

**December 10, 2015**

**The regular meeting of the Town Board of the Town of Warwick was held on Thursday, December 10, 2015 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.**

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman James Gerstner  
Councilman Mickey Shuback  
Councilman Floyd DeAngelo  
Councilman Russell Kowal – Absent

Attorney for the Town, Jay Myrow  
DPW Commissioner, Jeffrey Feagles  
Police Chief, Thomas F. McGovern, Jr.  
Police Lieutenant, John Rader

**ACCEPTANCE OF MINUTES**

**1. Regular Meeting, November 19, 2015**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on November 19, 2015. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal absent)**

**CORRESPONDENCE:**

**LAURA BARCA, P.E. – Planning Board Engineer, HDR Engineering Inc., 1 International Boulevard, Suite 1000, Mahwah NJ 07495 – Memo to the Supervisor regarding Performance Bond # 6438N as issued by The Service Insurance Company, Inc. for \$233,607.00 dated June 01, 2015. The request made by Craig E Rolando with the letter, dated 9-29-15, for release of the performance bond associated with the construction for the referenced project has been considered and the final site inspection has been completed. The Town can release of the performance bond for the Jessup Road bond.**

**PATRICIA KASCH – Town Clerk, Town of Monroe – Letter to Town Board with a copy of DGEIS and proposed Amendment of Chapter 57, Zoning and attached Zoning Tables. This package was sent to insure that SEQRA noticing has been met. The documents are substantially the same with the exception of minor corrections and date changes on the notices. A copy is on file in the clerk's office for review.**

**CONNIE SARDO – Planning Board Secretary, Town of Warwick 132 Kings Highway, Warwick, NY 10990 - Letter to the Town Board dated November 18,**

**2015 requesting a refund on the remaining balance of the escrow for SBL# 24-1-37 to Planning Board applicant Mike Siegel in the amount of \$13,307.80.**

**CONNIE SARDO – Planning Board Secretary, Town of Warwick 132 Kings Highway, Warwick, NY 10990 - Letter to the Town Board dated November 18, 2015 requesting a refund on the remaining balance of the escrow for SBL# 40-1-9.3 to Planning Board applicants William & Marie Van Houten in the amount of \$1,882.50.**

**CAITLYN AND CHARLES BOTTI – 27 Furman Lane, Pine Island, NY 10969 - Letter to Supervisor and Town Board requesting a Zone Change for Blueberry Hill II Subdivision from Mountain District (MT) zoning to include for both business and residential use, clean renewable energy technology business or private use, devoted to research, education, distribution, generation, or application of technological innovation in alternative energy. This proposed zoning change should include the generation of power from large scale solar projects.**

**ROBERT KRAHULIK ESQ. - Beattie & Krahulik 2Bank Street, Warwick, NY. Letter to Supervisor and Town Board regarding the Pine Island Warehouse Tax Certiorari Case.**

**JOHN P. MACDONALD – 7 Belmar Court, Warwick, NY 10990. Letter to the Supervisor informing the Town Board of his interest in continuing as the alternate on the Town of Warwick Planning Board.**

**ROGER SHOWALTER – P.O. Box 1011, Warwick, NY 10990 - Letter to the Supervisor requesting to be re-appointed to the Town of Warwick Planning Board for a new term.**

**BRENDA ASTORINO – DPW Secretary, Town of Warwick - Letter to Supervisor and Town Board requesting that Christopher Hirsch and Matthew Karmioli be hired as part time seasonal laborer/shotgun riders.**

**WAYNE STEVENS – Building Inspector, Town of Warwick - Letter to Supervisor and Town Board requesting reimbursement of a permit fee of \$35.00 for a solar application at SBL# 93-1-5 for NYS Solar Farm 871 State Route Farm, Inc. Gardiner, N.Y. 12525**

**DAN AHOUSE – Cablevision Systems Corporation - Letter to Supervisor and Town Board requesting a resolution to approve the change of indirect control of the franchisee under the Cable Television Franchise**

**NYS TOWNS HIGHWAY SUPERINTENDENTS - Letter from Orange County Highway Association to Town Board requesting their approval to support**

increased state funding for local transportation and parity between the DOT and MTA five-year capital programs.

