

February 27, 2014

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, February 27, 2014 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

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

DPW Commissioner, Jeff Feagles  
Police Chief, Thomas F. McGovern  
Police Lieutenant, John Rader

**ACCEPTANCE OF MINUTES**

**1. Regular Meeting, February 13, 2014**

Motion Councilman Shuback, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on February 13, 2014.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**KELLEY A. ROHDE, RMC – Borough Clerk, Borough of Ringwood, 60 Margaret King Avenue, Ringwood, NJ – Notice that an ordinance (No. 2014-#1) to amend and supplement the revised general ordinances of the Borough of Ringwood by adding Chapter XLI entitled “ Highlands Area Exemptions” to regulate the manner in which the Borough may approve applications that are exempt from Highlands regulations was introduced and passed first reading at a Meeting of the Municipal Council of the Borough of Ringwood on Tuesday, January 21, 2014 and will be considered for final passage at a Business Meeting of said Municipal Council of the Borough of Ringwood to be held Tuesday, March 4, 2014 at 8:00 p.m. at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all interested persons will be given an opportunity to be heard.**

**CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Town Board requesting a refund on the remaining balance of an escrow in the amount of \$417.25 to Planning Board applicant, Marie Pennings.**

**SUZYN BARRON – President, Warwick Valley Humane Society – Letter to the Town Board requesting that Laura Trezza be appointed as an Animal Control Officer.**

**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>
DRAINAGE	Snow removal	Kings Estates & GWL Village
DITCH WORK	Penaluna Rd.	Clear ditch of snow
POT HOLES	Town wide	As needed
SNOW PLOWING	2/15,2/17,2/19,2/21	Plow & sand roads
ROAD SIGNS	Town wide	As needed
MAIL BOXES	Town wide	As needed
WATER DEPT.	Park Dr.	Repair service line

**ENVIRONMENTAL CONSULTANTS REPORT**

**COUNCILMAN DE ANGELO REPORT**

1. The Warwick Valley Humane Society is in need of canned, ground cat food pate, and natural wood stove pellets for litter. They have over 130 cats and they are having a hard time keeping them fed and the litter boxes clean.

2. I have two letters and one is from a local citizen to the Chief of Police, Tom McGovern and it was expressing their appreciation to Detective Tetzlaff on how well he handled the matter with sympathy and reassurance. The second letter is from one of the trustees in the Village of Warwick who was a witness to a crime in Warwick. Rather than read the letter what she said was "While it was very disturbing to be a witness to a crime I'm very encouraged that the response, professionalism and compassion of Officers Urso, Lukach and Oresto. They are an asset to the Warwick Police Department and as a resident of the Town of Warwick I am very happy they are looking out and protecting the residents of Warwick.

**COUNCILMAN KOWAL REPORT**

**COUNCILMAN GERSTNER REPORT**

1. We are working and gaining ground rapidly now for our installation to upgrade our payroll system and the Supervisor has been helping me with that and I appreciate that. We will be training on the 5<sup>th</sup> and 6<sup>th</sup> of March for that.

2. The Goodwill Hook and Ladder Company will be having their clam bake this Saturday, March 1<sup>st</sup> at Station 1. Tickets are limited but you may still be able to reach out to them at 845-986-3356.

3. With this cold weather we ask people to check on the elderly and those who may need assistance.

**COUNCILMAN SHUBACK REPORT**

1. The same old thing, we are having a lot of overtime and salt and sand being used.

Supervisor Sweeton – We do have ample salt on hand, we did get some deliveries correct Commissioner?

Commissioner Feagles – Yes.

**ATTORNEY’S REPORT**

**TOWN CLERK’S REPORT**

1. Amended bid results are listed below for a variety of used DPW vehicles that were advertised for sale. Bid opening was held on February 11, 2014.

	Randy Specht 102 Covered Bridge Rd. Warwick, NY 10990 (845) 986-1052	Mike Holodinski 78 Newport Bridge Rd. Warwick, NY 10990 (845) 986-1349	Carl Salomon 403 Old Liberty Rd Monticello, NY 12701 (845) 794-4290	Robert Morse Sr. 39 Woodside Dr. Warwick, NY10990 (845) 986-3965
• 1987 FORD BACKHOE C774775	\$1,655.00 *	\$501.00	\$1,633.00	\$501.00
• 1989 GMC MASON DUMP Vin# 1GDHV34K8KJ510767	\$555.00	\$301.00	_____	\$1,266.00 *
• 2001 DODGE MASON DUMP Vin# 3B6MF36631M261977	\$555.00	\$1,777.00	\$2,323.00 *	\$1,667.00
• 1997 FORD CREW CAB Vin# 1FTJW36H6VEB36385	\$444.00 *	\$101.00	_____	_____
• 1997 DODGE VAN Vin# 2B7HB21X9VK545396	\$333.00 *	\$76.00	_____	_____
• 1994 INTERNATIONAL	\$555.00 *	\$101.00	_____	_____

**SUPERVISOR’S REPORT**

1. We did receive a \$50,000 grant through the office of Senator Bonacic from New York State to go toward a rebuilding of a parking lot at the Thomas P. Morahan Beach. Right now it’s a gravel surface and we are going to put in potentially permeable pavers to make that a harder and more durable surface. We thank the Senator for his efforts to secure that grant.

