

April 12, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, April 12, 2012 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman James Gerstner – Arrived 7:50 p.m.
Councilman Mickey Shuback

Town Attorney, John Hicks – Absent
DPW Commissioner, Jeff Feagles
Police Chief, Thomas McGovern, Jr.
Police Sergeant, John Rader

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 3/22/12

Motion Councilman DeAngelo, seconded Councilman Kowal to accept the minutes as written from the Regular Meeting held on March 22, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Gerstner absent)

CORRESPONDENCE:

JACLYN A. BRILLING – Secretary of the New York State Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350 – At a session of the Public Service Commission held in the City of Albany on November 17, 2011 regarding Case 10-E-0362 proceeding on motion of the Commission as to the rates, charges, rules and regulations of Orange and Rockland Utilities, Inc., for electric service. Tariff filing by Orange and Rockland Utilities, Inc. to replace its electric tariff schedule with an electronic tariff schedule compatible with the Commission's Electronic Tariff System. The Staff recommends approval of the electronic tariff schedule.

STEVE DEFEO – Greenwood Lake Commission, P.O. Box 1110, Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board resigning from the Greenwood Lake Commission effective immediately.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$500.00 to Andy Field.

LEE SCHULZ – 2 Oregon Court, Sterling Pines Homeowners Association, Tuxedo Park, NY 10987 – Letter to the Supervisor and Town Board filing a formal complaint against NYU Langone Medical Center for excessive noise.

ANNE L. GROSS – 283 Kings Highway, Warwick, NY 10990 – Letter to the Supervisor commending the members of the Mid-Orange Advisory Committee for their fine work providing recommendations for the Town with very specific guidelines on ways to use the property having a positive impact on the quality of life in Warwick.

JOANNE WILCOX – Town of Warwick Bookkeeper – Letter requesting a budget transfer in the amount of \$2,250.00 from budget code DB1-5110.182 Personal Service Clothing Allowance to budget code DB1-5110.482 Clothing Allowance.

VIRGINIA MAZZA-LOOMIS – Executive Director, Winslow Therapeutic Riding Unlimited, Inc., 328 Route 17A, Warwick, NY 10990 - Submitted a letter to the Supervisor and Town Board thanking them for their generous and kind support and suggested projects for the 2012 Community Block Grant Fund.

DAVID CHURCH, AICP – Commissioner, Orange County Department of Planning, 124 Main Street, Goshen, NY 10924 – Letter to all municipality officials regarding the eight year review of Orange County Agricultural Districts Nos. 1 and 2 as required by New York State Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). We invite your input on the review process and on any proposed modifications to the district in your municipality. Any comments or concerns should be directed to David Church, John Czamanske, or Jennifer MacLeod at 845-615-3840. If you would like an extra map for your review please contact the Orange County Planning Department’s office at 845-615-3840.

ALBERT A. NATOLI, P.C. – The Woolworth Building, 233 Broadway, Suite 810, New York, NY 10279-0815 – Letter to the Town Clerk regarding United Water South County Sewer Inc., increasing their rates it charges customers in the Town of Warwick. The rate is scheduled to go into effect on July 1, 2012.

CHRISTOPHER COLLINS – 10 Nieland Drive, Warwick, NY 10990 – Letter to the Town Clerk requesting to be re-appointed to the Town of Warwick Architectural Review Board.

GILES HAYSOM – 18 Blooms Corners Rd., Warwick, NY 10990 – Letter and Special Event Application submitted to the Supervisor and Town Board seeking approval to hold an outdoor music festival on August 20, 2012 at Colonies Farm, 18 Blooms Corner Rd., Warwick.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CULVERT PIPES	Minturn Rd.	Replace 30 ft. 12 in.
	Mountainside Rd.	Replace 30 ft. 12 in.
CATCH BASINS	Scenic Pond Dr.	Repair basins
	Bellvale Park	Repair basins
DITCH WORK	Old Dutch Hollow Rd.	Clean ditches
TREE WORK	Old Ridge Rd.	Assist Nelson
	Amity Rd.	Assist Nelson
BRUSH PICK UP	Newport Bridge Rd.	Clear roadsides
POT HOLES	Town wide	As needed
ROAD SIGNS	Town wide	As needed

