

**August 14, 2014**

**The regular meeting of the Town Board of the Town of Warwick was held on Thursday, August 14, 2014 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.**

**ATTENDANCE:**     **Supervisor Michael Sweeton  
Councilman Floyd DeAngelo  
Councilman Russell Kowal – Absent  
Councilman James Gerstner  
Councilman Mickey Shuback**

**Town Attorney, Jay Myrow  
Deputy DPW Commissioner, Bill Roe  
Police Chief, Thomas F. McGovern, Jr.  
Police Lieutenant, Thomas Maslanka  
Police Lieutenant, John Rader**

**PRESENTATION: BY LIEUTENANT THOMAS MASLANKA**

**Lieutenant Thomas Maslanka introduced Police Officer Kevin Halsey and his K-9 Partner Nikki and Police Officer Vincent Cossentino and his K-9 Tank who completed on January 9, 2014 the United States Police Canine Associations Annual Region 7 National Certification Trials in Montgomery, New York. Region 7 encompasses the entire State of New York including New York City, Long Island and a portion of Connecticut. More than 50 police K-9 teams attended these trials seeking the certification by the United States Police Canine Association. This year our department sent both of our K-9 teams to trials, Officer Kevin Halsey and K-9 Nikki and Officer Vincent Cossentino and K-9 Tank who both received certifications at these trials. In addition to their certification these K-9 teams are judged in two categories, one is considered an open division and that's for handlers and dog teams that have had some time on the street and a novice division which is for dogs who typically have a year or less of experience on the street. Officer Halsey and K-9 Nikki received awards in the open division; first place overall in the open division with a score of 678.32 out of a possible 700 points. He was first place in the team he was selected to be in, first place in obedience, first place in agility, second place in scent work and third place in criminal apprehension. Officer Vincent Cossentino and K-9 Tank received awards for first place also in the novice division with a score of 647.99 out of a possible 700 points. This score was fourth place among all the dogs who attended these certification trials both novice and open. He received first place in obedience, first place in scent work, first place in agility, and second place in criminal apprehension. Both of these teams qualify to obtain the national certification from the United States Police Canine Association at their trials to be held October 19 through the 24<sup>th</sup>, 2014 in Wilson, North Carolina at the expense of Region 7. 2014 marks the 20<sup>th</sup> year for the Town of Warwick's Police Department K-9 program since its inception in 1994 every K-9 Team in the Warwick Police Department has annually earned certification from Region 7 and**

more often than not qualified to earn a national certification. These dogs did wonderful in their patrol dog certification and they are both cross-trained dogs. K-9 Nikki is cross-trained in narcotics detection and K-9 Tank is cross-trained in explosive detection. I'm sure the Board is proud of the accomplishment of these officers and their partners as the Chief and I are and I thank you for having us here tonight.

ACCEPTANCE OF MINUTE

**1. Regular Meeting, July 10, 2014**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on July 10, 2014.**

**Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal absent)**

CORRESPONDENCE:

**WAYNE STEVENS – Building Inspector, Town of Warwick – Memo to Town Board requesting that \$200.00 of the \$475.00 paid by Dan McCullough for a septic dye test that was conducted at 154 Lakeshore Rd. be refunded to him.**

**WAYNE STEVENS – Building Inspector, Town of Warwick – Memo to Town Board requesting that \$200.00 of the \$475.00 paid by Lee Quackenbush for a septic dye test that was conducted at 458 Jersey Ave. be refunded to him.**

**DEBORAH EURICH – Assessor, Town of Warwick – Memo to the Town Board requesting approval to attend the New York State Assessor's Association Fall Training Session on Assessment Administration to be held in Lake Placid, October 5<sup>th</sup> through October 8<sup>th</sup>. Funds for this training are appropriated in the current budget.**

**DR. JOHN CAREY – Goshen Rotary Tour Director, P.O. Box 563, Goshen, NY 10924 – Letter and Special Event Permit submitted to the Town Clerk requesting approval to hold their 27<sup>th</sup> Annual Tour de Goshen, proceeds benefitting the Winslow Therapeutic Center, on August 17, 2014 from 8:00 a.m. to noon.**

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting that a check in the amount of \$662.00 from Pine Island Park Fund for the purchase and installation of fans at the Pine Island Park Pavilion be transferred from Misc. Revenues (A00.2770) to Park Repairs (A00.7110.456).**

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting that the balance of the escrow account set up for dye tests after refunds to Dan McCullough and Lee Quackenbush be transferred from Escrow-Designated Protection Area (TA0.0899.004) to Building Fees – Septic Dye Tests (B00.1560.004)**

