

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
AUGUST 25, 2021**

8896

The special meeting of the Board of Trustees of the Village of Warwick was held on Wednesday, August 25, 2021, at 9:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, George McManus and Corey Bachman. Also, present was Village Clerk, Raina Abramson and Deputy Village Clerk, Jennifer Mante. Others present: Melissa Shaw-Smith and John Christison. Approximately 9 people were present.

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

**RESOLUTION APPROVING SETTLEMENT OF LAWSUIT CHALLENGING LAND
USE APPROVALS ISSUED IN REGARD TO 16 ELM STREET**

WHEREAS, 16 Elm Street Realty, LLC has applied to the Village of Warwick for land use approvals to develop certain real property located in the Village at 16 Elm Street as a restaurant/bar; and

WHEREAS, on or about April 21, 2021, a lawsuit was commenced in New York State Supreme Court, Orange County (Index No. EF-002598-2021) challenging a decision of the Village of Warwick Building Inspector and the Village of Warwick Zoning Board of Appeals ("ZBA") regarding the land use approvals for the said development; and

WHEREAS, on or about July 8, 2021, an amended petition was filed in the said lawsuit adding the Village of Warwick Planning Board as a party and challenging a determination of the Planning Board in regard to site plan approval for the said development; and

WHEREAS, 16 Elm Street Realty, LLC and the Petitioner in the said lawsuit have reached an agreement for settlement of the said litigation as set forth in the proposed Stipulation of Settlement attached hereto; and

WHEREAS, it is necessary for the Village Board to approve the said settlement in order to finalize its terms and terminate the said litigation;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby accepts and approves the proposed Stipulation of Settlement; and
2. That the Mayor, ZBA Chairman, Planning Board Chairman, and Village Building Inspector are authorized to execute the same and any documents necessary to carry out the terms thereof.

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

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

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

Barry Cheney, Trustee, voting	<u>Aye</u>
William Lindberg, Trustee, voting	<u>Aye</u>
George McManus, Trustee, voting	<u>Aye</u>
Corey Bachman, Trustee, voting	<u>Aye</u>
Michael Newhard, Mayor, voting	<u>Aye</u>

DASNY SAM Grant #15548 - ADA Accessible Playground

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to approve and accept DASNY SAM Grant #15548 in the amount of \$75,000 for the ‘Creation of an ADA Accessible Playground’ and to authorize the Mayor to sign the Grant Disbursement Agreement and all documents necessary to carry out the terms thereof.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee Cheney confirmed this motion was for the acceptance of the final payment.

Facility Use Request - Stanley-Deming Park, Wickham Works Earth Fest 2022

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to grant permission to Wickham Works, Inc. to use Stanley-Deming Park for an Earth Fest event on Saturday, April 30, 2022, from 10:00 a.m. to 5:00 p.m., with setup to begin at 6:00 a.m. and breakdown to be completed by 7:30 p.m., with a rain date of Sunday, May 1, 2022, per their map and letter dated August 20, 2021. Request includes use restrooms, ten parking cones, six garbage cans, four tables, twenty chairs, water fountain access and use of electricity. All activities must be in accordance with NYS and Orange County Departments of Health. Completed park permit, proof of proper insurance, and security deposit have been received.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Discussion

Trustee Cheney commented that according to his understanding from speaking to Raina Abramson, who was in communication with Elizabeth Knight-Moss, that it is the intent of

Wickham Works to hold Too Good to Toss on the same weekend as Earth Fest. Trustee Cheney also stated that the two events have coexisted well before.

Melissa Shaw-Smith stated that Wickham Works have been Too Good to Toss' fiscal sponsor. Ms. Shaw-Smith explained how a few months ago she was not sure if the Too Good to Toss event was to occur, however at this point, she believes they are ready to move ahead and they designed the event with plenty of room to hold both events should Too Good to Toss occur.

Adjournment

A **MOTION** was made by Trustee McManus, seconded by Trustee Bachman and carried to adjourn the special meeting at approximately 9:35 a.m.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Raina M. Abramson, Village Clerk