COUNCILMAN DE ANGELO REPORT

1. For the month of March the Post Report is as follows: Greenwood Lake had 305 calls, the Town outside the Village had 966 calls, Pine Island 326 calls and the Village of Warwick had 811 calls for a total of 2,408 calls for the month of March.
2. I would like to read the following letter from a couple here in Warwick. "On April 1st at approximately 3:15 a.m. our dog started barking and my wife took the dog out and saw flames in the window of a condo across from us on the Knolls in Homestead Village. She immediately came inside and called 911 and woke me. I started knocking on doors and within approximately three minutes fire fighter and Policeman Jason Brasier arrived on the scene and immediately following him Police Officer Vincent Cossentino arrived and both entered the condo and extinguished the fire. They said the fire was caused by a candle left burning. My wife and I are assured due to their quick response a major fire was averted. We have been residents of Homestead Village for fifteen years and during that time we have observed the fire and police departments in our community are very professional and efficient. We would like to thank Officer Brasier and Cossentino for their bravery and our dog thanks you also."

Police Chief McGovern – The Little League Parade is going to be later on this month and we are going to ask the fire department to get some fire police to assist us and keep our staffing cost at a minimum. A lot of it revolves around the bridge on Parkway which was damaged in the hurricane and has not been repaired and will not be repaired prior to that, so they've had to rearrange the route of the parade which involves twice as many intersections and left us shorthanded. We thank the fire department for that. Next week April 18th Operation Safe Stop in conjunction with local school districts and local police departments to take a look at people who don't observe red lights on school busses; they tend to pass and make unsafe maneuvers in the vicinity of bus stops. We get a list every year from the school

districts recommending some places we should keep an eye on and minimize that or ticket violators. That's next Wednesday, April 18th. Next Thursday the 19th Sergeant Rader and I will be in route to Albany for a two day New York State Traffic Safety Convention where we will be attending a lot of seminars regarding issues with traffic safety. They also have a vendor demo which as I met with the Village this morning with the Supervisor we'll be looking at some equipment maybe along the lines of radar traffic signs that display your speed along the posted limit. We will see what's available and see if there's any funding that can give us some relief toward the cost of that equipment. Hopefully it will be very informative.

Councilman DeAngelo – In addition to that I have some notices from the Warwick Valley Humane Society. The Greater Hudson Bank is having a paper shred event which will benefit the Humane Society on Saturday, April 21st located at the Mitchells Corner Shopping Plaza at 25 Elm Street in Warwick from 9:00 a.m. until noon. The cost is \$5.00 before April 20th and \$6.00 on site and you can contact Susan Ronga at 877-248-2398 or Skip Klemis at 973-875-3444. Again this is on Saturday, April 21st from 9:00 a.m. until noon and this is in conjunction with “Be Kind to Animals Week.” The Animal Rights Alliance is having a spay and neuter mobile clinic for cats only which includes a rabies vaccine. This is going to be held at the Warwick Valley Animal Shelter on Saturday, April 28th for Chester and Warwick residents it will be \$20.00 per cat, all others \$70.00 per cat and pre-registration is required with cash fee, there's limited space and the telephone number is 986-2473. In addition, the Warwick Valley Humane Society is having their bi-monthly one year rabies vaccination by Pam Shultz, DVM of Orchard Grove Animal Hospital on the second Sunday of April, June, August, October and December. That's from 10:00 a.m. until noon and its \$15.00 cash per pet with no appointments. All pets must be on leashes or carriers and all the proceeds benefit the Warwick Valley Humane Societies homeless pets and again the phone number is 986-2473. The last thing I have is they are having a cat photo contest in celebration of June is “Adopt a Homeless Cat Month.” You can mail your entries; it's a \$10.00 fee for the first photo, \$5.00 fee for each additional photo or category. They have categories like Silly Kitty, Fancy Feline, Cattitude and Purr-fect Pose. You can mail your entries to the Warwick Valley Humane Society, P.O. Box 61, Warwick, NY 10990. Please include the pet name, last name, address, telephone and they must be postmarked by June 4, 2012. This will be posted on our community channel 12 for everyone's information.

COUNCILMAN KOWAL REPORT

- 1. The cleanup at the Town Park continues; the DPW is doing a great job and with the drier weather there's a chance to get a lot done. The sod has been laid on the soccer fields and hopefully we'll get some natural moisture to go with the water they're using from the same well from that side. Hopefully we'll have enough water because they haven't put the pipe across the road yet to the other side.**
- 2. The New York State Farm Bureau Board of Directors is having their annual summer meeting in Orange County which would include tours in the Town of Warwick. The New York Farm Bureau has always been proud of the Town of**

Warwick's farm friendly atmosphere especially with the groundbreaking PDR program that's been in the Town and also the County's' Labor Migrant Housing Reforms. We are looking forward to getting more information from them as it comes along and I'll keep you guys advised of that.