2. I want to remind everybody that they are talking about potential snow Sunday into Monday. We still have snow regulations in effect and you can’t park on town roads prior to a storm and for 24 hours after the storm. This helps us get

the areas opened up faster, safer so we just remind residents especially in the tighter neighborhoods to please make sure your vehicle is off the road.

3. Many of us Councilman Kowal, Gerstner, DeAngelo and myself attended the Association of Towns Conference this past week in New York. Just a couple of items that came out of that conference working with Supervisor Dan Depew from the Town of Wallkill we were able to get on the agenda to get supported by the Association a current Senate bill that will require registered sex offenders to register their primary and secondary residents. There was actually a case that occurred in Wallkill so I think that was a good effort to get the support from the Association. Another item discussed there was Governor Cuomo's proposal for a property tax freeze and it remains to be seen if the Governor will get it in the form that he proposed it, which is essentially a rebate to taxpayers of any amount between 0 and 2% for a community that keeps their budget under the cap, which we have done since the caps inception. In the first year that's a good thing. The second year the state will only do that if you've submitted a plan to the state for consolidation with an adjoining municipality in the case of towns and villages or in the case of school districts with school districts. We're not sure how that's going to play out yet in terms of consolidation from the municipal standpoint. We've consolidated with many of our villages on different services so we don't get any benefit or credit for those consolidations going forward with the state. We're not sure how the program is going to run, they're not sure how the programs going to run and we're not sure he's going to get the support to pass it, but we'll see. It's his effort I think to consolidate school districts which we could argue it may be a good thing or not. We will pass on more information on that as the Governor unfolds it.

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

5. There is a resolution that I will propose tonight that is not on the agenda just so you have a heads up on it. We received this late from Assemblyman Kieran Lalor's office. As you know the Governor will be announcing his budget shortly and one other proposal he has is to eliminate the corporate income taxes on manufacturers everywhere except the MTA region. We happen to be in the MTA region so it puts the five counties in the MTA region at a distinct disadvantage to other counties in New York for attracting manufacturing firms. I have a resolution tonight to join with other municipalities in Orange County to oppose the Governors plan to exempt the MTA region from this. We'd like him to eliminate the corporate tax but not just in those areas outside of our counties.

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

There were no comments or questions on the agenda items.

#### **NEW BUSINESS:**

**#R2014-89 AUTHORIZATION TO SIGN 2013 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 2013 Service Award Program Certificate form for the Greenwood Lake Volunteer Ambulance Corp. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2014-90 AMEND RESOLUTION #R2014-85 - ACCEPT BIDS – USED DPW VEHICLES**

**Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution to amend resolution #R2014-85 by changing the accepted bid for the 2001 Dodge Mason Dump VIN# 3B6MF36631M261977 from Mike Holodinski in the amount of \$1,777.00 to accepting the bid from Carl Salomon in the amount of \$2,323.00. Also changing the accepted bid for a 1989 GMC Mason Dump Vin# 1GDHV34K8KJ510767 from Carl Salomon in the amount of \$2,323.00 to accepting the bid from Robert Morse Sr. in the amount of \$1,266.00.**

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

**#R2014-91 SETTLING OF TAX CERTIORARI – H & M CORP. OF WARWICK**

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

**WHEREAS, a Petition and Notice of Petition for taxation for the 2014 tax year (March 1, 2013 Taxable Status Date), for the 2013 tax year (March 1, 2012 Taxable Status Date) and for the 2012 tax year (March 1, 2011 Taxable Status Date) of the real estate owned by H & M Corp. of Warwick (the "Petitioner") in the Town of Warwick, County of Orange, State of New York, Tax Map No. 49-2-16, was served upon the Town Assessor and the Board of Assessment Review of the Town of Warwick (the "Respondents") on or about August 14, 2013, August 9, 2012, and August 2, 2011, respectively, and**

**WHEREAS, said Respondents, with the assistance of Beattie & Krahulik ("Special Counsel"), having duly made and filed their Appearance to said Petition, and**

**WHEREAS, the Respondents have utilized the assistance of Town Assessor to review the assessment placed on said property, and**

