

June 9, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, June 9, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

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

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

PRESENTATION BY ANNA SCHROEDER

Presented to the Supervisor and Town Board to encourage them and the community as a whole to support and join in the new community building initiative called “Common Place Warwick”. It’s a lab platform to connect neighbors, community organizations and civic leaders to share information here in Warwick and it’s just for Warwick residents. The website is www.Warwick.OurCommonPlace.com. Here neighbors can request needs and offers and everyone can view and post upcoming events here in Warwick. Local organizations and businesses can post announcements that can be seen by the community. We are trying to get as many as the people in the community to sign on as possible to create a central directory for everyone and everything happening here in Warwick.

Supervisor Sweeton – I see the utility for the Town’s perspective; we can post important events or things that are happening town wide and we have our community channel, but another media avenue is a good thing, so we will see where it goes. There is no cost to municipalities or to the people that sign up, so we’ll see where it goes.

Councilman Gerstner – I imagine there is a calendar type platform out there because that is the biggest thing in the Town.

Supervisor Sweeton – When you sign up you’ll actually get a notice. I think it’s a weekly review of Common Place and it shows you events that are listed, so it’s actually a pretty good reminder system.

Councilman Gerstner – It will be very nice and having outside organizations have some place to host a calendar for the fire department, little league or football for anything coming up they can look in one spot. I think it will be handy.

Supervisor Sweeton – Maybe the paper could stress this that it's open to any town resident, so we want to encourage people in Pine Island, Florida, Greenwood Lake, the Central Valley to get onto this thing as a way to exchange information.

Councilman DeBuck – Do you have to have a face book account or just a personal computer?

Anna Schroeder - As long as you have a computer and you know how to use email you can use Common Place.

Supervisor Sweeton – And again it's more localized.

Councilman Gerstner – It's only going to be the Town of Warwick, so it makes it a little easier.

Councilman DeBuck – Does anyone control the content?

Anna Schroeder – I read it and if it's not something supportive of the community I can remove it and explain to them it's not appropriate.

Councilman DeAngelo – It might be a good idea to have a calendar like Jimmy said; this way we wouldn't have five different things going on in the same two hours.

Councilman Gerstner – We could mention to the organizations that it's a good way to get your information out there and be in one location for all town residents. Are you going to do this forever or is it going to fall on someone else to monitor this like you do now? Are there any plans for that?

Anna Schroeder – I'm here for another five weeks and then I'm going to find someone to pass the torch onto.

Councilman Gerstner – Again, it comes down to that person and it's tough to have one person monitor it and to keep it going. That is why we had so much trouble trying to get a calendar in the Town wondering who is going to collect all of the information and post it, but it's really up to the organizations.

Supervisor Sweeton – It's really up to the organizations to populate.

Councilman Gerstner – Right but to check the contents.

Supervisor Sweeton – Someone will always be hosting the site.

Councilman Gerstner – That is my only concern to make sure.

Anna Schroeder – Someone is always going to have an eye out.

ACCEPTANCE OF MINUTES:

1. Public Hearing, Solid Waste Management Facilities, 5/26/11
2. Public Hearing, Zoning, 5/26/11
3. Public Hearing, Vehicles and Traffic, 5/26/11
4. Regular Meeting, 05/26/11

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing for Solid Waste Management Facilities held on May 26, 2011, the Public Hearing on Zoning held on May 26, 2011, the Public Hearing for Vehicles and Traffic held on May 26, 2011 and the Regular Meeting held on May 26, 2011.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

JOHN A. MCGLOIN – Professional Land Surveyor, 32 Colonial Avenue, P.O. Box 636, Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting they waive the fees for an application to the Town of Warwick Planning Board for a lot line change for the Pine Island Volunteer Ambulance Corps and the Pine Island Fire District.

ERIK JOHANSEN – Owner, Iron Forge Inn., 38 Iron Forge Road, Bellvale, NY 10912 - Notice to the Town of Warwick of their intent to renew their liquor license.

VIRGINIA QUACKENBUSH – Director Residential Marketing & Sales, WVT Communications, 47 Main Street, P.O. Box 592, Warwick, NY 10990 – Letter to the Town Clerk notifying her that they sent letters by first class mail to their remaining Town of Warwick cable television customers providing notice of the termination of service effective June 28, 2012 and other TV providers.

EDWARD BUTLER, P.E. – Town Engineer, Tectonic Engineering & Surveying Consultants, P.C., P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY 10953 – Memo to the Supervisor regarding W.O. #532.01 Black Meadow Club Landscape Bond. “This is in regard to letter dated 5-24-11 from Black Meadow Club, Inc. requesting release of their landscape bond. Inspection was done and found that plantings along the fence line adjacent to Silvertail Lane have survived for the third year and can be deemed in compliance with the approved plan. Landscape bond can be released.”

