

November 18, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 18, 2010 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:50 p.m.

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

Town Attorney, John Hicks  
DPW Commissioner, Jeffrey Feagles  
Police Lieutenant, Thomas Maslanka

**ACCEPTANCE OF MINUTES:**

1. Public Hearing, Special Districts 2011 Budget, 11/04/10
2. Public Hearing, Preliminary Budget 2011, 11/04/10
3. Regular Town Board Meeting, 11/04/2010
4. Special Town Board Meeting, 11/12/2010

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the public hearing for special districts held on November 4, 2010, the public hearing for the preliminary budget held on November 4, 2010, the regular meeting held on November 4, 2010 and the special meeting held on November 12, 2010.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**JAMES LINTON – Foreman, Town of Warwick DPW - Letter to the Supervisor and Town Board requesting his intent to retire effective December 29, 2010.**

**SCOTT RUSSELL – Foreman, Town of Warwick DPW – Letter to the Supervisor and Town Board requesting his intent to retire effective December 29, 2010.**

**COLLEEN TORRES – Dispatcher, Town of Warwick Police Department – Letter to Thomas Schweizer notifying him of her intent of resignation effective November 27, 2010.**

**TOWN OF TUXEDO TOWN BOARD – One Temple Drive, Tuxedo, NY 10987 – Notice of Completion of the FSEIS for Tuxedo Reserve, This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation law. On November 8, 2010, the**

**Town Board of the Town of Tuxedo adopted a resolution in which it determined that the Final Supplemental Environmental Impact Statement for Tuxedo Reserve (FSEIS) has been accepted and deemed complete for the proposed action described below.**

**CONTACT PERSON: Honorable Peter M. Dolan, Supervisor Town of Tuxedo**

**ADDRESS: One Temple Drive  
Tuxedo, NY 10987**

**NAME OF PROJECT: Proposed Special Permit and Preliminary Plan Amendments for Tuxedo Reserve, Proposed Rezoning for Tuxedo Reserve, and Proposed Amendments to Local law No. 4A of 1999.**

**LOCATION: Town of Tuxedo, Orange County**

**SEQRA STATUS: Type 1**

**PROJECT DESCRIPTION: The proposed action is a set of amendments to the special permit and preliminary plan for the Tuxedo Reserve Planned Integrated Development. The proposed amendments would change the unit mix of the project, change the locations for proposed development, increase the amount of permitted commercial development, revise various design and performance standards for the project, as well as propose other changes more particularly described in the FSEIS. In addition, the proposed action would include a zoning map change to cause the zoning for Tuxedo Reserve to be consistent with the changes proposed to the Tuxedo Reserve special permit and preliminary plan. Finally, the proposed action includes an amendment to Local Law No. 4A of 1999 to change the permitted unit mix for Tuxedo Reserve.**

## **BOARD'S DISCUSSION ON CORRESPONDENCE**

### **VISITING ELECTED OFFICIALS**

**Supervisor Sweeton introduced two Village of Warwick Trustees Barry Cheney and Bill Lindberg and no report was given.**

## **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>
CATCH BASINS	Wickham Village	Repair Basins
DITCH WORK	Big Island Rd.	Clean ditch
	Mt. Eve Rd.	Clean ditch
TREE WORK	Wheeler Rd.	Clear right of way
	Public Works Dr.	Clear right of way
	Four Corners Rd.	Take down dead trees
POT HOLES	Town wide	As needed
ROAD REPAIR	Indian Park	Repair after water line break

TOWN PARK

All locations

Winterizing

### **COUNCILMAN DE ANGELO REPORT**

**1. For the month of October the Post Report is as follows: The Town outside Greenwood Lake had 192 calls, the Town outside the Village had 840 calls, Pine Island 270 calls and the Village of Warwick had 726 calls for a total of 2,028 calls for the month of October.**

**2. I had a request from Suzyn Baron, the President of the Warwick Humane Society. They are trying to keep within their budgets and working hard and they do a great job. Their wish list is as follows. They need bleach, paper towels, Simple Green, Friskies canned pate dinners for cats and kittens, Shop Rite canned chicken for cats, large dog biscuits, Feline Pine litter, laundry detergent, copy paper, small ceramic cat dishes and no dry food is needed at this time. I encourage you to donate to them because they're doing a great job and they really go beyond what we pay them and they need these supplies.**

### **COUNCILMAN DE BUCK REPORT**

**1. I would like to wish everyone in our community a safe and happy Thanksgiving and if you're traveling, travel safely.**

