

November 17, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 17, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:00 p.m.

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

Town Attorney, John Hicks  
Deputy DPW Commissioner, Benjamin Astorino  
Police Sergeant, James Barnett

**UNSAFE BUILDING HEARING: Unsafe Building Castle Tavern**

Supervisor Sweeton – John do you want to start with Castle Tavern first?

Attorney John Hicks – Sure, because that is the more difficult one of the two. Castle Tavern is an establishment on the east shore end of the lake that we've had problems with for quite some time. The problems are resolved periodically and then they come back to haunt us. There was a continuation of a public hearing for dangerous structures which had been postponed until tonight with the hopes that we would be able to effect service on the corporation that owns the property through the Department of State which is a legitimate way of effecting service. Unfortunately, unbeknownst to me after 30 years of practicing law, the Department of State will not accept service of process for a Town Board matter. They only accept service for process for court matters where you have docket numbers and legitimately recognized court, so they returned our papers to us. The second part of this is the defendant or the respondent, Mr. Calandra, has refused to give his attorney permission to accept service on his behalf and has not allowed his attorney to give us an address where he can be located to be served. He is in the State of Florida so if we are going to continue with this and we do need personal service on this. We are going to have to hire either a process server or the sheriffs' office in Florida to serve the papers on Mr. Calandra directly and only after that is done can we proceed with the dangerous structure hearing. There's some concern that the problem here is that there are some docks in the water that are the basis of the dangerous structure proceeding and if it gets too far into the winter and the lake freezes we might not be able to remove those. I'm continuing discussions with Mr. Lipman who is Mr. Calandra's attorney in the hopes that we can work out something voluntarily but if not he will be served within the next couple of weeks. If we could postpone this until the December 8<sup>th</sup> meeting when we get into the regular agenda hopefully we'll have the service process completed by that time and Mr. Lipman will be here on his clients behalf to tell us what they intend to do. If they intend to do nothing which very well may be the case because I don't believe based on my conversations with Mr. Lipman that Mr. Calandra has any intentions of cooperating with the Town at this point. The Town might just have to adopt a motion at that point to

authorize the Town to remove the docks and charge it back against his taxes so that's where we are on Castle Tavern.

Councilman DeAngelo – Well they're built in the lake right now.

Attorney John Hicks – They're in the lake now.

Councilman DeAngelo – But they are lowering the lake so the docks might be accessible.

Attorney John Hicks – Oh good, so that might make it easier for us.

Councilman DeAngelo – As long as we move on it in December it should be OK for a month or so.

Attorney John Hicks – I hadn't thought about that but that's a good point.

Motion Councilman DeAngelo seconded Councilman Shuback to continue the unsafe building structure hearing on the Castle Tavern Property until the December 8<sup>th</sup> Town Board Meeting. Motion Carried (5 ayes 0 nays)

**UNSAFE BUILDING/STRUCTURE HEARING: Buttermilk Falls Road Bridge**

Attorney John Hicks – This one we're having a great deal more success with. The owner, Mr. Silverman, has given his attorney permission to talk to us about ways that we can get a voluntary compliance with us. The issue is the bridge that is on Mr. Silverman's property is in total disrepair as a result of Hurricane Irene and subsequent floods and it is impassable for vehicular and pedestrian traffic. It is solely on Mr. Silverman's property and it is not a Town road so we have no ability to go in there and make repairs ourselves. In addition to that the property owners on Buttermilk Falls Road have I believe easement rights to pass over that bridge and the roadway that exists on Mr. Silverman's property. That will be up to Mr. Silverman's attorney to sort that out. Our only concern is that the bridge be protected so that no member of the public gets injured trying to cross that bridge with a vehicle or as a pedestrian. His attorney has asked and we will comply with this and I will speak with him in the next couple of days a list of our requirements for securing that bridge through the Building Department and through the Supervisors office. They've assured us that they will comply with those as soon as possible and in addition we are advising them that if they have not secured their name on a list with FEMA because some damage was done to this property by Hurricane Irene and subsequent storms and that deadline I understand has been extended for personal property until December 15<sup>th</sup> so he maybe able to apply for that and get some assistance from FEMA in terms of repairing the bridge. His attorney has also indicated that regardless of that they will take care of making it safe to our satisfactions. I think we'll do the same thing with this one; recess it or continue it until December 8<sup>th</sup>. We will have by December 8<sup>th</sup> this issue resolved to everybody's satisfactory.