**JOANNE WILCOX – Bookkeeper, Town of Warwick – Memo to the Town Board requesting that a check in the amount of \$1,307.50 from American Legion Post 1443 for the purchase of clay for their ball fields be transferred from Minor Sales (A00-2665) to Parks – Topsoil/Infield Mix (A00-7110-479).**

**CHARLES W. LEE, P.E. – Commissioner, Orange County Department of Public Works, P.O. Box 509, 2455-2459 Route 17M, Goshen, NY 10924-0509 – Road Closure Notice regarding the closure of County Route 1A (Edenville Rd.) for a period of approximately twenty-one days in accordance with the provisions of Section 104 of the Highway Law.**

**GERTRUDE GALLIGAN – President, Warwick Valley Gardeners, P. O. Box 562, Warwick, NY 10990 – Letter to the Supervisor asking for a refund of the \$50.00 fee paid for the use of the kitchen.**

**EILEEN ASTORINO – Assistant Building Dept. Secretary, Town of Warwick – Letter to the Town Board requesting a refund on the remaining balance of escrow for SBL# 78-3-41.1 in the amount of \$260.00 and pay to the order of The Estate of Frank J. Dieber c/o Robert Krahulic, 2 Bank St., Warwick, NY 10990.**

**KATHLEEN HOLDER & THOMAS HOWLEY – Village Trustees, Village of Greenwood Lake – Letter to the Supervisor and Town Board inviting them to join them in celebrating the 90<sup>th</sup> Anniversary of the Village of Greenwood Lake on Saturday, September 6, 2014. The bed race begins at 12 noon on Windermere Ave. followed by a fun, family day of music, food and activities at the Greenwood Lake Park Field.**

**State Environmental Quality Review (SEQR) - Negative Declaration  
Notice of Determination of Non-Significance**

**Date of Adoption:**

**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 of Warwick Town Board, 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: Expansion of the Pine Island Water District**

**SEQR Status: Type I  
Unlisted ✓**

**Conditioned Negative Declaration: YES**

√ NO

**Description of Action:** The project involves expanding the geographic boundary of the existing Pine Island Water District to accommodate one additional parcel of land, at the request of the landowner. The parcel's current use is the Valero Gas Station within the Hamlet. The Orange County Health Department has also requested that the site connect into the existing Pine Island Water District.

**Location:** Hamlet of Pine Island, Town of Warwick, Orange County  
642 County Route 1, SBL 14-2-1

**Reasons Supporting This Determination:**

1. The Town of Warwick Town Board 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 2/27/14, the Town Board has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The action will expand the Water District service area to encompass one additional parcel of land that totals approximately 2.4 acres in size. Sufficient capacity exists to accommodate the proposed expansion, according to an "Engineer's Report Water Supply Connection," prepared by MJS Engineering, PC and dated February 6, 2014. The existing gas station, including a convenience store, is estimated to use 200 gallons per day of water and according to the "Report," the Water District "has adequate supply to provide the convenience store with water service." The Orange County Health Department has suggested that the property connect with the Water District's community supply system.
4. No construction activities will be authorized by the proposed action. Any future development will be subject to the Town of Warwick Zoning Law after a SEQR review of its environmental effects.
5. The extension of the Water District to include the parcel will provide a benefit to the residents of the Water District in the form of adding another parcel to share in the cost of the District.

**For Further Information:**

**Contact Person:** Meg Quackenbush, Town Clerk

**Address:** Town of Warwick Town Board  
132 Kings Highway  
Warwick, NY 10990  
**Telephone:** 845.986.1124 x 246

**A Copy of this Notice Filed With:**

**Town of Warwick Town Board (Lead Agency)**  
132 Kings Highway  
Warwick, NY 10990

**New York State Department of Environmental Conservation**  
Division of Environmental Permits, Region 3 Office  
21 South Putt Corners Road  
New Paltz, NY 12561  
DEC No. 3-3354-00555/00002

**Orange County Department of Health**  
Eli N. Avila, MD, JD, MPH, FCLM, Commissioner  
1887 County Building  
124 Main Street  
Goshen, NY 10924

**BOARD'S DISCUSSION ON CORRESPONDENCE**

**VISITING ELECTED OFFICIALS**

Supervisor Sweeton introduced the Hon. Orange County Legislature for District 3 Paul Ruskiewicz and no report was given.

