

May 23, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, May 23, 2013 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, John Hicks – Absent  
DPW Commissioner, Jeff Feagles  
Police Chief, Thomas F. McGovern, Jr.

**ACCEPTANCE OF MINUTES**

1. Regular Meeting, December 27, 2012
2. Public Hearing, May 9, 2013
3. Regular Meeting, May 9, 2013

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on December 27, 2012, the Public Hearing held on May 9, 2013, and the Regular Meeting held on May 9, 2013.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**CONNIE SARDO** – Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting that Planning Board applicant, Kara Marie Reyes-Rinaldi be refunded the balance of her escrow in the amount of \$1,363.75.

**CONNIE SARDO** – Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting that Planning Board applicant, Fairwick, LLC be refunded the balance of their escrow in the amount of \$3,449.50.

**MARK D. WHEELER** – 180 West Street Ext., Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting to be reappointed to the Town of Warwick Conservation Board.

**TODD VOGEL** – Resident, Town of Warwick, NY 10990 - Letter to the Supervisor and Town Board requesting to be reappointed to the Town of Warwick Conservation Board.

**THOMAS F. MCGOVERN, JR.** – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer from Plymouth Rock

**Insurance in the amount of \$1,225.71 to the Police Auto Maintenance budget line (B02.00.3120.403).**

**BRENDA FAULLS – Receiver of Taxes, Town of Warwick – Letter to the Supervisor and Town Board requesting permission to attend the Association of Towns Tax Receivers & Collectors Annual meeting to be held in Albany New York on June 9-12, 2013. Funds are appropriated in the budget.**

**BOARD’S DISCUSSION ON CORRESPONDENCE**

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

- 1. Katie O’Reilly – Warwick Valley Central School District Liaison**

**COMMITTEE REPORTS**

**ENVIRONMENTAL CONSULTANTS REPORT**

**DEPARTMENT OF PUBLIC WORKS**

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u> 40 ft. x 15 in.
CULVERT PIPES	Iron Mountain Rd.	Replace pipe	
DITCH WORK	Newport Bridge Rd.	Clean ditches	
POT HOLES	Town wide	As needed	
ROAD REPAIR	Iron Mountain Rd.	Repair road	
ROAD SIGNS	Town wide	As needed	
HAUL MATERIAL		Stockpile clean fill	
WATER DEPT.	2 Grissom St.	Repair water leak	

**COUNCILMAN DE ANGELO REPORT**

**1. For the month of March the Post Report is as follows: Greenwood Lake had 266 calls, the Town outside the Village had 951 calls, Pine Island had 386 calls and the Village of Warwick had 747 calls for a total of 2,350 calls for the month of March.**

**2. For the month of April the Post Report is as follows: Greenwood Lake had 230 calls, the Town outside the Village had 811 calls, Pine Island had 314 calls and the Village of Warwick had 646 calls for a total of 2,001calls for the month of April.**

**3. The Warwick Valley Humane Society is having the ongoing cat/dog photo contest and on June 1<sup>st</sup> we have “Who Let the Dogs Out” at the Applewood Winery with a \$10 entry and all proceeds benefit the homeless animals at the shelter. On**

**June 9<sup>th</sup> is a rabies clinic from 10:00 a.m. to 12:00 p.m. for cats and dogs for \$15 cash only and no reservations are required.**

**4. On June 14<sup>th</sup> “Zumba For The Cause Party For The Paws” at the Warwick Valley Middle School at 225 West Street with a tricky tray and 50/50 and all proceeds to benefit the homeless animals. All sponsors and contributors are greatly appreciated and will go a long way helping them reach their fundraising goal. For further information please contact Michelle at the Warwick Valley Humane Society at 986-2473 or Anne at 494-0413.**

#### **COUNCILMAN KOWAL REPORT**

**1. This weekend is Memorial Day weekend and the Thomas P. Morahan Waterfront Park opens up. The athletic field in Greenwood Lake is coming along nicely; the grass is growing and we hope the field fills in nicely and is available as soon as it can.**