### **COUNCILMAN GERSTNER REPORT**

**1. Read the following letter from Cablevision. A letter to express our sincere gratitude for the willingness of the town to support Cablevision and it's customers during the recent dispute with News Corp regarding carriage of broadcast channels in New York, New Jersey and Connecticut. Your support during this vital election season and pressure to sit on the sidelines is greatly appreciated. Also from Cablevision while every effort is made to keep prices as low as possible there will be some changes for rates for certain Cablevision services. Rate adjustments to family cable IO digital television packages and other cable program services will be effective December 8, 2010. There will be no changes to broadcast basic equipment or one time charges. You can view all this at optimum.com and effective December 8<sup>th</sup> the family cable will go from \$55.95 to \$58.95, the IO silver package will go from \$79.95 to \$82.95, the IO silver promo from \$77.85 to \$80.85, IO gold from \$99.95 to \$102.95, sports pack from \$5.95 to \$6.95 and DVR service from \$9.95 to \$10.95.**

**2. I also would like to wish everybody a happy and safe Thanksgiving.**

**3. I would like to commend the Board, yourself and Steve for the budget. In 11 ½ years this is the toughest we've had. Just a great job to everybody, thanks.**

### **COUNCILMAN SHUBACK REPORT**

**1. Next week it's going to be a small highway crew with deer week coming up; we won't see too many highway trucks out.**

### **ATTORNEY'S REPORT**

### **TOWN CLERK'S REPORT**

### **SUPERVISOR'S REPORT**

1. **The State is paving on Route 94 from the Jersey line up to the Village of Warwick and it looks like they are going to be there for a little bit, so just understand there's going to be congestion going on there.**
2. **Community Preservation Fund Update - The receipts for October were \$44,206.89 which brings the total collected in the fund to date to \$2,540,918.64.**
3. **New York State Farmland Protection Program Funding - I did get a letter from the New York State Department of Ag and Markets. As you know New York State is in worse financial condition than anybody and they essentially shut down their Farmland Protection Program at the beginning of the year. They had allocated about 5 million dollars; we had one farm that was going to be receiving funds for that and everything is done with it. They've got it up there in Albany and they notified us that they will not be providing funds for that farm until potentially after April and then only maybe, so we'll see.**
4. **The Orange County Transportation Counsel Executive Committee meeting was this week and I serve on that as a representative of this region of towns in the southwest corner. We adopted the transportation improvement plan for the next five years which is a list of projects that are eligible and will get funded from federal highway dollars. We do have a project on there which was placed back onto the work plan for 2011 to 2015 and that is for the turning lane at the light at County 1 and Route 94 as well as a bridge project, so we are pleased to see those got back on the list.**
5. **East Shore Road Update - The ARRA project that's going on over there is to be wrapped up by November 30<sup>th</sup> and they are going to make that date at this point and hopefully that will help alleviate the icing issue that we have on that road in the winter time.**
6. **The monthly budget to the Board is I did review the numbers again for October. I did go over and review the bank reconciliation for the month of October as well and that was all in order, so just to let you know that.**
7. **Supervisors Corner is in the Warwick Dispatch every week and some of it makes it to the Advertiser and I thank you for that.**

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

**Alan Lipman, Esq. – The tenth item listed on New Business; is that a subject for entertaining discussion on it at the time it's called or is it now?**

**Supervisor Sweeton – Now would be the appropriate time.**

**Alan Lipman – What I handed you is a combination of two sections of a tax map section 51. It is the area that is the subject of the finding statement as item ten on your agenda and it is the entire area of what is to be the Community Business District. The parcel that is highlighted in pink or red as you choose is the Green property( Marie Green) and the blue is the property of Mr. Siegel. When the plan as presently set is adopted the pink or red and yellow fill this area with more CB, but the blue will not. Creating what I believe to be a mistake in terms of not**

extending this district to Sanfordville Road, so that it is virtually even in length with the other side of Route 94. Every parcel in this CB proposed area including the pink will be opposite lands of like zoning from the beginning to here where the pink parcel ends. Past that they will not be opposite each other. The blue is on differently then the yellow, but every other piece is opposite the CB zoning. Now, I read the findings statement, the draft finding statement I don't know if any changes have been made since I received my copy.

Supervisor Sweeton – No there have not.

Alan Lipman – So in effect it's finding.

Supervisor Sweeton – Correct.

