

March 12, 2015

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, March 12, 2015 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 – Absent
Councilman James Gerstner
Councilman Mickey Shuback

Attorney for the Town, Jay Myrow
DPW Commissioner, Jeff Feagles

ACCEPTANCE OF MINUTES

1. Regular Meeting, February 26, 2015

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on February 26, 2015. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal)

CORRESPONDENCE:

NEIL WINTER – Section Manager Public Affairs, Orange & Rockland Utilities, Inc., One Blue Hill Plaza, Pearl River, NY 10965 – Letter to the Town Clerk announcing that Dig Safely New York, Inc. is hosting its 2015 Excavator Safety Seminars. These are free damage prevention training sessions that can bring new insights on how to approach safety regarding underground facilities. The seminars are scheduled for March 18th in Fishkill, NY and March 19th in Middletown, NY. For more information and to register online, go to digsafelyny.com.

PHILIP MARKOWITZ, ESQ. – 3 Wood Lane, Suffern, NY 10901 – Letter to the Supervisor stating “Please accept this letter in acknowledgment of your agreement to allow my client, Ryanco LLC, to grind tree stumps on site (the “Work”), specifically, at the property located at 107 Penaluna Road, Warwick, New York (the “Property”), pursuant to that letter from you to me dated February 17, 2015 (the “Letter,” a copy of which is enclosed)”.

MATTHEW J. DOIRON – 60 Wickham Drive, Warwick, NY 10990 – Letter to the Supervisor stating his desire to be appointed to the Shade Tree Commission.

MARIA BOZZONE – 13 Lodge Drive, Greenwood Lake, NY 10925 - Letter to the Supervisor advising him that she has withdrawn her planning board project for the site plan approved for the construction and use of a steel elevated driveway, situated on tax parcel SBL# 73-9-30.21 located at 13 Lodge Drive, Greenwood Lake. Please refund the 4% inspection fee in the amount of \$5,885.55.

JAMES OBROTKA – Building Inspector, Town of Warwick – Letter to the Supervisor asking for the Town Board to declare 9 California Rd., (SBL#64-3-12.2), record of owner being Ruth Rykowski, unsafe and the dwelling should to be repaired or removed by the owner.

JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board asking for a budget transfer for the Control of Dogs Budget from Spay/Neuter Program (A00.3510.485) to Equipment-Shelter Improvements (A00.3510.201) in the amount of \$1,500.00.

KELLEY A. HALEWICZ, RMC, CMC MUNICIPAL CLERK – Borough Clerk, Borough of Ringwood, 60 Margaret King Avenue, Ringwood, NJ – Notice of Resolution (No. 2015-82) opposing a proposed pipeline (Pilgrim Pipeline Project) through the designated Highlands Preservation in New Jersey.

BOARD’S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton – A couple of the items one from Attorney Markowitz and applicant Maria Bozzone both will be subject to later discussion during the resolutions.

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>
POT HOLES	Town wide	As needed
SNOW PLOWING	Town wide	2/21, 2/22, 2/26, 3/1, 3/2, 3/3, 3/4, 3/5, & 3/6 storms
MAIL BOXES HAUL MATERIAL	Town wide Road grit	As needed To stockpile

PARKS DEPARTMENT

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - February, 2015

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	1,577,300 gal
Average daily use	56,300 gal
Sodium Hypochlorite used	180 qt
Orthophosphate used	60 qt
Caustic Soda	490 gal

Bellvale Park Water District

Total monthly production	68,400 gal
Average daily use	2,400 gal
Sodium Hypochlorite used	0 qt

Eurich Heights Water District

Total monthly production	165,600 gal
Average daily use	5,900 gal
Sodium Hypochlorite used	12 qt
Orthophosphate used	0 qt

Pine Island Water District

Total monthly production	181,900 gal
Average daily use	6,500 gal
Sodium Hypochlorite used	11 qt

Westside #1 Water District

Total monthly production	1,019,500 gal
Average daily use	36,400 gal
Sodium Hypochlorite used	132 qt
Orthophosphate used	24 qt
Caustic Soda	0 gal

The Fairgrounds

Total monthly production	10,600 gal
Average daily use	7,200 gal
Sodium Hypochlorite used	10 qt

The Warwick Tech Park

Total monthly production	6,200 gal
Average daily use	3,600 gal
Sodium Hypochlorite used	20 qt

Sewer District #1 Wastewater Treatment Facility

Warwick Tech Park	5200 gal	0%
Wickham Village District	1,659,673 gal	52%
Kings Estates District	1,502,497 gal	48%
<u>Total District Flow</u>	3,162,170 gal	100%
<u>Average Daily Flow</u>	112,935 gal	

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 10 hrs. and .5 gal of polymer was used.

