

July 17, 2008

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, July 17, 2008 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:25 p.m.

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

Town Attorney, John Hicks
DPW Commissioner, Jeffrey Feagles
Police Chief, Thomas F. McGovern, Jr.

PUBLIC HEARING: Continued Unsafe Building – 8 Wendy Way (76-1-5)
Supervisor Sweeton – We have a continuation of an unsafe building hearing for property owned by Joan and Mary R. Helinski at 8 Wendy Way in Warwick, Section 76, Block 1, Lots 5, 19, and 112. Attorney Hicks can you bring us up to date on that.

Attorney Hicks – As you recall at our last meeting we had been unable to serve the Helinski's because we couldn't find out where they were. We hired a process server Mike Dubin from Newburgh with whom I've been familiar with over the years and he tracked them down in New Jersey and was unable to serve them personally, but in the alternative I did mail them notices and posted the property, which is the alternative method for service. I think we have the appropriate jurisdiction to continue with this matter. The difficulty in this particular case is there are two mortgage companies that have mortgages on the property and apparently both of those mortgages are in foreclosure proceedings. Because of the fact that both of the mortgages are in foreclosure proceedings there might not be anybody at the bank that's really aware of what's going on anymore because they've been referred to attorneys. Rather than have the Town proceed to order the demolition of the building or anything drastic like that, until I have a chance to get a hold of these mortgage companies and find out what their intentions are with regard to the property I would suggest when we get to the meeting and I'll prepare a resolution to this affective between now and when we get to the meeting. If it's the Boards desire it's simply to authorize the Town to secure the building with whatever minimal expense it takes to secure the building if it's a public hazard in any way. Whether it's boarding up the windows or something like that, but not to spend a lot of money because we don't want to do anything too drastic and then have the mortgage companies coming after us claiming that they didn't receive proper notice, which they did, but they can always claim that it was in a foreclosure process they never had actual notice. If that's your wish during the regular meeting we could pass a resolution ordering that the building be secured at a minimal cost and then I'll continue to follow up with the two banks and hopefully we'll be able to get a resolution. Sooner or later some bank is going to end up with title to that property and try and sell it in a

foreclosure sale and whatever money is due to the Town would be added onto the taxes and would have to be paid back to the Town at the time of any foreclosures.

Councilman DeAngelo - We would put a lean on their property?

Attorney Hicks – Yes, it may take a while to see the money.

Councilman Gerstner – We have the mortgage holder sign off on the notice so they can't come back later on and say that we never notified them.

Attorney Hicks – We don't need to do that really. We've done what's required under the law as far as our giving them... Are you talking about the bank or the people?

Councilman Gerstner – The banks. With the two banks will we have record that they received them?

Attorney Hicks – The correspondence between me and them and referenced phone calls, what ever it takes.

Councilman Gerstner – That will cover us.

Supervisor Sweeton – We will adjourn this hearing until August 14th.

Attorney Hicks – We can put it down for August 14th as the control date and hopefully have a resolution at that point.

Councilman DeAngelo - We're going to secure that building now though?

Attorney Hicks – I think so. I think we'd be remiss if the Building Inspector still says it's a danger I don't think we can go on to long without taking some action to secure the building. I believe we've satisfied the requirements of the law in terms of notice to the owner that we are within our rights to secure the building at any rate, so if we take action and do that tonight I think that would be sufficient.

Supervisor Sweeton – I believe the building was posted for non occupancy.

Attorney Hicks – It was.

Supervisor Sweeton – By the Building Department?

Attorney Hicks – Correct.

Supervisor Sweeton – We don't have a current inspection of it. I'm not sure that there's access to the building. I think we need to clarify that. Maybe the resolution can state if in the opinion of the building inspector there's immediate action that needs to be taken we

can do that. The Building Inspector was away this week and he was not sent out to Helinski's.

Councilman DeBuck – What kind of deficiencies are at the property? Is this a major undertaking? Is this something the Town Board could get three different proposals from three local carpenters and have it done; let's pick a number for \$2,000?

Attorney Hicks – I think so.

Councilman DeBuck – It's not something we think we are going to send somebody from our DPW with a hammer and nail, right?

Attorney Hicks – We won't know the answer to that until somebody from the Building Department gets a current inspection of it and reports back.

Supervisor Sweeton – The reason it was sited was for a failing septic system originally.

ADJOURN: Motion Councilman DeAngelo seconded Councilman Gerstner that the public hearing be adjourned until the August 14, 2008 Town Board meeting. Motion Carried (5 ayes, 0 nays) 7:35 p.m.

PUBLIC HEARING: Unsafe Building – Bozzone (73-9-30.21)

Supervisor Sweeton – We'll open a hearing on an unsafe building that is located at 13 Lodge Drive, Section 73, Block 9, Lot 30.21. The property owner is listed as Bozzone.