**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>
TREE WORK	Hoyt Rd.	Clear road sides
	Stonehenge Rd.	Clear road sides
	Continental Rd.	Clear road sides
MOWING	Town wide	As needed
POT HOLES	Town wide	As needed
ROAD REPAIR	Town wide	As needed
ROAD SIGNS	Town wide	As needed

	<b>Union Corners Rd.</b>	
<b>HAUL MATERIAL</b>	<b>Park Union Corners Rd.</b>	<b>Haul topsoil</b>
<b>TOWN PARK</b>		<b>Build soccer field</b>

## **ENVIRONMENTAL CONSULTANTS REPORT**

### **COUNCILMAN DE ANGELO REPORT**

1. The Warwick Valley Humane Society is looking for donations of Friskies Pate or any ground cat food, heavy duty garbage bags, bleach, paper towels, paper plates, monetary donations and prayers.

2. The American Legion Post 1443 in Greenwood Lake is having a 25<sup>th</sup> Anniversary Memorial Golf Outing on Friday, September 12, 2014 at the Hickory Hill Golf Course in Warwick. For more information call the post at 477-2193 or Dezi at 591-5082.

3. On Saturday August 16<sup>th</sup> the Pine Island Chamber of Commerce is having their second annual “Jazz and Art in the Park” at Pine Island Park on Kay Road in Pine Island from 2:00 p.m. to 7:00 p.m. for an art show and musical talent. At 6:00 p.m. there is Eric Person and Mehta4 and this is part of the Hudson Valley Jazz Festival.

Police Chief McGovern – The Stop DWI enforcement period is going into effect within the next few days. We also have additional money for what they call the crackdown period. This department collaborates with other departments usually the Village of Florida and the Village of Greenwood Lake to join efforts to Stop DWI Enforcement and also as school rolls around we will be concentrating on looking for seatbelts, cell phone usage, distractive driving all those areas that we tend to concentrate around the schools. We ask people to be careful and use your head and don’t talk or text while driving.

### **COUNCILMAN KOWAL REPORT – Absent**

### **COUNCILMAN GERSTNER REPORT**

1. We have a beach update from 5/24/13 to 7/30/14 and our beach is down \$2,625.00. We have collected \$25,320.00 to date but we are a little lower than last year. The beach is still there so go out and enjoy the great venue.

2. I have a letter from Cablevision notifying us effective August 18<sup>th</sup> through the 22nd Cablevision will relocate the standardize 300 range channel for all premium channels including TMC, Starz, Encore, Showtime and Cinemax. There is no change in pricing or packaging and for the channels you can go to [www.optimum.com](http://www.optimum.com).

3. I would like to congratulate and thank the Florida Fun Fest Committee for a great time. They had a great day and it was a great event. It was a job well done.

## **COUNCILMAN SHUBACK REPORT**

**1. In addition to the normal work the Highway Department is doing they are hauling topsoil to the soccer field at the Town Park at Union Corners Road. We hope to have it ready a year from now but not promising anything it depends on the weather.**

## **ATTORNEY'S REPORT**

**1. On tonight's agenda there is an item to authorize a facility agreement with a not-for-profit called You Are Beautiful People Inc. For the public's information I would like to briefly go through what's involved in this agreement. As you may or may not know on the Mid-Orange parcel that the Town obtained from the State there is an existing baseball diamond. The Town has been approached by Beautiful People to install two additional baseball fields. One will be essentially a smaller field primarily used for Little League or T-ball. The idea would be to convert the existing field to Little Leagues' regulation field. Beautiful People would come in and install one grass field and construct one synthetic field. Beautiful People is an organization that provides adaptive sports services for children and young adults with disabilities. The Synthetic field is specifically designed for use with wheelchairs and other motorized devices that allow disabled kids to essentially play baseball in a situation where they would normally not. The proposal is that Beautiful People would actually construct the synthetic field, construct the T-ball field and both of those fields after construction would be dedicated to the Town. In exchange for that Beautiful People would be given priority for the use of the field on Sunday's during the baseball season. During the other days of the week the synthetic field would be for use by either organizations that help people with disabilities or individuals with disabilities. The T-ball field and the other field would be used pursuant to regulations by the Rec. Department of the Town. The construction of the field would be targeted for 2016. There is a fundraising period that Beautiful People will engage in by next May. They will know whether or not they have raised the funds to complete this project. The agreement is contingent upon them raising the funds. If they do we will go forward with the project. Maintenance of the synthetic field will be undertaken at the expense of the Beautiful People. The Town, through its normal parks and rec., will maintain the grass fields. If the synthetic field outlasts its life and needs to be replaced Beautiful People will have the option to replace it at their expense or cancel the deal if they didn't want to. In any event, the town would own what has been dedicated to the town. The agreement is essentially for 15 years and there is one option to extend it for an additional 15 years. There will be a fee waiver for any fees for the use of the field by Beautiful People for the Sundays that they would use it. There's a pavilion and a building called the "Quality of Life" building out in the area that served for Little League functions. There is a proposal for the Beautiful People to use a 240 square foot portion of that building for storage and offices. This agreement states that the town will grant a license to Beautiful**

