

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 20, 2021**

9114

The regular meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 20, 2021, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY via Zoom Videoconference. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Corey Bachman and George McManus. Also, present was Village Clerk Raina Abramson, DPW Supervisor Mike Moser, and Village Attorney, Stephen Gaba. Others present: Dan Griffiths, Dan Hubbell, and Nathan Unger.

Pursuant to Chapter 417 of the Laws of 2021 permitting local governments to hold meetings remotely and take such actions authorized by law without allowing the public to be physically present at the meeting due to safety concerns related to the delta variant of COVID-19, the public was able view the meeting live by the public on the Village of Warwick, NY YouTube channel: <https://www.youtube.com/channel/UCK7D7KGbZf6nYfbcWGH6-VA>

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

Mayor Newhard stated that tonight the meeting is beginning with a public hearing and asked the Clerk to read the public notice.

- 1. Public Hearing on the application of St. Anthony Hospital for grant of a special use permit pursuant to Village Code §145-161 for maintenance of hospital buildings and construction of new hospital buildings at 15 Maple Avenue, Warwick, N.Y.**

The Clerk read the Public Hearing Notice:

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Warwick will hold a public hearing on December 20, 2021, at 7:30 o'clock p.m. on the application of St. Anthony Hospital for grant of a special use permit pursuant to Village Code §145-161 for maintenance of hospital buildings and construction of new hospital buildings at 15 Maple Avenue, Warwick, N.Y.

PURSUANT TO CHAPTER 417 OF NEW YORK STATE LAWS OF 2021, the said meeting will be conducted in the following manner: Members of the Village Board will attend the meeting via Zoom video or teleconference. The public hearing may be viewed live on the Village of Warwick, NY YouTube channel at <https://www.youtube.com/channel/UCK7D7KGbZf6nYfbcWGH6-VA> .

Interested parties may submit comments to be received by 4:00 p.m. on December 20, 2021, via mail; Attn: Village Clerk, 77 Main Street, Warwick, NY, 10990 or via email;

clerk@villageofwarwick.org. Comments may also be made via YouTube during the public hearing by going to the Village of Warwick, NY YouTube channel.

NO IN-PERSON ATTENDANCE IS AVAILABLE OR PERMITTED FOR THE MEETING. Public comment will be permitted. There is no physical meeting location, but for the purpose of compliance with the applicable law, the location of the meeting shall be deemed to be conducted at Village Hall, 77 Main St, Warwick, NY 10990.

Mayor Newhard: Thank you, Raina. Have we received any public notice or anybody who would like to speak, or have you received any correspondence?

Raina Abramson: No, I have not.

Mayor Newhard: Dan, would you like to say anything to the Board before we close the public hearing?

Dan Griffiths: No, right now it's just the 3,500 square foot radiology addition and 2,700 square foot O.R. and we've been through what we're doing with the project and unless you guys have specific questions I could answer, I'm good with everything.

Mayor Newhard: Board Members?

Trustee Cheney: Just for clarification, if our attorney could just explain exactly what this special permit will cover. Is it just what is proposed in these two additions, or does it go beyond that?

Stephen Gaba: Should I answer now?

Mayor Newhard: Yes.

Stephen Gaba: So, St. Anthony Hospital obviously has been in the Village for many years, and I believe it predates the requirements of getting a special use permit. They did come back. Dan was it in the 80s or the 90s we got a special permit? In any event, it was limited for three years, and it expired so as things stand right now there is no special use permit for St. Anthony Hospital as it exists. St. Anthony has come in, they want to build these two additional buildings, I believe some minor parking improvements. They've asked initially for a special permit just for those editions but when the record showed that there was no special permit in existence for the rest of the building, they amended the application to include everything that is there plus these additional improvements and that is what the application is for. We have discussed the possibility of expanding the special permit to extend perhaps minor additions so they wouldn't have to come back for a special permit every time, but the SEQRA review that was conducted by the Planning Board only extended to what is there now plus the additional the improvements

they are proposing so you really can't go beyond that in terms of granting the special permit. So, the special permit when approved, if approved will cover everything that is there now, plus the proposed addition but anything else that they might want to put on the lot will have to come back not only for amended site plan but for an amended special permit as well.

Mayor Newhard: Very good. Any questions from the Board?

