

February 12, 2015

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, February 12, 2015 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:32 p.m.

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

Attorney for the Town, Jay Myrow
Deputy DPW Commissioner, William Roe
Police Lieutenant, John Rader

ACCEPTANCE OF MINUTES

1. Re-Organization Meeting, January 2, 2015
2. Regular Meeting, January 22, 2015
3. Special Meeting, January 30, 2015

Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written from the Re-Organization Meeting held on January 2, 2015, the Regular Meeting held on January 22, 2015 and the Special Meeting held on January 30, 2015.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

THOMAS F. MCGOVERN JR. – Chief of Police, Town of Warwick – Memo to the Supervisor and Town Board requesting that a check from the County of Orange in the amount of \$3,074.72 be transferred to the full time over time budget line (B02.00.3120.112).

KAREN H. EMMERICH – 101 Sleepy Valley Road, Warwick, NY 10990 – Letter to the Supervisor requesting to be reappointed to the Town of Warwick Shade Tree Commission.

KARL A. BRABENEC - Assemblywoman 98th District, NYS Assembly, 523 Legislative Office Building, Albany, NY 12248 – Letter to the Town Clerk regarding the views of the Town of Warwick Town Board opposing the rate increases from Orange and Rockland Utilities. I too am opposed of the increase and have contacted the Public Service Commission on behalf of constituents that use their service.

LAURA BARCA, P.E. – Planning Board Engineer, HDR Engineering P.C., Eastgate Corporate Park, 7 Coates Drive, Suite 2, Goshen, NY 10924 - Letter to the

Supervisor requesting that Performance Bond #327-016-078 in the amount of \$336,700.00 for the Bowen Road construction project be released to Allied Excavating, Inc. as the project has been satisfactorily completed.

LAUREN E. KIRKMAN, RMC, CMR – Township Clerk, Township of Vernon, 21 Church St., Vernon, NJ 07462 – Copy of letter sent to Eric K. Snyder, P.P. AICP, Planning Director, Sussex County Division of Planning advising that an Ordinance 15-01 An Ordinance to Amend the Land Development Ordinance of the Township of Vernon by Adoption of a Revised Page 1 of the Zoning Map, Section 330-158 of Chapter 330 which authorizes a correction on the Zoning Map. A public hearing will be held on March 23, 2015 at 7:30 pm at the Township’s regular meeting, in the Municipal Building, 21 Church St., Vernon, NJ 07462.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

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> |
|------------------------|-----------------|--|
| SNOW PLOWING | Town wide | Storms on 1/24, 1/26, 1/27, 1/30, 1/31, 2/2, 2/5, 2/8, & 2/9 |
| VEHICLE MAINT. | As needed | |
| EMERG. REPAIRS | As needed | |
| ROAD SIGNS | Town wide | Replace as needed |
| MAIL BOXES | As needed | |

PARKS DEPARTMENT

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

1. Our friends at the Warwick Valley Humane Society are telling me that February is “Adopt a Rabbit Month”. The Warwick Valley Humane Society currently has 7 rabbits looking for their forever indoor homes. On Sunday, February 15th at 3:00 p.m. at the Breezy Point Inn during the 16th annual Winter-fest there is the first annual Polar Plunge to benefit the Humane Society. It is \$20 per person and you must be 18 years of age to participate and they want to express their gratitude to the local merchants for sponsoring the event and to the

Greenwood Lake Volunteer Ambulance for volunteering their time to be on site for all who dare to plunge.

Lieutenant Rader – We started the Twitter notifications last summer. We introduced it to the town that we were going to do it. We did use it for snow storm Juno and we would like more followers; the more the better. We currently are in the low numbers. We were successful in getting the transmissions out and it's a good way of keeping the residents informed in situations like that. With the impending cold this weekend we are asking anyone with elderly neighbors if they wouldn't mind checking up on them and if there are any issues at all to contact 986-5000 and we will send the appropriate services right away.