**People pursuant to a separate agreement that we will negotiate the terms of and insurance will be provided. That is essentially the highlights of the agreement.**

**Supervisor Sweeton – Our insurance, for the Board’s information, the Durland Agency has done all the insurance numbers and they are all appropriate. You all have had a chance to look at the agreement and we removed any section that refers to the actual terms of the space inside the “Quality of Life” building. That building will be open once the town gets that section of the property opened up anyway. That’s where the bathrooms are, so if the public is going to be using that like Little League has expressed interest and support if they are going to be playing games they will have access to those bathrooms. Certainly the public residents can reserve it as they can any building in the town as they do through the Town Clerks Office. The resolution tonight will be to ask for authorization to sign that agreement.**

**Attorney Myrow – Mike I don’t know if you want to share what you expect the anticipation of expenses is for building these fields but it’s not an insignificant amount of money.**

**Jeremy Havens – Representative, Beautiful People - As I previously presented and giving our proposals, we expect our expenditures to be somewhere in the nature of \$250,000 to \$300,000 of our investment into this development of this parcel for public use.**

**Supervisor Sweeton – The existing field that is there now remains and will be used. Little League has already expressed and I’m sure we will have other residents who will want to play on it as well.**

**Attorney Myrow – We received a schematic drawing showing what the layout would be.**

#### **TOWN CLERK’S REPORT**

**1. Fees Collected – Month of July, 2014 – Wickham Lake Resident Permit Fees, \$180.00; Wickham Lake Non-Resident Permit Fees, \$180.00; Wickham Lake –Additional Stickers, \$16.00; Wickham Lake Resident Renewal Fees, \$30.00; Wickham Lake Non-Resident Renewal Fees, \$20.00; Film & Video Permit Fees, \$250.00; Copies of Maps, \$45.00; ATV Impoundment Fee, \$500.00; Certified Marriages, \$70.00; Photocopies, \$7.00; Use of Kitchen Fees, \$50.00; Use of Sr. Center Fees, \$50.00; Interest in Checking Account for Month of June, \$0.18; Dog Impoundment Fees, \$820.00; Town Park Pavilion Fees, \$275.00; Marriage License Fees, \$192.50; Cascade Park Trail Map, \$5.00; Conservation Licenses, \$59.32; Dog Licenses Issued/Renewed, \$2,134.00; Use of Room Fees, \$20.00; Registrar Fees, \$100.00; Waterfront Park Daily Non-Res. Fees, \$6,160.00; Waterfront Park Daily Res. Fees, \$5,604.00; Waterfront Park Non-Res. Senior Season Fees, \$120.00; Waterfront Park Res. Adult Season Fees, \$250.00; Waterfront Park Res. Child Season Fees, \$200.00; Waterfront Park Res. Family Season Passes, \$2,970.00; Waterfront Park Res. Senior Season Passes, \$525.00; Waterfront Park Commercial**

**Pass, \$60.00; Waterfront Park Wedding Permit Fees, \$60.00; Waterfront Park Res. Fishing Permits, \$80.00; Town Park Deposits, \$450.00; Little League Field Deposits, \$200.00; Waterfront Park Group Deposits, \$300.00. Total Fees Collected: \$25,856.18**

**2. Fees Paid – Month of June, 2014 – New York State Department of Health for Marriage Licenses, \$247.50; New York State Department of Ag & Markets for Spay/Neuter Program, \$259.00; New York Department of Environmental Conservation for Conservation Licenses, \$1,016.68; Village of Greenwood Lake for Registrar Fees, \$10.00; Village of Florida for Registrar Fees, \$120.00; Village of Warwick for Registrar Fees, \$2,220.00; Total Fees Paid to Supervisor: \$21,983.00**

**3. Requests for proposals were received for screened topsoil for the new ball field at the Union Corners Park from:**

Charlie Straub Excavating LLC.  
Rt. 94  
Florida, NY 10921  
845-651-3478  
Proposal: \$17.00/yd.

Schreibeis Trucking-Excavating  
55 Maple Ave.  
Florida, NY 10921  
845-651-7765  
Proposal: \$15.00/yd.

Organic Recycling, Inc.  
895 Pulaski Highway  
Goshen, NY 10924  
845-651-4177  
Proposal: \$15.00/yd.

