

August 16, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, August 16, 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.
Police Lieutenant, John Rader

PRESENTATION BY SIMON GRUBER – Wallkill River Watershed Grant Bid Study

ACCEPTANCE OF MINUTES:

- 1. Regular Meeting, 7/19/12**
- 2. Special Meeting, 8/10/12**

Motion Councilman Shuback, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on July 19, 2012 and the Special Meeting held on August 10, 2012. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

CONNIE SARDO – Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting Planning Board applicant, Randolph Specht be refunded the balance of his escrow in the amount of \$406.25.

ALI C. CURTIS – Director for Parish and Community Relations, Catholic Charities Community Services of Orange County, Administrative Offices, 224 Main Street, Goshen, NY 10924 – Letter to the Supervisor and Town Board requesting permission to utilize roads in the Town of Warwick for Orange County Bicycle Club Country Roads Tour to be held on Sunday, September 16, 2012.

JEFFREY FEAGLES - Commissioner, Town of Warwick Department of Public Works – Memo to the Town Board requesting the following budget transfer to adjust the sign budget:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|---|---|---------------|
| Misc. Sales-Maps, Etc. Revenues \$2,665.00 (A00.2655.000) | Material Signposts & Hardware (A00.3310.437) | |

DR. JOHN CAREY – Tour Director, Goshen Rotary Club, P.O. Box 563, Goshen, NY 10924 – Letter to the Supervisor and Town Board requesting permission to utilize roads in the Town of Warwick for the Annual Tour de Goshen to be held on Sunday, August 19, 2012.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer in the amount of \$78.78 from Property Room.Com to B02.00.3120.466.

CHRISTINE KOHLBERGER – Dispatcher, Town of Warwick Police Department – Letter to the Town Board resigning from the Town of Warwick Police Department as a Dispatcher effective August 13, 2012.

ALBERT A. NATOLI, P.C. – The Woolworth Building, 233 Broadway, Suite 810, New York, NY 10279-0815 – Letter to the Supervisor and Town Board regarding the resolution passed by the Town of Warwick on July 19, 2012 for the United Water South County Sewer rate increase.

POLISH LEGION OF AMERICAN VETERANS POST 16 – Legion Lane, Pine Island, NY 10969 – Letter to the Supervisor and Town Board requesting permission to host the Pine Island Summer Fest on Friday, August 17th and Saturday, 18th.

LAURA A. BARCA – Project Engineer, HDR Engineering, Inc., 7 Coates Dr. Suite 2, Goshen, NY 10924 – Memo to the Supervisor recommending the release of \$5,600.00, the entire amount of the erosion control performance bond, posted by William J. Mendrzycki.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - July, 2012

Wickham Water District

| | |
|-------------------------------|---------------|
| Wells #11, monthly production | 2,855,000 gal |
| Average daily use | 92,100 gal |
| Sodium Hypochlorite used | 260 qt |
| Orthophosphate used | 20 qt |
| Soda Ash | 750 lbs |

Bellvale Park Water District

| | |
|--------------------------|-------------|
| Total monthly production | 157,500 gal |
| Average daily use | 5,100 gal |
| Sodium Hypochlorite used | 7 qt |

Eurich Heights Water District

| | |
|--------------------------|-------------|
| Total monthly production | 217,200 gal |
| Average daily use | 7,000 gal |
| Sodium Hypochlorite used | 12 qt |
| Orthophosphate used | 24 qt |

Pine Island Water District

| | |
|--------------------------|-------------|
| Total monthly production | 326,500 gal |
| Average daily use | 11,500 gal |
| Sodium Hypochlorite used | 20 qt |

Westside #1 Water District

| | |
|--------------------------|---------------|
| Total monthly production | 4,803,000 gal |
| Average daily use | 154,900 gal |
| Sodium Hypochlorite used | 320 qt |
| Orthophosphate used | 204 qt |
| Caustic Soda | 300 gal |

