

May 22, 2014

The Town Board of the Town of Warwick held a Public Hearing to amend Chapter 106 of the Code of the Town of Warwick entitled "Parks." Said public hearing was held on Thursday, May 22, 2014 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton opened the public hearing at 7:22 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman James Gerstner
Councilman Mickey Shuback

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on May 14, 2014. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – The purpose of this rose out of an incident at the Thomas P. Morahan Park. We had some out-of-town gentlemen sort of monopolizing the fishing at the end of the pier at the park and not allowing any town residents or anyone access to that point. We have instituted and incorporated in our parks code the fact that you will need a license to fish from Morahan Park. It's \$10 for the season for residents and it's \$10 a day for out-of-towners and we hope that will help give access to our residents a little bit more fairly. It has been posted and incorporating it into the Town Code will allow our police officers to issue fines for a violation. You can get the permit in the Town Clerk's Office and it's really a nominal fee and hopefully it will take care of it. Then, we realized that dogs are not allowed in town parks and yet we have a dog park at Union Corners Park so we thought maybe we could fix that so we are incorporating that. We have been approached by some folks that would like to explore allowing horseback riding in Cascade Park. We are talking with them about it and we thought let's just incorporate it into the code for the possibility of that in case a plan can be worked out that makes sense for everybody. Those are the three changes to the code this evening. Does any of the Board have any questions on it? I will open it to the public for any comments.

There were no comments from the Board or the public for or against this public hearing.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Shuback, that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:26 p.m. 05-22-14 CP

Marjorie Quackenbush, Town Clerk

May 22, 2014

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, May 22, 2014 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:45 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman James Gerstner
Councilman Mickey Shuback

Deputy DPW Commissioner, Benjamin Astorino
Police Chief, Thomas F. McGovern, Jr.

POLICE PRESENTATION:

Police Chief, Thomas McGovern, Lieutenant Thomas Maslanka and Lieutenant John Rader read and presented the following commendation to Police Dispatcher Michael Finn with a citation to be worn on his uniform and a commendation will be placed in his file for his services rendered throughout the year to the Police Department for his expertise with their technology. Police Officer Peter Guastamacchio was presented with a citation to be worn on his uniform and a commendation placed in his file for displaying great restraint and good judgment during an apprehension of a defendant armed with a gun. Police Officer Derek Kerstner was presented with a citation to be worn on his uniform and a commendation placed in his file for assisting a tenant to safety during a fire in their apartment. The following Police Officers used no sick time for the 2013 year; Police Officer Derek Kerstner, Police Officer James Ferrigola and Police Officer Brett Lukach.

Police Chief Thomas F. McGovern Jr. presented Police Officer Roy Faulls with a plaque for 50 years of service to the Town of Warwick Police Department. Sergeant Edward Mullins and PBA President presented Police Officer Roy Faulls with a plaque for 50 years of service to the Town of Warwick Police Department. Supervisor Sweeton and the Town Board presented Police Officer Roy Faulls with a clock for 50 years of service to the Town of Warwick Police Department.

ACCEPTANCE OF MINUTES

1. Regular Meeting, May 8, 2014

Motion Councilman DeAngelo, seconded Councilman Kowal to accept the minutes as written from the Regular Meeting held on May 8, 2014.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

RICHARD MAYFIELD – Director, Community Development, Office of Community Development, 18 Seward Ave., 1st Floor, Middletown, NY 10940 – Letter to the Supervisor stating that the U.S. Department of Housing and Urban Development (HUD) has notified Orange County to begin the Urban County Qualification process for participation in the Community Development Block Grant (CDBG) and HOME Programs for Fiscal Years 2015, 2016, 2017. Every three years, the consortium must be recertified in order to continue to receive CDBG and HOME entitlement funds.

BRENDA FAULLS – Receiver of Taxes and Assessments, Town of Warwick – Letter to the Town Board requesting approval to attend the New York State Association of Tax Receivers & Collectors 2014 Annual Training Seminar to be held on June 8 through June 11, 2014 in East Syracuse, NY.

