

September 22, 2016

**EXECUTIVE SESSION: Motion Councilman DeAngelo, seconded Councilman Shuback to enter into an executive session for the purpose of a discussion concerning the proposed pending or current litigation before the Town of Warwick. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 7:05 p.m.**

**RECONVENE: Motion Councilman Kowal, seconded Councilman DeAngelo to reconvene the meeting. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 7:14 p.m.**

**ADJOURN: Motion Councilman Kowal, seconded Councilman DeAngelo that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 7:15 p.m.**

**The regular meeting of the Town Board of the Town of Warwick was held on Thursday, September 22, 2016 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 – Absent  
Councilman Mickey Shuback

Attorney for the Town, Jay Myrow  
DPW Commissioner, Jeffrey Feagles  
Police Sergeant, Edward Mullins

**PRESENTATION:**

**Dr. Richard Hull the Historian for the Town of Warwick introduced Mary Anne Knight a principal at Goshen Intermediate School, Assistant Principal at their High School and an Instructor at SUNY Orange. She holds degrees from Clark University and SUNY New Paltz . She is retired and currently is a Trustee and Education Chair. of the Warwick Historical Society and a Charter Member of the Community Partnership Committee for the Warwick Valley Central School District. Her counterpart Ivy Tulin for 22 years taught Spanish Literature and Cultural History of Spanish speaking countries in the West Milford School District. She holds degrees from Montclair State University and Marywood College. For more then a decade she has served as the Historian and Arborist for the Christ Episcopal Church here in our village and an author of History of our Towns Episcopalian Communities. She also played an instrumental role in reorganizing the extensive archives of the Warwick Historical Society. Both of these citizens lived and**

SEPTEMBER 22, 2016

raised their families here in Warwick. I would like to present them both with a plaque for their countless hours of volunteerism educating our local youth in local history and heritage.

Supervisor Sweeton – Dr. Hull just to pass on for the public who are watching too. I took one of the red umbrella tours that the Historical Society is doing is doing on the third Sunday of every month. Growing up in Warwick you think you know everything about the town. I learned a lot and Michael Bertollini was our host. It made you look at Main Street in a different light and recognize through the architecture how it progressed over the years. I encourage any residents out there who want to do it you should do it at 2:00 p.m. on the third Sunday of the month. Thank you for keeping history alive for us in Warwick.

#### ACCEPTANCE OF MINUTES:

##### **1. Regular Meeting: September 8, 2016**

Motion Councilman Kowal, seconded Councilman DeAngelo to accept the minutes as written from the Regular Meeting held on September 8, 2016.

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

#### CORRESPONDENCE:

**DEBORAH EURICH – Assessor, Town of Warwick. Memo to Supervisor and Town Board requesting approval to transfer funds.**

**JENNIFER CROVER – Supervisor of Transportation, Town of Warwick. Letter to Supervisor regarding Department of Transportation/Passenger Transportation Safety Board and wanted to mention what a tremendous job the staff did. Specifically, Peter Verutes, Donna Palaj, Brian Demarmels. & Damian Romanosky.**

**JOHN T. SHEEHAN – Intermodal Transportation Specialist 1, PTSB Bus Investigator, NYS DOT, Region 11. Letter thanking the Supervisor and staff at the Town of Warwick Dial-a-Bus for their cooperation during his visit.**

**CONNIE SARDO – Planning Board Secretary, Town of Warwick. Letter to Supervisor and Town Board dated September 1, 2016 requesting a refund of the remaining balance to Ali Norden's Escrow account in the amount of \$1,691.25. Mrs. Norden has withdrawn her Planning Board Application.**

**MICHAEL M GRANT – Manager, Regional & Community Affairs, Orange & Rockland Utilities, Inc. Letter to Supervisor Regarding Orange & Rockland Employee Identification Verification Initiative.**

**PETER E. PRESCOTT - CEO, Team (EJP) Everett J. Prescott, Inc. Pipeline Specialists. Letter to Supervisor and Town Board regarding HD Supply's attack on Team EJP VAS Customer Contracts.**