The Fairgrounds

| | |
|--------------------------|-------------|
| Total monthly production | 478,200 gal |
| Average daily use | 15,200 gal |
| Sodium Hypochlorite used | 10 qt |

Sewer District #1 Wastewater Treatment Facility

| | | |
|----------------------------------|---------------|-----|
| Mid-Orange Correctional District | 20,500 gal | 2% |
| Wickham Village District | 1,894,504 gal | 51% |
| Kings Estates District | 1,744,706 gal | 47% |

Total District Flow 3,659,710 gal 100%
Average Daily Flow 118,055 gal

All facility maintenance has been done for the month. (Oil grease, filters)

The belt press ran for 32 hrs. and 2.5 gal of polymer was used.

20 cu. Yd. of sludge and 15 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

Total District Flow 172,440 gal
Average Daily Flow 5,563 gal

DEPARTMENT OF PUBLIC WORKS REPORT

WORK BEING

| <u>DONE</u> | <u>LOCATION</u> | <u>REASON FOR WORK</u> |
|----------------------|--|--|
| DITCH WORK | Amity Rd. Little York Rd. | |
| CHIP SEAL | Newport Bridge Rd. Walling Rd. Waterbury Rd. Sanfordville Rd. Four Corners Rd. Wickham Knolls | Seal roads Seal roads Seal roads Seal roads Seal roads Seal roads |
| TREE WORK | Jockey Hollow Rd. Sleepy Valley Rd. | Remove hazardous trees Remove hazardous trees |
| POT HOLES | Town wide | As needed |
| ROAD SIGNS | Town wide | As needed |
| HAUL MATERIAL | GWL Park | Haul infield mix |

COUNCILMAN DE ANGELO REPORT

1. For the month of July the Post Report is as follows: Greenwood Lake had 270 calls, the Town outside the Village had 897 calls, Pine Island 306 calls and the Village of Warwick had 704 calls for a total of 2,177 calls for the month of July.
2. On Saturday, August 18th at 7:30 p.m. there is a Rod Stewart tribute concert at the beach in Greenwood Lake.

COUNCILMAN KOWAL REPORT

1. During one of our summer storms there was damage to one of our pavilions at the Union Corners Park. A tree had come down and crashed onto one of the roofs and the insurance company was contacted and determined the best way to repair that.

2. The dog park opened last Sunday with a grand opening and I'm sorry I missed it due to a prior commitment. It sounds like it was a great event and we're going to make great use of it. It's a nice place to bring your dog if you have one.

Supervisor Sweeton – We're going to invite the Girl Scout Troop 571 from Florida to our next meeting to congratulate them and thank them for creating this. All reports say it's wonderful.

3. In the black dirt area it's starting to be harvest time so I would like to ask people to be patient with the farmers who are harvesting their crops. Just because there is a slow moving vehicle in front of you is not an excuse to pass on the double line. It happens too often unfortunately and it's not safe for anyone.
4. This Saturday at 6:00 p.m. at the pavilion in Pine Island at the Legion is going to be our famous Pine Island Chamber of Commerce onion eating contest and everyone is welcome to come and compete. You will receive a \$100 prize and a plaque.

COUNCILMAN GERSTNER REPORT

1. I've been in contact with our Recreation Commission Chairman Mike Cipolla and we will be setting up a meeting with all the groups who use our fields for the upcoming season to get a schedule together for the Town.
2. We had a server problem here at Town Hall the other day and I worked with Dell. I would like to thank Doreen Donnelly for all her help working to get the server back up.