COUNCILMAN KOWAL REPORT

1. The parks are fairly quiet for the most part. The skating rink is available for anyone in Pine Island who wants to use it. Bill was telling me before the meeting how busy the dog park is this time of year despite the snow. The dogs like to play out in the snow and people like taking them out and it's one of the few busiest parts of our parks right now.

COUNCILMAN GERSTNER REPORT

1. Earlier this evening Deputy Commissioner Roe and I met with the Recreation Commissioner, Mike Cipolla. We will be setting up a meeting with the organized sports groups later this month and then looking to meet with our village recreation leaders in early March.

COUNCILMAN SHUBACK REPORT

1. We are having an expensive snow year from what I see. For the first 10 days we spent \$8,950.00 for sand, \$32,800.00 for salt and overtime was \$30,070.00 for a total of \$79,250 plus and that's only for 10 days. It's going to be a very expensive year for us for salt and sand.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. Fees Collected – Month of January, 2015 – Copies of Maps, \$60.00; Code Book Updates, \$35.00; Certified Marriages, \$70.00; Photocopies, \$9.50; Postage, \$0.48; Carters Permits, \$3,200.00; Use of Kitchen Fees, \$100.00; Interest in Town Clerk's Checking Account, \$0.16; Dog Impoundment Fees, \$250.00; Town Park Pavilion Fees, \$200.00; Athletic Field Fees, \$150.00; Marriage License Fees, \$87.50; Bell Jar Permit Fee, \$10.00; Games of Chance Permit Fee, \$10.00; Conservation License Fees, \$16.44; Dogs Licenses Issued/Renewed, \$1,889.00; Use of Room Fees, \$260.00; Registrar Fees, \$290.00; Town Park Deposits, \$150.00. Total Fees Collected: \$8,636.14

2. Fees Paid – Month of January, 2015 – New York State Dept. of Health for Marriage Licenses, \$112.50; New York State Dept. of Ag & Markets for Spay/Neuter Program, \$234.00; New York State Dept. of Environmental Conservation for Conservation Licenses, \$281.56; New York State Comptroller for Bell Jar Permits, \$15.00; New York State Comptroller for Games of Chance Permits, \$15.00; Village of Greenwood Lake for

Registrar Fees, \$60.00; Village of Warwick for Registrar Fees, \$1,130.00. Total Fees Paid to Supervisor: \$6,788.08

SUPERVISOR'S REPORT

1. I want to report on a meeting we had with representatives from AT&T as well as the Pine Island Fire District. Councilman DeAngelo and I attended as well as Attorney Myrow in a continuing effort to find resolution to the issue that remains. I don't know how much but I think the press did report that a citizens group has filed an Article 78 which is simply a motion filed in county court. Its basis is that the decision was improper or conducted improperly in terms of the Pine Island Fire Commissioners resolution declaring themselves immune from zoning. The town also filed one in order to retain its ability and its rights because of statute of limitations on doing so expired at the end of January. Talks continue and AT&T really is, as they've been all along, in the driver's seat and they're going to be the ones to decide what course of action they take. Whether they want to move forward and defend the lawsuit and prove that in fact they are immune or find another solution, move to another site or seek variances from the town's ordinances. It's really their decision but we met in a cooperative way with all parties to try and do it at the behest of the New York State DEC. We all await the New York State DEC's decision on lead agency status. The Towns Planning Board had objected to or in their opinion they declared that the fire commissioners did not in fact prove under the Monroe test that they were immune and therefore the Planning Board wanted to be lead agency. That was the basis of the dispute that the DEC will rule on. It doesn't address the issue of immunity that's why the Article 78s were put in place. Hopefully a resolution that's beneficial to everybody will come out of it all. Everybody agrees we need a cell tower out there, everybody agrees we'd like enhanced communications for the fire department and everybody agrees that if the fire department gets some revenue from it that's a good thing too because they can pass it onto their taxpayers in that district. So we'll see how that works out. The DEC probably will rule on lead agency status I'm probably guessing anywhere from 2 to 4 weeks depends on how fast they move.

