

June 27, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, June 27, 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 – Absent
Councilman Mickey Shuback

Town Attorney, John Hicks – Absent
Deputy DPW Commissioner, William Roe
Police Chief, Thomas McGovern, Jr.
Lieutenant, John Rader

ACCEPTANCE OF MINUTES

- 1. Public Hearing, June 13, 2013**
- 2. Regular Meeting, June 13, 2013**

Motion Councilman DeAngelo, seconded Councilman Kowal to accept the minutes as written from the Public Hearing held on June 13, 2013 and the Regular Meeting held on June 13, 2013.

Motion Carried (4 ayes, 0 nays & 1 Absent Councilman Gerstner absent)

CORRESPONDENCE:

RICHARD MAYFIELD – Director, Office of Community Development, 18 Seward Ave. – 1st Floor, Middletown, NY 10940 – Letter to the Supervisor notifying him that Orange County has recently received notification from the U.S. Department of Housing and Urban Development, that the FY-2013 Community Development Block Grant (CDBG) award has been finalized by Washington, D.C. “We are pleased to notify you that your municipal grant award will not be reduced. Let this letter serve as confirmation that \$52,500.00 in CDBG funding is available for your projects.”

JOANNE WILCOX – Bookkeeper, Town of Warwick – Letter to the Town Board requesting for a budget transfer for the Greenwood Lake Ambulance District from Service Award Program (SA2-9089.800) to Contractual Expense (SA2-3410.400) in the amount of \$7,500.00.

CONNIE SARDO – Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting that Planning Board applicant, Richard Brady be refunded the balance of the escrow in the amount of \$1,408.75.

KRISTA O'NEILL – 4 Forest Drive, Greenwood Lake, NY 10925 – Letter to the Town Board requesting permission for the East Arm Rowing Club to host their 2nd Annual 8,000 Meter Head Race to be held on September 27 and 28, 2013 at the Thomas P. Morahan Waterfront Park.

BILL NOLAN – 20 Stony Brook Drive, Pine Island, NY 10969 – Letter to the Building Dept. requesting that the building permit fee in the amount of \$125.00 be refunded to him as the project for SBL# 26-1-39 was cancelled.

BOARD'S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

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>
CULVERT PIPES	51 Wickham Dr.	Replace culvert pipe	36" x 50'
	17 Distillery Rd.	Install new culvert pipe	12" x 80'
CATCH BASINS	Aimee Ct.	Rebuild two catch basins	
DITCH WORK	Bellvale Lakes Rd.	Clean ditches	
	Newport Bridge Rd.	Clean ditches	
TREE WORK	Town wide	Clean up storm damage from 6/24/13 storm	
MOWING	Town wide	Mow road sides	
BALL FIELDS	Town wide	Mow & maintain	
POT HOLES	Town wide		
ROAD REPAIR	Town wide	Repair as necessary	
VEHICLE MAINT.	As needed		
EMERG. REPAIRS	As needed		
ROAD SIGNS	Town wide	Replace as needed and cut brush around signs & posts	
HAUL MATERIAL	Stockpile	Haul 1/4" stone for chip sealing	
TOWN PARK		Mow & Maintain	

COUNCILMAN DE ANGELO REPORT

1. I received an email from Marilyn Sick from Florida who is a teacher and coordinator of safety patrol and I would like to read it for the record. "Dear Chief McGovern, it was a pleasure meeting you and speaking with you and your men. We've had many conversations on the telephone before concerning your men generously assisting me with our bicycle rodeo. I was extremely touched by the fact that so many from the department came to the moving up at Golden Hill on June 19th, it speaks to the generosity and commitment that you and your staff have for the community of Florida. I appreciate your kindness and hope to continue the many years of getting to know the men and woman of the Warwick Police Department."

2. On Saturday, July 6th the Village of Greenwood Lake is having a parade at 11:00 a.m. and at dusk there are fireworks.

3. On June 30th the Warwick Valley Humane Society is having a Sunday Cruise and Rotten Apples Car Show at Merchants Square to benefit the Humane Society.

4. On June 28th in Greenwood Lake is one of my favorite concerts "Magic Touch", which is acapella Doo Wop and that's at 7:30 p.m.

COUNCILMAN KOWAL REPORT

1. The parks are being very well used with the nice warm weather we've been having. I was over to the Pine Island Park this week to inspect work that the DPW did. They paved around the men's and women's bathroom to keep the gravel from tracking into them and also will be more user friendly for those who need wheelchair access. Also someone from town donated 7 flats of pink petunias to put around the gazebo and the DPW guys planted them. The athletic field in Greenwood Lake continues to do what grass does grow this time of year because it's been a great season for growing grass but there's still a lot of space between the plants. They are not quite ready but I'm much more optimistic than I was a month ago about it being ready for this fall.