**2. On Saturday, June 1<sup>st</sup> there is going to be a flower sale sponsored by the Warwick Valley Gardeners starting at 9:00 a.m. at the Pine Island Park. Also the baseball material has been delivered and the firemen are going to volunteer to level that out for them. There is going to be an expansion of the butterfly garden sponsored by the Gardeners with an addition of a bridge.**

**3. On Monday there is going to be a parade in Pine Island for Memorial Day with a service at the cemetery and at the Legion.**

#### **COUNCILMAN GERSTNER REPORT**

**1. Warwick will have their Memorial Services with the lineup at 10:00 a.m. at the Village Hall and the parade at 11:00 a.m. I would encourage all the residents to try and make one of the services in the area on Monday to pay respect to those who sacrificed for us.**

#### **COUNCILMAN SHUBACK REPORT**

**1. It seems like all we have is metal pipes across the roads and we will be replacing them and hopefully we can catch up because after 8 or 10 years they are corroded and we have to replace them.**

**Supervisor Sweeton – Attorney Hicks is not with us tonight he’s having some surgery and the Board wishes him well and prays for a speedy recovery.**

#### **ATTORNEY’S REPORT – Absent**

#### **TOWN CLERK’S REPORT**

**1. A Town of Warwick resident reserved the Union Corners Park for an event and came in and spoke highly about how the park looked beautiful.**

**2. Also as Councilman Kowal mentioned, the beach is open this Saturday. Beach passes are available in our office and if you can’t make it into the office applications are available at the beach as well.**

**SUPERVISOR'S REPORT**

1. I know the parks crew from the highway department put a lot of time in sprucing the beach up; preparing tables and getting it ready and it truly looks terrific. The stage has been stained so we encourage residents to take advantage of it. This is the only public access to Greenwood Lake and it's a modest fee for a season pass for a family or individual and you should enjoy it and use your recreational facilities.

2. East Shore Road - They are wrapping up the repairs to East Shore Road and that was to stabilize the road where a portion of it had started to move. That work is wrapping up now and then the work to finish the ARRA project to finish the drainage. That contractor will be coming back in for a short period of time to re-mill it and put on a topcoat that's acceptable to the Department of Transportation and that will wrap that project up as well. Ryerson Road is scheduled to reopen on May 31<sup>st</sup>. That was a fairly large and complicated job because of how narrow that section of Ryerson was and the size of the bridge structure. I'm sure the residents in that area will be happy when that's done and we look forward to that as well.

2. Memorial Day Events - There will be a church service at 8:00 a.m. in Pine Island followed by a parade in Pine Island at 9:00 a.m.. The Warwick parade starts at 11:00 a.m. to the Warwick Cemetery, down to St. Stephen's and ends at the Memorial Park. In Greenwood Lake there is a service at the American Legion at 12:00 p.m. and in the Village of Florida; their parade starts at 2:00 p.m. We are able to enjoy that beautiful Memorial Day weekend because of the sacrifices of many over the years so please take a few moments out of that day on Monday to remember them and catch one of these memorials.

3. 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:**

**#R2013-138 AUTHORIZATION OF ESCROW REFUND – REYES-RINALDI**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$1,363.75, the balance of the escrow for SBL# 31-1-5, to Planning Board applicant Kara Marie Reyes-Rinaldi as per the recommendation of the Planning Board Secretary; letter dated May 15, 2013.

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

**#R2013-139 AUTHORIZATION OF ESCROW REFUND – FAIRGROUNDS #2**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$3,449.50, the balance of the escrow for SBL# 51-1-40.1, to Planning Board applicant Fairwick, LLC as per the recommendation of the Planning Board Secretary; letter dated May 17, 2013.

