

April 14, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, April 14, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:15 p.m. with the Pledge of Allegiance.

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

Town Attorney, John Hicks
DPW Commissioner, Jeffrey Feagles
Police Chief, Thomas McGovern, Jr.
Town Building Inspector, James Obrotka

PUBLIC HEARING: Unsafe Building 65 Brook Trail

Supervisor Sweeton – We have our Building Inspector Jim Obrotka here tonight and Jim would you just come forward and give the Board a brief description.

James Obrotka – Building Inspector, Town of Warwick Building Department – Basically what’s going on there they haven’t paid taxes on the property in three years since 08 to either us or the County number one. The property is very overgrown. I did climb back to great risk of my life, got up to the property and it’s all overgrown. There are shrubs coming up through the front entrance stairs, there is some roof damage, the interior is a fire hazard, there’s literally garbage and debris piled in the corners of the rooms probably three and four feet high. There is old rotted food and it looks like someone may have been squatting in there at various times. It needs to be either cleaned up and boarded up or probably just torn down. It is a significant fire hazard not only because of the structure but depending on the time of the year you have a lot of dry brush around in that area and conceivably is somebody lit it on fire you could have the fire expand to perhaps other properties. There is a driveway but you just can’t get to the property without hiking up to the front.

Councilman DeBuck – Are the people approachable or not around?

Councilman DeAngelo – They haven’t responded.

Councilman DeBuck – No response.

James Obrotka – No, we did have the server in the last week try to serve papers to two locations that we had and we’ve gotten no response from either one, so it’s almost as if they kind of skipped, so we haven’t had any contact with the owners, no.

Supervisor Sweeton – Ok, thank you. Is there anyone here representing the Mirkovic's?

Argie Bowman – I'm representing Indian Park and I had no idea what was going to happen, but they have not paid their assessments in at least ten years if not more. I don't know the exact number of years but they're very in arrears'. My question is, if the Town is going to take it down that one drive is a major in and out for a lot of homeowners would we get advanced notice of when the work is going to happen, so we can know to go the other way and open up the other way because it's a one way for two way traffic.

Supervisor Sweeton – We would certainly notify you if you leave us contact information. There's a bunch of steps that we would have to go through before this comes to that stage though, but if you give us that contact information we'll certainly work with you to make sure that people can get in and out while the work is done.

Argie Bowman - Thank you.

Supervisor Sweeton – You're very welcome, so no one else is here to represent the Mirkovic's then. Attorney Hicks could you maybe give the Board your take on where we go.

Attorney Hicks – First of all when the Town receives notice from it's building official that a building is classified as a dangerous building the first order of business is what we already did back in March declaring the building a dangerous building based on the report of the building inspector. The Town Board at that point orders the building be either repaired or torn down and removed. Once that is done we can not proceed with that unless we give notice to the building owner that we are insistent that the building be torn down or repaired. In the last few weeks we have attempted to serve the building owner with a notice that the Town Board had passed a resolution order that the building be demolished and made safe. Notice of that hearing has been served on the building owner at their regular address in Brooklyn New York. It was not served personally it was served after three or four attempts to serve personally, but nobody was at the residents there where the Mirkovic's have their legal residents, so it was posted on the door which is an acceptable way of an alternate service in a case like this, so from a legal point of view they have been served at least five days prior to the date of this hearing, which is what our requirement is under Chapter 67. The next step is what we are doing today and having a public hearing to allow the owner to come forward and explain why the building is the way that it is and to make any suggestions to the Board as to how to comply with that order. Very often we have someone come in and say I'll take care of it and we simply adjourn the hearing to allow the building official to work with the property owner to get the property corrected to the point of view that it no longer constitutes a dangerous building. In connection with the determination tonight which the Board will render tonight the Board will either have a choice tonight of continuing this resolution that has already made that this is a dangerous building and must be torn down or it can modify that previous resolution and say although it's a dangerous building if we can contact the owner and if the building is structurally sound enough that it can be remedied the building owner will be given the opportunity to

correct the situation and make the building safe. The third option that the Board has and it's not very likely tonight since no one is here to make any claims otherwise is to close the public hearing and say in our view it's no longer a dangerous building. It doesn't look likely since there's nobody here that can dispute the Building Inspector's comments that it still is a dangerous building. In connection with the Board going forward on this I would like to have the Building Inspector amplify a little bit on what he said so that the Board can make a determination as to whether to continue with their previous finding that the building has to be removed totally or whether there is a possibility that the situation can be solved by correcting the situation and salvaging the building, so if I could ask you to make some comments based on your observation of the property would you give the Board your advice as to whether or not the building as of today must be removed in order to make it safe or is there a possibility with the proper amount of work being done that the building could be saved so that the Board would modify its resolution to say that the building should either be made safe or torn down.

James Obrotka – The building can be saved. The first thing that has to happen is the property has to be cleared of all brush, shrubs and things like that so we can have proper access because it's totally overgrown. Repairs have to be done to the front steps, there's a deck with stairs that have missing treads things like that and that's easy to do. The inside is more of a concern because you do have as I said debris in terms of some furniture, utensils, just general household wares, as well as old food products, cans of food and stuff like that. Literally it would have to be shoveled out and discarded to get the building empty. There is some roof damage which would either have to be covered up with a tarp or repaired and then conceivable we would board it up so no typically teenagers would want to get in there for whatever teenagers do, so yes we could save the building absolutely.

