

**December 10, 2009**

**The regular meeting of the Town Board of the Town of Warwick was held on Thursday, December 10, 2009 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.**

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

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

**ACCEPTANCE OF MINUTES:**

- 1. Public Hearing - Special Districts, 11/12/09**
- 2. Public Hearing - Preliminary Budget, 11/12/09**
- 3. Regular Meeting, 11/19/09**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing for Special Districts held on November 12, 2009, the Public Hearing for the Preliminary Budget held on November 12, 2009 and the Regular Meeting held on November 19, 2009. Motion Carried (5 ayes, 0 nays)**

**CORRESPONDENCE:**

**RUSSELL KOWAL – 430 Pulaski Highway, Goshen, NY 10924 – Letter to the Town Board requesting to be re-appointed to the Town of Warwick Planning Board.**

**JAN L. JANSEN – 161 Glenmere Avenue, Florida, NY 10921 – Letter to the Town Board requesting to be re-appointed to the Town of Warwick Zoning Board of Appeals.**

**CHRISTINE LITTLE – 51 Four Corners Road, Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting to be appointed to the Town of Warwick Conservation Board.**

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting a budget transfer in the amount of \$1,500.00 from Grant-Historical Society, A00-3089-002 to Grant Expenses, A00-7510-225.**

**BENITO MUTO & SILVIO MUTO – Merchants Square, Ronald Reagan Blvd., Warwick, NY 10990 – Letter informing the Town of Warwick and the New**

**York State Liquor Authority that they are applying for the renewal of their liquor license.**

**EDWARD BUTLER, P.E. – Town Engineer, Tectonic Engineering & Surveying Consultants, P.C., P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY 10953 – Memo to the Supervisor regarding W.O. #532.5702 Warwick Airport Security Pin # 8905-51-K006741 Access Control Improvements Final Payment Application #3. “Find attached application from Pantel Electric for Final Payment, for the referenced project. The work is complete, and final payment can be made if the necessary documentation is acceptable: Pleased find attached: Transmittal (from Pantel), Voucher (3), Payment Application #3 (3). Also attached please find required items that I recommend be reviewed by the Town Attorney: Consent of Surety to Final Payment, Contractors Affidavit of Payment of Debts and Claims, Contractors Affidavit of Release of Liens, Certificate of Substantial Completion (refers to Sammel Architecture, which contractor was to revise and resubmit.) Conversation with Pantel today has them state it will be delivered to Supervisor’s office in the morning. Guarantee Maintenance Bond must also be provided, for 10% of total project value \$9,400. This is also to be delivered to you in the morning. If all documents are acceptable I recommend making final payment in the amount of \$4,700.**

**PETER M. DOLAN – Supervisor, Town of Tuxedo, One Temple Drive, Tuxedo, NY 10987 – Letter to the Supervisor in regards to renewing the snow and ice contract between the Town of Warwick and Town of Tuxedo.**

**HON. ANNIE RABBITT – Assemblywoman, 97<sup>th</sup> District, Legislative Office Building, Room 435, Albany, NY 12248 – Memo to the Supervisor regarding and e-mail from the NYS DEC in regards to participating in a regional dialog that aims to identify points of consensus for streamlining the State Environmental Quality Review (SEQR) while maintaining or improving protection of the environment and maintaining or improving public transparency and opportunities for effective stakeholder and public input. You can email your questions, comments, or suggestions to [R3SEQRWorkgroup@gw.dec.ny.us](mailto:R3SEQRWorkgroup@gw.dec.ny.us) or contact Wendy Rosenback at the DEC 845-256-3018.**

**ELAINE M. LAURENT – Town Clerk, Town of Tuxedo, One Temple Drive, Tuxedo, NY 10987 – Notice is hereby given that there has been introduced before the Town Board of the Town of Tuxedo, New York, on November 9, 2009, a local law entitled “Storage in Residential Yards”, which local law would amend §98-15, “Yards” of Chapter 98, “Zoning”, of the Code of the Town of Tuxedo by adding a new Subsection E prohibiting the storage of materials within a front yard or, under certain circumstances, within a required side yard. The Town of Tuxedo Board will hold a public hearing on Monday, December 14, 2009, at 7:30 p.m. at the Town Hall, One Temple Drive, Tuxedo, New York.**

**BOARD'S DISCUSSION ON CORRESPONDENCE**

**VISITING ELECTED OFFICIALS**

Supervisor Sweeton introduced Hon. Orange County Legislator Ben Winstanley from District 10.

Hon. Ben Winstanley – Orange County Legislator, District 10 – We are very fortunate, I just got word Michael Pillmeier is the chairman of the legislature for this year and Melissa Bonacic is the majority leader.

Supervisor Sweeton and the Town Board presented Hon. Ben Winstanley with a plaque for his honor and dedication to District 10 for the past 16 years.

Hon. Ben Winstanley – It's been a pleasure working with the three Villages and the Town. The leadership in Warwick is excellent and I think we are very fortunate. I had a lot of cooperation and it made the job easier and I loved every minute of it, thank you.

**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>	<u>LENGTH</u>
CULVERT PIPES	74 Little York Rd.	Replaced 12" pipe	30'
CATCH BASINS	104 Woods Rd.	Replaced 24" x 24" basin	
	Miriam Dr.	Replaced 24" x 24" basin	
DRAINAGE	Jarman Rd.	Installed berm on side of road	
TREE WORK	Hunt Drive	Brushed sides of road	
	Wheeler Road	Brushed sides of road	
LEAF VACUUM	Sleepy Valley Road	Removed leaves	
	Kain Road	Removed leaves	
	Cascade Road	Removed leaves	
	DeKay Road	Removed leaves	
	Bradner Drive	Removed leaves	
POT HOLES	Town-wide	As needed	
SNOW PLOWING	Town-wide	12/5/09 plowed and sanded all town roads (storm)	
VEHICLE MAINT.	As needed		
EMERG. REPAIRS	As needed		
ROAD SIGNS	Town-wide	As needed	
HAUL MATERIAL	Stock pile	Hauled road grit to barn	