JAMES H. DOOLEY – Court Bailiff, Town of Warwick – Letter to the Supervisor regretfully resigning his position as a Town of Warwick Court Bailiff, effective immediately.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced the Hon. Nancy DeAngelo, Town Justice who was there representing the Greenwood Lake Ambulance Corp. and stated that the Court is running smoothly.

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	Penaluna Rd.	Install 36" x 40' culvert pipe
	West Ridge Rd.	Replace 12" x 40' driveway pipe
CATCH BASINS	Evan Rd.	Rebuild catch basins
	Marian Ct.	Rebuild catch basins
	Helene Rd.	Rebuild catch basins
DITCH WORK	Jones Rd.	Clean ditches
	DeKay Rd.	Clean ditches
	Millers Lane	Clean ditches
	Nelson Rd.	Clean ditches
TREE WORK	91 Newport Bridge Rd.	Remove dead tree
MOWING	Town wide	Mow roadsides
BALL FIELDS	Union Corners Rd.	Mow & maintain
POT HOLES	Town wide	
ROAD REPAIR	Town wide	Road edges
VEHICLE MAINT.	As needed	
EMERG. REPAIRS	As needed	
ROAD SIGNS	Town wide	Replace as needed
TOWN PARK	Thomas P. Morahan	Mow & maintain
	Beach	
	Greenwood Lake Park	Mow & maintain

COUNCILMAN DE ANGELO REPORT

- 1. For the month of May the Post Report is as follows: Greenwood Lake had 317 calls, the Town outside the Village we had 1,023 calls, Pine Island 342 calls and the Village of Warwick had 840 calls for a total of 2,522 calls for the month of May.**
- 2. This Friday, June 10th at 7:30 p.m. at the Greenwood Lake Town Beach there is the George F. Baker School Band and Choir Concert and next Saturday, June 18th at 7:30 p.m. at the same venue is Groovy Tuesday Sounds of the 60's and 70's.**
- 3. I would be remiss if I didn't mention our friends at the Humane Society. They are always in need of Friskies Pate or any ground cat food which is always needed, large dog bones are a welcome treat and Hill Science Diet dry cat or dog food only please. If you can donate in any way, shape or form to the Humane Society it would be greatly appreciated.**

COUNCILMAN DE BUCK REPORT

- 1. On Saturday, June 11th in Pine Island at the Town Park from 10:00 a.m. until 2:00 p.m. it will be the opening of the Black Dirt Farmers Market that will be held at the gazebo. I**

will have more information on it at the next meeting. That will be every Saturday from 10:00 a.m. until 2:00 p.m. if all goes well.

2. I'm pleased to announce the Warwick Valley Gardeners have worked with myself and the Towns DPW park personnel, the Pine Island School children and the Pine Island Pre-school children to dedicate a butterfly garden. The butterfly garden is going to be dedicated in the Pine Island Park on Monday, June 20th at 10:30 a.m. in the morning. This is a wonderful thing and this is the same group the Warwick Valley Gardeners a group of ladies who put a tree in the Pine Island Park back on Arbor Day. Some very good things are happening in the Pine Island Park and we are pleased with the Warwick Valley Gardeners. One of the things that saved them a considerable amount of money in this project is there is a butterfly garden at the Pine Island School and they are going to reuse and recycle many of those same bushes. The kids from the Pine Island School will be bringing those plants down to the Pine Island Park and the nursery school kids from the Pine Island Nursery School are making these concrete stepping stones with their hands in a very creative way looking like butterflies. It is a nice community project as well as the gazebo and I'll have more information on the gazebo at our upcoming meeting.

COUNCILMAN GERSTNER REPORT

1. Our Town Beach in Greenwood Lake had a great opening weekend and it will be open weekends until June 28th which we will then be open seven days a week. The rates as the Supervisor mentioned in his column have remained the same and we're encouraging our residents to use our beach.
2. On June 18th at the Pine Island Fire House they will be having an open house from noon until 9:00 p.m. to celebrate their 75th anniversary. We wish them well with that and thank them for all their service.
3. The Warwick Fire Department from June 22nd until June 25th will have their carnival at Memorial Park in the Village of Warwick with fireworks being on Saturday at 10:00 p.m. I urge everyone to get out and see the fire house in Pine Island and come to the carnival in Warwick.

COUNCILMAN SHUBACK REPORT

1. The DPW is doing a great job keeping up with the work even though they have a much smaller group then they did a year ago. I give a lot of credit to the Supervisor and the two Deputy Commissioners.