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Letter to the Supervisor and Town Board requesting the extension of her retirement from December 31, 2015 to January 30, 2016 for purpose of assisting with year-end closure process.**

**THOMAS MCGOVERN – Police Chief, Town of Warwick – Letter to Supervisor and Town Board recommending Joshua Wendell to fill vacant part-time dispatch position.**

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Letter to Supervisor and Town Board requesting a budget transfer. The Town has received payment from Selective Insurance Co. for expenses due to an accident in front of Town Hall on June 28, 2015.**

**ROBERT E. KRAHULIK ESQ. – Beattie & Krahulik, 2 Bank Street, Warwick, NY. Letter to Supervisor and Town Board requesting John Hicks Drive to be accepted as a Town Road.**

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

#### **VISITING ELECTED OFFICIALS**

#### **REPORTS OF BOARDS AND COMMISSIONS**

#### **COMMITTEE REPORTS**

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

<b>WORK BEING DONE</b>	<b>LOCATION</b>	<b>REASON FOR WORK</b>	<b>LENGTH</b>
Tree Work	Upper Wisner Road	Clear road sides	
Pot Holes	Town Wide	As Needed	
Road Signs	Town Wide	As Needed	
Haul Material	Marginal Access Rd.	Haul Material	

#### **ENVIRONMENTAL CONSULTANTS REPORT**

##### **Wickham Water District**

Wells #1, #5 #6, #8, #10 monthly production	1,665,100 gal
Average daily use	55,500 gal
Sodium Hypochlorite used	172 qt
Orthophosphate used	48 qt

Caustic Soda 85 gal

**Bellvale Park Water District**

Total monthly production 82,700 gal

Average daily use 2,800 gal

Sodium Hypochlorite used 6 qt

**Eurich Heights Water District**

Total monthly production 171,000 gal

Average daily use 5,700 gal

Sodium Hypochlorite used 4 qt

Orthophosphate used 10 qt

**Pine Island Water District**

Total monthly production 256,300 gal

Average daily use 8,500 gal

Sodium Hypochlorite used 28 qt

**Westside #1 Water District**

Total monthly production 1,267,800 gal

Average daily use 42,300 gal

Sodium Hypochlorite used 160 qt

Orthophosphate used 48 qt

Caustic Soda 0 gal

**The Fairgrounds**

Total monthly production 267,600 gal

Average daily use 8,900 gal

Sodium Hypochlorite used 9 qt

**The Warwick Tech Park**

Total monthly production 1,100 gal

Average daily use 36 gal

Sodium Hypochlorite used 40 qt

**High flows due to water main break**

**Sewer District #1 Wastewater Treatment Facility**

Warwick Tech Park 22,290 gal 1%

Wickham Village District 1,688,598 gal 51%

Kings Estates District 1,585,552 gal 48%

<b><u>Total District Flow</u></b>	3,296,440 gal	100%
<b><u>Average Daily Flow</u></b>	109,881 gal	

All facility maintenance has been done for the month. (Oil grease, filters)  
The belt press ran for 23 hrs. and 1.5 gal of polymer was used.

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

<b><u>Total District Flow</u></b>	125,300 gal
<b><u>Average Daily Flow</u></b>	4,177 gal

**PARKS DEPARTMENT**

**COUNCILMAN DE ANGELO REPORT**

1. The Warwick Valley Humane Society is having a rabies clinic this Sunday, December 13<sup>th</sup> from 10:00 a.m. until noon for a one year vaccination by Pam Schultz. She is the doctor of Veterinary service from Orchard Grove Animal Hospital. The fee is \$15 cash per pet and all pets must be restrained on leashes or in carriers. They are going to have their second annual Polar Plunge at the Breezy Point Inn on February 14<sup>th</sup> during their winter festival. They have a huge Christmas list and if you go onto [wvhumane.org](http://wvhumane.org) there is list that you can make donations from and they are in dire need of donations because they have 150 cats now.