Attorney Hicks - Guiseppe Bozzone.

Supervisor Sweeton – Guiseppe Bozzone. You can give the Board the background on what the status of the contact with Bozzone was first.

Attorney Hicks – Once we had adopted the hearing apparently the property owner heard about the fact that we adopted the resolution to declare this a dangerous building and to set a public hearing for tonight. Their attorney called me within a couple of days after that meeting and indicated they were having, they meaning the owner and the attorney, were having some difficulty with a contractor who was suppose to have done some work on the property and hadn't done it correctly. They were in litigation to try to resolve the matter. He asked if the Town could be patient with the situation to allow them to resolve the matter with the contractor by continuing the litigation to it's fruition by coming to some conclusion. When I got the phone call from the attorney, whose name is Mr. Neustein, I talked to the Supervisor rather than go through the whole process of notifying everybody by personal service and so forth. The Supervisor and I, and this needs ratification by you all tonight, decided that we would not complete the necessary prerequisites to have the public hearing tonight because we were confident enough that it was going to be resolved without actually holding the hearing and doing all of the costly things that we have to do in terms of service to process. The Supervisor authorized me to tell Mr. Neustein that we

would keep the matter in abeyance, allow him a reasonable period of time to get the matter resolved, and that we would not proceed to incur any additional cost, which eventually would have been passed to his client with regard to this matter. While we scheduled the motion for the public hearing tonight we have never completed the necessary paperwork to hold the public hearing based on my conversations with Mr. Neustein. I think what we need to do is adjourn the public hearing tonight and if in fact in the next 30 days or 60 days they are not able to resolve the issues we will simply readopt another motion to declare it a dangerous building and proceed separately if they have not gotten it resolved. We are going to stop this one where it is if that's your desire and we'll pick it up again if they're unable to resolve it and we'll save a little money in the process.

Supervisor Sweeton – For the Boards information this was approved by the Planning Board as an upgrade to this structure. Because it was within distance to the lake it had to go to the Planning Board. They got approval, they started the work and upon inspections by our Building Inspector found that the work was not being done properly and that's what caused the litigation and abandonment of the structure. The Building Inspector did visit there and is recommending and maybe this should be transmitted to the attorney that there is one open window that should be secured. The doors should be secured from opening, debris out on the deck should be removed and an inspection should be made of the stairs leading to the structure from the roadway to determine how much of a hazard if any that it's presenting. You need to transmit that to the attorney and he should understand by the August 14th date at a minimum these things should be corrected. It's a longer issue because the siding is not protected from the weather and there are lots of issues with that, but I think those are the immediate concerns of the Building Inspector.

Attorney Hicks – I'm relatively confident based on my conversations with the attorney that he is going to pursue this with all do diligence and I think it will be resolved. He seems to be very conscientious and his client seems to want to get it resolved, so I think it is something that we will have a resolution to without spending any money.

Attorney Hicks – You can have a motion now to close the public hearing and I'll do a resolution for that one later in the meeting too.

Supervisor Sweeton – Are we closing it or adjourning it?

Attorney Hicks – You can close this one, or adjourn it rather, because if in fact they don't do what I think they're going to do we're going to have to start it all over again anyway. We'll have a new motion, so you can adjourn this one and we're done with it.

Councilman DeAngelo – Why would we give them a period of time?

Supervisor Sweeton – According to our code this is not a legal because they weren't served properly. We made the motion to open it.

Attorney Hicks – You made the motion to open it, which is proper, but based on my report you know it's now no longer a proper public hearing because we haven't had proper service.

CLOSE PUBLIC HEARING: Motion Councilman Gerstner, seconded Councilman DeAngelo, that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:42 p.m.

Supervisor Sweeton asked the public to pause for a moment of silence in respect for Walter Ball, a former Town of Warwick DPW employee for many years and a longtime resident of the Town of Warwick.

ACCEPTANCE OF MINUTES:

1. Public Hearing, Consideration of the Acquisition of the Warwick Valley Community Center, 06/23/08
2. Public Hearing, Amend Chapter 34-7 of the Town of Warwick Code "Department of Public Works", 06/26/08
3. Regular Meeting, 06/26/08

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the public hearing for the consideration of the acquisition of the Warwick Valley Community Center held on June 23, 2008, the public hearing to amend Chapter 34-7 of the Town of Warwick Code entitled, "Department of Public Works" held on June 26, 2008 and the regular meeting held on June 26, 2008. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

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. #532.0474 Manno #2 Subdivision Partial Bond Release. "In regard to request made by Kim Corkum of Regal Homes & Properties dated 6-30-08, who is serving as the construction manager for the referenced project, let this memo serve as recommendation for a partial release of the performance bond. A large percentage of the work is complete, and only certain items remain for 100% completion. Outstanding items include, but are not limited to:

- Final course of asphalt
- Certain driveway culverts and flared end sections
- Entrance onto County Highway for maintenance of storm-water facilities
- Fencing
- Establishing of permanent vegetative growth and/or stabilization of disturbed areas
- Providing and approved as-built survey of roadway geometry, storm-water facilities, and required monumentation

Landscaping also remains however is bonded under a separate Landscape Bond. I recommend that the Board consider reduction and release of a portion of the bond, but hold \$75,000 until completion."

