

June 11, 2015

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, June 11, 2015 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

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

Attorney for the Town, Jay Myrow
Deputy DPW Commissioner, Benjamin Astorino
Police Chief, Thomas F. McGovern, Jr.
Police Lieutenant, John Rader

ACCEPTANCE OF MINUTES

- 1. Public Hearing, May 28, 2015**
- 2. Public Hearing, May 28, 2015**
- 3. Regular Meeting, May 28, 2015**

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the two Public Hearings held on May 28, 2015 and the Regular Meeting held on May 28, 2015.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman Shuback absent)

CORRESPONDENCE:

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Town Board requesting a refund on the remaining balance of the escrow for SBL# 26-1-110 to Planning Board applicant Julia Luft in the amount of \$2,863.75.

THOMAS F. MCGOVERN, JR. – Chief of Police, Town of Warwick – Memo to the Town Board requesting that they acknowledge and accept the attached check from the Orange County District Attorney’s Office in the amount of \$615.00 and transfer funds into the Drug Seizure account.

JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting a budget transfer of a check received from The Warwick Yard, LLC in the amount of \$2,400.00 (Revenues from Other Governments – H24-2389) to (Equipment – H24-8340.200) for reimbursement to the Town for the Generator at the old state prison well site that was purchased from TAM Enterprises.

DEBORAH EURICH - Assessor, Town of Warwick – Letter to the Town Board requesting approval to attend the Institute of Assessing Officer’s Seminar on Appraising held at Cornell University July 12-16, 2015. The necessary funds for attending this seminar are allocated in the current budget. I have been asked to assist with one of the courses therefore most of my expenses will be paid by the New York State Assessors’ Association and the expense to the Town will be minimal.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

| <u>WORK BEING DONE</u> | <u>LOCATION</u> | <u>REASON FOR WORK</u> |
|------------------------|--|--|
| CULVERT PIPES | 122 Sleepy Valley Rd. Jessup Rd. | 60 ft 12" replace pipe Install 40 ft. 24" |
| CATCH BASINS | Wilhelm Dr. Kings Estates Nieland Dr. | Repair basins Repair basins Repair basins |
| DITCH WORK | East Ridge Rd. | Clean ditches |
| MOWING | Town wide Town wide | Roadsides Cul-de-sacs |
| POT HOLES | Town wide | As needed |
| ROAD REPAIR | | As needed |
| ROAD SIGNS | Town wide | As needed |
| HAUL MATERIAL | To DPW stock | 1A chip stone for oil & chip |
| WATER DEPT. | GWL | Install fire hydrant |

PARKS DEPARTMENT

COUNCILMAN DE ANGELO REPORT

1. The Warwick Valley Humane Society is holding a rabies clinic on Sunday, June 14th from 10:00 a.m. until 2:00 p.m. rain or shine and it is \$14 per pet. The next clinic will be August 9th. They are having a “Kitten Shower” on June 28th from 12 noon until 2:00 p.m. This is an open invitation and they are looking for contributions of nursing bottles, pate canned food, heating pads-no auto shut offs, small cat dishes, small baking pans and there’s a gift registry on Amazon. The Warwick Valley Humane Society phone number is 845-986-2473. There will be refreshments and you can play with the kittens too.

2. The Post Report for May, 2015 is as follows: Greenwood Lake had 293 calls, the Town outside the Village had 846 calls, Pine Island 369 calls and the Village of Warwick had 759 calls for a total of 2,267 for the month of May.

COUNCILMAN KOWAL REPORT

1. The parks are in superb shape for the summer. Everything is really coming along nicely with the good growing weather for the grass. The facilities are up and running in good order. The summer concert series in Greenwood Lake will be starting next week on Saturday, June 20th and you can check the schedule on the Village of Greenwood Lake website. Everything is progressing nicely, the weather has been cooperative. The new athletic field is coming along nicely, the grass is maturing well. The one in Greenwood Lake is shaping up a little bit better; we have a few bare spots from high usage by the goals but we will see what we can do with that during the summer.