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

**#R2013-140 REAPPOINTMENT TO CONSERVATION BOARD – TODD  
VOGEL**

**Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to reappoint Todd Vogel to the Conservation Board for a three year term to expire June 1, 2016.**

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

**Discussion: Councilman Gerstner thanked him for his service. Supervisor Sweeton stated that he has served well on the Conservation Board.**

**#R2013-141 REAPPOINTMENT TO CONSERVATION BOARD – MARK  
WHEELER**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to reappoint Mark Wheeler to the Conservation Board for a three year term to expire June 1, 2016.**

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

**Discussion: Councilman Gerstner thanked him for his service.**

**#R2013-142 AUTHORIZATION TO SIGN LEASE AGREEMENT WITH  
COUNTY OF ORANGE FOR THE PURCHASE OF GILLIG  
HYBRID BUS**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign the lease agreement with the County of Orange for the purchase of a Gillig Hybrid bus.**

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

**#R2013-143 APPROVE SPECIAL EVENT – WARWICK VALLEY HUMANE  
SOCIETY – 5K 4PAWS EVENT**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution authorizing the use of the roads in the Town of Warwick to the Warwick Valley Humane Society for their 5K4Paws event to be held on October 12, 2013 from 6:00 a.m. to 11:00 a.m. pending approval by the Chief of Police. Application and Certificate of Insurance is on file in the Clerk's Office.**

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

**#R2013-144 THOMAS P. MORAHAN WATERFRONT PARK EMPLOYEE  
APPOINTMENTS FOR 2013**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to appoint the following to various Thomas P. Morahan Waterfront Park positions for the 2013 season.**

<b>APPOINTMENT</b>	<b>POSITION</b>	<b>RATE of PAY</b>
Kaitlyn Roche	Beach Manager	\$14.00/hr.
James Crumm	Head Lifeguard	\$11.25/hr.
Grant Gottwig	Senior Lifeguard	\$9.75/hr.
Rafael Warnon	Senior Lifeguard	\$9.50/hr.
Jonathan Warnon	Lifeguard	\$9.50/hr.
Kurt Hefner	Lifeguard	\$9.50/hr.
Dylan Cooney	Lifeguard	\$9.50/hr. **
Bryan Holland	Lifeguard	\$9.50/hr. **
Jessica Murtie	Gatekeeper	\$9.25/hr.
Jim Dooley	Gatekeeper	\$9.25/hr.
Frank Venegas	Gatekeeper	\$8.25/hr.
John Drosdowich	Laborer	\$8.25/hr.
Matt Dulgarian	Laborer	\$9.25/hr.
Joseph Astorino	Laborer	\$8.25/hr.
Vinnie Buccafuri	Laborer	\$8.25/hr.

**\*\* Pending Certification**

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

**#R2013-145 APPROVAL TO ATTEND THE NEW YORK STATE ASSOCIATION OF TAX RECEIVERS & COLLECTORS 2013 ANNUAL TRAINING SEMINAR – BRENDA FAULLS**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution granting approval for Brenda Faulls to attend the New York State Association of Tax Receivers & Collectors annual training seminar in Albany, NY from June 9 through June 12, 2013. Funds have been appropriated for this training in the 2013 budget.**

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

**#R2013-146 BUDGET TRANSFER – POLICE DEPARTMENT**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve the following Police Department budget transfer:**

<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>AMOUNT</u></b>
Check from Plymouth Rock Assurance for repairs of	Auto Maintenance (B02.00.3120.403)	\$1,225.71

**police car**

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

**#R2013-147 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW # 4  
OF 2013 TO AMEND CHAPTER 150 OF THE CODE OF THE  
TOWN OF WARWICK ENTITLED “TREE AND TOPSOIL  
REMOVAL, GRADING AND EXCAVATING”**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing to consider amending Chapter 150 “Tree and Topsoil Removal, Grading and Excavating” of the Code of the Town of Warwick. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, June 13, 2013 at 7:15 p.m., or as soon thereafter as the matter may be heard.**