ELIZABETH A. REILLY – Town Clerk, Town of Chester, 1786 Kings Highway, Chester, NY 10918 – Notice is hereby given that the Town Board of the Town of Chester will hold a public hearing on a proposed local law entitled “Fees Consultant”. Said public hearing will be held on Tuesday, July 22, 2008 at 7:00 p.m. in the Senior Citizen Center, 1784 Kings Highway, Chester, New York.

TOWNSHIP OF WEST MILFORD PLANNING BOARD – Please take notice that the Planning Board of the Township of West Milford with office located at the West Milford Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480 will conduct a public hearing in order to consider amending the West Milford Open Space Plan, an element of the Township Master Plan. Said public hearing to be held on Thursday, July 24, 2008 at 7:30 p.m. in the West Milford Township Municipal Building.

NANCY EUBANKS – Resident, Town of Warwick, NY 10990 – Letter to the Supervisor in support of the Town of Warwick purchasing the Community Center building.

GLENN P. & SUSAN D. DICKES – Residents, Village of Warwick, NY 10990 – Letter to the Supervisor in support of the Town of Warwick purchasing the Community Center building.

M. JOHN BATZ, SR. – Building Inspector, Town of Warwick Building Department, Warwick, NY 10990 – Letter sent to Ms. Mary-Ellen Tyndall regarding dangerous and noisy departures of a helicopter from the airport adjacent to her property.

RICHARD HUBNER – Town of Warwick Assessor – Memo to the Town Board requesting approval for him and the Assistant Assessor to attend the New York State Office of Real Property Services training session in Utica, N.Y. on August 4th through August 6th.

ROBERT R. DEYOUNG – Police Officer, Town of Warwick Police Department - Letter to Police Chief resigning as a Police Officer with the Town of Warwick Police Department.

CHRISTOPHER P. CAMMARATA – Programs Coordinator, Orange County Division of Emergency Management, 255 Main Street, Goshen, NY 10924 – The Orange County Division of Emergency Management is sponsoring an Introduction to Incident Command System (I-100)/Introduction to the National Incident Command (NIMS I-700) course to be held at the Emergency Services Center, 22 Wells Farm Road, Goshen, NY 10924 on August 8, 2008. There is no fee for the course. Contact Christopher Cammarata, Orange County Division of Emergency Management 845-291-3199 to register. Registration deadline is close of business on Friday, July 25, 2008.

CHRISTOPHER P. CAMMARATA – Programs Coordinator, Orange County Division of Emergency Management, 255 Main Street, Goshen, NY 10924 – The Orange

County Division of Emergency Management is hosting an Incident Command System Basic (I-200) course to be held at the Orange County Emergency Services Center, 22 Wells Farm Road, Goshen, NY 10924 on August 14 and 15, 2008. There is no fee for the course. Contact Christopher Cammarata, Orange County Division of Emergency Management 845-291-3199 to register. Registration deadline is close of business on Friday, August 1, 2008.

AMY LAWLOR – Executive Assistant, WVT Communications, 47 Main Street, P.O. Box 592, Warwick, NY 10990 – Letter to the Town Clerk requesting a refund in the amount of \$150 for a park permit due to canceling our company picnic.

THOMAS F. MCGOVERN, JR. – Chief, Town of Warwick Police Department – Memo to the Supervisor and Town Board requesting the Board fill an existing vacant position with Michael Kearns due to the promotion of Police Officer Michael Hoffman to Detective.

THOMAS F. MCGOVERN, JR. – Chief, Town of Warwick Police Department – Memo to the Supervisor and Town Board requesting the Board fill an existing vacant part time dispatch position with Candace E. Itjen.

BEN ASTORINO – Deputy Commissioner, DPW – Letter to the Town Board requesting a budget transfer in the amount of \$1,437.71.

SHARON LISBERG – Coordinator, Town of Warwick Dial-A-Bus – Letter to the Town Board requesting a budget transfer in the amount of \$7,070.00.

CATHERINE & FRANK RUFRANO – 115 Old Ridge Road, Warwick, NY 10990 – Letter to the Supervisor requesting the installation of an outdoor furnace through the waiver process under the Town of Warwick Town Code Chapter 104-8 Waivers.

BOARD'S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that we received two public comments on the Community Center both in the affirmative. I encourage residents to continue to recognize that they can submit comments on the proposal for the Town to take over the Community Center until September 15th.