COUNCILMAN SHUBACK REPORT

1. As you can see by the reports, the people we have running the water department and sewer department are doing an outstanding job. If something goes wrong they take care of it right away and they've been here the last ten years I've been around.
2. The DPW is doing chip sealing in the Town which is keeping them busy.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. Bid Proposals were submitted for the removal and re-installation of the backstop at the Greenwood Lake Park from:

A-Better Fence Co., Inc.
135 Center St.
West Milford, NJ 07480
10998
(973) 728-8222
Proposal: \$2,260.00

Ketchum Fencing, Inc.
19 Borden St.
Otisville, NY 10963
(845) 386-1161
Proposal: \$6,520.00

Kuperus Fence, Inc.
173 Hortons Rd.
Westtown, NY
(845) 726-3849
Proposal: \$3,000.00

2. **Fees Collected – Month of July, 2012 – Wickham Lake Permit Fees, Resident, \$180.00; Wickham Lake Permit Fees, Non-Resident, \$90.00; Wickham Lake Additional Stickers, \$8.00; Wickham Lake Replacement Keys, \$20.00; Wickham Lake Permit Renewal-Resident, \$40.00; Wickham Lake Permit Renewal-Non-Resident, \$60.00; Copies of Maps, \$25.00; Certified Marriages, \$80.00; Photocopies, \$2.75; Blasting Permits, \$5.00; Interest in Checking Account for June, \$0.80; Dog Impoundment Fees, \$1,145.00; Town Park Pavilion Fees, \$50.00; Marriage License Fees, \$420.00; Bid Specs Fees, \$350.00; Cascade Park Trail Maps, \$5.00; Conservation Licenses, \$33.77; Dog Licenses Issued/Renewed, \$2,331.00; Use of Room Fees, \$360.00; Registrar Fees, \$190.00; Sale of Used Police Vehicles, \$3,480.77; Waterfront Park Daily Non-Resident Fees, \$4,670.00; Waterfront Park Daily Resident Fees, \$6,144.00; Waterfront Park Adult Season Passes-Resident, \$350.00; Waterfront Park Child Season Passes-Resident, \$300.00; Waterfront Park Family Season Passes-Resident, \$2,750.00; Waterfront Park Senior Season Passes-Resident, \$375.00; Waterfront Park Commercial Passes, \$60.00; Town Park Deposits, \$150.00. Total Fees Collected: \$26,532.32**

3. **Fees Paid – Month of July, 2012 – New York State Dept. of Health for Marriage Licenses, \$540.00; New York State Dept. of Ag & Markets for Spay/Neuter Program, \$288.00; New York State Dept. of Environmental Conservation for Conservation Licenses, \$578.23; Village of Florida for Registrar Fees, \$60.00; Village of Warwick for Registrar Fees, \$1,390.00. Total Fees Paid to Supervisor, \$23,676.09**

4. **Hunting licenses went on sale on Monday. Doe permits are available until the end of September based on a lottery system.**

5. **I also got a notice from the Board of Elections and I'm sure people who were affected received the card in the mail. They have changed polling places; District 8 who used to vote at Excelsior's will now vote here at Town Hall, District, 7 and 31 that used to vote at Engine 3 are being moved to the Hickory Hill Golf Clubhouse, District 21 who used to vote here at Town Hall will also vote at Hickory Hill Golf Clubhouse, all the Districts in Greenwood Lake that used to vote at the Recreation Center or the Senior Center will now vote at the Greenwood Lake Elks. Any further changes will be announced.**

SUPERVISOR'S REPORT

1. **The Community Preservation Fund receipts for the month of July were \$53,782.22 which brings the total fund to \$2,541,622.34 so it was a decent average month.**
2. **Traffic Light on County Route 1 and Blooms Corner Road - We've had complaints over the years that we've passed along to the County, but we've had some recent ones from neighbors in the vicinity about the effectiveness of the blinking light. The Chief and I have spoken to the**