Rocco Testa - Resident, Town of Warwick, NY 10990 – They're doing it already. This is the new bridge they made.

**Supervisor Sweeton – Someone’s made it, hopefully not Mr. Silverman.**

**Rocco Testa – You can see in the pictures the debris is still in the stream, the railroad ties and whatever.**

**Supervisor Sweeton – Hold on to those thank you. We did tell them whatever was done after our last meeting was unacceptable.**

**Resident - Town of Warwick, NY 10990 – Is it possible to get a temporary repair like Cascade to access for emergency vehicles?**

**Supervisor Sweeton - We don’t have that ability, no.**

**Resident - Town of Warwick, NY 10990 – Who could enforce that?**

**Supervisor Sweeton – We’ve advised him which is what we can do. We’ve advised the owner of the property to in the best interest of his client to ascertain what rights people have to transverse that piece of property because as the attorney stated there’s been some representation that people have a right to go back and forth through there by virtue of the deeds, so we strongly, strongly urged the attorney to ascertain that. He had told me in my first conversation with him that he would get a title search of adjoining properties to find that out.**

**Rocco Testa - Even though the Town is obligated to get its ambulance down there they can’t...**

**Supervisor Sweeton – We can get an ambulance to both sides and that’s the protocol we’ve had and hopefully this will get resolved before too much past December 8<sup>th</sup>. That’s our goal and we’re making progress because at least he and his attorney are speaking with us.**

**Lubomir Gabor – Resident, Town of Warwick, NY 10990 - What funds will be used for the new bridge?**

**Supervisor Sweeton – That’s to be determined. It’s kind of a separate issue. We’ve taken action under the unsafe building or structure section of the Town Code to order Mr. Silverman to either repair or make safe the structure known as the bridge on Buttermilk Falls Road, so that is proceeding and that’s what we are talking about right now. We’re giving him until December 8<sup>th</sup> now at the request of his attorney who’s agreed to do what we request of him to do. The separate issue is what the attorneys position is, is that he doesn’t have to fix the bridge but simply remove the debris and make it safe if that’s his position and he can defend that legally against whatever deeded rights people have to travel over the property. There’s still the possibility that again we can approach the residents which I had promised to do. More than likely this will now happen in December and invite you all to this room to discuss an option if you want to pursue it, which is essentially to create a under Town Law 200 to improve the bridge and the road surface or the road or some portion thereof at a cost to be born by the residents over a long term period.**

**Lubomir Gabor – That is one thing the people on the other side of Buttermilk Falls Road are against, any contribution.**

**Supervisor Sweeton – Maybe again it’s...**

**Lubomir Gabor – I don’t want to be forced into any contract.**

**Supervisor Sweeton – Nobody is going to force anybody into anything first of all, but we need to have that general discussion with everybody because the problem continues and continues and continues.**

**Lubomir Gabor - So this is preliminary.**

**Supervisor Sweeton – Yes, what we’re here for tonight is nothing to do with that issue, but that issue will be a discussion among the residents who would benefit which would be the property owners. That will be a separate evening; a separate event and every property owner will get a letter OK.**

**Motion Councilman Shuback seconded Councilman Gerstner to continue the unsafe structure hearing on the Buttermilk Falls Road Bridge until the December 8<sup>th</sup> Town Board Meeting. Motion Carried (5 ayes 0 nays)**

**CORRESPONDENCE:**

**RICHARD J. & JOAN A. BRADY–201 Brady Rd., Warwick, NY 10990 – Application to the Supervisor and Town Board requesting to participate in the Town of Warwick Agricultural Protection Overlay District.**

**STEVE & JILL PENNINGS – Pennings Farm Market, 161 State Rt. 94 South, Warwick, NY 10990 - Renewal application submitted to the Supervisor and Town Board stating their intent to renew their liquor license.**

