

**April 24, 2014**

**The regular meeting of the Town Board of the Town of Warwick was held on Thursday, April 10, 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

Town Attorney, Jay Myrow  
DPW Commissioner, Jeff Feagles  
Police Chief, Thomas F. McGovern, Jr.

**ACCEPTANCE OF MINUTES**

- 1. Public Hearing, April 10, 2014**
- 2. Regular Meeting, April 10, 2014**
- 3. Special Meeting, April 16, 2014**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing held on April 10, 2014, the Regular Meeting held on April 10, 2014 and the Special Meeting held on April 16, 2014. Motion Carried (5 ayes, 0 nays)**

**CORRESPONDENCE:**

**RON NOWAK – 44 Juniper Circle, Middletown, NY 10940 – Letter to the Town Clerk informing the Town Board that he will not be seeking reappointment to the Recreation Committee as he no longer lives in Warwick.**

**DAVID CHURCH, AICP – Commissioner of Planning, Orange County Department of Planning – Notice to the Town Board regarding the proposed amendments to the Town of Warwick Town Code for Sign regulations Et Al. “The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We have no advisory comments regarding this application.”**

**DENNIS P. MCCONNELL & VIRGINIA L. PASTOR – Request for participation in the Town of Warwick Agricultural Protection Overlay District received by the Town Clerk on April 15, 2014.**

**ELIZABETH A. REILLY – Town Clerk, Town of Chester – Letter and a certified resolution passed by the Town of Chester Town Board at their meeting held on March 12, 2014 to Joe Martens, Commissioner of the New York State Department of Conservation with regard to the Northern Cricket Frog Recovery Plan.**

**WAYNE STEVENS – Building Inspector, Town of Warwick – Letter to the Town Board requesting approval to refund a Building Department application fee in the amount of \$100.00 to Teresa Thomas.**

**BOARD’S DISCUSSION ON CORRESPONDENCE**

Supervisor Sweeton stated that we received a letter from Ron Nowak a long time member of the Towns Recreation Committee. He is not seeking reappointment because he has moved out of Warwick and we thank him for his service.

**VISITING ELECTED OFFICIALS**

Supervisor Sweeton introduced the Hon. Barry Cheney a Trustee for the Village of Warwick and an Orange County Legislator for District 8.

Barry Cheney – I was at the industrial Development Agency meeting this afternoon and one of the things they highlighted was the new brochure for the Warwick Valley Office and Technology Corporate Park. It was well received and they are happy to get it and I’m looking forward to working with the LDC to move it forward.

Supervisor Sweeton – I want to thank you, we have Operation Clean Sweep this weekend which is a town wide effort on roadside cleanup. Every year we request the waiving of tipping fees from the County because our highway department picks up the trash bags and I reached out to Legislator Cheney and he spoke with the County Executive. I sent a letter in and he followed up for me and we do have that waiving of the fees for this year and we thank you for that effort.

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<u>DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
DITCH WORK	Iron Mountain Rd.	Clean ditch
TREE WORK	Old Forge Rd.	Clear roadsides
POT HOLES	Town wide	As needed
ROAD REPAIR	Town wide	As needed
ROAD SIGNS	Town wide	As needed
MAIL BOXES	Town wide	As needed
WATER DEPT.	Indian Park	Repair summer system
TOWN PARK	All parks	Opening for season

**ENVIRONMENTAL CONSULTANTS REPORT**

### **COUNCILMAN DE ANGELO REPORT**

1. I have a wish list from the Warwick Valley Humane Society. They have approximately 130 cats and they are in dire need of a couple of things; canned ground cat food or pate, paper towels, heavy duty garbage bags, large dog biscuits and natural wood stove pellets which is used for litter. They would appreciate anything that you can do. If you think you need a little friend they have reduced rates for adoption.

Chief McGovern – The New York State Distractive Driving is still ongoing. Officers here have been involved with a lot of enforcement activity there in respect to using your cell phone, texting with your phone and playing other electronic devices inside the car; that's all part of that. I don't think it's a secret that most of the guys in uniform also volunteer in their community and they like to give back realizing what they get from us. They all give back to the community in some way and I want to mention that Detective Hoffman who is a member of the Goshen Fire Department has been named the Fire Prevention Provider of the Year for Orange County through the Fireman's Museum. I guess that's a very special honor in that group and I would like to bring that to your attention.