SEPTEMBER 22, 2016

**MICHAEL CORSO – Chief Consumer Advocate, Department of Public Service. Letter to Supervisor and Town Board regarding a Public Hearing seeking Public comment on a proposed increase in water service rates. Hearing will be held on September 29, 2016, 6:00pm at Rockland County Legislative Chambers, 11 New Hempstead Road, New City, NY 10956**

**JOSEPH E. STANKAVAGE – Principle Engineer, Orange County Department of Public Works. A copy of the letter and (TE-9 Form) submitted to Mr. Chijoke Onyeche of the NYSDOT for a Speed Limit reduction on County Route 13 between the Village of Warwick Border and Wisner Road.**

**CONNIE SARDO – Planning Board Secretary, Town of Warwick. Letter to Supervisor and Town Board requesting a refund of the remaining balance for Sayed M. Shah in the amount of \$1,958.75. The applicant has completed his Planning Board project for SBL# 3-1-44 and there are no outstanding invoices from the Town professionals.**

**PAUL FALISKI- Resident of Warwick. Application for Town of Warwick Park Permit requesting permission to serve alcoholic beverages for a family party on October 29, 2016.**

**THOMAS F MCGOVERN – Chief of Police, Town of Warwick. Memo to Supervisor and Town Board regarding a check deposited into Special Departments, line#466 from Appriss Inc. in the amount of \$77.00 for accident reports.**

**BOARD’S DISCUSSION ON CORRESPONDENCE**

**Supervisor Sweeton noted that we did have a New York State DOT inspection of our transportation operation and we received a very good review from them. I want to congratulate Jen Crover our Manager and all of the staff especially Peter Verutes, Donna Palaj, Brian Demarmels & Damian Romanowski. Brian and Damian are mechanics in the DPW and they work on the buses and Peter and Donna are drivers and we got a great review. Congratulations to all of them.**

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<b>Culvert Pipes</b>	<b>Brady Road</b>	<b>Replacement</b>	<b>Town</b>
<b>Catch Basins</b>	<b>Kings Estates</b>	<b>Repair Basin</b>	<b>Town</b>
	<b>Regent Road</b>	<b>Repair Basin</b>	<b>Town</b>
	<b>18 Wah Ta Wah Dr.</b>	<b>Repair catch basin</b>	<b>Village of GWL</b>

SEPTEMBER 22, 2016

	<b>Waterstone Rd.</b>	<b>Rebuild Basin</b>	<b>Village of GWL</b>
<b>Ditch Work</b>	<b>Royal Ct.</b>	<b>Clean Diches</b>	<b>Town</b>
<b>Mowing</b>	<b>Town Wide</b>	<b>As needed</b>	<b>Town</b>
<b>Pot Holes</b>	<b>Town wide</b>	<b>As needed</b>	<b>Town</b>
	<b>Village wide</b>	<b>Filla as needed</b>	<b>Village of GWL</b>
<b>Road Signs</b>	<b>Town wide</b>	<b>As needed</b>	<b>Town</b>
	<b>Village wide</b>	<b>Replace as needed</b>	<b>Village of GWL</b>
<b>Haul Material</b>	<b>Dial -a-Bus</b>	<b>Haul for site preparation</b>	<b>Town</b>
	<b>Kayak Launch</b>	<b>Haul clean fill</b>	<b>Village of GWL</b>
<b>Brush Pick Up</b>	<b>Village wide</b>	<b>As needed</b>	<b>Village of GWL</b>
<b>Ball Fields</b>	<b>Mow &amp; Maintain</b>	<b>As needed</b>	<b>Village of GWL</b>
<b>Vehicle Maint.</b>		<b>As needed</b>	<b>Village of GWL</b>
<b>Emerg. Repairs</b>		<b>As needed</b>	<b>Village of GWL</b>
<b>Water Dept.</b>	<b>Wah Ta Wah</b>	<b>Replace 100' of summer water line on Fourth Rd.</b>	<b>Village of GWL</b>
		<b>Replace 100' on Sixth Rd.</b>	<b>Village of GWL</b>