**TOWN BEACH**

**Installed concrete blocks by lifeguard chairs.**

**ENVIRONMENTAL CONSULTANTS REPORT**

**Town Of Warwick - Water and Wastewater Operations Report - November, 2009**

**Wickham Water District**

<b>Wells #1, #5 #6, #8, #10 monthly production</b>	<b>1,993,800 gal</b>
<b>Average daily use</b>	<b>66,500 gal</b>
<b>Sodium Hypochlorite used</b>	<b>95 qt</b>
<b>Orthophosphate used</b>	<b>15 qt</b>

**Bellvale Park Water District**

<b>Total monthly production</b>	<b>94,800 gal</b>
<b>Average daily use</b>	<b>3,200 gal</b>
<b>Sodium Hypochlorite used</b>	<b>1 qt</b>

**Eurich Heights Water District**

<b>Total monthly production</b>	<b>187,400 gal</b>
<b>Average daily use</b>	<b>6,200 gal</b>
<b>Sodium Hypochlorite used</b>	<b>8 qt</b>
<b>Orthophosphate used</b>	<b>12 qt</b>

**Pine Island Water District**

<b>Total monthly production</b>	<b>190,200 gal</b>
<b>Average daily use</b>	<b>6,300 gal</b>
<b>Sodium Hypochlorite used</b>	<b>8 qt</b>

**Westside #1 Water District**

<b>Total monthly production</b>	<b>1,160,200 gal</b>
<b>Average daily use</b>	<b>38,700 gal</b>
<b>Sodium Hypochlorite used</b>	<b>72 qt</b>
<b>Orthophosphate used</b>	<b>60 qt</b>
<b>Caustic Soda</b>	<b>62 gal</b>

**Sewer District #1 Wastewater Treatment Facility**

<b>Mid-Orange Correctional District</b>	<b>4,952,660 gal</b>	<b>55%</b>
<b>Wickham Village District</b>	<b>2,370,047 gal</b>	<b>26%</b>
<b>Kings Estates District</b>	<b>1,716,743 gal</b>	<b>19%</b>
<b><u>Total District Flow</u></b>	<b>9,039,450 gal</b>	<b>100%</b>

**Average Daily Flow**

**301,315 gal**

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

The belt press ran for 70 hrs, and 4.5 gal of polymer were used.

80cu. Yd. of sludge and 8 cu. ft. of grit were removed from the site this month.

On November 2<sup>nd</sup> the gravity sewer main at Lower Wickham was jet cleaned by A+ Sewer Service.

**COUNCILMAN DE ANGELO REPORT**

1. I have a post report for the month of November and we had in the Greenwood Lake area 262 calls, in the Town of Warwick we had 892 calls, Pine Island we had 324 calls and in the Village of Warwick we had 764 for a total of 2,244 calls.
2. At the last meeting I asked the public to contribute to a wish list for the Warwick Valley Humane Society and I'd like to read that again. They need bleach, paper towels, Simple Green, Friskies canned pate dinners for cats or 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. They appreciate anything you can do in the form of a donation.
3. I'd like to wish everyone a Happy Hanukah and a Merry Christmas.

**COUNCILMAN DE BUCK REPORT**

1. As far as the parks go the bathroom facilities are closed, but that doesn't mean we don't want residents to use our parks. The parks are open and we encourage you to get outdoors and use those parks that have hiking trails on them that would include parks, such as Cascade Lake Park. There's a walking path at the Pine Island Park and the disc golf stays open through the winter if you can handle the winds.
2. We are making progress with the Girl Scouts from Florida who came forward to us asking us to consider constructing a dog park on some of our land at Cascade Lake Park. The Town Board is looking into it and hopefully in another meeting we'll look favorably on it depending on durability to ask the greater community to come up with some funds. We can help with some in Town services with our Department of Public Works, but it certainly will be a very large volunteer effort in order to build a dog park, but that's one of the things we are hopeful to add to our park system.
3. I too want to wish everyone a happy and safe Holiday Season.

**COUNCILMAN GERSTNER REPORT**

1. I have a letter from Cablevision effective January 1<sup>st</sup>, 2010 for both residential and business customers who are 60 days delinquent in the payment of their Cablevision bills will be charged a late fee of \$7.00. The previous charge was \$5.00. If you have any questions you can contact them at [www.optimum.com](http://www.optimum.com).
2. On January 21, 2010 at 8:00 p.m. our Recreation Commission lead by Mike Cipolla will be meeting here with our organized sport youth groups for field usage for the upcoming season.
3. I would also like to wish all of the residents a Happy Hanukah, a very Merry Christmas and a safe holiday season.

### **COUNCILMAN SHUBACK REPORT**

1. Last Saturday's storm cost the Town \$9,400 for salt and sand and \$8,800 for overtime for a total of \$18,200. That's only the first storm; we don't have this past week's storm. I hope we have enough money for these storms until March because we are running a tight ship this year.

### **ATTORNEY'S REPORT**

1. I would like to wish everyone a happy holiday and a Merry Christmas.

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

1. Fees Collected: Month of November, 2009 – Wickham Lake Permit Fee, \$6.00; Copies of Maps, \$10.00; Certified Marriages, \$30.00; Photocopies, \$12.25; Returned Check Fee, \$20.00; Use of Kitchen Fee, \$50.00; Use of Senior Center, \$50.00; Interest in Checking Account for Month of October, \$7.75; Dog Impoundment Fees, \$195.00; Marriage License Fees, \$140.00; Road Maps, \$3.00; Conservation Licenses, \$207.52; Dog Licenses Issued/Renewed, \$1,157.75; Use of Room Fees, \$260.00; Registrar Fees, \$130.00; Sale of Used Police Vehicles, \$4,867.34. Total Fees Collected: \$15,252.34
2. Fees Paid: Month of November, 2009: Orange County Commissioner of Finance for Dog Licenses, \$323.25; NYS Dept. of Health for Marriage Licenses, \$180.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$105.00; NYS Dept. of Environmental Conservation \$5,707.48; Village of Florida for Registrar Fees, \$100.00; Village of Greenwood Lake for Registrar Fees, \$100.00; Village of Warwick for Registrar Fees, \$1,590.00. Total Fees Paid to Supervisor, \$7,146.61