REPORTS OF BOARDS AND COMMISSIONS

Supervisor Sweeton stated that he has the Building Department report on file for the month.

COMMITTEE REPORTS:

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CULVERT PIPES	5 Royal Ct.	Replace 36" x 60' pipe under road
	20 Wawayanda Rd.	Replace 12" x 25' driveway pipe
	90 Ackerman Rd.	Replace 15" x 30' driveway pipe
	11 High Hill Ave.	Replace 12" x 30' driveway pipe
	15 Old Brook Ln.	Replace 15" x 20' driveway pipe
CATCH BASINS	14 Hillside Ave.	Replace 10" x 20' driveway pipe
	5 Royal Ct.	Replace 4' x 4' basin
	15 Old Brook Ln.	Install 2' x 2' basin
	Hunt Dr.	Repair 4 basins
DRAINAGE	Regelski Dr.	Repair 2 basins
	14 Hillside Ave.	Install 12" x 12" basin
	102 Ackerman Rd.	Repair box culvert
CHIP SEAL	Oil City Rd.	Paving 2008
	Furman Ln.	Paving 2008
	Rudinski Rd.	Paving 2008
	Kosuga Ln.	Paving 2008
	Little York Rd.	Paving 2008
	Pine Dr.	Paving 2008
	Amity Rd.	Paving 2008
	Warwick Estates Dr.	Paving 2008
	Town park parking lot	Paving 2008
	TREE WORK	Blooms Corners Rd.
Sutton Rd.		Hanging limb
MOWING	Road sides	As needed
	Cul-de-sacs	As needed
BALL FIELDS	Union Corners Park	Mow & maintain as needed
POT HOLES	Town wide as needed	
ROAD REPAIR	Hillside Ave.	Reclaim Rd.
OTHER	Water Dept.	Repair main on Airport Rd.
	Water Dept.	Repair hydrant on Airport Rd.
VEHICLE MAINT.	As needed	
ROAD SIGNS	Town wide as needed	
CURB REPAIR	Tiedemann Ct.	Repair blacktop curbs
HAUL MATERIAL	Stock pile	3/8" stone for chip sealing
TOWN BEACH		Mulch area by lower fence
TOWN PARK		mow & maintain all fields

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - June, 2008

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	3,646,600 gal
Average daily use	121,500 gal
Sodium Hypochlorite used	130 qt
Orthophosphate used	80 qt

Water was trucked in from Trosalito Bros. all the wells can't keep up with the demand.

Bellvale Park Water District

Total monthly production	55,400 gal
Average daily use	1,800 gal
Sodium Hypochlorite used	3 qt

Eurich Heights Water District

Total monthly production	249,600 gal
Average daily use	8,300 gal
Sodium Hypochlorite used	12 qt
Orthophosphate used	24 qt

Pine Island Water District

Total monthly production	262,900 gal
Average daily use	8,800 gal
Sodium Hypochlorite used	20 qt

Westside #1 Water District

Total monthly production	4,361,400 gal
Average daily use	145,400 gal
Sodium Hypochlorite used	370 qt
Orthophosphate used	100 qt
Caustic Soda	40 gal

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	5,154,280 gal	58%
Town District	2,062,496 gal	23%
Kings Estates District	1,654,064 gal	19%
<u>Total District Flow</u>	8,870,840 gal	100%
<u>Average Daily Flow</u>	295,695 gal	

All facility maintenance has been done for the month. (Oil grease, filters)
The belt press ran for 39 hrs, and .50 gal of polymer were used.

There was 20 cu. Yd. of sludge, and 1.75cu. Ft. of grit removed from the site this month.

On June 12th the gravity sewer main at Lower Wickham was jet cleaned by A+ Sewer Service.

There was a sewer backup at 22 Wickham Drive debris from an old manhole was the cause, A+ Sewer service cleaned the main and T.Ved the main to insure that the main was clear.

COUNCILMAN DEANGELO REPORT

1. The police report is included in the agenda and we had a total of 2,607 calls for the month of June and the totals are attached.

COUNCILMAN DEBUCK REPORT

1. The two new fields in the Town Park have been sodded and we are watering them and likely they will be put into service this fall.

2. I hope everyone is enjoying the summer and Waterfront Park and the Greenwood Lake Beach is a great value and people should come and try it.

COUNCILMAN GERSTNER REPORT

1. In regards to the beach our total receipts to date as of Monday the 12th were \$13,606. Of that total \$10,900 were resident passes, so the beach is being used and we hope it continues to be used and they are doing a good job. The beach is there, it's a good time and I hope everybody enjoys it and the rest of the summer.

