

April 28, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, April 28, 2011 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:35 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback

**Town Attorney, John Hicks – Absent
DPW Commissioner, Jeff Feagles
Police Chief, Thomas F. McGovern, Jr.**

Supervisor Sweeton welcomed the Clerk back from her surgery.

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 04/14/11

Motion Councilman DeAngelo, seconded Councilman DeBuck to accept the minutes as written from the regular meeting held on April 14, 2011. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

MARTIN C. ROTHFELDER, ESQ. – Rothfelder Stern, L.L.C., 625 Central Avenue, Westfield, NJ 07090 – Letter to the Supervisor requesting the Town of Warwick Town Board pass a resolution terminating the Hometown, Online, Inc., cable television business effective June 28, 2012.

JEFFREY FEAGLES – Commissioner, Department of Public Works – Memo to the Town Board requesting the transfer of \$440.00 from minor sales (A00.00.2655.000) to signs (A00.00.3310.437).

KURT WICKHAM – Director of Transportation, Town of Warwick Dial-A-Bus – Memo to the Town Board requesting that Amada Jo Specht and Kelly Riat be appointed as part time clerks for the Dial-A-Bus effective April 30, 2011.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Letter to the Town Board requesting to fill the vacant part time police officer position with Peter Guastmacchia effective May 30, 2011.

JOHN P. DEGNAN - Laborer, Town of Warwick, NY 10990 – Letter to the Supervisor giving formal notification of his intent to resign as a laborer from the Town of Warwick Department of Public Works effective April 30, 2011.

WENDI CHASON – Director of Development and Public Relations, Occupations Inc., - Letter to the Town Clerk advising her that Occupations, Inc. and the Orange County Bicycle Club will be holding their 2011 Country Roads Fall Foliage Bike Tour on Sunday, September 18, 2011 starting at the Warwick Valley High School at 7:30 a.m. Please contact me at 845-692-4454 ext. 136 if there are any questions or concerns.

ADAM FILIPOWSKI – P.O. Box 25, Greenwood Lake, NY 10925 – Letter to the Supervisor suggesting in addition to a guard rail along East Shore Road the speed limit should be reduced from 30 mph to 25 mph and also on Ten Eyck, Sterling and Edgemere. Also, wherever possible, we should have 5 to 10 foot minimum shoulders on each side of the paved road and remove any and all obstructions within these areas.

TOM AND DIANE JEFFERY – 6 Wilder Circle, Warwick, NY 10990 – Letter to the Supervisor regarding the visual impact of the cell phone tower on town property next to Price Chopper and the potential health risks on our housing development and nearby elementary school.

EILEEN ASTORINO – Asst. Secretary, Town of Warwick Building Department – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$500.00 to a Building Department Applicant, MB Homes of Newburgh LLC.

LAURA A. BARCA, P.E. – Project Manager, HDR, Eastgate Corporate Park, 7 Coates Drive, Suite 2, Goshen, NY 10924 – Letter to the Supervisor regarding the comments and concerns from the residents from the public hearing for Warwick Isle Subdivision located on County Route 1 and Merritts Island Road in the Town of Warwick requesting the Town ask the Orange County Department of Public Works reduce the speed limit on County Route 1 and eliminate an existing passing lane.

LAURA A. BARCA, P.E. – Project Manager, HDR, Eastgate Corporate Park, 7 Coates Drive, Suite 2, Goshen, NY 10924 – Letter to the Supervisor requesting the Town Board release a bond in the amount of \$22,448.00 for the Perry Subdivision.

BOARD'S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that we received one letter on the balloon test out at the Fairgrounds Price Chopper area and that will just be entered into record. We're at the beginning of that process, so once those folks come back to us we will schedule a public hearing to discuss all of the aspects of that.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced Andrew Jennings who was here representing New York State Senator David Carlucci and no report was given. Supervisor Sweeton stated that his office has been responsive and we appreciate that and the Senator has been doing some good things and we look forward to working with him as well.

Councilman DeBuck asked how he is making out on the state vegetable.

Andrew Jennings – From what I last heard there was a poll online and sweet corn is up according to a study done by the Farm Bureau.

Councilman DeBuck – That would be for Nebraska not New York.

Andrew Jennings – I don't know.

Councilman DeBuck – Carry the message to Albany.