2. An update on the activities out at the former prison, the office and technology park, obviously the snow has stopped any continued work on the roadway out to the pad sites, but most of the preliminary work had been done there. That is good and that was on schedule and as soon as the snow and the temperatures abate somewhat the work will continue. Myself and the engineers are meeting with Orange & Rockland and Alteva which is the former Warwick Telephone on infrastructure extension out to the pad sites. The LDC has accepted an offer for the remaining buildings on site. They don't have a contract finalized yet so there's no information, but that bodes well I think. One of the pad sites has been sold and the other has had an offer made on it and has been accepted by the LDC, so again once a contract is formalized with that then that can be shared with everyone as well. It's moving along quite well and we look forward to continued good things out there.

3. I want to bring the Board up to speed on a presentation that I attended a week or so ago put on by the City of Newburgh, the Town of Newburgh and the DA's office. It was held at the Orange County Police Academy in New Windsor and it

was a demonstration of a firearms training simulator which is a tool that they use to train police officers. It puts them in different scenarios and helps them understand in a split second how they should react, whether you use deadly force or not. It was very educational. The DA and his staff did a very good discussion of grand juries and how they work and why we get the results that are puzzling to people but it's part of the grand jury process and they explained how it works. It was very educational. We've got a pamphlet and we will try and get that on our website so people can understand it. I want to thank the DA's office because I think DA Hoovler and his staff did a great job with that.

4. AARP is once again offering tax preparation services for our elderly senior citizens of low and moderate income. It will be held at the Warwick Reformed Church at 16 Maple Avenue and it will be on Wednesdays. If you would like to participate in that or you know a senior that you think would benefit they will have to call 211 or 1-800-899-1479 to make an appointment. You can't just show up. It's a great service, they've been doing it for a lot of years here and it's free.

5. I want to remind people that the Receiver of Taxes hours are now somewhat limited as we go into February and March when you can still pay your town taxes here. Her hours will be Monday's, Wednesday's and Friday's 8:30 a.m. to 4:00 p.m. and then after March you have to pay it at the County. If you can pay it during February and March period it will save you the trip of going over to I guess Quarry Road. You also have the ability to pay online on the town website under the tax department you get to a screen where you can punch your bill up and pay online. If you use a credit card there is a fee of 2.45% but if you use a debit card it's only \$3.95. It is a convenience and if people want to use it they can and if they don't they don't have to.

6. I did, for the Boards information, review the monthly journal reports and entries and they were all in order from the bookkeeper just so you have that information.

7. I want to read this note that we all received from Diane Bramich who is the widow of Fred Bramich, a long time police officer. It's addressed to the Town Board and the Police Department, it says "Thank you so very much for all that you did for me and my family when Fred passed away. The police were all around me at the hospital that morning and the caring that was shown and the stories that were told were a great comfort to me. I still cannot believe all the officers and friends that showed up for this service. Thank you again and I am so glad that I live in the Town of Warwick." She wanted you all to have that and we do miss Fred.

8. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser. Also as Lieutenant Rader pointed out we are also sending any emergency notices out on Twitter. We also have a Facebook page that stands alone but also shows up on our townofwarwick.org page, so we are trying to get information out as fast as we can.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2015-69 BUDGET TRANSFER – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt the following Police Dept. budget transfer:

| FROM | TO | AMOUNT |
|------------------------------------|---|-------------------|
| Check from County of Orange | Full Time Overtime (B02.00.3120.112) | \$3,074.72 |

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

#R2015-70 RE-APPOINTMENT TO SHADE TREE COMMISSION – KAREN EMMERICH

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to reappoint Karen Emmerich to the Shade Tree Commission for a three year term expiring March 31, 2018.

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

Discussion: Supervisor Sweeton thanked Karen for wanting to rejuvenate the Shade Tree Commission and she applied for a \$1,000 grant to hold an Arbor Day ceremony in one of the town areas probably in the park at Union Corners and we did receive the \$1,000 and we thank her for that.