**4. Requests for proposals were received for the purchase and installation of approximately 75' of 4' picket fencing at the playground in the Kings Estate Park District from:**

A-Better Fence Co. Inc.  
135 Center St.  
West Milford, NJ  
973-728-5656  
Proposal: \$1,675.00

Bilt-Well Fence Co., Inc.  
P.O. Box 759  
Monroe, NY 10950  
845-782-8301  
Proposal: \$2,175.00

Ketcham Fencing, Inc.  
19 Bordan St.  
Otisville, NY 10963  
845-386-1161  
Proposal: \$2,950.00

## **SUPERVISOR'S REPORT**

**1. The Community Preservation Fund receipts for the month of July were \$50,652.23 which brings the fund balance in the Community Preservation Fund to \$3,458,722.70.**

**2. There was a Civil War Plaque Dedication last weekend and I want to thank Deputy Supervisor Gerstner for being the emcee. Former Town Supervisor Tony Houston had spearheaded an effort to get a plaque that could go into our lobby recognizing the over 700 residents of our town who served on the Union side in the Civil War conflict. We will get that mounted on an appropriate background and then it will go into the lobby of Town Hall with all the other plaques honoring our residents who served. Thank you for that, it was a great day, it is on our channel 21 and you can get it off of our website. They had some demonstrations from some re-enactors and it was great with some great stories.**

**3. The Senior BBQ is coming up on August 26<sup>th</sup> on Tuesday at the Union Corners Park on the pavilion side. That is sponsored primarily by the Warwick Valley Rotary held in conjunction with the town and a multitude of other sponsors who contribute money so that we can provide it at no cost to any senior citizen from**

the Town of Warwick. This is a full day in the park with a lunch and chicken dinner with music and entertainment. It is a great time and I encourage any resident that wants to come out and help, you are welcome to. It will be Tuesday, August 26<sup>th</sup> and if you know a senior who has never been or is interested in going they can get a ticket from my office. Again, it is free so they can come to the office so we can make sure they get one.

4. Ackerman Road Culvert Replacement - Ackerman Road has been closed since Monday for the replacement of a culvert down near the Route 94 end and that is progressing very well. I was out there today and hopefully it will be open in less than the 9 days we originally anticipated. That was a FEMA project that was approved and it will be a 25% larger culvert. Our experience with replacing them through the FEMA process is that they hold up very well in subsequent storms, so they are designed to last for another 100 years which is great for the taxpayers of Warwick.

5. County Route 1 in the vicinity of Sanfordville Road by St. Stephens is closed by the county for a similar replacement and this will be closed for up to 21 days. If you need to get around there they are sending you up Sanfordville Road to Pine Island Turnpike and then back down Foley Road. Just be aware that it is there so leave yourself a little extra time.

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

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

Jan Brunkhorst – Representative, Beautiful People – I was wondering if you had a moment to indulge in some fanfare?

Supervisor Sweeton – I'm not sure what that means. Is there a question on something?

Jan Brunkhorst – We have popcorn bags for everyone when we leave, we have baseball caps for the Board.

Supervisor Sweeton – You might want to wait until after they vote, but thank you it's very nice. It's a great organization and you do provide a great service to children with disabilities. It makes their life as normal as it can be for them and you bring a lot of joy and we thank you for that work.

Richard Murtie – Resident, Town of Warwick, NY 10990 – I want to commend Beautiful People and the Town of Warwick for trying to get this project off the ground at the prison. I looked into some numbers that I don't know if the Town Board or the Beautiful People will appreciate but the square footage of a baseball field with a 60' baseline comes to 38,080 square feet. I talked to some people and just the application of that rubberized material to go on the field is \$11.50 a square foot. I don't know if you all looked into that or what the final numbers are going to be but all the numbers that I've heard so far at the meetings have been \$250,000 and \$300,000. Just the rubberized material going on a prepared field comes in at \$437,000.