### **SUPERVISOR'S REPORT**

1. Revised Recycling Schedule - Christmas is Friday this year, so if your pickup is on Friday it will be picked up on Saturday and that goes for New Years as well, which is on a Friday and it will be picked up on Saturday. If you have any questions you can call my office at 986-1120. Due to the budget that we had to put together the recycling center is going to have some reduced hours in 2010. The hours haven't been worked out yet, but it will be some combination of weekends and partial days during the week. Everyone in Town pays for and has access to curbside recycling, so it should not be that much of an imposition to cut that back, but we had to do that to keep our budget in line. We will have those hours at the next meeting, which is the 29<sup>th</sup> of December.
2. The Re-Organizational meeting is going to be on Monday, January 4 at 10:00 a.m. and that's when we'll make all the reappointments that we have to do at the beginning of the year.
3. The NJ Transit Winter Policy is in effect obviously they had to use it twice. There's a lot of cross honoring of tickets. You need to check their website at njtransit.com to check if the bus is coming to Warwick or not. They're making provisions with a bus that will come up the Thruway and I think there's three they offer in the evenings if the bus has left Warwick in the morning. If anyone is a commuter and uses that they need to check the policy.
4. American Recovery Act - The stimulus money for our project East Shore Road has made it through. We will be publishing a notice of bidding on December 14<sup>th</sup> to be

- opened on January 5<sup>th</sup>, which will make the January 7<sup>th</sup> deadline for that requirement and now we are secured for that project and it will be completed sometime in 2010.
5. **Zoning Amendments from Comprehensive Plan Review - There were a group of zoning amendments that had been recommended by the Comprehensive Plan Committee a little over a year ago outside of the Route 94 issue. Those will be delivered to the Board on December 29<sup>th</sup> to schedule a hearing sometime in January for the consideration of those zoning changes. We will be doing tonight a lead agency status for the Town Board to consider those changes and those changes will be to the sign ordinances, the light ordinances, the cluster process, things that the Comprehensive Plan Committee had recommended.**
  6. **I wish everyone a Merry Christmas, Happy Hanukah and a Happy Holiday.**
  7. **Supervisors Corner is published in the Warwick Dispatch and the Greenwood Lake News and I want to thank them for publishing it.**

**Supervisor Sweeton – As a last item I had promised Mr. Leonard who’s here this evening that the Town Board would have a discussion of the petition that he submitted on behalf of Wickham Knoll residents. To refresh the Boards memory they’ve all had the information and had time to review it. We had asked the Planning Board for some advice on whether we should consider this petition or not. We did receive a letter from them on August 19<sup>th</sup>. In the letter they spell out the issues for us in terms of the fact that the property had been zoned for this use since the 60’s. To rezone it would be contrary to the Comprehensive Plan. They looked at a possible rezoning use, which would be one family, two family or townhouse dwellings on that parcel and a minimum would be 18 one family dwellings. It would be more impervious surface than the proposed use by the applicant. They talked about uses in its vicinity and their recommendation to us was that the Town Board not consider any zoning changes to the map at this time given the need under New York State law to reopen the newly adopted 2008 Comprehensive Plan. That was an aye vote of four to zero. The attorneys have also advised us, case law unfortunately or fortunately depending on your viewpoint, reside with the applicant in the case of a rezoning of an individual parcel considering the fact that they have an application currently before the Town for a special permitted use of the zone. That’s the status of it. Anybody have comments?**

**Councilman Shuback – I think that’s spot zoning. I can’t see starting that.**

**Supervisor Sweeton – This is not a public hearing, but Mr. Leonard if you want to address the Board on any of the issues and certainly if there’s something he misses and someone wants to mention it, go right ahead.**

**Edward Leonard – In reviewing their letter to you on August 19<sup>th</sup> when we first applied for this change it did have two warehouses being built on two wells in that area that are supplying Kings Estates. Our first major reaction from the residents of Wickham Knolls was concern because of the value of our land. To drive into Park Drive and see two warehouses being put up bothered us, but when we looked into it further we found out that there were wells on the property and when I looked**

into it a little deeper I found out the owner of the property actually did finish the last phase of Kings Estates, so he had an obligation to supply water to that area. I scratch my head when I think about the fact that somebody is now going to put two warehouses on top of somebody's drinking water. It didn't sit well with me. Although my property is on the other side of the development I'm not adjacent to the parking lots that are proposed in the warehouses, it really bothered me that all of this was going down. With that said, I did look at some of their comments here and on page two they note the use permitted by the proposed change would be appropriate in the area concerned. The zoning of this request is a very generalized change in the zoning map in the current office and the industrial park district to agricultural residential. Because we weren't very clear on whether it should be residential or agricultural, we should have probably looked into that a little bit more. They kind of assumed that we were looking for medium density residential and they're right. We really did care. We didn't want the warehouses there. If he was proposing some homes in that area we wouldn't be standing here tonight. I always thought that some day some houses would be built in that area, because when you look at that area along Kings Highway leading up to Lake Station Road over the years that was always commercial, I mean Wickham Knolls was commercial at one time, but when developers are coming in and putting homes in there approved by the Town, so when you look at the zoning map now you now have medium density all along Kings Highway going to Lake Station. When you round the corner you have a couple of commercial areas on the north side of Lake Station. You have the bus company there and that's the only one that the Town has really been somewhat successful at getting commercial in that area was that one building, which they had trouble keeping a tenant in. Right now they have a tenant that seems to be doing very well, but other than that one piece of property there hasn't been any other commercial in that area; it's all been residential. When the Planning Board talks about us being compatible with the area, how can we not be compatible? How can residential not be compatible with Wickham Knolls, with Wickham Village, with Kings Estates, with The Ridge along Airport Road. That's fairly new, that's all been approved, and that's residential. They wanted that to be commercial at one time. It hasn't happened. Those houses go right down Airport Road up to the Airport and it's been fine, but this one piece of property the Lands of Pankin kind of sits out there like a sore thumb when you look at the zoning map. I don't know why the Town never addressed that piece of property. Maybe they thought the wells were on there and it was just going to lay there as wood.

Supervisor Sweeton – The parcel on the corner is also commercial, the parcel on the top of the hill.

Edward Leonard – On the top.

Supervisor Sweeton – Right, adjacent to the Pankin property, right across from Wickham Village.

Edward Leonard – Ok. Is that commercial or is that shopping?