**PARKS DEPARTMENT**

<b>Union Corners</b>	<b>Irrigation</b>	<b>As needed</b>
	<b>Mowing</b>	<b>As needed</b>
<b>Pine Island</b>	<b>Mowing</b>	<b>As needed</b>
<b>Airport Park</b>	<b>Mowing</b>	<b>As needed</b>
<b>Wickham Woodlands</b>	<b>Mowing</b>	<b>As needed</b>
<b>Winstanley Fields</b>	<b>Mowing</b>	<b>As needed</b>
<b>Beach</b>	<b>Remove Swim Ropes &amp; Raft</b>	
	<b>Mowing</b>	<b>As needed</b>
	<b>Clean up</b>	<b>As needed</b>

**ENVIRONMENTAL CONSULTANTS REPORT: AUGUST 2016****Wickham Water District**

Well #11

2,574,500 gal

Average daily use

83,000 gal

SEPTEMBER 22, 2016

Sodium Hypochlorite used	180 qt
Orthophosphate used	84 qt
Caustic Soda	80 gal

**Bellvale Park Water District**

Total monthly production	119,000 gal
Average daily use	3,800 gal
Sodium Hypochlorite used	10 qt

**Eurich Heights Water District**

Total monthly production	221,500 gal
Average daily use	7,100 gal
Sodium Hypochlorite used	8 qt
Orthophosphate used	12 qt

**Pine Island Water District**

Total monthly production	307,000 gal
Average daily use	9,900 gal
Sodium Hypochlorite used	14 qt

**Westside #1 Water District**

Total monthly production	3,596,000 gal
Average daily use	116,000 gal
Sodium Hypochlorite used	270 qt
Orthophosphate used	96 qt
Caustic Soda	60 gal

**The Fairgrounds**

Total monthly production	358,500 gal
Average daily use	11,600 gal
Sodium Hypochlorite used	12 qt

**The Warwick Tech Park**

Total monthly production	36,000gal
Average daily use	1,200 gal
Sodium Hypochlorite used	20 qt

**Sewer District #1 Wastewater Treatment Facility**

Warwick Tech Park	22,390 gal	1%
-------------------	------------	----

SEPTEMBER 22, 2016

Wickham Village District	2,059,078 gal	55%
Kings Estates District	1,634,652 gal	40%
<b><u>Total District Flow</u></b>	<b>3,716,120 gal</b>	<b>100%</b>
<b><u>Average Daily Flow</u></b>	<b>119,875 gal</b>	

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 32 hrs. and 1 gal of polymer was used.

20 cu. yds. Of pressed sludge was removed from the plant.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

<b><u>Total District Flow</u></b>	<b>174,548 gal</b>
<b><u>Average Daily Flow</u></b>	<b>5,631 gal</b>

**COUNCILMAN DE ANGELO REPORT**

**1. I received an email from a citizen pertaining to help he received from a police officer and I would like to read it. “I’m writing this to let you know how helpful a Police Officer was to me. On 8/6/16 at 6:30 am at the corner of Locust and Route 94 my motorcycle tipped over at the stop sign. An officer in an SUV stopped (I didn’t get his name). He picked up my bike, and showed me how to do it in the event I need to do it in the future and he also attached my mirror which had fallen off. He did so much more in addition to directing traffic. I need to let you know how helpful he was to me. I hope you can thank the officer for me. We are still trying to find out who the officer was but it’s nice to get this kind of a note from a citizen.**

**2. On September 29<sup>th</sup> they are having coffee with a cop at the Wickham Woodlands Manor which is the former Quality of Life Building at the old Mid-Hudson Correctional Facility.**