Close Public Hearing – St. Anthony Hospital Special Use Permit

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to close the Public Hearing on the application of St. Anthony Hospital for grant of a special use permit pursuant to Village Code §145-161 for maintenance of hospital buildings and construction of new hospital buildings at 15 Maple Avenue, Warwick, N.Y.

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

Acceptance of Reports

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman and carried for the Acceptance of Reports – November 2021: Clerk's Office, Justice Department, Department of Public Works, Treasurer's Office Credit Card Account Transaction Detail and Building Department.

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

Acceptance of Minutes

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Acceptance of Minutes: December 6, 2021.

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

Authorization to Pay all Approved and Audited Claims

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Bachman, and carried for the Authorization to Pay all Approved and Audited Claims in the amount of \$181,627.75.

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

6. Police Report. – No report was made.

Announcements

1. Village of Warwick - Wastewater COVID-19 Virus Detection Notification.

Mayor Newhard explained that the Village of Warwick Wastewater COVID-19 Virus Detection Notification is very serious and was sent out as a public service announcement late last week and it was based on a letter that came from the Orange County Department of Health. Mayor Newhard read the announcement and then stated that the recommendation went out to local businesses, churches, and any place that the Village felt that people congregate. Mayor Newhard said that the notice was also on the Village of Warwick's and Chamber of Commerce's website and Facebook page. Mayor Newhard said that the business community has taken the information seriously and that it's a very difficult time of year, but the business truly understands the relevance of this matter.

2. Village of Warwick Christmas Eve sing-a-long & Apple Eve Event.

Mayor Newhard stated that the Christmas Eve sing-a-long is usually inside the Old School Baptist Meeting House but will take place this year in-person, outside on the front lawn of the Old School Baptist Meeting House at 5 p.m. on December 24, 2021. Mayor Newhard said that on December 31, 2021, at 11:30 p.m. Apple Eve will take place at Railroad Green. This year the event will take place in a much more streamlined fashion with a count down. Mayor Newhard said that people are asked to socially distance themselves, wear masks, and have some fun to bring in the New Year.

Privilege of the Floor

VIA EMAIL OR MAIL - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: clerk@villageofwarwick.org or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor. Please limit your comments to **three (3) minutes**.

Mayor Newhard asked the Village Clerk to allow Dan Hubbell and Nathan Unger enter the Zoom videoconference.

Mayor Newhard stated to Mr. Hubbell and Mr. Unger that the Village Board is about to go forward with the motions but are now in privilege for the floor if they would like to speak to the Board.

Dan Hubbell stated that he is from Whiteman, Osterman, and Hanna, representing the client and wanted to be available to the extent that the Board had any questions with regards to the documents they are asking to be approved this evening and that he was sure Mr. Gaba fully informed the Board on what was before them.

Stephen Gaba stated that he felt it was clearly spelled out in the approval resolution but to just cover it one last time to make sure there is no confusion, Mr. Gaba explained that there are five documents or instruments that are being offered for dedication. The first is a fifty-foot-wide easement over Sheffield Drive. The second is a deed to the easement area. The third is a clearing easement for sight distance at the intersection of Sheffield and Brady Road. The fourth is a Stormwater Facilities Management Easement Agreement. And the fifth is a blanket easement over the Warwick Commons property, that in general is for installation of utilities should the Village need to do that. Mr. Gaba said that what the Board will be doing this evening is accepting the offers of dedication on all of them, accepting dedication, to keep in mind there is difference between the offer of dedication and accepting the document itself, on all of them except for the deed to the roadway. Mr. Gaba said that the deed to the roadway the Board is not going to take until the roadway is completed and understands that there is a bit of work left to be done on the roadway and that the Board is not obligated to take it at all if the Board decides for whatever reason they don't want to. Mr. Gaba stated that the offer of dedication on the road will actually be filed with the County Clerk. The other offers of dedication will not be filed with the County Clerk because the Board is accepting those, the easements, stormwater facilities management agreement, etc., right now and those documents will be ready to be filed with the County Clerk immediately.

Mayor Newhard thanked Mr. Gaba and asked if the Board has any questions for counsel.

