

September 8, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, September 8, 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 – Absent
Councilman Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback

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

PRESENTATION BY TOWN BOARD TO THE DISTRICT 19 FLORIDA GIRLS YOUTH SOFTBALL CHAMPIONS

Supervisor Sweeton and the Town Board presented the District 19 Florida Girls Youth Softball Champions with certificates and a proclamation for their outstanding achievements.

ACCEPTANCE OF MINUTES:

1. Public Hearing, Acquisition of Development Rights Warwick Valley Stables, 08/11/11
2. Public Hearing, 2010 MS4 Annual Report, 08/11/11
3. Public Hearing, Amendments Proposed to Zoning Map, Town of Warwick, 08/11/11
4. Regular Meeting, 08/11/11

Motion Councilman DeBuck, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing for Acquisition of Development Rights Warwick Valley Stable held on August 11, 2011, the Public Hearing on 2010 MS4 Annual Report held on August 11, 2011, the Public Hearing for Amendments Proposed to Zoning Map, Town of Warwick held on August 11, 2011 and the Regular Meeting held on August 11, 2011.

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

CORRESPONDENCE:

MARCIA SAFFIOTI – 53 Peters Terrace, Warwick, NY 10990 - Letter to the Town Clerk requesting to be reappointed to the Town of Warwick Assessment Board of Review.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$361.25 to Joe Walter.

JACLYN A. BRILLING – Secretary of the New York State Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350 – Notice of procedural and technical conferences regarding Case 11-E-0408 proceeding on the motion of the Commission as to the rates, charges, rules and regulations of Orange and Rockland Utilities, Inc., for electric service. Take notice that a procedural conference followed by a technical conference will be held before the presiding Administrative Law Judge on Thursday, September 8, 2011 at the Public Service Commission’s Albany Office, Empire State Plaza, Agency Building Three, Third Floor Hearing Room. The procedural conference will begin at 1:30 p.m. and will be followed immediately by the technical conference. The purpose of the procedural conference is to identify parties and major issues related to establish a schedule for the proceeding and to address issues related to the service of documents, discovery and any other procedural matters identified by the parties at the conference. Parties are urged to achieve a consensus.

BRIAN FISCHER – Commissioner, State of New York Department of Corrections and Community Supervision, The Harriman State Campus, Building 2, 1220 Washington Avenue, Albany, NY 12226-2050 – Letter to the Supervisor regarding the closure of Mid-Orange Correctional Facility. Closure of any facility is a difficult undertaking, but the size of the state deficit and the need to reduce costs, increase efficiencies and maximize our resources required difficult and painful decisions. Identifiable and quantifiable excess capacity among our medium and minimum security facilities made the closures a necessity.

ROBYN M. ADAIR – Senior Attorney, New York State Department of Environmental Conservation, Office of General Counsel, 14th Floor, 625 Broadway, Albany, NY 12233-1500 – Letter sent to Chief ALJ James McClymonds, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 regarding DEC Case No.C03-20070201-2, County of Orange, Town of Chester, Town of Warwick and Village of Florida regarding the Glenmere Lake Dam.

MATTHEW WINCHESTER – Letter to the Town Clerk requesting permission to do metal detecting in the Town of Warwick Parks.

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 the request for release of landscape bond for 2 Evergreen Lane. The work required for the driveway, entrance, storm water control and erosion have been properly completed. The bond can now be released.

WILLIAM J. GORTON, P.E. – Acting Regional Director, State of New York Department of Transportation, Region Eight, 4 Burnett Boulevard, Poughkeepsie, NY 12603 – Letter sent to Hon. Annie Rabbitt regarding Study #811-3484, File 33.37-17A Route 17A Bellvale to Warwick Village Line Town of Warwick Orange County. Speed limits in New York are based on the widely accepted principle of setting them as near as practicable to the speed at which 85 percent of the drivers

are traveling at or below. Observation of travel speeds was conducted at two locations: one east of Homestead Village Drive, and one west. Data derived from observations at both locations found the 85th percentile speeds were 51 MPH and 53 MPH, consistent with the existing 55 MPH speed limit. A review of the accident history did not reveal a pattern of accidents which could be attributed to unsafe speed. Based on the aforementioned the NYSDOT finds the existing 55 MPH to be appropriate for this section of highway.

