

March 10, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, March 10, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:32 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback

Town Attorney, John Hicks
Deputy DPW Commissioner, Ben Astorino
Police Chief, Thomas F. McGovern, Jr.

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 02/17/11

Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written from the Regular Meeting held on February 17, 2011.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

DONALD SEROTTA – Chairman, Town of Chester Planning Board, Chester, NY 10918 – Notice that a public hearing for the purpose of applications by Kings Self Storage Facility for a two (2) lot subdivision to divide existing office from existing self storage facility will be held by the Planning Board of the Town of Chester on March 2, 2011, at 7:00 p.m. at the Chester Town Hall, 1786 Kings Highway, Chester, New York.

KELLY ROHDE, RMC – Borough Clerk, Borough of Ringwood, 60 Margaret King Avenue, Ringwood, NJ 07456 – Notice of an ordinance amending Chapter 40 Zoning Regulations of the revised general ordinances of the Borough of Ringwood to establish regulations regulating the time and placement of political signs. This ordinance was introduced and passed first reading at a meeting of the Municipal Council of the Borough of Ringwood in the County of Passaic, New Jersey on Tuesday, February 15, 2011 and will be considered for final passage at a Business Meeting of said Municipal Council of the Borough of Ringwood to be held on Tuesday, April 12, 2011 at 8:00 p.m., or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey.

THOMAS F. MC GOVERN, JR. – Police Chief, Town of Warwick - Memo to the Town Board requesting a budget transfer for check number 4082 in the amount of \$200.00 from Russell and Raea Dougherty for a donation to the Town of Warwick Police Department be transferred into the Special Department Supplies Budget Line B02-3120-00-446.

BRITTANY BOUNDS – Nana’s Southern Kitchen, 48 Main Street, Warwick, NY 10990 - Notice to the Town of Warwick of her intent to file for a liquor license.

EDWARD BUTLER, P.E. – Town Engineer, Tectonic Engineering & Surveying Consultants, P.C., P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY 10953 – Memo to the Supervisor regarding Fairgrounds partial bond release. “In regard to the letter dated March 3, 2011 from Adrian Goddard of Fairgrounds, LLC requesting partial release of the performance bond, I will agree that partial release is in order. I’ve recently observed conditions at the site again, and all completed improvements appear to be functioning in accordance with design and holding up well, except for matters with the wastewater treatment system. Holding the balance of \$256,200 until this remaining issue is resolved is recommended. I will coordinate meetings with Lehman & Getz, the Project Engineer, and the water/sewer operator to facilitate documentation of improvements/reconstruction necessary.”

SUZYN BARRON – President, Warwick Valley Humane Society, P.O. Box 61, 48 Public Works Drive, Warwick, NY 10990 – Letter to the Supervisor requesting the Supervisor sign a proclamation on behalf of the Warwick Valley Humane Society for the observance of Prevention of Animal Cruelty Month to be on April 1, 2011.

WENDI CHASON – Director of Development and Public Relations, Occupations Inc., - Letter to the Town advising them that Occupations Inc. and the Orange County Bicycle Club will be holding their 2011 Country Roads Fall Foliage Bike Tour on Sunday, September 18, 2011. The route will be going through the Town of Warwick.

CONNIE SARDO – Secretary, Town of Warwick Planning and Zoning Board – Letter to the Supervisor and Town Board requesting the Town Boards acceptance of a dedication strip for the Helmrich 2-Lot Subdivision located off of Little Brooklyn Road.

HON. ANNIE RABBITT – Assemblywoman, 97th District, 41 High Street, Goshen, NY 10924 – Letter to Commissioner Darrel J. Aubertine of NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, New York congratulating him on becoming the Commissioner and expressing concern in regards to the status of Farmland Protection funding to purchase the development rights for two farms in her Assembly District known as the Buckbee/Iron Forge Farm and the Bollenbach Farm, in the Town of Warwick.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced the Hon. Thomas Chevrier Trustee from the Village of Florida and no report was given.

REPORTS OF BOARDS AND COMMISSIONS

Supervisor Sweeton introduced Mike Cipolla the Chairman for the Recreation Commission who stated that they will be discussing the up and coming spring season and invited Deputy Commissioner Roe who is the liaison to the Town Parks.

Supervisor Sweeton – I hope everyone has a great season this year in all the sports.