#R2015-71 AUTHORIZATION TO SIGN CONTRACT WITH ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES – STOP DWI AND DWI CRACKDOWN PROGRAMS

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign a contract with the Orange County Department of Emergency Services for the Stop DWI and DWI Crackdown Programs.

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

Discussion: Supervisor Sweeton stated that they held the first phase of this already around the Super Bowl and successfully in our Villages of Florida, Warwick and Greenwood Lake I think we really only had one DWI stop. Which means it's working and people are getting the message.

**#R2015-72 BOND RELEASE – BOWEN ROAD CONSTRUCTION PROJECT
– ALLIED EXCAVATING**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the release of a Performance Bond #327-16-078 in the amount of \$336,700.00 to Allied Excavating Inc. for the satisfactory completion of the construction project on Bowen Road as per the recommendation of the Planning Board Engineer; letter dated January 30, 2015.

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

Discussion: Supervisor Sweeton stated that they did a great job out there.

**#R2015-73 AUTHORIZATION TO SIGN AGREEMENT WITH THE TOWN
OF WALLKILL FOR DIAL-A-BUS ADMINISTRATIVE
SERVICES**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement with the Town of Wallkill to provide administrative services for its Dial-A-Bus program for the administrative fee of \$14,000.00, effective February 13, 2015.

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

Discussion: Supervisor Sweeton stated that this was an agreement that Supervisor Depew and his Board approached us on. They had retired personnel and they were looking to enhance their service and save some money. They contacted us because we have a reputation in the county providing that for other municipalities. It will save them money and provide extra income to us which would be applied to our service. It is for record keeping purposes as well as all the drug testing requirements and reporting that has to be done. It will be handled within the routine of our Transportation Manager.

**#R2015-74 RESOLUTION REQUESTING THAT THE U.S. CONGRESS
PROHIBIT THE U.S. POSTAL SERVICE FROM CLOSING (OR
CONSOLIDATING) ITS MAIL PROCESSING CENTER IN
NEWBURGH-MIDHUDSON P & DC**

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

WHEREAS, the United States Postal Service plans to close (or “consolidate”) the Mid-Hudson P & DC mail Processing and Distribution Center, and

WHEREAS, This plan would severely delay all classes of mail delivery, and

WHEREAS, The delay of mail would negatively affect residents and local businesses, and would harm our community, and

WHEREAS, The closure would result in a degradation of “service standards,” that would result in the virtual elimination of overnight mail delivery throughout the country, and,

WHEREAS, The closure is not in the public’s best interest, and

WHEREAS, Federal law stipulates that, “The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable and efficient services to patrons in all areas and shall render postal services to all communities,” [39 U.S. Code Section 101(a)]

THEREFORE BE IT RESOLVED by the Town of Warwick Town Board:

Section 1. That the Town of Warwick Town Board

Does hereby demand congressional intervention to stop this proposal to Close or Consolidate the Mid Hudson P & DC (Processing & Distribution Center).

Section 2. Does hereby demand congressional intervention to stop the delay of mail and the elimination of overnight delivery of first-class mail, set for January 5, 2015.

3. That this resolution shall be forwarded to our U.S. Senators and Representatives and the Postmaster General.

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

#R2015-75 AUTHORIZATION TO SIGN 2014 SERVICE AWARD PROGRAM CERTIFICATE – GREENWOOD LAKE VOLUNTEER AMBULANCE CORP.

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign the 2014 Service Award Program Certificate form for the Greenwood Lake Volunteer Ambulance Corp.

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

Discussion: Supervisor Sweeton stated that this is a program by which volunteers earn credits and get some retirement benefit by completion of the service award and it is part of the process by which they send us their list and we verify it, we send it back, they verify it again and then it’s signed. It is overseen by an administrator but they are subject to New York State Office of State Controller so there is an oversight on it as well.

BILLS: Motion Councilman DeAngelo, seconded Councilman Kowal 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.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:49 p.m.
02-12-15 CP.**

Marjorie Quackenbush, Town Clerk