DEBORAH EURICH – Assessor, Town of Warwick – Letter to the Town Board requesting approval to attend the Institute of Assessing Officer’s training course on “Commercial and Industrial Appraisal” to be held in Syracuse on October 4-7, 2011.

FRANK J. GRAESSLE – Clearview Vineyard, 35 Clearview Lane, Warwick, NY 10990 – Notice to the Town of Warwick of his intent to renew a liquor license for the Clearview Vineyard.

FRANK & MIRIAM PIRANIO – 432 Park Lane, Warwick, NY 10990 – Letter to the Supervisor thanking all who made the scary and difficult time during Hurricane Irene more bearable.

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Grant Income (B02.4389.100)	Grant Expenses (B02.8760.227)	\$3,382.00
<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Parks Equipment (A00.7110.200)	Parks Engineering (A00.7100.416)	\$3,500.00

BOARD’S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that we received a nice letter from the Piranio’s regarding the evacuation and they also sent it to the paper and I’m glad they were kept safe.

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>	<u>LENGTH</u>
------------------------	-----------------	------------------------	---------------

CULVERT PIPES	Distillery Rd.	Irene	40 ft. 48"
	Black Rock Rd.	Irene	80 ft. 48"
	Cascade Rd.	Irene	40 ft. 48"
	Bowen Rd.	Irene	80 ft. 48"
DRAINAGE	Town wide	Due to Irene	
DITCH WORK	Town wide	Due to Irene	
TREE WORK	Town wide	Due to Irene	
ROAD REPAIR	Town wide	Due to Irene	
EMERG. REPAIRS	Town wide	As needed due to Irene	
ROAD SIGNS	Town wide	As needed	
HAUL MATERIAL	Hauled Item #4 & rip rap	To stockpile	

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT – Absent

COUNCILMAN DE BUCK REPORT

1. it's been very difficult with the rainy weather on some of the businesses and the farms. Perhaps if people are wondering how they can help I would encourage them to continue to patronize the farmers markets. Support those who provide food and fiber in our community. On Tuesdays in the Village of Florida, on Saturdays there's a farmers market in Pine Island at the Pine Island Park and on Sunday's I know there's a farmers market on South Street in the Village of Warwick.

COUNCILMAN GERSTNER REPORT

1. I would like to congratulate all the spring and summer organized athletic teams for their hard work and dedication, even the adult organized leagues did a great job. The Recreation Commission Chairman, Mike Cipolla is getting ready for the fall.

COUNCILMAN SHUBACK REPORT

1. Since the summer we've had 38 road signs stolen and that has cost us several hundreds of dollars to replace them. I don't know if kids are taking them and having fun with them or are adults taking them and selling them for scrap metal, but it's a considerable expense for the Town. If anyone sees anyone playing around with a sign call the police department immediately.

Supervisor Sweeton – It's dangerous too.

Councilman Shuback – It's dangerous when the stop signs and street signs are missing because it could cause accidents or someone could get lost looking for where they are going.

2. Also I want to thank the highway department for their work last week during the floods; they did a good job. Also I want to thank the Supervisor for his diligence in getting things going. He really worked hard and he spends more time on the job

then people realize. Also the three Commissioners that worked a lot of overtime and they don't get any extra money and I think they deserve a lot of praise.

ATTORNEY'S REPORT – Absent

TOWN CLERK'S REPORT

Fees Collected – Month of August, 2011 – Wickham Lake Permit Fees, Resident, \$100.00; Wickham Lake Permit Fees, Non-Resident, \$30.00; Wickham Lake Additional Stickers, \$4.00; Wickham Lake Permit Renewal-Resident, \$10.00; Wickham Lake Permit Renewal-Non-Resident, \$20.00; Film Production Permit Fees, \$250.00; Copies of Maps, \$20.00; Certified Marriages, \$140.00; Photocopies, \$14.25; Police Impound Fees, \$1000.00; Interest in Checking Account for Month of July, \$1.11; Dog Impoundments, \$585.00; Town Park Pavilion Fees, \$50.00; Special Event Beach Fee, \$750.00; Marriage License Fees, \$332.50; Conservation Licenses, \$403.08; Dog Licenses Issued/Renewed, \$2,594.00; Use of Room Fees, \$420.00; Registrar Fees, \$130.00; Zoning Maps, \$10.00; Waterfront Park Daily Non-Res. Fees, \$1,659.00; Waterfront Park Daily Res. Fees, \$3,705.00; Waterfront Park Res. Family Season Passes, \$100.00; Waterfront Park Commercial Passes, \$60.00; Waterfront Park Wedding Permit Fees, \$30.00; Town Park Deposits, \$100.00; Special Event Deposit, \$100.00; Waterfront Park Group Deposit, \$150.00. **Total Fees Collected: \$24,965.36**