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
DRAINAGE	Town wide	Opening drains due to heavy rains 2/25/11 & 2/28/11
POT HOLES	Town wide	As needed
ROAD REPAIR	Town wide	As needed
SNOW PLOWING	Town wide	Plow & sand storm on 2/21/11
	Kings Estates	Widen roads, clear basins
	GWL	Clear main street, open basins
VEHICLE MAINT.		As needed
ROAD SIGNS	Town wide	As needed
MAIL BOXES	Town wide	As needed
HAUL MATERIAL	From quarry to DPW	Stock pile road grit
TREE WORK	Newport Bridge Rd.	Clear road sides
SANDING	Town wide	Snow & sleet 3/7/11

COUNCILMAN DE ANGELO REPORT

1. There is an acupuncture clinic for pets that is being held bi-monthly at the Warwick Valley Humane Society on the second Sunday of March, May, July, September and November. The cost is only \$20.00 for a 20 minute session with Pam Schultz DVM from Orchard Grove Animal Hospital. The acupuncture treats inflammation, arthritis, pain, digestion and well being. It is by appointment only from 11:00 a.m. until 1:00 p.m. and you can call the shelter at 986-2473. Their rabies clinics are being held bimonthly at the Warwick Valley Humane Society on the second Sunday of April, June, August, October and December from 10:30 a.m. until 12:00 p.m. The cost is \$15.00 per pet and all pets must be restrained on leashes or in carriers and no appointments are necessary. They are asking for donations for support because their kennel outside collapsed due to the snow this winter. You can help them repair it by sending donations to the Warwick Valley Humane Society, P.O. Box 61, Warwick, NY 10990. As usual they are in need of their wish list for Feline Pine cat litter, bleach, Simple Green cleaner, laundry and dish detergent, heavy duty garbage bags, paper towels, Friskie's Pate or any ground can food, large dog bones, no dry cat or dog food is needed at this time. If you're feeling generous you can contribute to the Warwick Valley Humane Society.
2. On March 26th at 7:30 p.m. at the Greenwood Lake American Legion there is

a benefit concert by the Magic Touch, an acapella doo wop group. The proceeds of the concert will be used for the 4th of July fireworks display on the lake and the donation is \$10.00.

COUNCILMAN DE BUCK REPORT

1. The rain has melted the snow and I know with warmer temperatures coming, and I'm sure the Rec committee is going to talk about it with Bill Roe, the kids are going to want to start using the athletic fields. The athletic fields are extremely wet and the soils are cold, so we ask for patience. Perhaps April 1st when we are able to get the bathrooms and parks open again and get some guys from the DPW back into the parks. At this point I know kids want to play, but they might have to stick to the parking lot areas instead of on the athletic fields because the grass can't really respond to cleated traffic and it won't recuperate and it will take longer for those fields to become nice. I'm sure the committee will talk to Bill about that. I would like to alert the public to not start running all over the athletic fields because they are so cold and it's hard for them to recover. Be patient its only the 10th of March and hopefully by April 1st the ground will drain, the grass will be able to respond to some traffic and then will can allow some use of the parks. I appreciate the cooperation.

COUNCILMAN GERSTNER REPORT

1. Our Recreation Commission meeting is tonight and I would like to thank Mike for heading that commissioner for us and Tom for all his help working with that commission.
2. Our solar life time energy generated is now 34,870 kilowatts and our life time CO2 omission offset is 43,587 pounds, so our solar panels are doing a good job.
3. On March 17th the Excelsior Hose Company at Warwick Station 1 is having their corn beef dinner at 5:00 p.m.
4. On March 25th the Raymond Hose Company at Station 2 on West Street will be having a salmon pasta dinner at 5:00 p.m.
5. Our Little League Parade in the Village of Warwick will be on April 9th at 11:00 a.m.

COUNCILMAN SHUBACK REPORT

1. The Town of Warwick has used over \$43,000 for sand, \$95,500 for salt and \$89,500 in overtime. It comes out to over \$228,000 and we only have \$260,000 in the total budget. It can't snow until next January. For years we have been paying for mailboxes and it seems that it's the same people that have their mailboxes taken down by plows. If they are putting them too close to the road we should check and see if we have to replace their mailbox because the same people every year seem to need new boxes because they put them right on the road. They need to be more then five feet off the road.