COUNCILMAN SHUBACK REPORT

1. The Town DPW is busy paving a lot of roads. We still have problems with the water restrictions at Wickham Village, Wickham Knolls, Ridge Homes and Wickham Lake Homes. All outdoor watering is prohibited. That includes pool filling, car washing, power washing and driveway washing. Shrubs can be watered with a hand hose. After July 18th the Town is going to start issuing summonses for these violations. There have been a lot of violations with watering at night in some sections. Mr. Sweeton will elaborate on our plan to resolve this problem.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

- 1. Fees Collected: Month of June 2008 – Certified Marriages, \$120.00; Mileage, \$3.00; Photocopies, \$6.25; Use of Kitchen Fees, \$50.00; Interest in Checking Acct. for June, \$4.69; Dog Impoundments, \$575.00; Town Park Pavilion Fees, \$325.00; Marriage License Fees, \$332.50; Games of Chance Proceeds, \$120.05; Road Maps, \$3.00; Conservation Licenses, \$39.04; Dog Licenses Issued/Renewed, \$1,392.05; Use of Rooms Fees, \$220.00; Registrar Fees, \$180.00; Zoning Maps, \$10.00; Waterfront Park Daily Non-resident Fees, \$1,120.00; Waterfront Park Daily Resident Fees, \$1,965.00; Waterfront Park Adult Season Passes, \$440.00; Waterfront Park Child Season Passes, \$300.00; Waterfront Park Family Season Passes, \$1,800.00; Waterfront Park Senior Season Passes, \$400.00; Waterfront Park Wedding Permit Fees, \$30.00; Sale of Used DPW Equipment, \$565.00; Street Opening Inspection Fees, \$50.00; Town Park Deposits, \$400.00; Little League Field Deposits, \$400.00; Waterfront Park Group Deposit, \$300.00. Total Fees Collected: \$14,283.99**

2. **Fees Paid: Month of June 2008 – Orange County Commissioner of Finance for Dog Licenses, \$372.95; NYS Dept. of Health for Marriage Licenses, \$427.50; NYS Ag & Markets for Spay/Neuter Program, \$105.00; NYS Dept. of Environmental Conservation, \$667.96; Village of Florida for Registrar Fees, \$40.00; Village of Warwick for Registrar Fees, \$1,520.00. Total Fees Paid to the Supervisor, \$11,150.58**
3. **Requests for proposals were received for the removal of rock ledge on Mt. Eve Rd. in the Town of Warwick.**

- | | |
|--|---------------------------------------|
| A. Allied Excavating
71 Waterbury Rd.
Warwick, NY 10990
(845) 986-3516 | \$4,000.00 per day (days unknown) |
| B. Wel-Don Excavating
204 Pine Island Turnpike
Warwick, NY 10990
(845) 986-2636 | \$2,600.00 per day (6 days estimated) |
| C. Green Enterprises, LLC
4428 Route 94
Florida, NY 10921
(845) 651-0414 | \$3,200.00 per day (days unknown) |

SUPERVISOR'S REPORT

1. We received a letter from the State of New York Department of Public Service reminding people as it's getting warmer to conserve energy and they produced a chart for conserving energy. We'll put some information on channel 21 and we'll have some brochures in the lobby. They talk about hidden energy drains, like leaving your power plugs in that charge your different PDA's and things. How you can save some energy and help and realizing that the power company if they do run short those have the ability to cut back on the amount of power their supplying, so to avoid that situation it has some good tips and we'll make those brochures available to the public.
2. Obviously everyone in the Town of Warwick is aware of the Millennium Pipeline Project that continues to go through the Town. They're expected to be here in various portions through November and it is an inconvenience, but they are also contributing to the local economy to some extent with their workers. I wanted to remind people if you are having an issue that you can contact Millennium directly. There is a procedure under the federal approval by which you can try to resolve the issues and my office is more than willing to help and we have done so. Residents should know the first step is to call the toll free hotline at 1-800-572-7515, which will put you in touch with a right of way agent for our area. If they can not resolve it you also may call the Federal Energy Regulatory Commission directly, which is the agency that approved the project at toll free 1-888-889-8030. We are trying to resolve whatever issues arise, but they will be with us through the summer and ultimately we will benefit from this project with stable natural gas for the future.

3. Community Preservation Fund Update - I wanted to let the Board and the public know that we received a check for the month of June in the amount of \$94,743.30, which brings the total in the Community Preservation Fund to date to \$1,100,340.96 a substantial amount of money that will be used for land preservation in the future in the Town of Warwick.