CONNIE SARDO – Planning Board Secretary, Town of Warwick – Letter to the Town Board requesting a refund on the remaining balance of the escrow in the amount of \$2,181.25 to Planning Board applicant, Pochuck Views.

State Environmental Quality Review (SEQR)

Amended Negative Declaration

Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Warwick, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: WVOTCP Water District Establishment

**SEQR Status: Type I
Unlisted**

**Conditioned Negative Declaration: YES
 NO**

Description of Action: The Town Board had originally proposed expansion of the Wickham Water District to annex the former Mid-Orange Prison site. Based

upon advice from the New York State Department of Environmental Conservation, the Town Board now proposes to create a new Water District, entitled the WVOTCP Water District, to encompass the site of the former Mid-Orange Prison. The proposed action remains the same, namely to supply potable water for a redeveloped prison site. The potential environmental effects, as described in the Town Board's original SEQR review of the Wickham Water District expansion, remain the same. A short history of the action follows.

On July 1, 2011, New York State closed the Prison. The State and Town proposed transfer of the property to the Town and possibly others through the Warwick Valley Local Development Corporation (LDC), a not-for-profit 501(c)(3). Currently, the site is served by the Wickham Sewer District and the provision of community water to the site will allow for its redevelopment in accordance with the Town Comprehensive Plan and with the recommendations of a Town Board appointed Mid-Orange Advisory Committee. The Committee conducted an analysis of potential future use of the prison property if it were to be transferred to the Town of Warwick and others. The Committee conducted a visioning meeting with residents and property owners in the Town to reach out to the public on potential future uses of the site. The Town and LDC wish to enable the site's redevelopment. No construction is proposed as part of the action.

**Location: State School Road, Former Mid-Orange Prison Site
Town of Warwick, Orange County, NY**

Related Actions:

New York State's former Mid-Orange Correctional Facility encompasses five contiguous parcels of land totaling ±762-acres. On June 30, 2011, the State of New York announced that it would close the Correctional Facility. Declining inmate populations was reportedly the cause of the closure. At the time of the Facility closure, New York State relocated approximately 572 inmates to other prisons and reassigned a total of 309 employees who worked at the Facility.

Impacts to the Town of Warwick and surrounding area resulting from the closure of the prison were both significant and severe. The most notable impact was the significant loss of revenue for the Town owned and operated Wickham Sewer District, which provides sewer service to the former prison. The prison closure resulted in a loss of approximately one-half of the district's annual operating revenue. Another potential impact is the loss of population in the Town of Warwick. When prison employees, who were residents of the Town, were offered jobs in far-away locations, they moved out of the area. Following the closure of the Mid-Orange Correctional Facility, the Town of Warwick Town Board worked with the State of New York to take title to the facility. Portions of the site that are constrained by wetlands and other environmentally sensitive areas (or where used for recreation) are to be retained by the Town of Warwick while other portions will be held by the Warwick Valley Local Development Corp. and others.

The redevelopment process included public visioning by a Town Board appointed “Mid-Orange Advisory Committee.” The Committee undertook a planning process: “To analyze the options which might be available for the site and to make recommendation(s) to the Supervisor and the Town Board for ways to develop the site that will ensure long-term job possibilities for residents of our community in a way that is compatible with the Town of Warwick Zoning Code and enhances the tax ratables within the Town.” The Final Report of the Committee dated March 7, 2012, recommended the Town pursue future projects including: 1) conservation and historic preservation; 2) agriculture; 3) food processing and distribution; 4) sustainable energy generation; 5) low security corrections; 6) open space and recreation; 7) office and light industrial development; and 8) transportation alternatives.