ATTORNEY'S REPORT

1. I have an update for the Board this evening on our dangerous building proceeding in Greenwood Lake property owned by Mirkovic. The Mirkovics have not been able to be physically located either at their residence in Greenwood Lake or their residence down in Brooklyn. The information we have from our process server is that they may have moved to Florida and we are attempting to find them in the State of Florida. I'm reluctant to suggest to the Town Board that they proceed with any action to demolish the building without at least having some assurance to the Board that there's some personal contact with them for fear that the Town may subject itself to liability for serving a notice which the owners may or may not have ever seen by any alternate means of service. We are pursuing that and I'll keep the Board updated about when and if we find them and what action is recommended.
2. The second dangerous building proceeding we have started is the Edsall Farm. I contacted the representative of the owner there and they seem very willing to cooperate

with the Building Department and they will be making contact with the Building Department in the next few days and rectifying the situation that led the Building Department to suggest to the Board that it be declared a dangerous building, so I anticipate that one will go away within the very near future.

TOWN CLERK'S REPORT

- 1. Fees Collected – Month of May, 2011 – Wickham Lake Permit Fee Res., \$100.00; Wickham Lake Permit Fee N Res., \$180.00; Wickham Lake Additional Stickers, \$30.00; Wickham Lake Permit Renewal Res., \$150.00; Wickham Lake Permit Renewal N Res., \$100.00; Copies of Maps, \$20.00; Certified Marriages, \$160.00; Photocopies, \$85.25; Use of Kitchen Fee, \$50.00; Interest in Checking Account for Month of April, \$0.65; Dog Impoundments, \$460.00; Town Park Pavilion Fees, \$225.00; Marriage License Fees, \$297.50; Road Maps, \$6.00; Conservation Licenses, \$45.33; Dog Licenses Issued/Renewed, \$1,992.00; Use of Room Fees, \$260.00; Waterfront Park Res. Adult Season Passes, \$280.00; Waterfront Park Res. Child Season Passes, \$25.00; Waterfront Park Res. Family Season Passes, \$1,000.00; Waterfront Park Senior Season Passes, \$225.00; Town Park Deposits, \$350.00; Waterfront Park Group Deposit, \$150.00. Total Fees Collected: \$8,633.90**
- 2. Fees Paid – Month of May, 2011 – NYS Dept. of Health for Marriage Licenses, \$382.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$244.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$775.67; Village of Florida for Registrar Fees, \$40.00; Village of Greenwood Lake for Registrar Fees, \$70.00; Village of Warwick for Registrar Fees, \$930.00. Total Fees Paid to Supervisor: \$6,191.73**

SUPERVISOR'S REPORT

1. I want to formally announce the Energize Warwick Contest. For those of you who don't know this is an effort to make people aware and get them and encourage them to participate and take advantage of New York States very generous energy audit and upgrade program. WVT Communications a local company that is committed to our community has put up \$10,000 and that is a prize that can be awarded to the not-for-profit that gets the most points from the contest. The way you get the points is individual homeowners take advantage of free energy audits from NYSERDA and you get points for that. Then if you actually do the upgrades which NYSERDA funds either through a grant process or through very low cost loans like new windows, insulation etc. you get additional points. You allocate your points to the not-for-profit of you choice and a year from now we will tally up which not-for-profit has collected the most points from this effort and they will be awarded the \$10,000. It is a way for people to get energy upgrades to their homes at little or no cost and help a not-for-profit that they support locally here in Town. There are going to be three informational meetings on how you actually do this, the forms are going to be available on the Town of Warwick's website and the Warwick School Districts website because they are our partners in this as well as RECAP. We are all partnering in promoting this contest. The three public meetings are going to be this Monday evening June 13th at 6:30 p.m. at the Greenwood Lake Senior Center, Wednesday, June 15th at 7:00 p.m. at the Florida Village Hall and Thursday, June 16th at 7:00 p.m. at the Warwick Town Hall. There will be an additional one that the school is holding separately on Friday, June 17th at 10:00 a.m. at the Dorothy Wilson Education Center at the Middle School. We will

run down the program there and it's open to all Town of Warwick residents including our village residents and we are encouraging you to take advantage of getting energy upgrades in your home, saving yourself some money on fuel, electricity costs and helping out a not-for-profit. It's kind of exciting and we're excited about the contest and we hope that people will participate.

2. **Summer Heat Relief Preparations** - Maybe the paper can get this information out because we've had calls from time to time and we do have the Senior Center that we do make available in extreme heat conditions. It is open during the day and in the evening it can be open by the Warwick Police Department. We ask that any resident who is concerned about someone or themselves and needs to seek some relief from high heat days they can contact the Warwick Police Department at 986-3423 or 986-5000 and they have the ability to open the center if it's not open at any time. I just want that information out there so people are aware and they know that it's available. It does only get opened during those crisis times as the summer gets hotter and we get into 90 degree days for more than one or two. It is an avenue where they can hang out and get cool.

3. Next week we are going to be filming some new video around Town in the villages and hamlets for our business attraction video that sits on our website. You will see us around and you'll see the videographers out there getting some new shots. This is intended to introduce people to our community and hopefully attract them to come here to work and live. The video that is on there is three years old now, so we are going to update it with some new stuff.

