

January 20, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, January 20, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:15 p.m.

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

Police Chief, Thomas F. McGovern, Jr.

Supervisor Sweeton introduced Simon Gruber assisted by Ed Sattler who is on special assignment for energy related issues for the Warwick School District. Simon is spearheading a joint grant between the school district, the Town and Village of Warwick and he made a presentation that is being sponsored by the Hudson Valley Regional Council, which is a regional government group who received a grant through federal stimulus money through the DEC. The focus of the project is to work with communities in the region to plan green infrastructure projects.

ACCEPTANCE OF MINUTES:

1. Reorganization Meeting, 01/03/11

Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written for the reorganization meeting held on January 3, 2011.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,400.00 to Patricia Christian.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$418.25 to Estate of Zebrowski.

BENJAMIN ASTORINO – Chairman, Town of Warwick Planning Board – Letter to the Supervisor and Town Board recommending the release of a landscape bond in the amount of \$3,000.00 to Zircar #1.

STEVE & JILL PENNINGS – Pennings Farm Market, 161 South Route 94, Warwick, NY 10990 - Notice to the Town of Warwick of their intent to for a liquor license.

RONALD S. KOPPELMAN, ESQ. – Blatt & Koppelman, P.C., 151 North Main Street, Suite 300, New City, NY 10956 – Notice to the Town of Warwick advising that DYK Restaurant, LLC, d/b/a G's Restaurant, intends to renew their liquor license.

STANLEY E. LUPINSKI – Police Dispatcher, Town of Warwick Police Department - Letter to the Supervisor and Town Board informing them of his intent to retire effective August 5, 2011.

LINDA RANNI – Chairwoman, Chester Zoning Board of Appeals, 1786 Kings Highway, Chester, NY 10918 – Notice of public hearing of the Zoning Board of Appeals of the Town of Chester will be held on January 20, 2011 at 7:00 p.m. at the Chester Town Hall, 1786 Kings Highway, Chester, New York on the application by Kings Self Storage.

KIMBERY A. HARRIMAN & DAVID L. PRESTEMON – Administrative Law Judges, State of New York Public Service Commission – Letter regarding Case 10-E-0362 proceeding on motion of the commission as to the rates, charges, rules and regulations of Orange and Rockland Utilities, Inc. for electric service.

MICHELLE CARUSO – Employees' Retirement System Examiner V, Pension Integrity Bureau, Office of the New York State Comptroller, New York State and Local Retirement System, 110 State Street, Albany, NY 12244 – Letter to the Town Clerk acknowledging the Standard Workday and Reporting Resolution and Affidavit of Posting received on August 17, 2010 in compliance with regulation 315.4 but request that a new resolution be passed, posted and submitted due to missing information.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Letter to the Town Board requesting to fill the vacant part time police dispatcher position created by the resignation of Colleen Torres with Scott M. Lemin.

BOARD'S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

Supervisor Sweeton stated that he did receive the Building Departments report for the month and for the public they are available and commended the part time building inspectors for doing a great job and appreciates their efforts.

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
TREE WORK	Mountainside Rd.	Clear road sides
POT HOLES	Town wide	As needed
SNOW PLOWING	Town wide	Storm on 1/7/11 Storm on 1/11/11 Storm on 1/18/11
VEHICLE MAINT.		As needed
ROAD SIGNS	Town wide	As needed
MAIL BOXES	Town wide	As needed

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

1. I would like to thank the DPW department for their fine performance during these past two storms. They've done an excellent job especially where I live in Greenwood Lake. The roads are clean and safe and I hope they continue to do a great job.

COUNCILMAN DE BUCK REPORT

1. I have nothing to add this evening.

COUNCILMAN GERSTNER REPORT

1. I have a notice from Cablevision on unreturned equipment fee adjustments. "Please let this letter serve to provide notice that effective February 1, 2011 the following unreturned equipment fees will be reduced as such: digital remote from \$4.20 to \$3.60, DVR from \$333.00 to \$265.00, cable card from \$55.35 to \$50.00 and tuning adaptor from \$150.00 to \$140.00. In addition, effective March 1, 2011 the fee for an unreturned digital box will be adjusted from \$110.00 to \$140.00. Customers will be notified of these changes through their bill messaging.