**Supervisor Sweeton – We appreciate that research and maybe you could leave that with them. The Miracle League is a national organization so I think they have experience in building them.**

**Richard Murtie – The Miracle League right now is in joined forces with the Town of North Hampton in Pennsylvania that are scrambling right now for the additional \$140,000 to complete their field which is costing them \$750,000.**

**Supervisor Sweeton – I appreciate that and we have faith that they will do what they need to do and I appreciate the research, thank you. I would be interested in seeing it too. If you want to leave copies that would be great.**

**Richard Murtie – I also have an artificial turf exposure environmental human health report of 32 pages.**

**Supervisor Sweeton – Thank you.**

**NEW BUSINESS:**

**#R2014-197 BOND RELEASE – WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to release the Performance Bond #015040211 from Liberty Mutual Ins. Co., 1200 MacArthur Blvd., Mahwah, NJ 07430 in the amount of \$526,365.00 as Watchtower has an alternate surety arrangement by means of a pledged account fully in place.**

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

**Discussion: Supervisor Sweeton stated at our last meeting we reduced their bond and they provided alternate bonding to the town. They had included an amount for the landscaping bond that is determined by our Planning Department and so we are releasing the separate bond they had originally put into place. The full amount is still here and we are just releasing that bond.**

**#R2014-198 APPROVE SPECIAL EVENT – TOUR DE GOSHEN BICYCLE TOUR**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution authoring the use of the roads in the Town of Warwick for the 27<sup>th</sup> Annual Tour de Goshen to be held on August 17, 2014 pending approval by the Chief of Police. Application and Certificate of Insurance are on file in the Clerk's Office.**

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

**#R2014-199 AUTHORIZATION FOR USE OF THE THOMAS P. MORAHAN WATERFRONT PARK FOR THE 3<sup>RD</sup> ANNUAL 8,000 METER HEAD RACE – EAST ARM ROWING CLUB**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the use of the Thomas P. Morahan Waterfront Park from 6:00 a.m. to 6:00 p.m. on September 27, 2014 to the East Arm Rowing Club for their 3<sup>rd</sup> Annual 8,000 Meter Head Race subject to receipt of Certificate of Insurance and adequate emergency service personnel and lifeguards.

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

**#R2014-200 AUTHORIZE ESCROW REFUND – FRANK DIEBER**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$260.00, the balance of the escrow for SBL#78-3-41.1, to Building Department applicant, Frank Dieber as per the recommendation of the Asst. Building Dept. Secretary, letter dated July 28, 2014. Motion Carried (4 ayes, 0 nays, 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

**#R2014-201 AUTHORIZE REFUND OF USE OF KITCHEN FEE – WARWICK VALLEY GARDENERS**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$50.00 to the Warwick Valley Gardeners that they paid for the use of the Senior Room kitchen which was not used as originally planned.

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

**#R2014-202 BUDGET TRANSFER – BOOKKEEPER**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt the following Bookkeeper budget transfer:

FROM	TO	AMOUNT
Check from American Legion Post 1443 for clay for ball fields - Minor Sales (A00.2665)	Parks – Topsoil/Infield Mix (A00.7110.479)	\$1,307.50

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

**#R2014-203 BUDGET TRANSFER – BOOKKEEPER**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt the following Bookkeeper budget transfer:**

<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
<b>Escrow-Designated Protection Area (TAO.0899.004)</b>	<b>Building Fees – Septic Dye Tests (B00.1560.004)</b>	<b>\$550.00</b>

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

**#R2014-204 BUDGET TRANSFER – BOOKKEEPER**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt the following Bookkeeper budget transfer:**

<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
<b>Check from Pine Island Park for purchase of fans at the pavilion – Misc. Revenues (A00.2770)</b>	<b>Parks Repairs (A00.7110.456)</b>	<b>\$662.00</b>

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

**Discussion: Supervisor Sweeton stated that this came from the Pine Island Rec. Group that use the park and run our Recreation Program in Pine Island every year and they paid for these fans.**

**#R2014-205 AUTHORIZATION TO ATTEND 2014 NEW YORK STATE ASSESSORS’ ASSOCIATION FALL TRAINING SESSION – DEBORAH EURICH**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize that Deborah Eurich attend the New York State Assessors’ Association Fall Training Session on Assessment Administration to be held on October 5 to October 8, 2014 in Lake Placid, NY. The cost of this training is appropriated in the current training budget.**

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

**#R2014-206 AUTHORIZE REFUND FOR SEPTIC DYE TEST – LEE  
QUACKENBUSH**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$200.00 to Lee Quackenbush for a septic dye test conducted at 458 Jersey Ave. as per the recommendation of the Building Inspector; letter dated July 25, 2014.**

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

**#R2014-207 AUTHORIZE REFUND FOR SEPTIC DYE TEST – DAN  
MCCULLOUGH**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$200.00 to Dan McCullough for a septic dye test conducted at 154 Lakeshore Rd. as per the recommendation of the Building Inspector; letter dated July 23, 2014.**

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

**#R2014-208 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH YOU  
ARE BEAUTIFUL PEOPLE, INC. – ADAPTIVE SPORTS FIELDS**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement with You Are Beautiful People Inc. for the construction and use of adaptive sports fields to be built at the Warwick Municipal Park, the former Mid-Orange Correctional Facility which the Town of Warwick now owns.**