COUNCILMAN GERSTNER REPORT

1. As Councilman Kowal said the fields are in great shape, recreation is in full swing and they all comment on our fields thanks to the crew and DPW.

2. The Warwick Fire Department is having their parade on June 20th stepping off at 6:00 p.m. in the Village of Warwick and the Fire Department Carnival will be Wednesday the 24th to the 27th at Memorial Park and the fireworks are scheduled for 10:00 p.m. on the 27th.

COUNCILMAN SHUBACK REPORT – Absent

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. **Fees Collected – Month of May, 2015 – Wickham Lake Resident Permit Fees, \$380.00; Wickham Lake Non-Resident Permit Fees, \$150.00; Wickham Lake Additional Stickers, \$24.00; Wickham Lake Replacement Key, \$20.00; Wickham Lake Resident Renewal Fees, \$210.00; Wickham Lake Non-Resident Renewal Fees, \$160.00; Copy of Map, \$5.00; Certified Marriages, \$50.00; Photocopies, \$53.25; Postage, \$0.48; Use of Kitchen Fee, \$50.00; Interest in Town Clerk's Checking Account, \$0.56; Town Park Pavilion Fees, \$350.00; Athletic Field Fees, \$100.00; Marriage License Fees, \$385.00; Bid Specs Fees, \$150.00; Cascade Park Trail Map, \$5.00; Conservation Licenses, \$118.44; Dog Licenses Issued/Renewed, \$1,835.00; Use of Room Fees, \$100.00; Registrar Fees, \$340.00; Police Impound Fee, \$780.00; Beach Vendor Permit, \$25.00; Waterfront Park Non-Resident Fishing Permit Fees, \$60.00; Waterfront Park Resident Fishing Permit Fees, \$60.00; Waterfront Park Non-Resident Daily Pass Fees, \$440.00; Waterfront Park Resident Daily Pass Fees, \$424.00; Waterfront Park Non-Resident Senior Season Pass Fees, \$120.00; Waterfront Park Resident Family Season Pass Fees, \$2,090.00; Waterfront Park Resident Senior Season Pass Fees, \$725.00; Waterfront Park Commercial Passes Fee,**

\$60.00; Waterfront Park Wedding Permit Fee, \$30.00; Town Park Deposits, \$650.00; Waterfront Park Group Deposits, 350.00. Total Fees Collected: \$14,213.29

2. Fees Paid - Month of May, 2015 – New York State Dept. of Health for Marriage License Fees, \$495.00; New York State Dept. of Ag & Markets for Spay/Neuter Program, \$228.00; New York State Dept. of Environmental Conservation for Conservation Licenses, \$2,079.56; Village of Florida for Registrar Fees, \$120.00; Village of Warwick for Registrar Fees, \$990.00. Fees Paid to Supervisor, \$10,300.73

3. Bid opening for the Construction of the Warwick Public Transit Bus Garage – June 9, 2015 at 2:00 p.m. – Three (3) bids were received from:

KC Engineering and Land Surveying, P.C. & Whispering Pines Development Corp.

2142 Route 302

P.O. Box 42

Circleville, NY 10919

Base Bid Amount: \$3,478,065.00

Alternate #1: \$135,000.00

Unit Price: \$50.00

Key Construction Services

327-329 Main St.

Poughkeepsie, NY 12601

Base Bid Amount: \$2,065,000.00

Alternate #1: \$58,000.00

Unit Price: \$30.00

Verticon

24 Gilbert St. Ext.

Monroe, NY 10950

Base Bid Amount: 3, 314,363.00

Alternate #1: \$345,904.00

Unit Price: \$45.00

4. The Orange County Clerk, Annie Rabbitt, recently announced that online record search is available in Orange County. The public can now access the county clerk records from their home or office. Any public records previously viewed at the clerks office including land and court documents can now be viewed online. Access will be on the County Clerks website at orangecountygov.com. Subscription fees will be suspended during the launch phase of the program. Print fees will apply and for questions regarding online record search you can contact 800-320-2617.