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

**Discussion: Supervisor Sweeton stated that chapter regulates among other things timber harvest and if you’re doing a noncommercial timber harvest you’re limited to 10 acres without going to the Planning Board. There are lands that have what are called a 480a exemption by the New York State DEC which is forest management designation. It seemed onerous for us to have a section in there that made even owners of property with 480a exemptions to not be able to exceed the 10 acres since that’s the purpose of the exemption. That’s the purpose of the hearing to clear that up and to state that lands with a 480a exemption may exceed the 10 acres by getting a permit from the Building Department as opposed to going to the Planning Board.**

**#R2013-148 2014 HUD PROJECTS**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution that the Town of Warwick is hereby submitting the following applications for consideration under the FY-14 Urban County Consortium Community Development Program and that the Chief Elected Official or Executive Officer is hereby authorized to submit these applications. They further certify that they have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-2014 program year and have met all of its applicable requirements and that the information contained in the applications is accurate and true to the best of their knowledge:**

<b>Winslow Therapeutic Riding Unlimited</b>	<b>\$52,800.00</b>
<b>Warwick Valley Community Center</b>	<b>\$72,200.00</b>

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

**Discussion: Supervisor Sweeton stated that these were projects submitted to us by both of these entities. Normally they are ones that we support for HUD funding. There is not much else in the town because of our income demographics that is**

eligible and after looking over their project submissions and talking with Community Development these are appropriate numbers. It is a maximum for any one municipality of \$125,000 in one year so this is what these numbers add up to and we split it fairly evenly between them to try and meet their needs.

Councilman DeAngelo – Did we send out a list with the application?

Supervisor Sweeton – The list that Winslow gave us, yes we haven't submitted it yet but we do have it.

**#R2013-149 AUTHORIZATION TO SIGN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF CORRECTIONS**

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement with the New York State Department of Corrections that formalizes the satisfaction of the Department of Correction's obligation for future sewer payments.

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

Discussion: Supervisor Sweeton stated that there was an agreement for sewer capacity with the State of New York. It was somewhat of a nebulous agreement in terms of what it actually obligated them for and we had discussions with them when they closed the prison because they used 50% of the capacity. They didn't deny that there was an agreement but they essentially in the agreement clearly indicated that their obligation may have ended. Our vision was no it didn't and their's I think was stronger but we negotiated with them and they will be paying us for the minimum usage that they would have had for the length of the agreement which is 3 years. That will go to offset the rise of costs to the residents of that district so it's a good deal and I'm glad we were able to get it done with the State and we thank them for their cooperation.

**#R2013-150 APPOINTMENT OF PART TIME DISPATCHER – CHRISTOPHER J. DIMARCO**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to appoint Christopher J. DiMarco as a part time Dispatcher at a rate of pay of \$14.15 per hour effective June 1, 2013.

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

**#R2013-151 APPOINTMENT OF PART TIME DISPATCHER – GIANNOULA ADAMIS**

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to appoint Giannoula Adamis as a part time Dispatcher at a rate of pay of \$14.15 per hour effective June 1, 2013.

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

**Discussion:** Supervisor Sweeton stated that the Chief interviewed him and he has experience which is good and it will be a good asset to help us keep the cost of dispatching and policing in general down.

**BILLS:** Motion Councilman Shuback, 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 – Mr. Sweeton I guess my correspondence didn't warrant a conversation here tonight.

Supervisor Sweeton – I'll just tell you that the Board received your correspondence tonight so they have it. I will give them the information that you and I have talked about that I found on the issue so they'll have it. If you want to ask the questions at the next meeting that's up to you or you can go ahead.

Richard Murtie – I just want to let you know that I am moving forward on my position under article 78.

Supervisor Sweeton – Ok great.

Richard Murtie – Thank you.

**ADJOURN:** Motion Councilman DeAngelo, seconded by Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:49 p.m.  
05-23-13 CP.

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Marjorie Quackenbush, Town Clerk