

October 27, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, October 27, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

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

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

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 10/13/11

Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written from the Regular Meeting held on October 13, 2011.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Federal Aid – Town Hall Grant (A00-4089.001)	Town Hall Grant Expenses (A00-1620.225)	\$37,900.00
Dial A Bus Office Expenses (A00-5630.444)	Dial A Bus Equipment (A00-5630.200)	\$220.00
Assessor-Full Time (A00-1355.130)	Assessor-Department Head (A00-1355.105)	\$72,000.00
Beach-Part Time (CR2-7150.154)	Special Dept. Supplies (CR2-7150.466)	\$550.00

ROBERT CUDDEBACK – 392 Buttermilk Falls Rd., Warwick, NY – Letter to the Town Clerk to inform the Town that they have been put on notice that the bridge on Buttermilk Falls Rd. is completely washed out after the recent storms creating a dangerous situation to the residents.

MICHAEL P. SWEETON – Supervisor, Town of Warwick – Letter to John Silverman at 49 Buttermilk Falls Rd. to inform him that the Town has been informed from neighboring properties that a bridge on his property collapsed due to the recent storms and he is subsequently ordered to take immediate steps to remedy this situation to make the damaged structure safe.

CEDRIC GLASPER – President/CEO, Mechanical Rubber, Warwick, NY – Letter to the Town Board requesting a change to the current zoning of his property on Forester Avenue from (SL) Suburban Residential to (OI) Office and Industrial in order to expand the usage of the property from a manufacturing plant to a fully functioning office/industrial complex.

REPORTS OF BOARDS AND COMMISSIONS

Steve DeFeo – Co-Chairman, Bi-State Commission – The drawdown started October 11th when the dam was opened at 9:00 a.m. When we started we were 2.5 inches above the dam and as of this morning we are 2.5 inches below the dam. It has gone down 5 inches and that's with almost 3 inches of rainfall. With every inch of rainfall the lake comes up three inches, so we're making progress at this point. This coming Monday we are going to open the dam to release 131 million gallons a day right now we are only releasing 89. On the permits for anyone doing bulkhead work or dredging the river there are permits available from the DEC, the Town has them, the Village of Greenwood Lake has them and the Village also has the permit you need to do work on your bulkhead you need a building permit also. Those residents who aren't available during the week can pick up their permits at DeFeo's Marine at 672 Jersey Ave or you can call and we can email it to them. We started our dredging study work and I gave Supervisor Sweeton a copy and that process is in motion and we hope to have the complete study done by the beginning of the year. I would like to thank the entire Board for all your support in everything, especially Mr. DeBuck for all his time and service.

Councilman DeBuck – Thank you. I did have a question in regards to the drawdown, is the eventual drawdown going to be deep enough or low enough that the bulkhead and the swimming area at the Waterfront Park be exposed? I'm thinking four feet.

Steve DeFeo – We should be at five feet by Thanksgiving; it's the target but by the middle of December for sure.

Councilman DeBuck – There are some folks including the Town that might not know that work needs to be done until they see the debris there. Is there a very long turnaround between getting a permit and then going in there and either raking or cleaning debris and getting the permit?

Steve DeFeo – Right now the DEC turnaround is anywhere from one to two days. It's been a very easy process depending on how much you are going to be removing. The blanket permit that was issued to the State of New Jersey from the New York

State DEC covers removing up to ten cubic yards of material under that permit. You still need to apply for a permit from the State, but again it's one or two days.

Councilman DeBuck – I'm wondering when we get to Thanksgiving time when we do an inspection of the beach we may want to remove some of the material or we may want to add sand. I don't know what the quality of the sand is like underneath the swimming area? I presume it's fairly good, but we'll have a chance ourselves to take a look at that problem.

Supervisor Sweeton – When the DEC fellow came down who's in charge of signing the permits he said they want you to be very specific about what you're going to do on the permit and then they will signoff on it fairly quickly, so we will take a look at that.

Councilman DeBuck – The other thing I was curious about is the mechanism. In your report here, which I find very helpful, you talk about terms of escape. Is there more than one gate and is one gate above the other gate?

Steve DeFeo – There are three gates in a row and only gate one and two are used. Gate three has been completely concreted in and that was used to fill the steam locomotives decades ago. We want to flush both gates and then we want to clean the racks so we are opening one and closing the other. That is why we feel it's important to keep track.