SUPERVISOR'S REPORT

1. The Public Service Commission and Orange & Rockland Utilities have agreed to a settlement of their rate case. The electric portion of it is not terrible on their delivery; it's a two year agreement. The electric delivery rate will increase by 3.2% and 2.9% the second year, but the natural gas rate is pretty high. For the first year it's 23.9% on delivery and 3% on delivery the second year and 4.5% on the third year in a three year agreement. They are going to average that to 13.9%, 12.3% and 10.9% over the three years for each of the years. The gas delivery rate

one is high and it's going to affect everyone; businesses and residents. There will be hearings on these two settlement cases and as soon as we have that information we will make it public so people know and can go speak to the issue if they like. It is reduced from what they wanted which was 35% on the gas and 18% on electric. I guess you could look at it as a compromised win but it's still high.

2. The New York State DOT Airport Grant - The airport that is managed by the Warwick Pilot's Association applied for a grant to the New York State DOT to upgrade their fueling system. They were awarded that grant and it will come through the town and we will work with them to administer the paperwork and get that system upgraded there. We thank the Airport Pilot's Association for working to secure the grant.

3. The Community Preservation Funds for the month of May were \$44,716.58 which brings the current total in the fund to \$2,726,846.94.

4. Journal entries that were made this month were checked from the bookkeeper and they were all in order.

5. 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:

#R2015-147 AUTHORIZATION OF ESCROW REFUND – JULIA LUFT

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$2,863.75, the balance of the escrow for SBL# 26-1-110, to Planning Board applicant Julia Luft, as per the recommendation of the Planning Board Secretary; letter dated May 29, 2015. Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-148 BUDGET TRANSFER – BOOKKEEPER

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

| FROM | TO | AMOUNT |
|---|--|---------------|
| Check from The Warwick Yard, LLC Revenues from Other Governments (H24-2389) | Equipment (for Generator at old state prison well site) (H24-8340.200) | \$2,400.00 |

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this was a power outage there that was caused by the Yard and it caused us to get a generator to keep the water flowing to the system out there and we are being reimbursed for the cost of it.

#R2015-149 ADOPT LOCAL LAW #1 OF 2015 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 82, “FIRE PREVENTION AND BUILDING CODE ADMINISTRATION”

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

WHEREAS, a Local Law to amend Chapter 82, entitled “Fire Prevention and Building Code Administration”, was introduced on April 9, 2015, and

WHEREAS, a public hearing was held as required by law on April 23, 2015 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 82 of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-150 ESTABLISH LEAD AGENCY – ADOPTION OF AMENDMENTS TO CHAPTER 164, “ZONING”

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

WHEREAS, the Town of Warwick Town Board is considering action on proposed Amendments to the Town Zoning Law that will apply townwide in the Town of Warwick, Orange County, New York, and

WHEREAS, an Environmental Assessment Form (EAF) dated May 26, 2015 was prepared to address the potential environmental effects of such 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 a Type 1 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, and

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 (3 ayes, 0 nays, 1 abstention - Supervisor Sweeton abstained, 1 absent - Councilman Shuback absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that he is going to recuse himself from the next three resolutions. One of the zoning changes does affect the OI Zone and I do own property there and I'm just going to recuse myself from that vote.

#R2015-151 NEGATIVE DECLARATION – ADOPTION OF ZONING AMENDMENTS

Motion Councilman Kowal, seconded Councilman DeAngelo 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 adoption of amendments to Town Board Zoning Law by means of Local Law #2 of 2015, Town of Warwick, Orange County, New York, and

**WHEREAS, there are no other involved agencies pursuant to SEQR,
and**

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated May 26, 2015, 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 attached EAF and Negative Declaration and authorizes the Supervisor to execute the EAF and file the 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.