Supervisor Sweeton – That's great, that's a great honor to have them come here to hold their summer meeting and we thank you for that. The soccer project at Union Corners that field renovation is being financed by the Warwick Soccer Club. They are putting all of their money into this and it's great. It makes the field very usable once again.

COUNCILMAN GERSTNER REPORT

1. We will be having our Recreation Committee meeting tonight. Our Chairman Mike Cipolla is here and we will meet with our youth groups.

COUNCILMAN SHUBACK REPORT

1. The mild winter has actually been good for the Town because we're doing the park in Greenwood Lake in the Village and we are using the highway workers and saving a few bucks. It will be finished this summer and used next spring.

Supervisor Sweeton – That will complete the last phase of our recreation plan that we had back in 2006 where it showed us that we needed additional playing fields.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. **Fees Collected – Month of March, 2012** – Wickham Lake Permit Fees – Resident, \$80.00; Wickham Lake Permits Fees – Non Resident, \$30.00; Wickham Lake Additional Stickers, \$12.00; Wickham Lake Permits Renewal Fees-Resident, \$60.00; Wickham Lake Permit Renewal Fees –Non-Resident, \$40.00; Film Production Permit Fee, \$750.00; Copies of Maps, \$145.00; ATV Impoundment Fees, \$500.00; Certified Marriages, \$40.00; Photocopies, \$61.25; Postage, \$10.04; Carters Permit, \$300.00; Use of Kitchen Fees, \$150.00; Use of Sr. Center, \$100.00; Interest in Checking Account for Month of February, \$0.29; Dog Impoundments, \$660.00; Town Park Pavilion Fees, \$350.00; Marriage License Fees, \$140.00; Bell Jar Permits, \$10.00; Games of Chance Permits, \$30; Conservation Licenses, \$48.56; Dog Licenses Issued/Renewed, \$1,538.00; Use of Room Fees, \$200.00; Registrar Fees, \$100.00; Zoning Text & Map, \$70.00; Towing Rotation List Fee, \$1,500.00; Town Park Deposits, \$300.00; Little League Field Deposits, \$400.00.
Total Fees Collected - \$10,534.58
2. **Fees Paid – Month of March, 2012** – New York State Dept. of Health for Marriage Licenses, \$180.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$188.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$831.44; NYS State Comptroller for Bell Jar Permits, \$15.00; NYS Comptroller for Games

of Chance, \$45.00; Village of Warwick for Registrar Fees, \$1,650.00. Total Fees Paid to Supervisor, \$7,625.14

3. **Request for Proposals were received for the Village of Greenwood Lake ball field layout project from:**

**Jeffrey B. Doolittle P.E. & L.S.
200 Route 17, Suite 116
Mahwah, NJ 07430
(201) 529-2496
Proposal: \$3,000.00**

**Schmick Surveying, Inc.
25 Railroad Ave.
Warwick, NY 10990
(845) 986-8272
Proposal: \$1,500.00**

**John A. McGloin
Professional Land Surveyor
P.O. Box 636
Warwick, NY 10990
(914) 986-1262
Proposal: \$2,000.00**

4. **Proposals for unit prices to perform emergency repairs as a result of storm conditions were received from:**

**Earth-Tec Associates, Inc.
P.O. Box 941
Vernon, NJ 07462
(973) 827-1700**

**Allied Excavating, Inc.
71 Waterbury Rd.
Warwick, NY 10990
(845) 986-9841**

5. **Bid opening on April 5, 2012 for the upfit of 2012 International 7500 4X4 Chassis were received from:**

**Amthor Welding
20 Osprey Lane
Gardiner, NY 12525
(845) 778-5576
Bid: \$85,357.00**

**Showalter's Equipment
P.O. Box 1011
Warwick, NY 10990
(845) 651-7569
Bid: \$83,995.00**

6. **Request for Proposals (RFP) were sent to three companies for borings, sampling and a geotechnical report related to the culvert replacements at Brady and Cascade roads and the proposed Marginal Access Rd. culvert at Fairgrounds. The (RFP) were sent to:**