Fees Paid – Month of August, 2011 – NYS Dept. of Health for Marriage Licenses, \$427.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$319.00; NYS Dept. of Environmental Conservation, \$10,140.92; Village of Greenwood Lake for Registrar Fees, \$70.00; Village of Warwick for Registrar Fees, \$1,240.00. **Total Fees Paid to Supervisor, \$12,767.94**

SUPERVISOR'S REPORT

1. Let me give you an update on some roads - This afternoon the Township of Vernon informed us that they were closing Route 94 from the New York State line to Vernon. There are a lot of water issues there and a lot of roads are covered. I believe you can still get to Vernon through Glenwood Road and Wawayanda State Park. What they did is open the back end of Wawayanda State Park so you can travel from Warwick Turnpike through it down into Breakneck Road. We don't have any update when that might reopen. The other closure Passaic County informed us as of yesterday that East Shore Road from half a mile into Jersey is closed until they make repairs from flooding. There is no estimated time on that as well, so commuters who use that need to find another alternate to get into New Jersey. Today we had additional flooding and some of our roads are still under, I believe State School Road, Furman Lane, Oil City Road, Penaluna Road, in the Village of Warwick South Street was reopened again. If you are watching on TV I hope you're careful, you obey the barricades you avoid going through these flooded areas so we don't have repeats of what we had during the storm. Storm report - I wanted to just put this on the record; on Saturday, August 29th at 9:00 p.m. we issued a state of emergency declaration and

ordered the opening of our emergency operations center here at the Warwick Police Station. Chief McGovern ordered overlapping shift coverage to ensure we had ample forces to deal with whatever Hurricane Irene would send our way. DPW placed their resources on a state of readiness. That evening most of the night passed with manageable problems, however, by first light the full fury of the storm was upon us. Roads, culverts and power lines came down in swift fashion with flooding and blockades on most roads including New York State Route 94 and County Route 1. Mayor Newhard and the Warwick Fire Department requested an evacuation of the Park Lane Apartments, so we quickly mobilized our Dial-A-Bus who was aided by the Police Department, Warwick Fire Department and the Warwick Ambulance Corp. and had most of those residents evacuated within a half hour of that request. We notified Superintendent Ray Bryant to ask him to open the Middle School as our primary shelter which he did promptly. He not only opened it, but he called his staff to man the shelter and hot meals and activities were soon keeping the scared residents a little calmer. Soon after this we had another request from the Village of Warwick for an evacuation of the flood zone from the reservoir system in the Village of Warwick, which encompasses Southern Lane, South Street Extension, parts of Galloway Road, Clinton Avenue and Clinton Avenue Extension due to concerns on a portion of reservoir one. Again, our emergency workers aided by the Warwick School Bus Systems that were supplied by the Transportation Department under Dawn Russell quickly evacuated close to 75 people to the middle school. Many other individual rescues were made throughout the day as motorists ignored barricades putting themselves and emergency responders in jeopardy. By late Sunday the rain subsided, however the wind and soggy ground continued to topple trees. At 4:00 p.m. the water levels had dropped enough to allow most evacuees to return home and by 5:00 p.m. we were able to return the grateful Park Lane residents to their apartments. The task for the evening was to let our exhausted emergency workers get some rest and get ready for the effort to get the roads opened in a shorter period as possible. That work began by our DPW Department on Monday morning with the aide of a local contractor and by Tuesday night most Town roads were open except those that required Orange and Rockland to remove power lines that entangled trees and this work continued through Thursday evening. Throughout this unprecedented storm event I was never more proud of the exceptional performance of our police, highway, fire departments and ambulance corps who bore the brunt of elements to keep everyone safe. I also want to express my tremendous gratitude to Ray Bryant and all his staff who responded and provided safe shelter for those in need. A special thanks to the Boy Scouts, Rotarians and church volunteers who braved the storm to man the shelter. I also want to thank Mayors Newhard, Moore and Pawliczek for coordinating their efforts with us to ensure we protected life during this terrible storm. Also I would like to thank Deputy Supervisor Gerstner who when he wasn't working with his volunteer fire company came to the operation center and assisted me in some of the efforts. Today we received 7 to 10 more inches of rain and flooded many roads again, however 95% of our temporary repairs held and our police, highway and