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

**#R2014-209 ACCEPT BID FOR PURCHASE AND INSTALLATION OF  
FENCING AT THE PLAYGROUND IN THE KINGS ESTATE  
PARK DISTRICT**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to accept the bid for the purchase and installation of fencing at the playground in the Kings Estate Park District from A-Better Fence Co. Inc., 135 Center St., West Milford, NJ 07480 in an amount not to exceed \$1,675.00.**

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

**Discussion: Supervisor Sweeton stated that Kings Estates originally was intended to have a homeowners association and the developer never created that. The Town subsequently after some legal issues with the developer created a park district so only those residents fund that district and this is around one of their playgrounds. It**

was a fence that was in terrible shape and now it is being replaced and the funds come out of their district.

**#R2014-210 ACCEPT BID FOR THE PURCHASE OF SCREENED TOPSOIL FOR NEW BALLFIELD AT UNION CORNERS PARK**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the bid for the purchase of screened topsoil for the new ball field at Union Corners Park from Schreiberis Trucking – Excavating, 55 Maple Ave., Florida, NY 10921 in an amount not to exceed \$15.00 per yard.**

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

**Discussion: Supervisor Sweeton stated that this is the last field at Union Corners in the very back section of the sports side. All the fill material had been provided free of charge by the Watchtower Organization and we thank them for that. This final layer of topsoil will come out of the park capital fund which is a fund that is added to by developers over the years as they develop in the town. Those are not general tax revenues. When that topsoil is complete, leveled and settled a little bit Watchtower Organization has graciously agreed to come back and hydro seed that field for the town at no cost. We will essentially get an additional playing field out there at very limited cost of capital funds and no cost to the taxpayer other than the equipment operator spreading the soil so I think it's a good deal for us.**

**#R2014-211 NEGATIVE DECLARATION – PINE ISLAND WATER DISTRICT EXPANSION**

**Motion Supervisor Sweeton, seconded Councilman DeAngelo 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 expansion of the Pine Island Water District's service area by one parcel of 2.4 acres in size, Town of Warwick , Orange County, New York, and**

**WHEREAS, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and Orange County Department of Health, and**

**WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated 2/27/2014, 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 (4 ayes, 0 nays, 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.**

**Discussion:** Supervisor Sweeton stated that this is the gentleman who petitioned to be in the district and it's the former Ray Shuback gas station on the corner. The engineers have done all the work and satisfied the DEC and now we will hopefully approve this.

**#R2014-212 SCHEDULE PUBLIC HEARING – DISSOLVE NOP-MEADOWBROOK DRAINAGE DISTRICT**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing on the dissolution of the Nop-Meadowbrook drainage district as requested by the applicant. Said public hearing to be held on Thursday, September 11, 2014 at 7:30 p.m., or as soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick.**

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

**Discussion:** Supervisor Sweeton stated that this was a subdivision in the Nop Meadowbrook Subdivision on Union Corners Road that was originally in the vicinity of 33 homes to be built if approved. The drainage district was created subsequently a gentleman bought an adjacent piece of property and he bought the Nop Farm and has no intention and is actually abandoning the subdivision. He wants the drainage district and all of the legal paperwork that went with it undone so that is what we are doing and that is what we are doing dissolving that district.

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Jerry Zimmerman – Resident, Town of Warwick, NY 10990 – The residents of Pine Island have formed a committee to stop the cell phone tower at the Pine Island Firehouse. To demonstrate clearly that the residents in the fire district are all against this we have a down payment on a promise to provide a preponderance of signatures to that affect. We have 416 signatures many of them are residents and business people and this is just the first down payment on these signatures that we are presenting and we hope that this will become part of the public record at this meeting.**