**THOMAS F. MCGOVERN JR. – Police Chief, Town of Warwick Police Department – Memo to the Supervisor and Town Board requesting a budget transfer in the amount of \$3,177.20 from Selective Way Insurance to budget line (B02.00.3120.403) Auto Repair.**

**JOANNE WILCOX - Bookkeeper for the Town of Warwick – Memo to the Town Board requesting that clean-up expenses in the amount of \$103.41 for parcel SBL#94-6-1 (39 Evan Rd., Warwick, NY) be submitted to Orange County for inclusion in the January, 2012 property tax bills.**

**SUSAN S. NELSON, RMC – Municipal Clerk, Township of Vernon, 21 Church St., Vernon NJ – Notice of an Ordinance #11-26 entitled “Granting Municipal Historic Designation to Certain Property in the Township of Vernon” was introduced at a meeting of the Vernon Township Council on November 14, 2011. This ordinance will be considered**

for final passage after public hearing at a Regular Meeting of the Township Council of the Township of Vernon to be held on November 28, 2011 at 7:30 p.m. at the Municipal Building, 21 Church St., Vernon, New Jersey.

**BOARD'S DISCUSSION ON CORRESPONDENCE**

**VISITING ELECTED OFFICIALS**

Supervisor Sweeton introduced the newly elected Town Board member Russell Kowal.

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CATCH BASINS	121 Hunt Dr.	Rebuild catch basin
TREE WORK	Town wide	Clean up trees and brush from storm
POT HOLES	Town wide	Town wide as needed
VEHICLE MAINT.	As needed	
EMERG. REPAIRS	As needed	
ROAD SIGNS	Town wide	Replace as needed
WATER DEPT.	Bellvale Water Plant	Clean up area around water plant

**ENVIRONMENTAL CONSULTANTS REPORT**

**Town Of Warwick - Water and Wastewater Operations Report - October, 2011**

**Wickham Water District**

Well #11 monthly production	1,811,000 gal
Average daily use	58,400 gal
Sodium Hypochlorite used	127 qt
Orthophosphate used	40 qt
Soda Ash used	500 lbs.

**Bellvale Park Water District**

Total monthly production	141,400 gal
Average daily use	4,600 gal
Sodium Hypochlorite used	6 qt

**Eurich Heights Water District**

Total monthly production	184,500 gal
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Average daily use	6,000 gal
Sodium Hypochlorite used	3 qt
Orthophosphate used	12 qt

**Pine Island Water District**

Total monthly production	223,300 gal
Average daily use	7,700 gal
Sodium Hypochlorite used	22 qt

**Westside #1 Water District**

Total monthly production	3,656,300 gal
Average daily use	117,900 gal
Sodium Hypochlorite used	200 qt
Orthophosphate used	48 qt
Caustic Soda	00 gal

**The Fairgrounds**

Total monthly production	236,600 gal
Average daily use	7,600 gal
Sodium Hypochlorite used	0 qt

**Sewer District #1 Wastewater Treatment Facility**

Mid-Orange Correctional District	1,299,910 gal	20%
Wickham Village District	3,311,339 gal	50%
Kings Estates District	2,047,481 gal	30%
<b><u>Total District Flow</u></b>	<b>6,658,730 gal</b>	<b>100%</b>
<b><u>Average Daily Flow</u></b>	<b>214,798 gal</b>	

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

The belt press ran for 13 hrs. and .5 gal of polymer was used.

10 cu. Yd. of sludge and 1.5 cu. ft. of grit were removed from the site this month.

There was 5.2" of precipitation for the month.

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

<b><u>Total District Flow</u></b>	<b>119,469 gal</b>
<b><u>Average Daily Flow</u></b>	<b>3,854 gal</b>

**COUNCILMAN DEANGELO REPORT**

**1. I want to congratulate the DPW for the fine job they've done cleaning up after the storm especially where I live in Greenwood Lake.**

2. On December 4<sup>th</sup> there is a tree lighting in the Village of Greenwood Lake at the Greenwood Lake Ambulance building at 4:00 p.m. and there are horse and buggy rides if anyone is interested starting at 2:00 p.m.

