

November 10, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 10, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:52 p.m.

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

Town Attorney, John Hicks – Absent  
Deputy DPW Commissioner, William Roe  
Police Chief, Thomas F. McGovern, Jr.

**ACCEPTANCE OF MINUTES:**

1. Public Hearing, Parcels for Back Taxes, 10/27/11
2. Regular Meeting, 10/27/11

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing for Parcels for Back Taxes held on October 27, 2011 and the Regular Meeting held on October 27, 2011.

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

**CORRESPONDENCE:**

**KENNETH BERGSTOL** – Managing Member, Edsall Farm, LLC – Letter to the Supervisor and Town Board requesting to participate in the Town of Warwick Agricultural Protection Overlay District.

**HEIDI ELLIS** – Founder, International Girl Effect Week – Letter to the Supervisor and Town Board requesting the week of Thanksgiving, November 21<sup>st</sup> to November 27<sup>th</sup>, 2011 as “International Girl Effect Week”.

**EILEEN ASTORINO** – Assistant Secretary, Town of Warwick Building and Planning Department – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$966.25 to Dr. Donald McCain.

**ROLAND R. PAFFENROTH** – Adjutant, Polish Legion of American Veterans, Post #16, Pine Island, NY 10969 – Letter to the Supervisor requesting the reduction or elimination of their building permit fee for the re-roofing of the Pine Island Legion.

**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 \$257.50 to Dr. David Hull.

**BARESEL FAMILY – P.O. Box 891, Greenwood Lake, NY 10925 – Letter to Police Chief McGovern deeply appreciating and commending Police Officer Kevin Halsey and his canine partner during our search for Paul Sr. “We can’t thank Officer Halsey enough for committing his time both to our family personally and in his continued efforts with the police canine training.”**

**JONATHAN L. HORNIK, ESQ. – LaRocca Hornik Rosen Greenberg & Blaha LLP., The Trump Building, 40 Wall Street, 32<sup>nd</sup> Floor, New York , NY 10005 – Letter to the Supervisor regarding the bridge located at 49 Buttermilk Falls Road. His client John Silverman has agreed to do what is necessary to put into place barriers to prevent people and vehicles from crossing the bridge. He has also authorized me to work with the Town of Warwick to ensure that this is completed as soon as possible.**

**HON. BARBARA J. MOORE – Mayor, Village of Greenwood Lake, P.O. Box 7, 18 Church Street, Greenwood Lake, NY 10925 – Letter to the Supervisor regarding the remittance of the Village of Greenwood Lake wood carved gateway sign that was removed during the East Shore Road project and the rental fees for wedding receptions held at the Waterfront Park being given to the Village of Greenwood Lake.**

**DAVID CHURCH – Commissioner, Orange County Dept. of Planning, 124 Main St., Goshen, New York 10990 – Memo the Supervisor and Town Board with regards to referrals of certain municipal permits and actions to the County Planning as per NYS General Municipal Law §239 1, m & n (GML 239). Actions that need to be referred to this Department include: updates to master plans, zoning codes, and other land use regulations; subdivision, site plan, and special permit proposals; appeals for area and use variances; and other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law. For further information please read the Municipal Guidebook at [www.orangetygov.com/planning](http://www.orangetygov.com/planning).**

**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 in regards to correspondence dated October 3, 2011 from the Supervisor regarding the contract for wastewater treatment for the former Mid Orange Correctional Facility.**

**DRAGOMIR VUJIC – 145 Kenilworth Road, Mountain Lakes, NJ 07046-1138 – Letter to the Supervisor and Town Board requesting that the Board readjust the amount billed for water used for property located on 240 State Highway 210, Greenwood Lake, NY.**

**CARMEN MARSH – Dispatcher, Town of Warwick Police Department – Letter to Police Chief McGovern announcing her resignation effective November 7, 2011.**