4. **Evening hours for Dial-A-Bus** - Again I want to remind people that Dial-A-Bus runs now until 7:00 p.m. and five days a week, so it's really opened up the possibility for folks that don't have car transportation to get into the villages and maybe go to dinner where it used to end at 5:00 p.m. Also were finding a lot of Veterans that get medical treatment at Hatfield Lane are now able to get late afternoon appointments and we still will bring them home. It's a worth while service and it's booked and we may have to move to our bigger bus with it because it's getting so much use, so if we can continue to promote that it would be great.

5. A programming note the next Town Board meeting which is June 23rd we are moving from a 7:30 p.m. meeting to a 1:00 p.m. meeting, so if you could put that in and make sure people understand that. Then in July we normally only have one meeting and it's scheduled for July 14th and we are going to move that to July 21st at 7:30 p.m. It actually positions it better because there is only one in August too, so it smoothes out the gap a little bit and we'll continue to promote that.

6. For the Boards information I've done the monthly journal entry monthly reconciliation and all was in order. We are just completing our annual audit by our independent auditors who have been here for three days and they are going through everything and we will have a report from them probably in a month or so. We did file our annual New York State report as we are obligated to do every year and that is done and to the State Controllars office and that is part of what they use to populate those databases that they have showing town comparisons, expenditures and stuff.

7. I want to remind residents when you get your license renewal in the mail it comes with a pre-addressed envelope to send it back to Albany. If you send it to Goshen to the Orange County Government Center to Donna Bensons' office the portion of the fee stays in Orange County to help defray the cost of the Motor Vehicle Office in Orange County and

it's processed there. I encourage residents when you do renew your license or registration to cross out the Albany address and send it to Goshen; it will be helpful and it keeps your County taxes down.

8. On Saturday, June 11th from 2:00 p.m. until 5:00 p.m. there is going to be another discussion of the future of the County Building by folks who would like to see the County Building preserved as opposed to raised and rebuilt. If you don't know where you stand on the issue and you'd like a different perspective then the County Executives here's an opportunity. It's going to be on Saturday from 2:00 p.m. until 5:00 p.m. at the new YMCA in southern Orange County which is at 45 Gilbert Street Extension in Monroe and our own Dr. Hull will be there speaking among other folks.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Supervisor Sweeton – We have some guests from the great volunteer Greenwood Lake Ambulance Corp. here tonight and there is an item on the agenda. For the public's information one effort that's available to encourage and keep volunteers and keep the organization strong and in the Town of Warwick we are very lucky that we have such strong volunteer agencies, whether it is fire or ambulance. Many communities don't have that and they very rarely are able to produce crews to service and help people. We're lucky we have those, but it's harder now than it used to be and so one tool that's available is an incentive program where they can earn through points and service a small stipend at some point when they retire. The Greenwood Lake Ambulance Corp. has asked and met with the Town Board to consider allowing the voters of the Greenwood Lake Ambulance District to vote on putting one of those in place. Other agencies in the Town have them and they would like to also see if they could be approved by the voters. There is a resolution tonight on our agenda to schedule that referendum and we have some members here who might like to speak to the value of this program.

Jacqueline Mann – Officer Greenwood Lake Volunteer Ambulance Corp. – On behalf of the members of the Greenwood Lake Ambulance Corp. I would like to express our sincere appreciation to the Town Board for their support of this volunteer service award program and the work the Board has done to develop the resolution for you tonight. The service award program is very important to us in that it will help us to retain our volunteer members, increase participation and help us to attract new volunteers in support of our community. We greatly appreciate your vote in favor of this resolution and once again thank you very much for your consideration.

Supervisor Sweeton – Thank you. Once again people don't understand the amount of time and training that's involved in being qualified to be an EMT or even to participate in an ambulance corp. or fire company. It is countless hours of training and things that you have to do and they're not paid, so this is an effort to encourage them for the good work that they do. That is why we are entertaining this, this evening.

Councilman DeBuck – This is not a vote necessarily in favor, but authorizing them to put this before the voters.

Supervisor Sweeton – Yes, its required to have a referendum and that’ll be held for the eligible voters in the Greenwood Lake Ambulance District and that will be sometime in July I believe, it’s in the resolution, so we’ll have that for you. There will be at least one possibly two information sessions prior to the referendums, so there will be an opportunity for the public to understand what it is all about.

NEW BUSINESS:

#R2011-168 THOMAS P. MORAHAN WATERFRONT PARK EMPLOYEE APPOINTMENTS - 2011

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to appoint the following to Thomas P. Morahan Waterfront Park positions for the 2011 season.