Supervisor Sweeton – We could maybe look into talking or sending each of those people a notice about the specs of how you are suppose to put your mailbox up, so we'll look into that.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. **Fees Collected: Month of February, 2011** – Certified Marriages, \$190.00; Photocopies, \$34.75; Returned Check Fee, \$20.00; Interest in Checking Account for Month of January, \$0.36; Dog Enumerations, \$10.00; Dog Impoundments, \$225.00; Town Park Pavilion, \$125.00; Marriage License Fees, \$140.00; Conservation Licenses, \$6.95; Dog Licenses Issued/Renewed, \$2,090.00; Use of Room Fees, \$200.00; Registrar Fees, \$420.00; Sale of Used DPW Equipment, \$1,200.00; Town Park Deposits, \$50.00; Little League Field Deposits, \$200.00. **Total Fees Collected: \$6,454.11**

2. **Fees Paid: Month of February, 2011** – New York State Dept. of Health for Marriage Licenses, \$180.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$263.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$119.05; Village of Greenwood Lake for Registrar Fees, \$60.00; Village of Warwick for Registrar Fees, \$920.00. **Total Fees Paid to Supervisor, \$4,912.06.**

3. **Four Requests for Proposals for security fencing surrounding the Police Dept. impound yard were received from:**

Bilt-Well Fence Co. P.O. Box 759 Monroe, NY 10950 Tel. (845) 782-8301	<u>Bid Amount: \$7,800.00</u>
John Falvella Fence Co. 457 State Rt. 17K Rock Tavern, NY 12575 Tel. (845) 564-1276	<u>Bid Amount: \$9,980.00</u>
Kuperus Custom Fence, Inc. P.O. Box 113 Westtown, NY 10998 Tel. (845) 726-3849	<u>Bid Amount: \$4,150.00</u>
Ketcham Fencing, Inc. 19 Borden St. Otisville, NY 10963 Tel. (845) 386-1161	<u>Bid Amount: \$7,680.00</u>

4. **Our online auction on GOVDEALS.com is over and we sold all 10 items (Police/DPW vehicles and highway equipment). The Town of Warwick netted a total of \$15,422.39.**

Supervisor Sweeton – I want to thank you for all of your administrative work on organizing the GOVDEALS thing and it worked out really well and we are glad that we could get that money back into the Town budget. The fencing is to fence in the impound yard that we created down near the police department for vehicles that

have been confiscated for investigating would be put in there and we would get compensated by the insurance company for storing them.

SUPERVISOR'S REPORT

1. **Appalachian Trail Community** - I had a local business owner approach me to bring to my attention this program called The Appalachian Trail Community that is run by the Trail Conference or the Trail Conservancy. There are very few communities along the Appalachian Trail in the Northeast that are designated as Appalachian Trail Communities. If you can meet the criteria to be so designated there is a lot of cross promotion that the Trail Conference does and it's an effort to make our area known for those who might use the Appalachian Trail to come visit, perhaps stay and spend some money in our community. I think it's a great effort and we are going to try to put together a little group to work on this and we could be one of the first in New York State to get this designation and of course the Appalachian Trail does run through our Town pretty clearly and a lot of places there is access to it. We are going to pursue that and I'll bring more attention to the Board as it goes on.

2. The County is looking for nominations for Senior Citizen of the Year as well as an outstanding contribution by a senior. I believe last year we had two of our town residents receive those awards, Seymour Gordon and Don Roach from Florida, so if you know of a senior out there that you would like to nominate I have the form or you could go on the County website and get the form as well. If you get a hold of my office at 986-1120 ext. 241 we can get it for you or give us the name and we can do the work.

3. **Orange County Energy Grant Program** - The County, through a good effort of the Legislature and Chairman Pillmeier, has put together a program where they are going to share some ERA Stimulus Energy grant money that they didn't utilize in the County. They are going to share with municipalities and they put out a grant proposal request. We've submitted ours today and the deadline is tomorrow and we are pretty confident that we are going to get some retrofits on lighting and perhaps a solar hot water heater installation for the building as well as some window replacements. We expect those energy savings from those retrofits will be in the vicinity of 25 to 35% of heating costs and lighting costs for those improvements. We are glad that the legislation is giving us that opportunity and we thank them.

4. The Senior Liaison has submitted a report for the month and we have it here for people if they are interested. Vince Poloniak is our liaison to all of our six senior clubs in the Town of Warwick and he goes to all of them religiously and works out issues with them and keeps the Board informed on important issues for seniors and he puts together a great report every month on their activities. He really works hard on this and I want to give him a shout out and credit for the hard work that he does for the Town on behalf of senior citizens, so we appreciate that Vince.

