mid-March to early November. He noted that if any overseeding or repairs are needed, the lack of time could become problematic. The optimal maintenance period is typically in September and October, but due to the football season, there is little flexibility.

Mayor Newhard suggested that it would be beneficial to bring the league representatives to the table for a discussion, as the issues at hand are important. He noted that this conversation could serve as a catalyst for the Town to consider improving the lighting, especially in light of the recently secured park funding.

Trustee Cheney mentioned that historically, both in the Village and Town, the programs have been involved in funding the lights that exist. He noted that Little League essentially paid for its own lights and that soccer has contributed a significant portion, if not all, of the funding for the lighting at Union Corners Town Park.

Amendment, Barton & Loguidice - Lead Service Line Inventory Program

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster, and carried to approve amendment No. 2 and associated amendment No. 1 to the Engineering Services Agreement with Barton & Loguidice for the Lead Service Line Inventory Program with a 'No Cost' amendment to the total limit of *Phase 01 Assistance* from \$272,616.00 to \$233,142.90 and simultaneously increase the limit of *Phase 02 Subcontractors* from \$263,154.00 to \$302,627.10, with an increase

of \$39,473.10 for *Phase 02 Subcontractors*. The overall total of \$535,770 for engineering costs does not change with amendment No. 2.

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Public Comment – *Non-Agenda Items*

No comments.

Final Comments from the Board

Trustee Cheney provided updates on two important issues. First, he discussed the ongoing drought watch due to a significant lack of rainfall this fall. Orange County, along with other southeastern New York counties, is under a drought watch, which may escalate to higher levels if conditions worsen. The Village has taken steps to conserve water, including postponing the third hydrant flushing. The focus has shifted to using Well #2 more, as the reservoirs have seen the most depletion. The public is urged to conserve water by checking for leaks, washing full loads of dishes and laundry, and limiting outdoor water use such as landscaping and car washing.

Second, Trustee Cheney reported that the Village has completed the first step of the lead service line inventory. Letters were mailed to residents on Friday, informing them that their drinking water service line status is unknown. This applies primarily to homes built after 1986, as plumbing with lead was banned after that year. The Village will conduct confirmatory inspections using two methods—electro scanning and pot hauling—to determine the material of the service lines. Approximately 370 residents will be contacted for access to perform these inspections.

Trustee Collura expressed gratitude to the Warwick Police Department for their presence during Halloween in the area with heavy foot traffic, particularly in the streets that are closed for trick-or-treating. She recalled a past experience when she had to move a barricade herself and appreciated the police's role in ensuring safety, even though there were a few challenges, including cars still present despite the street closures and difficulties due to the railroad construction on Elm Street. Trustee Collura noted that trick-or-treater numbers seemed higher this year, with approximately 1,400 last year.

Additionally, Trustee Collura shared information from the Warwick Historical Society, highlighting a new display at St. Anthony's Community Hospital, which can be viewed through the revolving door. The display, which is part of the ribbon-cutting event on November 7, features the history of the hospital, including old medical equipment. She also announced the upcoming Veterans Day Eve celebration on November 10th at 4:30 p.m. at the Old School Baptist Meeting House, organized in partnership with the American Legion Post 214. The event is free and open to all, honoring local veterans and reflecting on their service.

Trustee Collura also announced that on Saturday, November 16, the Oakland Theater sign, which had been salvaged from the demolished theater on Oakland Avenue, will be returned to the Village. The sign, currently owned by a person from Pennsylvania, will arrive at 11:00 a.m. Everyone is invited to attend the event, and a popcorn machine will be available for enjoyment.

Mayor Newhard mentioned the event would take place in the alley way between 75 and 77 Main Street.

Trustee Collura continued by mentioning that she is working with the Warwick Historical Society archives to gather additional items related to the Oakland Theater. She was able to review their collection, which includes old movie tickets and a beautiful picture of the theater in the snow. She encouraged others to visit the archives to view the collection and expressed excitement about the upcoming event.

Mayor Newhard reminded everyone that Veterans Day is on Monday, November 11, with a parade scheduled downtown. The lineup for the parade will begin at 11:00 a.m., followed by a ceremony at 12:00 p.m. at Veterans Memorial Park at the entrance. The event is open to all.

Trustee Foster provided background on the Safe Streets for All project coordinator position. The position will be a contracted special project coordinator role, paid at an hourly rate. It is not a permanent employee position but offers an opportunity for someone to engage with the community, build their resume, and contribute to an exciting and important project for the Village. The position will be advertised with a contract period specified.

Adjournment

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

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

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Aye Mayor Newhard Aye

Jennifer Mante, Deputy Village Clerk