**Sergeant Mullins – We have internet groups coming to try and make a connection with the online Community.**

**3. The Humane Societies current shelter population is 20 dogs, 135 cats/kittens, 52 rabbits, 2 roosters and 8 doves and they are all up for adoption if you are interested. They would like to thank everybody who helped them with the 5K4Paws event that was held on Sunday with nearly 100 runners and raised over \$3,500. They will be having a booth at Applefest on South Street next to the railroad tracks. Their annual drawing will be at 4:00 p.m. and they will be selling animal related merchandise. There will be a rabies clinic on October 9<sup>th</sup> from 10:00 a.m. until 12 noon, \$15 cash per pet, all pets must be on leashes or in carriers and they will receive 1 year vaccinations by Pam Shultz, DVM of Orchard Grove Animal Hospital. They have a wish list and need the following items: rabbit pellets, pate or ground canned cat food, bleach, paper towels, Science Diet dry cat and dog food, equine pine pellets or natural wood stove pellets and heavy duty garbage bags.**

SEPTEMBER 22, 2016

**COUNCILMAN KOWAL REPORT**

1. I have a request to the DPW from the Pine Island Chamber of Commerce on Columbus Day, October 10<sup>th</sup> they will be having their Pumpkin Festival. It started out as such a small event with only 30 kids and it's grown to such a big event that they asked for extra trash cans out there for that event so they can keep things as neat as possible. I believe it starts at 10:00 a.m. but you can go to the Pine Island Chamber of Commerce website to verify that. This is a great event with a bounce house, touch a tractor, the Pine Island Fire Department will be there and lots of pumpkins for the kids.

**COUNCILMAN GERSTNER REPORT – Absent**

**COUNCILMAN SHUBACK REPORT**

1. I have seen something that I haven't seen in my life, irrigating the lawn at Union Corners Park. Usually after August you don't irrigate but this is a year we're all going to remember. I grew sod in my business and irrigation is important. We also are irrigating now but we use a little more water.

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

State & Local Primary Election Results – Two of our polling sites did not return their totals at the end of the evening so I was not able to tabulate the election results for our town. The unofficial election results for the State & Local Primary according to the Orange County Board of Elections is as follows:

Green	Steven W. Brockett	1
Green	Robert H. Freehill	3
Independent	Aron Wieder	4
Independent	Karl Brabenec	25
Democrat	Aron Wieder	26
Democrat	Krystal Z. Serrano	392
Republican	John N. Allegro	397
Republican	Karl Brabenec	417
Conservative	Karl Brabenec	50
Woman Equality	Krystal Z. Serrano	0
Reform	Karl Brabenec	0

1. Request for Bid Proposal for the purchase, delivery, and installation of a Salt Barn Fabric Building:

Clearspan Fabric Structures  
 139 John Fitch Blvd.  
 South Windsor, CT 06074  
 800-603-4445

SEPTEMBER 22, 2016

**Bid Proposal: \$112,800.00**

2. **Request for Bid Proposal for the purchase, delivery, and installation of a Salt Barns Foundation Walls:**

**Allied Excavating Inc.  
71 Waterbury Road  
Warwick, NY 10990  
845-986-3516  
Bid Proposal \$429,830.00**

Supervisor Sweeton – For the public's information that bid came in way over our budget, so I asked the Commissioner of Public Works to go back and our engineer to go back and rethink this. We kicked around some ideas and we have a couple of resolutions tonight to re-bid for a slightly different structure that will incorporate some of the innards of our salt barn that exists now. Our salt barn that exists now does need to come down. It is hazardous and is not safe to put our employees in there another season. We will be taking it down and we think we found a much more cost effective solution which we will go out to bid for and a good job by our Commissioner and Engineer in finding that solution.

**SUPERVISORS REPORT**

1. I want to remind everybody we probably don't need to if you live in Warwick

Applefest is Sunday, October 2<sup>nd</sup> and it starts officially at 10:00 a.m. but people roll in well before that. It does get busy, it's a good festival, a good time and it's a family oriented event. The only thing I caution people is the Renaissance Fair in Tuxedo is continuing that weekend which is unusual for them. Traffic on Route 17A may be an issue but there will be alternate routes posted on websites, the Chamber of Commerce website, the Town of Warwick website and we urge people to look for some of the alternate routes mostly home from the site. It should be a good day and we expect a decent crowd.