Councilman DeBuck – I see, so many turns takes the gate down so many inches until it reaches the outlet.

Steve DeFeo – Correct, as we're letting the water out we're collecting trash at the trash gates leaves, twigs and things of that nature.

Councilman DeBuck – There's like bars there and stuff that catches things?

Steve DeFeo – Yes.

Councilman DeBuck – That's very interesting. The fact that it's permitted means that streams downstream are able to handle this outlet.

Steve DeFeo – At this point and that's why we started off at a slow output so we don't impact anyone in the Wayne area.

Councilman DeBuck – I hope a lot of things get done on the lake during this winter that would be great.

Supervisor Sweeton – Thanks for coming Steve we appreciate that and thanks for serving on that board; I know it's not an easy job but it's an important one.

PRESENTATION:

Police Chief McGovern presented Jerry DeBold, the owner of South Street Tire who provides service to the Town of Warwick Police Department, a plaque for his continuous support both professional and personally and especially for his generosity during the Hurricane Irene event 2011.

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CULVERT PIPES	281 Bellvale Lakes Rd.	Replace 30 ft. 12"
	Big Island Rd.	Replace 60 ft. 18"
	25 Foley Rd.	Replace 20 ft. 12"
CATCH BASINS	Vik Dr.	Repair
DITCH WORK	Hoyt Rd.	Clean ditches
	Little York Rd.	Clean ditches
	Newport Bridge Rd.	Clean ditches
MOWING	Town wide	As needed
POT HOLES	Town wide	As needed
ROAD REPAIR	Bellvale Lakes Rd.	Road edges
ROAD SIGNS	Town wide	As needed

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - September, 2011

Wickham Water District

Well #11 monthly production	1,762,400 gal
Average daily use	58,700 gal
Sodium Hypochlorite used	130 qt
Orthophosphate used	40 qt
Soda Ash used	300 lbs.

Bellvale Park Water District

Total monthly production	133,500 gal
Average daily use	4,500 gal
Sodium Hypochlorite used	10 qt

Eurich Heights Water District

Total monthly production	179,100 gal
Average daily use	6,000 gal

Sodium Hypochlorite used 3 qt
Orthophosphate used 24 qt

Pine Island Water District

Total monthly production 223,900 gal
Average daily use 7,500 gal
Sodium Hypochlorite used 35 qt

Westside #1 Water District

Total monthly production 4,576,000 gal
Average daily use 152,500 gal
Sodium Hypochlorite used 240 qt
Orthophosphate used 48 qt
Caustic Soda 300 gal

The Fairgrounds

Total monthly production 194,400 gal
Average daily use 6,500 gal
Sodium Hypochlorite used 7 qt

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	1,497,350 gal	19%
Wickham Village District	4,232,635 gal	54%
Kings Estates District	2,078,855 gal	27%
<u>Total District Flow</u>	7,809,840 gal	100%
<u>Average Daily Flow</u>	260,328 gal	

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

The belt press ran for 23 hrs. and 5 gal of polymer was used.

20 cu. Yd. of sludge and 4.5 cu. ft. of grit were removed from the site this month.

There was 11.4" of precipitation for the month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	94,378 gal
<u>Average Daily Flow</u>	3,145 gal

COUNCILMAN DEANGELO REPORT

1. For the month of September the Post Report is as follows: Greenwood Lake had 209 calls, the Town outside the Village had 909 calls, Pine Island 287 calls and the

Village of Warwick had 760 calls for a total of 2,165 calls for the month of September.

COUNCILMAN DEBUCK REPORT

1. In my absence of the last Town Board meeting, I'm sorry to say I missed the meeting but I was pleased to read about the Farm Aid collection of donations that added up to \$100,000. It was very, very heartwarming to know that the community came behind so many farmers myself included that were struck by Hurricane Irene. Obviously divided up amongst the amount of farmers that were hurt it doesn't make us finically whole, however it is so heartwarming to know that the community is behind the farmers in this community in every endeavor when it's a matter of trying to support us by way of accepting our practices, if it's a matter of supporting us by buying our products and in this case a matter of digging in their pockets and say, we want to help has really, really made us whole as a community member. I'm really, my entire family really feels indebted. My youngest son had extended an invitation back in August to the Warwick Valley Gardeners and 44 ladies came out to DeBuck Sod Farm. I never cooked for 44 ladies before but that night I made them a special recipe of hamburgers and sweet corn and it was kind of an ideal tour. I showed them how we grew soybeans on a sod farm and they left with a different realization of what we do for a living. One of the things we showed them was our pumping system on the river and how the river can be our friend and our foe and one of the things that could happen is a flood that would devastate our crops. Maybe I should have kept my mouth shut because all of a sudden here comes this devastating loss of crops. That night they were so thankful and I said, oh it was nothing I was happy to make some sweet corn and cook some hamburgers and show you what we do and it's like when go things come around good things go around. You don't owe me anything maybe buy something at the farmers market that would be great and then the same kind of people turn around and so if it really is true that when real good things come around real good things go around. It is so heartfelt to know that the community set a goal to raise \$25,000 and they raised \$100,000; it was extremely gratifying to those that were affected by Hurricane Irene.