**Motion Carried (3 ayes, 0 nays, 1 abstention - Supervisor Sweeton abstained, 1 absent - Councilman Shuback absent)
Supervisor declared this resolution duly adopted.**

#R2015-152 ADOPT LOCAL LAW #2 OF 2015 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 164, “ZONING”

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

WHEREAS, a Local Law to amend Chapter 164, entitled “Zoning”, was introduced on April 9, 2015, and

WHEREAS, a public hearing was held as required by law on May 28, 2015 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 (3 ayes, 0 nays, 1 abstention - Supervisor Sweeton abstained, 1 absent - Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-153 ADOPT LOCAL LAW #3 OF 2015 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 33, “PROCUREMENT POLICY”

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

WHEREAS, a Local Law to replace the current Chapter 33 in its entirety with a new Chapter 33, entitled “Procurement Policy”, was introduced on April 23, 2015, and

WHEREAS, a public hearing was held as required by law on May 28, 2015 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 replacing the current Chapter 33 in its entirety with a new Chapter 33 of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-154 SEQR - WARWICK MUNICIPAL AIRPORT FUEL DISPENSING SYSTEM UPGRADE

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

WHEREAS, the Town Board of the Town of Warwick has proposed an upgrade to the Fuel Dispensing System at the Warwick Municipal Airport, 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)(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 (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

**#R2015-155 AUTHORIZATION TO SIGN AVIATION CAPITAL GRANT
AGREEMENT FOR FUEL DISPENSING SYSTEM UPGRADE –
WARWICK MUNICIPAL AIRPORT**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution authorizing the Supervisor to sign a 2014 Aviation Capital Grant agreement with the NYS Department of Transportation for a fuel dispensing system upgrade at the Warwick Municipal Airport.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

**#R2015-156 PINE ISLAND RECREATION PROGRAM – EMPLOYEE
APPOINTMENTS FOR 2015**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution appointing the following to various Pine Island Recreation positions for the 2015 season:

| | | |
|-----------------------------|---------------------------------------|--------------------|
| Shannon Darcy | PI Recreation | \$8.75/hr. |
| Michael Fox | PI Recreation | \$8.75/hr. |
| Isabelle Hayes | PI Recreation | \$8.75/hr. |
| John Jordan | PI Recreation | \$8.75/hr. |
| Connor J. Leigh | PI Recreation | \$9.00/hr. |
| Kevin H. Marion | PI Recreation | \$9.25/hr. |
| Thomas M. Maslanka | PI Recreation | \$9.50/hr. |
| Jonathan W. Maslanka | PI Recreation | \$9.25/hr. |
| Kristen E. Maslanka | PI Recreation | \$9.25/hr. |
| Stephen Nehus | PI Recreation | \$8.75/hr. |
| Connor Riley | PI Recreation | \$8.75/hr. |
| Tyler Rodriguez | PI Recreation | \$9.25/hr. |
| Antonio Russo | PI Recreation | \$9.25/hr. |
| Isabella Russo | PI Recreation | \$9.25/hr. |
| Kathryn E. Scheinert | PI Recreation-Medical Dir. | \$10.25/hr. |
| Nancy M. Scheinert | PI Recreation-Program Director | \$15.25/hr. |
| Bridget M. Scheinert | PI Recreation | \$9.25/hr. |
| Caroline A. Seeberg | PI Recreation | \$9.25/hr. |
| Jordan Tetreault | PI Recreation | \$8.75/hr. |
| Joseph Urgo | PI Recreation | \$8.75/hr. |
| Edwin J. Wood | PI Recreation-Medical Dir. | \$10.25/hr. |

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

Discussion: Councilman Gerstner thanked them for their continued service. Supervisor Sweeton stated that they have opened it up and have quite a bit of people signed up already.

**#R2015-157 AUTHORIZATION TO ATTEND INSTITUTE OF ASSESSING
OFFICER'S SEMINAR – DEBORAH EURICH**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize that Deborah Eurich attend the Institute of Assessing Officer's Seminar on Appraising to be held at Cornell University July 12-16, 2015. Funds for this training have been appropriated in the current budget; however, because the Assessor has been asked to assist with one of the courses, the cost to the Town will be minimal.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