2. The Community Preservation Fund receipts for August were a robust \$93,172.19 and that brings the total to in the fund to date to \$2,840,851.48. We did close on a portion of the Fair Meade Farm which the farm is formally known as the Miller Farm out on Route 94. The top portion of that farm went into farmland preservation and some of the proceeds from the community preservation fund were used for that purchase. It was a 50% match with the federal government so we will get a 50% reimbursement from them.

3. The New York State DOT thankfully is going to continue their paving project on Route 17A I know our Greenwood Lake residents will love this. It's going to start from Megan's Way in the Village of Greenwood Lake which is the bottom of the mountain and it will go up Tuxedo Mountain to a little bit beyond Old Tuxedo Road. That's a good thing that will start approximately on October 3<sup>rd</sup> and proceed for about 3 days and they did move pretty fast when they did the section closer to Warwick. They did a really nice job and we thank the DOT, we thank

SEPTEMBER 22, 2016

**Senator Bonacic and Assemblyman Brabenec who brought divine intervention to have them come back here and do some paving.**

**4. The Brady Road culvert replacement is under way. It's the last Irene and Lee storm culvert that was damaged and that work is well under way. The road is ripped up and trees that needed to come out and there was some concerns by residents about some old trees that needed to come down. That was a result of the New York State DEC's requirement for us to stabilize the stream banks to protect the trout in the stream there. We did have to remove them but there will be additional plantings when the project is done. Hopefully in a few years we won't notice that but we'll have a wonderful new culvert there that will last for another 50 to 100 years.**

**5. The journal entries for September were reviewed and came to me from the Comptroller and they were all appropriate, in order and I signed off on those for the Boards information.**

**6. 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:**

##### **#R2016-215 GRANT WAIVERS FOR THE SHOPRITE SUPERMARKET ADDITION**

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

**Whereas, Shoprite Warwick has applied for site plan approval to the Town Planning Board for the expansion of the Shoprite Supermarket and the installation of a marginal access road as provided for in the Town Zoning Ordinance and;**

**Whereas, the Town Planning Board has declared itself lead agency under SEQRA and has issued a negative declaration under SEQRA for the project and;**

**Whereas within the CB district the Town Board may, as a condition of approval, modify the bulk regulations in the Table of Bulk Requirements in the Town Zoning Ordinance, and may impose additional modifications that would have to be incorporated into the proposed action to merit a determination of consistency with the standards and the guidelines set forth within section 164-46J (139) and;**

**Whereas The Town Board's findings shall include a rationale for any modification granted to a specific standard and;**

SEPTEMBER 22, 2016

Whereas the Town Board may, in granting modifications to these standards, incorporate such reasonable conditions as will, in its judgement, substantially secure the objectives of the requirements to be waived and;

Whereas the ShopRite Supermarket expansion will provide a marginal access roadway through its property, consistent with the Town of Warwick Comprehensive Plan, in order to facilitate more efficient traffic flow within the CB zone and;

Whereas the marginal access roadway will remain in ownership of the property owner which will assume responsibility for the maintenance and repairs of the roadway, thus removing any burden on the Town of Warwick taxpayers and;

Whereas the Town Planning Board, in a letter dated July 21, 2016, has provided the Town Board a “favorable “recommendation to grant all the requested waivers;

Now therefore be it resolved that the Town Board, after careful consideration of the benefits to the Town residents and the furtherance of the goals of the Comprehensive Plan, hereby grants the following waivers for the ShopRite Supermarket Addition Site Plan Approval and Special Use Permit:

1. Highway Buffer – as shown on Site Plan, sheet C1.1;
2. Minimum front yard setback from highway buffer – as shown on Site Plan, sheet C1.1;
3. Marginal Access Road – as shown on Site Plan, sheet C1.1 and ownership to remain with property owner;
4. Max. Floor area- 88,298 where 86,330 exists;
5. Number of signs – four (4) building signs where two (2) are permitted, as shown on Site Plan, sheet MSP-1 and MSP-2

Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that there were 2 representatives here this evening and they did receive planning board approval last evening and they did close SEQRA as part of that process. That is what we asked them to do before we could act. This is consistent with our comprehensive plan and our desire to get a marginal access road within that heavily traveled area.