#### **BOARD’S DISCUSSION ON CORRESPONDENCE**

**Supervisor Sweeton – There are two pieces I’d like to discuss; one is a letter from Mayor Moore who is here so I’ll address at least a portion of that. Yes, we did say we would give the Village the rental fees for wedding receptions and we will do that as soon as I figure out whether it was one or two weddings and that is to help offset the cost or at least contribute to the cost of the fireworks. The second part to your question is again we are in a struggle with the New York State DOT, with the contractor and with the engineer on the East Shore Project. Initially, the contractors denied doing anything with the sign and it’s on our list of issues as we do this sort of struggle dance with all the players and it’s going to be protracted I think, so I will update you as I know. The other piece of correspondence I wanted to mention was I did received a letter from the Commissioner of the State of New York Department of Corrections. I had sent Commissioner Fischer a letter informing him that we felt we a contract in place for providing sewer capacity to Mid Orange Correctional Facility that was not expiring for an additional three years and part of that contract guaranteed that we provide them 35,000 gallons a day in sewage capacity. The Commissioner has respectfully sent me a letter disagreeing with that assessment. He doesn’t disagree that they have an agreement but he disagrees that he owes me for that much capacity and at the end of his letter suggested that we get together to try to work out a solution. We are pursuing that with our own attorneys and the Department of Corrections, so again my best wishes to the State of New York.**

#### **VISITING ELECTED OFFICIALS**

**Supervisor Sweeton introduced the Hon. Barbara Moore, Mayor of the Village of Greenwood Lake.**

**Hon. Barbara Moore – The only thing I’d like to share is that I’m going to have our attorney update our navigation contract because it hasn’t been done since 2002. I just think it’s time we get the old figures out and put in the new figures and update it.**

**Supervisor Sweeton – Do you have a summary report of the season on the lake? I remember getting that once from Chief Kotlarich, so it would be nice to see what the activity was this year.**

**Hon. Barbara Moore – Will do. The lake is going down also despite the precipitation.**

**Councilman DeBuck – What is the anticipated date that it’s supposed to allot for work.**

**Hon. Barbara Moore – They don't know because of the weather that they had the date that they will get to five feet.**

**Councilman DeBuck – It could be the first of the year; it could be December.**

**James Moore – At the last meeting they said November 30<sup>th</sup>.**

**Hon. Barbara Moore – The likelihood of getting in there and to get some work done is getting very close to unlikely so we are praying now for a mild spring.**

**Councilman DeBuck – At what point in time do you start refilling?**

**Hon. Barbara Moore – February 10<sup>th</sup>.**

**Councilman DeBuck – So there's a window; there it's just not a long period of time.**

**James Moore – We had to do major work at our bulkhead and the guy actually tented it and you can't let the concrete get too cold because it needs to cure and that's a heating process.**

**Hon. Barbara Moore – We had a very successful Halloween in Greenwood Lake and we are looking forward to December 4<sup>th</sup> for our holiday tree lighting, a show and Santa Claus greeting the children and we'll be having horse and carriage rides again through the village and that is all on the 4<sup>th</sup> of December on Sunday.**

**Supervisor Sweeton – The other piece of correspondence, I want to go back for a second, we did receive as I mentioned this correspondence from Jonathan Hornik, an attorney representing the owner of Buttermilk Falls Bridge, and just as an update I understand and I sent our Building Department Inspector down there to take some pictures. They've done sort of a less than complete job of blocking off the bridge or cleaning the debris which is clearly unacceptable to us and I transmitted that to Mr. Hornik and I have not heard back from him yet, so we'll follow up. Their hearing for an unsafe structure is next week.**

## **REPORTS OF BOARDS AND COMMISSIONS**

### **COMMITTEE REPORTS**

#### **DEPARTMENT OF PUBLIC WORKS REPORT**

<b><u>WORK BEING DONE</u></b>	<b><u>LOCATION</u></b>	<b><u>REASON FOR WORK</u></b>
DRAINAGE	Chardavoyne Rd.	Open basin
DITCH WORK	Mt. Eve Rd.	Repair ditches
SNOW		
PLOWING	Town wide	Storm 10/29/11 & 10/30/11
SANDING	Town wide	Storm of 10/29/11 & 10/30/11