**Supervisor Sweeton – Yes, we will do that sir and we thank you very much.**

**Ray Ruskiewicz – Resident, Pine Island, NY 10969 – What we have is a dilemma going on in Pine Island with the Fire Department. The folks in Pine Island have done everything they could to try and convince our fire commissioners to back off and get away from putting up this cell tower. The cell tower in question is a 150' tower that they plan to construct right up against the firehouse on the side facing the Bank of America. If you look at their plot plan the darn thing is less than 15' from the property line. The access road to it comes across the Bank of America property. The fall zone violates zoning laws in terms of if it falls it could land on Bank of America, it could land on County Route 1 or it could land on the 3.5 million dollar firehouse and destroy all the equipment we have inside of it. We approached attorneys this past fall when this project was first proposed and they have prepared a legal brief and submitted it to the fire company. In addition, they held some meetings to discuss this process and strong opposition was enforced by the community itself. They had a one year contract that expired in May and New Cingular elected not to renew it and they approached the school district. The school district did a stronghold and based upon the community input and their own demands as far as education goes said they didn't want it and walked away from it. Our fire commissioners again, forgetting everything that happened with the people and the opposition to oppose this tower, pursued New Cingular to renew that contract. This is where it really gets to be a pain in the neck because if you look at the clauses of the contract itself it's very disgusting. The fire commissioners, I don't know where they got this from but they pretty much don't care what the people think. They claim to have entered into discussion with officials of the Town of Warwick and agreed that local laws and town zoning requirements are not applicable to that tower. They also claim that since the town will not be involved with the commissioners will conduct a balance of interest under the County of Monroe court case and will review the site plan. To help them obtain these goals Cingular will tender \$20,000 to an escrow fund for legal and engineering services. If that fund is expended it will be reimbursed by Cingular so if they exceed that money there is an unlimited amount of money they will have for legal costs. I guess that is intimidation to the folks in Pine Island or to the people here in Warwick who may step forward and do something about it. They also have agreed with Cingular that Cingular will be bound from the fire department from any third party lawsuit. When you are dealing with a billion dollar company it's a lot of bucks and a cash cow for the attorney. Our commissioners, and I say this not very lightly, with a lack of awareness that has taken this one step further their future location of the public service other than a fire department may not be possible. They are protecting Cingular's primary space to upgrade their equipment which would supersede any obligation to provide space for public service providers and they are calling this an emergency communications tower. The commissioners must think they can do what they want, look at the sign in the front of the building. It's a complete violation of our zoning law with a blinking sign. I guess by the town not taking any action we must have just smoothed them over. I could see giving slack to the fire department and we all appreciate what they do but to put something up which tells us we can do what we want it's tough. I researched Town Municipal Law and I could not find anything to support their actions. They do not have Home Rule. Their role and**

responsibilities are clearly spelled out in Town Law Section 176. They are responsible for fire district prevention and activities related to that. I don't see where they have the right to declare themselves lead agency or in lieu of the Planning Board. I've asked the town to please enforce our zoning laws and one would be to turn off that blinking sign and the second would be to come back with correspondence to notify the fire commissioners that it's expected that they would comply with the existing town zoning laws by submitting a permit application through our Planning Board and taking it from there. Inaction by the town it will set a precedent and it will cause us further grief.

Supervisor Sweeton – Thank you Ray we appreciate that.

Richard Murtie – Resident, Town of Warwick, NY 10990 – From what I understand Mr. Ruskiewicz was in contract with a cell tower for his own property.

Supervisor Sweeton – That's correct. He had an application on his own property for a cell tower. That's correct. The issue on the fire department as we understand it, is that contrary to the opinion expressed under what they've been charged with in Town Law they are considered in the State of New York a semi-quasi governmental agency because they have an elected board, but it used to be that they were automatically exempt from zoning. That's no longer the case. There was a court case litigated called the "County of Monroe" and now an agency such as a fire district is required to do a balancing of interest test based on that Monroe case. The towns Planning Board has not relinquished lead agency for the tower. It has said in writing to the fire company that provided that they justify it under the balancing test they would not stand in the way of them acting as lead agency. To date they have not had a response from the fire district and under the law they are required to do the balancing test. Until that happens there's no action to be taken by the town until we see what the balancing test shows. It's not really relevant that Mr. Ruskiewicz has had an application. The relevant issue is that in the zone in which the fire station resides cell towers are not permitted and just as their sign isn't. They put their sign in and everyone learned about it after the fact. This is a little different because they are proposing to do this. If they were to come to the Town Planning Board their application would not proceed because it's not permitted in the zone. They would have to go to the ZBA for a use variance which are almost never granted. Depending on the side of the issue your on you can understand why you would want it to come to the town, but until they answer the balancing test the Town Planning Board which is the agency charged with planning for the town and enforcement of the zoning or interpretation of the zoning we can't answer; we don't know the direction it will move toward.

Theresa Benjamin – Resident, Pine Island, NY 10969 – I would like to ask your permission if I may to survey the Town Board members if they believe that this is...

**Supervisor Sweeton – That’s not appropriate at this time because ultimately somewhere along the line if things unfold in a way there will be litigation issues and the Town Board may be asked to act on something.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent – Councilman Kowal absent) 8:19 p.m.  
08-14-14 CP.**

---

**Marjorie Quackenbush, Town Clerk**