COUNCILMAN GERSTNER REPORT – Absent

COUNCILMAN SHUBACK REPORT

1. I have nothing further to report.

ATTORNEY'S REPORT – Absent

TOWN CLERK'S REPORT

1. The Town sought at least three (3) proposals for consultation services for the preparation of a Project Labor Agreement for the construction of a \$2.4 million dollar Bus Storage Facility to house the Warwick Transportation System. Two proposals were received and are as follows:

Arace & Company, LLC
19 Cropsey St. – Unit 2A
Warwick, NY 10990
Proposal: \$18,500.00

Hill International
303 Lippincott Centre
Marlton, NJ 08053
Proposal: \$26,602.00

2. Request for Proposals were sent to three companies for borings, sampling, and a geotechnical report related to the culvert replacements at Taylor and Ackerman Roads. Two proposals were received from:

Jersey Boring & Drilling Co., Inc.
150 Wright St.
Newark, NJ 07114
Tel. No. (973) 242-3800
Total Sum Bid: \$50,475.00

Soiltesting, Inc.
90 Donovan Road
Oxford, CT 06478
Tel. No. (203) 262-9328
Total Sum Bid: \$36,035.00

SUPERVISOR'S REPORT

1. Ryerson Road Update -They poured the sealing joints to that fairly large culvert or bridge last week, installed the guardrails this week which now allows them to do the paving which will start after the 4th of July and that should wrap that project up. It came out really nice and they started to grade around the site, seed it, hay it and they are working with the adjacent landowners to make sure that their property is left in as good condition as when we got there.

2. The Hybrid Diesel-Electric Bus has arrived. This was a bus that the Town received for its transit system through the County. It was a 100% grant funded through the ARRA stimulus. The buses finally arrived; there were 12 that hit the County and because our service here is one of the most extensive ones in the County we did receive one. That bus will go into service in the next couple of weeks after our drivers train on it and we look forward to that. It's a pretty cool bus that has a lot of features that are handicap and elderly friendly and we are looking forward to it going into service. It will more than likely do the run to Wallkill that we do 6 days a week and the Village of Warwick run that we do on the weekends.

3. Flag Drop - There is a new location that's available year round at the Nicholas P. Lesando American Legion Post on Forester Avenue. Someone has built a receptacle where you can bring your old flag and then the legion will destroy them properly. They do their yearly destruction of the flags in the next week or so but this will allow you to have some place to go. We thank them for providing that and please spread the word.

4. This Sunday we are having an event here in the Village of Warwick on Railroad Avenue from 3:00 p.m. to 6:00 p.m. in conjunction with the community in China that we had established a sister city relationship with the Shanyin County. They are bringing some performers up and it is free to the public and we encourage people to come out and it's a way to celebrate the one year relationship of that agreement that we signed with them. They are folks that are interested in portions of the Mid Orange site as well and those discussions continue with them.

5. July 4th is our Independence Day and it is coming up next week and we wish

everyone a happy 4th and hope you celebrate it and remember all of the great things we are able to enjoy here and the people that helped preserve that and give us that opportunity.

6. 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:

#R2013-167 BUDGET TRANSFER – BOOKKEEPER

Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution to approve the following Bookkeeper transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Service Award Program (SA2-9089.800)	Contractual Expense (SA2-3410.400)	\$7,500.00

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

Discussion: Supervisor Sweeton stated that this is the Greenwood Lake Ambulance Corp and they had budgeted for their service award program and the requirement for that deposit came in slightly less and they had reduced their budget in their capital fund to make sure they stayed under the cap so it's transferring that money into their capital budget for their ambulance replacement.

**#R2013-168 AUTHORIZATION FOR USE OF THOMAS P. MORAHAN
WATERFRONT PARK FOR 2ND ANNUAL 8,000 METER HEAD
RACE – EAST ARM ROWING CLUB**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize the use of the Thomas P. Morahan Waterfront Park from 4 p.m. to 6 p.m. on September 27, 2013 and from 6 a.m. to 6 p.m. on September 28, 2013 to the East Arm Rowing Club for their 2nd Annual 8,000 Meter Head Race subject to receipt of Certificate of Insurance, signed Hold-Harmless Agreement and adequate emergency service personnel and lifeguards.