#### **COUNCILMAN DEBUCK REPORT**

1. Thank you Floyd, as a segway into my comments, yesterday there was a tree lighting ceremony at the butterfly garden in the Pine Island Park. The Town Supervisor was able to join us as well as lots of parents and children. It was a very nice first time event held in the park and everyone had a wonderful time and we'll probably make a few modifications but once the tree was lit and with the help of a few flashlights it was a very, very festive event. We hope to do it again and it was good to hear the children from the Sanfordville School. Shop Rite helped and the Ladies Auxiliary helped out and it really was a nice event. Today at the same place at the Pine Island Park there's a new double swing set that's being setup in the children's play area. This swing set is a very special swing set because it is specifically designed for handicapped children and it's off a handicapped accessible walkway and not far from the handicapped accessible bathroom. The park will have a new amenity in it and maybe not used so much this winter but certainly it will be prepared for next spring. I wanted to mention that some of the proceeds from the Black Dirt Feast went specifically to this particular amenity in the park. I know the Pine Island Chamber of Commerce is anxious to reimburse the Town for the purchase of that double swing set for children with disabilities.

3. The Black Dirt Feast has made a donation to help a Little York resident Girl Scout Victoria Garloch, a 14 year old girl who is working on her gold star award. I don't know if you read the paper this morning but there has been some difficulty with members in need in our community because of migrant workers in the black dirt area. What Victoria Garloch is doing is working with the Warwick Community Kitchen in the Vision Church at the retired Pine Island Elementary School that is being used by the Vision Church. Victoria together with volunteers from her church and the community and with some donation specifically from the Chamber of Commerce from the Black Dirt Feast is holding a spaghetti dinner tomorrow evening on Friday for people in need. I know it's very short notice but she also announced that she is having a second dinner for people in need on Friday, December 23<sup>rd</sup> complete with turkey and all the trimmings at Christmas time. We're very pleased that community members are coming forward and we are very pleased that people who have supported the Chamber and the Black Dirt Feast are indeed giving to us and we're in turn trying to give back to members in our community that are in need.

4. I hope everyone has a very wonderful and safe Thanksgiving.

Supervisor Sweeton – Where's the dinner on the 23rd?

Councilman DeBuck – It going to be again at the Pine Island Elementary School in the community multipurpose gymnasium. The Vision Church is helping Victoria in her efforts and it's working out pretty nice that we're able to utilize that facility and help people out in our community that are in need.

**COUNCILMAN GERSTNER REPORT**

1. I was able to attend an Eagle Scout Ceremony in Florida and I would like to congratulate Brian McAteer and Andrew Hallock for achieving their Eagle Scout and thank you for letting me attend that for you.
2. On November 25<sup>th</sup> the Warwick Fire Department will have their tree lighting in the Village of Warwick. On December 2<sup>nd</sup> there will be a tree lighting in the Village of Florida.
3. I would like to wish everybody a happy and safe Thanksgiving.

**COUNCILMAN SHUBACK REPORT**

1. The Department of Public Works is catching up on all of their repairs and they seem to be doing a good job.

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

**SUPERVISOR'S REPORT**

1. Last week we actually had held our budget hearing on the 2012 Preliminary Budget and it was pretty bleak and it's still not the best, but I am very pleased to say tonight that I worked hard this past week since that meeting with our financial consultant Steve Brown and we reduced spending by another \$800,000 as we promised that we would. We have been able to bring our tax levy under the Governors 2% tax cap. The department budgets were revisited and we reduced them further. We've reached a tentative agreement with our police union and our negotiations with our other union continue. We're optimistic that we will reach an agreement that is realistic as well as sustainable. We also reached out to the three volunteer ambulance corps in our town and asked them for some additional cuts and they all responded positively. I thank them for their spirit of shared sacrifice as well as their continued exceptional service to our community. The 2012 rates for our village residents will be \$6.70 per thousand verses \$6.27 per thousand last year and for town residents the rate will \$17.94 per thousand verses \$17.36 per thousand. Discretionary spending across all departments are below 2011 levels. These cuts allowed us to mitigate to the greatest extend possible the exorbitant increases in health and retirement costs with manageable reductions in services. We will continue to discuss shared service arrangements with all of our villages and we will continue to explore ways to do more with less.