2. Dan Decker who has been working on ten benches for Cascade Lake Park has completed them for his Scout project. Deputy Commissioner Roe will pick them up and bring them to Union Corners Park and springtime they will be installing them at Cascade Lake Park.

Supervisor Sweeton – We received some photos of them and they look great.

Councilman Gerstner – He did a nice job. That was an Eagle Scout project and I would like to commend him and thank him for his hard work and effort.

Supervisor Sweeton – We'll invite Dan to a meeting in the future once we get the benches in.

Councilman Gerstner – I would also like to thank the DPW and the Police for all their hard work during these past few storms because I know they get crazy calls during the storms also.

COUNCILMAN SHUBACK REPORT

- 1. The Town Highway has been busy. On Tuesday alone they worked from three in the morning until seven thirty at night clearing the roads. I haven't got the overtime totals yet, but I know it's going to be a doozy. I'd say it took 60% of our overtime budget this past week alone.**
- 2. Well #11 in Wickham Water District has finally been approved by the health department. We submitted the approval in November and I said it will take two months and it was two months.**

Supervisor Sweeton – For the residents' information that's a great addition. That well alone will have the capacity with its treatment building to handle the needs of the entire district, so we'll now have that redundancy with the old existing wells that are getting tired; to give them a rest. This well will service the district and we'll be in great shape. That is our largest district with almost three hundred and something users in that district, so that's a big deal and we're glad that we finally got this on line.

Councilman Gerstner – We've come a long way.

Supervisor Sweeton – I want to thank the late Senator Morahan because he did help us with the grant from New York State for a large proportion of getting that building built and that well on line.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

- 1. Fees Collected: Month of December, 2010 – Copies of Maps, \$35.00; Certified Marriages, \$30.00; Mileage, \$3.00; Photocopies, \$17.75; Returned Check Fee, \$20.00; Carter's Permits, \$185.00; Junk License, \$25.00; Use of Kitchen Fees, \$100.00; Use of Senior Center, \$50.00; Interest in Checking Account for Month of November, \$0.88; Dog Enumerations, \$15.00; Dog Impoundments, 105.00; Marriage License Fees, \$122.50; Road Maps, \$6.00; Conservation Licenses, \$23.90; Dog Licenses Issued/Renewed, \$825.15; Use of Room Fees, \$160.00; Registrar Fees, \$500.00. Total Fees Collected: \$4,294.63.**
- 2. Fees Paid: Month of December, 2010 – NYS Dept. of Ag & Markets for spay/neuter program, \$157.50; NYS Dept. of Environmental Conservation for Conservation Licenses, \$409.10; Village of Florida for Registrar Fees, \$50.00; Village of Warwick for Registrar Fees, \$1,180.00. Total Fees Paid to Supervisor: \$2,444.03.**

SUPERVISOR'S REPORT

- 1. I want to remind the public of the Town's policy on parking during the winter. Unlike the village we don't prohibit overnight parking for the whole winter season, but we do prohibit parking on town roads 24 hours prior to and 24 hours after a snow event. Tonight you know it's going to snow you need to have your car off of**

the road. This is a particular problem in some of the tighter neighborhoods like Kings Estates and Wickham Village. It prevents the town from getting the roads clear. It's a problem and we do under the ordinance have the ability to have the cars towed. Obviously we are reluctant to do that, nobody likes to do that, but if we get persistent violations of this the cars will be towed and you'll have to collect it at one of the local tow places and pay the charge. We are just asking for cooperation from residents and also to remind people in the town if you have somebody that plows your driveway or you do it yourself you can't plow the snow out of your driveway and into the road. Not only is it dangerous, but it costs everyone else in the town more money because the crews have to go out again, so please instruct your plow operators to plow properly into the snow banks and off to the sides of your own driveways.

2. Community Preservation Fund receipts for December were \$36,093.34 which brings the total since the inception of the fund to \$2,623,617.54. This is money that will be used for future land preservation in the town. The only expenditures from the fund so far were for the Seward Homesite in the Village of Florida although we have several farms that are in the process of applying for funding.

3. For the Boards information I did perform a review and verification of all of the journal entries that were done so far this month to verify their correctness and appropriateness. We will be working on the budget for the next meeting to give you a report on January.

4. Our Assemblywoman Annie Rabbitt is having a swearing in ceremony tomorrow at the Greenwood Lake Middle School at 1:00 p.m. In the event school is delayed the event will still go on. If school is called off then the event will be rescheduled for Friday, February 4th at the same time and the same location.