The complexity of transferring and redeveloping the former Mid-Orange prison site and returning it to productive use has meant that a number of separate actions needed to be taken by a variety of different State and Local agencies. This has included the following related actions:

- A. When the site was operational as a prison, it consisted of five parcels of land zoned within the Town's Conservation (CO) and Rural (RU) Zoning Districts. Due to the site's location adjacent to the Town's Office and Industrial Park (OI) Zoning District, Kings Highway, and the New York Susquehanna and Western freight rail line, the Town Board proposed and later enacted a rezoning of the subject parcels to the Office and Industrial Park (OI) Zoning District to enable future redevelopment of the site in accordance with the Town Comprehensive Plan. A separate SEQR review process was conducted by the Town Board for the rezoning action. The Board's action concluded with the issuance of a Negative Declaration.**
- B. The next related step involved transfer of the site from the State of New York, which declared that it would no longer have a need for the property. In order to effectuate the transfer from the State, the action included an initial subdivision of the site for the following purposes: 1) future development and redevelopment of the prison facilities area; 2) protected freshwater wetlands for transfer to a land trust; and 3) transfer of the remaining lands to the Town of Warwick for park, recreation and other municipal uses. The transfer process included other Involved Agencies: the Office of General Services transfer of the site to Empire State Development, Empire State Development transfer of the site to the Warwick Valley Local Development Corporation, and then transfer from the Warwick Valley Local Development Corporation to the Town and others. A separate SEQR review process was conducted by the Town Board, after circulating for Lead Agency status with the above stated Involved State Agencies, for the transfer action. The Town Board's action concluded with the issuance of a Negative Declaration.**
- C. As a pre-condition to closing on the site transfer from the State, New York State agencies required that the existing five site parcels be reconfigured first in the**

way in which they will be accepted by the Town and LDC. This involved a Re-subdivision of the parcels by the Town Planning Board. A separate SEQR review process was conducted by the Planning Board for the transfer action. The Planning Board's action concluded with the issuance of a Negative Declaration.

- D. In addition to this SEQR review process on the proposed Water District Expansion, the Town Planning Board is undertaking a separate SEQR review process for a 10 lot commercial development on a ± 48.6 acre parcel on the prison site. Community water supplies will be sufficient to supply the 10 lot subdivision with potable water. Inclusion of the former prison site into a new Water District will allow for the Wickham Water District's excess capacity to be utilized by future office and industrial development on the site as well as adaptive reuse of the assorted 81 prison buildings.**

The Planning Board has undertaken an extensive SEQR review process on the 10 lot subdivision involving a number of studies including an assessment of the impacts on agriculture, wetlands (both State and Federal), endangered and threatened species as well as biodiversity, traffic and transportation, and cultural resources. It is expected that the Planning Board will issue a Negative Declaration on the 10 lot subdivision, paving the way for eventual development of a small area of the prison site that is suitable for economic development activities. Both the New York State Department of Environmental Conservation and the Orange County Department of Health are Involved Agencies on the Water District Expansion and they have both consented to the Town Board to act as Lead Agency on this action.

Reasons Supporting This Determination:

- 1. The Town Board of the Town of Warwick has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).**
- 2. After reviewing the Environmental Assessment Form (EAF) for the project dated September 10, 2013, the Town Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).**
- 3. Separate SEQR reviews have been and will continue to be conducted for redevelopment of the former prison site. No construction is proposed in association with the Water District expansion action but a related action consisting of a 10 lot commercial subdivision of a 48.6 acre parcel is being conducted by the Town of Warwick Planning Board. The Planning Board's SEQR review has included an extensive assessment of the impacts of construction activities associated with future development of the 10 office and industrial lots.**
- 4. The Town Planning Board's related 10 lot subdivision review under SEQR includes identification of thresholds needed for future development of the site based upon detailed design and review for development of the 10 individual lots by the Town Building and Engineering departments. In addition, future**

approvals may be necessary from the Town Board, Planning Board, Zoning Board of Appeals and other County, State and Federal agencies. Such approvals are identified within the Planning Board's separate SEQR review process. A series of thresholds have been developed by the Planning Board to guide future development of the proposed 10 lots. Furthermore, the Town Board of the Town of Warwick and the Warwick Valley Local Development Corporation may seek New York State Certification of the subdivision development as a "Shovel Ready Site" by Empire State Development, the State's chief economic development agency. Businesses that decide to locate within the subdivision and that do not exceed the thresholds established by the Planning Board may be eligible to receive expedited Building Permit approvals from the Town Building Department without the necessity of receiving Site Plan and Special Use permit approvals from the Planning Board.

