

February 16, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, February 16, 2012 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 1:00 p.m.

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

Town Attorney, John Hicks – Absent  
DPW Commissioner, Jeff Feagles  
Police Lieutenant, Thomas Maslanka

**ACCEPTANCE OF MINUTES:**

1. Public Hearing, 2/2/12 – Proposed Local Law Amending Chapter 77, “Dogs” of the Code of the Town of Warwick
2. Public Hearing, 2/2/12 – Warwick Inter-Municipal Transportation Service Fare Increases
3. Regular Meeting, 2/2/12

Motion Councilman Shuback, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing on a Proposed Local Law Amending Chapter 77, “Dogs” of the Code of the Town of Warwick held on February 2, 2012, a Public Hearing for the Warwick Inter-Municipal Transportation Service Fare Increases held on February 2, 2012 and the Regular Meeting held on February 2, 2012.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**KAREN EMMERICH – 101 Sleepy Valley Rd, Warwick, NY – Application submitted to the Town Clerk and Town Board requesting participation in the Agricultural Protection Overlay District.**

**BENJAMIN ASTORINO – Chairman of the Town of Warwick Planning Board – Memo to the Supervisor requesting the Town Board consider extending for one year the filing and construction deadlines contained in Zoning Code §164-73 C and D due to the state of the economy.**

**PHILOMENA REILLY – State of New York Department of Taxation and Finance, Office of Real Property Tax Services, W.A. Harriman Campus, Albany, NY 12227 – Notice to the Town Clerk and Town Assessor encouraging them to work together to submit an RP 7114 form which is used to solicit information pertaining to special franchise assessments by April 16, 2012.**

**CHRISTINE ARNER – Warwick Valley High School Crew Club, One Cedar Hill Drive, Warwick, NY – Letter to the Supervisor and Town Board respectively requesting approval to use the Thomas P. Morahan Waterfront Park for their annual Crew Regatta. This year the Warwick and Tuxedo Crew Clubs are co-hosting the Orange/Ulster Championships on May 16, 2012.**

**BILL WADESON – 36 Highland Ave., Warwick, NY - Letter to the Town Board requesting re-appointment to the Agricultural and Open Space Preservation Board.**

**HON. ANNIE RABBITT – Assemblywoman, 97<sup>th</sup> District, Room 320, Legislative Office Building, Albany, NY 12248 – Letter to the Supervisor thanking him for a resolution supporting County Executive Ed Diana’s request for legislation to allow municipalities to issue serial bonds for storm relief damages.**

**JOANNE WILCOX – Town of Warwick Bookkeeper – Letter requesting a budget transfer in the amount of \$5,310.00 from budget code SW1-1000 Unexpended Balance to budget code SW1-8340.225 Equipment Land Purchase to purchase land in the Bellvale Water district.**

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

**Supervisor Sweeton – I will mention to the Board again that we had sent a letter in support of Eddie Diana our County Executives request to the legislature to pass legislation allowing municipalities to bond storm related expenses prompted by Irene and Lee. There were many municipalities including ours that incurred a lot of expense which was not exempt from the cap, it was not bondable under the current New York State Finance Law. The County Exec has requested that, we have and I know other municipalities in Orange County have as well. The Warwick Crew Club will have a resolution later has requested the use of Thomas P. Morahan Water Front Park for their rowing regatta again this year. This is going to be a little bigger one on May 16<sup>th</sup> because they will be co-hosting the Orange/Ulster Championships, so that’s pretty impressive and we’re glad that they love that venue. We didn’t get any written correspondence on either of the two public hearings on raising the dog fees or the Dial-A-Bus fare increase. I did get one call or email inquiry about looking at what the dog fee adjustment was and it simply was raising the penalties but other than that we got no other written comment on that.**

#### **VISITING ELECTED OFFICIALS**

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

#### **COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<u>WORK BEING</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
<u>DONE</u>		
DRAINAGE	Town Beach	Installed drainage
DITCH WORK	Walling Rd.	Clean ditches
	Penaluna Rd.	Clean ditches
	Old Mt. Peter Rd.	Clean ditches
	Sleepy Valley Rd.	Clean ditches
TREE WORK	Greenwood Lake Park	Clear for new field
	Newport Bridge Rd.	Clear road sides
POT HOLES	Town wide	As needed
SANDING	High elevations	Snowstorm - 2/11/12
	High elevations	Snow squall - 2/12/12
ROAD SIGNS	Town wide	As needed
HAUL MATERIAL	Village of Warwick	Haul material for Village of Warwick
WATER DEPT.	Wickham Knolls	Repair leaking water main