Alan Lipman – Ok, I read the comments regarding the application or the request by Mr. Siegel to be included in that zone and in all respects they deal with issues of traffic not zoning. They are written as if to defend the position of the Town Board on this particular issue pointing to the 2008 Comprehensive Plan, at the Warwick's Comprehensive Plan, the Orange County's Comprehensive Plan, Strategies for Quality Committee and the Hudson River Valley's Greenway goals as stated in the Hudson River Greenway Acts greenway criteria. To say that is little bit like telling me it's contained in a couple of volumes in the Library of Congress. It doesn't tell me what sections of those documents apply, what sections tell a professional planner whether this works or it doesn't work and frankly it seems to me that the comments, all of them, are such that they are intentionally supporting the exclusion of the blue parcel from this zone. The finding statement talks about strip commercial zoning and the extension of the district towards New Jersey as being some how exposing us to mall comers. That is not what is proposed by me. The parcel that Mr. Siegel owns is already zoned for commercial uses, in fact I made a copy of the Town's table of use requirements and I highlighted my own edited addition those uses that are permitted in the OI zone directly across the street from what will be CB. Manufacturing, assembling, altering, finishing, converting, fabricating, cleaning or any other processing, packaging, secondary use of agricultural wastes, storage and sale of seed, feed, fertilizer, use of mobile homes on farms, adaptive reuse of agricultural structures, animal hospitals, veterinary kennels, bowling alleys, dance floors and the list goes on and on. Many of them are business uses or commercial, so the proposal to add that second piece, the blue parcel, doesn't extend any commercial use; it's there already. It already has access to Route 94 and from Sanfordville Road. I'm not sure that any physical access exists from Sanfordville Road, but that access is available to that parcel. Now the finding statement deals with a suggestion that I had made about establishing a marginal access road through those two pieces and getting that traffic out on Sanfordville Road. The finding statement suggests that's not a good idea because it will put more traffic then perhaps Sanfordville Road can handle out onto 94 and someday in the future we made need a traffic light. That isn't the only way to handle access to these two pieces. The finding statement suggests the marginal access road should be here

between the yellow and the pink as part of a four way intersection which is already a traffic light. The driveway or access to the improvements can come off that marginal access road and there is no reason that marginal access road can not be extended to provide service to the blue parcel.

Supervisor Sweeton – Let me just correct you, there is no light where that road is going to terminate at the moment.

Alan Lipman – Isn't there a light at the intersection of Warwick...

Supervisor Sweeton – Not at the intersection of Warwick Turnpike.

Alan Lipman – Just far sight of it.

Supervisor Sweeton – Down by Price Chopper.

Mike Siegel – There's a stop sign there.

Alan Lipman – I thought there was a light there. If there isn't...

Supervisor Sweeton – Well there needs to be and that was the point of determining the road.

Alan Lipman – There will be a need for a traffic light.

Supervisor Sweeton – Correct.

Alan Lipman – That traffic light is going to control the marginal access road feeding into Route 94. Is that correct?

Supervisor Sweeton – Correct.

Alan Lipman - It will also control the traffic for the pink parcel.

Supervisor Sweeton – That's correct.

Alan Lipman – And it could also control the traffic from the blue parcel. You are doing the same thing in fact on the other side of the road of 94. There is already a marginal access road for the Pennings Farm Market and it will be for the Pennings Subdivision that was just approved. There's another marginal access road that leads out to Pennings Lane. I don't know where Pennings Lane is here, but I suspect its right at the edge of Pennings Crossing right in here. I don't know how that figured into the plan, but that is precisely the idea that I had for this side of the road. Why it works on one side and not the other, I do not understand, but it seems to me that the decision to eliminate this parcel from this zone was made before the finding statement was presented, prepared and about to be adopted.

**Supervisor Sweeton – I don't believe that was the intent. I believe you asked for clarification and you felt your question wasn't answered, so we instructed the planner to try to answer your question more thoroughly.**

**Alan Lipman – I understand that. I'm talking about the original DEIS was done the parcels were identified and one was not correctly identified, which would have produced three parcels and I was the one who brought it to your attention.**

**Supervisor Sweeton – We thank you for that.**

**Alan Lipman – I appreciate your thanks, but it seems to me that what is going on here is payback, payback for the acts, omissions, mistakes, stupidity of the prior owner of this property, Mr. Chokilo, who sold it to Mr. Siegel. It was a thorn in the side of the Town Board for a long, long time. I know, I was there a few times at meetings trying to resolve him and the problems he was presenting, particularly over the marginal access road. At that time it seems to me that you encouraged the establishment of the marginal access road to move his property.**