**COUNCILMAN KOWAL REPORT – Absent**

**COUNCILMAN GERSTNER REPORT**

1. I had a meeting with our new Town of Warwick Recreation Commission Chairman Tom Chevrier and our old Recreation Chairman Mike Cipolla who passed all the contacts over. We will have a meeting the first of the year with everybody and Michael has decided he will be able to stay on the commission also and he will be submitting a letter to remain on the commission to help us out, which is a good thing.
2. Please keep in your prayers we had a service tonight for a 55 year member of the Excelsior Hose Company Joseph Kosior Jr. a past captain of the fire police.
3. I want to wish everyone a Merry Christmas, a Happy Hanukkah

Supervisor Sweeton – Our prayers and thoughts go out to his family, Joe was a long time volunteer, community member and a good man.

**COUNCILMAN SHUBACK REPORT**

1. With the nice weather we are having the Town Highway Department is clearing brush that they normally do in March. We haven't had any expense for snow or ice removal and we are very fortunate.

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

1. **Fees Collected – Month of November 2015** Certified Marriages, \$10.00; Photocopies, \$3.50; Peddler \$400.00; Interest in Town Clerk's Checking Account, \$0.87; Dog Impoundment Fees, \$375.00; Marriage License Fees, \$210.00; Cascade Park Trail Map, \$5.00; Conservation Licenses, \$345.91; Dog Licenses Issued/Renewed, \$1,263.00; Use of Room Fees, \$40.00; Registrar Fees, \$130.00; Police Impound Fee, \$390.00; **Total Fees Collected: \$11,177.37.**
  
2. **Fees Paid – Month of November 2015** New York State Dept. of Health for Marriage Licenses, \$270.00; New York Dept. of Ag & Markets for Spay/Neuter Program, \$157.00; New York State Dept. of Environmental Conservation for Conservation Licenses, \$5,977.09; Village of Greenwood Lake for Registrar Fees, \$70.00; Village of Warwick for Registrar Fees, \$1,530.00; Total Non Local Revenues: \$8,004.09; **Total Fees Paid: \$3,173.28.**
  
3. **Request for three (3) Flatbed Truck Bodies:**

**Paul Congelosi Trailer Sales**  
2201 NY 17 K  
Montgomery, NY 12549  
888-310-2246

**Bid Proposal: 8' Painted Steel Body \$2,500.00 each**  
**9' Painted Steel Body \$2,800.00**

**Hostetler Truck Bodies & Trailers**  
5051 US 322  
Milroy, PA 17063  
717-667-3921

**Bid Proposal: 8' Painted Steel Body \$1,225.00 each**  
**9' Painted Steel Body \$ 1,868.00**

**Roger Showalter Equipment**  
55 Maple Ave.  
Florida, NY. 10921  
845-651-7569

**Bid Proposal: 8' Painted Steel Body \$3,500.00**  
**9" Painted Steel Body \$4,000.00**

## **SUPERVISOR'S REPORT**

1. We had a New York State DEC inspection of our sewer plant recently and we received a letter from them letting us know that the facility was found to be operating in a satisfactory manner. It got good remarks, a good report and we

thank our operators Environmental Consultants for maintaining that plant well and running it smoothly.

2. New York State Workman's Compensation rates for 2016 came in, I did get Finally our official copy. We knew it was going to be down somewhat and it was down by a little over 2% from last year and it continues on its downward movement which is a good thing since we moved to the New York State Municipal Comp Alliance. The fact that we've been better and more aggressive with our safety training as well as pursuing whatever workmen's comp cases we do receive. That is a good thing, it's saving us money and we are thankful to our employees who participate in the safety programs as well as the comp alliance for the good job they do.

3. SUNY New Paltz issued a report entitled "An Inventory of Mid-Hudson Local Governments Website Social Media Usage". I believe you can get it on line by going to SUNY New Paltz to the Benjamin Center. I just wanted to point out to the Board that Warwick actually gets a shout out in the report, there's a picture of a portion of our website and the comment is the Town of Warwick in Orange County has a well organized and regularly updated face book page and their homepage contains a face book social plug in making it easy for viewers to locate the official facebook page. We did get a mention in that report and we are happy to do that. We rank up near the higher end of municipalities in terms of information available on websites and social media, so that was good.

