

June 28, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, June 28, 2012 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  
DPW Commissioner, Jeff Feagles  
Police Chief, Thomas McGovern, Jr.

**ACCEPTANCE OF MINUTES:**

**1. Regular Meeting, 6/14/12**

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on June 14, 2012.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**CHARLES W. LEE, P.E. – Commissioner, Orange County Dept. of Public Works, P.O. Box 509, Route 17M, Goshen, New York 10990 – Notice to the Supervisor and Town Board that County Road No. 1B at Foley Road and Jessup Road will be closed starting July 9, 2012 for approximately one hundred and nineteen (119) days.**

**TONYA E. CUBBY – Secretary, Planning Board, Township of West Milford, 1480 Union Valley Road, West Milford, NJ 07480-1303 – Letter to the Town Clerk advising that the Township of West Milford Planning Board will conduct a public hearing in order to consider the adoption of the Township of West Milford Highlands Preservation Area Master Plan Element. A public hearing has been set for Thursday, June 28, 2012 at 7:30 p.m. at the Township of West Milford Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480.**

**JENNIFER MEDURGA – 30 Treasure Lane, Pine Island, NY 10969 – Letter to the Supervisor and Town Board regarding their quarterly water bill.**

**JUDENE B. GIAMBRONE – 32 Sanfordville Road, Warwick, NY 10990 – Letter to the Supervisor and Town Board respectfully submitting a letter of intent to retire from my position in the Town of Warwick Assessor's Office effective December 30, 2012.**

**THOMAS F. MCGOVERN, JR. – Chief, Town of Warwick Police Department – Memo to the Supervisor and Town Board requesting two policies be adopted/amended to comply with DA orders for conducting investigations and taking statements.**

**JEFF FEAGLES – Commissioner, Town of Warwick Department of Public Works – Letter to the Supervisor and Town Board requesting the Town Board hire two part time laborers.**

**NEIL WINTER – Section Manager-Public Affairs, Orange and Rockland Utilities, Inc., One Blue Hill Plaza, Pearl River, NY 10965 – Letter to the Town Officials regarding Case 11-E-0408-Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Orange and Rockland Utilities, Inc. for Electric Service. Under the existing electric tariff, the Company will, upon request, replace annually up to 2% of its street lights in a municipality at no cost upfront cost to the municipality. As part of the Joint Proposal adopted on June 14, 2012 by the Public Service Commission in the above referenced proceeding, the Company will replace, upon request, up to 2% of its street lights on a system-wide basis during each of the 12 month periods ending June 30, 2013, 2014 and 2015, respectively, at no upfront cost to participating municipalities. By this letter, the Company is notifying all municipalities of this opportunity to participate in the replacement program in accordance with the 2% System Threshold approach.**

## **STATE ENVIRONMENTAL QUALITY REVIEW SEQR**

### **Notice of Determination of Non-Significance**

**This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.**

**The Town Board of the Town of Warwick, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.**

**Name of Action: Proposed New Access Road – Jones Chemical**

**SEQR Status: Type I**   
**Unlisted**

**Conditioned Negative Declaration:  YES**  
 **NO**

**Description of Action: The Orange County Department of Public Works has determined that it may close a bridge over the Wawayanda Creek that provides the only access to the existing Jones Chemical Company facility. Currently, traffic to**

and from Jones Chemical must traverse Village of Warwick streets and the subject bridge. If the bridge is closed, even for a temporary period, access to Jones Chemical would not be available and this existing business would be forced to cease operations. Alternative access has been proposed in the form of a new Town of Warwick road that would provide access for Jones Chemical traffic directly onto County Road 1A. Access may also be available if the Village of Warwick constructs an extension to the existing Orchard Street, since the existing access through the Village also serves offices and residential uses, but this would be inadequate for the heavy truck traffic associated with this industrial use. The new access road is proposed contiguous to the Norfolk Southern Railroad alignment perpendicular to County Road 1A. The proposed new road will require a crossing of the Norfolk Southern Railroad.