5. The proposed action is consistent with the Town Zoning Law (Office & Industrial Park District), the Town Comprehensive Plan and with the Mid-Orange Advisory Committee Final Report dated March 7, 2012.
6. It is the desire of the Town, its residents, and the WVLDC to provide a "shovel-ready" sites to facilitate its redevelopment and to recapture the 400 jobs lost as a result of the Prison closure. The creation of a new Water District to supply the site will allow redevelopment of a portion of the site to occur. The water supplies will originate with the existing former Mid-Orange Correctional facility water system where sufficient capacity exists.
7. The former Mid-Orange Correctional facility water system currently serves the former prison site and the provision of water supply to the site will compliment the sewer services and will encourage redevelopment in accordance with the Town Comprehensive Plan.

For Further Information:

Contact Person: Michael Sweeton, Supervisor
Address: Town Board of the Town of Warwick
132 Kings Highway
Warwick, NY 10990
Telephone: 845.986.1124

A Copy of this Notice Filed With:

Town Board of the Town of Warwick (Lead Agency)
132 Kings Highway
Warwick, NY 10990

Town of Warwick Planning Board

Michael Sweeton, Supervisor

New York State Department of Environmental Conservation

Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561

Eli N. Avila, MD, JD, MPH, FCLM, Commissioner
Orange County Department of Health
1887 County Building, 124 Main Street
Goshen, NY 10924

BOARD'S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that the amended declaration in the correspondence originally pertained to extending the Wickham Water District to include the new prison site. Talking with the DEC they prefer a new district and the amended declaration reflects that. We will be creating a new water district this evening that will just be the system that was operating at the prison at the time of its closure. That is in the correspondence this evening.

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

WORK BEING

DONE

LOCATION

REASON FOR WORK

CULVERT

PIPES

Town Beach

Install 80 ft. of 12" pipe

CATCH BASINS

Kings Estates

Repair basin

DITCH WORK

Old Tuxedo Rd.

Clean ditches

East Shore Rd.

Clean ditches

POT HOLES

Town wide

As needed

ROAD SIGNS

Town wide

As needed

TOWN PARK

Town Beach

Install new drainage

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

1. The Warwick Humane Society is in need of canned ground cat food, paper towels, bleach, paper plates, heavy duty garbage bags and large dog biscuits.

2. On Saturday, May 24th they are having the first annual concert for "Suicide and Depression Awareness" at the Thomas P. Morahan Beach on Windermere Avenue in Greenwood Lake. This will be from 3:00 p.m. until 10:00 p.m. and the rain date will be May 31st. What's unique about this is it's an Eagle

Scout Project put together by Ethan Williams who lives in Greenwood Lake. There will be a few bands playing, guest speakers and giveaways so I encourage you to come out and support it. This is what I really call a good deed.

COUNCILMAN KOWAL REPORT

- 1. Last Sunday myself, Supervisor Sweeton and Deputy Supervisor Gerstner attended a ribbon cutting for the roller hockey rink which has been refurbished and back in use.**
- 2. The beach opens up this weekend from 11:00 a.m. until 7:00 p.m. and after June 28th it's open 7 days a week. It's going to be a beautiful weekend.**
- 3. I encourage you to attend memorial services on Monday for our fallen soldiers.**

COUNCILMAN GERSTNER REPORT

- 1. I would like to thank Deputy Commissioner Roe and the DPW for getting the rink back up and operational, they did a great job with that. I wish John Deluca good luck in getting that league back up again. It's nice to see that being used.**
- 2. I ask the residents to take time out on Monday to attend one of the services to honor those who sacrificed for our freedom.**

COUNCILMAN SHUBACK REPORT

- 1. Maybe the highway department will catch up with the potholes by the end of the season so they can start all over again.**