0 cu. Yd. of sludge and .4 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	186,760 gal
<u>Average Daily Flow</u>	6,670 gal

COUNCILMAN DE ANGELO REPORT

1. The Warwick Valley Humane Society is celebrating Animal Awareness Month the month of April. They are going to be raising money selling orange bracelets and that money will go to the Princess Fund. She was an 80 pound St. Bernard who was starved and froze to death at a weight of only 30 pounds. The Princess Fund helps animals of abuse and neglect. Any donations made the Princess Fund can be sent to the Warwick Valley Humane. They are always looking for supplies for their 100 plus cats. They need ground cat food or Friskies Pate, garbage bags, bleach, paper towels and any monetary donations that you would like to make would be appreciated.

COUNCILMAN KOWAL REPORT – Absent

COUNCILMAN GERSTNER REPORT

1. Our Recreation Commission Chairman, Mike Cipolla, Russ Kowal, myself and Deputy Commissioner Roe met with the organized sports leagues last week. We got some discussions going and they are getting ready for the spring. It was a very good meeting and everyone is working together and it's going well.

2. This Sunday, March 15th the Excelsior Hose Company will be hosting a corned beef and cabbage dinner at Station 1 starting at 3pm.

COUNCILMAN SHUBACK REPORT

1. The only thing I have to say is that I was right; we ran over budget with salt, sand and overtime and I do not have a figure on it yet.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. Fees Collected - February, 2015 – Film & Video Production Permit Fee, \$750.00; Copies of Maps, \$80.00; Certified Marriages, \$30.00; Photocopies, \$2.00; Postage, \$0.96; Carters Permit Fees, \$1,600.00; Use of Kitchen Fees, \$100.00; Use of Senior Room Fees, \$150.00; Interest in Town Clerk’s Checking Account for Month of January, \$0.04; Dog Impoundment Fees, \$370.00; Town Park Pavilion Fees, \$300.00; Athletic Field Permit Fee, \$50.00; Marriage License Fees, \$52.50; Road Maps, \$3.00; Conservation Licenses, \$9.98; Dog Licenses Issued/Renewed, \$1,826.00; Use of Large Room Fees, \$360.00; Police Impound Fee, \$65.00; Town Park Deposits, \$250.00; Little League Deposit, \$200.00. Total Fees Collected: \$8,655.00

2. Fees Paid - February, 2015 – New York State Dept. of Health for Marriage Licenses, \$67.50; New York State Dept. of Ag & Markets for Spay/Neuter Program, \$233.00; New York State Department of Environmental Conservation for Conservation Licenses, \$475.02; Village of Florida for Registrar Fees, \$150.00; Village of Warwick for Registrar Fees, \$1,270.00. Total Fees Paid to the Supervisor, \$6,459.48

SUPERVISOR’S REPORT

1. The ongoing issue of the potential cell tower at the Pine Island Fire District - I want to remind people that the Town Planning Board had issued an opinion on the determination by the Fire Commissioners that they were exempt and immune from zoning under the County of Monroe balancing test and therefore would act as lead agency. The Town Planning Board analyzed that decision and offered the opinion that in fact they were not immune and that they had not demonstrated that they were immune. Therefore, they challenged the lead agency status that the Fire Commissioners had declared. The process is that dispute goes to the New York State DEC Commissioner and the Commissioner did render a ruling late last week. That ruling was that the designation on lead agency should be the Town Planning Board under the criteria by which lead agencies are determined the Planning Board had the broadest governmental powers to investigate the impacts of the proposed communications tower and the capability to provide the most thorough environmental assessment. That decision was delivered to the Town Planning Board, the Town and the Fire Commissioners and AT&T. I understand the Fire Commissioners don’t meet until next week to discuss the ramifications of that. Essentially what it would mean is it doesn’t resolve the issue of immunity because that’s not what it was addressing. It does, however, say that any environmental analysis under SEQRA must be done by the Town Planning Board. At this point it’s really in the hands of AT&T and the Fire Commissioners as to how they want to proceed with the Article 78 which has been filed by the Town and I understand a group of homeowners which we have agreed to an extended time for response to accommodate the DEC’s wishes that the parties meet to look for a resolution. The parties have met several times and have not arrived at any solution so it will be in the hands of AT&T and the Fire Commissioners to decide what their next step is. Certainly the Planning Board and I think the Town Board believes that the Planning Board was the best agency in which to conduct the SEQRA so we are certainly gratified that the Commissioner also saw that. We are still all in agreement that we need better communication service in Pine Island and that it would be good to have some revenue flowing to the Fire District from that