Councilman Gerstner – How big a structure?

James Obrotka – Its not a big house if you want to call it a bungalow that would be more descriptive of it.

Councilman Shuback – But hasn't been empty for the last three or four years at least.

Supervisor Sweeton – Well we don't know.

Argie Bowman – I can say yes.

Supervisor Sweeton – It has been, ok. My concern with tarping it is it's going to become an eyesore for the neighborhood and I don't know legally do we have a right to go into the building to cleanout the debris?

Attorney Hicks – If the Board passes a resolution ordering the building... Let me give you a hypothetical situation based on the Building Inspectors comments that the building could be saved you could pass a resolution tonight modifying the previous order that was passed at the March meeting saying that the building must be torn down. By saying tonight that the building either must be torn down within 30 or 60 days or the alternative made safe

and secure by clearing the debris, repairing the damage to the structure to make it a safe building so that somebody if they did go in there an attractive nuisance kind of a thing that it wasn't going to collapse on somebody and then properly securing it by boarding it up and what have you. That can be done until the owner could be found to either continue those repairs or tare it down himself, so there are those two alternatives. The one thing I would caution the Board on is although we have served the building owner by multiple method of service, meaning notifying the owner by rather than personal service by tacking this notice on his door at his last known residence address I would suggest to the Board that it would not be particularly wise from a legal point of view for the Town to rush in there and tear the building down without making some additional efforts to contact the owner. The guy could be on a vacation in the Caribbean for two months and he might not know of the hearing and for us to go in there and tear the building down and have him come home and find out that the building had been torn down and he did not receive notice could subject the Town to some liability even though we've correctly followed the procedure. Whatever the Board decides in terms of repair or the alternative tearing it down before we proceed to do that we should make some further notice or attempts.

Councilman DeAngelo – I understand the taxes haven't been paid in three years what's the length of time that's going to go on?

Attorney Hicks – The County normally after three years puts it on the tax rolls to auction the property.

Councilman DeAngelo – Right.

Attorney Hicks – I don't know whether that's scheduled for next year or the following year I don't know exactly what the Counties schedule is for that.

Supervisor Sweeton – I can contact John McCarey's office and find out, but I would suggest I guess we modify the resolution to say secure and or remove, give them 60 days and in the 60 days we reach out again and try to serve the owner. At the end of the 60 days we don't get any response we go ahead and hire a contractor to secure it and put it on the tax roll and then hopefully when the County sells it next year if that's when they are going to do it we would recoup that money.

Councilman Gerstner – That sounds good, but I find it hard in this day and age that we can't call him, text him or email him.

Supervisor Sweeton – The process server found the physical address and nobody answered the door.

Councilman Gerstner – At least a voice mail message you know you got that person. It just baffles me that we can't find this guy.

Argie Bowman - I can say that we've made an effort to contact. We mailed bills annually and we would get them returned. Is there an effort made to see if one or both parties has

passed away, because rumor has it in Indian Park that at least one of them has passed away.

Supervisor Sweeton – I don't know.

Argie Bowman – If there are children I believe, again this is rumor, but there are children who don't particularly care to take care of it.

Attorney Hicks – If you could make sure you get me the information that you have will probably help us in terms of following up on this. Our process server is required to try to serve at the building itself and obviously nobody is living there, so the tax records indicate the residents of the owner of the building which tax bills are sent every year and that's Brooklyn New York and that's where he went to serve the notice. He tried at least three times to serve that notice at various times of the day once in the morning, once in the early afternoon and then once late in the evening. There was nobody there at any of those three times so the alternate method of service is to tack it onto the door, but if you have other information about children or deceased persons or anything like that you could share that with us it might help us because we will have to send somebody back to find him.

Argie Bowman – I didn't bring any of our records. I know it's a Brooklyn address but I don't know specifically if this one matches the one that we have.

Supervisor Sweeton – If you could get us those that would be great.

Councilman Gerstner – I think we should modify the resolution because you never know.

Supervisor Sweeton – The resolution actually said to be repaired or removed, so we'll just adjourn this for 60 days. We'll try to reach out again to the owner and maybe we'll research whether there is a deceased member somehow and we'll see what we can find and then in 60 days we'll take action.

Councilman DeAngelo - I would ask the County in the meantime.

Supervisor Sweeton – I will get a hold of the County as well.

Motion Councilman Shuback, seconded Councilman Gerstner that the public hearing be adjourned for 60 days. Motioned Carried (5 ayes, 0 nays) 7:30 p.m.

Supervisor Sweeton Stated that the Town Clerk is recovering from surgery and we wish her well and we thank the Deputy Clerk for filling in this evening. Also this week marked the 150th anniversary of the first shots fired in the Civil War and the Orange Blossom Regiment from Orange County which had Company D Warwick Boys participated in the Civil War and there is a monument to them in our Warwick Cemetery. If you do get a chance to pay tribute to them it would be nice.