2. Electronic Recycling Day - Tomorrow is the first day of our electronic recycling event and that's for businesses, government agencies and school districts. It will be held from 1:00 p.m. until 4:00 p.m. at the cleared area behind the recycling center off of DPW Drive and it is free of charge. On Saturday from 10:00 a.m. until 2:00 p.m. residents will then be able to bring their electronics which include; monitors, TV's, printers, terminals, radios, fax machines, copiers, modems, typewriters, stereos, cell phones, keyboards, VCR's, electronics batteries, CPU's and laptops. No appliances will be accepted. Hard drives will be shredded. All the material is going to be recycled domestically.

3. As someone mentioned earlier, FEMA has extended the deadline for

individuals to apply under the Irene and Lee storm events. For individual assistance they've extended it until December 15<sup>th</sup>. If you've had damage and you didn't report it before now is your chance by calling 1-800-621-3362 or you can register online at [www.disasterassistance.gov](http://www.disasterassistance.gov). Again if you haven't done it register and someone from FEMA will come out and assess your damage and decide whether you're eligible for any funding.

4. Last Thursday night four citizens from our Town were honored by the Orange County Arts Council as recipients of 2011 Annual Arts Awards. The Individual Artist award went to James Emery a Village of Warwick resident who is the cofounder of the String Trio of New York. The Arts Organization was given to the Warwick Jazz Festival a great event that continues to grow it was the second one last year. Salute to Veterans artist Robert Fletcher, the author of Remembrance a Tribute to Americans Veterans, was honored and the Individual Champion of the Arts was Liz Reese who is the artistic director of the Warwick Summer Arts Festival which we have contributed to over the years and she has continued to do a great job with that. It was a good showing by Warwick and we're proud of all the individuals that were honored.

5. The Community Preservation Fund receipts for October were \$33,784.06 and brings the total in the fund to \$3,108,633.09

6. This past Monday we had the first meeting of the Mid Orange Correctional Facility Advisory Committee with a varied group of individuals from our community. They were organized under the leadership of the Chairman Attorney Hicks who we've appointed Chairman of that committee not only through his organization skills but the fact that he grew up as his dad was a staff member when it was a boy's training school. Attorney Hicks, do you want to just briefly give the press a little preview and the Board?

Attorney John Hicks – I appreciate the honor of being appointed Chairman and I think our committee is 16 strong and I think we're going to do a really good job of presenting the Board and the Supervisor with a good report when all is done. We've broken down the full committee into five subcommittees to deal with individual aspects that we need to learn about. One of those is a group that's going to consider community outreach. We are going to do an inventory of all the facilities. We have a subcommittee that is going to write the final report to the Board. We have another subcommittee that's going to be reaching out to other organizations that we feel might partner with us. The Supervisor has also made many of those contacts prior to this committee doing it. The committee is working very close to the Supervisor to facilitate and take to the next level the things that he has already done since the closing of the prison was announced. The other aspect of our committee function so far is that we have scheduled a community outreach meeting for December 7<sup>th</sup> has a final decision been made as to where it's going to be held?

Supervisor Sweeton – No, they're attempting to secure a school more than likely the Middle School for that, but we'll get the information to the press as soon as we know that is locked down.

Attorney John Hicks – Our chairman of our subcommittee for community outreach is Geoff Howard who’s done many of these community outreach sessions for other town projects. He’s very good at it and he’s heading that up so I think we will get a very good cross section of community view points when that has all taken place on December 7<sup>th</sup>. That will be funneled back into our advisory council committee group which will continue the process one step further. It’s a great group and they’re all not afraid to work. They all know they have to work; we’ve got deadlines and they all seem to be very eager so we should be on track to give you a good report.

Supervisor Sweeton – We think it will be very helpful to the Board.

7. Monthly Budget Review - For the Boards information I reviewed journal entries for this month and they were all in order so there are no issues with that.