4. For the Boards purposes, my monthly budget reviews included bank reconciliations, journal entry reviews and I just got hot off the press the February numbers and we still look under budget in each of our departments which is a good thing and continue to work on trying to find cost savings for this year. The Board is duly informed.

5. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser and we thank them for that.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2011-94 ACCEPT BID – FENCING FOR POLICE IMPOUND YARD

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the bid for fencing to surround the Police Department impound yard from Kuperus Custom Fence Co. , P.O. Box 113, Westtown, NY 10998 in an amount not to exceed \$4,150.00. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is about half the price of the original bid that we got. Councilman DeBuck stated that they have done work in the Town Park before and they are very good.

#R2011-95 ACCEPT DONATION TO POLICE DEPARTMENT FROM RUSSELL AND RAEA DOUGHERTY

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept a check in the amount of \$200.00 from Russell and Raea Dougherty as a donation to the Police Department. Funds to be transferred into the Special Department Supplies budget line, B02-3120-00-466.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2011-96 ACCEPT FOR DEDICATION – STRIP ON LITTLE BROOKLYN ROAD – STEPHEN HELMRICH

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept for dedication a strip of land located on Little Brooklyn Road from Stephen Helmrich subject to Town Attorney review and acceptance of Title report for the subject property. Copy of the deed description is attached as Schedule A.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2011-97 BUDGET TRANSFER – TOWN BOARD

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt the following Town Board budget transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Mileage (A.00.1010.440)	Training (A.00.1010.480)	\$300.00

Professional Services Training (A.00.1010.480) \$300.00
(A.00.1010.454)

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2011-98 BUDGET TRANSFER – SUPERVISOR

Motion Councilman Shuback, seconded Councilman Gerstner to adopt the following Supervisor budget transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Mileage (A.00.1220.440)	Training (A.00.1220.480)	\$150.00
Supervisor Part time (A.00.1220.154)	Training (A.00.1220.480)	\$150.00

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2011-99 UNSAFE BUILDING – SCHEDULE HEARING – MIRKOVIC MONCILO –
SBL# 72-9-21-2**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to Order to Repair or Remove Structure(s), Tax Map Section 72, Block 9, Lot 21.2:

WHEREAS, the Building Inspector of the Town of Warwick has made Personal inspection of structure(s) located at 65 Brook Trail, Town of Warwick, New York, designated as Section 72, Block 9, Lot 21.2, of the tax map of the said Town, and has deemed the said structure(s) to be dangerous or unsafe to the public as defined in Chapter 67-3 of the Code of Ordinances and Local Laws of the Town of Warwick, and such determination has been reported to the Town Board together with the report and recommendations of the Town’s Building Inspector, dated February 10, 2011, which reports conclude that the said structure(s) is a hazard to the community; and

WHEREAS, the Town Board of the Town of Warwick, after reviewing said report and the building inspector’s determination and recommendation to the Town Board, and having duly deliberated thereon;

BE IT RESOLVED as follows:

The Town Board determines that the structure(s) located at 65 Brook Trail, in the Town of Warwick, designated as Section 72, Block 9, Lot 21.2, of the Town of Warwick tax map, record owner(s) being Mirkovic Moncilo and last residing at 52 Clark Street-Apt. 1A, Brooklyn, NY 11201 is unsafe, dangerous, unhealthy and a fire hazard and shall be repaired or removed by the said owner(s); such finding being based on the report and the recommendation of the Building Inspector dated February 10, 2011; and

BE IT FURTHER RESOLVED, that a hearing shall be conducted to consider the affirmance of, modification of or vacatur of this Order. Said hearing shall commence on or about 7:15 PM on April 14, 2011, and shall be conducted at the Town Hall of the Town of Warwick, 132 Kings Highway, Warwick, New York. The Town Attorney shall serve notice of the said hearing together with this resolution and the report of the Building

Inspector to the owner(s) of record of the said premises or persons having an interest therein; proof of such service shall be delivered to the Town Clerk at or before the opening of the public hearing and such notice of hearing shall be served on the record owner(s) at least five days before the commencement of the public hearing.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2011-100 PROCLAMATION - PREVENTION OF ANIMAL CRUELTY MONTH