4. This weekend the Middletown New Jersey Railroad will be bringing their train once again with members of the Marine Corp who will be collecting Toys for Tots. Unlike previous years the train will be coming to us in the afternoon rather than in the morning. This will be Sunday, December 13<sup>th</sup> and they will stop at the Caboose on South Street in the Village of Warwick and it should arrive in Warwick sometime around 3:10 p.m. and it will be there until 4:00 p.m. Santa arrives with the Marines and you do have an opportunity to look at some of the cars which are antique cars as well. If you can bring an unwrapped gift down and donate it for a child that would be a good thing. We thank Middletown New Jersey for doing that and I think it's the fourth year in a row they've done it.

5. I want to let the Board know and the public know that I did file with the comptrollers office our summery budget for the 2016 year and verified that we will in fact be under the tax cap as we knew. We are proud that we've been under that cap every year that it's been in effect.

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

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

There were no comments or questions on the agenda items.

**NEW BUSINESS:**

**#R2015-252 BOND RELEASE – PERFORMANCE BOND NUMBER 6438N –  
JESSUP ROAD CULVERT OVER STONY CREEK**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the release of a performance bond # 6438N in the amount of \$233,607.00 to Craig E Rolando, Earth-Tec Associates Inc., P.O. Box 941 Vernon, NJ 07462, associated with the construction of the Jessup Road Culvert over Stony Creek in the Town of Warwick.**

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

**Discussion: Supervisor Sweeton stated that project was a FEMA project that's completed and signed off so we can release the bonds.**

**#R2015-253 AUTHORIZATION OF ESCROW REFUND – MIKE SIEGEL**

**Motion Councilman Gerstner, seconded Supervisor Sweeton to adopt a resolution to authorize an escrow refund in the amount of \$13,307.80 to Mike Siegel as per letter dated November 18, 2015 from the Planning Board Secretary.**

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

**#R2015-254 AUTHORIZATION OF ESCROW REFUND - WILLIAM & MARIE  
VAN HOUTEN**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize an escrow refund in the amount of \$1,882.50 to William & Marie Van Houten as per letter dated November 18, 2015 from the Planning Board Secretary.**

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

**#R2015-255 SETTLING OF TAX CERTIORARI – PINE ISLAND WAREHOUSE**

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

**WHEREAS, a Petition and Notice of Petition for taxation for the year 2015 (March 1, 2015 Taxable Status Date) for the year 2014 (March 1, 2014 Taxable Status Date) for the year 2013 (March 1, 2013 Taxable Status Date) and for the year 2012 (March 1, 2012 Taxable Status Date) of the real estate owned by Pine Island Warehousing & Storage, LLC (the "Petitioner") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 3-2-2.222, was served upon the Town Assessor and the Board of Assessment Review of the Town of Warwick (the**

"Respondents") on or about July 21, 2015, July 22, 2014, July 19, 2013 and July 20, 2012, respectively, and

WHEREAS, said Respondents, with the assistance of Beattie & Krahulik ("Special Counsel"), having duly made and filed their Appearance to said Petition, and

WHEREAS, the Respondents have utilized the assistance of Town Assessor to review the assessment placed on said property, and

WHEREAS, the Respondents and said property owners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

- (a) The parties have agreed that the 2015 assessment of \$164,200.00 should be reduced to \$142,500.00 for the year 2015, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (b) The parties have agreed that the 2014 assessment of \$164,200.00 should be reduced to \$142,500.00 for the year 2014, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (c) The parties have agreed that the 2013 assessment of \$164,200.00 shall be reduced to \$142,500.00 for the year 2013, based upon a Fifteen and one half Percent (15.5%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (d) The parties have agreed that the 2012 assessment of \$164,200.00 shall be reduced to \$142,500.00 for the year 2012, based upon a Fifteen Percent (15%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and
- (e) That the assessment be fixed for three (3) years pursuant