**#R2015-158 SETTLING OF TAX CERTIORARI – MILLPOND MANAGEMENT,
INC., M & J REALTY SERVICES, INC. AND KOMAL GAREWAL**

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

WHEREAS, a Petition and Notice of Petition for taxation for the year 2010 (March 1, 2010 Taxable Status Date) and for the year 2011 (March 1, 2011 Taxable Status Date) of the real estate owned by Millpond Management, Inc., M & J Realty Services, Inc. and Komal Garewal (the "Petitioner") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 6-1-27 and 72-5-26, was served upon the Town Assessor and the Board of Assessment Review of the Town of Warwick (the "Respondents") on or about July 23, 2010 and July 25, 2011, respectively, and

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

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

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

Section 6 Block 1 Lot 27

- (a) The parties have agreed that the 2010 assessment of \$15,000 should be reduced to \$12,600 for the year 2010, based upon a Thirteen Percent (13.0 %) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and**
- (b) The parties have agreed that the 2011 assessment of \$15,000 should be reduced to \$11,100 for the year 2011,**

based upon a Fourteen Percent (14%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and

Section 72 Block 5 Lot 26

- (c) The parties have agreed that the 2010 assessment of \$17,500 should be reduced to \$16,500 for the year 2010, based upon a Thirteen Percent (13.0 %) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (d) The parties have agreed that the 2011 assessment of \$17,500 should be reduced to \$16,500 for the year 2011, based upon a Fourteen Percent (14%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (e) That the assessment be fixed for three (3) years pursuant to Real Property Tax Law Section 727.

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

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

The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2010 and 2011 aforesaid to execute stipulations of discontinuance of the said proceedings.

This Resolution shall take effect immediately.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-159 SETTLING OF TAX CERTIORARI – MILLPOND MANAGEMENT, INC., M & J REALTY SERVICES, INC., OAKRIDGE PROPERTIES LLD AND KOMAL GAREWAL

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

WHEREAS, a Petition and Notice of Petition for taxation for the year 2012 (March 1, 2012 Taxable Status Date) of the real estate owned by Millpond Management, Inc., M & J Realty Services, Inc., Oakridge Properties and Komal Garewal (the "Petitioner") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 6-1-27 and 72-5-26, was served upon the Town Assessor and the Board of Assessment Review of the Town of Warwick (the "Respondents") on or about July 25, 2012, and

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

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

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

Section 6 Block 1 Lot 27

- (a) The parties have agreed that the 2012 assessment of \$15,000 should be reduced to \$9,200 for the year 2012, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and

Section 72 Block 5 Lot 26

- (b) The parties have agreed that the 2012 assessment of \$17,500 should be reduced to \$16,500 for the year 2012, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (c) That the assessment be fixed for three (3) years pursuant to Real Property Tax Law Section 727.

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

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

1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2012 aforesaid to

execute stipulations of discontinuance of the said proceedings.

2. This Resolution shall take effect immediately.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

**#R2015-160 SETTling OF TAX CERTIORARI – MILLPOND
MANAGEMENT, INC., M & J REALTY SERVICES, INC.,
OAKRIDGE PROPERTIES LLD, EQUITY
TRUST CO., KARAN GAREWAL AND KOMAL GAREWAL**

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

WHEREAS, a Petition and Notice of Petition for taxation for the year 2013 (March 1, 2013 Taxable Status Date) and for the year 2014 (March 1, 2014 Taxable Status Date) of the real estate owned by Millpond Management, Inc., M & J Realty Services, Inc., Oakridge Properties LLD, Equity Trust Co., Karan Garewal and Komal Garewal (the "Petitioner") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 6-1-27 and 72-5-26, was served upon the Town Assessor and the Board of Assessment Review of the Town of Warwick (the "Respondents") on or about July 31, 2013 and July 22, 2014, respectively, and

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

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

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

Section 6 Block 1 Lot 27

- (a) The parties have agreed that the 2013 assessment of \$15,000 should be reduced to \$9,200 for the year 2013, based upon a Fifteen and One-Half Percent (15.5%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (b) The parties have agreed that the 2014 assessment of \$15,000 should be reduced to \$9,200 for the year 2014, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and

Section 72 Block 5 Lot 26

- (c) The parties have agreed that the 2013 assessment of \$17,500 should be reduced to \$16,500 for the year 2013, based upon a Fifteen and One-Half Percent (15.5%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (d) The parties have agreed that the 2014 assessment of \$17,500 should be reduced to \$16,500 for the year 2014, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (e) That the assessment be fixed for three (3) years pursuant to Real Property Tax Law Section 727.