**Location:** Pelton Road and Norfolk Southern Railroad, Town of Warwick, Orange County, NY

**Reasons Supporting This Determination:**

1. The Town Board of the Town of Warwick has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the project dated June 28, 2012, the Town Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. A small portion of the area proposed for the new access road adjoining Pelton Road is located within the Town's Biodiversity Conservation Overlay (BC-O) Zoning District. A letter was sent to the New York State Natural Heritage Program. The response, dated September 22, 2011 indicates that "*We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.*" Furthermore, the area proposed for the access road is contiguous with the Norfolk Southern Railroad, is brushland or unvegetated as a result of past railroad activities, or is in use as a hayfield by the adjoining farmer Tunis Sweetman.
4. The site is located in the Town's Aquifer Protection Overlay Zoning District. No water withdrawals are proposed in conjunction with the proposed action. The new road will add approximately one-half acre of new impervious surfaces over the aquifer. Stormwater runoff from the new impervious surfaces will be directed to grassed swales adjoining the road, where it can be expected that some infiltration will occur.
5. No freshwater wetlands are located in the immediate vicinity of the proposed road. A Protected Stream with a classification of "B" will be crossed by the proposed new road. This stream is currently directed through an existing culvert under the railroad. While it is not expected that the culvert will be replaced as part of the proposed action, in the event further engineering analysis indicates that a culvert replacement is warranted, a Protection of Waters Permit

from the New York State Department of Environmental Conservation will be secured prior to the start of construction.

**For Further Information:**

**Contact Person:** Michael Sweeton, Supervisor  
**Address:** Town Board of the Town of Warwick  
132 Kings Highway  
Warwick, NY 10990  
**Telephone:** 845.986.1120

**BOARD'S DISCUSSION ON CORRESPONDENCE**

Supervisor Sweeton - The Orange and Rockland letter, part of the rate case that was just recently agreed to by the PSC which we successfully got reduced in terms of the increase before the hurricane costs and the snowstorm costs of October were added. Part of that settlement was an agreement they would replace street lights free of charge, more energy efficient lighting, in the Town. This is what this letter is about. We will be assessing the few street lights we have in the districts of Pine Island and Kings Estates and we'll work to get them replaced. There's also a notice of determination of non-significance under SEQRA for one of the resolutions later.

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**ENVIRONMENTAL CONSULTANTS REPORT**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	34 Iron Mountain Rd.	Replace	50 ft. 15"
	32 Kain Rd.	Replace	20 ft. 18"
CATCH BASINS	Winding Hills Dr.	Repair basins	
MOWING	Town wide	As needed	
POT HOLES	Town wide	As needed	
ROAD SIGNS	Town wide	As needed	
HAUL MATERIAL	Haul 1A stone	For chip seal	

**COUNCILMAN DE ANGELO REPORT**

**1. I have a letter from Daniel Kelly, the Village of Warwick Code Enforcer, "Serving as Building Inspector in the Village of Warwick I've had several opportunities to see the Town of Warwick's Animal Control Department in action. Over the years these have included neglected and feral animals. Under Ms. Barron's direction the animal control staff acts with deep compassion and a high degree of professionalism when performing their duties. Often times the animal control staff work under difficult if not horrific conditions. I would like to publicly acknowledge Ms. Barron's dedication and hard work which has resulted in my opinion to be one of the best humane societies in Orange County." They do a very good job and we should keep them in mind because they always need donations.**

**COUNCILMAN KOWAL REPORT**

- 1. The repairs on the bathhouse at the Morahan Park are complete and the park is open full time now.**
- 2. One of the soccer fields is going to be aerated and sanded to relieve some compaction problems that occurred over the last year; otherwise the parks are in fairly good shape.**