Councilman DeAngelo – Make sure you send our congratulations.

### **COUNCILMAN KOWAL REPORT**

1. Last week I had a discussion with one of our residents about street lights and how do we add street lights where people think we need them and what the process is. This is over on Amity Road, they requested to put in two streetlights and it's not within the Pine Island Lighting District which we have in the Pine Island area. This is outside of that district. What do we do to assist someone who thinks they need additional streetlights on their roads?

Supervisor Sweeton – We don't have many lighting districts like a village that has a large district. We have two, one is in Pine Island in the commercial area and one is in Kings Estates where it's a denser population. The other lights that you see along the highways sporadically those would be a general charge for the electricity to the town. It's up to the Board to determine safety wise if there's one necessary there. The homeowner could always have one put up but then somebody pays for the electric. We could look into it whether it's a safety issue or not.

Councilman Kowal – The general areas where they are I will take a look at it and see if I can make an assessment and see if they are needed or not.

Supervisor Sweeton – Great, maybe get a recommendation from the PD as well.

### **COUNCILMAN GERSTNER REPORT**

**1. This Saturday from 5:00 p.m. until 7:00 p.m. the Warwick Valley Community Center will be hosting a community dinner and everyone is welcome. Located on Hamilton Avenue at the old Hamilton Avenue School.**

#### **COUNCILMAN SHUBACK REPORT**

**1. I have nothing further to add only that every time the Highway Department is caught up something else happens that needs to be fixed.**

**Supervisor Sweeton – We’ve had a lot of water main issues this year.**

#### **ATTORNEY’S REPORT**

#### **TOWN CLERK’S REPORT**

**1. The Governor introduced the State Adventure Licenses series. Both new and existing license holders can now show their passion for the outdoors with a custom “I love New York” adventure license plate. New lifetime license holders can obtain that free of charge. Existing lifetime license holders can purchase the plate at a reduced price. The annual parks and DEC license holders can purchase their adventure plates at full cost. There are nine plates to choose from and if you are interested you can go to the DMV website. They also have a lifetime recreation and sporting license. Your new driver’s license can now become an all purpose boating, fishing, hunting and parks ID card. When you purchase your life time sporting license or complete your boating certification course you can choose to have these adventure icons added to your New York State Drivers License or your non-driver ID. You can choose to get your new DMV card immediately for a fee of \$12.50 for a driver or \$5.00 for a non-driver ID or you can wait for your next license renewal at no charge. If you already have a lifetime sporting license or safe boating certificate you can log onto the sporting license sales system on the state website and request your new drivers license or non-driver ID. If you have any questions you can call us at the Clerks office.**

**2. We will be having a resolution this evening about the beach fees. I wanted to remind you that the Thomas P. Morahan Waterfront Park Beach will be opening on Memorial Day and will be open on weekends only until June 28<sup>th</sup> and beach passes will be available starting tomorrow in my office.**

**Supervisor Sweeton – We encourage you if you haven’t been to the beach at the end of Windermere Avenue in the Village of Greenwood Lake to take a look. It looks great; it will be a great year so get your passes.**

#### **SUPERVISOR’S REPORT**

**1. I want to commend Councilman Kowal he is going as a guardian on the Honor Flight on Saturday. If you don’t know what the Honor Flight is it’s an effort to bring World War II Vets primarily down to Washington for a day free of charge to them to visit the World War II Memorial and Arlington Cemetery. It is a great thing for them and if you know of a Veteran who has not been and would like to go there will be another flight in September. Please encourage them to call my office**

and we will get them the information. The guardian pays their own way but it's a great experience so thank you for doing that Councilman, I appreciate it.

2. Community Preservation Fund - For the month of March was \$25,933.19 which brings the total in that fund to \$3,452,220.54.

3. Energize New York is a new program that's being rolled out across Orange County. It essentially is a not-for-profit association that started in Westchester County. The County Legislature and we thank them, voted last year to include Orange County in it which now allows this to be available to any commercial property owner in Orange County. That could be a commercial building and it could be a commercial owned residential building. What it does is they provide low cost financing for energy retrofits as well as upgrades or new technology so heating, lighting, windows, solar or wind however you want to do it. You pay back the cost of that fund on your property tax bill. It is a way for you to finance it up to 20 years paid back on your property tax bill and get the upgrades immediately at no upfront cost to you. If you would like more information the Orange County Planning Department can provide it at 615-3858 or you can call Energize New York directly at 914-302-7300 and look to taking advantage of it.