PRESENTATION BY AT&T FOR CELL TOWER LOCATION

Supervisor Sweeton – We have been in negotiations with representatives for AT&T to locate a new cell tower on property owned by the Town the water lot behind the Price Chopper Supermarket. It is going to serve not only their needs but also the emergency service needs here in our Town and we are negotiating that lease where by not only will the Town receive revenue from the lease of the land for the tower, but our emergency personnel will be allowed to have some equipment on that tower which will greatly enhance their ability to protect our citizens. There will be some other benefits that AT&T will provide for that service. We will be finalizing that lease in the next week or so and now I will turn it over to the representatives from AT&T.

John Furst a Attorney from Cuddy & Feder along with Chad Schwartz an engineer from Malick & Scherer PC presented a set of plans and a application for a cellular compound for AT&T's equipment which includes a 28 foot by 11 foot 5 inch equipment shelter which contains cellular equipment along with a emergency backup generator to be erected on Town property located between the Price Chopper and the Fairgrounds.

Bruce Rohner – President Greenwood Lake Lions – I would like to announce a project that I will undertake as the president of the Greenwood Lake Lions this year the president usually has what they call the Presidents Project and the project I've selected this year is to erect a 70 foot flagpole at the Town Park in Greenwood Lake on Windermere Avenue. I think this would be a nice enhancement to the park and a nice thing to welcome people to our community. I want to present that and I'm doing a lot of research on it and I want to have lighting on the flag in the evening and I appreciate the opportunity to do this.

Supervisor Sweeton – We certainly appreciate it. The Greenwood Lake Lions have been very generous on several pieces of town property. You were involved in the beach and the lighting at the Morahan Water Front Park and we appreciate that and we look forward to working with you on a great location for a flagpole at the park.

Bruce Rohner - That is our objective to do things for our community. Also I would like to make another announcement we are doing something called Lions See. Lions Screening Eyes Early we will be conducting a screening for youngsters between 1 and 5 years old on May 15th at the Greenwood Lake Library. The Warwick Lions had a similar screening here about six weeks ago, but anyone is welcome to come. You have to have a parental permission slip filled out if you decide to do the screening. It is a free screening and a big project throughout New York State. What they do is take what looks like a camera and screen the eye pupils of the youngsters and it is forwarded to an eye specialist who would contact a parent of any affected child. I think it's a great program and hopefully we'll get participation on this side of the mountain and I've left some applications here.

Supervisor Sweeton – Thank you very much and hopefully you can coordinate with Floyd a little bit and he can bring back information on it for us. Thank the Lions again on our behalf.

Councilman DeAngelo – We have those applications on the table in the lobby out there.

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 03/24/11

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on March 24, 2011.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

JERRY DEBOLD – Chairman, Fishing Day, Warwick Rod & Gun Club, P.O. Box 376, Warwick, NY 10990 – Letter announcing that on Saturday, May 7, 2011, the Warwick Valley Rod & Gun Club will hold its annual “Take a Kid Fishing Day” for children residing in the Town of Warwick. This is for children between the ages of 5 and 14. This event will be held on the Baird Farm on Baird’s Lane between the hours of 9:30 a.m. and 12:00 noon. Due to the growth of the community we are asking for support in the form of a monetary donation or articles that are related to fishing or the general outdoors.

FAITH FERGUSON – Chairperson, Spirited Spokes Bike Tour – Letter to the Supervisor requesting permission to utilize roads in the Town of Warwick for the 2nd Annual Spirited Spokes Bike Ride on May 21, 2011.

JEFFREY FEAGLES – Commissioner, Department of Public Works – Memo to the Town Board requesting the transfer of \$641.33 from Insurance Recoveries (DA2.00.2680) to Machinery repairs (DA2.00.5130.456).

JOANNE WILCOX – Bookkeeper, Town of Warwick – Memos to the Town Board asking for the following budget transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Support of Highway Personal Services Part Time (A00.00.5010.154)	Central Garage Maintenance Contracts (A00.00.1640.434)	\$9,500.00

JOHN MCCAREY – Director, Real Property Tax Service, 124 Main Street, Goshen, NY 10924 – Letter to the Town Clerk enclosing a list of members to review and determine if reappointments are needed for the Board of Assessment Review. This years training is scheduled for May 4th from 6-9 p.m. Please call 291-2494 if further assistance is needed.

JOHN MCCAREY – Director, Real Property Tax Service, 124 Main Street, Goshen, NY 10924 – Letter to the Assessor Deborah Eurich congratulating her on her appointment as the Assessor for the Town of Warwick and enclosed a copy of her assessor orientation certificate.

JACLYN A. BRILLING – Secretary, State of New York Public Service Commission – Notice 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. Briefs on exceptions are due electronically to the Secretary at secretary@dps.state.ny.us and to all active parties by 4:00 p.m. on Monday, April 25, 2011. Briefs opposing exceptions are by 4:00 p.m. on Tuesday, May 10, 2011. The parties' briefs should adhere to the guidelines for filing documents with the Secretary at (www.dps.state.ny.us).

BENJAMIN ASTORINO – Chairman, Town of Warwick Planning Board - Letter to the Supervisor and Town Board regarding yield plan determination on lot counts for cluster subdivisions.