4. Wickham Water District - As Councilman Shuback mentioned the situation is serious. The district is using more water then the wells can provide at the moment. Two of the wells that in the past have been good producers have dropped to about 10% of their rated capacity. We need the cooperation of all the residents to conserve water so we can stabilize the district and prevent us having to bring in water via tanker trucks at an expense born by the district. What we are doing immediately on Monday we will be, there's a resolution tonight for the Board to hire a company to come in and clean out well #5 in the district, which is currently producing about 5 gallons per minute with hope that it will restore its 50 gallons per minute capacity. It is a very successful technique that the company uses and we anticipate it will produce close to its original capacity at least for the foreseeable future and once that's done that will help stabilize the district as long as people are cooperative. Upon the success of that we will also do well #6, which will get us back to 25 gallons per minute in that well and hopefully get us through the rest of the summer. The long range plan is we are meeting with our engineers and a company called HydroQual that we've used to originally identify a high yielding well that we currently own for the district and we will be designing a small treatment building for that well since it's far from the existing treatment building, so we'll treat it near the well and pipe it to the closest connection to the district. That well produced upon testing in the vicinity of 120 gallons per minute. Once that well gets on line, but through the design, the building and the permitting process with the Health Department, it's not anticipated that well will come on line much before late this year; although we will move as fast as we can with it. Again I ask Wickham residents to please bear with us and help conserve.

5. The County is searching for volunteers to help deliver meals to homebound Seniors and if you are interested in doing that please call 615-3703. It's very worthwhile and if you've got some time that you can do that we would appreciate it and they would appreciate it.

6. I want to remind people that there is a summer bus available that runs throughout the Town of Warwick to go to the beach. With high fuel prices and if you want to send your kids to a safe environment to swim you can call them at 986-2877 and reserve a trip to the beach for a \$1.00 one way.

7. I want to remind residents that on July 26th the Historical Society of the Town of Warwick will be celebrating George Washington Day. The festivities will run from the 25th until the 27th and there is going to be an encampment by the Garden State Black Powder Association at Lewis Park, which is in the Village of Warwick across from Village Hall and they will do a reenactment of colonial life including costume interpreters and hands-on activities. If you are around please come and see the show.

8. Supervisors Corner is published in the Warwick Valley Dispatch and the Greenwood Lake News.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

**#R2008-214 APPOINTMENT OF LIFEGUARD AT THOMAS P. MORAHAN
WATERFRONT PARK – KAITLYN ROCHE**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Kaitlyn Roche as a lifeguard at the Thomas P. Morahan Waterfront Park at a rate of pay of \$9.50 per hour effective July 19, 2008.

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

**#R2008-215 AUTHORIZATION TO ATTEND NEW YORK STATE OFFICE OF
REAL PROPERTY SERVICES TRAINING SEMINAR – ASSESSOR
AND ASSISTANT ASSESSOR**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Assessor, Richard Hubner and the Assistant Assessor, Deborah Eurich to attend the New York State Office of Real Property Services Training Seminar in Utica, NY, on August 4, 2008 through August 6, 2008. Money is appropriated in the current budget to cover this expense.

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

**#R2008-216 AUTHORIZATION TO REFUND PARK APPLICATION FEE –
WVT COMMUNICATIONS**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the refund of the application fee for use of the Union Corners Park in the amount of \$100.00 to WVT Communications.

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

**#R2008-217 ACCEPT RESIGNATION OF PART-TIME POLICE OFFICER –
ROBERT DEYOUNG**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of part-time Police Officer Robert DeYoung effective July 1, 2008.

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

Discussion: Supervisor Sweeton thanked Officer DeYoung for his services and wish him well.

**#R2008-218 BOND REDUCTION – MANNO #2 SUBDIVISION – ROCCO &
LINDA MANNO**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to reduce the performance bond, Letter of Credit #2322 from Provident

Bank, for the satisfactory completion of road and drainage improvements and erosion control measures on site plan (532.0474) from \$205,706.00 to \$75,000.00 and authorize the release of \$130,706.00 to Rocco and Linda Manno as per the recommendation of the Town Engineer.

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

#R2008-219 AUTHORIZATION TO SIGN PROPOSAL FOR EMERGENCY WELL REHABILITATION – SUBSURFACE TECHNOLOGIES, INC.

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign a proposal from Subsurface Technologies, Inc., 40 Stone Castle Rd., Rock Tavern, NY 12575 for emergency well rehabilitation of Wickham Well #5 at a cost not to exceed \$18,533.03 and for Wickham Well #6, pending successful improvement of Well #5, at a cost not to exceed \$16,250.12.

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

#R2008-220 BUDGET TRANSFER – DEPARTMENT OF PUBLIC WORKS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the following Department of Public Works budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Insurance Recoveries (DA2.2680.000)	Repairs (DA2.5130.456)	\$1,437.71

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

#R2008-221 BUDGET TRANSFERS – DIAL-A-BUS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the following Dial-A-Bus budget transfers:

DAB Advertisements (A00.1754.001)	Advertising (A00.5630.401)	\$6,570.00
Insurance Recoveries (A00.2680.000)	Repairs (A00.5630.456)	\$500.00

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

#R2008-222 ACCEPT PROPOSAL FROM BOSS CONSTRUCTION CO. – MAINTENANCE & REPAIR TO TOWN HALL ROOF

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept a proposal from Boss Construction Co., 7 Oxford Depot, Chester, NY 10918 for

roof maintenance and repair to the flat EPDM section of the Town Hall at a cost not to exceed \$1,550.00.