Motions

**RESOLUTION GRANTING APPROVAL OF THE
WARWICK COMMONS OFFERS OF DEDICATION**

WHEREAS, Warwick Commons Stage 5 LLC (hereinafter "Warwick Commons") has been granted amended site plan approval from the Village Planning Board by resolution dated April 29, 2021; and

WHEREAS, pursuant to the terms of the said site plan approval, Warwick Commons has submitted Offers of Dedication to the Village of (1) 50-ft wide general municipal purposes easement over Sheffield Drive; (2) a Deed for the 50' area encompassed by the said Sheffield Drive Easement for purpose of a future Village Street; (3) A clearing easement for sight distance area at intersection of Sheffield Drive and Brady Road; (4) a Stormwater Facilities Management and Easement Agreement; and (5) a blanket easement; and

WHEREAS, the said documents have been reviewed by the Village Attorney and the Village Engineering consultant and found to be acceptable in form and substance;

WHEREAS, Sheffield Drive is not completed and is in need of further improvements by Warwick Commons Stage 5 LLC before dedication of it can be accepted;

NOW, THEREFORE, BE IT RESOLVED as follows:

(1.) That the Village Board hereby accepts dedication of the 50-ft wide general municipal purposes easement over Sheffield Drive; the clearing easement for sight distance area at intersection of Sheffield Drive and Brady Road; the Stormwater Facilities Management and Easement Agreement; and the blanket easement; and

(2.) That the Mayor is hereby authorized to execute the 50-ft wide general municipal purposes easement over Sheffield Drive; the clearing easement for sight distance area at intersection of Sheffield Drive and Brady Road; the Stormwater Facilities Management and Easement Agreement; and the blanket easement; along with any and all documents necessary for recording of the same, and to have the said documents recorded in the Office of the Orange County Clerk; and

(3.) That the Village Board hereby accepts the Offer of Dedication for the Deed for the 50' area encompassed by the said Sheffield Drive Easement for purpose of a future Village Street, but does not yet accept the dedication of the said roadway; and

(4.) That the Mayor is hereby authorized to execute any and all documents necessary for recording of the Offer of Dedication of the said roadway in the Office of the Orange County Clerk, and to hold the deed and the documents necessary for recording of it until such time, if ever, as the Village Board determines to accept dedication of the said roadway; and

(5.) The acceptance of the Offers of Dedication herein is conditional upon payment of all outstanding consultants' fees.

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

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

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

George McManus, Trustee, voting Nay

Corey Bachman, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Discussion

Trustee McManus asked why there are outstanding consultant fees.

Stephen Gaba said that he is here this evening and hasn't billed for his time yet and doesn't know if Dave Getz has all of his time in for reviewing the descriptions which just came in fairly recently, they may be billed next month. Stephen Gaba stated that there is an escrow that the applicant has established that those fees will be paid out of.

Trustee McManus stated that the resolution says, 'conditional upon payment of all fees' and that he understands there is an escrow but will say no because there are conditions to it. Trustee McManus said that he doesn't do 'conditional' and when they pay the fees the Board votes. Trustee McManus added that if there are no questions tonight Mr. Gaba can bill the Village and then the applicant can come back next month or next year and get their approvals when the bills are paid.

Stephen Gaba said that he didn't think that would work.

Trustee McManus said that he doesn't think the Board should approve anything where people owe the Village money for what the Village is going to do.

Stephen Gaba explained that he doesn't think that would work because part of the fees they have to pay is the Board's legal fees, nothing else, and on the night the Board votes, there will always be an attorney sitting there advising the Board and the applicant can't possibly pay that yet because it hasn't been billed yet.

Trustee McManus asked if all of the bills from Mr. Gaba were paid except for tonight. Mr. Gaba said he didn't know at this time.

Dan Hubbell said that he wanted to reiterate that his understanding is that there is an escrow that is established and that there are funds in that escrow.

Trustee McManus said he understands that but never has and never will vote something that has conditions to it and when all bills are paid is when he will vote positively but tonight, he is going to vote negatively because the applicant owes the Village money.

Mayor Newhard thanked Trustee McManus, Stephen Gaba, and Dan Hubbell.

Kennedy Apartments - Maintenance Undertaking for the Stormwater Control Facility Maintenance Agreement

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to set the amount of the maintenance undertaking for the Stormwater Control Facility Maintenance Agreement on Kennedy Apartments, Forester Avenue, Warwick, New York, in the amount of \$14,000 to be posted by letter of credit drawn upon an accredited lending institution in form acceptable to the Village Attorney.

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 Lindberg asked Trustee Cheney to provide an explanation of this matter.