dispatchers responded quickly to keep motorists and residents safe. Again we want to extend the gratitude of the entire Town Board to all of those people who did an outstanding job and most people will never know the level of activity that they had during this entire storm. Again please express my thanks to your departments and we certainly will do so to the volunteers in the school district who also aided us and all the volunteer agencies involved.

2. **FEMA Response -** Yesterday we did learn that Orange County was finally included in the public assistance declaration which means that the repairs that we will need to make and the emergency repairs we've already made will now be eligible for 75% funding under FEMA. We still will not know what the State's contribution to that will be; we're pushing for 25% max to be paid by the State of New York. That process will be long and there will be many visits by FEMA representatives working with our engineers and our DPW before the repairs can actually be made, so we'll have a lot of temporary repairs still in place and motorists are urged to be careful as they go through these areas. Three or four days prior to that New York included Orange County in the individual assistance declaration, which is aimed at residents and small businesses. It is very important if you are a resident or a small business who suffered damage from this storm to immediately register with FEMA. You can call them at 1-800-621-3362 or you can register on the FEMA website, but you need to do that and the process is that you need to alert your own insurance company first and document everything, but you should not wait to register with FEMA for any assistance they might offer. We will try to keep getting more information and it's all on their website as to what assistance they offer, but we'll continue to post it on our website as well. That is good news from what assistance might be coming.
3. **The bad news so far is that our farming community, especially in the black dirt region was devastated by this storm. The timing could not have been worse, the season was a little late so the crops had not been harvested yet and they spent four or five days under water which rendered 95% of them useless. We attended a meeting today at the County EMS Center with representatives from various agencies and the problem for agriculture is that their disaster aid comes through the US Department of Agriculture which historically has been stingy in how that aid gets to the farmers and the amount of that aid. It certainly is not designed to cover this historic flooding event on the black dirt. What we are doing is working with both our Senators Schumer and Gillibrand as well as our Congressional Representative Nan Hayworth to push for a special federal USDA declaration for agriculture that could get some targeted money immediately to the affected farms so that they can survive the loss of the cost that they have already in their crops plus prepare them for getting into the next season. It is a dire situation for them and many will not go forward if they don't receive some assistance. From our part we will continue to urge our representatives to take some quick action in Washington because that's what it will take because none of the programs that exist will cover their scenario. Locally, there has been an effort that sprung up called Warwick Farm Aide 2011; the brain child of school board member Paul Caskey and farmer Cheryl Rogowski. It is taking on a life of its own and it has a website warwickfarmaide2011.com and there is going to be an event on**

September 25th at the high school from 1:00 p.m. until 4:00 p.m. with no charge and events from 4:00 p.m. to 9:00 p.m. There will be concerts and four bands have already signed up. There will be a \$25 admission for that. You can go to the website which when operational, today it's probably not fully filled out yet, but you will be able to obtain tickets through that website as well as make donations. The donations are going to be to Community 2000 which will then because it's a not-for-profit agency so that the contributions will be tax deductible. 100% of the money raised through this event will go directly to farmers. They're working with an attorney on a simple application that farmers can apply and the farmers that apply the money will be split up. It will probably be a drop in the bucket but at least it will be an initial response from this community to try to aide to those who have given so much to our community. I hope that people will pay attention to the information. It will start to flow out so support this effort if you can.