4. Arbor Day celebration by the Warwick Valley Gardeners is going to be held tomorrow in conjunction with the community of Sugar Loaf at Margolis Park at the corner of Kings Highway and Route 13A at 10:00 a.m. If you get a chance and you want to stop out to celebrate Arbor Day you can do it with the gardeners.

5. The Warwick Valley Rod & Gun Club who has been doing this for as long as I can remember is holding their annual Take a Kid Fishing Day on Saturday, May 3<sup>rd</sup> at the Baird Farm which is off of Sanfordville Road and Bairds Lane. It is a great day from 9:30 a.m. until noon and every kid ends up with some sort of a prize or gift. This is not a competition but just to introduce kids to fishing and the outdoors. I commend the Rod and Gun Club for doing it and they get a lot of support from the community and they've been doing it for so long. If you want to have your child involved in it please show up at 9:30 a.m. on May 3<sup>rd</sup>.

6. Maybe the papers could publicize this a lot, a part time worker here an older lady had brought this in. She received it in a regular business envelope addressed to her and it was an award notification another one of the scams. It looks pretty official but it asked her to provide her banking information with the routing number, bank account and next of kin. Make sure that seniors are aware these scams are out there and please never give your banking information to anyone.

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

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

Richard Murtie – Resident, Town of Warwick, NY 10990 – To Russ an FYI, last year I had enquired to Orange and Rockland about a street lamp, it's about \$720 a year. If your going to price them that's what your looking at.

Supervisor Sweeton – It's not cheap and then you have to pay for the electric.  
Thank you.

**NEW BUSINESS:**

**#R2014-134 APPROVE EAGLE SCOUT PROJECT – CONCERT AT THE  
THOMAS P. MORAHAN WATERFRONT PARK – ETHAN  
WILLIAMS OF BOY SCOUT TROOP 121**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve the use of the Thomas P. Morahan Waterfront Park to Ethan Williams of Boy Scout Troop 121 who is holding a concert for suicide and depression awareness as an Eagle Scout Project. The concert is to be held on Saturday, May 24, 2014 from 3:00 p.m. to 10:00 p.m. Application and Certificate of Insurance is on file in the Clerk's Office.**

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

**Supervisor Sweeton – We had solicited bids for a street sweeper and we received 2 bids one from W.E. Timmerman Co. for \$271,000 and one from Gannon Municipal Equipment for \$251,545.00. Upon looking at the bids the more expensive bid met all the specifications exactly. The lower bid by Gannon Municipal did not and so we chose not to act on it at the time until we could do an analysis of the bids to understand if in fact we could accept the bid that was not the lowest. We prepared an analysis of that and I provided that to the Board. Both the Commissioner and I sat down with our attorney to go over it. Our town code section 33-5 does require a statement from us so I will enter that into the record for the Clerk. Essentially the statement is that we had solicited bids for the sweeper pursuant to a legal notice that we published on March 19<sup>th</sup>. The bid solicitation contained technical specification for equivalent models for consideration. At the bid opening we did receive two; the Gannon at \$251,545.00 and the Timmerman at \$271,000. One was for an Elgin Megawind for \$271,000 and the other was for a Johnson VT801. The Commissioner and I in conjunction with our attorney both agreed, reviewed and analyze the two bids for performance to the specs. The Timmerman model complied with all the specifications set forth in the bid proposal and the Gannon model varied significantly from the bid specifications that are set forth in the attached spreadsheet. As set forth in that spreadsheet the material deviations of the Gannon model specifications from the bid specs were, required the Gannon bid to be rejected and that the Timmerman bid be accepted as being in conformance with the bid specifications. The conformance of the Timmerman model to the bid specifications will result in greater efficiencies in use and a cost savings to the town over the life of the equipment. The lower cost of the manufactures warrantee for the Timmerman model will also result in an additional savings to the town. Based on this comparative analysis of the two bids and the reasons set forth it is the best interest of the town to accept the Timmerman bid. We've all seen the spreadsheet and from our experiences with sweepers over the years there are features that make them easier to operate, more efficient to maintain and extend the life and that's why we let the specs as we did.**