- Sherriff's Department. They also had some concerns and together we've been in touch with the County Department of Public Works. I did receive a letter from Commissioner Lee stating that they are doing an analysis on the effectiveness of that blinking light and hopefully we'll see some improvements being made there and we'll keep you updated on that.
3. **FEMA Permanent Repairs - The Town awarded two competitive bids to Allied Excavating for the Cascade Road 17A temporary bridge site and for the Ryerson Road bridge repairs under FEMA. We're in the process of going through contracts and formalizing those with Allied Excavating and that work will more than likely start the second week in September and we expect that they will do a fairly good job. We will try to minimize the amount of time that traffic through those areas is affected. We are also soliciting bid proposals for the repair of the other seven smaller culvert projects tonight.**
 4. **South County Rate Case - Last month we passed a resolution approving the rate case with some objections. In conversations with their attorney and the attorney for the Town they had taken exception to a couple of the statements we had made in the resolution so we are going to amend it. They are agreeing to provide all the information we've asked but they have a legal opinion as to some of the statements that we made so we're going to modify those slightly to avoid any unnecessary litigation even though we feel we were warranted in that initial resolution but to make sure we're not wasting peoples money and time we're going proceed with the modest changes that they wanted.**
 5. **Unwarranted Solicitations - Just a public service notice a couple of residents in the Wickham Village area had brought in a letter that came in looking pretty official telling people that their insurance doesn't cover water main breaks and their service lines is what they're really referring to. I just want to caution people to check with their own insurance carrier before they take a solicitation like this and sign up for a insurance policy from a company that they don't know anything about. The Town is responsible for their own infrastructure and it's just the service line to the house that the homeowner is responsible for.**
 6. **Monthly Budget Review – I did go through the journal entries for the month, which weren't a lot, and they were in order for the Boards information.**
 7. **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:

#R2012-201 BUDGET TRANSFER – POLICE DEPARTMENT

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

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|------------------------------|--|---------------|
| Check from Property Room.Com | Special Department Supplies (B02.00.3120.466) | \$78.78 |

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

#R2012-202 BUDGET TRANSFER– DEPARTMENT OF PUBLIC WORKS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to approve the following DPW budget transfer:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|---|---|---------------|
| Misc. Sales-Maps, Signs, Etc. Revenues (A00.2655.000) | Material Signposts & Hardware (A00.3310.437) | \$2,665.00 |

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

Discussion: Supervisor Sweeton stated that this is signs that we do for other people for the revenues that they pay to the Town for that and we're just putting it back into the sign budget.

#R2012-203 MEMORANDUM OF AGREEMENT – C.S.E.A.

Motion Supervisor Sweeton, seconded Councilman Kowal to adopt a resolution hereby approving the Memorandum of Agreement between the Town of Warwick and CSEA Local 1000 AFSCME, AFL-CIO Town of Warwick Unit, Orange County Local 836, dated July 19, 2012 commencing January 1, 2012 for a four-year period expiring December 31, 2015.

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

Discussion: Supervisor Sweeton stated that he wanted to thank the bargaining unit and the employees of the CSEA local that concluded this agreement with the Town. We had difficult negotiations but we feel that they understood the severity of the municipal finances at this time and we believe that they made some good concessions to the Town and we appreciate their partnership in making sure the Town remains fiscally stable and responsible so I want to thank them for that.

#R2012-204 SPECIAL EVENT PERMIT – PINE ISLAND SUMMER FEST

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution granting approval to the Polish Legion of American Veterans and the Pine Island Fire Department to hold the Pine Island Summer Fest on August 17, 2012 and August 18, 2012. The Chief of Police has advised that two (2) additional Police Officers will be required for this event. Application and Certificate of Insurance are on file in the Clerk's Office.

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

#R2012-205 SPECIAL EVENT PERMIT – TOUR DE GOSHEN BICYCLE TOUR

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the use of the roads in the Town of Warwick for the 25th Annual Tour de Goshen to be held on August 19, 2012 pending approval from the Chief of Police. Application and Certificate of Insurance are on file in the Clerk's office.

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

#R2012-206 SPECIAL EVENT PERMIT – COUNTRY ROADS BICYCLE TOUR

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to authorize the use of the roads in the Town of Warwick to the Orange County Bicycle Club for their annual Country Roads Bicycle Tour. Event to be held September 16, 2012 from 7:30 a.m. to 3:00 p.m., subject to approval by the Chief of Police. Application and Certificate of Insurance is on file in the Clerk's office.