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

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

1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2013 and 2014 aforesaid to execute stipulations of discontinuance of the said proceedings.

3. This Resolution shall take effect immediately.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-161 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WARWICK REJECTING ALL SUBMITTED BIDS FOR THE PROPOSED MARGINAL ACCESS ROAD PROJECT AND AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR BIDS/PROPOSALS FOR THE REVISED MARGINAL ACCESS ROAD PROJECT WITHIN THE TOWN

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

WHEREAS, by Resolution dated March 26, 2015 the Town Board of the Town of Warwick previously authorized the Town Clerk to solicit bids from

prospective vendors to install approximately 300 feet of roadway and to install a concrete culvert for the Marginal Access Road project; and

WHEREAS, all submitted proposals were opened on April 20, 2015 and reviewed in accordance with applicable law; and

WHEREAS, the only submitted bid was deemed to be unsuitable for the scope of the project which the Town wishes to undertake at this time; and

WHEREAS, it is necessary to solicit new bids for the project in order to insure that the Town selects the lowest responsible bidder in accordance with New York State law,

NOW, THEREFORE, LET IT BE HEREBY RESOLVED, as follows:

1. The sole bid for the Marginal Access Road project received on April 20, 2015 is hereby rejected;
2. That the Town Board hereby authorizes and directs the Town Clerk to solicit bids from vendors to furnish all labor, equipment and materials necessary to complete the Revised Marginal Access Road project;
3. Such bids shall be opened on or around July 9, 2015 10:00 AM at the Town Hall;
4. The Town Clerk shall thereafter report back to the Town Board with the results of said bids.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2015-162 PROCLAMATION – ELIZABETH WELLING HATHORN DAY

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

WHEREAS, Elizabeth Welling, daughter of Thomas Welling III, was born on June 14, 1750, and;

WHEREAS, Elizabeth married General, then Colonel, John Hathorn in 1772 and together built a home, the Hathorn House, in 1773, and;

WHEREAS, together Elizabeth and John served our nation during the Revolutionary War, John by commanding our local militia and Elizabeth by ensuring the continuation of the family homestead and farm, as well as raising their children, and;

WHEREAS, the Colonel and his wife were hospitable to a fault, entertaining encamped troops of General Washington throughout our struggle for independence, and;

WHEREAS, Elizabeth provided our valley with descendants that to this day have continued to ensure that we can all experience the “joys that this fertile valley is capable of yielding”;

NOW THEREFORE BE IT RESOLVED that on the occasion of the 265th birthday of Elizabeth Welling Hathorn and the day on which we honor the flag of our nation, the Town Board does hereby proclaim June 14th Elizabeth Welling Hathorn Day in the Town of Warwick.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that there is going to be a ceremony at the Hathorn House on Sunday the 14th at 2:00 p.m. and they will have demonstrations etc.

BILLS: Motion Councilman DeAngelo, seconded Councilman Gerstner to pay the bills as audited.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman Shuback absent)

PRIVILEGE OF THE FLOOR (GENERAL)