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS, the Warwick Town Board, the citizens of the Town of Warwick and the Warwick Valley Humane Society are concerned with the humane treatment of animals, and

WHEREAS, the kind and humane treatment of animals has a strong correlation to the kind and humane treatment of people, and

WHEREAS, animal cruelty is proven to directly parallel violent and criminal acts on people, and

WHEREAS, together with the Warwick Valley Humane Society, the Town of Warwick urges the vigorous enforcement of existing animal cruelty laws and want to make the public more aware of these laws in hopes of eliminating cruelty to all animals, wild or tame, and

WHEREAS, the month of April has been established as "Prevention of Animal Cruelty Month"

NOW, THEREFORE, I, Michael Sweeton, Supervisor of the Town of Warwick, do hereby proclaim April 2011 "PREVENTION OF ANIMAL CRUELTY MONTH" and call upon all residents to treat any and all animals with kindness, consideration and respect, and to report the abuse, neglect and cruelty of all animals to law enforcement agencies or to the Warwick Valley Humane Society.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2011-101 ACCEPT PROPOSAL FROM HDR P.C. - MARGINAL ACCESS ROAD PERMITS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept a proposal from HDR P.C. for engineering work necessary to obtain the required permits for the future construction of a marginal access road on the north side of Rt. 94 at a cost not to exceed \$13,900.00. Funds to be appropriated from the Rt. 94 Traffic Mitigation Fund.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is the fund that is set aside by developers to develop into that road, so what we're doing is trying to do some initial engineering that would allow permits to be filed in the event that the road is going to be constructed. That's going to be a lengthy process, so we wanted to start that now because we have a couple of applications out there where the developer would perhaps build that connection if the permits are in place, so we need to proceed with that.

Councilman DeBuck – This is a little bit further down the road, but this doesn't apply to any design of traffic circles.

Supervisor Sweeton – Not yet.

**#R2011-102 ACCEPT PROPOSAL FROM TECTONIC ENGINEERING –
CONSTRUCTION OF DIAL-A BUS BUILDING**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept the proposal from Tectonic Engineering for preliminary engineering work for the construction of the Dial-A-Bus building located on Public Works Drive. The project is funded through a Federal Highway Authority grant in an amount not to exceed \$34,500.00.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is the project that we have the federal funding administered by the County to construct a building on DPW Drive to house the bus operations. This is the preliminary work; we need to get the next round of funding.

#R2011-103 BOND REDUCTION – FAIRGROUNDS LLC

Motion Supervisor Sweeton, seconded Councilman Shuback to adopt a resolution to reduce the Performance Bond (#105176691) from Travelers Casualty Surety Co. of America, from \$808,400.00 to \$256,000.00 and to authorize the release of \$552,400.00 to Fairgrounds, LLC as per the recommendation of the Town Engineer, letter dated March 8, 2011. Upon receipt of a bond in the amount of \$256,000.00 the Town of Warwick agrees to release the aforementioned bond.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is for the Price Chopper parcel of property. All of the infrastructure is done and this is a warranted release.

**#R2011-104 BOND RESOLUTION – IMPROVEMENT OF FACILITIES OF THE
WICKHAM WATER DISTRICT**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt the following resolution appropriating \$560,000.00 for the improvement of facilities of the Town of Warwick Wickham Water District and authorizing the issuance of \$360,000.00 serial bonds to finance said appropriation.

BOND RESOLUTION OF THE TOWN OF WARWICK, ADOPTED MARCH 10, 2011, APPROPRIATING \$560,000.00 FOR THE IMPROVEMENT OF FACILITIES OF THE TOWN OF WARWICK WICKHAM WATER DISTRICT AND AUTHORIZING THE ISSUANCE OF \$360,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following preparation of a plan and report for improvement of facilities of the Wickham Water District (hereinafter called "District"), in the Town of Warwick (herein called "Town"), in the County of Orange, New York, consisting of the connection of Well No. 11 of the Wickham Water District distribution system, together with an approximately 16 foot by 20 foot water treatment building with a 15,000 gallon chlorine contact tank and related equipment, apparatus and materials, and after a public hearing duly called and held, the Town Board determined that it is in the public interest to so improve the facilities of the District, and ordered that such facilities be so improved; now, therefore,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WARWICK IN THE COUNTY OF ORANGE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$560,000.00 for the improvement of facilities of the District, all in accordance with the plan and estimate prepared by duly licensed engineers of the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs, cost of maps, plans, surveys, estimates, advertisements, legal documents and costs incidental thereto and the financing thereof, is \$560,000.00 and the plan of financing includes the issuance of \$360,000.00 serial bonds of the Town, the receipt of a \$200,000.00 grant from the New York State Economic Development Assistance Program administered by the New York State Dormitory Authority, and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of water rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$360,000.00 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

a) The period of probable usefulness of the aforesaid specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00a.1 of the Law, is forty (40) years.