Supervisor Sweeton – Have them pick that onion for us.

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> |
|-------------------------------|------------------------------------|--------------------------------|
| CATCH BASINS | Old Oak Rd. | Repair Basins |
| DITCH WORK | Nelson Rd. Old Dutch Hollow Rd. | Clean ditches Clean ditches |
| POT HOLES | Town wide | As needed |
| ROAD REPAIR | Town wide | As needed |
| ROAD SIGNS | Town wide | As needed |

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

1. There's a display in the lobby outside the door here for K9 Riley and his Trophies; he's been very successful. I would like to offer congratulations to K9 Riley and Officer Halsey for their success in the trials in the State. Do we have any new news on that Chief?

Chief McGovern – I think it represents all the dogs that we've had through the years and we are still trying to get some more information on the first dog Officer Artusa had, so as soon as we have his stuff then it will be complete. It represents all the K9 people who handled dogs here.

Supervisor Sweeton – It's a nice display and we encourage the press to do a little blurb in there and get people to stop and take a look at it. K9 Riley is off to the nationals this year again.

Chief McGovern – Yes, in Mississippi.

2. Tomorrow morning at 11:00 a.m. in the Village of Greenwood Lake at the park along side the senior center there will be a dedication to Trustee Agnes Kilduff who passed away recently. They are going to have a memorial bench there and they are planting an evergreen tree at the Town Beach. If you can make it, it will be alongside the senior center at 11:00 a.m. and it's a nice touch for the village to do.

Supervisor Sweeton - We wish him good luck.

COUNCILMAN DE BUCK REPORT

1. Tomorrow is Arbor Day and together with the Warwick Valley Gardner's and the students of the Pine Island Elementary School there will be a planting of a maple tree in the Pine Island Park in Pine Island. They are putting in a variety that's called "Autumn Blaze" and sometimes it's referred to "October Glory". This particular type of tree will become very scarlet red in the month of October and we very much welcome the addition to our park and I'm sure it will make a very lasting difference for everyone who attends that ceremony tomorrow for the betterment of our community.

2. I would like to introduce a resolution tonight that supports a motion that we ask the federal government to at least call a time out in this wetlands reserve program. While the program might have good intentions for some areas that are wetlands in agriculture, the farmers in the black dirt region throughout all of Orange County really feel that the program is not a fit in Orange County's mucklands, so I would like to introduce that during new business.

COUNCILMAN GERSTNER REPORT

1. The Warwick Valley Rod and Gun Club on Saturday, May 7th, 2011 will hold its annual "Take a Kid Fishing Day" for children residing in the Town of Warwick for youngsters between the ages of 5 and 14, is provided for children who do not have access to a stream. It gives them the opportunity to enjoy the wildlife and environment surrounding their community. The event will be held again this year at the Baird Farm on Baird Lane between the hours of 9:30 a.m. and 12:00 noon. On the morning of the event the Warwick Valley Rod and Gun Club will stock approximately 500 trout for the benefit of the children. In addition, as this is not a contest, it has been the practice for the club to award a prize to each participating child, whether the child has caught a fish or not. These prizes have included fishing rod and reel combos, tackle boxes, lures and other outdoor recreation items not necessarily related to fishing. For more information you can contact Jerry DeBold at 986-5001.

2. I have a new notice from Cablevision please let this letter serve and provide notice of upcoming rate adjustments to Cablevision equipment. Beginning with the June 2011 billing statement there will be a change to the cable box and remote rate. The price for the cable box will change from \$6.70 to \$6.71 and the price for the remote will decrease from \$.25 to \$.24 and the total price of \$6.95 will remain the same. The customers will be notified of these changes in advance through bills and if they have any questions they can go to www.optimum.com.

COUNCILMAN SHUBACK REPORT

1. The Town Highway is busy covering potholes and fixing broken pieces of the road. We have an unusual amount of potholes and broken shoulders and whatnot in the town. They will be working on them for a long while this summer. There is a lot of damage from the extreme winter conditions.