ROAD SIGNS	Town wide	Stolen
MAIL BOXES	Town wide	As needed
HAUL		
MATERIAL	Winter mix blacktop	To stockpile

**Deputy DPW Commissioner Roe – We have crews on both sides of the mountain and we will get to you some time.**

**Supervisor Sweeton – We are chipping stuff up as we go along on both sides. For the residents information, if you’re on this side of the hill you can bring any wood debris to Union Corners Park to the parking lot side where the playing fields are to the right hand side you’ll see a pile and you could put it there. We don’t have a location in Greenwood Lake but our DPW is going around.**

**Hon. Barbara Moore – DPW is going street to street and our residents are very patient and they are doing a great job. We are going to keep it going that way because we do not have a place for debris to be dumped.**

#### **COUNCILMAN DE ANGELO REPORT**

- 1. For the month of October the Post Report is as follows: Greenwood Lake had 237 calls, the Town outside the Village had 912 calls, Pine Island 251 calls and the Village of Warwick had 738 calls for a total of 2,138 calls for the month of October.**
- 2. I have a letter from the Baresel Family that I would like to read. “Dear Chief McGovern, Our family would like to commend and is deeply appreciative of the special assistance of Officer Kevin Halsey and his canine partner during our search for Paul Sr. during the difficult time that he was missing. Knowing that this special help was available was a huge comfort to us. We do in fact believe that recovery the next day occurred sooner based on where the canine had alerted Officer Halsey and at least brought closure to an unbearably anxious time. We can’t thank Officer Halsey enough for committing his time both to our family personally and in his continued efforts with the police canine training. It is an incredible asset to our community. Thank you and your officers again for all your help.” I hope you give a copy of this letter to Officer Halsey to put in his file. We also have a letter from Price Chopper again commending Officer Halsey and his canine partner. I also have another letter from Orange and Rockland addressed to you regarding the performance of your leadership and the high level of customer service provided by your department and I would like you to make sure your department gets copies of this letter and understands it’s greatly appreciated.**
- 3. The Village of Greenwood Lake has a storm water forum on November 14<sup>th</sup> at 7:00 p.m. at the Village Court Building and it’s simply come learn concrete steps that you can take to your home yard and community to protect your lake. I urge all residents who not only live in the village but also the town to come to that forum.**
- 4. Tomorrow at 11:00 a.m. the Greenwood Lake American Legion is having a Veterans Day observance in observance for Veterans Day.**

**COUNCILMAN DE BUCK REPORT**

1. Now that it's November and we're having such beautiful weather our parks are open, however because of the colder nights, they have basically summer bathrooms facilities. I've been alerted to let the public know that the bathrooms have been closed for the winter and by all means if you would like to use the parks please do, but the bathrooms have been closed. There is one event planned for the Pine Island Park for next Wednesday, November 16<sup>th</sup> at 6:00 p.m. There's going to be a tree lighting ceremony and a caroling performance at the large tree that was installed at the butterfly garden. The Kids Club House is involved as a sponsor, the Ladies Auxiliary of the Pulaski Fire Company, the Sanfordville Elementary PTA, the Junior Girl Scout Troop 653 and Shop Rite. There's going to be entertainment performances so come to the tree lighting ceremony at Pine Island Park on Kay Lane in Pine Island.

**COUNCILMAN GERSTNER REPORT**

1. I have a notice here where they will be eliminating duplicate channel positions and they are eliminating all of the 1000 number channels so ESPN 2 will be channel 35 only, ESPN 36, SNY 60, YES 70, MSG 71, and MSG Plus 72 if anybody has any questions you can visit their website at [www.optimum.com](http://www.optimum.com).
2. Saturday I had the honor of attending the Boy Scout Troop 44 Eagle Code of Honor Award to present certificates to two young gentlemen Brian McAteer and Andrew Hallock. I wish to congratulate them.
3. I would like to wish all the veterans a happy Veteran's Day and I urge all the residents to attend one of the ceremonies in our villages.
4. I would like to thank all the voters for coming out and thank them for their support and congratulate all of the victors.