**Supervisor Sweeton – I don't think we encouraged it. I think the code actually as it exists today requires it and I think we conceded in those discussions and I believe this is correct.**

**Alan Lipman – That the land wouldn't accommodate it.**

**Supervisor Sweeton – Correct.**

**Alan Lipman – That is correct.**

**Supervisor Sweeton – Ok.**

**Alan Lipman – But this land certainly would accommodate a connection through Green with a marginal access road here. Now I can't believe that any one of the documents that Mr. Fink refers to has any bearing whatsoever on how that property is zoned, none. If the piece next to it is, correct me, is proposed to be rezoned to CB there is nothing in any of those documents that suggests that the adjoining piece can't be CB, shouldn't be CB, nothing at all. The traffic problem, if there are any, can be handled by Mr. Siegel accessing his property by Sanfordville Road. Closing up his driveway is necessary on 94 is that correct? If it's necessary he could get out through Green property. There is absolutely nothing that can't be done here if you have a mind to do it.**

**Mike Siegel – My entranceway and exit out of the state approved entrance that we have now we have great visibility further of almost any of those other properties. You can see good.**

**Alan Lipman – They have a plan here to eliminate curb cuts along Route 94. It is the proper thing to do at least so their consultant says, so you might as well go along with that. I don't like to see some distinction made between one property and the other. Zoning boundaries throughout most municipalities is a street and they usually carry to a street. They don't carry to a property line at all; they choose natural boundaries for zoning districts.**

**Supervisor Sweeton – The Town doesn't seem to have done that over the years because across the street you have a zoning boundary that runs through the middle of the property.**

**Alan Lipman – I'm not saying it's unheard of. I'm saying that it's not generally the accepted or preferred method. What is accomplished here to have uses that are inconsistent with those that are permitted across the street? That doesn't make any sense to me and whatever it takes to do this it can not be major. You don't have to make Sanfordville Road a marginal access road just to accommodate the traffic that this generates. There is absolutely no reason not to include this piece, so the whole thing is homogenous it's all the same from one end to the other. On both sides it extends through almost to the same place. On this side it's a little further down then on that side. I don't think that you have any interest in for your own property. I don't think that's an issue, so if that's not an issue and it's not payback what is the reason?**

**Supervisor Sweeton – The reasons are laid out in the findings statement. It was the intent of the Comprehensive Plan, of the documents that you sort of discarded to say that the Town should not expand in a linear fashion, the commercial district. That's what those documents say.**

**Alan Lipman – We're not expanding.**

**Supervisor Sweeton – You're parsing words.**

**Alan Lipman – No I'm not.**

**Supervisor Sweeton – Yes you're talking about changing it from a commercial office industrial use which there are adjacent properties also in that use to one that is going to allow retail operations, so it is quite clearly a difference and that's ok, if that's your argument, but it's clearly a difference.**

**Alan Lipman – But they are going to be right here aren't they; the retail use?**

**Supervisor Sweeton – The rationale including the Green parcel was to have the ability to terminate the marginal access road, add an intersection that will be signaled or preferably a roundabout.**

**Alan Lipman – I am not arguing that Green should not be included because we're not included. I think I was already representing Green before they petitioned to gain that benefit and I agree that Green should be in it, but I don't see any strict zoning here that occurs as the result of including this parcel.**

**Supervisor Sweeton – Ok.**

**Alan Lipman – None.**

**Supervisor Sweeton – Thank you.**

**Alan Lipman – You're entirely welcome. Now will there be any thinking about this?**

**Supervisor Sweeton – We're thinking constantly.**

**Alan Lipman – Good, so am I.**

**Supervisor Sweeton – Not always coming up with solutions, but we're thinking.**

**Alan Lipman – So am I.**

**David Serviss – Police Officer, Town of Warwick Police Department - I just wanted to say as far as the issue with the dispatch goes, I would just urge the Town Board to consider all the other details that the dispatchers perform besides answering the phone, and dispatching us on the radio. They are also taking care of our information systems, our records management, every aspect, every behind the scenes report and those are all items that will have to be contracted out to private companies later on. The information system that we have is archaic and very complex and it requires a lot of up keeping and updates and that's being done right now by our dispatchers aside from their main job of answering calls and making sure that we're safe, supplying us with details, the fire departments and EMS. I just urge the Board to look at all the other details that those people are taking care of that is a cost saving method.**