4. Mid Orange Correctional Facility - I do not have any update at this moment because everything got put on hold with the hurricane. I do know that the prisoners are all gone. Most of the COs are gone. There are still some there and they are still trying to place some of them. Despite what they said about all of them being placed to my understanding from talking to one yesterday is that there may not be enough openings initially and that there may be layoffs of those officers. That is again not what they told us originally and is another unfortunate part of this whole scenario. We will continue and we'll reinvigorate our effort to find a good ultimate solution that goes into that property. We have met with Orange County Partnership with the Empire State Development Corp and Hudson Valley Agricultural Economic Development Corporation looking for possible help in finding the right person or persons to go into that site.
5. The Greenwood Lake Drawdown - The permit has been submitted by the State of New Jersey to the State of New York DEC. They are having an open comment period through the end of this week, so New York State has not issued a permit for that drawdown yet which means the drawdown can't go forward until New York does that and we still hope they're doing that. Residents who wish to do some work along the shore during that drawdown will need to live in the Town and need to contact our Building Department so we can facilitate getting the permit from the individual permit from the DEC for them to do that work. They should call our Building Department for more information on that.
6. The Senior BBQ seems like eons ago; it's such a pleasant time and it was a perfect day; we served over 700 seniors. Volunteers were tremendous helping from youth to almost seniors themselves, elected officials, Rotarians and all kinds of service clubs. The costs were all covered by the donations of the different groups in our Town and the seniors every single one of them enjoyed it tremendously. I want to recognize the great effort by the groups that donated money or were just there to help. It was just fantastic and a nice present to give to our seniors.
7. Monthly Budget Review - The new budget for the month just came out and I haven't had a chance to go through it yet, but I did approve all of the journal entries that were made this past month and they were all in order. Our new

- vendor list verification procedure is working. It takes two signatures now to make sure the vendor gets legitimately entered and that's done and working well.
8. Supervisors Corner is published each week in the Warwick Dispatch with excerpts printed in the Warwick Advertiser.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Dan Dixon – Resident, Village of Warwick – My concern is the dam up above us. I want to know the status after today and what the long term goal is in terms of the fix and where we stand on it.

Supervisor Sweeton – The dam you understand is in the Village, but I will tell you what I know about it. They were up there all last night and I talked with the Mayor this morning. His people assured us that the dam is at no risk at this point. They've lowered the reservoirs tremendously. FEMA did visit the dam and there is a lot of work that needs to be done on the dam. What will happen now is that FEMA is declared the question will be what will FEMA do to help them, but in any event there is a tremendous amount of work that needs to be done on the earthen bank of the dam. They understand that they're not going to purposely let the level rise to the point where it requires us to evacuate these people from the area.

Dan Dixon – Did they give a time frame on any of this?

Supervisor Sweeton – No. What's going to happen now is FEMA is going to send in teams, go through the projects, you'll have to submit an engineering plan to them and then they'll have to look at them and decide if they're going to do all of it or look at it and say this didn't have anything to do with the storm, so we're only going to let you do this and once that all shakes out then the Village is going to have additional decisions to make on what else they need to do to the dam.

Dan Dixon – What's the best place to get information on the status of that?

Supervisor Sweeton – From the Village. You really need to talk with them. We communicate because obviously we have the resource to help them in an emergency situation and even our DPW works with them to do certain things, but I think they know and they may have had a engineering report on the reservoir bank, so I think they have a sense of what they need to do. This is obviously going to focus it and FEMA will help because they are going to get some money to do it. It's not going to have to just fall on Village residents, but at the moment the water level is low enough that it's not in the risk area. Where the damage occurred primarily there were several things that happened; a mud slide came down into one end and diverted, they have a spill way that leads to the lower reservoir and that spill way got blocked and spill way water came out around it and put more pressure on the top of the middle of the bank and they had a couple of washouts there. It was the right precautionary move to bring those people out that day, but the water by the evening had dropped sufficiently to allow people to go back and at this point they're

not purposely letting water get that high again. You can call us any time and we'll pass on what we know.

Dan Dixon - It was hard to find information after we got evacuated and went back. The next day I tried to find information on it and I couldn't find it.

Supervisor Sweeton – That's what it is and again we were up there at the end of the week when FEMA came by and the level was way down and they understand that.

