

September 22, 2011

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, September 22, 2011 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 Leonard DeBuck  
Councilman James Gerstner  
Councilman Mickey Shuback

Town Attorney, John Hicks  
Deputy DPW Commissioner, William Roe  
Police Chief, Thomas F. McGovern, Jr.

**REMEMBRANCE OF DOMINICK DEGAETANO**

Supervisor Sweeton asked the public to pause for a moment of silence for the remembrance of our good friend, Town of Warwick Beach Manager and the one who was instrumental in helping the Town of Warwick convert to the 911 Addressing System, Dominick DeGaetano, for his passing.

**ACCEPTANCE OF MINUTES:**

**1. Regular Meeting, 09/08/11**

Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written from the Regular Meeting held on September 8, 2011.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**DONNA ALFANO – P.O. Box 1412, Greenwood Lake, NY 10925 - Letter to the Supervisor and Town Board regarding water issues on Schradin Hill Road that need to be addressed.**

**BARBARA SESSA, DEB TORPEY, JULIE LORUSSO, RACHEL LOFTUS – Team Stiletto Board Members – Letter sent to the Supervisor thanking him for allowing them to utilize the beach for their practices.**

**BOARD'S DISCUSSION ON CORRESPONDENCE**

Supervisor Sweeton stated that Team Stiletto who was practicing at the beach during the early morning hours thanked Attorney Hicks for working out the legality issues with them and they sent us a nice letter of thanks.

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

**Supervisor Sweeton stated that he has the Building Department report on file for the month of August.**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CATCH BASINS	88 Little York Rd.	Vac out basin
DRAINAGE	West Ridge Rd.	Rebuild stream bank with stack blocks - storm damage
DITCH WORK	Cascade Rd., Hoyt Rd., Newport Bridge Rd., Brady Rd., Bowen Rd., Conklin Rd.	Clean & repair ditches - storm damage
TREE WORK	West Ridge Rd.	Remove large trees with O&R crew
MOWING	Town wide	Mow road sides as needed
POT HOLES	As needed	Town wide as needed
VEHICLE MAINT.	As needed	
EMERG. REPAIRS	As needed	
ROAD SIGNS	As needed	Replace as needed
HAUL MATERIAL	Stockpile	Rip rap & Item # 4
TOWN PARK		Mow & maintain

**ENVIRONMENTAL CONSULTANTS REPORT**

**Town Of Warwick - Water and Wastewater Operations Report - August, 2011**

**Wickham Water District**

Well #11 monthly production	2,080,100 gal
Average daily use	69,100 gal
Sodium Hypochlorite used	53 qt
Orthophosphate used	40 qt
Soda Ash used	250 lbs.

**Bellvale Park Water District**

Total monthly production	132,500 gal
Average daily use	4,300 gal
Sodium Hypochlorite used	8 qt

**Eurich Heights Water District**

Total monthly production	185,800 gal
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Average daily use	6,000 gal
Sodium Hypochlorite used	3 qt
Orthophosphate used	24 qt

**Pine Island Water District**

Total monthly production	268,300 gal
Average daily use	8,700 gal
Sodium Hypochlorite used	23 qt

**Westside #1 Water District**

Total monthly production	4,925,500 gal
Average daily use	158,900 gal
Sodium Hypochlorite used	240 qt
Orthophosphate used	64 qt
Caustic Soda	300 gal

**The Fairgrounds**

Total monthly production	217,400 gal
Average daily use	70500 gal
Sodium Hypochlorite used	7 qt

**Sewer District #1 Wastewater Treatment Facility**

Mid-Orange Correctional District	2,634,980 gal	31%
Wickham Village District	3,651,590 gal	43%
Kings Estates District	2,229,120 gal	26%
<b><u>Total District Flow</u></b>	<b>8,515,690 gal</b>	<b>100%</b>
<b><u>Average Daily Flow</u></b>	<b>274,699 gal</b>	

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

The belt press ran for 14 hrs. and .5 gal of polymer was used.

20 cu. Yd. of sludge and 8.5 cu. ft. of grit were removed from the site this month.