HEATHER GARDNER – Resident, Town of Warwick, NY 10990 – A notice sent to the Town Clerk asking to join along with the Warwick Valley Humane Society and the Warwick Community for a day of education and awareness and “Go Orange for Animals”. In Warwick the target date is for April 13, 2011 for everyone to show their awareness by displaying orange on their mailboxes, houses, cars, themselves and even their pets. Help spread the word about this campaign with your email address book.

MARVIN BAUM – On Behalf of LORAX Working Group – Sent various emails to the Town Clerk regarding Orange and Rockland’s vegetation management and clear cutting in transmission line right-of-ways in the Town of Warwick.

JOHN R. STARKS – 22 Warwick Estates Drive, Warwick, NY 10990 – Letter to the Town Clerk requesting to be reappointed to the Town of Warwick Architectural Review Board.

JOHN & BOBBIE WRIGHT & FAMILY – 329 Kings Highway, Warwick, NY 10990 – Letter to the Supervisor thanking him for the dedication, hard work and support in preserving their farm.

BOARD’S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that the Warwick Valley Rod and Gun Club is going to hold their Take a Kid Fishing Day on Saturday, May 7th. It’s a great event for kids ages 5 to 14. The event is at the historic Baird Farm on Baird’s Lane which is off of Sanfordville Road or Covered Bridge depending which side you come in on and it’s held from 9:30 a.m. until 12 noon. It’s a great community event and a great way to spend some time with your kids.

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CULVERT PIPES	Brady Rd.	Replace culvert
CATCH BASINS	Old Oak Rd.	Repair basins
DRAINAGE	Penaluna Rd.	Repair drainage
DITCH WORK	Nelson Rd.	Clean ditches
	Gurda Ln.	Clean ditches
	Distillery Rd.	Clean ditches
BRUSH PICK UP	Mountainside Rd.	Clear road side
BALL FIELDS	Town wide	Prep fields 2011 season
POT HOLES	Town wide	As needed
SANDING	Town wide	April 1st mountain routes
ROAD SIGNS	Town wide	As needed
MAIL BOXES	Town wide	As needed

COUNCILMAN DE ANGELO REPORT

1. For the month of March the Post Report is as follows: Greenwood Lake had 243 calls, the Town outside the Village we had 937 calls, Pine Island 282 calls and the Village of Warwick had 616 calls for a total of 2,078 calls for the month of January. The Town of Warwick Police Department has put together a nice booklet called the Community Resource Program which discusses a lot of topics for example burglary business awareness, identity theft, sexual assault, senior safety and fire prevention. It is a very nice book and it was published with the help of our local merchants. It really didn't cost the department anything to put together, but they did a nice job putting it together. It is available at Town Hall for citizens to pick up and it's a really nice book that has nice tips as far as safe guarding your safety and I recommend you get a copy of it.

2. The Warwick Valley Humane Society is having a rabies clinic on Sunday, May 1st for cats only from 11:00 a.m. until 11:45 a.m. and dogs only from 11:45 a.m. until 1:00 p.m. at the Warwick Animal Shelter 48 Public Works Drive off of Kings Highway. It is \$15.00 per pet, cash only, there is no pre-registration and if you have any question you can call 986-2473. They are also talking about "Go Orange" to emphasize the importance of immediately reporting animal abuse and neglect. The "Go Orange" campaign is to raise awareness by displaying or wearing something orange and the Humane Society is selling compassion fights animal cruelty bracelets for \$4.00 to raise money for dog pens. They are also seeking the donation of or an

affordable purchase of a used four wheel drive Honda Element with mileage under 70,000. As always they have a wish list for feline pine or equine pine pellet bedding for use of litter for cats, bleach, Simple Green cleaner, laundry and dish detergent, heavy duty garbage bags, paper towels, Friskies pate or any ground can cat food, large dog bones and Hill Science Diet dry cat or dog food is needed at this time. If you're feeling generous this month they are always looking for either donations from the wish list or cash donations.

COUNCILMAN DE BUCK REPORT

1. Every once in a while something really terrific happens here in the Town of Warwick and last Friday was one of those days. I would like to read a letter we received "Dear Mr. Sweeton please convey our thanks and appreciation to the Town Board for preserving our farm. The closing on Friday, April 8th was a dream come true. Knowing the farm will pass to our children and grandchildren gives us great joy and satisfaction. We appreciate all the town has done to help us achieve this wonderful goal. We truly appreciate your dedication, hard work and support." We received this letter from John and Bobbie Wright of the Wright Farm. I know Supervisor Sweeton will be speaking about this land preservation acquisition during his report, but I would like to say that it's very gratifying for all of us on the Board and for all of our citizens that this PDR program that we have is working alive and well. The last few weeks the Town Board has been preparing an application for attempting to receive federal funds seeking a 50% matching partner for purchasing the development rights on two other farms. One farm is the Pioneer Farm located on the edge of the Village of Warwick and the other one is known as the Edsall Farm located in Pine Island. Both of these farms have very good upland soils over 50% prime or important soils and they should rate highly in the application to the federal government. Both of these farms are rather large in size one is nearly 100 acres and the other one is slightly over 200 acres, so we hope that application to the federal government stretches our PDR funds.