**COUNCILMAN GERSTNER REPORT**

- 1. The beaches are open and will be full time next week; seven days a week.**
- 2. The Warwick Fire Department Carnival is going on today until Saturday with the fireworks happening at 10:00 p.m. at Memorial Park in the Village of Warwick and our parade will be July 14<sup>th</sup> this year.**

**Supervisor Sweeton – Regarding the beach, this just came in today and I didn't get a chance to talk to either you or Councilman Kowal but the health department had come. Do you remember when we first opened this season they had limited the number of bathers to 100 because the lake was down and they wanted to keep that under control? We met with them today, Bill Roe and the beach people, and we asked for them to increase that number so they will be increasing it hopefully by this weekend; were waiting for the permit. We won't have to turn anybody away which is a good thing.**

**COUNCILMAN SHUBACK REPORT**

- 1. I don't have anything to add to Commissioner Feagles report.**

**Supervisor Sweeton – I was remiss in recognizing an elected official; Jerry Murray, a Councilman in the Town of Chester, who reported everything is status-quo in the Town of Chester.**

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

**SUPERVISOR'S REPORT**

- 1. This weekend is the Appalachian Trail designation ceremony and it's a big**

deal for us. We're the first community in New York to receive this designation. This is going to be on Saturday and from 8:00 a.m. until 10:00 a.m. there is going to be a breakfast at Lions Field in the Village of Greenwood Lake, \$5 for a pancake breakfast. Then you will be able to hike up the vista trail if you choose to. There are a series of eight hikes for moderate to easy hike specifications all day actually. There will be a ceremony at 11:30 a.m. at the top of the mountain across from the Bellvale Creamery at the Hawks Watch where we will actually get the designation from the Appalachian Trail Conference and the Park Service. There will be no parking at the top of the mountain that day. Kain Road will be shut down for the ceremony period of time from 11:00 a.m. till about 1:00 p.m. Parking will be at Winslow and the Dial-A-Buses will be shuttling people up to the top of the hill and at the CVS in Greenwood Lake, so you can come from both sides. It's going to be a lot of fun and there are going to be exhibitors on Continental Road where the trailhead is and that will also be shut off. We encourage the public to come out and enjoy that. In the evening Greenwood Lake is having a jazz festival at the Waterfront Park and the Warwick Firemen's Carnival will be shooting off fireworks at 10:00 p.m.. For more information go to [nynjtc.org](http://nynjtc.org).

2. Pine Island Turnpike is slated by the County to be closed at Foley Road and Jessup Road starting on or about July 9<sup>th</sup>. There are going to be a bunch of detours and they anticipate that it will closed for 119 days. People who are traveling through that area are going to have to pay attention to the detour signs. I guess they are going to be removing a house and doing some reconfiguration of that intersection there. We need to publicize that if we can and we will put on our website the various detours they have set up.

3. East Shore Road Lane Closure - I just wanted to bring the public up to speed on that. East Shore Road is an old road especially as it runs along the lake where it gets very narrow and it's a stacked stone based road and the stacked stones in one section of it have started to slide into the lake. We have it closed down in that section and we are currently evaluating two different engineering proposals for the repair of that section. We don't anticipate closing the road for any length of time at all maybe some periodic disruptions once the project starts. Traffic will be able to get through it. It will not be a simple project and we will keep everybody informed of what's happening.

4. The South County Sewer system is in the Sterling Forest area which serves Sterling Pines, the NYU Center, IBM, the soon to be headquarters for Jehovah Witnesses and a bunch of different developments in Tuxedo. This Board tonight will pass a resolution to hold a joint hearing with the Town of Tuxedo on July 2<sup>nd</sup> to consider the rate case that South County Sewer has proposed. It's one of the oddities in New York State that the Town Municipal Boards have to, instead of the PSC, approve the rates for these type systems.