Dan Dixon – Even after all that rain we got last night.

Supervisor Sweeton – They had people up their monitoring it from the middle of the morning because they were in touch with our police department and by morning I was here at 7:30 a.m. I talked to the Mayor and he assured me that they were still below where they needed to be and there was no risk.

NEW BUSINESS:

#R2011-222 APPROVAL TO ATTEND TRAINING COURSE – DEBORAH EURICH

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution to approve Deborah Eurich, Tax Assessor, to attend the Institute of Assessing Officer's training course "Commercial and Industrial Appraisal" to be held in Syracuse on October 4, 2011 to October 7, 2011. Funds for this training are allocated in the current department budget.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

**#R2011-223 RE-APPOINTMENT TO ASSESSMENT BOARD OF REVIEW –
MARCIA SAFFIOTI**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to re-appoint Marcia Saffioti to the Assessment Board of Review for a five year term expiring September 30, 2016.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-224 BUDGET TRANSFER – BOOKKEEPER

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt the following Bookkeeper budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Parks – Equipment (A00-7110.200)	Parks – Engineering (A00-7110.416)	\$3,500.00

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-225 BUDGET TRANSFER – BOOKKEEPER

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Grant Income (B02-4389.100) Check received from NYS Governor’s Traffic Safety Committee for Child Safety Seat grant	Grant Expenses (B02-8760.227)	\$3,382.00

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-226 ESCROW REFUND – JOE WALTER

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$361.25, the balance of the escrow SBL #27-1-19 to Building Dept. applicant, Joe Walter as per the recommendation of the Building Department Secretary, letter dated August 24, 2011.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-227 SPECIAL EVENT PERMIT – 2011 COUNTRY ROADS BICYCLE TOUR

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution to authorize the use of the roads in the Town of Warwick to the Orange County Bicycle Club and Occupations, Inc. for their annual Country Roads Bicycle Tour. Event to be held on Sunday, September 18, 2011 from 7:30 a.m. to 3 p.m., subject to approval by the Chief of Police. Application and Certificate of Insurance is on file in the Clerk’s Office.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-228 APPROVAL TO PURCHASE PARCELS FOR BACK TAXES

Motion Councilman Shuback, seconded Councilman DeBuck to adopt a resolution to grant approval to the Town to purchase, for back taxes, parcel SBL# 56-6-1.12 (1 acre) and parcel SBL# 69-1-5 (10.3 acres) for the purpose of protecting the Bellvale Water District and the entrance to Cascade Lake Park respectively.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is to authorize us to let the County know what we intend to do and I believe we would have to do a SEQRA on this, so we'll put that on for the next agenda. The one acre parcel is surrounding the Bellvale Water District well system and the cost of that is \$5,000; that's the back taxes owed. The 10.3 acres is a chunk that juts into the Cascade Park and that park is large and maybe we don't want to add to it; its \$1,500 for the back taxes, so it seemed like that made sense to me and it does square that park off. I'll make sure we get the SEQRA for the next meeting.

**#R2011-229 UNSAFE BUILDING – SCHEDULE HEARING – CASTLE TAVERN –
SBL# 76-1-33.12**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to Order to Repair or Remove Structure(s), Tax Map Section 76, Block 1, Lot 33.12:

WHEREAS, the Building Inspector of the Town of Warwick has made personal inspection of structure(s) located at 8 Castle Court , Greenwood Lake, New York, designated as Section 76, Block 1, Lot 33.12, of the tax map of the said Town, and has deemed the said structure(s) to be dangerous or unsafe to the public as defined in Chapter 67-3 of the Code of Ordinances and Local Laws of the Town of Warwick, and such determination has been reported to the Town Board together with the report and recommendations of the Town's Building Inspector, dated August 18, 2011, which reports conclude that the said structure(s) is a hazard to the community; and

WHEREAS, the Town Board of the Town of Warwick, after reviewing said report and the building inspector's determination and recommendation to the Town Board, and having duly deliberated thereon;

BE IT RESOLVED as follows:

The Town Board determines that the structure(s) located at 8 Castle Court, in the Town of Warwick, designated as Section 76, Block 1, Lot 33.12, of the Town of Warwick tax map, record owner(s) being Michael Colandra and last residing at 8 Castle Court, Greenwood Lake is unsafe, dangerous, unhealthy and a fire hazard and shall be repaired or removed by the said owner(s); such finding being based on the report and the recommendation of the Building Inspector dated August 18, 2011; and

BE IT FURTHER RESOLVED, that a hearing shall be conducted to consider the affirmance of, modification of or vacatur of this Order. Said hearing shall commence on or about 7:00 PM on October 13, 2011, and shall be conducted at the Town Hall of the Town of Warwick, 132 Kings Highway, Warwick, New York. The Town Attorney shall serve notice of the said hearing together with this resolution and the report of the Building Inspector to the owner(s) of record of the said premises or persons having an interest therein; proof of such service shall be delivered to the Town Clerk at or before the opening of the public hearing and such notice of hearing shall be served on the record owner(s) at least five days before the commencement of the public hearing.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

#R2011-230 SUPPORT 2011 JUSTICE COURT JCAP GRANT APPLICATION

**Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to support the 2011 Justice Court grant application for additional office renovations such as carpeting, paint, extension of the court bench and bullet-proof panels provided there is no cost to the Town.
Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.**

#R2011-231 AUTHORIZATION OF BOND RELEASE – MAKAN LAND DEVELOPMENT ONE, LLC – 2 EVERGREEN LANE

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the release of a Landscaping Bond in the amount of \$30,000.00 plus interest to Makan Land Development One, LLC , P.O. Box 979, Harriman, NY 10926 as per the recommendation of the Town Engineer.
Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.**

#R2011-232 ESTABLISH LEAD AGENCY – AT&T WIRELESS FACILITY AND 165' MONOPINE ON TOWN PROPERTY

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

Whereas, the Town Board of the Town of Warwick is considering action on a proposed Wireless Telecommunications Facility on Town property located at 144 State Highway 94 South, Town of Warwick, Orange County, New York, and

Whereas, a Full Environmental Assessment Form (EAF) dated June 22, 2011 has been submitted by New Cingular Wireless PCS, LLC to address the potential environmental effects of the action, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5 as well as Article 8 of the Town Zoning Law, the Town Board has determined that the proposed project is a Type 1 action, and

Whereas, the Town Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) applies meaning that an Agricultural Data Statement must be filed and considered by the Town Board if there are any farm operations within an Agricultural District within 500 feet of the site, 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 (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent) Supervisor declared this resolution duly adopted.

PRESENTATION BY AT&T

Neil Alexander – Partner, Cuddy & Feder Law Firm representing AT&T Wireless, Glen Scherer who has prepared not only the visual work but the EAF that you mentioned as well as the site drawings, Diane Enright from Black & Veatch who has dealt with the Supervisor and others on the leasing issues and Yvan Joseph a radio frequency engineer at Black and Veatch presented the Town Board with simulations of what the 40x60 compound with the AT&T shelter which is 26 feet long and 12 feet high and contained in that is the manifold and five additional carriers and space for the municipality or Town use and the concealed antennas.

#R2011-233 SCHEDULE PUBLIC HEARING – AT&T WIRELESS FACILITY

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing for consideration of a proposed Wireless Telecommunications Facility on Town property located at 144 State Highway 94 South. Said public hearing to be held on October 13, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick. Motion Carried (4 ayes, 0 nays) Supervisor declared this resolution duly adopted.

BILLS: Motion Councilman DeBuck, seconded Councilman Gerstner to pay the bills as audited. Motion Carried (4 ayes, 0 nays & 1 absent Councilman DeAngelo absent)

PRIVILEGE OF THE FLOOR (GENERAL)

Councilman Gerstner – You spoke well Michael with this last disaster here but again I was able to meet with the TV station and you told the Chief thanks and I just want to let everybody know and Jeff and the volunteer fireman, ambulance, Boy Scouts everybody did such a great job. For me being down there for one of the first times it almost seemed like it wasn't really a problem. Everybody did such a great job, I mean yeah we could have used another ten phone lines, but the dispatchers and officers and DPW guys did a great job. You said it best but I wanted to give my feelings on it because it was just so smooth.