**Warren George
Jersey Ave.
Jersey City, NJ 07302**

**Dennis Spearnock
Jersey Boring
150 Wright St.
Newark, NJ 07114**

**James DeAngelis
Soil Testing, Inc.
90 Donovan Rd.
Oxford, CT 06478**

Two proposals were received from:

Jersey Boring & Drilling Co., Inc.
150 Wright St.
Newark, NJ 07114

Total Cost: \$48,500.00

Soiltesting, Inc.
90 Donovan Rd.
Oxford, CT 06478
(914) 946-4850

Total Cost: \$36,175.00

7. **Two separate Requests for Proposals (RFP) were sent to four companies for surveying and mapping work related to the culvert replacements at Brady Road and Ryerson Road.**

The surveyor RFP was sent to:

Robert H. Schmick, PLS
25 Railroad Rd.
Warwick, NY 10990

John McGloin
32 Colonial Ave.
Warwick, NY 10990

Howard W. Weeden
Weeden Surveying
62 Main St.
Walden, NY 12586

Jeffrey Dolittle
200 State Route 17 #116
Mahwah, NJ 07430

One proposal was received for each RFP from two surveyors combining together for a joint effort from:

Schmick Surveying in conjunction with John A. McGloin, P.L.S.
25 Railroad Ave.
Warwick, NY 10990
(845) 986-8272

Brady Road Culvert Study Total Cost: \$4,800.00
Ryerson Road Culvert Study Total Cost: \$6,400.00

Supervisor Sweeton – The reason why those two surveying companies joined in this proposal is one didn't have all of the equipment to do all of it but had the time to do it and the other surveyor didn't have the manpower to do it but he had the equipment so they joined forces on a proposal. Both that and the geotechnical proposals are all related to FEMA design projects and they've been reviewed by a FEMA representative and they meet the criteria for FEMA so in order to move those projects forward and get that work done we need to have this stuff done.

SUPERVISOR'S REPORT

1. **United Water Rate Increase – According to New York State Law a private sewer company needs to come to the municipalities in which they reside to get rate**

increases. We faced this I think three years ago with United Water. There are two small sewer facilities in the Sterling Forest area, the Palisades Park area off of Long Meadow Road that serves Sterling Pines which is a small residential development and then the IBM Facility and the NYU Facility and the future Watchtower Facility. They've come to us United Water who bought these systems several years ago who really bought them for the water systems but had to take the sewer systems. The sewer systems really hadn't been maintained and they are under DEC orders to do upgrades and that's the justification for their increases. Most of their facilities are in the Town of Tuxedo so more than likely we will hold a joint hearing with the Town of Tuxedo on this rate increase within the next 90 days. I've been in touch with Supervisor Dolan in Tuxedo to talk about when we might do that and it will be scheduled and those people will be noticed. Because the rate increase is fairly substantial United Water has proposed a three year phasing of it. The purpose of the hearing will be to listen to the public's comments and for the respected Boards to ask questions on how the rate increases are justified. We anticipate that this hearing will be held sometime in May and we'll let the press know as we hear it.

2. Community Preservation Fund receipts for March were \$52,127.56 and that brings the total of the fund to date after the Seward Home Site and the Wright Farm purchases to \$2,358,742.49. It's a month where it's about on average for what it was projected to be.

3. Energize Warwick Contest/Operation Clean Sweep - Operation Clean Sweep is a program we do in conjunction with the Chamber of Commerce with a local Girl Scout Troop here. This year again it's a three day event; a Friday, Saturday and Sunday the 27th, 28th and 29th of April and it coincides with the Earth Day celebration time when people can go out and clean their roads. The Chamber of Commerce provides bags and gloves. Then on Monday our Highway Department, working with Warwick Sanitation for the second year in a row, will pick up the trash bags and the County has traditionally waived the tipping fees for us to bring that trash. In conjunction with that we are going to try and re-energize the Energize Warwick Program which was a contest with a \$10,000 prize supplied by Warwick Valley Telephone to encourage to people to have energy audits which are generally free through NYSERDA and then encourage them to have energy upgrades based on those audits. You would get points for having done each of those things and then you could assign those points to a not-for-profit within the Town of Warwick and the not-for-profit that collected the most points at the end of the contest would receive the \$10,000 prize. We publicized it late last year and maybe it's too complicated, it really didn't take off so we're going to try it again and hopefully award the prize sometime early next year. We'll have some information to send to the press on the Operation Clean Sweep Day.