2. This Saturday April 16th from 9:00 a.m. until noon and the actual dedication being at 10:00 a.m. the Warwick Valley School District will be dedicating the greenhouse at the high school in memory of Seymour Gordon. Seymour Gordon was a stalwart and a pioneer helping us establish our PDR program and I think it's a wonderful thing that our school district is naming that agricultural greenhouse at the high school in his honor.

3. This Sunday, April the 17th in Pine Island the Pine Island Recreation Committee will be conducting an Easter egg hunt within the Pine Island Park. The event is scheduled for 2:00 p.m. please bring your children to the park.

COUNCILMAN GERSTNER REPORT

1. Our recreation program is on its way for the season. They have been utilizing the fields minimally right now with the wet weather, so they are getting practice in where ever they can and hopefully it will dry out in the next couple of weeks and get them on schedule.

2. The Pine Island Pancake Breakfast will be from 7:00 a.m. until 1:00 p.m. at their new firehouse. It's always a great meal and I encourage everyone to get down there.

3. I have a letter from Cablevision again another news notice, "Please let this letter serve to provide notice that effective, May 2, 2011, there will be changes to the IO Silver and IO Gold Package subscriptions. Video on Demand will be added to the existing IO Silver and IO Gold packages creating new enhanced premium offerings. IO Silver will now include Showtime, Starz/Encore on Demand and IO Gold will include Showtime, Starz/Encore and The Movie Channel on Demand. Existing IO Silver and IO Gold customers will be grandfathered at the current rate. The new enhanced IO Silver and IO Gold packages will be offered at an increase of a \$1.00: IO Silver at \$83.95 and IO Gold at \$103.95. Everyone can get this information at www.optimum.com." This information is from our municipal liaison Roger Connor.

Supervisor Sweeton – I was at the Little League Parade last weekend and what I wanted to mention to you was I heard one of the officers of the Little League talking and said that the previous day he had been out at the Union Corners Baseball Field and it was just like the Yankee Stadium. It was so beautiful and well groomed and he couldn't believe it, so pass that compliment on to your park staff Commissioner. It was a nice compliment.

Councilman Gerstner – The crew out there does a nice job and all the recreational sports facilities and the public say the parks are in great shape and we appreciate all of your hard work on that.

COUNCILMAN SHUBACK REPORT

1. We finally have well #11 operating in the Wickham Water District and in a little over ten minutes we filled over three feet in the tank. That is going to give us the opportunity to shut wells off to recharge without sacrificing the amount of water we have. This is a much better well then we anticipated.

TOWN CLERK'S REPORT

1. Fees Collected for Month of March – 2011 – Wickham Lake Resident Permit Fees, \$80.00; Wickham Lake Additional Stickers, \$4.00; Wickham Lake Resident Renewal Permits, \$80.00; Copies of Maps, \$30.00; Certified Marriages, \$160.00; Photocopies, \$66.50; Use of Kitchen Fees, \$50.00; Interest in Checking Account for Month of February, \$0.27; Dog Impoundments, \$1,015.00; Town Park Pavilion Fees, \$125.00; Marriage License Fees, \$227.50; Road Maps, \$6.00; Conservation Licenses, \$35.08; Dog Licenses Issued/Renewed, \$2,114.00; Use of Room Fees, \$180.00; Registrar Fees, \$430.00; Sale of Used Police Vehicles, \$9,401.69; Sale of Used DPW Equipment, \$6,020.70; Town Park Deposits, \$200.00; Little League Field Deposits, \$200.00. Total Fees Collected: \$23,814.16
2. Fees Paid for Month of March, 2011 – NYS Dept. of Health for Marriage Licenses, \$292.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$269.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$1,216.92; Village of Greenwood Lake for Registrar Fees, \$160.00; Village of Warwick for Registrar Fees, \$1,450.00. Total Fees Paid to Supervisor, \$20,425.74

- 3. The NYS DEC announced on April 8, 2011 that a recreational marine fishing license is no longer required to fish in the marine district of NY including fishing for migratory fish from the sea (e.g. striped bass) on the Hudson River below the Troy Dam. Legislation in the final budget directs the DEC to establish a no-fee registry to take the place of the marine license. They expect that to be in place in early June. In the interim, saltwater anglers may fish without a marine license and without registering with the DEC. The new law also directs the DEC to provide refunds to holders of a lifetime recreational marine fishing license. Refunds are expected to be sent out during this calendar year. Info on how to apply for a refund will follow. There are no provisions in the newly enacted legislation to refund other marine fishing license fees.**