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

SUPERVISOR'S REPORT

- 1. On Tuesday, May 27th at 7:00 p.m. at the Warwick High School there will be a presentation entitled "Medicine Cabinet to Heroin Addict a Brief and Deadly Journey". There will be a presentation by the director of the Alcoholism and Drug Council of Orange County and some other medical people to talk about the issue. Heroin unfortunately has become more widely used and young people are beginning to experiment with it again and it's in all our communities. If you can attend that and if you bring your son or daughter it might be helpful to learn the issues. That will be Tuesday, May 27th at 7:00 p.m. at the Warwick High School.**
- 2. The Community Preservation Fund update for the month of April is \$32,899.89 which brings the total in the fund to \$3,452,437.41.**
- 3. For the Board's information and the public's information we are with 5 other towns in the county part of a consortium that does maintenance work on the Wallkill River to prevent flooding. We all contribute based on the amount of the Wallkill that touches our borders. I just want to let the Board know that our cost for that for this year was \$11,290.36 which is below what we had budgeted for based on an estimate. A couple of years ago we made the decision to switch from the County doing the maintenance work to a private firm. We went out to bid and**

they've consistently getting work done at less cost. That was a good move and saved us some money.

4. I attended a seminar on Monday put on by Patterns for Progress a regional think tank organization. They had done surveys on infrastructure around the Hudson Valley and they presented those results. It's not particularly encouraging if you've driven on any of the roads in the county and the state. The state essentially has told the counties and the towns that they're only focusing on maintenance work and they don't have the money to do all the maintenance work they need to do. The federal government hasn't passed a new transportation bill yet. The transportation trust fund is, what you pay when you go to the gas station which is about \$.18/gal in New York to the federal government is going to run out of money shortly. That is the money that comes back to the state to do some of this maintenance, so we hope that our elected officials in Washington can become practical and get something done. Congressman Maloney spoke and he did say that he suspects a continuing resolution will be done to keep the fund solvent for several months probably through the November election, that would be my guess. Then maybe they will get serious about it. Stay tuned; it is an issue all around the state and the country.

5. ECHO Housing - I sit on the Orange County Planning Board and one of the presentations we had was from a company that's actually entitled ECHO Cottages. This concept is to allow an aging parent to remain on your property but not necessarily in your house. These units can be purchased or leased and they can be placed on your lot providing you meet certain criteria. The Town of Warwick actually adopted the ability for you to do this and I don't think any municipalities in Orange County have. We haven't had anybody do it because these units weren't readily available in this part of the country but now they appear to be starting to be available. The concept is you put one of these units in which is on wheels but you put it in on blocks. It's very attractive, it's a small unit and it does allow a senior parent to remain with you which is sometimes very important. Then the house or cottage gets removed upon the demise of the family member. It's an interesting concept and if you would like more information I have it in my office and the Town Code is on our website.

6. Memorial Day Observances are this Monday and the Town of Warwick, as usual, comes out to honor those who have paid the ultimate sacrifice for their country. That starts at 8:00 a.m. with a mass in Pine Island followed by a parade in Pine Island at 9:00 a.m. The Village of Warwick's parade starts at 11:00 a.m. that goes to the Warwick Cemetery and then off to St. Stephen's Cemetery then ends up in Memorial Park. Greenwood Lake has moved theirs up to noon at their Legion Hall. They are doing that because they are having a special commemoration for Scott Lynch a young man who lost his life in the war on terror. The Village of Florida will have their parade at 2:00 p.m. If you can attend one of those, I know this day has become a picnic day for a lot of people but if you just take a few minutes to remember those folks it's why we can have picnics on that day.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2014-149 DECLARE AUGUST BACKPACK SNACK ATTACK BACK TO SCHOOL MONTH IN THE TOWN OF WARWICK

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

WHEREAS, the Town of Warwick seeks to promote the well-being of all residents;

WHEREAS, for many households, food insecurity is a chronic problem and providing adequate food for children is a recurring challenge;

WHEREAS, Backpack Snack Attack, a not-for-profit outreach program of Warwick Reformed Church, provides food on weekends and during the summer to needy children in Town of Warwick public schools;

WHEREAS, the Town Board of the Town of Warwick desires to promote awareness in the community of Backpack Snack Attack's mission to help needy children who attend its public schools;

NOW, THEREFORE, BE IT RESOLVED, that the month of August be, and it hereby is, designated as Backpack Snack Attack Back to School Month in the Town of Warwick.