4. The Justice Court Audit - For the public's information and the Boards as well The State Department of Criminal Justice has encouraged municipalities to audit their justice courts regularly. We have done so in a superficial way with our regular audit that's done of the Town finances every year but this year we initiated a specific audit of the Justice Court. We do have that report and they did exceptional; they are following all the rules and regulations, everything was in order and so we're proud of the Justice Court. They did a nice job, the Clerks and the

Judges themselves. The information is here if someone wants to look at that and we'll have a copy in the Clerks office as well.

5. The DEC late last year, sort of prompted by the whole hurricane storm, had initiated a review of classifications of dams and the dam at Cascade Lake was classified as a hazard B dam, which is a medium hazard dam. We had an engineering inspection of it last year it's in great shape, but part of the DEC regulations are that the municipality has to do an emergency action plan. I was able, with Kathy in our records office, to take some templates and craft that plan on our own, so we saved some money there. We did have the engineers do an inundation mapping of the potential breach of the dam and that plan is in circulation as a draft to various emergency agencies and once they all sign off on it we'll adopt it and send it to the DEC and we'll have it available if any one is interested in looking at it. I was very thankful that we could get it done and get it done fairly inexpensively.

6. We are changing the May 10th Town Board meeting from 7:30 p.m. to 3:00 p.m. for that day. We're going to try an afternoon meeting. We used to have them more often so that maybe some seniors and folks could come, so we're going to try that on the May 10th meeting so if you can make that note we appreciate it and we'll publicize it on the website as well.

7. I have reviewed the budget for the Boards information through March and almost all departments are under budget slightly which is a good sign and obviously we've got some substantial savings in our snow budget and that's even better. Hopefully we can divert a little of that to some additional road work this year. We're going to try and do that.

8. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts in the Warwick Advertiser.

9. There is an item on the agenda tonight to set a public hearing; we do it every year for the Community Development Block Grant Program. That is where we solicit comments for public inquiries as to potential projects to submit for that. Traditionally we have submitted on behalf of both the Warwick Community Center and Winslow Therapeutic because there are different criteria's that have to be met in terms of the population served. Generally the Town because of its wealth characteristics doesn't qualify for projects, although the Senior Center did so we will be doing that at the April 26th meeting and we encourage the public if they do have things that they'd like to discuss to bring those forward at that meeting.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Richard Murtie – Resident, Town of Warwick, NY 10990 – This bid opening for the 2012 International is this the same truck that was just approved to purchase December 8th?

Supervisor Sweeton – We approved the Chassis and this is a bid for the body and they mount the body on the chassis.

Richard Murtie – OK.

Councilman Shuback – It was a cab and chassis we bought and then we got the body separately.

Mike Cipolla – Resident, Town of Warwick, NY 10990 - The mulch pile down at the Town Park is that for the Town to use throughout the township or can the public go and get some?

Supervisor Sweeton – The Town residents are permitted to go and get some mulch there, yes. We are discouraging landscapers from doing it, but Town residents are more than welcome to go and get some of it, yes.

Mike Cipolla – You talked about the pipe going across from one side of the park to the other. Is there a timetable for when that will be happening?

Councilman Kowal – I understand that the equipment that needs to be used for that is in Port Jervis now and as soon as the gentleman gets done with that job he’s going to come down to Warwick. It should not take long to do once it gets started.

Mike Cipolla – Has the County approved us to go under the road?

Councilman Kowal – They are going to let them cut across the road which will cost much less then the original project.

Mike Cipolla – I know the well is very shallow up on that side of the park.

Councilman Gerstner – All the permits are in place to cut across and everything is trenched to put that over.

Supervisor Sweeton – The well on the pavilion side has a lot of water.

Mike Cipolla – The well on the pavilion side is much deeper.

NEW BUSINESS:

#R2012-112 SETTLEMENT OF TAX CERTIORARI – STAGE HOLDING CORPORATION

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS, a Petition and Notice of Petition for taxation for the year 2011 (March 1, 2010 Taxable Status Date) of the real estate owned by Stage Holding Corporation and Douglas Stage (the “Petitioners”) in the Town of Warwick, County of Orange, State of New York, Tax Map No. 210-7-6, was served upon the Assessor, the Board of Assessors, the Board of Assessment Review of the Town of

Warwick and the Town of Warwick (the "Respondents") on or about July 22, 2011, and

WHEREAS, said Respondents, with the assistance of Bonacic, Krahulik, Cuddeback, McMahon & Brady, LLP ("Special Counsel"), having duly made and filed their Appearance to said Petition, and

WHEREAS, the Respondents have utilized the assistance of Town Assessor to review the assessment placed on said property, and

WHEREAS, the Respondents and said property owners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

(a) The parties have agreed that the 2011 assessment of \$80,700.00 should be reduced to \$69,200.00 for the year 2011, based upon a Fourteen Percent (14%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable schools districts and special districts, and

(b) That the assessment be fixed for 2011, 2012 and 2013.