**COUNCILMAN DE ANGELO REPORT**

**1. For the month of January the Post Report is as follows: Greenwood Lake had 219 calls, the Town outside the Village had 975 calls, Pine Island 251 calls and the Village of Warwick had 705 calls for a total of 2,150 calls for the month of January.**

**COUNCILMAN KOWAL REPORT**

**1. I took a ride over to the Greenwood Lake Park to see how the progress was going on the baseball field. It looks like the lot has been cleared and there was a pile of debris there that's either going to be graded or hauled out, what's going to happen to that Jeff is it going to be hauled out or?**

**DPW Commissioner Feagles – We are still working on it whether we're going to haul it out or use a tub grinder and turn it into mulch.**

**Councilman Kowal – It looks like the trees have been cleared out of the area.**

**Councilman DeAngelo – Did you take some out of there?**

**DPW Commissioner Feagles – We moved it to the side so they could start leveling the playing field.**

**Supervisor Sweeton – They chipped up all of the branch stuff.**

**Councilman DeAngelo – The pile looked bigger the other day from when I saw it this morning.**

DPW Commissioner Feagles – It's all pushed to the far side because they are actually leveling the field as we're talking.

Councilman Kowal – They are taking advantage of the mild winter and it will look pretty good.

Supervisor Sweeton – The intent there is to do a softball field in the back and the soccer field that we talked about in the front.

#### COUNCILMAN GERSTNER REPORT

1. Mike Cipolla our Recreation Chairman has called for a meeting of the Recreation Committee on March 8<sup>th</sup> following our Town Board meeting to get ready for our season.

#### COUNCILMAN SHUBACK REPORT

1. With the nice weather we've had the Town Highway Department is working in Greenwood Lake enlarging and making a new baseball field and they're doing a lot of brush cutting and starting to catch up a little bit and they work pretty hard.

ATTORNEY'S REPORT – Absent

#### TOWN CLERK'S REPORT

1. Fees Collected – Month of January, 2012 - Copy of Map, \$5.00; Code Book Updates, \$70.00; Certified Marriages, \$130.00; Photocopies, \$11.00; Carters Permits, \$900.00; Police Impound Fees, \$420.00; Use of Kitchen Fee, \$50.00; Interest in Checking Account for Month of December, \$0.60; Dog Impoundment Fees, \$210.00; Town Park Pavilion Fee, \$150.00; Marriage License Fees, \$87.50; Bell Jar Permits, \$20.00; Games of Chance Permits, \$10.00; Cascade Park Trail Map, \$5.00; Conservation Licenses, \$18.60; Dog Licenses Issued/Renewed, \$2,437.00; Use of Room Fees, \$420.00; Registrar Fees, \$210.00; Waterfront Park Wedding Permit Fee, \$30.00; Town Park Deposits, \$50.00; Little League Field Deposits, \$200.00. Total Fees Collected - \$7,431.60
2. Fees Paid – Month of January, 2012 – NYS Dept. of Health for Marriage Licenses, \$112.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$303.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$386.40; NYS Comptroller for Bell Jar Permits, \$30.00; NYS Comptroller for Games of Chance Permits, \$15.00; Village of Greenwood Lake for Registrar Fees, \$100.00; Village of Warwick for Registrar Fees, \$1,050.00. Total Fees Paid to Supervisor - \$5,434.70.