**to Real Property Tax Law Section 727.**

**WHEREAS, it appears to be in the best interests of the Town of Warwick to settle said matters as recommended by the Town Assessor and Special Counsel of the Town without further attendant legal and appraisal costs relating to said matters,**

**NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Warwick in regular session duly convened as follows:**

**1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2012, 2013, 2014 and 2015 as aforesaid to execute stipulations of discontinuance of the said proceedings.**

**2. This Resolution shall take effect immediately.**

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

**#R2015-256 APPOINTMENT TO TOWN OF WARWICK PLANNING BOARD  
ALTERNATE – JOHN MACDONALD**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to re-appoint John MacDonald to the Town of Warwick Planning Board as an alternate.**

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

**#R2015-257 APPOINTMENT TO TOWN OF WARWICK PLANNING BOARD –  
ROGER SHOWALTER**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to re-appoint Roger Showalter to the Town of Warwick Planning Board.**

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

**#R2015-258 APPOINTMENT OF PART TIME SEASONAL DPW LABORERS  
(RIDERS) – CHRISTOPHER HIRSCH AND MATTHEW KARMIOL**

**Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to appoint Christopher Hirsch and Matthew Karmioli as part time seasonal DPW laborers (riders) at a rate of pay of \$10.50 per hour effective December 12, 2015. Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Kowal - Absent) Supervisor declared this resolution duly adopted.**

**#R2015-259 AUTHORIZE TOWN BOARD TO ACCEPT RESOLUTION  
APPROVING THE CHANGE OF INDIRECT CONTROL OF THE FRANCHISEE  
UNDER THE CABLE TELEVISION FRANCHISE**

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

**WHEREAS, Cablevision of Warwick, LLC (“Franchisee”) owns, operates and maintains a cable television system (the “System”) in the Town of Warwick, New York pursuant to a cable television franchise (“Franchise”) granted by the governing body of the Town of Warwick (the “Franchise Authority”), and Franchisee is the current duly authorized holder of the Franchise; and**

**WHEREAS, pursuant to an Agreement and Plan of Merger (“Agreement”), Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. (“Acquiror”), will merge with Cablevision Systems Corporation (“Cablevision”) (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the “Change of Control”); and**

**WHEREAS, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the “Application”); and**

**WHEREAS, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquirer has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee,**

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1. The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.**

**SECTION 2. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.**

**SECTION 3. This Resolution shall be deemed effective as of the date of its passage.**

**This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.**

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

**Discussion: Supervisor Sweeton stated that Cablevision is being bought out by Altice and in the franchise agreement that we have as other municipalities have it gives Cablevision the right to transfer that franchise agreement to an acquiror. There is very little legal ability the town has to do anything with the agreement. Some older agreements didn’t have those clauses and it allowed an entity, the franchise authority, to renegotiate the contract. At least the past two agreements the Town of Warwick has had with Cablevision they did not have that ability.**

**#R2015-260 AUTHORIZE BUILDING PERMIT REFUND- NYS SOLAR FARM**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to reimburse a permit application fee in the amount of \$35.00 to NYS Solar Farm, Inc. 871 State Route 208 Gardiner, NY 12525.**

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

**#R2015-261 ACCEPT BID FOR THE PURCHASE OF THREE FLATBED TRUCK BODIES**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept bid from Hostetler Truck Bodies and Trailers, 5051 US 322, Milroy, PA. 17063 for two (2) 8' painted steel bodies in the amount of \$1,225.00 each and for one (1) 9' painted steel body in the amount of \$1,868.00. Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Kowal - Absent) Supervisor declared this resolution duly adopted.**

**#R2015-262 ACCEPT LOCAL TRANSPORTATION FUNDING**

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

**Whereas, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and**

**Whereas, 85 percent of New York's roads and bridges are maintained by local governments; and**

**Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and**

**Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and**

**Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and**

**Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and**

**Whereas, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and**

**Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and**

**Whereas, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and**

**Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and**

**Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and**

**Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT; NOW THEREFORE BE IT**

**RESOLVED, that the Town of Warwick calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and BE IT FURTHER**

**RESOLVED, that the Town of Warwick calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and BE IT FURTHER**

**RESOLVED, that the Town of Warwick calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.**

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

**Discussion: Supervisor Sweeton stated that this has been an issue that the Association of Towns has pursued with the state as well and the feds are very close to having a transportation billed signed and hopefully the State of New York will get back to doing what they did years ago.**