communications. Now we await to see what AT&T and the Fire Commissioners want to do.

2. Mid Orange Property Update - On March 30th from 7:00 p.m. to 9:00 p.m. there will be a public forum to look at the public lands that are part of that acquisition to see and solicit input from residents as to what they would like to see out there. We hope that people attend that and hopefully we can get that publicized. Now that most of the logistics of the infrastructure work and the economic development work is well under way we felt it was time to do that as we move into the good season when we want people to get out and enjoy some of that beautiful property. Mark that on your calendars if you can. On the economic development side of that, we met with O&R and we have a proposal with them to extend gas and electric service from Kings Highway into the property and out to the pad sites as well as redundant fiber optic cable which will serve the facility that include the existing buildings as well as the 10 pad sites. The LDC has sold one of the pad sites already and has accepted an offer for a second pad site and is in negotiation for the remaining buildings that are not part of the yard complex, so that's all going very well. The yard project has received its final approval before the Planning Board for the work it expects to do this April on his site and he expects to be in full operation by May, so that's exciting as well and we wish them all well.

3. The New Portrait of Agriculture Brochure was issued by Orange County Cornell Cooperative Extension. It's a great brochure that talks about agriculture and gives a lot of statistics on agriculture in Orange County and there are some abbreviated versions of it out on the table in the lobby. If you're interested you should pick it up. It is really good documentation of how vibrant and critical agriculture is to Orange County and certainly the Town of Warwick is a big part of that.

4. Ag District Review - I want to remind people that this is the time for the Ag district review by the County so if you have property that's not in an Ag district and you are actively farming it or someone is and you would like to be in the Ag District now through the end of March is the time you can apply. You can go on the Orange County Government website under Planning and get all the information that you need. It's by March 31st and it's orangecountygov.com/planning.

5. I want to remind people again that AARP is offering the free tax preparation for senior citizens and you can call 211 or 1-800-899-1479. They will be providing time slots for you at the Warwick Reformed Church at 16 Maple Avenue here in Warwick. It's a great service and if you know a senior that needs some help or assistance with that please let them know.

6. The Community Preservation Fund revenues for February were \$59,223.42 which brings the total in the fund to \$5,186,270.49.

7. I did, for the Boards information, review all the journal entries that were done this month and they were all in order, so I did sign off on them.

8. 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:

#R2015-83 SPECIAL EVENT PERMIT – MEMORIAL DAY HERO’S RUN – SCHOLARSHIP FUND

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution granting approval to Heroes in Deed, Inc. for use of Town roads to hold a Memorial Day HERO’S Run (5K, 10K & Kid’s Run) in memory of LTC Jaimie E. Leonard to be held Saturday, May 23, 2015 from 9:00 a.m. to 1 p.m. A Certificate of Insurance is on file in the Town Clerk’s Office. Funds collected from this event are going in a scholarship fund established in her memory. Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this was a brave young lady who was a resident of Warwick who lost her life in the war on terror and this run is well done.

#R2015-84 BUDGET TRANSFER – BOOKKEEPER

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt the following Bookkeeper budget transfer:

FROM	TO	AMOUNT
Spay/Neuter Program (A00.3510.485)	Equipment-Shelter Improvements (A00.3510.201)	\$1,500.00

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that the shelter received an additional grant for the spay/neuter program and then they had an emergency repair of the water system that needed to be done, so that’s why this transfer is happening.