**#R2016-216 BUDGET TRANSFER – ASSESSOR**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to approve the following budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Assessor - Part Time	Equipment	\$850.00

SEPTEMBER 22, 2016

**(A00.00.1355.154)****(A00.00.1355.200)**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**Supervisor Sweeton – The Assessor was very efficient this year and didn't need to tap into any part time help and she needed a printer so rather than us try and budget for it next year we did this.**

**#R2016-217 APPROVE SPECIAL EVENT – WARWICK VINTAGE POP UP MARKET**

**Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to approve a Special Event Permit to Marty McDermott for Warwick Vintage Pop Up Market to be held on October 15 & 16, 2016 at 9:00am – 5:00pm pending approval by the Chief of Police. Application and Certificate of Insurance are on file in the Clerk's Office.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that this is on Route 94 South in a field behind the parking lot in the little hamlet where the general rental place is. The Police Chief has signed off on this.**

**#R2016-218 AUTHORIZATION OF ESCROW REFUND – ALI NORDEN**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize an escrow refund in the amount of \$1,691.25 to Ali Norden as per letter dated September 1, 2016 from the Planning Board Secretary.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-219 SUPPORT 2016-2017 JUSTICE JCAP GRANT APPLICATION**

**Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to support the 2016-2017 Justice Court grant application for a wall mounted air condition unit for Jury room, more security cameras, shelving, carpeting and partitions for court room, and a new exterior door with electronic opening capability for door closest to the court office. Total of the Grant Application is \$30,000.00.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-220 AUTHORIZATION OF ESCROW REFUND –SAYED SHAH**

SEPTEMBER 22, 2016

**Motion Supervisor Sweeton, seconded Councilman Shuback to adopt a resolution to authorize an escrow refund in the amount of \$1,958.75 to Sayed Shah for SBL# 3-1-44 as per letter dated September 16, 2016 from the Planning Board Secretary.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-221 REQUEST TO SERVE ALCHOHOLIC BEVERAGES AT TOWN PARK – PAUL FALISKI FAMILY PARTY**

**Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to grant Paul Faliski permission to serve alcoholic beverages at Wickham Woodlands Manor House on October 29, 2016 for a family party. Certificate of Insurance is on file in the Clerk's office.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-222 SOLICIT BIDS – DEMOLITION OF SALT BARN**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt resolution to solicit bids for the Demolition of the Department of Public Works Salt Barn. Said bids to be opened, Tuesday, October 3, 2016, at 2:00pm at the Town Hall, 132 Kings Highway, Town of Warwick.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-223 AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT – NEW SINGULAR WIRELESS**

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

**Whereas, the Town Board of the Town of Warwick is in receipt of a Lease Agreement by New Singular Wireless for installation of additional wireless telecommunications antennas and an additional electronics cabinet on an existing Wireless Telecommunications Facility owned by AT&T and located on a public water supply parcel of land owned by the Town of Warwick and located at 144 State Highway 94 South in the 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)(15) and (20) and, therefore, SEQR does not apply, and**

**Whereas, 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 that no further review under SEQR is required.**

SEPTEMBER 22, 2016

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-224 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW #5  
OF 2016 TO EXCEED TWO PERCENT PROPERTY TAX CAP**