WHEREAS, it appears to be in the best interests of the Town of Warwick to settle said matters as recommended by the Town Assessor and Special Counsel of the Town without further attendant legal and appraisal costs relating to said matters,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Warwick in regular session duly convened as follows:

1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2011 as aforesaid to execute stipulations of discontinuance of the said proceedings.

2. This Resolution shall take effect immediately.

Roll Call Vote:

Supervisor Sweeton Aye

Councilman Gerstner Aye

Councilman Kowal Aye

Councilman Shuback Aye

Councilman DeAngelo Aye

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

#R2012-113 SETTLING OF TAX CERTIORARI – VERIZON OF NEW YORK INC.

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution:

WHEREAS, a Petition and Notice of Petition for taxation for the year 2011 (March 1, 2010 Taxable Status Date) of the real estate owned by Verizon of New

York Inc. (the "Petitioners") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 999-1-405 and 999-1-190, was served upon the Assessor, the Board of Assessment Review and the Town of Warwick (the "Respondents") on or about July 28, 2011, and

WHEREAS, said Respondents, with the assistance of Bonacic, Krahulik, Cuddeback, McMahon & Brady, LLP ("Special Counsel"), having duly made and filed their Appearance to said Petition, and

WHEREAS, the Respondents have utilized the assistance of Town Assessor to review the assessment placed on said property, and

WHEREAS, the Respondents and said property owners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

- (a) The parties have agreed that the 2011 assessment should be fixed at \$35,800.00 with respect to 999-1-405 and \$5,100.00 with respect to 999-1-190 for the year 2011, based upon a Fourteen Percent (14%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable schools districts and special districts, and**
- (b) That the assessment be fixed for 2011, 2012 and 2013.**

WHEREAS, it appears to be in the best interests of the Town of Warwick to settle said matters as recommended by the Town Assessor and Special Counsel of the Town without further attendant legal and appraisal costs relating to said matters,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Warwick in regular session duly convened as follows:

- 1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2011 as aforesaid to execute stipulations of discontinuance of the said proceedings.**
- 2. This Resolution shall take effect immediately.**

Roll Call Vote:

Supervisor Sweeton Aye	Councilman Gerstner Aye
Councilman Kowal Aye	Councilman Shuback Aye
Councilman DeAngelo Aye	

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

#R2012-114 ACCEPT RESIGNATION – SCOTT LEMIN

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Scott Lemin, a part time dispatcher, effective April 3, 2012.

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

Discussion: Councilman Gerstner thanked him for his service.

#R2012-115 ACCEPT RESIGNATION – STEVE DEFEO

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Steve DeFeo, Chairperson of the Greenwood Lake Commission effective March 28, 2012.

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

Discussion: Councilman DeAngelo thanked Mr. DeFeo for his service which was considerable.

#R2012-116 BUDGET TRANSFER – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve the following Police department budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Check from Ron Donnatin	Firearms/Ammo (B02.00.3120.420)	\$250.00

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

#R2012-117 BUDGET TRANSFER – BOOKKEEPER

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to approve the following Bookkeeper budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Personal SVCE.-Clothing Allowance for Commissioner and Deputy Commissioners of DPW (DB1-5110.182)	Clothing Allowance (DB1-5110.482)	\$2,250.00

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

Discussion: Supervisor Sweeton stated that this was placed in the personal service line; it was not placed into the clothing allowance line originally.

#R2012-118 AUTHORIZATION OF ESCROW REFUND – ANDY FIELD

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$500.00, the balance of the escrow SBL#14-3-1 to Building Department applicant Andy Field as per the recommendation of the Building Department Secretary, letter dated March 28, 2012.