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

Discussion: Supervisor Sweeton stated that it's a great effort and we have many of the movers and shakers that have been there for years here tonight and we thank you for that. I know the program keeps growing and it's sad that it has to grow but we're glad that it is growing, so we thank you for your effort and we're happy to promote it as much as we can.

#R2014-150 APPROVAL TO ATTEND THE NEW YORK STATE ASSOCIATION OF TAX RECEIVERS & COLLECTORS 2014 ANNUAL TRAINING SEMINAR – BRENDA FAULLS

Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution granting approval for Brenda Faulls to attend the New York State Association of Tax Receivers & Collectors annual training in East Syracuse, NY from June 8 through June 11, 2014. Funds have been appropriated for this training in the 2014 budget.

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

#R2014-151 AUTHORIZATION OF ESCROW REFUND – POCHUCK VIEWS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$2,181.25, the balance of the escrow for Planning Board applicant Pochuck Views as per the recommendation of the Planning Board Secretary; letter dated May 7, 2014.

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

#R2014-152 AUTHORIZATION TO EXECUTE A COOPERATION AGREEMENT AMENDMENT BETWEEN THE TOWN OF WARWICK AND THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED, FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2015, 2016, 2017 (AND SUCCESSIVE THREE YEAR QUALIFICATION PERIODS)

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

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the Town of Warwick participate in aforesaid Community Development and HOME Programs for the program year commencing Federal Fiscal Years 2015, 2016, 2017, (and successive three year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any "eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state; and

WHEREAS, TOWN shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and

Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the TOWN shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the TOWN shall comply with all other applicable New York State and Federal laws and regulations. In addition, CDBG funding of activities in, or in support of, TOWN is prohibited if the TOWN does not affirmatively further fair housing within its own jurisdiction or the TOWN impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. TOWN shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by TOWN that results in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

WHEREAS, The Town as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and**
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.**

WHEREAS, participation by the County of Orange, as an urban county in the Community Development and HOME programs require that the Town of Warwick and the County of Orange cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities. Specifically urban renewal and publicly assisted housing, pursuant to said Act specifically those activities authorized by statutes and pursuant to Articles 9 and 17 of the New York State Constitution; and

WHEREAS, the County and Town of Warwick will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, TOWN may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

WHEREAS, this Town Board deems it to be in the public interest for the Town of Warwick to enter into an Amendment to the existing Cooperation

Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and he hereby is authorized and directed to execute a Cooperation Agreement Amendment between the Town of Warwick and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal Fiscal Years 2015, 2016, 2017 (and successive three year qualification periods).

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

#R2014-153 REAPPOINTMENT TO CONSERVATION BOARD – STEVEN CARRAS

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to reappoint Steven J. Carras to the Conservation Board for a three year term expiring June 1, 2017.

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

#R2014-154 ADOPT LOCAL LAW #6 OF 2014 – AMENDING THE CODE OF THE TOWN OF WARWICK CHAPTER 106, “PARKS”

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

WHEREAS, a Local Law to amend the Code of the Town of Warwick, Chapter 106 “Parks” Sections 106D & E and adding new Section 106F was introduced on May 8, 2014, and

WHEREAS, a public hearing was held as required by law on May 22, 2014 to consider the adoption of said local law, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of the said local law is in the public interest,

NOW, THEREFORE BE IT RESOLVED that the said local law to is hereby adopted and same shall go into effect as provided by law.