**Supervisor Sweeton – Its commercial design shopping, correct.**

**Edward Leonard – And that has sat there as woods.**

**Supervisor Sweeton – Right.**

**Edward Leonard – For many years since Borden Milk was there. The area has always been residential, so I'm scratching my head over what he's saying about it being compatible for the area. He does address the bus company as a manufacturing company, but the only thing they are saying that there's a potential for incompatibility because we're adjacent from the bus company, but all that's proposed on Lake Station is an entrance into that property. If it was going to be residential certainly there would be a road going into it or a road coming off of Park Drive into the residential area. That would have less of an effect on Lake Station. They address the impact if it was residential on the schools and using US census data they come up with the fact that he could possibly build 18 family homes on a 12.5 acre section producing an anticipated 22 school age kids. He also says, however, the Planning Board notes that over the past few years news reports have indicated that the school district has seen declining enrollments. I'm not sure of his point there. He kind of argues the fact that it might impact our schools and then turns around and says our schools enrolment has been declining. In terms of public services such as current capacities of water and sewer the Wickham Water District is currently over capacity. A new well has been planned to be added before the end of the year so that additional users can be added and current water restrictions can be lifted, however according to the Town Engineers, significant additional users may over tax this water system even with the addition of a new well. The Town Sewer District #1 is currently at 75 to 80 percent capacity, so there's additional room for some users. I'm not sure what they are talking about as far as significant additional users, but I don't think 18 houses are significant, but maybe the Planning Board does. I don't know what they're definition of some users is, but if 18 is some there's room for them in there and they're admitting it in this.**

**Supervisor Sweeton – There's sewer capacity there's not water capacity at the moment until we can secure the new source if we ever get through the process.**

**Edward Leonard – It also addresses the Comprehensive Plan of the Town and he states that in the plan it recognizes the O1 zone has not attracted any substantial commercial or industrial development in the airport area of the Town and sights a lack of water, sewer and infrastructure and the presence of wetlands in some of the O1 zone. Here they're noting that this commercial area has not attracted any commercial buildings, however this O1 zone has potential access to the Wickham Water and Sewer Districts and the subject parcel does not contain wetlands outside of the three proposed well locations proposed for the subdivision of the site. The Planning Board also notes here that its troubling for the Planning Board that there's no concrete recommendations in the 2008 Comprehensive Plan for rezoning**

of this parcel or any other parcel in the area Town. It sounds like they have a struggle with this decision because the proposal to bring residential into that area I don't think they're really against it, although there is a proposal for the warehouse and they have to address it. The Comprehensive Plan says we want it to be commercial, but we realize nobody is coming forward. I can see they're struggling with sticking with the decision by how they worded this. The rest of the letter in my opinion is talking about standards in accordance with the State law and in accordance with the Comprehensive Plan. Their conclusion is that the Town is not considering any changes at this time especially given the New York State law to reopen a newly adopted 2008 Comprehensive Plan. They want to stick with the Comprehensive Plan and not break any laws, so I guess it kind of falls on you guys.

Supervisor Sweeton – Our decision has to be consistent. The zoning has to be consistent with the Comprehensive Plan. The Comprehensive Plan is designating these areas, which have been areas the Town has since the 60's or 70's designated as commercial to remain that way. That's what the Comprehensive Plans says whether we successfully develop them or not. There are a very few left in the Town of Warwick. As we all know we are all residents and we all pay taxes the burden on us, the property tax, is falling primarily on residential homeowners. For the Town to remove what little commercial space it has is kind of contrary to keeping property taxes down. The challenge is to do whatever we do properly. Your concerns that you have expressed which I have actually seen and read some of the comments the Planning Board put on the record in the planning process concern for the water, concern for the storm water, concern for the visual and along with other impacts on the adjacent neighborhood. They've clearly stated that those issues that applicant would have to address before they progress anywhere. The proposal as I understand it is to separate the two well parcels maintaining the State regulated distances to secure those water sources from any development. That's their plan. There will be no site disturbance on the parcels that they're subdividing off that contain the two wells. That's by their proposal and that's the job of the Planning Board to make sure that is in fact what happens. They've stipulated already and told the applicant that there will be no storage of chemicals, no storage of fuel, no storage of things on the property that could affect the water source. That's the Planning Boards' job to see that this is done right if it progresses and I don't know whether it can progress or not. I'm not judging the project, but our job is to consider the decision that we make that is not going to open us up to a lawsuit that we can not defend and by rezoning this parcel as requested as is right now our legal advice is that the case law resides with the applicant in this instance of a rezoning of a single parcel that has an application before the Planning Board. It would be contrary to the Comprehensive Plan and that's also not in our favor in terms of defending a lawsuit, so what we certainly have to be aware of is that if, let's say we were to decide we want to rezone this and we move forward rezoning it and get challenged; there's an extremely good possibility that we're going to loose that lawsuit, spend all of our money your money and my money and the applicant will still get his ability to proceed. That's what we have to weigh as a Board in looking at this decision tonight.

**Edward Leonard – I understand that.**

**Supervisor Sweeton – I understand your issues and the question is can some of the issues that you raised, if the project gets reactivated, can the issues be addressed.**

**Councilman Gerstner – Would they be addressed in the environmental impact statement?**

**Supervisor Sweeton – They have to comply with SEQRA, which is the State regulation and it's the Planning Boards' job that they do comply with that, correct.**

**Edward Leonard – I understand your position. I just would like to remind the Board that there are probably 500 households that are affected here with the well water and with the households on Lake Station Road and Wickham Knolls. In your decision you're going to consider that there are a lot of families involved here and this one guy who wants to...**

**Supervisor Sweeton – Unfortunately we're not looking at the individuals. The issue is the Planning Board is not, can not by law approve a project that's going to affect a water source. They're not going to do that. We understand that those two wells are a regulated water source that services Kings Estates, not Wickham Knolls not Wickham Village, but still Town residents. It's a private system. It is regulated by the Orange County Health Department.**

**Edward Leonard - If it's defeated in front of the Planning Board, if his proposal is defeated would the Town Board consider reopening the Comprehensive Plan?**

**Supervisor Sweeton – We just completed it in 08, so I don't know what the Board would do in that case, but they can certainly look by the wisdom is to look at the Comprehensive Plan every 3 to 5 to 6 years.**