#R2015-85 UNSAFE BUILDING – SCHEDULE HEARING – RYKOWSKI – SBL# 64-3 -12.2

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution to Order to Repair or Remove Structure(s), Tax Map Section 64, Block 3, Lot 12.2:

WHEREAS, the Building Inspector of the Town of Warwick has made a personal inspection of structure(s) located at 9 California Rd., Warwick, New York, designated as Section 64, Block 3, Lot 12.2, of the tax map of the said Town, and has deemed the said structure(s) to be dangerous or unsafe to the public as defined in Chapter 67-3 of the Code of Ordinances and Local Laws of the Town of Warwick,

and such determination has been reported to the Town Board together with the report and recommendations of the Town's Building Inspector, dated March 3, 2015, which reports conclude that the said structure(s) is a hazard to the community; and

WHEREAS, the Town Board of the Town of Warwick, after reviewing said report and the building inspector's determination and recommendation to the Town Board, and having duly deliberated thereon;

BE IT RESOLVED as follows:

The Town Board determines that the structure(s) located at 9 California Rd., in the Town of Warwick, designated as Section 64, Block 3, Lot 12.2, of the Town of Warwick tax map, record owner(s) being Ruth Rykowski and last residing at 9 California Rd., Warwick, NY is unsafe, dangerous, unhealthy and a fire hazard and shall be repaired or removed by the said owner(s); such finding being based on the report and the recommendation of the Building Inspector dated March 3, 2015; and

BE IT FURTHER RESOLVED, that a hearing shall be conducted to consider the affirmance of, modification of or vacatur of this Order. Said hearing shall commence on or about 7:15 PM on April 9, 2015, and shall be conducted at the Town Hall of the Town of Warwick, 132 Kings Highway, Warwick, New York. The Attorney for the Town shall serve notice of the said hearing together with this resolution and the report of the Building Inspector to the owner(s) of record of the said premises or persons having an interest therein; proof of such service shall be delivered to the Town Clerk at or before the opening of the public hearing and such notice of hearing shall be served on the record owner(s) at least five days before the commencement of the public hearing.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that Attorney Myrow has been authorized to have that party served.

#R2015-86 REFUND INSPECTION FEE – MARIA BOZZONE

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the refund of an inspection fee in the amount of \$5,885.55 to Maria Bozzone, 13 Lodge Drive, Greenwood Lake, NY 10925 for site plan approval as she has withdrawn her project.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2015-87 APPOINTMENT TO SHADE TREE COMMISSION – MATTHEW J. DOIRON

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Matthew J. Doiron to the Shade Tree Commission for a three year term expiring March 12, 2018.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that he has some great qualifications and thanked him for his service.

#R2015-88 AUTHORIZATION TO SIGN AGREEMENT WITH RYANCO LLC – TREE STUMP GRINDING – 107 PENALUNA ROAD

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution authorizing the Supervisor to sign an agreement with Ryanco LLC that would allow onsite grinding of tree stumps as the final phase of clean-up at 107 Penaluna Rd. Ryanco will provide a Letter of Credit in the amount of \$20,000.00 as security and escrow in the amount of \$2,500.00. Work is to be completed within three weeks of initial start date to be conducted Monday through Fridays only and between the hours of 9:00 a.m. to 5:00 p.m.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is a piece of property in Greenwood Lake that the town has worked to have cleaned up. The previous owner had a large amount of wood debris and was cited by the DEC and the town. These are the new owners and they have been very cooperative in wanting to clean this up. They have a subdivision approval once they finish and this will allow this to happen fairly quickly under the guise and the good eyes of our inspectors.

#R2015-89 REQUEST FOR REFORM - NEW YORK STATE TAX CAP LAW

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

WHEREAS, New York State is in the process of considering extending the Tax Cap Law, and

WHEREAS, it is the consensus of the Town of Warwick Town Board that as currently designed the tax cap makes it virtually impossible for Towns, Villages and Cities to meet the laws criteria due to mandated expenses such as ever increasing cost of pensions and health care which consumes most of the allowable cap and still make investments in public infrastructure which investments should, therefore, be exempted from the tax cap law, and

WHEREAS, the present tax cap law severely restricts elected officials in the Towns, Villages and Cities of Orange County from performing their fiduciary duties to their residents to effectively provide for:

- Infrastructure improvements and repairs;**
- Road maintenance, repair and renovation, as well as snow removal, which are all required to make streets safe for travel;**
- Capital projects and infrastructure improvements in utilities, transportation, communication that are required to improve quality of life**

and grow our economy and bonding decisions are subject to permissive referendum providing residents a mechanism for residents to reject an infrastructure investment by a local board;

- Expenses derived from consent orders and smart growth initiatives to make communities livable;
- Extraordinary expenses required to respond to public health emergencies and pandemic;

and, therefore, should be exempted from the tax cap law, and

WHEREAS, continued neglect of infrastructure, roads and renovations due to fiscal restraints will only result in dire conditions and more costly repairs and/or possible lawsuits, and

WHEREAS, we further recommend an amendment to the tax cap formula to address disincentives to offer PILOTS, as well as an amendment to address disincentives to consolidate services.

NOW, THEREFORE, BE IT RESOLVED that it is the sincere hope of the Town of Warwick Town Board that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly give serious consideration to important recommendations for reforms of the Tax Cap Law that are hereby put forth, and

BE IT FURTHER RESOLVED that we respectfully request that the New York State representatives listed below advocate for the reforms hereby put forth:

Senator William J. Larkin, Senator, John Bonacic, Assemblyman James Skoufis, Assemblyman Karl Brabenec, Assemblywoman Aileen Gunther, Assemblywoman Claudia Tenney and Assemblyman Frank Skartados and we thank them for their due diligence in this matter.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated the case of capital fund for infrastructure improvements long term improvements is what's being requested to be exempt from the cap. Emergencies like during the storm of Lee and Irene, any emergency repairs made there that you funded when you made your budget going forward when you had to replace infrastructure had to remain under your cap. So it makes it almost impossible to do those things. We are happy to have the cap. We're happy to stay under the cap as we've done every year but it does make it almost impossible to make those investments. We're just asking them because it is up this year for renewal. It is tied to the New York City rent control legislation and we're asking them to give some consideration to that as they do for school districts. The Orange County Associations for Towns, Villages and Cities has also requested that.

#R2015-90 FEE CHANGE FOR FINAL READING OF WATER USE – TOWN OWNED WATER DISTRICTS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to change the fee for a final reading of water use in all Town owned water districts to \$40.00, section 157-5B, as per Chapter section 157-18.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

**#R2015-91 AUTHORIZATION TO SIGN 2014 SERVICE AWARD PROGRAM
CERTIFICATE – WARWICK COMMUNITY AMBULANCE
SERVICE**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign the 2014 Service Award Program Certificate form for the Warwick Community Ambulance Service.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

**#R2015-92 PROCLAMATION – PREVENTION OF ANIMAL CRUELTY
MONTH**

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

WHEREAS, the Warwick Town Board, the citizens of the Town of Warwick and the Warwick Valley Humane Society are concerned with the humane treatment of animals, and

WHEREAS, the kind and humane treatment of animals has a strong correlation to the kind and humane treatment of people, and

WHEREAS, animal cruelty is proven to directly parallel violent and criminal acts on people, and

WHEREAS, together with the Warwick Valley Humane Society, the Town of Warwick urges the vigorous enforcement of existing animal cruelty laws and want to make the public more aware of these laws in hopes of eliminating cruelty to all animals, wild or tame, and

WHEREAS, the month of April has been established as “Prevention of Animal Cruelty Month”

NOW, THEREFORE, I, Michael Sweeton, Supervisor of the Town of Warwick, do hereby proclaim April 2015 “PREVENTION OF ANIMAL CRUELTY MONTH” and call upon all residents to treat any and all animals with kindness, consideration and respect, and to report the abuse, neglect and cruelty of all animals to law enforcement agencies or to the Warwick Valley Humane Society.

Motion Carried (4 ayes, 0 nays, 1 absent - Councilman Kowal absent) Supervisor declared this resolution duly adopted.

BILLS: Motion Councilman DeAngelo, seconded Councilman Gerstner to pay the bills as audited. Motion Carried (4 ayes, 0 nays & 1 absent - Councilman Kowal absent)

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 Shuback, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal absent) 7:53 p.m.
03-12-15 CP.**

Marjorie Quackenbush, Town Clerk