Supervisor Sweeton – Thank you and good luck Leonard, I know you have a lot of challenges out there.

COUNCILMAN GERSTNER REPORT

1. I have a notice here from Roger Connor from Cablevision, "Please let this letter serve notice that effective October 19, 2011 the Smithsonian HD, IO TV Channel 780 will no longer be delivered on the Switched Video Platform. Customers with a cable card and equipped device will now be able to tune to this programming service without the need of a tuning adaptor or set top box. This will not impact channel location or tier packaging. Customers will be notified of the change through on-air and bill messages and if they have any questions they can contact their local Cablevision office."

2. There will be Veteran's Day Memorial services at Memorial Park on November 11th starting at 10:30 a.m. at Station One and 11:00 a.m. at the park.
3. The Recreation Commission is planning a meeting with all of the Rec Groups for the spring season coming up. This evening we met with Craig Shields, President of the Warwick Soccer League, and they offered to help us with some renovations on our main field and we appreciate all their help and input on that.

COUNCILMAN SHUBACK REPORT

1. The Highway Department is still busy doing repairs from the flood and we hope to get it done in the next couple of weeks.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

A proposal was received for Emergency Services to perform temporary repairs to culverts on Ketchum and Jessup roads in the Town of Warwick that were damaged during Tropical Storm Lee from Allied Excavating, 71 Waterbury Rd., Warwick, NY in the following amounts:

Ketchum Rd.	\$5,035.00
Jessup Rd.	\$8,736.00
Total	\$13,771.00

SUPERVISOR'S REPORT

1. I had the pleasure this week of visiting with the New York State Commissioner of Ag & Markets, Commissioner Aubertine. He was visiting with Orange County Soil and Water one of our farms that had been protected through PDR, the Steve Myruski Farm. Steve had applied for some emergency aid to do some repairs on his farm roads and water structures that were damaged during Irene and so we had a nice visit with the Commissioner. He was a dairy farmer at one point and he appreciated Steve's operation how efficient it is and how well managed it is and maintained. He was pleased to see that Steve accomplished the work at a price under the amount of his grant award. We also had the opportunity to chat with the Commissioner about some of the flooding issues on the Wallkill and he certainly understands the plight there and he said that he would pledge to us that he would work with the DEC to make them see the necessity of doing some additional work in the Wallkill. We were very pleased that he came to Warwick and spent that time and he seems generally interested in helping us solve some of those issues in the black dirt. Also the other areas of farming we have here in the Town he was impressed by the variety of different farms we have and our commitment to farming here in Warwick, so it was a nice visit.
2. Just an update on FEMA - We've been trying to get information on our website and into the papers about different federal funding opportunities for either businesses, farms or homeowners. There's a critical date which is October 31st for individuals to file a claim with FEMA for damage from Hurricane Irene. You can still file under Tropical Storm Lee; we were declared

under that storm as well and the deadline for that I believe is 8 to 10 days after the 31st, but the 31st is really the deadline if you're an individual that's had damage you need to contact FEMA immediately. The contact information is on our website and there is an 800 number as well as a website so you do need to register with them before the 31st of October otherwise you'll be completely shutout.

3. Commissioner DeFeo certainly explained the Greenwood Lake Drawdown and the DEC Permitting processing. We're prepared in our building department to help facilitate if you have any questions. We know what the DEC fellow is looking for in terms of information on the permits; we're more than willing to help residents with that. There is no charge on our behalf for any of that work.