**#R2015-263 AMEND RESOLUTION #R2015-165 ACCEPT RESIGNATION – TOWN BOOKKEEPER – JOANNE WILCOX**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to amend Resolution #R2015-165 Accept Resignation – Town Bookkeeper to extend the retirement date there in from December 31, 2015 to January 30, 2016. Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Kowal - Absent) Supervisor declared this resolution duly adopted.**

**Discussion:** Supervisor Sweeton stated that our bookkeeper of 25 years had submitted a resignation and because of the activities to close at yearend and the need to fill a comparable position. She has agreed to stay on an additional month and help with that and we thank her for doing that.

**#R2015-264 APPOINTMENT OF PART TIME POLICE DISPATCHER-  
JOSHUA WENDELL**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Joshua Wendell as a part time Police Dispatcher at a rate of pay of \$14.75 per hour effective December 12, 2015.  
Motion carried (4 Ayes, 0 Nays, & 1 Absent Councilman Kowal - Absent)  
Supervisor declared this resolution duly adopted.

**#R2015-265 AUTHORIZE BUDGET TRANSFERS – BOOKKEEPER**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
INSURANCE RECOVERIES AOO.2680	BUILDING REPAIRS AOO.1620.456	\$52,239.50

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

**Discussion:** Supervisor Sweeton stated that this had to do with the gentleman who took down the pole out here and ripped out the electric here at town hall and this is part of the insurance recovery.

**#R2015-266 ROAD DEDICATION – JOHN HICKS DRIVE**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to accept for dedication, John Hicks Drive, contained within the Subdivision known as the Warwick Valley Local Development Corp. 10 Lot Commercial Subdivision in the Town of Warwick:

Whereas, pursuant to the authority of Highway Law of the State of New York, Section 171(2) thereof and Chapter 34 of the Code of the Town of Warwick, New York, and other applicable laws, regarding the laying out of certain lands herein below described for highway purposes in the Town of Warwick and there having been filed with the Town Board of the Town of Warwick, the releases, in the form of a deed or deeds, of owners of the parcel(s) to be dedicated, taken or affected hereby and

Whereas there having been maps of that certain subdivision known as Warwick Valley Local Development Corp. 10 Lot Commercial Subdivision (SBL 46-1-33) approved

by the Town of Warwick Planning Board, which map having been subsequently filed with the Clerk of Orange County as Map #239-14 on August 5, 2014, which map contains a description of the roadway(s) intended to be dedicated herein, and

Whereas, the Town Engineer (HDR) has conducted several inspections to the project site to document the on-going construction. The construction activities witnessed by the Town Engineer (HDR) are acceptable for the Town Board to accept this roadway into dedication.

Now, therefore be it resolved, that the lands hereinafter described, be and the same hereby, are, laid out and accepted as public highway(s) of the Town of Warwick, to be known as John Hicks Drive:

All that certain piece or parcel of land situate, lying and being in the Town of Warwick, County of Orange, State of New York, and being more particularly bounded and described as shown on that certain subdivision known as the Warwick Valley Local Development Corp. 10 Lot Commercial Subdivision, filed in the Orange County Clerk's office as map #239-14, and as further described in a certain deed from Warwick Valley Local Development Corp. to the Town of Warwick, dated July 10, 2014, to be filed immediately following the adoption of this resolution, a copy of which description is attached below

**SCHEDULE "A"**  
**(John Hicks Drive Metes and Bounds)**

**DEED DESCRIPTION**  
**FOR:**

***WARWICK VALLEY LOCAL DEVELOPMENT***  
***CORPORATION SUBDIVISION PROPOSED ROAD***  
**TOWN OF WARWICK,**  
**ORANGE COUNTY, NEW YORK**