Jess Mullen – Resident, New Paltz, NY 12561 – I’m currently working on two energy projects and they are alternatives to fossil fuel projects, like the Pilgrim Pipelines. The New York State Government has launched an initiative called “Reforming Energy Initiative”. This initiative will be regulatory changes that promote more efficient use of energy, deeper saturation of renewable energy sources such as wind, solar and large equipment of energy sources such as micro-grids, onsite power supplies and storage. New York State has officially begun a transition in both the reduction and distribution of electricity. If the Pilgrim Pipelines are constructed they will be in use between 50 and 100 years. Please think of how much changes in that timeline. Please think about where we will be when it comes to renewable energy production as each decade passes. I’m currently working on another statewide government sponsored project called “Solarize” which facilitates the switch to solar power. I’m also helping launch a campaign to support the proposal of the construction of a large wind farm of the coast of Long Island. It’s expected to create 700 mega watts of electricity which is enough to power 245,000 homes. The overseeing federal agency is a Bureau of Ocean Energy and this project is a collaborative effort between Con Edison, the Long Island Power Authority and the New York Power Authority. It is not a proposal from the bleeding heart proposals it is a proposal from companies that already bring us our power. That in itself shows a change in renewable energy has already begun. Contracity, Pilgrim Pipeline called it a Connecticut based affiliate of Petroleum Solutions Management LLC, which is based in Winter Haven, Florida. They are coming to our community, the Hudson Valley to look to build infrastructure and a business that is being phased out of New York. If they build it they are going to want the investment to payoff and it will be at the public’s expense. Pipelines spill as you see time and time again. Just three weeks ago a state of emergency was declared in California for over 100,000 gallons of crude oil spilled into the ocean and along the shores. Crude oil will also be going through the two Pilgrim Pipelines, one with crude oil and one with refined. I thank you for your time and I will leave you with some material on both the renewal energy initiatives I had mentioned as well as some pipeline issues. I implore you to read them and to recognize the power you have on this issue. I also ask that you pass a resolution opposing the Pilgrim Pipelines. Please contact me if you have any questions. My email is included with the reading materials. I would just like to add in dozens of towns in Ulster and Orange Counties and New Jersey have passed resolutions opposing Pilgrim Pipeline including Newburgh Town Board

which passed a wonderfully crafted resolution with the support of the assemblyman just last week.

Richard Murtie – Resident, Town of Warwick, NY 10990 – Last months meeting wasn't very clear what was on the TV and I missed it. Can you elaborate a little bit on the purchase of the town co-owning the bucket truck?

Supervisor Sweeton – We signed an inter-municipal agreement with the Town of Wawayanda to co-own a truck, actually the Town of Wawayanda will register the truck. We will each have our own insurance on the truck for when it's in our possession and we will share the cost of maintaining it whatever they are split evenly and we will use it evenly in time. That is the agreement. It's a truck that was used in the Town of Wallkill and maintained by the Town of Wallkill. It's a 1999, it has about 8,000 hours on it and it's in good shape. It's a regular truck like Holly Tree would have so it's a large bucket truck and not a small utility truck. You know we have not had one for a while. We had one at one time which was an old one, a 1988 or 89, and we were spending a fair amount of money each year to fix it. Our employees didn't even want to work in it after a while so looking at safety issues we just didn't use it anymore and we relied on O&R to take down trees and they generally would help us even if they stray outside the ride-of-way a little bit. We know and we recognize there are other instances where we need to do some trimming and things. We looked at this as a good opportunity and something we can afford. With the cost of new vehicles a new plow truck costs \$260,000 anymore. When I started it cost \$180,000 so it's hard to get multiple vehicles any more. This looked like a good opportunity, we work well with the Town of Wawayanda and we will work out the sharing arrangement on it.

Richard Murtie – What was the cost of that truck?

Supervisor Sweeton – Each of our share will be \$18,000.

Richard Murtie – Late fall you guys had a meeting in reference to the Beautiful People Organization. What I remember the contractual agreement for them was they were to raise \$200,000 before you guys went through with the town.

Supervisor Sweeton – They have 2 years on the agreement to raise the money to build the fields, otherwise the deal is off.

Richard Murtie – Ok, very good.

Supervisor Sweeton – Their goal is to have the money raised so they can play next spring. By next spring it will be a little more than a year into it so that's their goal. If they don't raise the money then the deal is done.

Richard Murtie – Are they the ones who are preparing the fields out there now?

Supervisor Sweeton – No, we got some free fill brought out and our guys went out and leveled it but that is the extent of what happened.

Richard Murtie – Ok, thank you.

**ADJOURN: Councilman DeAngelo, seconded Councilman Shuback that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Shuback absent) 8:04 p.m.
06-11-15 CP.**

Marjorie Quackenbush, Town Clerk