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

#R2013-169 AUTHORIZATION OF ESCROW REFUND – RICHARD BRADY

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$1,408.75, the balance of the escrow for SBL# 64-1-54, to Planning Board applicant Richard Brady as per the recommendation of the Planning Board Secretary; letter dated June 10, 2013. Motion Carried (4 ayes, 0 nays, 1 absent-Councilman Gerstner absent) Supervisor declared this resolution duly adopted.

#R2013-170 ADOPT LOCAL LAW #4 OF 2013 – AMENDING THE CODE OF THE TOWN OF WARWICK, CHAPTER 150, “TREE AND TOPSOIL REMOVAL, GRADING AND EXCAVATING”

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

WHEREAS, a Local Law to amend Chapter 150, entitled “Tree and Topsoil Removal, Grading and Excavating” was introduced on May 23, 2013, and

WHEREAS, a public hearing was held as required by law on June 13, 2013 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 amending Chapter 150 of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

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

#R2013-171 ACCEPT PROPOSAL FOR CONSULTING SERVICES FOR PREPARATION OF A PROJECT LABOR AGREEMENT – CONSTRUCTION OF BUS STORAGE FACILITY

Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution to accept the proposal for consulting services for the preparation of a Project Labor Agreement (PLA) feasibility study covering the construction of a \$2.4 million dollar Town of Warwick Bus Storage Facility from Arace & Company Consulting, LLC, 19 Cropsey St.-Unit 2A, Warwick, NY 10990 in an amount not to exceed \$18,500.00. Project funded through a grant from the Federal Transit Administration and Orange County Department of Planning.

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

Discussion: Supervisor Sweeton stated that this is an agreement that a company puts together to learn, through negotiating, how the unions are involved in the contract, how they can save in the cost of the project. The County has used them effectively to save money on projects so since it's funded by the County we have taken their advice and we're seeking to have one done for us as well.

**#R2013-172 AUTHORIZATION TO REFUND BEACH PASS FEE – JIYOUN
CHOI**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$35.00 to Jiyoun Choi, P.O. Box 156, Sterling Forest, NY 10979. She initially paid for a family season beach pass for \$110.00 and later discovered she only needed a season pass for herself and for one child totaling \$75.00.

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

**#R2013-173 AUTHORIZATION TO EXECUTE AGREEMENT WITH RYANCO,
LLC**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize the Supervisor to execute an agreement with Ryanco, LLC lifting an injunction on property located at 107 Penaluna Road SBL# 61-1-56.2 and approving the form of a Letter of Credit in the amount of \$20,000.00 to cover any damage to town roads.

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

Discussion: Supervisor Sweeton stated that this is part of a settlement for the new owners of what was known as the Hanaburgh property on Penaluna Road where Mr. Hanaburgh for years had brought in old wood debris and the DEC was brought in as well as the Town and we got an injunction and this is the resolution of it. These folks are going to clean it up and develop the property.

**#R2013-174 AUTHORIZATION TO SIGN AGREEMENT WITH VILLAGE OF
WARWICK – AMENDMENT TO POLICE AGREEMENT**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize the Supervisor to sign an agreement with the Village of Warwick as an amendment to the Police Agreement memorializing the insurance requirements.

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

Discussion: Supervisor Sweeton stated that this is an update of insurance requirements that we worked out with the Village and our own insurance carrier as to what was required and it's only an additional \$50 cost.

**#R2013-175 APPOINTMENT OF PART TIME SEASONAL LABORER –
ROBERT D. KLEVENO**

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to appoint Robert D. Kleveno as a part time seasonal laborer at a rate of pay of \$10.50 per hour effective June 29, 2013.

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

**#R2013-176 PINE ISLAND RECREATION PROGRAM EMPLOYEE
APPOINTMENTS FOR 2013**

Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution appointing the following to various Pine Island Recreation positions for the 2013 season:

Hannah M. Benjamin	PI Recreation	\$7.50 /hr.
Ryan P. Delaney	PI Recreation-Medical Dir.	\$8.25/hr.
Liam J. Hayes	PI Recreation	\$7.25/hr.
Rory J. Hayes	PI Recreation	\$7.75/hr.
James M. Kolesar	PI Recreation	\$7.25/hr.
Connor J. Leigh	PI Recreation	\$7.25/hr.
Haley C. Leigh	PI Recreation	\$7.25/hr.
Kevin H. Marion	PI Recreation	\$7.25/hr.
Thomas M. Maslanka	PI Recreation	\$7.25/hr.
Jonathan W. Maslanka	PI Recreation	\$7.25/hr.
Kristen E. Maslanka	PI Recreation	\$7.25/hr.
Alexandra Rupert	PI Recreation	\$7.25/hr.
Antonio Russo	PI Recreation	\$7.25/hr.
Isabella Russo	PI Recreation	\$7.25/hr.
Kathryn E. Scheinert	PI Recreation-Medical Dir.	\$8.25/hr.
Nancy M. Scheinert	PI Recreation-Director	\$13.25/hr.
Bridget M. Scheinert	PI Recreation	\$7.25/hr.
Caroline A. Seeberg	PI Recreation	\$7.25/hr.
Edwin J. Wood	PI Recreation	\$7.25/hr.

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

Discussion: Supervisor Sweeton stated that this is a great program and the only one that the Town runs on its own as opposed to helping the villages. It's very popular and they do a great job. It's supervised under the authority of the health department and it's all in order and ready to start next week.

**#R2013-177 AUTHORIZATION TO REFUND BUILDING PERMIT FEE – BILL
NOLAN**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$125.00 to Bill Nolan, 20 Stony

Brook Dr., Pine Island, NY 10969 for a building permit fee for SBL# 26-1-39 as per the recommendation of the Building Inspector.

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

**#R2013-178 ACCEPT PROPOSAL FOR BORING WORK AND
GEOTECHNICAL ENGINEERING REPORT – SOILTESTING INC.**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to accept the proposal for boring work and geotechnical engineering report for two project areas from Soiltesting, Inc., 90 Donovan Rd., Oxford, CT 06478-1028 in an amount not to exceed \$36,035.00.

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

Discussion: Supervisor Sweeton stated that this is part of the two FEMA projects on those roads that are required for the design of the culvert replacements.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Richard Murtie – Resident, Town of Warwick, NY 10990 – In regards to last week I wanted to know if the Town deliberated over the actions of Wayne Stevens and am I going to receive any correspondence to this?

Supervisor Sweeton – I don't know if you'll receive correspondence. We've reviewed it as I said we had and the attorneys told us he did not exceed his authority. In this case he didn't follow a verbal policy that we had which was normally to contact somebody to try and resolve an issue, so we will reiterate that, that is the policy and I think that's where the matter will lie.

Richard Murtie – Last week I asked to address the Board and you told me that this decision was going to be made by the Board and all I've heard from is you and I heard from you the morning of the last meeting that what was going to be done even before you said the Town had received a letter. It was pretty much a moot point back then that nothing is going to come of this, absolutely nothing; you condone his actions.

Supervisor Sweeton – I just said to you the investigation of your complaint which you gave me was that he did not exceed his authority.

Richard Murtie – My attorney said he did violate it.

Supervisor Sweeton – Ok, then that I guess is for the attorneys to settle. I rely on the council that we have. That's the information I gave to the Board and they didn't

instruct me to do anything else. I don't know what you want to happen to Mr. Stevens but he has a record of good service to the Town over the years and you can argue and I can understand from your point you can argue that you felt it was wrong. I understand that but it doesn't necessarily require that the Town take any disciplinary action. "Tape Malfunction" We take the complaint, the name and contact information so we can get back to the complainant, not necessarily that we put it out for everyone else.

Richard Murtie – Under a foil request I should be able to find that out under the section of the law I should be able to find that out; yes or no?

Supervisor Sweeton – If you FOIL it there is a log in of the call but again we understand and we know the person didn't give their name. We know that, right and you've requested phone logs, we requested them and the Clerks office processed your FOIL and we gave you what we get from them. They don't give you an itemized list and again I want to reiterate if the person had called and said my name is Joe Blow and I'm making this complaint we would not have given you that person's name and we don't do that to anyone, not just you, to anyone. We take it down as information so we can follow up with both complainants.

Richard Murtie – So if somebody has a complaint I don't have the right to find out who made the complaint?

Supervisor Sweeton – We don't normally share people's names because people don't want to come forward because they don't want to be confronted individually by someone.

Richard Murtie – I don't know; that's sad. You know what it costed me Mike, it costed me and potentially costed me and the man has no people skills and to turn around and do what he did was wrong and you know it and you agreed to it.

ADJOURN: Motion Councilman Shuback, seconded Councilman Gerstner that the regular meeting be adjourned.

**Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 7:54 p.m.
06-27-13 CP.**

Marjorie Quackenbush, Town Clerk