There was 20.9" of precipitation for the month.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

<b><u>Total District Flow</u></b>	<b>99,931 gal</b>
<b><u>Average Daily Flow</u></b>	<b>3,224 gal</b>

**COUNCILMAN DE ANGELO REPORT**

**1. For the month of August 2011 the Post Report is as follows: Greenwood Lake had 241 calls, the Town outside the Village had 988 calls, Pine Island 342 calls and the Village of Warwick had 854 calls for a total of 2,425 calls for the month of August.**

**COUNCILMAN DE BUCK REPORT**

**1. On Sunday, October 23<sup>rd</sup> the Pine Island Chamber of Commerce is going to be celebrating their 50<sup>th</sup> Anniversary. You can contact any board member of the Chamber of Commerce and look for press releases in the local paper to try and come out that Sunday evening for a social. They are going to honor, I think they were able to locate twelve founding members that are still around and they will be the invited guests of honor as well as several members of the community that have been recognized as citizens of the year. That is on the 23<sup>rd</sup> day of October, a Sunday, so look for those notices in the local paper.**

**Supervisor Sweeton – That is a great chamber, they do a lot of great stuff. They promote the hamlet in the Town and we appreciate all the work they do out there. We look forward to having a proclamation for them as well.**

**COUNCILMAN GERSTNER REPORT**

**1. I have a beach report for the revenues for the season; commercial passes were \$180, our daily non-resident passes were \$4,816, our daily resident passes were \$11,916, adult season passes were \$1,040, our child season passes were \$675, family season passes were \$6,900 and our senior season passes were \$600 for a total of \$26,127. We had a great year this year and thank you to the DPW and all the guys for keeping the beach good and our beach crew did a great job. We are going to miss Dominick who did a great job. This is one of our highest seasons and I think it was due to our economy; people were staying home and enjoying our lovely beach in Greenwood Lake.**

**Supervisor Sweeton – This was the best revenue year ever, so it's a good thing.**

**COUNCILMAN SHUBACK REPORT**

**1. When you travel on the Town roads you will see orange paint sometimes in circles and sometimes in lines. That means there is a pothole or a washout underneath the road, so you have to be careful and watch because you can loose a tire especially in the lower parts of the Town. They say in the higher parts there are a lot of washouts too.**

**ATTORNEY'S REPORT**

**TOWN CLERK'S REPORT**

**1. Doe permits are still available until the close of business on October 1<sup>st</sup> and any leftover doe permits will be available beginning November 1<sup>st</sup>.**

## **SUPERVISOR'S REPORT**

**1. FEMA Response Update – Again, Orange County got both individual assistance and public assistance declarations. Individuals and small businesses need to apply to FEMA at [fema.gov](http://fema.gov) or there's an 800 number they can call to register. They need to have already contacted their insurance company and then contact FEMA. I know FEMA teams came here for individual assistance and had been out in the Town already. Some people have actually gotten checks from FEMA for individual damage that was done, so that's a good thing. FEMA has set up a center at the Fire Training Center in New Hampton on 17M between Goshen and Middletown to deal with individual assistance information and questions that a homeowner or small business might have. If you haven't already done that the process is to document it, contact your insurance company and register with FEMA. People need to remember FEMA is a reimbursement agency so in other words you spend the money to get the stuff done and then they reimburse you. The State of New York also has some programs they've made available. There's an appliance program to replace your appliances if they were damaged and that information hopefully is on our website. Certainly it's on the Governors website at the State of New York. The Governor was here actually in Orange County just across the line in the Town of Goshen at a farm today. He pledged to help and not forget the dire situation in the farming region, so I think we were pleased that he was here. He said some good things and now it's our job to see that he follows through. He also brought the Commissioner of Ag and Markets here, Commissioner Aubertine, and he also pledged to me he would like to see the issues of the flooding from the Wallkill River resolved and he's pledged his assistance to help us with that. We look forward to further conversations with him as well. A week ago tomorrow, so last Friday, we had our kickoff meeting for public assistance. That's the money that will be used for municipalities to make repairs. We filed our request for assistance forms with FEMA and now we await the FEMA teams coming into the Town of Warwick to assess our damage and give us direction on what kind of permanent repairs that they're going to fund for us. It's a 75/25 match and we're still working with the State to have the State make the 25% contribution so the local residents do not have to make that contribution. As of now it is still only 75% of federal dollars. We are confident our DPW documented all of the damage that we had in the Town on a nice DVD that they will be sharing with FEMA. It shows all of the devastation that we had on our public infrastructure, so I think we're in good shape to make our case with them and to get our permanent repairs done. People do need to understand that this is the middle of September and most of the permanent repairs will not be made until spring. The FEMA process is just long enough that we will run into the winter fairly quickly. People need to understand as Councilman Shuback stated when you're driving around Town still obey barricades and watch out for those temporary fixes which are solid but yet may be a little rough, so you need to watch that.**