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

#R2012-207 AUTHORIZATION OF ESCROW REFUND – RANDOLPH SPECHT

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$406.25, the balance of the escrow for SBL# 49-1-92, to Planning Board applicant Randolph Specht as per the recommendation of the Planning Board Secretary; letter dated August 1, 2012.

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

#R2012-208 ACCEPT RESIGNATION – CHRISTINE KOHLBERGER

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Christine Kohlberger as a part time dispatcher effective August 13, 2012.

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

#R2012-209 ACCEPT BID PROPOSAL FOR BACKSTOP AT GREENWOOD LAKE PARK

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the bid proposal to take down and re-install the existing backstop at the Greenwood Lake Park from A-Better Fence Co. Inc., 135 Center St., West Milford, NJ 07480 in an amount not to exceed \$2,260.00.

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

#R2012-210 AUTHORIZATION TO SOLICIT BIDS – PERMANENT REPLACEMENT OF CULVERTS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to solicit bids for the permanent replacement of culverts on Ketchum, Cascade, Distillery and Blackrock roads that were damaged by the storm events of 2011. Notice to bidders, plans and specifications prepared by Tectonic Engineering may be obtained from the Town Clerk's Office beginning August 22, 2012. Said bids to be opened at 2:00 p.m. on September 7, 2012, at the Town Hall, 132 Kings Highway, Town of Warwick.

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

#R2012-211 SCHEDULE HEARING – HARRISON PARK PERFORMANCE BOND – EAST SHORE ROAD PROJECT

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a hearing to consider calling the performance bond posted by Harrison Park Associates for completion of the East Shore Rd. project. Said hearing will be held on September 13, 2012 at 7:00 p.m. at the Senior Center, 132 Kings Highway, Town of Warwick.

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

Discussion: Supervisor Sweeton stated that this is the project on East Shore Road the completion of that had a disagreement with the Town and the contractor as well as the NYS DOT. We are trying to resolve that and we fully expect to but we are scheduling this hearing just in case that we can't.

#R2012-212 AMEND RESOLUTION #R2012-199 - SOUTH COUNTY SEWER CORP – UNITED WATER – RATE PETITION

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to amend resolution #R2012-199 by inserting the following:

- 1. After tenth WHEREAS clause – WHEREAS South County Sewer made an effort to mitigate the impact of the rate increase by proposing a three year phase in as well as adjusting the ratio of debt to equity funding;**

2. **NOW THEREFORE clause, #2 – Insert “shall be a factor in the Town’s consideration of any rate increases” in place of “preclude any rate increases” and “failure” in place of “disability”**
3. **NOW THEREFORE clause #3 – Insert “shall be a factor in the Town’s consideration of any rate adjustment in relation thereto, unless this failure is relieved by the Town Board upon good cause shown and” in place of “shall preclude the seeking a rate adjustment in relation thereto, unless this disability is relieved by the Town Board in its discretion upon good cause shown”**

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

#R2012-213 ACCEPT PROPOSAL – CULVERT REPAIR ON OLD DUTCH HOLLOW ROAD

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to accept a proposal for emergency culvert repair on Old Dutch Hollow Road from Allied Excavating Inc., 71 Waterbury Rd., Warwick, NY at a cost not to exceed \$35,920.00.

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

Discussion: Supervisor Sweeton stated that he has a letter from the engineering firm HDR declaring the imminent emergency of that culvert. It has continued to disintegrate since the first storm that hit it and they are recommending that we move forward with this.

#R2012-214 REFUND CASH BOND – MENDRZYCKI – SBL# 27-1-72.16

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to release a cash bond in the amount of \$5,600.00 plus interest to William J. Mendrzycki, P.O. Box 1009, Highland Mills, NY 10930 as per the recommendation of the Planning Board Engineer; memo dated August 8, 2012. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Councilman Shuback – Now that it’s summertime kids are out riding on bicycles and they’re not looking where they are going and I see that every day. You can’t blame the police or anybody but they don’t get the training at home to look out.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:10 p.m.
08-16-12**

Marjorie Quackenbush, Town Clerk