**Edward Leonard – But it's not the rule.**

**Supervisor Sweeton – There's no rule, but that's the thought process. Certainly I'm open to anything.**

**Councilman DeBuck – I would like to get more information from you in regards to your concern for the water. Do you see a connection between the warehouses and the poisoning or the contamination by what means?**

**Edward Leonard – What we know so far is that the potential buyer of the warehouses that are going to be built has heavy equipment to be stored there. Our concern with heavy equipment is gasoline, hydraulic fluid, washing down of this heavy equipment the soil from other job sites that's being brought back here and washed down. There's no guarantee that stuff won't happen even if they don't store**

gasoline on the site. There's no guarantee that a hose won't break on a vehicle and we have wells underneath. Plus there has been a 20,000 square foot warehouse planned and a 10,000 square foot warehouse. Nothings been mentioned so far about the 10,000. My understanding from reports in the paper from the past was that the 20,000 square foot building would be used for the heavy equipment and the new owner knows what he's going to do with the other 10,000 who's going to move in there and what issues are we going to have then? When you think about it all that can change and new tenants could come in.

Supervisor Sweeton – The only thing with that is, if it was an approved use for say the fellow with the heavy equipment and a new use was proposed there's a procedure in the Building Department that has to be reviewed. Depending on what is being proposed can be kicked back into the Planning Board, so there is a mechanism to look at that. I agree with you; they didn't mention the 10, but I think the project stopped. I know the Planning Board asked some questions about that, so that's why you don't know more. None of us know more about it.

Councilman DeBuck – Is that the primary issue? Is the other one an aesthetic issue?

Edward Leonard – Yes. I think initially for me it was aesthetic because I live there, but I didn't realize there was water under there and there were two wells on the property. For me personally it became a real issue that somebody's drinking water would be affected.

Councilman DeBuck – I'm trying to relate to my own business. I farm, I have a couple of warehouses, I have a shop, I have equipment, we change oil, and we have hydraulic hoses. At one time the farm that we currently own had labor camps on it, so there's a well there. We don't have as many people living there now as there had been with the previous farmer, but I fail to see the connection of the concern that a particular molecule is going to get into the well water because of someone's neglect. Generally when machines have their oil changed it's caught in a catch pan. It's recycled and in many cases reused in other industries and home heating. My well is not far from my own shop, so I'm not able to see the connection with the hydraulic hose, the changing of oil and the maintenance of equipment with the contamination of the well. That being the case, they're not an expert. Those are the kind of issues that our Planning Board will listen to and call in experts to see if indeed this is a problem. The proximity of the well, the buffer, the distance, how deep the well is all that type of thing. You talked about storage of a chemical or gasoline, the New York State DEC now makes anyone with over 1,100 gallons make sure they have individual tanks have containment centers if they have a leak. That leak is caught in the basin of that particular tank exactly where it's being stored. I think our own DPW has these specialized tanks to catch those types of leaks when refueling trucks and that type of thing.

**Supervisor Sweeton – The Planning Board already indicated no bulk storage of fuel, so it's not really an issue. I assume they would carry that through to the approval.**

**Councilman DeBuck – They don't know about aesthetically; if it's a matter of buffers with trees or it's a matter of the right overhang, the right kind of shingles or the right kind of thing to make a warehouse or a shop kind of fit into a neighborhood. That's all in the lay of the land up hill, down hill and sight distances; again I think our Planning Board would like to hear circumstances to try to appease the concerns.**

**Supervisor Sweeton – Anybody have any other thoughts on this?**

**Councilman Shuback – No not at this time.**

**Robert Griesbach – I'm also a resident of Wickham Knolls and my wife and I moved to the area and part of the reason we moved to Warwick was because we learned you're buying the farms or restoring them to keeping the community the way that it is. We appreciate that when the property in the Town of Warwick or the Village looks gorgeous because we buy property to keep it the way that it is. We don't want a big business in and so forth to keep the Town the way that it is. I understand that there are taxes involved in buying that property and we're trying to keep taxes down on property for people, however taxes from that one piece of property are not going to lower everyone's taxes in this room. We look at it for three reasons water, aesthetics, property values and contamination. I mean look at our property values have dropped anywhere from \$50,000 to \$75,000 in our neighborhood alone. If our property values have dropped that much due to the economy imagine what this warehouse would do to our properties. Some of us are already under water in our taxes due to our mortgages this would drop us even further forcing foreclosures, which one in the neighborhood already has. One was just bought for \$150,000 less then what it was there for. It's a serious issue in our land and then on top of that we realized there's a well there also, so we're looking for your consideration on how this could greatly affect our lives there. Granted you're living in different areas of the Town, but this could definitely affect our lives.**

**Supervisor Sweeton – I think we're aware of the issues.**

**Jerry Sommer – Recently this Board approved a grant for a New Jersey company to build an energy power house sort of speak from garbage to electricity.**

**Supervisor Sweeton – No, we approved signing a contract with a New Jersey firm to submit a grant to study the feasibility of three different things. One of which was waste to energy for Town facilities.**

**Jerry Sommer – This entity would not be built in Warwick. It would be built in Chester at the Industrial Park, now last night Chester disapproved the grant.**

**Supervisor Sweeton – That’s not anything to do with us actually. Apparently the company approached Chester to get them to submit a grant on their behalf as well. What they asked us for was to submit jointly with us a grant to study three things a solar farm in Greenwood Lake, an energy audit of Town facilities and the feasibility of a waste to energy unit located at DPW that would handle our municipal waste from our municipally generated sites. I don’t know what they proposed to Chester, but we’re not talking about a big thing with us.**

**Jerry Sommer – From what I understood this one particular entity was being built at the Chester Industrial Park. Questions raised how come Warwick would approve a grant to be building in another Town.**

**Supervisor Sweeton – No, it’s not the same grant.**

**Jerry Sommer – That’s the way it was put forward.**

**Supervisor Sweeton – Really, well I’ll speak to that firm because all we did was enter an agreement with them to submit a grant on our behalf for those three things that I talked to you about.**