4. A programming note - There was a meeting change; the meeting on November 3rd which was the original date has been moved to November 10th. Primarily, that's to accommodate two negotiating sessions we have with our two unions. One contract already is up and one will expire at the end of the year and both of those negotiations are continuing and we need to know what the outcomes of those will be before we can actually finalize a budget, so we moved the meeting to the 10th to give us a little more time to have both of those next two sessions.

5. Electronic Recycling Day - We're very proud here in the Town to offer a recycling day for electronics and it's going to be held on November 18th which is a Friday from 1:00 p.m. until 4:00 p.m. at the Recycling Center and that will be for businesses, school districts, any government agencies. You have to preregister by calling 845-858-8809 and then on Saturday, November 19th from 10:00 a.m. until 2:00 p.m. at the Recycling Center it will be open for Town of Warwick residents. If you have electronics that you don't know what to do with and you can't put them in the garbage you can bring them and they will be disposed of properly. There is no charge for this and we are working with this company and we are very excited about it. The accepted items are monitors, TV's, printers, terminals, radios, fax machines, copiers, modems, typewriters, stereos, cell phones, keyboards, VCR's, batteries, CPU's and laptops. No major appliances however electronics please and again that's the Recycling Center at 66 Public Works Drive and for residents it's Saturday from 10:00 a.m. until 2:00 p.m.

Attorney Hicks – Mr. Supervisor, just one note on that I did notice in the newspaper that this company that's doing this has promised to destroy all hard drives that you turn in on a computer. I think it's a major concern for people if they turn in a computer they always wonder what's going to happen with the information that's stored on their hard drives. If this company is agreeing that that's going to happen and is doing it properly I don't think there's any reason people should hesitate to dispose of their computers and hard drives within them.

Supervisor Sweeton – The hard drives will be shredded and all the material is recycled domestically, so even better. You can always take your hard drive out and smash it up with a hammer or something, that’s always a good idea anyway but they will shred it for you.

6. Monthly budget review - I’ve done that for the Boards information and I’ve approved all journal entries that were made by the bookkeeper and those were all in order, so that is all done. We will not meet since we moved the meeting date prior to Election Day, so I want to encourage everyone to get out and vote it’s an important day November 8th. The Clerk has information on polling places and I believe they are on our website or they will be as well. Good luck to everybody that’s running.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2011-252 BUDGET TRANSFERS – BOOKKEEPER

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Federal Aid – Town Hall Grant (A00-4089.001)	Town Hall Grant Expenses (A00-1620.225)	\$37,900.00
Dial A Bus Office Expenses (A00-5630.444)	Dial A Bus Equipment (A00-5630.200)	\$220.00
Assessor-Full Time (A00-1355.130)	Assessor-Department Head (A00-1355.105)	\$72,000.00
Beach-Part Time (CR2-7150.154)	Special Dept. Supplies (CR2-7150.466)	\$550.00

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

#R2011-253 DECLARATION – DECLARING THE MONTH OF NOVEMBER AS “PANCREATIC CANCER AWARENESS MONTH” IN THE TOWN OF WARWICK

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

WHEREAS in 2011, an estimated 43,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

WHEREAS approximately 2470 deaths will occur in New York in 2011;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Town of Warwick, County of Orange in the State of New York and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the Town of Warwick, County of Orange in the State of New York support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the Town of Warwick, County of Orange in the State of New York are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the Town Supervisor Michael Sweeton designate the month of November 2011 as "Pancreatic Cancer Awareness Month" in the Town of Warwick, County of Orange, in the State of New York.

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

#R2011-254 APPOINTMENTS TO MID-ORANGE ADVISORY COMMITTEE

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution appointing the following persons to the Mid-Orange Advisory Committee to serve at the Pleasure of the Board:

**Geoffrey Howard
Pamela Scotto**

**Michael LaPlace
Jeremy Havens**

**Richard Hull
Andrew McLaughlin
Peg Jeffries
Mike Dunleavy
Elizabeth Hurd**

**Karl Roecker
Peter Hall
John Hicks - Chairman
Amy Noteboom
Peter Groenendaal
Russ Kowal**

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

Discussion: Supervisor Sweeton stated that we had pledged once we understood how the closing of the prison was going to proceed to form a committee of citizens that would be tasked with giving the Town Board some ideas, thoughts and directions on how the property could be redeveloped. While I have been meeting with various economic development agencies around the County as well as the Governors office and the County Economic Development Groups, we still felt that this was a very important aspect of getting advice on the redevelopment of that site, so that it becomes productive in terms of tax revenue and job production for the many, many long years ahead for the Town of Warwick. We are pleased to seat a group of very varied citizens from all over our Town as we've always tried to do in our committees and I think this group will be very productive and work in a very short time because there is a very finite time period in which we need to proceed with the State on redevelopment of this property. It is great pleasure tonight that we seat this group.