b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes in anticipation of the sale of such bonds, pursuant to the provisions of Section 107.00d.3 of the Law.

c) The proposed maturity of the bonds authorized by this resolution may exceed

five (5) years.

Section 4. Each of the bonds authorized by this resolution and any notes in anticipation thereof shall contain recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provision of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Sec. 50.00 and Sec. 56.00 and 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose of which the Town is not authorized to expend money, or
- (b) the provisions of the law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Section 8. The object or purpose described in Section 1 hereof has been determined to be an Unlisted action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, with respect to which the said Town Board has made a "Negative Declaration."

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is the completion of the process by which we are bringing well #11 and its treatment system online for the Wickham Water District. The bonds will be paid by the users of the Wickham Water District. There is

capital allotment already yearly to the district and that will finance the bonds of the \$360,000. We have already received the \$200,000 from the dormitory authority, so this wraps the project up.

Councilman DeBuck – It’s almost finished right?

Supervisor Sweeton – It is finished and approved by the County and ready to turn on.

#R2011-105 CELTS OF THE YEAR – SEAN AND LISA MULCAHY

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS Sean and Lisa Mulcahy are being honored as the 2011 Celts of the Year by the Greenwood Lake Gaelic Cultural Society; and

WHEREAS Sean and Lisa Mulcahy have committed their time and personal resources to improving the Town of Warwick; and

WHEREAS Sean and Lisa Mulcahy have made significant contributions which have improved the lives of our residents; and

WHEREAS Sean and Lisa Mulcahy have embraced the Irish heritage and long family history of service to the community; and

NOW THEREFORE BE IT RESOLVED that on behalf of the residents of the Town of Warwick, the Town Board does hereby declare March 12th 2011 “Sean and Lisa Mulcahy Day” in the Town of Warwick.

Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Councilman DeAngelo stated that Sean’s father founded the children.

Supervisor Sweeton – Project Children.

Councilman DeAngelo – Twenty seven years ago and he’s been active ever since. He’s been bringing over young Irish guys to work for Habit for Humanity, so they have a long period of service to the community.

BILLS: Motion Councilman DeBuck, seconded Councilman Gerstner to pay the bills as audited. Motion Carried (5 ayes, 0 nays)

PRIVILEGE OF THE FLOOR (GENERAL)

Councilman Shuback – I want to give credit to Jeff, Ben and Bill who for the last two years haven’t received a pay increase and all of the overtime that they put in. They are the only ones in the Highway Department that don’t get compensated for that time and not even the time off. I think they deserve a lot of credit.

Attorney Hicks – With regard to the Appalachian Trail thing that you talked about earlier most people probably don’t remember this, but in the early 1970’s the Town of Warwick became the first municipality along the entire Appalachian Trail to

protect the Appalachian Trail through it's zoning ordinance. This would be a fitting climax to that process 40 years later.

Supervisor Sweeton – I didn't know that. Because protecting the trail is one of the criteria for being named the community, so that's actually good.

Attorney Hicks – At that time it was protected two hundred feet on either side of the trail and there was no building permitted under the zoning ordinance. That was set in 1973 I think.

Councilman DeBuck - Is there still some work being tossed around about trying to make a connector link through the County Park so that trail hikers could actually get to the Village of Warwick? I know there's a trail in Greenwood Lake that goes down to that village.

Supervisor Sweeton – Yes, that is still a grant that we have that we're struggling through some landowner issues, but it's alive.

Councilman DeBuck – My other thought was have we looked at Bellvale Creamery maybe getting on your committee?

Supervisor Sweeton – That's a good idea.

Councilman DeBuck – I think they would get a lot of patrons that would jump off the trail, go down and have an ice cream, and jump back on the trail.

**ADJOURN: Motion Councilman DeBuck, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:05 p.m.
03-10-11 cp.**

Marjorie Quackenbush, Town Clerk