**Motion Supervisor Sweeton, seconded Councilman Kowal to adopt a resolution to schedule a public hearing to consider the adoption of a proposed Local Law to exceed the two percent property tax cap. Said public hearing to be held at 7:00 p.m. on October 13, 2016, 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, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that this is a particularly difficult budget year as they all are. The 2% cap in reality is a .7% tax cap which doesn't cover the automatic increases in the employee health and retirement, so while the Town Board will strive to meet the cap in the event we have difficulty doing that and have to come out with a budget that exceeds it we're required to have passed a local law authorizing us to do so. We continue to work to bring this in under the .7% but we don't want to take the chance that we can't meet it and then have to have funds sequestered by the State for exceeding. That is the purpose and we will have that hearing and hear the public on that matter.**

**#R2016-225 AUTHORISE SUPERVISOR TO SIGN AGREEMENT OF INTENT-  
MICROGRID INSTITUTE**

**Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution for Supervisor to sign a letter of intent with Microgrid Institute to compete for phase 2 with New York State Energy Research and Development Authority (NYSERDA) Clean Energy.**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**#R2016-226 AUTHORIZE SUPERVISOR TO SIGN A DEVELOPMENT  
AGREEMENT WITH BLACK BEAR CAMPGROUND**

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

**WHEREAS, the Town is a party defendant in an action in the Orange County Supreme Court with Black Bear Family Campground, Inc., plaintiff; and**

**WHEREAS, the parties have agreed to settle the lawsuit upon certain conditions, including the signing of a Development Agreement which provides for**

SEPTEMBER 22, 2016

**certain conditions to the use of the Black Bear Family Campground property; and**

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Town Board of the Town of Warwick hereby authorizes the Town Supervisor, or his authorized designee, to execute the Development Agreement with Black Bear Family Campground, Inc., provided the final version is acceptable in form and content to the attorney for the Town.

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

**Discussion:** Supervisor Sweeton stated this evening during our advertised work session the Board entered into an executive session to discuss the potential litigation. This is the litigation dated to 2008 with Black Bear Campgrounds. The issues with Black Bear Campgrounds goes back 45 years with numerous Town of Warwick Supervisors butting heads, in and out of litigations, spending money, with the owners of the Black Bear Campground in an effort to bring it into compliance with the zoning. We thought last year when we adopted some campground regulations in conjunction and discussions with the Black Bear Campground owners that we had resolved it. Then we found that there was a remaining issue that they were pursuing that was contrary to what we understood which was that they were trying to take a position that original 74 campsites were exempt from the new regulations and therefore could be used year-round with very little oversight and that matter was before the Town Zoning Board of Appeals. When we approached the campground in an effort to settle this in a way that gives the town residents in the town the ability to monitor and affectively control the operation and make it consistent with our zoning code and yet let the Black Bear Campground which is a valuable business in our town continue to be a well rated and well operated campground business. I think if this agreement can be finalized and all the terms met on both sides we'll resolve that 45-year-old issue and put it to rest once and for all. It is the recommendation of myself and the Town Attorney who negotiated this to the Board that we should pass this, sign this and then there are things that they have to do. They are currently before the planning board and they have to go back to the ZBA for a variance on one particular issue. I think this puts in the enforcement mechanisms that we need to ensure going forward for the future that this campground runs as deemed by the Planning Board, Zoning Board and residents of the Town of Warwick.

#### **#R2016-226 SOLICIT BIDS – CLEAR SPAN FABRIC BUILDING**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt resolution to solicit bids for the purchase, delivery, and installation on site of a Clear Span (or equivalent) 50' x 105' Salt Storage Fabric Building. Said bids to be opened, Tuesday, October 3, 2016, at 2:00pm at the Town Hall, 132 Kings Highway, Town of Warwick**

**Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Gerstner- Absent)  
Supervisor declared this resolution duly adopted.**

SEPTEMBER 22, 2016

**Discussion:** Supervisor Sweeton stated that this is a revised plan that we have that should bring this in substantially less then the bids that we received.

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

**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 Kowal that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 8:15 p.m.  
09-22-16 CP.

---

Eileen Astorino, Town Clerk