Councilman DeBuck – If the charge will be given to them in that short period of time, I'm hopeful that committee will still have an outreach to the community as a whole. I would assume that there might be people that aren't on the committee but have an opinion that perhaps they would like to entertain. I'm sure that will probably take place.

Supervisor Sweeton – I'm sure it will and certainly we've gotten some input from citizens just writing and expressing their desire as well, so we'll take all of that information and I think this group will hopefully put together a fairly good concise group of suggestions.

Councilman DeBuck – The thought I had in the past, we had Tom Shepstone a consultant out of Honesdale Pennsylvania help us with an agricultural economic stimulation kind of a plan. He had a lot of ideas and I know you talked about a portion of Mid Orange being used as a either an incubator or a headquarters for some kind of agribusiness. That would be good if some of those ideas are in that previous report might be able to be flushed out and retrofitted into this facility.

**#R2011-255 AUTHORIZATION TO SIGN ADOPTION AGREEMENT FOR
THE VOTER APPROVED GREENWOOD LAKE AMBULANCE
WORKERS SERVICE AWARD PROGRAM (LOSAP)**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution authorizing the Supervisor to sign the adoption agreement for the voter approved Greenwood Lake Ambulance Workers Service Award Program (LOSAP). Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this was voted on in a referendum of Greenwood Lake Ambulance District voters and it's been approved, so this is to have me sign and formalize it.

**#R2011-256 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW TO
EXCEED TWO PERCENT PROPERTY TAX CAP**

Motion Supervisor Sweeton, seconded Councilman Gerstner 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 on Thursday, November 10, 2011 at 7:00 p.m. or as soon as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated most of the communities in Orange County have adopted the local law because the way the legislation was put forth by the State was that if you didn't have a local law in place the controllers office after you put your budget out found that you had made a mistake or miscalculated and you were exceeding the cap you would be stuck with what ever number they came up with. The State Controllers Office has really not given us a lot of direction on what our actual cap is. We have estimated our cap to be in the neighborhood of \$250,000 and the cap is not on the rate. That is a misunderstanding I think probably on purpose or not, the higher beings up in Albany have put out. It is actually a levee cap, so the amount of taxes levied can't exceed 2% unless you vote to exceed it. We are doing it as a precautionary method and again depending on what we can negotiate with our unions in terms of where we end up with a settlement will determine being able to meet that cap. I will just state for the record with the LOSAP program that the voters approved in Greenwood Lake that's roughly \$100,000 that has to be allocated for that. Then the mandated contribution for next year from the State of New York for health insurance increase and retirement system increase for the Town of Warwick will be in the neighborhood of about \$600,000, so combined with the \$100,000 that's \$700,000 which is \$450,000 over what our projected cap is suppose to be.

that means we have to go back in and see if we can find that \$450,000 some where. We're working on that and it's challenging to say the least.

#R2011-257 SCHEDULE PUBLIC HEARING – 2012 PRELIMINARY BUDGET

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider the 2012 Preliminary Budget. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, November 10, 2011 at 7:00 p.m., or as soon thereafter as the matter can be heard.

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

#R2011-258 SCHEDULE PUBLIC HEARING – SPECIAL DISTRICTS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing on the Assessment Roll for the purpose of raising funds for the operation and maintenance of the Special Districts of the Town including: Wickham Village, Eurich Heights, Bellvale Park, Pine Island, and West Side Greenwood Lake Water Districts, Warwick Sewer District, Garbage District, Pine Island Lighting District, Kings Estates Lighting District, Warwick Ambulance District #1 (Warwick), Warwick Ambulance District #2 (Greenwood Lake) and Warwick Ambulance District #3 (Pine Island), Kings Estates Park District and Warwick Fairgrounds Sewer District. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick, on Thursday, November 10, 2011 at 7:15 p.m. or as soon thereafter as the matter can be heard.

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

#R2011-259 AUTHORIZATION TO SIGN PAPERWORK FOR THE ACQUISITION OF PARCELS FOR BACK TAXES

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign the necessary paperwork for the purchase, for back taxes, parcel SBL# 56-6-1.12 and parcel SBL# 69-1-5 for the purpose of protecting the Bellvale Water District and the entrance to Cascade Lake Park respectively.