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

Discussion: Supervisor Sweeton stated that we had some leaks in the flat portion of the roof by the air conditioners. The membrane roof is in good shape, but the adhesives that attach the laps and flashings are deteriorating and that is what this repair work is for.

**#R2008-223 WAIVER FOR INSTALLATION OF OUTDOOR FURNACE –
FRANK AND CATHERINE RUFRANO**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution granting a waiver of section 104-8 of the Warwick Town Code to allow the Building Department to issue a permit for the installation of an outdoor wood furnace to Frank and Catherine Rufrano, 115 Old Ridge Road, Town of Warwick upon the recommendation of the Building Inspector.

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

Discussion: Supervisor Sweeton stated that he normally refers this to the Building Inspector when he gets a request. The reason they need it is the back lot line is closer than what is recommended, but upon review of the site with the Building Inspector the topography indicates it would not be an issue and we have the ability to waive that.

**#R2008-224 AUTHORIZATION TO SIGN INTER-MUNICIPAL AGREEMENT WITH
COUNTY OF ORANGE – LAW RECORDS MANAGEMENT AND DATA
SHARING SYSTEM**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the Supervisor to sign an Inter-Municipal Agreement with the County of Orange for a Law Records Management and Data Sharing System.

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

Discussion: Supervisor Sweeton stated that this is the record sharing with the County who is trying to centralize that all departments can access information.

**#R2008-225 AUTHORIZATION TO SIGN AMENDMENT TO AGREEMENT WITH
WARWICK COMMUNITY AMBULANCE SERVICE, INC.**

Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign amendment to agreement with Warwick Community Ambulance Service, Inc. to allow the Ambulance Corps to purchase gasoline from the Town:

WHEREAS, the Warwick Community Ambulance Service, Inc. is under contract with the Town of Warwick to provide service to certain portions of the Town of Warwick, and

WHEREAS, the current price of gasoline is putting a severe strain on the ability of the Ambulance Corps to continue to provide those services within its existing budget, and

WHEREAS, the Town Board has determined that it will be in the overall public interest to amend the existing contract with the Ambulance Corps to allow the Ambulance Corps to purchase gasoline for ambulance vehicles and that this decision shall be as additional consideration for the services provided,

NOW, THEREFORE BE IT RESOLVED that the Supervisor is hereby authorized to sign an amendment to the current contract with the Warwick Community Ambulance Service, Inc. providing for the ability of the Ambulance Corps to purchase gasoline from the Town of Warwick at the Town's cost therefore for the remainder of the current contract period.

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

#R2008-226 APPOINTMENT OF PART-TIME DISPATCHER – CANDACE E. ITJEN

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Candace E. Itjen as a part-time Dispatcher at a rate of pay of \$13.33 per hour effective July 19, 2008.

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

#R2008-227 AUTHORIZATION TO CREATE POSITION OF FULL-TIME POLICE OFFICER

Motion Councilman DeAngelo, Councilman Gerstner to adopt a resolution authorizing the Supervisor to file the necessary forms with the Orange County Department of Personnel to create a position of full-time Police Officer in the Town of Warwick.

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

#R2008-228 APPOINTMENT OF FULL-TIME POLICE OFFICER – MICHAEL KEARNS

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Michael Kearns as a full-time Town of Warwick Police Officer at a rate of pay of Step 1, \$25.11 per hour, effective August 31, 2008.

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

Discussion: Supervisor Sweeton stated the Chief interviewed him and both Councilman DeAngelo and I reviewed the resume and he is a current officer for the Town of Chester.

#R2008-229 ACCEPT PROPOSAL FOR REMOVAL OF ROCK LEDGE ON MT. EVE ROAD – WEL-DON EXCAVATING

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept a proposal for the removal of rock ledge on Mt. Eve. Rd. in the Town of Warwick as recommended by the Commissioner of Public Works from Wel-Don Excavating, 204 Pine Island Turnpike, Warwick, NY 10990 at a cost of \$2,600.00 per day not to exceed ten (10) days.

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

**#R2008-230 APPROVAL TO REDUCE CUSTOMARY ROAD WIDENING STRIP –
NORDAN SUBDIVISION**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to ratify a decision of the Supervisor, upon advice of the Town Attorney and Planning Board Attorney, and as communicated by letter to the applicant's attorney Douglas Stage, letter dated July 1, 2008, to allow reduction of the customary road widening strip from twenty-five (25) feet to fifteen (15) feet for the Nordan Subdivision.