APPOINTMENT	POSITION	RATE of PAY
Jane Ehret	Lifeguard	\$9.50/hr.
John Ehret	Lifeguard	\$9.50/hr.
Shane Connolly	Lifeguard	\$9.50/hr.

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

#R2011-169 LEAD AGENCY – ACQUISITION OF PURCHASE OF DEVELOPMENT RIGHTS

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

WHEREAS, the Town of Warwick Town Board is considering action on a proposed purchase of development rights on three farms including the Bazylevsky Farm, the Hampton Hills (Sundown Properties) site and the MGF Corporation site totaling 316.9 acres of land in the Town of Warwick, Orange County, New York, and

WHEREAS, an Environmental Assessment Form (EAF) dated May 27, 2011 was prepared to address the environmental effects of the action, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed action is an Unlisted Action, and

WHEREAS, after examining the EAF, the Town Board has determined that there are no other involved and/or federal agencies on this matter.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the review of this action.

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been received by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.

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

#R2011-170 NEGATIVE DECLARATION – ACQUISITION OF PURCHASE OF DEVELOPMENT RIGHTS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following Negative Declaration 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: Bazylevsky, Hampton Hills and MGF Development Rights (PDR)

Acquisitions

SEQR Status: Type I
 Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The Town Board, following the wishes of the voters of Warwick, intends to acquire the development rights on three farms in the Town.

Locations: Bazylevsky Farm: Wisner & Lower Wisner Roads (SBL 44-1-45.41 & 45.42)

Hampton Hills: Jessup and Spanktown Roads (SBL 18-1-27)

MGF Site: State Route 94 (SBL 51-1-1)

Reasons Supporting This Determination:

The Town Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).

After reviewing the Environmental Assessment Form (EAF) for the action dated 05/27/2011, the Town Board has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

The proposed action is designed to implement the Town's Comprehensive Plan and the Town's Purchase of Development rights program, previously authorized by voter referendums in the Town of Warwick.

The action is designed to enhance farmland and open space preservation in the Town by extinguishing the potential for subdivision or other development of the subject parcels. This will create beneficial impacts on the Town and its residents. This includes but is not limited to helping meet the community goals of supporting protection of the rural, natural and scenic character of the Town and its three Villages.

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

#R2011-171 PURCHASE OF DEVELOPMENT RIGHTS

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt the following resolution pertaining to the acquisition of development rights certain real properties in the Town of Warwick known as the Bazylevsky Farm Section 44, Block 1, Lot 45.41 and 45.42, Hampton

Hills Site Section 18, Block 1, Lot 27 and the MGF Corporation Site Section 51, Block 1, Lot 1 on the tax rolls of the Town of Warwick.

WHEREAS, the Town Board held a public hearing on June 9, 2011 with regard to the matter of the possible acquisition of development rights of the above described parcels known as the Bazylevsky Farm, Hampton Hills Site and the MGF Corporation Site and

WHEREAS, the Town Board does hereby determine that the acquisition of development rights of said parcels will enhance farmland and open space preservation in the Town and will insure to the overall benefit of the people of the Town of Warwick, and that the utilization of “PDR” funds for said acquisition fits within the parameters previously adopted by the Board for the expenditure of said “PDR” funds,

NOW, THEREFORE, the Town Board of the Town of Warwick does hereby authorize the Town Supervisor to pursue said acquisition on behalf of the Town to sign all documents necessary to effect said acquisition and to utilize “PDR” funding therefore.

Roll Call Vote:

Michael Sweeton, Supervisor	Aye <u> x </u>	Nay <u> </u>
Mickey Shuback, Councilman	Aye <u> x </u>	Nay <u> </u>
Leonard DeBuck, Councilman	Aye <u> x </u>	Nay <u> </u>
Floyd DeAngelo, Councilman	Aye <u> x </u>	Nay <u> </u>
James Gerstner, Councilman	Aye <u> x </u>	Nay <u> </u>

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

Discussion: Supervisor Sweeton asked Attorney Hicks in the spirit of full disclosure I own property adjacent to MGF Corporation does that preclude me from voting on this?

Attorney Hicks – Not at all unless there are conflict of interest provisions required that you financially benefitted by the action and this is nothing to do with a financial issue.

#R2011-172 ADOPT LOCAL LAW #2 OF 2011 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 134, “SOLID WASTE MANAGEMENT FACILITIES”

Motion Councilman Gerstner, seconded Councilman Shuback to adopt the following resolution as submitted at the public hearing with the following change: Change starting time for collection in paragraph five (5) to 6:00 a.m. instead of 7:00 a.m.

WHEREAS, a Local Law to amend Chapter 134, entitled “Solid Waste Management Facilities”, was introduced on May 12, 2011, and

WHEREAS, a public hearing was held as required by law on May 26, 2011 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 amending Chapter 134 of the Code of the Town of Warwick 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.