5. New DEC Wetland Maps - For the Boards information we did get a letter from the Alliance for Balanced Growth which is an offshoot of the Orange County Partnership. After several meetings and all of our letters of opposition to the new mapping Commissioner Martenz of the DEC has agreed that they will not be issuing the maps without public hearings and without sharing the maps with all the affected landowners. We anticipate that process will go on and will be done diligently which

is what we asked for in the beginning. He's also agreed in his letter to consider the suggestion that they take over the federal 404 wetland program so it's a consolidation and you're not going to two agencies for permits to do anything with wetlands. That's a major accomplishment I believe and I thank the Board for supporting it and certainly Orange County Association of Supervisor's and Mayor's supported it as countless others and a thank you to Senator Bonacic and Larkin who both championed it as well.

6. We all read in the paper our friends from Shouzhou City in China came to visit us last week. It was quite the adventure and we don't know if it will do anything or not but it certainly was interesting to meet people from that part of the world who had a big interest in agriculture and perhaps doing some economic development here in the Town of Warwick. So we'll see where it goes.

7. My budget review is ongoing and the journal entries are approved and all in order. We do have our auditors here this week and they've been very pleased with everything and they've been with us for three years now. We've taken care of the little things they found a few years ago and it's going pretty smoothly and we're happy about that.

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

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

There were no comments or questions on the agenda items.

#### **NEW BUSINESS:**

#### **#R2012-177 RESCIND RESOLUTION #R2012-175 APPOINTMENT OF PART TIME SEASONAL DPW LABORER - RYAN K. KATA**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to rescind resolution #R2012-175 appointing Ryan K. Kata as a part time seasonal DPW laborer at a rate of pay of \$8.25 per hour effective June 16, 2012. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#### **#R2012-178 APPOINTMENT OF PART TIME SEASONAL DPW LABORER – ROBERT D. KLEVENO**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Robert D. Kleveno as a part time seasonal DPW laborer at a rate of pay of \$ 10.50 per hour effective June 30, 2012. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

**#R2012-179 APPOINTMENT OF PART TIME DPW LABORER – MORGAN V. REBELO**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Morgan V. Rebelo as a part time DPW laborer at a rate of pay of \$10.50 per hour effective June 30, 2012.**

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

**#R2012-180 ADOPT ELECTRONIC RECORDING OF INTERVIEWS POLICY AND AMEND CRIMINAL INVESTIGATION POLICY – POLICE PROCEDURES MANUAL**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to adopt the Electronic Recording of Interviews policy to be added as a new section and to amend the Criminal Investigation policy of the Police Procedures Manual of the Warwick Police Department as per the recommendation of the Chief of Police.**

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

**Discussion: Supervisor Sweeton stated this came through the DA's office establishing protocol.**

**#R2012-181 ACCEPT RESIGNATION – JUDENE B. GIAMBRONE**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept the resignation, for the purpose of retirement, from Judene Giambrone effective December 30, 2012.**

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

**Discussion: Supervisor Sweeton stated that Judene has been with the Town a long time in the Assessors office and we are sad she is retiring and we wish her well.**

**#R2012-182 SCHEDULE JOINT PUBLIC HEARING – SOUTH COUNTY SEWER RATE CASE**

**Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to schedule a joint public hearing with the Town of Tuxedo to consider the adjusted filing of the South County Sewer Rate Case. Said joint public hearing to be held at the American Legion Hall, 16 Orange Turnpike, Southfields, NY on Monday, July 2, 2012 at 7:00 p.m. or as soon thereafter as the matter can be heard.**

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

**#R2012-183 SOLICIT BIDS – REPAIR OF TRUCK FRAME RAILS ON 1999 AND 2000 INTERNATIONAL DUMP TRUCKS**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to solicit bids for the repair of truck frame rails on a 1999 International dump truck and a 2000 International dump truck. Notice to bidders and specifications may be obtained from the Town Clerk's office beginning July 4, 2012. Said bids to be opened Tuesday, July 17, 2012 at 2:00 p.m. at the Town Hall, 132 Kings Highway, Town of Warwick.**