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

Discussion: Supervisor Sweeton stated for the public's information when the Planning Board requests a widening strip for public works process it's 25 feet normally. In this particular parcel it's a converted barn into a house and the barn sits very close to the road. The applicant didn't realize what 25 foot from the center line of the road meant. What it meant is the right-of-way would go to their doorstep to their house, so they approached the Town and asked us to consider reducing that strip and after consultation with the attorney, the Planning Board Attorney and the Planning Board Chairman they had no objection, it made sense and we agreed to that.

Councilman DeAngelo – They are going to pick up the fees?

Supervisor Sweeton – They're handling all the costs and there is no cost to the Town.

**#R2008-231 SCHEDULE PUBLIC HEARING – CREATION OF FAIRGROUNDS
SEWER DISTRICT**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing for the creation of the Fairgrounds Sewer District. Said public hearing to be held on Thursday, August 14, 2008, 7:00 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: Supervisor Sweeton stated that the Fairgrounds Sewer District is the new supermarket and is going to have a sewer package plant and it's going to serve the supermarket parcel and the car dealership parcel. According to the Town Code the Town must own that facility, so we need to create a district for us to own it. They will build it and when it's complete they will transfer ownership to the Town and that's what this hearing is about.

**#R2008-232 SCHEDULE PUBLIC HEARING TO AMEND CHAPTER 157 (WATER)
OF THE CODE OF THE TOWN OF WARWICK – PENALTIES FOR
OFFENSES**

Motion Councilman DeAngelo, seconded Councilman DeBuck to adopt a resolution to schedule a public hearing to amend Chapter 157-17. (Water) of the code of the Town of Warwick entitled “Penalties for Offenses”. Said public hearing to be held Thursday, August 14, 2008, 7:15 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: Supervisor Sweeton stated the purpose of this is to increase the penalty amount from \$100, which was the number originally adopted when the water districts were formed to make it a more relevant number in today’s dollars and the proposal is \$250 per day for violations for water restrictions.

#R2008-233 UNSAFE BUILDING – SECTION 76 BLOCK 1 LOT 5 – HELINSKI

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

WHEREAS, a hearing was duly set by the Town Board for the purpose of considering a Dangerous Building pursuant to Chapter 67 of the Town Code for property located at 8 Wendy Way, Sec. 76, Block 1, Lot 5 (Record owner, Helinski), and

WHEREAS, in the opinion of the Town Attorney proper service has now been completed on the record owner(s) and lien holders, and

WHEREAS no one representing the owners or mortgagees has appeared in this matter,

NOW THEREFORE BE IT RESOLVED that the Building Inspector is hereby directed to return to the site to determine what minimal work must be done to secure the property to render it non-dangerous and to report same to the Town Supervisor, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed, based on the report of the Building Inspector, to have the necessary work performed by the Town or by contractor to secure the property, and

BE IT FURTHER RESOLVED that the matter shall be placed back on the agenda for the August 14th meeting of the Town Board for a status report and further action at that point, if necessary.

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

**#R2008-234 UNSAFE BUILDING – SECTION 73 BLOCK 9 LOT 30.21 –
BOZZONE**

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

WHEREAS, a hearing was duly set by the Town Board for the purpose of considering a Dangerous Building pursuant to Chapter 67 of the Town Code for

property located at 13 Lodge Dr., Sec. 73, Block 9, Lot 30.21 (Record owner, Bozzone), and

WHEREAS, the Town Attorney was contacted by the owner's attorney immediately following the adoption of the Dangerous Building resolution requesting some additional time to resolve the matter with the owner's contractor, and

WHEREAS, the Supervisor and Town Attorney have determined that the owner's were proceeding in good faith, it was decided not to complete the necessary paperwork and service of process to actually hold the hearing,

NOW THEREFORE BE IT RESOLVED that the decision of the Supervisor to discontinue the hearing process be ratified, and

BE IT FURTHER RESOLVED that the Town Attorney is directed to advise the owners, through their attorney, that certain minimal work (among which are securing all doors and windows, cleaning up all debris on the site, and verifying that the stairs to the street are safe and to repair same if they are not) must be completed by August 14, 2008, and

BE IT FURTHER RESOLVED that the matter shall be placed back on the agenda for the August 14th meeting of the Town Board for a status report and further action at that point, if necessary.

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

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

PRIVILEGE OF THE FLOOR (GENERAL)

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

EXECUTIVE SESSION: Motion Councilman DeAngelo, seconded Councilman Gerstner to enter into an executive session for the purpose to discuss a personnel matter related to medical condition under workmen's compensation and the possible acquisition of real property. Motion Carried (5 ayes, 0 nays) 8:10 p.m.

RE-CONVENE: Motion Councilman Gerstner, seconded Councilman Shuback that the regular meeting be re-convened. Motion Carried (5 ayes, 0 nays) 8:45 p.m.

ADJOURN: Motion Councilman Gerstner, seconded Councilman Shuback that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:46 p.m.
07-17-08 cp.

Marjorie Quackenbush, Town Clerk