TOWN CLERK'S REPORT

SUPERVISOR'S REPORT

1. We had joined with several other municipalities that border the Moodna Creek and formed a coalition to work together, an inter-municipal council to work together on issues that affect quality of the Moodna Creek. We have been meeting periodically over the past year or so and I want the Board to know that council seems to be functioning well. It's progressing and they have several subcommittees formed with volunteer organizations that have an interest in making sure that the Moodna gets cleaned and stays clean. They formed an education committee which brought the DEC down. Deputy Commissioner Astorino attended to instruct DPW about the procedures that the DEC require if you are working in a stream, what you can do, what you can't do, what you need a permit for and what you don't, so it's a good thing that they initiated. They also had a logo contest and they are going to be unveiling a new logo for the Moodna Creek. They are going to work on a storm drain marker program. They also formed a science and technology committee which has placed eight gauges in the creek and its tributaries to monitor the flows during high water issues. Moodna Creek is in the Washingtonville/Blooming Grove area similar to what we experience with the Wallkill in Pine Island, so they are going to be working on that. They are also going to initiate contacts with FEMA to begin that process because we know it's long and arduous to get the US Army Corp to do some work in your streams. It's off to a good start and I think it's a good venue for sharing and learning among the communities that border this creek, so I just want to let you know about that.

2. I want to remind the public of the Hazardous Household Waste Collection period for this quarter is going to be this Saturday, April 30th from 9:00 a.m. until 3:00 p.m. at the Orange County Airport, 500 Dunn Road in Montgomery. This is free of charge to Orange County residents you just have to bring proof of residency. The acceptable items are aerosol cans, corrosives, cleaners and all that stuff under your sink and in the basement that you don't know what to do with. This is a great way to dispose of it safely and this one is certainly closer to home than many of them that the County does. It is from 9:00 a.m. until 3:00 p.m. and if you need more information you can call 291-2664.

3. Operation Clean Sweep is this weekend in the Town of Warwick; it's a Friday, Saturday and Sunday event. Saturday at the caboose in the Village of Warwick there is going to be Tom Woglom and his Greenway Technology is doing electronic recycling again and the Warwick Lions will be having the paper shredder to get rid of all those old papers you've got laying around that you don't know what to do with you can dispose of it safely. The Chamber will be handing out bags and

gloves for you to do your roadside cleanup, so we hope that people will take part in that. DPW is going to be aided this year by Warwick Sanitation to collect all of the trash that's collected on Monday and Tuesday and take it up to the transfer station in the County and the County has graciously waived the tipping fees for this event, so we thank them for that. As part of this program there's going to be two things unveiled that day, one is the Town is launching a test trial of an "Adopt-a-Road Program". There was a signup sheet that should now be available tomorrow on the Towns website where you can download the application and for a \$60 fee the Town will put a sign up with your name on it adopting a stretch of a Town road; by the way not villages without their permission. We will also coordinate safety rules and tips on how to do it safely. We will also have loaner vests and cones for you to pick up when you're doing your section of road. We hope to launch that test program over the next year and see if it catches on, if people get an interest in it and take a little pride in their section of road.

Councilman DeAngelo – How big a sign?

Supervisor Sweeton – To be determined, but similar to a road sign but not one of the huge ones you find on the interstate. One of the small ones so it's not so intrusive and we'll see what happens with it and we're looking forward to see whether it catches on. We already have Heather Storm who's spearheading Operation Clean Sweep and has signed up a few folks, so we'll see how it goes. The other thing we'll be announcing is an interesting contest and I'm just going to tease a little bit because we're going to announce it on Saturday, but it's called "Energize Warwick" and it's going to be a contest to encourage people to get energy audits and in fact do energy upgrades. There will be a cash prize that has been put up by a local business here in Town. It's encouraging organizations, groups to get their members and their friends to get these energy audits, which are free from NYSERDA which is provided in the form of grants and low cost loans to improve your energy efficiency of your homes, so at 10:00 a.m. at the caboose on South Street is when we'll unleash that program in conjunction with the Warwick Valley School District, so it's kind of exciting and we're looking forward to that.

4. Just a programming note, the May 12th Board Meeting has been changed from an evening meeting to a 1:00 p.m. meeting, so if you could make people aware of that. We used to have a few of those and we've kind of done away with them, so we're going to bring this one back and see how it works for May and give people who may not be able to get out at night a chance to come to a meeting.

5. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser and I thank them for that.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2011-126 BUDGET TRANSFER – DEPARTMENT OF PUBLIC WORKS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt the following Department of Public Works budget transfer:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|----------------------------------|----------------------------|---------------|
| Minor Sales (A00.00.2655.000) | Signs (A00.00.3310.437) | \$440.00 |

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

R2011-127 SCHEDULE PUBLIC HEARING – MINOR CORRECTIONS TO CHAPTER 164, “ZONING” OF THE CODE OF THE TOWN OF WARWICK

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing for consideration of minor corrections to Chapter 164 of the Code of the Town of Warwick entitled Zoning. Said public hearing to be held at 7:15 p.m. on May 26, 2011, or as soon thereafter as the matter may be heard at the Town Hall, Town of Warwick.

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

Discussion: Supervisor Sweeton stated that this is for some typo stuff that we found in the zoning and it should be some minor stuff and we'll have it available at the time of the published notice.

#R2011-128 APPOINTMENT OF PART TIME CLERK FOR DIAL -A-BUS – KELLY RIAT

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to appoint Kelly Riat as a part time clerk for Dial-A-Bus at a rate of pay of \$13.00 per hour effective April 30, 2011.

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

#R2011-129 APPOINTMENT OF PART TIME CLERK FOR DIAL-A-BUS – AMANDA JO SPECHT

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Amanda Jo Specht as a part time clerk for Dial-A-Bus at a rate of pay of \$12.00 per hour effective April 30, 2011.

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

Discussion: Supervisor Sweeton stated that these two positions were filling some slots that were open to cover the time in the office on the phone to regulate the extended hours of Dial-A-Bus

which now runs on some nights until the evening for our citizens, which is actually being received very well by the ridership.

**#R2011-130 APPOINTMENT OF PART TIME POLICE OFFICER – PETER
GUASTMACCHIA**

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution to appoint Peter Guastmacchia as a part time Police Officer at a rate of pay of \$19.66 per hour effective May 30, 2011.

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

#R2011-131 ESCROW REFUND – MB HOMES OF NEWBURGH LLC

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$500.00, the balance of the escrow SBL# 12-2-10, to Building Department applicant, MB Homes of Newburgh LLC as per the recommendation of the Building Department Secretary, letter dated April 13, 2011.

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

#R2011-132 BOND RELEASE – LEWIS AND YOLANDA PERRY

Motion Supervisor Sweeton, seconded Councilman DeBuck to adopt a resolution to authorize the release of a Performance Bond, Letter of Credit #2355, in the amount of \$5,645.00 to Lewis B. and Yolanda W. Perry for the satisfactory completion of the road and soil erosion control measures on site plan SBL# 28-2-11.22 as per the recommendation of the Town Engineer.

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

#R2011-133 SPECIAL EVENT PERMIT – PINE ISLAND SUMMER FEST

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution granting approval to the Polish Legion of American Veterans and Pine Island Fire Department to hold the Pine Island Summer Fest on August 19, 2011 and August 20, 2011. Chief of Police has advised that two (2) additional Police Officers will be required for this event. Application and Certificate of Insurance are on file in the Clerk's office.

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

#R2011-134 ACCEPT RESIGNATION – JOHN DEGNAN

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the resignation of John Degnan, DPW Laborer, for the purpose of retirement effective June 30, 2011.

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

Discussion: Supervisor Sweeton thanked him for his service.

#R2011-135 SPEED LIMIT REDUCTION – EAST SHORE ROAD

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to file the necessary TE9 forms with the County of Orange to request the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed of 25 mph at which vehicles may proceed on East Shore Road from the Village of Greenwood Lake line to Woods Road and to post a no passing zone for 1.5 miles to include Ten Eyck, Sterling, Edgemere and East Shore Roads.

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

Discussion: Supervisor Sweeton stated that this came to us from several residents in the area concerned about the narrowness of the road there and we share that concern, so we'll pass this on to the State. As we said in the past the Towns are not permitted under New York State law to control speed limits on their roads only the State can do that, so this is the process that initiates that. We ask them to come down and they'll do a review and if they concur they'll do it and if they don't they won't.

#R2011-136 SPEED LIMIT REDUCTION – ORANGE COUNTY ROUTE 1

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to file the necessary TE9 forms with the County of Orange to request the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to request the elimination of an existing passing lane to the west of Merritts Island Road to the Wallkill River on Country Route 1.