Trustee Cheney said that owner for the Kennedy apartments, as part of their site plan, has to construct onsite stormwater control facilities and those stormwater control facilities will need required maintenance on an annual and semiannual basis according to the plan or program for that and their underground tanks that hold the water back, and because they connect to the Village's system, the Village wants to make sure they are in operating order so there are requirements for them to have an engineering inspection and in addition to that, do any mitigation or maintenance that is necessary that comes out as a part of that inspection. Trustee Cheney said that the posting of the letter of credit would be something that the Village could draw on should the applicant fail in their duties and responsibilities relative to maintenance of the stormwater system.

Trustee Lindberg asked if there always has to be \$14,000 in the account.

Trustee Cheney said that the \$14,000 stays as an irrevocable letter of credit and unless it's drawn down, would not have to be replenished. If the owner maintains the system in a manner that is satisfactory to the Village, then the Village would never draw on it and the Village would have a system that is functioning in a proper manner so as it protects the Village's system downstream.

Mayor Newhard asked if there were any other questions for Trustee Cheney or for the Village's counsel.

Orchard Street Pump Station Payment #7 - TAM Enterprises

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to approve payment #7 in the amount of \$20,662.50 to TAM Enterprises, Inc. for the Vertical Spiral Screen Project at the Orchard Street Pump Station for work regarding new hatches, grating, and roofing for the project, as per the recommendation of Village Engineer, David Getz. Funds are appropriated in budget code G.8120.4950 in the FY 2021-22 budget.

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

Advertise & Receive Bids – Hilltop Pump Station Generator

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to advertise and receive bids to furnish materials and labor for construction of the Hilltop Pump Station Generator. Funds are appropriated in budget code F.8320.2 in the 2021-22 budget.

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

2022 DOT and NON-DOT Service Agreements – Partners in Safety

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to authorize the Mayor to execute the 2022 DOT and NON-DOT Service Agreements with Partners in Safety to administer random drug and alcohol testing for Village employees at a cost of \$45.50 per employee.

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

Return of ZBA Escrow - Gordon & Svenson LLP

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to return the Zoning Board of Appeals escrow balance of \$1,090 to Gordon & Svenson LLP for the appeal of the Village of Warwick Building Inspector's determination of 16 Elm Street. All invoices have been paid as per the email from Village Attorney, Robert Fink.

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

Amendment to Contract – Barton & Loguidice, UV Disinfection Improvement Project

MOTION to amend the contract dated November 20, 2017, between the Village of Warwick and Barton & Loguidice, D.P.C. for engineering services for the Wastewater Treatment Plant Ultraviolet Disinfection Improvement project to provide additional Construction Administrative Services and Construction Observation Services at a cost not to exceed \$14,800 per Barton & Loguidice's proposal dated December 16, 2021 and authorize the Mayor to sign the same.

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

Addition of Special Event Staff

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to hire Corey DeLucia and Savanna DeLucia to the FY 2021-22 special event staff at a rate of \$15.00 per hour for the Christmas Eve Service and Easter Egg Hunt per the recommendation of Village of Warwick Recreation Director, Ron Introiini.

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

Budget Modification

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to approve the budget modification request as per the Village Treasurer's memo dated December 14, 2021.

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

Budget Transfer

A **MOTION** was made by Trustee Lindberg, seconded by Trustee McManus, and carried to approve the budget transfer request as per the Village Treasurer's memo dated December 3, 2021.

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

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW
TO AMEND VILLAGE CODE CHAPTERS 39, 90 and A150 and TO ENACT A NEW
CHAPTER 39A REGARDING FACILITY USE AND
PARK REGULATIONS AND PERMITS**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend Village Code Chapters 39 and 90 and A150 regarding Village Parks and Facility Use Permits and to enact a new Chapter 39A regarding Assemblies"; and

WHEREAS, in order to consider adoption of the proposed local law it is necessary to first introduce it and hold a public hearing upon it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law; and
2. That a public hearing on the said local law is hereby set for January 18, 2022 at 7:30 p.m.; and
3. That the Village Clerk shall publish and post notice of the public hearing.

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

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

Barry Cheney, Trustee, voting	_____
William Lindberg, Trustee, voting	_____
George McManus, Trustee, voting	_____
Corey Bachman, Trustee, voting	_____
Michael Newhard, Mayor, voting	_____

Discussion

Trustee Cheney asked Stephen Gaba to clarify Chapter 90, Section 90-4 under number 9, that deals with smoking and tabaco use and where it's prohibited or banned. Trustee Cheney stated that in the third line it says there is an exception to private property followed by a list of other areas. Trustee Cheney inquired if those other areas are excepted as well.