**COUNCILMAN SHUBACK REPORT – Absent**

**ATTORNEY'S REPORT – Absent**

**TOWN CLERK'S REPORT**

1. Fees Collected – Month of October, 2011 – Copies of Maps, \$20.00; Certified Marriages, \$30.00; Photocopies, \$16.25; Postage, \$2.28; Police Impound Fee, \$1,950.00; Use of Kitchen Fees, \$150.00; Use of Room Fees-Sr. Center, \$100.00; Interest in Checking Account for Month of September, \$1.25; Dog Enumerations, \$5.00; Dog Impoundments, \$825.00; Town Park Pavilion Fees, \$50.00; Marriage License Fees, \$280.00; Conservation Licenses, \$272.52; Dog Licenses Issued/Renewed, \$1,705.00; Use of Room Fees, \$260.00; Registrar Fees, \$320.00; Town Park Deposits, \$100.00. Total Fees Collected, \$14,323.78
2. Fees Paid – Month of October, 2011 – NYS Dept. of Health for Marriage Licenses, \$360.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$201.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$6,065.48; Village of Greenwood Lake for Registrar Fees, \$10.00; Village of Warwick for Registrar Fees, \$1,600.00. Total Fees Paid to the Supervisor, \$6,087.30

3. Our GovDeals online auction closed on 11/8/11 where we sold a 2007 Ford Crown Victoria for \$2,301.00; net to the Town is \$2,128.42.
4. Unofficial election results for the Town of Warwick 2011 General Election as reported by the Board of Elections are as follows:

Elected Position/Candidate	Total Votes
*****	
Supervisor – Michael P. Sweeton	3,832
Town Justice – Nancy B. DeAngelo	3,609
Councilman (Vote for 2)	
Kurt Emmerich	1,869
William Olsen	1,691
James E. Gerstner	2,648
Russell J. Kowal	2,514

I too would like to congratulate all our newly elected officials.

### **SUPERVISOR'S REPORT**

1. I'm very, very proud that we've received designation as the first community in New York State to be given the Appalachian Trail Community Designation. You are going to hear lots more about it, a big coalition the Village of Greenwood Lake is involved with us and it's truly an honor. It will help promote our area through the Appalachian Trail Conservancy Network and we're very excited about it. We will have a big ceremony probably after the weather breaks in the spring I'm guessing. The park service apparently already put out the proposals to remove those unsightly buildings that are on the entrance to where we are going to have this beautiful designation but they have been tied up in their procurement office in Washington DC who are working with Congresswoman Hayworth's office to try and see if we can't expedite that. We hope to have that cleared out in time because that will be where the entrance and the kiosk announcing us as an Appalachian Trail Community will be placed.

2. Veteran's Day Observances - As Councilman DeAngelo mentioned there is one at 11:00 a.m. in Greenwood Lake at the American Legion, there is one in the Village of Florida at the monument on Main Street and there is one here in the Village of Warwick at Memorial Park that will start promptly at 11:00 a.m. We hope that people will come out to recognize and salute our veterans. It is very important to do it and it's a way of saying thank you to them for devoting a portion of their life to helping preserve all the great things that we enjoy in this country. As a side note, I did attend Park Avenue School under the direction of Jeanine Wadson, the Village of Warwick Justice, a tremendous salute to the veterans by the Park Avenue school kids and it's truly an amazing heartwarming experience. If you ever get an opportunity next year to go you should go; it's a lot of fun and the kids were great.

3. Elections - I want to thank everyone who was involved in the elections. It was a spirited campaign and I congratulate everyone all the candidates; it's not easy to run for office and they should get credit for that. I especially want to congratulate my running mate Councilman Deputy Supervisor Gerstner for all of

his advise and service to me and I'm glad that he will be here for another four years. I would like to welcome Russ Kowal as the new Councilman elect to fill the seat held currently by Councilman DeBuck and who we are going to miss certainly but has given 14 years of his life to the Town and we greatly appreciate that but we're looking forward to Russell joining us. Congratulations to the Town Justice as well.