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

Discussion: Supervisor Sweeton stated that this again came to us from a public hearing before the Planning Board. There's a subdivision going out on Merritts Island and with that new entrance the residents there expressed some concern that there is a passing zone there now and there is a hill with limited site distance and they're asking that the passing zone be removed from that stretch.

Supervisor Sweeton stated that they are tabling resolution #12 until next month. This has been a request from WVT the Hometown which is their television service. They certainly have not made any bones about the fact that they're getting out of the television business converting their customers to Direct TV. They have a franchise agreement with the Town and what they're requesting from us is to change the termination of that agreement to coincide with the termination date in the Village of Warwick's agreement. The Village of Warwick's agreement proceeded ours by about ten months, so they want to make those two line up together and since they have very little limited viewership left it really shouldn't have much of an impact that the Board would like some time to study the request and we'll entertain it at our next meeting.

**#R2011-137 RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO
RESCIND OR WITHDRAW FUNDING FOR THE WETLANDS
RESERVE PROGRAM IN NEW YORK STATE**

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt the following resolution to request that the Federal Government take urgent measures to withhold, withdraw, or rescind the federal funds they have allocated for the Wetlands Reserve Program (WRP) in New York State,

WHEREAS, The WRP, which is administered through the offices of the Natural Resource Conservation Service (NRCS), is a program that is intended to convert wetlands, specifically mucklands that have been in agricultural production back to a pre-cultivated hydrology, and

WHEREAS, this practice may be a sound practice for some muckland areas, it would have severe and unintended consequences to areas such as Orange County's Black Dirt Region including, but not limited to uncontrolled weed infestation, water drainage problems, insect and wildlife control issues, and an overall weakening of the agricultural industry,

FURTHERMORE, it would be in direct violation of NYS Drainage Law because a drainage district was established in the Black Dirt Region in the 1930's, and

WHEREAS, the Town of Warwick understands the importance of the Black Dirt Region for the purposes of Agricultural production, and

WHEREAS, it is the firm belief and proven knowledge that the Black Dirt Region of Orange County is best suited for agricultural production where farmers currently farm contiguously in an area of nearly 12,000 acres, and

WHEREAS, this 12,000 acre area known today as the Black Dirt Region, and provided it is drained of excess water is ideal for agriculture because of its high organic matter content, it's depth, it's level gradient, and that it is stone free, and

FURTHERMORE, a New York State law of 1935 established the Wallkill Valley Drainage Improvement District, which encompasses the Black Dirt lands of Orange County, whereby 51 commission ditches were established and to date this Drainage Improvement District still exists,

NOW THEREFORE, with record high food prices today and having a fertile Black Dirt Region consisting of 12,000 contiguous acres located only an hour's drive from New York City; it makes very little common sense to apply the Wetlands Reserve Program here in Orange County.

NOW THEREFORE BE IT RESOLVED, the Town of Warwick highly recommends that the federal government through the offices of the NRCS, withhold, withdraw, or rescind the federal funds that have been allocated for the Wetlands Reserve Program (WRP), and

FURTHERMORE, copies of this Resolution shall be sent to the Federal and State of New York offices of the NRCS and the Orange County Farm Service Agency as well as to appropriate federally elected officials as follows:

**Hon. Charles Schumer
757 Third Ave., Room 17-02**

New York, NY 10017

**Hon. Kirsten E. Gillibrand
780 Third Ave., Suite 2600
New York, NY 10174**

**Hon. Nan Hayworth
Orange County Government Center
255 Main St., Room 3232G
Goshen, NY 10924**

**Hon. Maurice D. Hinchey
City Hall
16 James St., 3rd Floor
Middletown, NY 10940**

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

Discussion: Councilman DeBuck asked the Supervisor if he could kindly pass this resolution on to the Towns of Goshen, Minisink and Wawayanda who also have a considerable amount of black dirt in their towns that they might pass a similar resolution.

Supervisor Sweeton – Excellent, I will.

Councilman Shuback – You have Minisink, Wawayanda and Goshen.

Councilman DeBuck – Right and Warwick.

Supervisor Sweeton – OK, I'll be happy to do that.

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

PRIVILEGE OF THE FLOOR (GENERAL)

There were no comments or questions under privilege of the floor.

ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:00 p.m.

04-28-11 cp.

Marjorie Quackenbush, Town Clerk