Discussion: Supervisor Sweeton stated that we did through comment change the starting hour from 7:00 a.m. to 6:00 a.m. we felt it was more reasonable for the businesses.

#R2011-173 ADOPT LOCAL LAW #3 OF 2011 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 164, “ZONING”

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

WHEREAS, a Local Law to amend Chapter 164, entitled “Zoning”, was introduced on April 28, 2011, and

WHEREAS, a public hearing was held as required by law on May 26, 2011 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 amending Chapter 164 of the Code of the Town of Warwick 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.

#R2011-174 ADOPT LOCAL LAW #4 OF 2011 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 154, “VEHICLES AND TRAFFIC”

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

WHEREAS, a Local Law to amend Chapter 154, entitled “Vehicles and Traffic”, was introduced on May 12, 2011, and

WHEREAS, a public hearing was held as required by law on May 26, 2011 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 amending Chapter 154 of the Code of the Town of Warwick 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.

#R2011-175 WAIVER OF PLANNING BOARD APPLICATION FEES – PINE ISLAND VOLUNTEER AMBULANCE CORPS AND PINE ISLAND FIRE DISTRICT

Motion Councilman DeBuck, seconded Councilman DeAngelo to adopt a resolution to waive the Planning Board application fees for the Pine Island Volunteer Ambulance Corps and the Pine Island Fire District as they have applied to the Town of Warwick Planning Board for a Lot Line Change.

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

Supervisor Sweeton – Stated that we have done this in the past for not-for-profit agencies in the Town.

#R2011-176 AUTHORIZATION OF BOND RELEASE – BLACK MEADOW CLUB, INC.

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the release of a Landscaping Bond in the amount of \$14,150.00 plus interest to Black Meadow Club, LLC, 123 East Ridge Rd., Warwick, NY 10990 as per the recommendation of the Town Engineer.

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

#R2011-177 APPALACHIAN TRAIL COMMUNITY DESIGNATION

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

WHEREAS, the Appalachian Trail (A.T.) traces its roots to the 1920's and was designated America's first national scenic trail in 1968; and

WHEREAS, today through the efforts of volunteers, clubs and agency partners, the Appalachian Trail extends more than 2,175 miles from Maine to Georgia within a protected 250,000 acre greenway; and

WHEREAS, towns, counties, and communities along the Trail's corridor are considered an asset by A.T. hikers and many of these towns act as good friends and neighbors to the Trail; and

WHEREAS, designations as an Appalachian Trail Community™ and participation in the program is designed to act as a catalyst for enhancing economic development, engaging community citizens as Trail visitors and stewards and helping local community members to see the Trail as an educational and environmental resource and asset; and

WHEREAS, the Town of Warwick's application to seek this designation has support from the Warwick Valley Central School District, the Villages of Warwick, Greenwood Lake and Florida within the Town, the Warwick Valley Chamber of Commerce, the Pine Island Chamber of Commerce and the local Appalachian Trail Conservancy.

NOW THEREFORE, the Town Board of the Town of Warwick does hereby resolve to support the efforts to be designated an Appalachian Trail Community and participate in this program for no less than five (5) years by serving as a member of the Advisory Committee formed to guide the community's activities in conjunction with the Appalachian Trail Conservancy.

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

Discussion: Supervisor Sweeton stated that they are excited about this.

Councilman DeBuck stated that the Pine Island Chamber has also voted to support this effort not that you need to change your motion. The Appalachian Trail enters the Town twice and exists the Town twice because it loops into the wildlife refuge on Oil City Road in the Pine Island area and then comes in again over by Wawayanda State Park and reverses along Mt. Peter before it exits over toward Monroe somewhere.

Supervisor Sweeton – I would amend the resolution to add the support of the Pine Island Chamber of Commerce.

**#R2011-178 SOLICIT BID – ORANGE COUNTY ENERGY EFFICIENCY
CONSERVATION BLOCK MUNICIPAL GRANTS – RETRO FIT
LIGHTING**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to solicit a bid through the Orange County Energy Efficiency Conservation Block Municipal Grants program for retro fit lighting for the Town Hall and DPW garage. Said bids to be opened Wednesday, June 22, 2011 at 2:00 p.m. at the Town Hall, 132 Kings Highway, Town of Warwick.

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

Discussion: Supervisor Sweeton stated if you think you've heard this before you have. We didn't get any bids on this portion of the grant, so we're actually rebidding it and trying to get a wider distribution for the retro fit lighting portion of all of this.

**#R2011-179 ACCEPT BID – ORANGE COUNTY ENERGY EFFICIENCY
CONSERVATION BLOCK MUNICIPAL GRANTS – WINDOW
REPLACEMENTS**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept the bid proposal from Majestic Windows & Exteriors, Inc., 15 Matthews St, Suite 304, Goshen, NY 10924 for the replacement of fifty-two (52) windows at the Town Hall at a cost not to exceed \$21,060.00.