**Jay Westerveld – I’m a lifelong resident and just speaking what this gentleman was talking about, that’s Equidex Energy Corp. and that was actually suppose to go into something called the Sugar Loaf Industrial Park and that’s really close to Lake Station Road. The Chester Town Board decided against going with it primarily because this company doesn’t really have an actual track record, they don’t really have a portfolio of doing this. If you look into it a little the principals of the company they sort of just changed the name of a finance firm at the last minute to take advantage of grants for energy stuff. I hope Warwick really looks into this a little bit better before hand.**

**Supervisor Sweeton – We were very careful to structure our agreement with them to do nothing more then to support them in an effort to secure an NYSERDA grant to study feasibility for the three things I just mentioned.**

**Jay Westerveld – Great.**

**Supervisor Sweeton – And it did not, we clarified very specifically that it did not commit the Town of Warwick to do anything with the outcome of their study, because we shared some of your concerns.**

**Jay Westerveld – Speaking to this issue of a potential zone change on Lake Station Road, one thing I haven’t heard addressed is safety. Having grown up here, my grandparents used to live in the only house on Airport Road for most of my childhood and the famous blinking light at the end of Lake Station Road and Wickham Village that’s dangerous enough just with the traffic we have now. I’ve seen it shaven down through the years, but I still get to see fatalities there**

occasionally and get to see a lot of blood. I'm a motorcyclist and I'm scared to death every time I'm coming through there, but now when you think about heavy equipment coming in and out of there on articulated lowboys trying to make that turn and then after making that turn. Turning on Lake Station Road at a right angle I presume into this proposed storage facility that scares me more than anything. I'm thinking in terms of the Town Board considering their own liability this potential safety hazard is something that really should be explored. I understand the reason for sticking with the Master Plan. I think those are good reasons, but I would think in a case like this you would have a mechanism where you could mitigate or swap out a residential or commercial elsewhere because when you look at Wickham Knolls on a map it could use another entrance with a few homes right on this parcel where were proposing a possible zone change. That would help residents there and give them an emergency exit and entrance to Wickham Knolls and it would not hurt the home values it would only enhance it had that been residential. All these taxpayers who've been living there for so long and paying their taxes I think you're putting an incredible burden on them by allowing this commercial building to come in. Maybe one way to remediate the whole thing is to just look in another area that is zoned residential with the same acreage and swap it out and put a commercial building there and keep this residential.

David Beatty – We love the Town. We love Wickham Knolls. Our backyard is facing theirs, so whatever happens we're not going to be happy with it. It's probably going to devalue our home. My concern though best case scenario they built these commercial lot facilities for storage or whatever it's going to be and nothing happens the wells aren't affected. The worst case scenario these are the wells for Kings Estates and god for bid there's an accident or something who's liable if those water wells are affected and I'm saying worst case scenario and people get sick. Is that the Town's issue or the builders?

Supervisor Sweeton – I believe it's the property owner. I don't believe it's the Town's issue.

David Beatty – Isn't the Town taking a chance though. Maybe I'm thinking a little too deeply, but to me two major wells for that hill putting commercial storage for heavy equipment where there's I think carcinogenic fluids in them and there maybe a very good chance they will have runoff.

Supervisor Sweeton – I appreciate your comments, thank you. Is there anyone else? Board members, I don't know what your consensus is at the moment. A lot of the questions that you're raising are normally answered in the planning process, so I don't know what your feeling is. Do you want to entertain the petition at this point? Do you want to take no action on it?

Councilman DeAngelo – The project is stalled.

**Councilman Gerstner – I understand all the issues and concerns and they're all valid. Looking out for the whole Town, again like the Supervisor mentioned, my biggest concern is us going to court, which will happen. Us losing, which I'm not a judge, but going by past case study it will happen and it will cost us all money. I am from the area. My mom had the model home in Wickham Village on the other side of the tracks, so I understand all the concerns. My daughter and son-in-law actually live in it now, so I understand all that, but my biggest concern for all residents is again not just money, but when we do lose and we do spend all this money in court, which I've been on the Board only 10 years, but a lot of times we've spent a lot of money on lawyers for stuff and then it comes back that they can do that anyway. I believe in the Planning Board and the planning process and these are all good statements to bring to that planning if and when it ever comes about. I understand they're all good valid points. I think we'll be in trouble and lose money and then we're going to go back and do it again and maybe give them a little more in their pocket to do once it goes through the courts. If and ever the planning process does go and this comes out of the dormant state I would definitely bring all of these issues to the planning for the EIS study.**

**Pamela Scotto – I was born here and I believe the State made a big issue because years ago they were going to build a mall right there on Lindsey Whites and we had safety problems then. We've personally had two car accidents because when you come out of Lake Station people go 60 mph on Kings Highway and you get those big trucks coming into Lake Station Road or going out people are going to get killed and to me safety is more important than dollars.**

**Supervisor Sweeton – Again, that's an issue that should be raised to the Planning Board. The applicant would have to answer that. That's part of the SEQRA process, in other words they can't progress unless they provide sufficient proof and mitigation to the Planning Board that those issues are addressed. If those are real issues and certainly they are. What I'm hearing from the Board at this point is...**

**Councilman Gerstner – I'm not putting dollars against safety ma'am. I'm not doing that at all. Just from past case history I know we'll be sued and I know we will lose and the applicant will have the availability to do that. We can do that, we can say ok we're changing it, we're going to go to court, we're going to lose and they'll have the ability to do whatever they want to do going through the planning process. I believe our planning process and EIS can control that better than us just doing that. I'm not putting dollars against safety, trust me. I'm just going by past case of what we know what we'll spend money on and lose money on and they'll be in the same spot ok you can do it its commercial you can do it.**

**Diane Ouzoonian – I think by you saying because of past times you've lost. I think that's one way to put it, but I think that's another way you can look at things. Because first of all you said Mr. Sweeton that the water is a really important issue and that you would not have anything pass that would...**

**Supervisor Sweeton – I said that the Planning Board isn't going to approve a project that's going to affect the water.**

**Diane Ouzoonian – Exactly, exactly, so there's a lot of issues that we have going for us with the safety, water, the environmental impact and the study has to be made that's another issue that has to be addressed, so all of that is in our favor.**