**WHEREAS, the Respondents and said property owners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:**

- (a) The parties have agreed that for the 2013 assessment roll, the assessment of \$125,000.00 should be reduced to \$101,000.00, based upon a Fifteen and One-Half Percent (15.5%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and**
- (b) The parties have agreed that for the 2012 assessment roll,**

**the assessment of \$125,000.00 should be reduced to \$101,000.00, based upon a Fifteen Percent ( 15.0%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and**

- (c) **The parties have agreed that for the 2011 assessment roll, the assessment of \$125,000.00 shall be reduced to \$101,000.00, based upon a Fourteen Percent (14.0%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid to each of the Town, County and all applicable school districts and special districts, and**
- (d) **That the assessment be fixed for three (3) years pursuant to Real Property Tax Law Section 727.**

**WHEREAS, it appears to be in the best interests of the Town of Warwick to settle said matters as recommended by the Town Assessor and Special Counsel of the Town without further attendant legal and appraisal costs relating to said matters,**

**NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Warwick in regular session duly convened as follows:**

- 1. The Special Counsel of the Town of Warwick is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for 2011, 2012 and 2013 as aforesaid to execute stipulations of discontinuance of the said proceedings.**
- 2. This Resolution shall take effect immediately.**

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

**#R2014-92 ACCEPT PROPOSAL – JESSUP ROAD AND BOWEN ROAD  
CULVERT REPLACEMENT PROJECTS**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to accept the proposal from Schmick Surveying, Inc. in conjunction with John A. McGloin, P.L.S., 25 Railroad Ave., Warwick, NY 10990 in an amount not to exceed \$8,800.00 to provide survey data and mapping for culvert projects for approximately 580 feet along Jessup Road and approximately 1080 feet along Bowen Road.**

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

**Discussion: Supervisor Sweeton stated that these were for replacement culvert projects approved by FEMA.**

**#R2014-93 AUTHORIZATION TO SIGN MEMORANDUM OF UNDERSTANDING FOR AMBULANCE SERVICES – WARWICK AMBULANCE CORP**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign the Memorandum of Understanding Agreement for ambulance services with the Warwick Community Ambulance Corp. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton thanked them for their service to the Town of Warwick residents.**

**#R2014-94 AUTHORIZATION TO SIGN MEMORANDUM OF UNDERSTANDING FOR AMBULANCE SERVICES – GREENWOOD LAKE AMBULANCE, INC.**

**Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize the Supervisor to sign the Memorandum of Understanding Agreement for ambulance services with Greenwood Lake Ambulance. Inc. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton thanked them for their service in that area of our Town.**

**#R2014-95 AUTHORIZATION TO SIGN AGREEMENT WITH THE VILLAGE OF FLORIDA – CONTROL OF SNOW AND ICE ON GLENMERE ROAD**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign an agreement with the Village of Florida for the control of snow and ice on Glenmere Road for the sum of \$4,000.00. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that this is a small stretch of road that's owned by the town between Chester and the Village of Florida and this will save us in terms of time and equipment for us to go there and plow that small section. We have a similar agreement with the Town of Tuxedo for an area by sterling forest and this will be for a period of one year.**

**#R2014-96 AUTHORIZE ESCROW REFUND – MARIE PENNING**

**Motion Councilman Gerstner, seconded Councilman Kowal to adopt a resolution to authorize an escrow refund in the amount of \$417.25, the balance of the escrow for SBL# 51-1-28.1, to Planning Board applicant Marie Pennings as per**

**the recommendation of the Planning Board Secretary; letter dated February 6, 2014.**

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

**#R2014-97 AMEND RESOLUTION #R2014-57 – APPOINTMENT OF ZONING BOARD OF APPEALS SECRETARY – PAMELA CARROLL**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to amend resolution #R2014-57 by changing the rate of pay of \$11.09 per hour to \$11.30 per hour.**

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

**Discussion: Supervisor Sweeton stated that this was an inadvertent error when the resolution was originally crafted and it was approved in the budget to pay her at the \$11.30 per hour rate.**

**#R2014-98 SCHEDULE PUBLIC HEARING – EXPANSION OF PINE ISLAND WATER DISTRICT**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing on the expansion of the Pine Island Water District. Said public hearing to be held on Thursday, March 13, 2014, at 7:00 p.m., or as soon thereafter as the matter may be heard 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 this is for one parcel that asked to join the Pine Island Water District. It is the Valero Gas Station in Pine Island on the corner. I believe the Orange County Health Department has also requested that they hook into the water system. The hearing will have that as a subject and we do have before us the engineering report prepared by MJS Engineering on behalf of their client that demonstrates that there's ample supply of water in the district to service. This will be a benefit to the district in terms of adding another parcel to share in the cost of the district.**

**#R2014-99 ESTABLISH LEAD AGENCY – PINE ISLAND WATER DISTRICT**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution establishing Lead Agency for the proposed district expansion of the Pine Island Water District:**