5. The Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser and we appreciate that they do that.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2011-60 AUTHORIZATION TO SIGN AGREEMENT WITH VANACORE, DEBENEDICTUS, DIGOVANNI & WEDDELL TO PERFORM AUDITING SERVICES FOR THE 2010 AUDIT YEAR

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign an agreement with Vanacore, DeBenedictus, DiGovanni & Weddell to perform auditing services for the Town of Warwick for the year ending December 31, 2010.

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

Discussion: Supervisor Sweeton stated that this is the same firm we've had for a couple of years and they kept their fees the same for the current year.

#R2011-61 DESIGNATION OF DELEGATE & ALTERNATE DELEGATE – ASSOCIATION OF TOWNS CONFERENCE

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to designate Michael P. Sweeton, Town of Warwick Supervisor, as the voting delegate to attend the New York State Association of Towns Annual Business Session on February 23, 2011 and to cast the vote of the Town of Warwick, pursuant to §6 of Article III of the Constitution and By-Laws of said Association; and James Gerstner, Town of Warwick Councilman, be designated as the Alternate Voting Delegate to cast the vote of the Town of Warwick in the absence of the voting delegate.

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

#R2011-62 AUTHORIZATION OF ESCROW REFUND – PATRICIA CHRISTIAN

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$1,400.00, the balance of the escrow for SBL#63-2-12.42, to Planning Board applicant Patricia Christian, 28 Conklin Rd., Warwick, NY 10990 as per the recommendation of the Planning Board Secretary; letter dated January 11, 2011.

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

#R2011-63 AUTHORIZATION OF ESCROW REFUND – ESTATE OF ZEBROWSKI

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$418.25, the balance of the Building escrow for SBL#24-1-1.331, to applicant Estate of Zebrowski, 79 High St., Franklin, NJ 07416 as per the recommendation of the Building Department; letter dated December 29, 2010.

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

#R2011-64 ACCEPT RESIGNATION – STANLEY E. LUPINSKI

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Stanley E. Lupinski, Police Dispatcher, for the purpose of retirement effective August 5, 2011.

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

Discussion: Councilman Gerstner thanked Stanley for all his years of service. Supervisor Sweeton stated that he has been a terrific dispatcher and we wish him well on his retirement.

#R2011-65 SALE OF USED POLICE AND DPW VEHICLES AND EQUIPMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the sale of the following used Police and DPW vehicles and equipment to be sold in “AS IS” condition on GOVDEALS.com.

- 2003 Crown Vic Police Package VIN# 2FAFP71W53X140462
- 2004 Crown Vic Police Package VIN# 2FAHP71W65X138814
- 2005 Crown Vic Police Package VIN# 2FAFP71W86X102194
- 2004 Ford Explorer 4 Dr. XLS VI# 1FMZU72KX4UB22734 160,000 mi.
- 1995 Chevy 2500 Series, 350 motor, auto trans., 4 X 4 162,000 mi.
- 1999 Dodge 2500 Series w/utility body & plow, 4 X 4, 150,000 mi.

- Ice-O-Way Box Sander, 4 yd. capacity, needs box & engine work

- Coats Tire Machine, very good condition, can do up to 17 in. tires

- 1975 John Deere w/Front End Loader, Needs engine & other work, good for parts

- 1995 Gradall, VIN# SN-0136334, 1124 mi., needs work, the turret does not swing

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

#R2011-66 SALE OF USED VEHICLE

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the sale of the following vehicle to be sold in "AS IS" condition and publish a classified ad in the Warwick Dispatch and Warwick Advertiser. All final bids to be submitted to the Town Clerk's Office by Monday, February 14, 2011.

- 2001 Dodge Durango 4 X 4, VIN# 1B4HS28N21FB04301 125,635 mi.

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

#R2011-67 SOLICIT BIDS – SECURITY FENCING FOR POLICE IMPOUND YARD

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to solicit bids for security fencing for the impound yard at the Warwick Police Department. Notice to bidders and specifications may be obtained from the Town Clerk's Office beginning January 26, 2011. Said bids to be opened Tuesday, February 15, 2011 12:00 P.M. at the Town Hall, 132 Kings Highway, Town of Warwick.