**Councilman Gerstner – Exactly, through planning.**

**Diane Ouzoonian – To be intimidated by past times that we lost something.**

**Supervisor Sweeton – Let me clarify what Councilman Gerstner said. It's not being intimidated by past events that have happened to the Town of Warwick. It's case law. Case law in the legal realm is on the side of the applicant in this instance. It's a permitted zone, a special permitted use in a zone that's compatible with our Comprehensive Plan that says this is where this stuff should be and that's the current state of the zoning. You now have an applicant who has submitted an application for that special permitted use in the zone, so for us to arbitrarily change that based on what may be valid concerns the case law says we will lose that. That's what it says. You don't have to take my word for it, you could research it.**

**Diane Ouzoonian – You're saying from past cases.**

**Supervisor Sweeton – Yes from legal cases not just the Warwick experience.**

**Diane Ouzoonian – Each case is individual because that one case you're comparing it with is not the exact same duplicate case that we're having right now, because we're already seeing that there are different things that are coming up. It's with the water. Is that the same case as something else that was there?**

**Supervisor Sweeton – It's a body of case law. I'm not an attorney, but this is what we've been advised.**

**Diane Ouzoonian – So the point is we have to take that chance.**

**Supervisor Sweeton – The point is today there are much more stringent environmental regulations than there were 10 years ago and that process needs to go forward if this thing is going to go anywhere. That needs to be done and I think that's what the Town Board is at this point saying, we need to see if that gets done. If something shows up in that process that's just going to destroy everything then it strengthens our ability to revisit. I think what I've heard from the Board is that they're not prepared at this point to move forward on a rezoning of this parcel.**

**Diane Ouzoonian – So when is an environmental impact study done?**

Supervisor Sweeton – That will all depend on whether the applicant revives his application and I don't know whether he will or not.

Councilman DeAngelo – That's what you have in your favor.

Diane Ouzoonian – Right.

Councilman DeAngelo – I've been on the Zoning Board in the Village of Greenwood Lake for 14 years and believe me that environmental impact statement is your defense.

Diane Ouzoonian – Yes, ok thank you very much.

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

There were no comments or questions on the agenda items.

**NEW BUSINESS:**

**#R2009-258 BUDGET TRANSFER – BOOKKEEPER**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Traffic Mitigation – Stone Bridge/Ball Road (TAO-0814-004)		\$6,966.69
	General Repairs Personal Services (DB1-5110.130)	\$2,055.94
	Fringes – Social Security (DB1-9030.800)	\$157.28
	Bridges –Personal Services (DA1-5120.130)	\$411.64
	Fringes – Social Security (DA1-9030.800)	\$31.49
	Tar Patching/Blacktop (DB1-5110.474)	\$4,310.34

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

Discussion: Supervisor Sweeton stated that this was money put up by the applicant, Warwick Animal Hospital, to improve the intersection of Ball Road and 17A.

**#R2009-259 BUDGET TRANSFER - BOOKKEEPER**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
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Grant – Historical Society (A00.3089.002)	Grant Expenses (A00.7510.225)	\$1,500.00
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Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2009-260 BUDGET TRANSFER – POLICE DEPARTMENT**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
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Check from Selective Way Insurance Co. for repair of police vehicle	Police Auto Maintenance (B02.00.3120.403)	\$1,957.29
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Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2009-261 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>
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Check from Selective Way Insurance Co. for repair of police vehicle	Police Auto Maintenance (B02.00.3120.403)	\$3,686.72
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Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2009-262 BUDGET TRANSFER – POLICE DEPARTMENT**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
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ACH deposit that was credited to Town's General Account at Key Bank	Police Drug Seizure Account (B02.00.2707.000)	\$5,266.85
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**Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that this was inadvertently deposited into the general account, so we're moving it.**

**#R2009-263 AUTHORIZATION TO SIGN AGREEMENT WITH TOWN OF  
TUXEDO – SNOW AND ICE CONTROL OF OLD FORGE ROAD**

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

**#R2009-264 APPOINTMENT TO CONSERVATION BOARD – CHRISTINE  
LITTLE**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to appoint Christine Little to the Conservation Board to fill a vacancy created by the resignation of Gregor Sirotof whose term expires June 1, 2010. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor and Town Board would like to thank Gregor for his service.**

**#R2009-265 SOLICIT BIDS – EAST SHORE ROAD DRAINAGE AND  
ROADWAY IMPROVEMENTS**

**Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to solicit bids for drainage and roadway improvements along a section of East Shore Road. Notice to bidders, plans and specifications may be viewed at or obtained from the Town Clerk's office beginning December 16, 2009. Said bids to be opened Tuesday, January 5, 2010, 2:00 p.m. at the Town Hall, 132 Kings Highway, Town of Warwick. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Councilman DeBuck stated that Supervisor Sweeton put in a lot of work to get the bid package to become possible. I know they announced these federal funds were available and it sounded like if you had a worthy project you simply applied for it and the federal government would stand behind you and then go ahead and go forward. This was a very, very difficult process and you promised the Warwick community last spring that you were going to do everything in your power to try and make sure this had carried through. I know that the process wasn't easy and Supervisor I want to congratulate you on your efforts to make sure this bid package was approved. You had to work with all of the agencies and some of them were willing to change the rules as the process went forward and you persisted it, so kudos to you and I hope we get successful bidders for this worthy project and it does carry through with the federal funds that are promised to cover it.**

**#R2009-266 AUTHORIZATION TO SIGN AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT WITH NYS DEPARTMENT OF AGRICULTURE AND MARKETS – PURCHASE OF DEVELOPMENT RIGHTS OF BOLLENBACH FARMS LLC**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an Agricultural and Farmland Protection Implementation grant with New York State Department of Agriculture and Markets for the acquisition of development rights of the Bollenbach Farms LLC.**

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

**Discussion: Supervisor Sweeton stated that this was the \$1.7 million grant that we received from the State of New York, so this is the paperwork.**

**#R2009- 267 AUTHORIZATION TO EXECUTE AND ENTER PERMA AGREEMENT FOR THE BENEFIT OF WARWICK COMMUNITY AMBULANCE SERVICE. INC.**

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

**WHEREAS, the Authorized Representative of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. desires to secure the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc.'s obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. will be a member,**

**The Authorized Representative of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:**

**Section 1. The Authorized Representative (hereinafter "Representative) of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. does hereby resolve to secure the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc.'s obligation to provide volunteer firefighter's benefit law, volunteer ambulance workers' benefit law and worker's compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. will be a member;**