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

**#R2011-180 ACCEPT BID – ORANGE COUNTY ENERGY EFFICIENCY
CONSERVATION BLOCK MUNICIPAL GRANTS – SOLAR HOT WATER
HEATER SYSTEM**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept the bid proposal from Gallagher Solar Thermal, 57 West St., Warwick, NY 10990 for a solar hot water system to be installed at the Town Hall at a cost not to exceed \$16,000.00.

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

**#R2011-181 PROPOSED VOLUNTEER AMBULANCE WORKER SERVICE AWARD
PROGRAM FOR GREENWOOD LAKE AMBULANCE, INC.**

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

WHEREAS, a proposal has been made to establish a Service Award Program for the volunteer members of Greenwood Lake Ambulance, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1 The Town Board of the Town of Warwick, as authorized by Article 11-AAA of the New York State General Municipal Law, in its capacity as the governing body of the Town of Warwick directs that there shall be a public referendum of eligible voters of the Town of Warwick on July 26, 2011, to be held at the Greenwood Lake Public Library, 79 Waterstone Road, Greenwood Lake, New York 10925, to determine whether such Service Award Program shall be

established effective January 1, 2011.

Section 2 The type of program shall be a Defined Benefit Plan as described in Article 11-AAA.

Section 3 Under the proposed Defined Benefit Service Award Program, Greenwood Lake Ambulance, Inc. volunteer members shall have the opportunity to earn pension-like and pre "Entitlement Age" death and disability benefits. The pension-like benefit shall be a lifetime monthly "Service Award" commencing to eligible participating volunteer members upon application, after attainment of age 65, the Entitlement Age. The monthly Service Award shall be equal to \$20 (\$240 per annum) for each year of Service Award Program service credit earned. When a Participant dies after attaining vested status in the program but before monthly Service Awards have effectively commenced, a death benefit shall be payable to the Participant's designated beneficiary (or estate if no beneficiary is designated). The death benefit shall be actuarially equivalent to the Participant's earned Service Award and shall be based on his or her earned service credit at the time of death. When a Participant shall become totally and permanently disabled before Service Awards effectively commence, a disability benefit shall be payable. The disability benefit shall be actuarially equivalent to the Participant's earned Service Award based on his or her earned service credit at the time of application for the disability benefit.

Section 4 A year of Service Award Program service credit shall be earned by a volunteer member of Greenwood Lake Ambulance, Inc. for each calendar year after 2010 during which the volunteer member earns at least 50 "points" for participating in volunteer ambulance worker activities under the rules set forth in the attached written Service Award Program "Point System". Such Point System must be in accordance with Article 11-AAA of the New York State General Municipal Law. The Town of Warwick Town Board has the authority to change the Point System by Board resolution, but may do so only if the changes comply with all governing rules, regulations and laws.

Section 5 Up to five years of service credit may be earned under the Point System by a volunteer member for service prior to 2011 and after 2005. To be eligible to earn credit for such service, a volunteer member must earn a year of service credit under the Service Award Program Point System for a calendar year after 2010 and must become a Program Participant.

Section 6 Should a Participant continue to be a volunteer member of Greenwood Lake Ambulance, Inc. after attaining age 65 and having commenced receiving monthly Service Awards, he or she shall continue to have the opportunity to earn service credit under the Point System. The additional Service Awards earned during a calendar year after the calendar year of attainment of the Entitlement Age and after Service Awards have commenced, shall commence to be paid as of the January 1 in the next succeeding calendar year.

Section 7 In accordance with Article 11-AAA of the General Municipal Law, the Town of Warwick shall be the Service Award Program "Sponsor" and the New York State Comptroller or his designee(s) shall be the administrator(s) and/or Trustee(s) of the Greenwood Lake Ambulance, Inc. Volunteer Ambulance Worker Service Award Program.

Section 8 The total 2011 annual cost, payable in 2012, of funding the Greenwood Lake Ambulance, Inc. Volunteer Ambulance Worker Service Award Program benefits is estimated to be as much as \$100,000 or about \$2,600 per volunteer member, including the cost of administration.

The estimated annual cost to administer the program for 2011 is about \$3,000. The total annual cost for current volunteer members is expected to decrease by about \$45,000 after 5 years when the cost of Service Awards earned for volunteer ambulance service before 2011 shall be fully paid.

Section 9 The cost of service awards earned for volunteer ambulance service before 2011 shall be scheduled to be paid by the Town of Warwick in five consecutive annual payments of about \$45,000, or the equivalent thereof, with the first payment to be made during calendar year 2012.

Section 10 All provisions of the Greenwood Lake Ambulance, Inc. Volunteer Ambulance Worker Service Award Program shall be in accordance with: Article 11-AAA of the General Municipal Law as amended from time to time; the applicable rules and regulations for Service Award Programs promulgated by the New York State Comptroller; and, with this resolution.