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

#R2014-155 DECLARE NEGATIVE DECLARATION (SEQR) – WVOTCP WATER DISTRICT ESTABLISHMENT

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

WHEREAS, the Town of Warwick Town Board is the SEQR Lead Agency for conducting the environmental review of a proposed creation of a new Water District, to include the former Mid-Orange Prison site, to be supplied by the existing capacity of the former NYS DOC water system, Town of Warwick, Orange County, New York, and

WHEREAS, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and the Orange County Department of Health and

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated September 10, 2013, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental effects contained within the EAF and an Amended Negative Declaration that addresses the action and authorizes the Supervisor to execute the EAF and file the Amended Negative Declaration in accordance with the applicable provisions of law, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Lead Agency’s responsibilities on this action.

Upon 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.

#R2014-156 ESTABLISHMENT OF TOWN OF WARWICK WVOTCP WATER DISTRICT

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

<p>In the Matter</p> <p>of</p> <p>The Petition to Establish Town of Warwick WVOTCP Water District, in the Town of Warwick, Orange County, New York.</p>	<p>RESOLUTION APPROVING ESTABLISHMENT OF TOWN OF WARWICK WVOTCP WATER DISTRICT</p>
--	---

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 WVOTCP Water District in said Town, and

WHEREAS, such map, plan and said report was prepared by R. Schmick Surveying & Engineering Properties, LLC, 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 water 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 September 12, 2013, 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 property owners served; and

WHEREAS, said September 12, 2013, 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 September 12, 2013, 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 September 26, 2013, at 7:30 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 September 26, 2013, at 7:30 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

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 Negative Declaration adopted by the Town of Warwick Town Board on May 22, 2014, 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 WVOTCP Water District.

BE IT FURTHER RESOLVED, all expenses attended upon the establishment of this District shall be the responsibility of the future property owners; 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 WVOTCP 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	×	
James Gerstner, Councilperson	×	
Floyd DeAngelo, Councilperson	×	
Russell Kowal, Councilperson	×	
Mickey Shuback, Councilperson	×	
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.		

#R2014-157 AUTHORIZATION TO SIGN DOCUMENTS FOR THE FILING OF AN IRREVOCABLE OFFER FROM THE WVLDC FOR WATER, SEWER AND ROADWAY IMPROVEMENTS

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign the necessary documents for the filing of an irrevocable offer from the WVLDC for proposed water, sewer and roadway improvements.

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

Discussion: Supervisor Sweeton stated that this is related to any property the LDC owns that will allow the Town to make any improvements or maintenance it needs on any drainage structures or utilities.

#R2014-158 THOMAS P. MORAHAN WATERFRONT PARK PARKING LOT PAVING PROJECT

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

WHEREAS, the Town Board of the Town of Warwick plans to pave the existing parking lot at Thomas P. Morahan Waterfront Park located at Windermere Avenue, Town of Warwick, Orange County, New York, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c) (1)&(2) and, therefore, SEQR does not apply.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares that no further review under SEQR is required.

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

#R2014-159 AUTHORIZATION TO SIGN AGREEMENT FOR THE PREPARATION OF APPLICATION TO NATIONAL RESOURCES CONSERVATION SERVICE (NRCS) FOR AN AGRICULTURAL LAND EASEMENT GRANT – AMY OLNEY

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with Amy Olney in an amount not to exceed \$3,000.00 to prepare an application to the Natural Resources Conservation Service (NRCS) for an Agricultural Land Easement Grant for the Capone farm (48.8 acres) SBL#23-1-54.4, the White farm (66.8 acres) SBL#23-1-27.12 and the Bell/Benson farm (76.6 acres) SBL# 23-1-25.12 and SBL#35-1-55.3. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that these farms are all in close proximity to each other. This is the federal program, the NRCS program, that we've been successful getting funding for every application we've made, primarily because we have matching funds. They provide 50% of the cost of the development rights so we will submit these and see what happens.

BILLS: Motion Councilman DeAngelo, seconded Councilman Kowal 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) 8:17 p.m. 05-22-14 CP.

Marjorie Quackenbush, Town Clerk