4. Electronic Recycling Day is open to all Town residents including villagers if they would like to come to the Town Recycling Center at 66 Public Works Drive. It is going to be on Friday, November 18th if you are a business, government agency or school district and on Saturday, November 19<sup>th</sup> from 10:00 a.m. until 2:00 p.m. for residents and Friday is from 1:00 p.m. to 4:00 p.m. The accepted items are monitors, TV's, printers, terminals, radios, fax machines, copiers, modems, typewriters, stereos, cell phones, keyboards, VCR's, batteries and not car batteries but electronic batteries, CPU's and laptops. No appliances and hard drives will be shredded but if you're worried about that just pop it out of your machine and smash it a few times with a hammer. All the material is going to be recycled domestically and if you have any questions you can call 845-858-8809. We hope people come out and take advantage of this because it is free to town residents and it's not funded by the taxpayers.

5. The Greenwood Lake Drawdown - We did talk about it but just to mention it again you do need a permit from the DEC. I know the village is facilitating getting one for you if you're a village resident so is the town if you're a town resident and we have promises that the DEC is turning them around pretty quickly but they do want you to be very specific about what you are going to do if you are going to do the work, so you need to make sure your permit moves smoothly for that.

6. Monthly Budget Review - For the Boards purposes I did review all the journal entries; they were done correctly. I did approve the new vendor sheets for any new vendors we had this month and they were in order and I did review our budget for October and we are under budget in most of the departments pretty much all of the departments actually in aggregate.

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

#### **PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

There were no comments or questions on the agenda items.

#### **NEW BUSINESS:**

#### **#R2011-262 APPOINTMENT TO MID-ORANGE ADVISORY COMMITTEE**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Bruce Rohner to the Mid-Orange Advisory Committee to serve at the Pleasure of the Board.

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

**Discussion:** Supervisor Sweeton stated that this is an addition to the group that we appointed last week. Their first meeting is Monday evening here at Town Hall and they have an ambitious agenda ahead of them and I expect good things from a great diverse group of individual's business people, environmental people and all kinds of people.

**#R2011-263 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW  
AMENDING THE CODE OF THE TOWN OF WARWICK, ADDING  
CHAPTER 6 “ASSESSMENTS OTHER THAN FOR SPECIAL,  
DISTRICT, OR LOCAL IMPROVEMENTS”**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing to consider the adoption of a proposed Local Law to amend the Code of the Town of Warwick by adding Chapter 6 “Assessments other than for Special, District, or Local Improvements”. Said public hearing to be held on Thursday, December 8, 2011 at 7:30 p.m. or as soon 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 Shuback absent) Supervisor declared this resolution duly adopted.

**Discussion:** Supervisor Sweeton explained that this is a local law that allows us to assess charges when we get into having to go and do things on properties and such. We had actually had this hearing two years ago and didn't act on the local law so we're doing a new hearing to bring everyone up to date on what it's all about and then hopefully adopt it.

**#R2011-264 WAIVER OF BUILDING DEPARTMENT PERMIT FEE – POLISH  
LEGION OF AMERICAN VETERANS**

Motion Supervisor Sweeton, seconded Councilman DeBuck to adopt a resolution to waive the Building Department permit fee, paid by the Polish Legion of American Veterans Post #16 to have the legion building re-roofed, in the amount of \$375.00.

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

**Discussion:** Supervisor Sweeton stated that we routinely do this for the veterans and the nonprofits.

**#R2011-265 APPOINTMENT OF PART TIME SEASONAL DPW LABORERS**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Daryl DeFrest, John Garley, Matt Janiak and Chuck Vealey as part time seasonal DPW laborers at a rate of pay of \$10.50 per hour effective October 29, 2011.