**Section 2. The Representative of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. does hereby resolve to become a member of Public Employer Risk Management Association, Corps., Inc., a worker's**

**compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;**

**Section 3. In order to effect the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc.'s membership in said group self-insurance program, the authorized officer of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc. is hereby authorized to execute and enter into the Public Employer Risk Management Association Worker's Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Warwick for the Benefit of Warwick Community Ambulance Service, Inc.**

**Section 4. This Resolution shall take effective immediately.**

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

**Discussion: Supervisor Sweeton stated that this is a new regulation that requires us as people who contract with the Warwick Ambulance Service to do this.**

**#R2009-268 ACCEPT FOR DEDICATION – STRIP ON LITTLE YORK ROAD – GARY KULAK, SHARON ALSDORF, DEBORAH ROMER, LINDA CZUBAK, MILDRED KULAK**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept for dedication a strip of land located on Little York Road from Gary Kulak, Sharon Alsdorf, Deborah Romer, Linda Czubak and Mildred Kulak subject to Town Attorney's review and acceptance of Title report for the subject property. Copy of the deed description is attached as Schedule A.**

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

**#R2009-269 ESTABLISH LEAD AGENCY – ADOPTION OF AMENDMENTS TO 2002 ZONING LAW**

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

**WHEREAS, the Town of Warwick Town Board is considering action on proposed Zoning Amendments that will apply Townwide in the Town of Warwick, Orange County, New York, and**

**WHEREAS, an Environmental Assessment Form (EAF) dated 12/08/09 has been prepared to address the potential environmental impacts of the action, and**

**WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed action is a Type 1 action, and**

**WHEREAS, after examining the EAF, the Town Board has determined that there are no other involved and/or federal agencies on this matter.**

**NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the review of this action.**

**BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.**

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

**#R2009-270 AUTHORIZATION TO SIGN CONSULTANT AGREEMENT WITH  
MCFARLAND-JOHNSON, INC. – EAST SHORE ROAD  
IMPROVEMENTS**

**Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the Supervisor to sign a Consultant Agreement/Supplemental Agreement #1 with McFarland-Johnson, Inc., 60 Railroad Place, Suite 402, Saratoga Springs, NY 12866, to provide construction inspection services for the East Shore Road Improvements (PIN 8759.47).**

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

**#R2009-271 BOND RESOLUTION – WICKHAM WATER DISTRICT (PUBLIC  
HEARING)**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to set a public hearing for the increase and improvement of facilities for the Wickham Water District:**

**WHEREAS, the Town Board of the Town of Warwick (the “Town Board” and the “Town,” respectively), in the County of Orange, New York, on behalf of the Wickham Water District in the Town (the “District”), has requested Tectonic Engineers, duly licensed engineers of the State of New York (the “Engineers”), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District consisting of construction of a new well, water main and appurtenances, including land or rights in land, furnishings, equipment, machinery and apparatus required therefore, and pursuant to the direction of the Town, the Engineers have completed and filed with the Town Board such map, plan and report for said increase and improvement of facilities of the District and have estimated the maximum cost thereof to be \$450,000.00 of which \$200,000.00 is to be paid by grant funds; now, therefore, be it**

**ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 132 Kings Highway, in the Town, on the 29th day of December, 2009, at 7:15 P.M. to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;**

**FURTHER ORDERED, that the Town Clerk publish at least once in the Warwick Dispatch, a newspaper published in Warwick, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.**

**Discussion: Councilman DeBuck did you recite the proper amount for the total?**

**Supervisor Sweeton – Yes, \$450,000. This is the well #11 project that had been contemplated for about a year and a half and we’re now at the point where we need to bond for the remainder of the project. We’re going to hold a public hearing and just reiterate what the intent of as we discussed you’ve heard a little earlier the district is working on some very tired wells and is perennially in water restrictions and we have in fact drilled and tested a new well that will supply all of the needs of the district. This project encompasses getting that well treated and into the system and permitted for use by the DEC and DOH.**

**Roll Call Vote: Supervisor Sweeton aye                      Councilman Gerstner aye  
                         Councilman DeBuck aye                      Councilman Shuback aye  
                         Councilman DeAngelo aye**

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

**#R2009-272 APPOINTMENT OF PART-TIME POLICE DISPATCHER –  
BERNADETTE HEINE**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Bernadette Heine as a Part-Time Police Dispatcher at a rate of pay of \$13.90 per hour, effective December 12, 2009.**

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

**#R2009-273 APPOINTMENT OF PART-TIME POLICE DISPATCHER –  
BLANCA BEATTY**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Blanca Beatty as a Part-Time Police Dispatcher at a rate of pay of \$13.90 per hour, effective December 12, 2009.**

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

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Carol Liantonio – What the status was of the EIS of the Route 94 proposed zoning and also the follow-up meetings for that issue?**

**Supervisor Sweeton – The EIS is tentatively to be done sometime this month. We won’t schedule a hearing on that till sometime in January, so we’re not interfering with holidays. I don’t know exactly whether it will be ready by next week or the week after. The planner tells me by the end of December, so the hearing on that will be sometime in January. We only have one meeting in January, so it may be on that night or a different night. I don’t know yet. The follow-up meeting it’s not one that I’m running, but the Warwick Chamber, Sustainable Warwick and Community 2000 is tentatively scheduled for, Bob I think you can help me.**

**Robert Krahulik, Esq. – I think it's a Saturday either January 16<sup>th</sup> or January 23<sup>rd</sup>.**

**Supervisor Sweeton – I thinks it's the 23<sup>rd</sup>, it's going to be a Saturday is the plan, but they'll be public information about that as it gets closer.**

**EXECUTIVE SESSION: Motion Councilman Gerstner, seconded Councilman DeAngelo to enter into an executive session for the purpose of personnel salary negotiations. Motion Carried (5 ayes, 0 nays) 8:42 p.m.**

**RE-CONVENE: Motion Councilman DeAngelo seconded Councilman Gerstner that the regular meeting be re-convened. Motion Carried (5 ayes, 0 nays) 9:10 p.m.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 9:11 p.m.  
12-10-09 cp.**

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**Marjorie Quackenbush, Town Clerk**