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

#R2011-68 AMEND RESOLUTION #R2010-164 - STANDARD WORK DAY REPORTING

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to amend #R2010-164 to include additional information as requested by the Office of the New York State Comptroller:

BE IT RESOLVED, that the Town Board of the Town of Warwick, New York/30311 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System

based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

(See Attached)

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

Discussion: Supervisor Sweeton stated that this was a requirement last year by the State and it's been posted on our website. What they took exception to was one of the officials had put "up to 20 hours" and you can only report a maximum of "20 hours", so they just want the words "up to" taken out, so this is a resolution is to correct that. That data was posted on the website for the public to review.

#R2011-69 AUTHORIZATION OF BOND RELEASE – ZIRCAR #1

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the release of a Landscaping Bond in the amount of \$3,000.00 to Zircar Refractory Composites, Inc., P.O. Box 489, Florida, NY 10921, for the satisfactory completion of site plan (532.0305ZIR) as per the recommendation of Planning Board Chairman, Ben Astorino; letter dated January 18, 2011.

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

#R2011-70 CSEA SETTLEMENT AND RELEASE AGREEMENTS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign settlement and release agreements with the following CSEA Local 1000 employees:

Robert Lewis
Thomas Fuller
Richard Freisinger
Walter Landru
Kelly Pikul

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

#R2011-71 APPOINTMENT OF PART TIME POLICE DISPATCHER – SCOTT LEMIN

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Scott Lemin as a part time dispatcher at a rate of pay of \$14.15 /hr. effective January 22, 2011.

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

#R2011-72 AMEND RESOLUTION #R2011-12 – PART-TIME HIGHWAY LABORERS

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to amend resolution #R2011-12 changing the rate of pay for a new part-time Highway Laborer from \$10.30 to \$10.50 per hour.

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

Discussion: Supervisor Sweeton stated that was a clerical error on the re-org meeting. It was budgeted and approved by the Board for \$10.50, so just correct that in the record.

**#R2011-73 APPOINTMENT OF PART TIME SEASONAL DPW LABORER (RIDER) –
ROBERT LEWIS**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Robert Lewis as a part time seasonal DPW laborer (rider) at a rate of pay of \$11.14 per hour effective January 20, 2011.

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

**#R2011-74 APPOINTMENT OF PART TIME SEASONAL DPW LABORER (RIDER) –
MANUEL J. REBELO**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Manuel J. Rebelo as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective January 20, 2011.

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

Discussion: Supervisor Sweeton stated for the publics information that these are riders that ride with our plow truck drivers for safety issues since they work more then a standard work day when they're plowing.

**#R2011-75 SCHEDULE PUBLIC HEARING – ACQUISITION OF PROPERTY FOR
ADDITION TO WICKHAM WATER DISTRICT SYSTEM**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing for the acquisition of property known as SBL 35-1-21 for addition to the Wickham Water District System. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, February 3, 2011 at 7:30 p.m., or as soon thereafter as the matter can be heard.

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

Discussion: Supervisor Sweeton stated that this was a parcel of property that went up for tax sale at the county. It is a piece of property with three existing wells on it that were developed initially we believe to serve the Kings Estates private water system and the town is going to consider purchasing it for back taxes as an additional source of water for that district, which has historically been plagued, hopefully will no longer be plagued, since well #11 goes on line. In the water business we have painfully learned over the years you can never have enough water, so for a relatively modest amount of money we believe that this would be a good addition.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Vince Copella – 122 DeKay Road, Warwick, NY 10990 – I’m the President of the Seward Senior Citizen Club in Florida and I would like to thank our Town Supervisor Mr. Sweeton and the Town Board for the same amount of money for the senior clubs in the Town. Without that additional funding there would probably be many seniors that would not be able to go on trips because of the additional costs. Again thank you.

Supervisor Sweeton – We appreciate it and you’re very welcome. We appreciate the service that you do for the club. We have six active senior clubs in the Town and for many folks it allows them to stay active as Vince says go on trips and share companionship with folks and it’s very important. We appreciate what little we can do we do.

Vince Copella - Thank you.

Supervisor Sweeton – Thanks again for your service.

**ADJOURN: Motion Councilman Gerstner, seconded Councilman DeAngelo that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:49 p.m.
01-20-11 cp.**

Marjorie Quackenbush, Town Clerk