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

#R2011-260 ACCEPT PROPOSAL FOR TEMPORARY CULVERT REPAIRS ON KETCHUM AND JESSUP ROADS – EMERGENCY SERVICES

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the proposal for temporary culvert repairs, emergency services resulting from Tropical Storm Lee, on Ketchum and Jessup Roads in the Town of Warwick from Allied Excavating Inc., 71 Waterbury Rd., Warwick, NY in an amount not to exceed \$13,771.00.

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

**#R2011-261 UNSAFE STRUCTURE – SCHEDULE HEARING –BUTTERMILK
FALLS ROAD BRIDGE – SBL# 65-1-51**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to Order to Repair or Remove Structure(s), Tax Map Section 65, Block 1, Lot 51:

WHEREAS, the Building Inspector of the Town of Warwick has made personal inspection of structure(s) located at 49 Buttermilk Falls Rd. Warwick, New York, designated as Section 65, Block 1, Lot 51, 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 October 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 49 Buttermilk Falls Rd., in the Town of Warwick, designated as Section 65, Block 1, Lot 51, of the Town of Warwick tax map, record owner(s) being John Silverman and last residing at 77 Fulton St., Apt. 9L, New York, NY 10038 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 October 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 November 17, 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 (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that he did mention to the Board prior to the meeting that he did get a call this afternoon from an attorney representing Mr. Silverman and made him aware of the situation. I had sent a letter certified to Mr. Silverman approximately ten days ago and I had not heard from him until I received the attorneys call. He said he would again confer

with his client and he delivered via fax this afternoon at 4:00 p.m. a letter, I will read it for the record. "Dear Supervisor Sweeton, this is a follow up to our discussion today regarding the condition of the bridge located at 49 Buttermilk Falls Road. I have spoken to my client John Silverman and he has agreed that he will do what is necessary to put in place barriers to prevent people and vehicles from crossing the bridge. He has authorized me to work with your office to ensure this is completed as soon as possible. Please contact me should you have any questions on the contents of the letter. I look forward to resolving this matter, signed by his attorney Jonathan Hornik." I informed Mr. Hornik in the original conversation that we would schedule this hearing anyway in the event that they didn't take action immediately we would be able to proceed under the unsafe structure section of the code.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Rocco Testa – Resident, Town of Warwick, NY 10990 – On the John Silverman..... thank you for doing that.

Supervisor Sweeton – You're very welcome.

Rocco Testa – Is the Town going to make him just block it off or remove the structure? Because the structure is also unsafe because kids can go around the barricades and slip on the snow and ice and it could be a tragedy.

Supervisor Sweeton – I believe we can have him remove any unsafe debris and that would be our intent.

Rocco Testa – My second question to the Board is, What has the Town done in the last year and a half to move forward with the bridge replacement under the grant for Buttermilk Falls Road?

Supervisor Sweeton – Well I got it back into the program, so that is one and beyond that we need to continue to look for the solution that people want to agree to, to come up with the match. We've discussed countless times the federal process being what it is, you know it escalates the cost of doing this work and that's why it ground to a halt the earmark money was only in the 250 number whatever that number was originally. When we got it back in 2004 or 2005 we thought it was enough but when we followed the federal process and got them to design the bridge it turned out to be almost double that, so that's the difficulty finding a match of funds that can be used. As I mentioned and I'm not sure I mentioned to you, but I did mention to some residents that it was our intention to send a notice to every homeowner on the road to come to a meeting here and see if we can't iron out how we can do that and that is our intent to do that in November.

Rocco Testa – Is that on the grounds that the Town keeps saying they can't use Town funds on a private road?

Supervisor Sweeton – Well we are looking for a solution. Yeah it's still our position that the Town can't expend the dollars.

Rocco Testa – I'd like to give the Board a copy of these letters you can read it if you want to. Are you familiar with this document?

Supervisor Sweeton – Absolutely. For the presses information it's a copy of a resolution that the Town Board passed and I'll explain the process. When you accept a federal highway project you're required by that process to pass a resolution saying that you will proceed with the process. Generally those projects have a match and it's generally 80% federal and 20% other. The State normally will kick in somewhere in the neighborhood of 12% of that and then you have to find a local match for that. You can't go to the next step without completing the first step. You have to pass this resolution so it was the intent of the Board to pass this resolution which committed us to the local match and it was our intent to supply that local match in the form of in kind services, so we're clear about what this resolution says.