SUPERVISOR'S REPORT

- 1. Operation Clean Sweep/Adopt-a-Road Program, Operation Clean Sweep is an annual event run by the Chamber of Commerce in conjunction with our highway department that picks up the materials. This year Heather Storms again a young Girls Scout is spearheading the Chambers efforts to enlist people to clean up their road. The event is going to be held on April 29th, 30th and May 1st, so Friday, Saturday and Sunday. The bags will be provided at the caboose on South Street in the Village of Warwick. The Village of Greenwood Lake is also participating on area roads in the Greenwood Lake area and you can contact Village Hall for bags. As part of this effort we're beginning to launch a local Adopt-a-Road Program and we will have shortly if we don't have already a form on the website which would allow you to adopt a minimum of one mile of road, in maybe your neighborhood where you live. For a \$60.00 fee the town will provide a sign recognizing your efforts and have it erected for you. We will see how that program works. We are going to try it and again the Chamber is involved as well as Heather Storms to try and get the program launched for the town.**
- 2. Job shadowing event, I just wanted to mention that I had three young students do a job shadowing as part of the Chamber program a week ago here. I was just blown away at how prepared they were. There were two students Lee Staton and Brian Fagan from Baker High, so they are Greenwood Lake residents and Tori Aiello from the Warwick High School. They were outstanding young individuals concerned about issues, discussed issues, and recommended things to help deal with some issues in the town. I think its great testimony to the job our schools do for these kids and I just wanted to commend them.**
- 3. The O&R rate case update, the administrative law judges who have been reviewing the staff recommendation and the testimony of the municipal consortium of which we were a big part of in Orange County to oppose O&R's what we felt was an extraordinarily large rate increase request. They have issued their determination. The O&R original proposal was 48 million dollars plus which would have been anywhere from on average 22% rate increase for everyone residents, businesses, governments and the staff of the PSC recommended a 23.5 million dollar increase. The administrative law judges adjusted that to 22 million dollars at this point based in good part to the testimony of the people we hired as a consortium of**

local municipalities here in Orange County. All three villages in the Town of Warwick joined with a dozen others around Orange County to support this effort. That is now going to the PSC itself the Public Service Commission who will likely render a decision some time in June or July. We still have expectations that we can bring that lower and I think for the modest investment the town made of \$3,000 in fighting this extraordinary increase in rates I think we've got a pretty good return for that dollar in driving that down. I will keep the Board apprised as I hear more on that as well as the public.

4. The Wright Farm closing Leonard brought it up and read that very nice letter from the Wright Family. What you need to understand about this when I first took office in 2002 Seymour Gordon one of the first things he said to me was we're working on the Wright Farm we want to get the Wright Farm preserved. It's almost ten years later that it took and it was an extremely complicated situation because there were many family members and many who didn't live in the area any more who simply wanted to sell the farm for development. John Wright and his wife and family run the farm today that his parents grew up on and his grandparents. It's an extraordinary story and they persevered through all of this and we were very happy to partner with the open space institute who came and provided a third of the funds for this farm. The Orange County Land Trust is a facilitator of this farm preservation and it's the first farm that we are actually financing through the Community Preservation Fund, which is the successor to PDR. It's just a tremendous acquisition that surrounds the Wickham Village Development, which is one of our older ones that has always been plagued with water issues, so putting a development there would have not been the best thing for that situation. It also abuts the Applewood Orchard which is another ongoing farm operation here in Warwick. It was a great acquisition and I thank them for sticking with it.

5. Community Preservation Fund update, the receipts for March took an extraordinary jump they were \$183,068.97, which brought the total generated by the funds since its inception to \$2,884,191.61. There have been two expenditures one being the Seward Homestead and the second was the Wright Farm. That rather large number is an anomaly and was primarily related to a transaction for two properties in the town, so we expect next month it will drop back down to the \$40,000 to \$50,000 range that it's always generated.

6. GASB 45 is the government accounting standards board requirement for the towns in New York for school districts and municipalities to account for their retirement obligations. We did meet our requirement to get an update for 2010 and we do have that which I'll share with the Board and we can discuss it at our next meeting if you like.

7. The monthly budget review I have reviewed all the journal transactions as well as the bank reconciliations for this month and they were all in order.

8. A programming note for the papers the May 12th Board meeting we are going to reschedule from an evening meeting to a 1:00 p.m. meeting during the day. Normally we had several of those in the past and we've kind of done away with them, but we are going to bring this one back to a 1:00 p.m. meeting on May 12th, so that is not the next meeting, but the one after.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2011-115 BUDGET TRANSFER – DEPARTMENT OF PUBLIC WORKS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt the following Department of Public Works budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Support of Highway- Personal Services Part Time (A00.00.5010.154)	Central Garage- Maintenance Contracts (A00.00.1640.434)	\$9,500.00

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

#R2011-116 BUDGET TRANSFER – DEPARTMENT OF PUBLIC WORKS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt the following Department of Public Works budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Insurance Recoveries (DA2.00.2690.000)	Machinery Repair (DA2.00.5130.456)	\$641.33

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

#R2011-117 SET PUBLIC HEARING – PROJECTS FOR 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to set a public hearing for consideration of projects for submission to the 2012 Community Development Block Grant Program. Said public hearing to be held at 7:15 p.m. on April 28, 2011, 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.

Discussion: Councilman Gerstner said for 2011.

Supervisor Sweeton stated it's for 2012 submissions.

**#R2011-118 ADOPT BEST PRACTICES POLICY FOR ID PROCEDURES –
WARWICK POLICE DEPARTMENT**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to adopt a Best Practices Policy for Identification (ID) Procedures and add as an addendum to the Warwick Police Department Policies and Procedures Manual. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this came recommended from the State Police and Sheriffs office.