**Attorney Myrow – Before you read the resolution the section that was said in the letter was 33-5 that the letter was required and I believe there is a typo at the bottom of the first page of the resolution which says 33-2.**

**Councilman Shuback – The higher price machine is going to be considerably more because it had better material and won't rust out as fast.**

**Supervisor Sweeton – That was one of the things we did look at.**

**#R2014-135 RESOLUTION AWARDING CONTRACT FOR STREET  
SWEEPER TO OTHER THAN LOW BIDDER**

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

**WHEREAS, the Town Commissioner of Public Works has duly recommended the purchase of a Truck Mounted Combination Leaf Vacuum and Catch Basin Cleaner with 12" Rear Mounted Hose/Street Sweeper with Broom Assist (the "Street Sweeper"), pursuant to the provisions of section 142 of the Highway Law; and**

**WHEREAS, a legal notice advertising the solicitation of bids for the Street Sweeper was duly published and posted pursuant to the requirements of Town Law §103; and**

**WHEREAS, two (2) bids were received and publicly opened on March 26, 2014, as set forth in said legal notice; and**

**WHEREAS, one of the bids received was from W.E. Timmerman Co., Inc. ("Timmerman") for a Model: Elgin Megawind, at a price of \$271,000.00 with a three year manufacturer's warranty costing \$3,535.00, and five year engine warranty costing \$1,890.00, and trade-in allowance of \$10,000.00; and**

**WHEREAS, one of the bids received was from Gannon Municipal Equipment, Inc. ("Gannon") for a Model: Johnson VT801, at a price of \$251,545.00 with a five year manufacturer's warranty costing \$8,900.00, and five year engine warranty costing \$1,660.00, and trade-in allowance of \$10,000.00; and**

**WHEREAS, the specifications in the Timmerman bid conformed to all of the Town bid specifications; and**

**WHEREAS, the specifications in the Gannon bid contained material deviations from the Town bid specifications; and**

**WHEREAS, the Town Commissioner of Public Works and the Town Supervisor have compared and analyzed the cost benefits of each said bid to determine whether the material deviations from the Town bid specifications in the Gannon bid require the said bid to be rejected, and to determine whether it is in the best interest of the Town to award the contract to Timmerman as the lowest bidder conforming to the Town bid specifications; and**

**WHEREAS, the Town Commissioner of Public Works and the Town Supervisor have submitted a written justification, pursuant to Town Code §33-5, providing reasons why it is in the best interest of the Town and its taxpayers to**

make an award to Timmerman as other than the low bidder (the “§33-5 Statement”).

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Town Board of the Town of Warwick

a. rejects the sealed bid received on March 26, 2014 by Gannon for a Model: Johnson VT801, at a price of \$251,545.00 with a five year manufacturer’s warranty costing \$8,900.00, and five year engine warranty costing \$1,660.00, and trade-in allowance of \$10,000.00, as the bid by Gannon did not meet bidding specifications and for the reasons set forth in the §33-5 Statement, and

b. awards the contract to Timmerman on its sealed bid to furnish a Model: Elgin Megawind, at a price of \$271,000.00 with a three year manufacturer’s warranty costing \$3,535.00, and five year engine warranty costing \$1,890.00, and trade-in allowance of \$10,000.00; and

c. authorizes the Town Supervisor, or his authorized designee, to execute any documents necessary to effectuate the purchase equipment specified in the awarded bid.

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

**#R2014-136 2014 THOMAS P. MORAHAN WATERFRONT PARK BEACH FEES**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to set the Thomas P. Morahan Waterfront Park Beach fees for the 2014 season as follows:

<u>TYPE</u>	<u>RESIDENT</u>	<u>NON-RESIDENT</u>
Family Season Pass	\$110	\$200
Senior Season Pass (55+)	25	60
Adult Season Pass	50	100
Child Season Pass (5-18)	25	60
(under 5 free)		
Daily Pass	4	10
Town Resident Guest Pass	4	--
Commercial Season Pass	60	--
(Motels, Hotels, B&B’s)		
Not-for-Profit	2	--

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

Discussion: Supervisor Sweeton stated that these fees are the same as last year and we are going to hold them this year.