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

**Discussion: Supervisor Sweeton stated that these are snow riders that we needed early.**

**#R2011-266 AUTHORIZATION OF ESCROW REFUND – DR. DONALD MCCAIN**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$966.25, the balance of the escrow for SBL #49-1-90 & 33.2, to Planning Board applicant Dr. Donald McCain as per the recommendation of the Planning Board Secretary; letter dated October 26, 2011. Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.**

**#R2011-267 AUTHORIZATION OF ESCROW REFUND – DAVID HULL**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$257.50, the balance of the escrow for SBL #23-1-23.12, to David Hull for a Building Department application as per the recommendation of the Planning Board Secretary; letter dated November 7, 2011. Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.**

**#R2011-268 REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION OVERLAY DISTRICT- SECTION 2 BLOCK 2 LOT 35.22 – EDSALL FARM LLC**

**Motion Councilman DeBuck, seconded Councilman Gerstner to adopt the following resolution regarding Request for Participation in the Town of Warwick Agricultural Protection Overlay District:**

**WHEREAS, the Town of Warwick adopted a Zoning Law, known as the 2002 Zoning Law of the Town of Warwick, adopted January 24, 2002; and**

**WHEREAS, said Zoning Law contained provisions for an Agricultural Protection Overlay (AP-O) District one of the purposes of which was to recognize and codify the importance of agriculture to the future of the Town of Warwick and the welfare of its citizens; and**

**WHEREAS, said Zoning Law established an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map parcels which could qualify for the benefits of the AP-O District; and**

**WHEREAS, Section 164-47.3.B sets forth the applicability of said AP-O District to lands within the Town of Warwick; and**

**WHEREAS, Paragraph 5 of Section 164-47.3.B. provides for a mechanism for land owners who are within the AP-O District, pursuant to the criteria listed in paragraph B.1, thereof, to apply for the benefits of said district; and**

**WHEREAS, pursuant to the procedure set forth, the Town of Warwick has received an Application for Participation, on the proper form submitted to the Town Clerk as required, from Kenneth Bergstol, 475 Route 304, New City, NY 10956, Managing Member of Edsall Farm LLC, for a 91 +/- acre parcel known as Section 2, Block 2, Lot 35.22 of the Tax Map of the Town of Warwick; and**

**WHEREAS, the Town Board has determined that this particular parcel is one of the parcels included in the area shown on the Overlay District Qualifying Area Map and has therefore met the requirements set forth for inclusion in the AP-O District as a participating parcel;**

**NOW, THEREFORE BE IT RESOLVED, that Tax Map Section 2, Block 2, Lot 35.22 of the Tax Map of the Town of Warwick and belonging to Kenneth Bergstol is hereby declared eligible to participate under the provisions of the AP-O district and is entitled to all the benefits contemplated thereof; and**

**BE IT FURTHER RESOLVED that an Appendix to the Zoning Law be updated to reflect that the above described Kenneth Bergstol parcel shall be considered included as a participating parcel in the AP-O District, and**

**BE IT FURTHER RESOLVED, that the AP-O Overlay District Qualifying Area Map be so marked to show the above Kenneth Bergstol parcel as a participating parcel within said District.**

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

**Discussion: Supervisor Sweeton stated this farm has currently been awarded 50% funding from NRCS is in our PDR program and is proceeding along the steps to close. This just helps further that parcel being used for active agriculture.**

**Councilman DeBuck – This particular farm is located in not the drowned lands of the Pine Island area but the upland of the Pine Island area. While it's called the Edsall Farms LLC the managing person happens to be a particular developer who bought it from the Edsall family but over the long haul of going through the process of which they thought they would develop it they discovered several things about the Town of Warwick and the parcel that they had acquired. Namely there were some difficult things in having it developed. A pipeline ended up going across it in the process and different artifacts were found on it. Maybe there was a problem or two in regards to the fact that it was an existing orchard for many, many decades; environmentally some things were noted. This particular farm has really terrific agricultural soils so the fact that the proprietors now want to have it preserved as a farm and are willing to sell it to perspective people who want to come to the Town of Warwick and use it as an orchard or as a winery or as a dairy farm is exciting because the natural features of this upland farm with its soils and its location close to all the other farms here in Pine Island really make it an ideal candidate. Unappreciative of the fact that someone took advantage of our zoning code to say maybe we would have liked to have built houses there but now there's an option where they can get some equity out of the land and then we in turn applied to the federal government as a 50/50 partner, really makes a win-win scenario for the town. I would like to see this close before January 1<sup>st</sup> but I'm delighted that we're proceeding and I was hopeful that this would take**

place prior to the end of my term but I'm sure it's in good hands now and you'll try to carry this forward.