Chief McGovern stated that the District Attorneys office provided it to us and recommend we adopt it.

**#R2011-119 AUTHORIZATION TO SIGN LEASE RENEWAL WITH THE
WARWICK VALLEY PILOTS ASSOCIATION**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign a lease renewal agreement with the Warwick Valley Pilots Association for the Warwick Municipal Airport. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that these folks have run the airport flawlessly for the past 10 years and we look forward to continuing that relationship.

**#R2011-120 AUTHORIZATION TO SIGN LEASE AGREEMENT WITH AT&T –
CELL TOWER**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the Supervisor to sign a lease agreement with AT&T to locate a cell tower on the Town's Municipal water lot, SBL# 51-1-40.4, subject to clarification of the Town's ability to use the tower and related buildings for housing antenna and related equipment for emergency preparedness purposes. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2011-121 AUTHORIZATION TO SIGN ORANGE COUNTY ENERGY
EFFICIENCY CONSERVATION BLOCK GRANT AGREEMENT**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign an agreement with the County of Orange for the Energy Efficiency Conservation Block Grant funding award. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this was the grant that we received for almost \$50,000 for an energy upgrade.

**#R2011-122 AUTHORIZATION TO SIGN AGREEMENT FOR PREPARATION OF
GRANT PROPOSAL TO NRCS – NIKKI NEILSON**

Motion Councilman DeBuck, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with Nikki Neilson to prepare and submit a grant proposal on behalf of the Town of Warwick to the NRCS Farmland Preservation Program at a cost not to exceed \$3,375.00.

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

**#R2011-123 ESTABLISHMENT OF TOWN OF WARWICK FAIRGROUNDS
WATER DISTRICT**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution establishing a water district to be known as Fairgrounds Water District:

<p>In the Matter</p> <p>of</p> <p>The Petition to Establish Town of Warwick Fairgrounds Water District, in the Town of Warwick, Orange County, New York.</p>	<p>RESOLUTION APPROVING ESTABLISHMENT OF TOWN OF WARWICK FAIRGROUNDS WATER DISTRICT</p>
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WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Warwick, Orange County, New York, relating to the establishment of the Fairgrounds Water District in said Town, and

WHEREAS, such map, plan and said report was prepared by Lehman & Getz, P.C., a competent engineering firm duly licensed by the State of New York, describing the boundaries of the proposed district and the general plan of the sewer system improvements, including a report on the extent of improvements necessary; and

WHEREAS, the boundaries of said district are more particularly described in Schedules “A,” and “B” annexed; and

WHEREAS, an order was duly adopted by the Town Board of the Town of Warwick, on March 24, 2011, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the maximum amount proposed to be expended for the improvements by the District, which as stated in the said petition, is zero (\$0.00) dollars, it being the intention that the entire cost of the improvements and connection to the water system are to be paid by the petitioner, or its successor; and

WHEREAS, said March 24, 2011, order stated that the cost for improvements to the typical property to be levied by the district will be (\$0.00), since the petitioner will be responsible for construction of the improvements and reasonable costs for connection to

the system and there are no residential properties within this proposed district; and

WHEREAS, said March 24, 2011, order stated that the estimated user fees and fees for operation and maintenance that will be assessed to the owners of the town commercial lots are \$4,400 for lot 1 and \$6,600 for lot 2; and

WHEREAS, said March 10, 2011, order stated that the fact that the map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and stating all other matters required by law to be stated, and specifying April 14, 2011, at 7:00 p.m. on that day, as the time and the Town Hall located at 132 Kings Highway, Warwick, New York, as the place where the said Town Board would meet to consider said map, plan and report, and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, permission of the State Comptroller to establish the district is not required because the cost is not to be financed by bonds, notes or other evidence of indebtedness; and

WHEREAS, a hearing on said matter was duly held by said Town Board on April 14, 2011, at 7:00 p.m. of that day, at the Town Hall located at 132 Kings Highway, Warwick, New York, and full discussion of the matter having been duly heard, and after due consideration; and

NOW, upon the evidence given upon such hearing, and upon motion of Supervisor Sweeton seconded by Councilman Gerstner it is

RESOLVED:

Based on the map, plan and report, the recommendations of the Town's engineering consultant, the review of the Environmental Impact Statement and the SEQRA Findings Statement adopted by the Town of Warwick Planning Board on November 15, 2006, as amended on February 6, 2008, and adopted April 6, 2011 as lead agency under SEQRA, this Board finds and certifies that:

- (1) The requirements of 6 N.Y.C.R.R. Part 17 have been met;
- (2) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which
minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statements; and
- (3) Consistent with social, economic and other essential consideration, the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as
practicable.

BE IT FURTHER RESOLVED:

- (A) That the notice of hearing was published and posted as required by law and is otherwise sufficient.
- (B) That all property and property owners within the proposed district are benefitted thereby.

(C) That all the property and property owners benefitted are included within the district.

(D) That it is in the public interest to so establish Fairgrounds Water District.