Stephen Gaba said that it sounded like you can smoke in those areas which shouldn't be.

Trustee Cheney said that he believes the exception applies only to private property and that the sentence just needs to be restructured.

Stephen Gaba suggested that the Village Board table the motion tonight introducing the local law so the language can be modified and that it can be introduced at the December 27, 2021, meeting.

The Village Board further discussed the matter and decided to table the resolution and clarify the language.

Mayor Newhard asked that under skateboard regulations the language stating, 'skateboards may not' be modified since it reads awkwardly. Mayor Newhard said that he was also concerned that under the responsibilities of supervision of parking, 150-7, where parking must be limited to designated only and where parking is prohibited in non-designated parking areas, that there are certain situations such as the carnival and conversations that the Board has had recently where events need to use those undesignated grass areas as overflow parking or necessary parking; therefore, he feels the section needs to be restructured so the Village has the ability to allow that to happen with Board approval.

Stephen Gaba agreed that the language could be added that says, 'unless specifically waived by resolution of the Village Board' or something along those lines.

Resolution Introducing Proposed Local Law to amend Village Code Chapters 39, 90, and A150 and to Enact a New Chapter 39A – TABLED

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg, and carried to table the resolution introducing proposed Local Law to amend Village Code Chapters 39, 90 and A150 and to enact a new Chapter 39A regarding facility use and park regulations and permits.

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

**Facility Use – South Street Parking Lot, Warwick Valley Chamber of Commerce, 2022
Holiday Easter Market**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to hold a Holiday Market for Easter in the South Street parking lot on Sunday, April 10, 2022, from 7:00 a.m. – 2:00 p.m. All activities must be in accordance with the NYS and Orange County Departments of Health. Completed facility use 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 asked if the event was basically a farmer's market run by the group that usually runs the farmer's market or is it something that will be significantly different from that and run by someone else.

Mayor Newhard stated that the letter came from the Chamber of Commerce because they are the umbrella or co-sponsor of the farmer's market, and it will be the farmer's market. Mayor Newhard said that he believed last Sunday they held a special holiday market in the Kuiken parking lot and normally the market begins in May and so they are trying to take advantage of the Easter holiday.

**Facility Use – South Street Parking Lot, Warwick Valley Chamber of Commerce, 2022
Farmers Market**

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to grant permission to the Warwick Valley Chamber of Commerce to hold the Warwick Valley Farmers' Market in the South Street parking lot on Sundays from May 8, 2022 through November 20, 2022, from 7:00 a.m. – 2:00 p.m., except for Applefest Sunday. All activities must be in accordance with the NYS and Orange County Departments of Health. Completed facility use 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

Road Closure – Bank Street

A **MOTION** was made by Trustee Bachman, seconded by Trustee Lindberg, and carried to close Bank Street for the benefit of the Warwick Valley Farmers’ Market on Sunday, April 10, 2022, and Sundays from May 8, 2022 through November 20, 2022 from 7:00 a.m. to 2:30 p.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

Discussion

Mayor Newhard stated that Bank Street is currently closed but the plan is that it will reopen in early spring or even late winter if the weather allows for the new bridge to be built. Mayor Newhard said that last year the Board did not make this motion but feels this year they must.

**RESOLUTION GRANTING SPECIAL USE PERMIT
FOR ST. ANTHONY HOSPITAL**

WHEREAS, St. Anthony Hospital owns certain real property located at 15 Maple Avenue, Warwick, N.Y. improved with a hospital building and related structures and improvements; and

WHEREAS, St. Anthony Hospital has applied to the Village Planning Board for amended site plan approval for the construction of a 2,700 s.f. building for radiology to replace the two large trailers where they currently conduct MRI's etc. located on Van Duzer Street and construction of a 3,500 s.f. OR building along Maple Avenue and along part of Grand Street, as well as related site improvements; and

WHEREAS, the Planning Board, as lead agency in SEQRA review of the project, has adopted a Negative Declaration; and

WHEREAS, the proposed new construction requires grant of a special use permit from the Village Board pursuant to Village Code §145-161; and

WHEREAS, it appears that a special use permit for the overall existing development of St. Anthony Hospital either never was granted or has lapsed; and

WHEREAS, St. Anthony Hospital has applied to the Village Board for a special use permit pursuant to Village Code §145-161 approving both the overall existing development of St. Anthony Hospital and the two new buildings; and

WHEREAS, the Village Board has held a public hearing on the application for a special use permit;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby make the following findings pursuant to Village Code §145-120

A. The proposed use and development of St. Anthony Hospital is of such location, size, and character that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to adjacent properties. St. Anthony Hospital has been on the subject property for many years and is an integral part of the neighborhood and the Village. The proposed additional buildings will enhance the hospital property.