Supervisor Sweeton – We'll do our best.

**#R2011-269 ADOPT LOCAL LAW #7 OF 2011 – TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

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

WHEREAS, a Local Law to override the tax levy limit established in General Municipal Law Section 3-C, was introduced on October 27, 2011, and

WHEREAS, a public hearing was held as required by law on November 10, 2011 to consider the adoption of said local law, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of the said local law is in the public interest,

NOW, THEREFORE BE IT RESOLVED that the said local law to override the limit on the amount of real property taxes that may be levied by the Town of Warwick, County of Orange, State of New York pursuant to General Municipal Law § 3-c is hereby adopted and same shall go into effect as provided by law.

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

**#R2011-270 ACCEPT RESIGNATION – CARMEN MARSH**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Carmen Marsh, part time Police Dispatcher, effective November 7, 2011.

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

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

Ron Nowak - 14 Hazen Street, Greenwood Lake, NY 10925 – In regards to assessments; my understanding is that the Greenwood Lake School District, which consists of the village plus the town on the other side of Mt. Peter, the assessments went down. There was approximately, I was told and I don't know this for a fact, 100 tax appeals that were filed by town outside village residents all of which were granted. The school district assessment fell while the village assessments rose. I just want to point that out and it maybe something you want to look into with the Assessor because if that is going to be another trend that we are going to have to deal with it's going to further complicate the situation at hand. Especially if these people are being urged to do this by these companies who send these mailers out

because that spreads to the entire school district and its going to pile a whole other layer of economic problems on top of what we already have. I also wanted to point out on the revenue side of the budget that the single largest revenue item that you receive outside of property taxes is the sales tax sharing and that's all appropriated against the town outside the villages budget.

Supervisor Sweeton – Correct. Does the village get sales tax?

Ron Nowak - Yes we do.

Supervisor Sweeton – OK.

Hon. Barbara Moore – Michael, the population numbers that you use are just town population numbers.

Supervisor Sweeton – For?

Hon. Barbara Moore – For your sales tax.

Supervisor Sweeton – Yes, that's how they do it. They do it on population.

Councilman DeBuck – What kind of formula? There is no formula; it's population.

Supervisor Sweeton – The County does it based on census I guess.

Mary Ann Beneski – Resident, Town of Warwick, NY 10990 - How does the school go over the tax cap?

Supervisor Sweeton – They can only do it by putting a budget out and they need a 60% vote by the voters to overturn to exceed the cap, so I don't know maybe it will happen but it seems virtually impossible to me. How are they going to get 60% of the vote to exceed it, but they've already mounted a campaign to go to Albany which is our beef we'll join them on the mandate issues. The reforms that the Governor chose to ignore not from his committee but the souszi commission that created the tax cap has recommended three things; cut state spending which the Governor has done a fair job on, put a cap of 4% in place and give mandate relief to municipalities and school districts. Governor Cuomo chose only two of those and not the mandate relief issue and whether it's NYCOM, the Association of Towns or the School Board Association there's a list of anywhere from 13 to 18 items that the State of New York tells us we're required to follow in different aspects, whether it be negotiating contracts or the tri-borough amendment which when contracts expire keeps the previous clauses of the contract in place, 207c re-forum which is police related; lots of these things that the State Legislature just ignored. Now there's an effort coalition that says that will be the number one item we hammer the legislature with and the Governor with in the next session but unfortunately for the village and the town it's too late. They've already unleashed the beast and we're going to have to

**deal with it and it will come down to less police on the street, it will come do to less roads being plowed at a certain time. Those are the choices and no recreation. It's tough times; we all get it. We're not saying we're special, I mean people in their homes are facing the same issues, but we'll see how people deal with the reduction in services.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Shuback absent) 8:26 p.m.**

**11-10-11 cp.**

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**Marjorie Quackenbush, Town Clerk**