Rocco Testa – When you passed this resolution you were aware that Buttermilk Falls Road was a private road am I correct?

Supervisor Sweeton – Absolutely.

Rocco Testa – And it said that you would come up with the appropriate funding even if you didn't have it in this resolution is that correct?

Supervisor Sweeton – The Match.

Rocco Testa – Yes. There's also a letter here I have from Susan Roth which tells you how to proceed if you didn't have the match which you didn't do. It tells you in that letter if you don't have the money for the engineer you can take the money from the project of the bridge funds and put it toward the engineer. Now if you would have done that we would have already had this bridge in because you would have been able to get stimulus money because the project was moving forward.

Supervisor Sweeton – No, no, no stimulus money was only available for federal highways of which the only one we have in the Town of Warwick is East Shore Road, which is where we got the stimulus money.

Rocco Testa – From what I understand from talking to people we would have been qualified for the stimulus money.

Supervisor Sweeton – I respectfully disagree.

Rocco Testa – You could have moved the project along that way. What money has the Town used since 2008 when you signed the resolution?

Supervisor Sweeton – We haven't spent any more money. Because I'll tell you another caveat to the federal process and Governor Christie found this out in New Jersey. The fact that you don't have the money is not an excuse for not completing the project.

Rocco Testa – That's right in that letter I gave you.

Supervisor Sweeton – Correct, so if they have paid you money for a portion of the project you have to pay it back to the federal government.

Rocco Testa – Correct.

Supervisor Sweeton – Which is what Governor Christie, found out when he canceled the tunnel under the water.

Rocco Testa – Right.

Supervisor Sweeton – And he's still in litigation with the federal government on how much he owes them, so the Town Board once it got it's design report which it had no idea beyond getting that design report from the engineer that was hired under this program which the Town has been reimbursed for the cost. It was at that point that the Town understood that going forward it was going to take another two hundred and something thousand dollars which this Board was not prepared to commit from Town dollars for that project, so the design did not hold up the project from moving forward, not at all.

Rocco Testa – I understand that. Supervisor Sweeton when I went through the Town documents I saw no bills for the cost of engineering designs. How come they weren't in the file? You said you paid the engineers to do the design portion and you got money back to pay them from the government, but I didn't find those documents.

Supervisor Sweeton - I gave you the files and I'll be happy to go through them.

Rocco Testa – Can you get me that document of how much you paid the engineers?

Supervisor Sweeton – Sure if you come into the office. Just to be clear we're looking for a solution here. We understand the inconvenience.

Carol Testa – If you can't resolve it with the funding this way can you force that property owner to replace it?

Supervisor Sweeton – We don't think our ordinance allows us to force him to do that. Now I did inform his attorney and I'm not an attorney but I did ask his attorney to research what rights people who live there in their deeds have and whether he has some obligation to do it or not.

Carol Testa – Our deeds all show the right-of-way going over his property.

Supervisor Sweeton – Yeah, again I'm not an attorney but I did say that I believed from talking with different residents that they felt in their deeds that there's language that gave them rights and he was going to research that.

Carol Testa – We're not looking for a fancy bridge.

Supervisor Sweeton – No, I know.

Carol Testa – The bridge that they had designed had a bicycle path and we don't need a bicycle path on Buttermilk Falls Road we just need something that emergency vehicles could go over. We have a lot of elderly residents back there and it's difficult to get out.

Supervisor Sweeton – We tried to get the Army in an exercise to come in and build a bridge.

Carol Testa – I know and we really appreciate it, but we're just a small community and we're for beautifying Warwick and we support all of the organizations and we're just asking for a little bit.

Supervisor Sweeton – I know that and we're trying to work for you on that. This attorney that I spoke with he's actually a mayor in a village in New Jersey so he kind of understood the whole thing. I did caution him that he definitely needs to check what obligations his client has.

Carol Testa – Thank you.

Supervisor Sweeton – You're very welcome.

Councilman DeBuck – Could that right-of-way be as simple as a prescriptive right-of-way that you can't deny them going there, but yet it has this physical limitation?

Supervisor Sweeton – I don't know but hopefully he'll research that.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:20 p.m.
10-27-11**

Marjorie Quackenbush, Town Clerk