#### SUPERVISOR'S REPORT

1. As you know we are part of the municipal consortium that are opposing Orange & Rockland's latest rate case for rate increases. They have proposed a three year rate increase which is what they did last time and we got down to a one year with some good savings in it. This year they filed a case and currently they're in negotiations with the PSC staff on a settlement agreement and of course it's going to be impacted by the storm costs that they incurred to recover from both Irene and

Lee as well as the Halloween snow storm. Their rate increase while we were successful in negotiations so far in getting it reduced from 17 million to 6 million that number will now climb because those original costs of the storm recovery are not included. They proposed a five year recovery of those costs which will of course impact rates across the board residential, commercial and municipal. The agreement is not finalized they have not reached a final agreement yet, we'll keep everybody abreast of it as it goes on but we certainly feel for the Boards knowledge our participation in the consortium has helped dampen the increases that they have been able to get and reduced the rate of the return number that they were asking for as opposed to what they ended up ultimately getting last time and will get this time. It's been money well spent on behalf of all of our residents and I'll keep you abreast of that.

2. FEMA update, Commissioner you can fill in anything that you need to but FEMA kind of had been slow in this response to Irene and Lee on the municipal side very tardy in their efforts to get authorization to us to do some of the projects beyond the emergency work that we did. They've since revamped about a month ago and they have been extremely diligent in working with us. They've written a stack of project work orders on the various projects and authorized us to move forward on designs for at least two major ones which are the Cascade Road Bridge where we have a temporary bridge so we're doing design work for that now and also the Brady Road where it comes into Cascade area there's a culvert damaged and the road is precarious in spots and it's barricaded off. They've authorized us to do the design for that repair and we're working on the other ones as well. I think you'll start to see now some work happening to that fashion as these designs come in. FEMA seemed intent in their new people getting us most importantly the money but also the authority to proceed with the fixes.

3. Just an update on the Appalachian Trail preparations as we mentioned before we're the first community in New York State to be designated an Appalachian Trail Community and we're very proud of that. Warwick was one of the first communities in New York to protect the Appalachian Trail properties adjacent to it in its zoning in 1976. We're proud of this and we're going to have a celebration event tentatively on June 30<sup>th</sup> and it will be held at the trailhead atop of Bellvale Mountain and there will be a lot of activities going on. As part of that the National Park Service has finally issued bid documents for the removal of the structures that are up there on the land that they've acquired that have gone in disrepair in the past 8 or 10 years. Those will be removed prior to the event that's going to happen so that's really good news. We met this week with the park service and a bunch of contractors who are bidding on the job and we hope to have all of those structures removed by the end of May and that will give us a good month to do work in conjunction with the Appalachian Trail Conference which is a group of volunteers charged with monitoring the Appalachian Trail in various sections along its length. We work with the New York/New Jersey Trail Conference so they will be bringing up some volunteers to do some work. Once the buildings are out of the way they are going to shift where the trail comes out so it more readily lines up with the crossing of 17A. That's exciting and we'll have more information about that as it gets closer but I just wanted to let everybody know that, that work is progressing

because I know the issue of the buildings was one that we have been pursuing for the last two years.

4. Sugar Loaf Sunday Socials is on our Channel 21 and the dates are here but for the public they're having these Sunday suppers at the Orange County Citizens Foundation just down the road off of Kings Highway. If you can get there the proceeds benefit the farm workers who were affected by the hurricanes this fall as well. A lot of the aid raised went to the farm operations themselves but not the farm workers so this is helping them get through until they can get into the fields again this spring. I think the next one is coming up on Sunday, February 26<sup>th</sup> at 4:30 p.m. and I think it's a \$35 charge.

5. The monthly budget review and journal entries there were no journal entries between this meeting and the last one so I don't have anything to report on that.

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

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

There were no comments or questions on the agenda items.

**NEW BUSINESS:**

**#R2012-85 ADOPT LOCAL LAW #1 OF 2012 – AMENDING CHAPTER 77,  
“DOGS” OF THE TOWN CODE OF THE TOWN OF WARWICK –  
INCREASING PENALTIES FOR OFFENSES AND IMPOUNDMENT  
FEES**

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

WHEREAS, a Local Law Amending Chapter 77, “Dogs” of the Code of the Town of Warwick to increase penalties for offenses and impoundment fees was introduced on January 19, 2012, and

WHEREAS, a public hearing was held on February 3, 2012, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of the said local law is in the public interest,

NOW THEREFORE BE IT RESOLVED that the said local law amending Chapter 77 “Dogs” of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

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

**#R2012-86 AUTHORIZATION FOR USE OF THOMAS P. MORAHAN  
WATERFRONT PARK FOR ANNUAL CREW REGATTA –  
ORANGE/ULSTER CHAMPIONSHIPS**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the use of the Thomas P. Morahan Waterfront Park from 2:00 p.m. to 8:00 p.m. on Wednesday, May 16, 2012 to the Warwick Valley High School Crew Club for their annual Crew Club Regatta. They will be co-hosting the Orange/Ulster Championships with the Tuxedo Crew Club subject to proper insurance, adequate port-a-johns, traffic control, overflow parking plans, certified lifeguards, safety launch boats and trash removal.