B. The proposed use and development of the property does not pose any undue hazards to pedestrian and vehicular traffic. The negative declaration under SEQRA confirms the Village Board's finding on this point.

C. The location and height of buildings and proposed buildings on the property are not of such nature, size, appearance or location that they will hinder or discourage use or development of other properties in the neighborhood or the district. Again, the hospital has been a fixture in the neighborhood and the Village for many years.

D. The proposed development will not result in a need for additional public facilities or services or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right under applicable zoning.

2. That the Village Board hereby grants the requested special use permit.

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

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

Barry Cheney, Trustee, voting Aye
William Lindberg, Trustee, voting Aye
Corey Bachman, Trustee, voting Aye
George McManus, Trustee, voting Aye
Michael Newhard, Mayor, voting Aye

Appointment – Eileen Astorino, Registrar of Vital Statistics

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to appoint Eileen Astorino as the Registrar of Vital Statistics for the Village of Warwick with a four-year term from January 1, 2022, through December 31, 2025.

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

Appointment – Carolyn Purta, Deputy Registrar of Vital Statistics

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to appoint Carolyn Purta as the Deputy Registrar of Vital Statistics for the Village of Warwick with a four-year term from January 1, 2022, through December 31, 2025.

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

Creation of Part-Time Billing Control Clerk Position

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg, and carried to create the position of Part-Time Billing Control Clerk and authorize the Mayor to sign form MSD-222 in accordance with Orange County Civil Service requirements.

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

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Advertise for the Position of Part-Time Billing Control Clerk

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

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

Road Closure – Apple Eve

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney, and carried to close Railroad Avenue for the benefit of the Village of Warwick Apple Eve Event on Friday, December 31, 2021, from 9:00 p.m. to Saturday, January 1, 2022, at 12:30 a.m. Village of Warwick DPW to place ‘No Parking’ bags on the meters beginning at 7:00 p.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

Reports

Trustee Cheney's Report:

Trustee Cheney said that he'd like to follow up on the report that he made at the previous meeting and that Orange County Health Department did do its annual water system inspection on Monday, December 13th. Trustee Cheney said that he feels the inspection went well and that no major issues were raised, and the Village should be receiving a letter in four to six weeks from the County Health Department summarizing that visit.

Trustee Lindberg's Report:

Trustee Lindberg said that encourages everybody to come out the last day of the year to Apple Eve which started with the sesquicentennial year in 2017. Trustee Lindberg stated that, if possible, the ladder truck from Warwick will be there and we will count down together so bring your pots and pans.

Trustee Bachman's Report: No report at this time.

Trustee McManus' Report: No report at this time.

Final Comments from the Floor – No comments were made.

Final Comments from the Board

Mayor Newhard congratulated the Warwick Valley Veterans of Foreign War Post 4662 on the opening on their new Veterans and First Responders Center which is a Pin Street Bowling Alley on Route 94. Mayor Newhard said that they had a wonderful opening last Friday and thinks it's great that there is a home and a place where Veterans and First Responders can go and get vital information obviously connected with our county veteran's office and the state office as well but it's great to have that locally.

Mayor Newhard stated that tonight he would like to announce his candidacy for re-election. Mayor Newhard said, 'I have been honored to serve our community for over twenty years and we have seen a lot and we have grown, and we've been challenged, and we have faced some amazing things and we've done some amazing things. I think the proof is in our strength, our resilience, in our community. It is one of the most beautiful villages in the Hudson Valley, if not the state. But more than beauty it has this incredible soul and this incredible yearning to do the right thing and I am grateful to be part of that and so that is why I've decided to run for another term.'

Mayor Newhard said that on behalf of the Village Board, he would like to wish all our Christian friends and families a very Merry Christmas and all our friends a very happy and healthy New Year.

Mayor Newhard explained that the Village Board has to go into Executive Session and will not return and do any business.

Executive Session

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

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

Adjournment

A **MOTION** was made by Trustee Bachman, seconded by Trustee McManus, and carried to close the executive session, resume the regular meeting, and adjourn the regular meeting at approximately 8:45 p.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