All that plot, piece or parcel of land situate, lying and being in the Town of Warwick, County of Orange and State of New York, and being more particularly bounded and described as follows:

1. Beginning at a point on the southeasterly boundary of Unnamed Road Easement where the same is intersected by proposed lot 10 and running along the proposed lot 10 S65°09'20"W a distance of 70.58 feet to a point, thence;
2. Along the same on a curve to the left having a radius of 960.00 feet and an arc length of 399.42 feet to a point, thence;
3. Along proposed lot 9 S41°19'02"W a distance of 280.37 feet to a point, thence;

4. Along the same on a curve to the left having a radius of 90.00 feet and an arc length of 110.54 feet to a point, thence;
5. Along the same and in continuation proposed lots 8, 7, 6, & 5 on a curve to the right having a radius of 110.00 feet and an arc length of 548.84 feet to a point, thence;
6. Along proposed lot 5 on a curve to the left having a radius of 90.00 feet and an arc length of 55.77 feet to a point, thence;
7. Along the same and in continuation proposed lot 4 N41°19'02"E a distance of 352.60 feet to a point, thence;
8. Along the same and in continuation proposed lot 3 on a curve to the right having a radius of 1010.00 feet and an arc length of 420.22 feet to a point, thence;
9. Along the same N65°09'20"E a distance of 70.58 feet to a point, thence;
10. Along the lands now or formerly Town of Warwick S24°50'40"E a distance of 50.00 feet to the point of beginning.

**CONTAINING 1.877 +/- ACRES**

**SUBJECT to any easements or rights-of-way of record.**

**And be it further RESOLVED, that the Town of Warwick accepts ownership of or rights to said parcel, subject to final review of the deed by the Town Attorney.**

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

**Discussion: Supervisor Sweeton stated that the road is beautiful and is complete and we will get credit on our highway inventory which will help us with some chip funding as well.**

**#R2015-267 AUTHORIZE SUPERVISOR TO SIGN EASEMENT AGREEMENT-  
VALERIE LUCZNIKOWSKA**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution for the Town Supervisor to sign an easement agreement with Valerie Lucznikowska, 114 Newport Bridge Road (SBL# 25-1-1) for the purpose of placing a sewer line under Newport Bridge Road subject to final review by the Town Attorney.**

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

**Discussion: Supervisor Sweeton stated that this has been reviewed by the Engineer, Planning Department and the Building Department and they approve of this as does the Orange County Health Department.**

**#R2015-268 TOWN BOARD OF THE TOWN OF WARWICK- CREATING THE POSITION OF COMPTROLLER**

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

**BE IT HEREBY RESOLVED, by the Town Board of the Town of Warwick**

**THAT said Town Board hereby amends the appropriate Town of Warwick employment schedules to create the position of Comptroller to work in the Town of Warwick Town Hall, as designated by the Orange County Department of Human Resources, Civil Service Division, and subject to compliance with all applicable local, county and state laws, rules and regulations relating to the establishment of said position.**

**Roll Call Vote:**

<b>Supervisor Sweeton</b>	<b><u>AYE</u></b>	<b>Councilman Gerstner</b>	<b><u>AYE</u></b>
<b>Councilman Kowal</b>	<b><u>ABSENT</u></b>	<b>Councilman Shuback</b>	<b><u>AYE</u></b>
<b>Councilman DeAngelo</b>	<b><u>AYE</u></b>		

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

**Discussion: Supervisor Sweeton stated as I mentioned the bookkeeper of 25 years is retiring and when we reviewed the duty statement of the bookkeeper we felt it was somewhat antiquated in relation to the job duties of the position as addressed and this position will more closely mirror those responsibilities. The first step is to create it and get civil service to weigh in on the position.**

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**No comments were made under the privilege of the floor by the Town Board or the public.**

**Supervisor Sweeton wished everyone a very Merry Christmas and Happy Holidays and a safe Holiday Season.**

**ADJOURN: Motion Councilman Shuback, seconded Councilman DeAngelo that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal absent) 7:57 p.m.  
12-10-15 CP.**

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**Eileen Astorino, Town Clerk**