8. 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:**

**#R2011-271 UNPAID WATER AND SEWER RENTS TO THE COUNTY OF ORANGE**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to submit the following unpaid water and sewer rents plus penalties to the County of Orange for inclusion in the January, 2012 tax bills:

Bellvale Park Water:	\$ 1,062.50
Eurich Heights Water:	\$ 3,119.56
Pine Island Water:	\$ 3,052.00
West Side Greenwood Lake Water: (Includes Seasonal, Year-Round Flat, Year-Round Metered)	\$22,692.30
Wickham Water:	\$27,129.42
Wickham Sewer:	\$20,283.32
Kings Sewer:	\$21,246.35
<b>TOTAL</b>	<b>\$98,585.45</b>

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

**#R2011-272 ADOPT 2012 TOWN PRELIMINARY BUDGET**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept the 2012 Preliminary Budget as presented with the additional attached reductions.**

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

**Discussion: Councilman Gerstner thanked Supervisor Sweeton for all his hard work and doing a great job and also to all the department heads and volunteer ambulance corps for helping us out. I never thought we would get under the 2% and you did a great job.**

**#R2011-273 MEMORANDUM OF AGREEMENT – PBA**

**Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution hereby approving the Memorandum of Agreement between the Town of Warwick and the Town of Warwick PBA, dated November 3, 2011, commencing January 1, 2011 for a three year period expiring on December 31, 2013.**

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

**Discussion: Supervisor Sweeton thanked Floyd and Mickey for sitting in and negotiating with our counsel on this agreement which I know was long and involved and we're happy that it is concluded. Thank you gentlemen.**

**#R2011-274 REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION OVERLAY DISTRICT- SECTION 64 BLOCK 1 LOT 54 – BRADY**

**Motion Supervisor Sweeton, 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 Richard J. and Joan A. Brady, 201 Brady Road, Warwick, NY 10990, for a 5.9 +/- acre parcel known as Section 64, Block 1, Lot 54 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 64, Block 1, Lot 54 of the Tax Map of the Town of Warwick and belonging to Richard J. and Joan A. Brady 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 Richard J. and Joan A. Brady 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 Richard J. and Joan A. Brady parcel as a participating parcel within said District.

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

**#R2011-275 CLEAN-UP EXPENSE LEVIED AGAINST REAL PROPERTY  
SBL # 94-6-1**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to submit the following clean-up expenses for real property SBL # 94-6-1 (39 Evan Road, Warwick, NY) to Orange County for inclusion in the January, 2012 property tax bills. Payroll Costs: (2 men @ 1 hr. each) \$103.41

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

**#R2011-276 BUDGET TRANSFER – POLICE DEPARTMENT**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt the following Police Department budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Check from Selective Way Insurance for damages to police vehicle	Auto Repair (B02.00.3120.403	\$1,377.20

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

**#R2011-277 APPOINTMENT OF PART TIME SEASONAL DPW LABORER –  
TIMOTHY FEAGLES**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Timothy Feagles as a part time seasonal DPW laborer at a rate of pay of \$10.50 per hour effective November 19, 2011.

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

**Discussion:** Supervisor Sweeton stated that this is a snow rider.

**#R2011-278 AUTHORIZATION TO SIGN AGREEMENT WITH TOWN OF TUXEDO  
FOR SNOW AND ICE CONTROL OF OLD FORGE ROAD**

**Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the Supervisor to sign an agreement with the Town of Tuxedo for the control of snow and ice on Old Forge Road for the sum of \$5,000.00.**

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

**Discussion:** Supervisor Sweeton stated that this is a cost saver because this is a far section of the Town adjacent to Tuxedo and we're glad that they're happy to do it for us and we appreciate it.

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Supervisor Sweeton introduced the Hon. Assemblywoman Annie Rabbitt. I stopped to congratulate the Board and really thank the Town of Warwick for this budget process which is very difficult. I'm always so very proud of all of you for your hard work and dedication.**

**Supervisor Sweeton – Thank you. We thank you for representing us in Albany and despite the difficulties we did manage to get under the tax levy cap. It will be tricky but we made it; as you know its created difficulties for local municipalities and we know you're going to fight for some of the mandate relief issues as you have in the past for us so we do appreciate that. You're a good voice for us in Albany. It's good to see you back home. I would like to wish everyone a Happy Thanksgiving.**

**ADJOURN:** Motion Councilman DeAngelo, seconded Councilman DeBuck that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:54 p.m.

**11-18-11**

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**Marjorie Quackenbush Town Clerk**