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

**#R2012-87 RE-APPOINTMENT TO AGRICULTURAL & OPEN SPACE  
PRESERVATION BOARD – BILL WADESON**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to re-appoint Bill Wadeson to the Agricultural & Open Space Preservation Board for a five year term expiring March 1, 2017.

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

**Discussion:** Supervisor Sweeton stated that Bill is the Chairman and also the Chairman of the Community Preservation Advisory Committee and is doing a great job following up the preserved farms and helping to rank the future farms. He worked closely with Seymour when Seymour was Chairman and it's great that he's staying on.

**#R2012-88 APPROVAL TO INCREASE THE WAR WICK INTER-MUNICIPAL  
TRANSPORTATION SERVICE FARES– DIAL-A-BUS**

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to approve the proposed increases for the Warwick Inter-Municipal Transportation Service from \$0.50 to \$1.00 for the Seniors/Disabled fare and from \$1.00 to \$2.00 for the Standard fare.

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

**Discussion:** Supervisor Sweeton stated that will take effect March 1, 2012.

**#R2012-89 BUDGET TRANSFER – BOOKKEEPER**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to approve the following Bookkeeper budget transfer to purchase land in the Bellvale Water District as per resolution #R2011-259 (SBL# 56-1-1.12):

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Unexpended Balance (SW1-1000)	Equipment Land Purchase (SW1-8340.225)	\$5,310.00

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

**Discussion:** Supervisor Sweeton stated for the publics information this was a subject of discussion two or three months ago there were two parcels up for back taxes. This parcel surrounds the well at the Bellvale Water System and that is why this is transferred to make that purchase from the County.

**#R2012-90 SUPPORT FOR GREENWOOD LAKE SCHOOL DISTRICT  
STUDENTS TO ATTEND THE WARWICK VALLEY CENTRAL  
HIGH SCHOOL**

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

WHEREAS the Greenwood Lake School District is wholly within the Town of Warwick and;

**WHEREAS** the students within the Greenwood Lake School District are Town of Warwick residents and;

**WHEREAS** the high school students would receive an excellent educational experience at Warwick Valley High School while the taxpayer of the GWL school district would receive substantial tax relief from a lower tuition rate and;

**WHEREAS** the Warwick Valley Central School District will be an improved district with the addition of Greenwood Lake high school students;

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Warwick does hereby urge the high school students of the GWL school district to join their peers from across the Town of Warwick in attending the Warwick Valley school system through a transition process developed cooperatively with all three affected school districts.

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

**Discussion:** Supervisor Sweeton stated that this is a continuing discussion going on in the Greenwood Lake School District at the moment. Currently since Greenwood Lake has no high school their students attend Baker High which is an excellent school in Tuxedo but at a cost substantially higher then what they could tuition to Warwick for and we believe the experience they'll get in Warwick is beneficial. We believe that since they are residents of the Town of Warwick and our kids they aught to go to our school and that's why I think this Board supports that effort and would urge the Greenwood Lake School District to agree with us and make that decision but clearly it's their decision and we're just supporting that kids come here.

**Councilman Gerstner** – This Board supported the previous one also.

**Supervisor Sweeton** – Correct, four years ago.

**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 Shuback, seconded Councilman Gerstner to enter into an executive session for the purpose of discussing contractual negotiations.

Motion Carried (5 ayes, 0 nays) 1:20 p.m.

**RE-CONVENE:** Motion Councilman Gerstner, seconded Councilman Shuback that the regular meeting be re-convened. Motion Carried (5 ayes, 0 nays) 1:40 p.m.

**ADJOURN:** Motion Councilman Gerstner, seconded Councilman Shuback that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 1:41 p.m.

02-16-12

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Carolyn Purta, Deputy Town Clerk