**Supervisor Sweeton – Thank you for your comment. Let me just be clear about something too, we're not talking about eliminating dispatching. That's a discussion that has gone on in the past and the reality is, our department is too busy to do that even if we wanted to. Unfortunately what we're faced with here is just a really crappy budget year with not a lot of money and we're going to have to get creative. There's still meetings to be had with the CSEA union that represents the dispatchers and there are some options in the dispatching that still need to be explored and those will be done, but certainly that everybody that sits here values and understands the contribution that they make, so that goes without saying.**

**Ed Mullins – Police Officer, Town of Warwick Police Department – Colleen Torres is resigning?**

**Supervisor Sweeton – Yes.**

**Ed Mullins – Colleen Torres is a paramedic and she had a lot of EMS experience with her other job and with dispatching her services will be missed by the town. She also reflects a lot of what kind of talent you have in that office. You have firemen, you have certified police officers that work in there and EMS that work in our community and I'd like to thank Colleen for her services and that's the kind of people that you want to keep employed and continue to hire.**

**Supervisor Sweeton – We're sorry we're losing her, thank you.**

**NEW BUSINESS:**

**#R2010-224 ACCEPT RESIGNATION – JAMES N. LINTON**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to accept the resignation of James N. Linton, DPW Foreman, for the purpose of retirement effective December 29, 2010.**

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

**Discussion: Councilman Gerstner thank him for his service.**

**#R2010-225 ACCEPT RESIGNATION – SCOTT G. RUSSELL**

**Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to accept the resignation of Scott G. Russell, DPW Foreman, for the purpose of retirement effective December 29, 2010.**

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

**Discussion: Councilman Gerstner thanked Scott for all his years of service.**

**Supervisor Sweeton – I just want to say something about these two gentlemen. I grew up with these two gentlemen. They've worked for this town for over 30 years and when the budget situation arose and they had some options. They looked at them realistically and I think they made some sacrifices but they stepped up and they took their retirements like gentlemen. I want to thank both of them for all the hard work they've done and their contributions to the town over the years.**

**#R2010-226 ACCEPT RESIGNATION – COLLEEN TORRES**

**Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution to accept the resignation of Colleen Torres, part time police dispatcher, effective November 27, 2010.**

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

**Discussion: Councilman Gerstner would like to thank her for her service.**

**#R2010-227 UNPAID WATER AND SEWER RENTS TO THE COUNTY OF ORANGE**

**Motion Councilman Gerstner, seconded Councilman Shuback 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, 2011 tax bills:**

<b>Bellvale Park Water:</b>	<b>\$ 456.50</b>
<b>Eurich Heights Water:</b>	<b>\$ 3,042.11</b>
<b>Kings Sewer:</b>	<b>\$19,923.00</b>
<b>Pine Island Water:</b>	<b>\$ 2,616.00</b>
<b>West Side Greenwood Lake Water: (Includes Seasonal, Year-Round Flat, Year-Round Metered)</b>	<b>\$21,187.80</b>
<b>Wickham Water:</b>	<b>\$24,983.27</b>
<b>Wickham Sewer:</b>	<b>\$19,881.89</b>
<b>TOTAL</b>	<b>\$92,090.57</b>

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

**#R2010-228 ADOPT 2011 TOWN PRELIMINARY BUDGET**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to accept the 2011 Preliminary Budget as presented with the additional attached reductions.  
Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2010-229 AUTHORIZATION TO SIGN AGREEMENT WITH TOWN OF TUXEDO –  
SNOW AND ICE CONTROL OF OLD FORGE ROAD**

**Motion Councilman Gerstner, seconded Councilman Shuback 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.**

**#R2010-230 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND  
CHAPTER 89 OF THE CODE OF THE TOWN OF WARWICK INCLUDING  
FLOOD CONTROL MAP REVISIONS**

**Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to schedule a public hearing to consider a Local law amending Chapter 89 of the Code of the Town of Warwick to include the flood control map revisions. Said public hearing to be held at the Town**

Hall, 132 Kings Highway, Town of Warwick on Thursday, December 9, 2010 at 7:30 p.m., or as soon thereafter as the matter can be heard.

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

**Discussion:** Supervisor Sweeton stated that this had to do with the corrections we got FEMA to make in the flood maps. They inadvertently put all the homes on Merritts Island Road in the flood zone, so we got that corrected and now we have to put that into the Code.

**#R2010-231 AUTHORIZATION TO SIGN AGREEMENT TO JOIN OTHER MUNICIPALITIES TO OPPOSE ORANGE AND ROCKLAND'S PROPOSED RATE INCREASE**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with other municipalities to oppose the proposed rate increase submitted by Orange and Rockland and to retain appropriate legal representation at a cost not to exceed \$3,000.00.