**#R2014-137 ADOPT LOCAL LAW #3 OF 2014 – ADD CHAPTER 11 TO THE CODE OF THE TOWN OF WARWICK, “CREDIT CARD PAYMENTS”**

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

WHEREAS, a Local Law to add Chapter 11 to the Code of the Town of Warwick, “Credit Card Payments”, was introduced on March 27, 2014, and

WHEREAS, a public hearing was held as required by law on April 10, 2014 to consider the adoption of said local law, 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 is hereby adopted and same shall go into effect as provided by law.

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

**#R2014-138 REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION OVERLAY DISTRICT- SECTION 41 BLOCK 1 LOT 100.2 – MCCONNELL AND PASTOR**

Motion Councilman Kowal, seconded Councilman Gerstner to adopt the following resolution regarding Request for Participation in the Town of Warwick Agricultural Protection Overlay District:

WHEREAS, the Town of Warwick adopted a Zoning Law, known as the 2002 Zoning Law of the Town of Warwick, adopted January 24, 2002; and

WHEREAS, said Zoning Law contained provisions for an Agricultural Protection Overlay (AP-O) District one of the purposes of which was to recognize and codify the importance of agriculture to the future of the Town of Warwick and the welfare of its citizens; and

WHEREAS, said Zoning Law established an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map parcels which could qualify for the benefits of the AP-O District; and

WHEREAS, Section 164-47.3.B sets forth the applicability of said AP-O District to lands within the Town of Warwick; and

WHEREAS, Paragraph 5 of Section 164-47.3.B. provides for a mechanism for land owners who are within the AP-O District, pursuant to the criteria listed in paragraph B.1, thereof, to apply for the benefits of said district; and

WHEREAS, pursuant to the procedure set forth, the Town of Warwick has received an Application for Participation, on the proper form submitted to the Town Clerk as required, from Dennis P. McConnell and Virginia L. Pastor for a 15.4 +/- acre parcel known as Section 41, Block 1, Lot 100.2 of the Tax Map of the Town of Warwick; and

WHEREAS, the Town Board has determined that this particular parcel is one of the parcels included in the area shown on the Overlay District Qualifying Area Map and

has therefore met the requirements set forth for inclusion in the AP-O District as a participating parcel;

**NOW, THEREFORE BE IT RESOLVED**, that Tax Map Section 41, Block 1, Lot 100.2 of the Tax Map of the Town of Warwick and belonging to Dennis P. McConnell and Virginia L. Pastor is hereby declared eligible to participate under the provisions of the AP-O district and is entitled to all the benefits contemplated thereof; and

**BE IT FURTHER RESOLVED** that an Appendix to the Zoning Law be updated to reflect that the above described Dennis P. McConnell and Virginia L. Pastor parcel shall be considered included as a participating parcel in the AP-O District, and

**BE IT FURTHER RESOLVED**, that the AP-O Overlay District Qualifying Area Map be so marked to show the above Dennis P. McConnell and Virginia L. Pastor parcel as a participating parcel within said District.

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

**#R2014-139 APPROVAL TO REFUND BUILDING DEPARTMENT APPLICATION FEE – TERESA THOMAS**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to approve a refund of the Building Department application fee in the amount of \$100.00 to Teresa Thomas as per the recommendation of the Building Inspector; letter dated April 22, 2014.

Motion Carried (5ayes, 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)**

Richard Murtie – Resident, Town of Warwick, NY 10990 – It sounds like it’s pretty much set in stone as far as that street sweeper. I had done some research on the used street sweeper and Elgin or Johnson because they are pretty comparable and if you looked to purchase a 2003 street sweeper your looking at anywhere between \$32,000 and \$54,000. I don’t know if you folks decided on giving up the old street sweeper for \$10,000?

Supervisor Sweeton – No, we haven’t decided that yet. We are going to make sure our mechanics go over it and if we can extend it and get a couple of years out of it then I think we’re going to keep it.

Councilman Shuback – I think you can get 4 or 5 more years out of it.

Supervisor Sweeton – Whatever we get we have so many roads to sweep if we have an extra one it would be good.

Richard Murtie – Even if you relocate that one into Greenwood Lake verses giving it up totally for \$10,000.

**Supervisor Sweeton – We’re going to take a hard look at that. We have not decided that at all.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:57 p.m.  
04-24-14 CP.**

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**Marjorie Quackenbush, Town Clerk**