**WHEREAS, the Town Board of the Town of Warwick is considering expansion of the Pine Island Water District to include an additional parcel located at 642 County Route 1 (SBL#14-2-1), Town of Warwick, Orange County, New York; and**

**WHEREAS, an Environmental Assessment Form (EAF) dated 2/27/14 has been reviewed by the Town Board; and**

**WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action, and**

**WHEREAS, the Town Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed and considered by the Town Board; and**

**WHEREAS, after examining the EAF, the Town Board has determined that there are other involved and/or federal agencies on this matter including the NYS Department of Environmental Conservation and Transportation and the Orange County Department of Health,**

**NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby declares its intent to be Lead Agency for the review of this action; and**

**BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and**

**BE IT FURTHER RESOLVED, that unless an objection to the Town Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Town Board will become lead agency for the review of this action. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2014-100 APPOINTMENT OF ANIMAL CONTROL OFFICER – LAURA TREZZA**

**Motion Councilman DeAngelo, Councilman Gerstner to adopt a resolution to appoint Laura Trezza as a Town of Warwick Animal Control Officer effective February 27, 2014 for the remainder of the 2014 calendar year.**

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

**#R2014-101 REQUEST THAT COUNTIES IN THE MTA REGION BE INCLUDED IN THE NYS PROVISION THAT WOULD ELIMINATE THE CORPORATE INCOME TAX ON MANUFACTURERS**

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

**WHEREAS, the proposed 2014-15 New York State budget includes a provision that would eliminate the corporate income tax on manufacturers for all of the state except for counties in the MTA Region, including Orange County.**

**WHEREAS, this proposal will drive manufacturing jobs out of our communities. A manufacturing business in Orange County would pay a 6.5% corporate tax, while a business in Ulster or Columbia County would have no corporate tax.**

**WHEREAS, the Poughkeepsie-Newburgh-Middletown metro area is one of only two New York regions to lose private-sector jobs in 2013.**

**WHEREAS, proposals to split New York State into separate tax zones are divisive and pit New Yorkers against each other.**

**NOW THEREFORE LET IT BE RESOLVED, That the TOWN OF WARWICK memorializes the State Senate, Assembly and Governor to include all of New York, including the counties in the MTA Region, in the elimination of the corporate tax on manufacturers. Copies of this resolution to be forwarded to New York State Senators John J. Bonacic, William J. Larkin; New York State Assemblyman James Skoufis and Assemblyman Kieran Michael Lalor, District 105. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Councilman Gerstner introduced Mike Cipolla, our Town of Warwick Recreation Commission Chairman, who was here to attend a Rec. meeting.**

**Paula Cornine – Resident, Town of Warwick, NY 10990 - What is the MTA region and who put us in it?**

**Supervisor Sweeton – The State of New York and we are in the five county region Westchester, Rockland, Orange, Putnam and Dutchess and they are areas that are served by the MTA. Although we only have a quarter of a person representation on the MTA Board so it's been a fight that's ongoing with the MTA and the State of New York. This is just another slap at what is called downstate. We use to think we were upstate because we were out of New York City but now we're down state from everything else apparently. In the Governor's scheme to revive New York in his vision downstate doesn't play a big role in it because we apparently are economically sound where the rest of New York is not. We know that we are burdened equally if not more by the burdens of New York State so we disagree with the Governor on a lot of issues and this is a big one. It's an insult that he imposed; an MTA tax on the communities in the MTA region and this is just another slap. It probably doesn't have as big an effect on Orange County as it does on say Dutchess or Putnam which will be adjacent to counties that will have no tax on their manufacturing. We have it in Sullivan but I don't know how many manufacturers are relocating there. We're just opposed on philosophical reasons. It's unfair to create different tax zones in New York State and that's why we're supporting a call for our legislators to oppose it.**

**Paula Cornine – I agree with the way your going about trying to reverse the unjust decision but also maybe try a backdoor entry to get us out of that listing. I know on our phone bill we have an MTA tax.**

**Supervisor Sweeton – Yes and lots.**

**Paula Cornine – We don't commute into the City and if we did I'm sure that we'd be paying tolls and people pay enough.**

**Supervisor Sweeton - So we will oppose it.**

**Paula Cornine – Maybe like I said use some type of backdoor approach to see how they arbitrarily decided to put us as downstate.**

**Supervisor Sweeton – We are serviced by some MTA services and the question is what's the value of those services in relation to what money we put into the MTA and at this point in time Orange County...**

**Paula Cornine – What MTA services; the buses?**

**Supervisor Sweeton – The Metro North.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:55 p.m.  
02-27-14 CP.**

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**Marjorie Quackenbush, Town Clerk**