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

**Discussion:** Supervisor Sweeton stated that this is an effort that we're trying to spearhead with municipalities in Orange and Rockland County to oppose Orange and Rockland who has proposed on average 23.3% increase in their rates. This will affect residential, commercial and municipalities and we feel the rate increase is clearly unjustified and we're trying to get a consortium of municipalities, so that we can limit the cost and intervene in that case. So far we have 12 signed on and we need a minimum of 20. This will affect everybody, so we're hoping that we can gather the support.

**#R2010-232 UNSAFE BUILDING – SCHEDULE HEARING – EDSALL FARM LLC – SBL# 2-2-35.22**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to Order to Repair or Remove Structure(s), Tax Map Section 2, Block 2, Lot 35.22:

**WHEREAS**, the Building Inspector of the Town of Warwick has made Personal inspection of structure(s) located at 11 Edsall Lane, Town of Warwick, New York, designated as Section 2, Block 2, Lot 35.22, 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 November 17, 2010, 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 11 Edsall Lane, in the Town of Warwick, designated as Section 2, Block 2, Lot 35.22, of the Town of Warwick tax map, record owner(s) being Edsall Farm LLC and last residing at 474 South Main

Street, New City, NY 10956 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 November 17, 2010; 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 at or about 7:15 PM on December 9, 2010, 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 asked Attorney Hicks is December 9<sup>th</sup> enough time to serve the owner?

Attorney Hicks – Yes it is.

Supervisor Sweeton – Resolution number ten before we entertain this, I don't know whether the Town Board would like some time to take Mr. Lipman's comments under consideration prior to acting? We could act on it at the next meeting; we're not going to adopt the zoning tonight anyway.

Town Board Members – Ok, let's put it off until the next meeting.

**#R2010-233 ADOPT LOCAL LAW #4 OF 2010 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 164, “ZONING”- GRANDFATHERED SUBDIVISIONS**

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

WHEREAS, a Local Law entitled “Introductory Local Law Amending the Code of the Town of Warwick, Chapter 164, “Zoning” (specifically Section 164-73 thereof) with relation to certain Planning Board applications which had received preliminary approval prior to February 18, 2010, to permit applications to proceed under the 2002 Zoning Code was introduced on November 4, 2010, and

WHEREAS, a public hearing was held as required by law on November 18, 2010 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 amending Chapter 164 of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

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

**#R2010-234 ADOPT LOCAL LAW #5 OF 2010 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 77, “DOGS”**

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

**WHEREAS, a Local Law entitled “Introductory Local Law Amending the Code of the Town of Warwick, Chapter 77, “Dogs” was introduced on October 7, 2010, and**

**WHEREAS, a public hearing was held as required by law on November 18, 2010 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 amending Chapter 77 of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.**

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

**#R2010-235 CLEAN-UP EXPENSE LEVIED AGAINST REAL PROPERTY  
SBL #36-5-14 –90 WICKHAM DRIVE**

**Motion Supervisor Sweeton, seconded Councilman Shuback to adopt a resolution to submit the following clean up expenses for real property SBL#36-5-14 (90 Wickham Drive, Warwick, NY 10990) to Orange County for inclusion in the January, 2011 property tax bills.**

<b>Payroll Costs</b>	<b>\$557.44</b>
<b>Mason Dump Truck</b>	<b>\$200.00</b>
<b>XMark Mower</b>	<b>\$80.00</b>
<b>Total Charges:</b>	<b>\$837.44</b>

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

**#R2010-236 AUTHORIZATION OF ESCROW REFUND – GREGORY PANAPOULOS**

**Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize a refund in the amount of \$582.50, the balance of the escrow SBL#27-1-30.221, to Planning Board applicant Gregory Panopoulus as per the recommendation of the Planning Board Secretary; letter dated November 5, 2010.**

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

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**John Christison – Resident, Town of Warwick, NY 10990 – Regarding the dispatchers and I’m sure you’ve heard if before, but if they are covering me at the restaurant or even at my house they kind of know me, my business and all the locals. When you call 911 god only knows what shows up and doesn’t show up and when. It’s convenient to just say yes to this. If I don’t call somebody else can, but**

**some of my employees don't know the exact address and the same with other merchants on Main Street. Where having that local body knowing the businesses as well as the residents is a great help. Thank you.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:36 p.m.  
11-18-10 cp.**

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**Marjorie Quackenbush, Town Clerk**