The appropriate officers of the Town of Warwick are authorized to and shall take the necessary actions to carry out this resolution.

Motion Carried (4 ayes, 0 nays, 1 abstention – Councilman DeAngelo abstained) Supervisor declared this resolution duly adopted.

Supervisor Sweeton – Stated that the election will be set for the 7/26, the information hearing is prior to that, the election will be run by the Town Clerks office with election inspectors and a vote by ballot. The timing will be from 12 noon until 8:00 p.m. on the 26th at the Greenwood Lake Library Rec Room.

Councilman DeAngelo – There will be two informational meetings one in the afternoon and one in the evening.

Supervisor Sweeton – We will get the publics information out as to the timing and locations of those so we can get as many people who are interested to attend.

**#R2011- 182 AMENDMENT TO CHAPTER 75 “SCHEDULE OF FEES” –
TOWN BOARD FEES**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to amend Section C (Town Board Fees) of the Town of Warwick Schedule of Fees effective January 1, 2012 by adding (2) to read as follows:

(2) Towing and Storage Fees

[a]Tow list license fee: \$500.00

[b]Police impound storage fee: Current insurance reimbursement rate

(3) Carters Permit Fees

[a]1st truck: \$200.00

[b]Each additional truck: \$100.00

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

Discussion: Supervisor Sweeton stated that these fees will take effect January 1st, 2012.

**#R2011-183 OPPOSITION TO THE VESTED RIGHTS ACT LEGISLATION AMENDING
THE GENERAL MUNICIPAL LAW**

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

WHEREAS, the Town of Warwick recognizes and wants to maintain the qualities that make unique its public spaces, natural areas, working farms and places of historic significance, as expressed in its Comprehensive Plan adopted November 20, 2008 and codified in its Zoning Law, adopted March 23, 1989 and amended in its entirety on January 24, 2002;

WHEREAS, A-347-A and S-4554-B. are companion bills that have been introduced in the New York State Legislature seeking to amend the General Municipal Law to change by statute the long-standing common-law doctrine of vested rights developed by the courts to balance the desires of developers against the public health, safety and welfare of the community and the environment;

WHEREAS, the common-law doctrine requires, among other things, that developers have demonstrated that they have incurred substantial expenses to develop a specific project in reasonable reliance on the continued applicability of current law;

WHEREAS, many local municipalities, including the Town of Warwick, have provided by statute grandfathering provisions, appropriate for their particular communities, affording even greater protections to developers than under the common-law doctrine of vested rights;

WHEREAS, the legislation these bills seek to enact would eliminate the careful and fair balance achieved by the common-law doctrine or such grandfathering provisions, by substituting for their requirements the mere filing of an application a stated period in advance of the effective date of a new, superseding law without any requirement that the application be complete by such date or any demonstration of substantial expenses having been incurred in reasonable reliance on the continued applicability of the current law;

WHEREAS, the proposed legislation would depart from the typical provisions of local law under which building permits expire within two years, by providing the developer up to six years within which to proceed under a law that has been superseded; and

WHEREAS, the proposed legislation's elimination of balance noted above is further compounded by its radical shift of the burden of proof from the developer to the municipality and by its increase in the standard of proof to a much higher standard than is applicable when the burden is borne by the developer;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Warwick strongly opposes the Vested Rights Act, A.347 (Paulin, et al.) and S.454 (Ball);

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to State Senator Greg Ball, State Assemblywoman Sandy Galef, Senate Majority Leader Dean Skelos, State Assembly Speaker Sheldon Silver, Assemblywoman Amy Paulin, Assemblywoman Annie Rabbitt and Senator David Carlucci.

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

Discussion: Supervisor Sweeton stated that we actually provide in our zoning provisions again that are more generous than a court interpreted vested rights. We grandfather applications that have preliminary approval from any zoning changes. We think that's fair because to get a preliminary approval the applicant has had to have a public hearing, so the public has had the opportunity to weigh in on a particular proposal before the Town Board grandfathers it if its going to change the zoning. These bills if enacted would preclude that and give vested rights to this applicant before there has been any public hearing of their proposal whatsoever. If the Town was looking at a rezoning process, which in the case of the Town of Warwick took over a year they could rush in applications and get vested rights under old zoning, so it's just bad legislation. We feel that here in the Town we treat developers fairly in relation to the rest of the citizens of the Town.

#R2011-184 ACCEPT RESIGNATION – JAMES H. DOOLEY

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of James H. Dooley as a Town of Warwick Court Bailiff effective immediately.

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

Discussion: Supervisor Sweeton thanked him for his service.

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

PRIVILEGE OF THE FLOOR (GENERAL)

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

ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:20 p.m.

06-09-11 cp.

Marjorie Quackenbush, Town Clerk