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

**Discussion: Councilman Shuback stated that these rails are corroded and it's worth while replacing the rails on it because we'll get another five or six years of life on the trucks if not more.**

**Supervisor Sweeton stated that we had two different vendors take a look at this also.**

**Commissioner Feagles – We had them down, the International people, to make sure those trucks were worth saving and he said absolutely.**

**#R2012-184 ESTABLISH LEAD AGENCY – PROPOSED NEW ACCESS ROAD –  
JONES CHEMICAL**

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

**WHEREAS, the Town of Warwick Town Board is considering action on a proposed new road to provide access for Jones Chemical Company due to a potential closure of a bridge by Orange County that provides the only current access to the Company located at Pelton Road and Norfolk Southern Railroad, Town of Warwick, Orange County, New York, and**

**WHEREAS, an Environmental Assessment Form (EAF) dated 06/28/2012 was prepared to address the action, and**

**WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action, and**

**WHEREAS, after examining the EAF, the Town Board has determined that there may be other involved and/or federal agencies on this matter including the Orange County Department of Public Works, the Town Planning Board, and the New York State Department of Environmental Conservation.**

**NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the review of this action.**

**BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been received by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.**

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

**#R2012-185 NEGATIVE DECLARATION – PROPOSED NEW ACCESS ROAD –  
JONES CHEMICAL**

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

**WHEREAS, the Town of Warwick Town Board is the SEQR Lead Agency for conducting the environmental review of a proposed new access road for Jones Chemical to preserve vehicular access to this existing industrial use, Town of Warwick Orange County, New York, and**

**WHEREAS, there are other involved agencies pursuant to SEQR, which will make their own determinations of significance under SEQR and**

**WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated June 28, 2012, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.**

**NOW THEREFORE BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Supervisor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and**

**BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.**

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

**Discussion: Supervisor Sweeton stated for the public information the Howe Street Bridge was flagged by the State of New York and the County of Orange chose not to repair the bridge. Initially they decided they were going to create a detour road out to Orchard Street for the Jones Chemical vehicles. Obviously the Village and the Town did not feel that was in the best interest of the community, as did Jones. We met with Jones and Jones has agreed to pay for the construction of this access and that's the premise by which we're proceeding. Since that point, the County has reconsidered its plan to go out to Orchard Street and now is going to revisit the bridge. We don't know what will happen with that but it is in a red flag condition which means the County has approximately six weeks to either repair the bridge, certify that it's sufficient for the weight and/or close it. If they close it, Jones Chemical is out of business. Those discussions are between Jones and the County and Jones intent is still to have this road constructed and the Town is still in favor of continuing this effort. This gives us the ability to comply with SEQRA and be in the position to move forward at such time as the agreements with Jones are assigned.**

**#R2012-186 APPOINTMENT OF POLICE LIEUTENANT – JOHN D. RADER**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to provisionally appoint John D. Rader as a Town of Warwick Police Lieutenant at a salary of \$99,999.00 per year, effective June 30, 2012.**

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

**Discussion: Councilman Shuback stated that he's well deserving of this promotion.**

**Supervisor Sweeton stated in the time that he's known John and he served as a police officer he's done an exceptional job. He has certainly the skills and the demeanor to do a very difficult job and I know that personally. I'm very pleased that John is joining our management staff which is exceptional and I think it becomes more exceptional with the addition of John. Congratulations it's well deserved.**

**Councilman DeAngelo – As a resident of Greenwood Lake I want to congratulate you on becoming a Lieutenant, thank you.**

**Councilman Gerstner – Well deserved.**

**Police Chief McGovern – I want to thank the Board for their creative way of making this happen realizing the command structure in our police department needs to have those immediate levels. It's been a couple of years coming; we've spoken about it at length and came up with a way to make it happen. Tonight I present John with his Police Lieutenant bars.**

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**No comments were made under the privilege of the floor by the Town Board or the public.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:53 p.m.**

**06-28-12**

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**Marjorie Quackenbush, Town Clerk**