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

#R2012-119 APPOINTMENTS TO APPALACHIAN TRAIL COMMUNITY DESIGNATION COMMITTEE

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution appointing the following persons to the Appalachian Trail Community Designation Committee to serve at the Pleasure of the Board:

Gene Giordano	Erik Johansen	Steve Rubin
Ray Bryant	Kaitlyn Johansen	Edward Sattler
Marlene Caraballo	Julie Judkins	Mark Soss
Emilie Cozzi	Karen Lutz	Michael Sweeton
Fred DeBergh	Barbara Moore	Rich Taylor
Sherrie DeBergh	Jim Moore	Angus Thompson
Jesse Dwyer	Gail Neffinger	Jason Touw
Les Ferguson	Michael Newhard	Don Weise
Cedric Glasper	George Nitti	Larry Wheelock
Geoffrey Howard	Elke Noll	

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

Discussion: Supervisor Sweeton stated that this is the group that is coordinating the ceremony on June 30th for the designation of that.

#R2012-120 SPECIAL EVENT PERMIT – OUTDOOR MUSIC FESTIVAL

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution granting approval to Giles Haysom to hold an outdoor music festival at 18 Blooms Corners Rd, Warwick to be held Saturday, August 18, 2012 from 1 p.m. to Sunday morning, August 19, 2012 pending approval from the Chief of Police and receipt of Certificate of Insurance.

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

#R2012-121 SET PUBLIC HEARING – PROJECTS FOR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Motion Councilman Gerstner, seconded Councilman Kowal to adopt a resolution to set a public hearing for consideration of projects for submission to the 2013 Community Development Block Grant Program. Said public hearing to be

held at 7:15 p.m. on April 26, 2012, or as soon thereafter as the matter may be heard at the Town Hall, Town of Warwick.

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

**#R2012-122 ACCEPT BID FOR EMERGENCY REPAIRS – ALLIED
EXCAVATING AND EARTH-TEC**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to accept the bid proposals of unit prices from Allied Excavating, 77 Waterbury Rd., Warwick NY and Earth-Tec Associates, Inc., P.O. Box 941, Vernon, NJ for emergency repairs required during a state of emergency.

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

Discussion: Supervisor Sweeton stated that there's going to be attached to the minutes an itemized price sheet. This was at the recommendation of FEMA for when you have an event like we had and we declared a state of emergency when we need to pull in some outside contracting work they'd like you to have their price sheets up front. The reason we're selecting both and we did clear this with FEMA is that the one bidder, Allied, had higher unit prices for the equipment but lower material prices for pipes and stones etc. Earth-Tec had the opposite. FEMA said you can accept both proposals and as the event occurs and you need to call them you use what you need from them.

**#R2012-123 ACCEPT BID – VILLAGE OF GREENWOOD LAKE BALL FIELD
LAYOUT PROJECT**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to accept the bid for the Village of Greenwood Lake ball field layout project from Schmick Surveying, Inc., 25 Railroad Ave., Warwick, NY 10990 at a cost not to exceed \$1,500.00.

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

**#R2012-124 ACCEPT BID – UPFIT OF 2012 INTERNATIONAL 7500 4X4
CHASSIS**

Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution to accept the bid for the upfit of a 2012 International 7500 4X4 chassis from Showalter's Equipment, P.O. Box 1011, Warwick, NY 10990 at a cost not to exceed \$83,995.00.

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

**#R2012-125 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 2012 "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.

**#R2012-126 ACCEPT PROPOSAL - BRADY ROAD AND CASCADE ROAD
CULVERT REPLACEMENT PROJECT**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt resolution to accept the proposal from Schmick Surveying, Inc. in conjunction with John A. McGloin, P.L.S., 25 Railroad Ave., Warwick, NY 10990 in the amount of \$4,800.00 for Brady Road and \$6,400.00 for Ryerson Road as required to provide survey data necessary to complete the design work for FEMA authorized repairs. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2012-127 ACCEPT PROPOSAL – SOIL BORINGS, SAMPLING AND
PREPARATION OF A GEOTECHNICAL REPORT FOR BRADY
AND CASCADE ROADS**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept the proposal from Soiltesting, Inc, 90 Donovan Rd., Oxford, CT 06478, to perform soil borings, sampling and preparation of a geotechnical report for Brady and Cascade Roads as necessary to complete the design for the FEMA authorized repairs to bridges/culverts on each of these roads. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

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

PRIVILEGE OF THE FLOOR (GENERAL)

No comments were made under the privilege of the floor by the Town Board or the public.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:09 p.m.
04-12-12 cp.**

Marjorie Quackenbush, Town Clerk