BE IT FURTHER RESOLVED, all expenses attended upon the establishment of this District shall be the responsibility of the petitioners; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a certified copy of this resolution to be filed in duplicate of the office of the State Department of Audit and Control in Albany.

BE IT FURTHER RESOLVED, that the establishment of the Town of Warwick Fairgrounds Water District, as set forth in said map, plan and report shall be and hereby is approved; and such area shall be described as set forth in Schedules "A" and "B" annexed. The

adoption of the foregoing was duly put to a vote and, upon roll call, the vote was as follows:

	Ayes	Nays
Michael Sweeton, Supervisor	A	
James Gerstner, Councilperson	A	
Floyd DeAngelo, Councilperson	A	
Leonard DeBuck, Councilperson	A	
Mickey Shuback, Councilperson	A	

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

**#R2011-124 TOWN OF WARWICK'S PARTNERSHIP AND SUPPORT TO THE
NORTHERN WESTCHESTER ENERGY ACTION CONSORTIUM'S
(NWEAC) GRANT PROPOSAL TO NYSERDA'S BETTER BUILDINGS
SUB-GRANT**

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

WHEREAS, the Northern Westchester Energy Action Consortium (NWEAC) has taken a leadership role in promoting Energy Efficiency efforts in the Hudson Valley and;

WHEREAS, the NWEAC has already established a program to enhance building efficiency by scaling demand for Home Performance with Energy Star Upgrades of 1-4 family residential buildings using a community based marketing approach and a PACE financing program in order to test and model best practices for the Consortium and;

WHEREAS, The Town of Warwick in cooperation with the Warwick Valley School district and RECAP has worked to implement a viable PACE style program for municipalities in Orange County through grant funding from the County of Orange and;

WHEREAS, The Town of Warwick, in conjunction with its partners, has launched a new effort called Energize Warwick to educate our residents about the advantages of conducting energy audits and upgrades and to promote NYSERDA programs in Orange County and;

WHEREAS, the Town of Warwick wishes to assume a leadership role in helping other Orange County municipalities implement PACE style energy efficiency upgrade programs;

NOW THEREFORE BE IT RESOLVED, that the Town of Warwick wishes, through our Energize Warwick effort, to become a non-NWEAC Consortium partner to the NWEAC and support their grant proposal to NYSERDA's RFP 2228-Better Buildings Sub-Grant to Small Municipalities that will encourage communities in the Hudson Valley Region to promote, enable and encourage residents to install efficiency measures including energy efficiency upgrades.

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

Discussion: Supervisor Sweeton stated that this is so we can join with them a launch of the concept of energy upgrades here in Warwick and across Orange County. It's a very worthwhile project and they have done a lot of ground work, so we feel by joining with them we'll have a leg up on getting this established here. It should provide local jobs it makes sense and it helps preserve energy.

#R2011-125 RESCIND RESOLUTION #R2011-111 - ADOPT TOWN OF WARWICK'S HEALTH INSURANCE PLAN CHANGE

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to rescind resolution #R2011-111- ADOPT TOWN OF WARWICK'S HEALTH INSURANCE PLAN CHANGE.

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

Discussion: Supervisor Sweeton stated two meetings ago we had worked hard. Councilman DeAngelo did an extreme amount of work and I worked with him to come up with some alternatives to an extremely rapidly rising healthcare cost for the Town of Warwick employees. We felt we put together a plan that would save the Town somewhere in the vicinity of \$150,000. We passed a resolution to move forward with that change having already presented the concept to our two unions and upon further reflection our two unions have filed two challenges two that and at this point in time we do not feel that we're making sufficient progress with them to convince them that this is in the best interest of their members as well as the taxpayers of the Town of Warwick. We really have no choice but to rescind this resolution at this moment to continue our discussions with one of our unions and continue negotiations on an expired contract with the other union in an attempt to mitigate the rising cost of health insurance and the burden it places on taxpayers and to try to obtain the savings of \$150,000 that we felt we could have achieved with this change. That is the basis of our rescinding this resolution this evening.

Councilman Gerstner stated that you did a fine job explaining the issue.

**#R2011-126 AUTHORIZATION TO SIGN AGREEMENT WITH COUNTY OF ORANGE
STOP DWI ENFORCEMENT**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with the County of Orange to stop DWI enforcement.

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

Discussion: Supervisor Sweeton stated that this is a program that we need to run in conjunction with the County.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Supervisor Sweeton thanked the Greenwood Lake Lions again for their generous offer.

Councilman DeBuck – On Friday April 29th the Warwick Valley Gardeners are going to put forth an effort in the Pine Island Park and have a ceremony and they are going to have the Pine Island Elementary Students join in the ceremony to plant a tree on Arbor Day, on Friday, April 29th at 10:30 a.m. They are going to work with our Department of Public Works Parks Department to make a change for the future which is a positive thing in our park by the planting of an autumn blaze maple tree. It's another opportunity to come to Pine Island and make a difference.

Supervisor Sweeton – I think a lot of the kids from the elementary school are going to come down for the ceremony and it will be very nice. We thank the gardeners for that.

ADJOURN: Motion Councilman DeBuck, seconded Councilman Shuback that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:25 p.m.

04-14-11

Carolyn Purta, Deputy Town Clerk