Supervisor Sweeton – We had three dispatchers on and the phones literally rang the entire time. It was pretty amazing and I think the good part of it all was that the Towns' plan ran fairly well. Everyone was safe, even the people who ignored the barricades and the declaration to stay inside. It was just an exceptional performance by not only our paid employees but also our volunteers and we did a lot better than many towns.

Councilman Gerstner – It was really smooth and I want to thank everybody.

Police Chief McGovern – I was glad to see you both took the time to spend time there because most people have no concept of what that’s like to be there under those circumstances. They handled in a day and a half almost 3,000 calls which were for police, fire, ambulance, road directions; you name it. Mike, you answered a few calls yourself as did I for a number of hours and we had one girl, a dispatcher, who worked five consecutive shifts between Friday night and Sunday night.

Supervisor Sweeton – Again, everyone put in exceptional time and certainly did an outstanding job. I think it’s a tribute to our Town that everything went as smoothly as it went. The only glitch in the whole process was getting information from Orange and Rockland in a timely manner that would allow us to clear trees. We would have had the road opened sooner if we had information from them as to whether their lines were alive or dead because our crews were ready to clear the trees. That was a frustration point that we had and we’ll certainly discuss that with them and we will also review how our operations were formed because there’s always room for improvement. We’ve learned some things, communication things in getting information out to the public, and we’ll certainly work to improve that going forward.

Councilman DeBuck – How many years ago did we institute that automatic calling system? Was that utilized again?

Supervisor Sweeton – That was utilized and this has been in effect for about five or six years. It worked well when we used it to notify all of the residents from the database. That is a thing that I would like the press to focus on; it’s very important for people to go to the townofwarwick.org and register not only their phone number but email or text so that we can get the information out to them in a timely manner. That database is a published data base that’s supplemented by people putting in their different numbers. People are changing numbers all of the time with cell carriers and if we can get emails or text those messages they go out at no cost to the Town where if it’s the voice message we pay for that connect time. If a resident wants the Town to save a little money they can make sure they register those other avenues. The system worked very well but it had a glitch in the boil water notice that the Mayor asked us to send and that occurs by virtue of how we populate the call list for that. We do it on a radius basis and it seemed like and we’re still investing this with the company, but it seemed like it didn’t grab all of the numbers within the radius. When the system was used for the full database it was not an issue at all but when the radius was used in that initial notice all we did was widen the radius for the lifting of the boil water and it did grab all of the village residents that were signed up at that point, so we’ll work through that with them and we’ll know in the future that we need to make that radius large enough even if it brings in Town residents that the message isn’t directed at.

Councilman Gerstner – Like you said even if you do get a message that doesn’t pertain to you it’s not on purpose it’s just that we want to make sure we cover

everybody. If you want to pass that on that's the best message to pass on by word of mouth to your neighbors because somebody might not be on it and you get it you can say hey did you hear the Village of Warwick has to boil the water. Again Michael everybody did a great job it was wild down here.

Supervisor Sweeton – The other thing people need to remember is many communities do not have the reverse 911 system, so it's a supplement to other avenues that we have. I think two lessons came out of this storm and one is you need to have an old fashion phone that you can plug directly into the wall because in many cases you will get phone service but not if you have a fancy phone that plugs into the wall to electric. The other issue is everyone should have a portable radio with batteries because WTBQ remained on the air at 93.5 overnight and we were feeding them information. We could have the sophisticated Facebook Warwick Common Place avenues but if you don't have power you're not going to get that message. So those were lessons that we learned I think.

Councilman DeBuck – I think that's one of the best ways of reaching people through that automated dial system.

Supervisor Sweeton – It is.

Councilman DeBuck – I heard from a lot of friends say that they heard from the Supervisor on my computer and I said, "Oh, what did he say?" and they said the Town is in a State of Emergency. I had been traveling from the Honesdale Pennsylvania area and there was an escapee from a prison so they were on national news and they had no way of letting their community know that there was a danger amongst them, so I thought it was awful wise in our investment of an automated dialing system. Now we've used it for several occurrences and I'm really pleased that has worked so well.

**ADJOURN: Motion Councilman Shuback, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman DeAngelo absent) 8:34 p.m.
09-08-11 cp.**

Marjorie Quackenbush, Town Clerk