**2. Warwick Farm Aid is this Sunday at the Warwick High School from 1:00 p.m. until 4:00 p.m. and it is free. There is going to be lots of activities for kids and adults. There is going to be an auction there, restaurants donating food for**

sale and all of the proceeds going to aid the farm community here in Warwick Valley which includes the Pine Island and Florida areas. From 4:00 p.m. until 9:00 p.m. there will be a concert. There is a \$25 charge. Again, the bands are donating all their time so all that money will go. We have been selling t-shirts at all the farmers markets and there is one in front here. We are hoping all the people will come out. It is [warwickfarmaid.com](http://warwickfarmaid.com) for more information and hopefully we'll have a great turnout. The auditorium seats 1,000 and our goal is to sell it out. Our initial goal was to raise \$25,000 and I think we will clearly exceed that and the hope now is to raise \$50,000 by Sunday afternoon or evening. I'm hoping that people come out to support that effort. On the website there's the whole working out the process of how the money gets allocated but certainly the pledges, all the money raised, will go to the farm community in some form and do the most good that can be done.

Councilman Shuback – Mike, I had a group of farmers ask me today if they could get it dedicated out of that for removing trees from the Wallkill.

Supervisor Sweeton – I'm not involved in the allocation of dollars, but I will say I know there is a meeting between some of those farmers and the organizers of the whole event tomorrow evening so I think they are going to try and work out details on that.

3. Greenwood Lake Drawdown - The New York State DEC has granted the permit that the State of New Jersey needed in order to have the drawdown of the lake this year, so that will begin I think in mid October. The lake will gradually be drawn down and the shoreline will be exposed and that helps kill the weeds and that also allows residents to get in and make repairs if they have docks or bulkheads. You can't just go in and do that. There will be a blanket permit issued which it has been by the DEC. If you are a Town resident you need to come to our building department to fill out a form and we'll help you with that. We are going to be submitting batches of them to the DEC and they've vowed to approve them quickly and get them back to the individual residents. If you are a town resident who lives along Greenwood Lake and plans to do some work this year you need to contact our building department at 986-1124 and follow the menu choices and our people there will help you get that done. There will be a presentation held in the Village of Greenwood Lake with a representative from the DEC and the Town Building Department and Village Building Department so we can help answer questions on the things that they need to do. We will announce when that is going to be. If you are a Village of Greenwood Lake resident and you plan to do work you need to go to the Village Building Department for those permits as well.

Councilman DeBuck – That lake drains through West Milford right?

Supervisor Sweeton – Correct.

Councilman DeBuck – That's where the control structure is.

**Supervisor Sweeton – Correct.**

**Councilman DeBuck – Is that through gates or board structures?**

**Supervisor Sweeton – There's a gate. There's a dam and a gate and what they'll do is raise the gate and draw the lake down. That is done generally every four years and this is actually a 6<sup>th</sup> year drawdown because of some issues that arose; some with the villages' clean flow apparatus and some other issues. We are looking forward to the drawdown and we'll help reduce weed growth in the lake as well.**

**4. Community Preservation Fund Update - The receipts for August were \$39,991.98 and that brings the total in the fund to \$3,220,006.66 after which the Seward Home Site and Wright Farm purchase leaves it at \$1,981,416.66, so again, not a bad month considering the real estate market is pretty much at the desperate straits. It just shows that we're still turning properties over here and people are coming to our community.**

**5. An update for the Board; we joined, at no cost, a litigation that the County of Nassau has launched against the State of New York and the MTA for what we feel is the unfair MTA tax that's imposed upon the upstate counties. That has now been scheduled for an initial appearance before the State Supreme Court in Nassau County on October 12<sup>th</sup> at 9:30 a.m. A couple of positive things; it actually has a court date and they were not able to move it to Albany which is what the State wanted to do, so we feel good about that at least.**

**6. Tax cap information for the Boards information; as we get into this budget season we are under the Governors 2% tax cap with very little exclusions. The State of New York, unlike other states, chose not to deal with the underlying cost drivers. They say they will deal with those in the next legislative session, so that leaves us to deal with it and we will certainly work as hard as we can to stay under the cap and that's our goal. There is a mechanism you have to have a public hearing and a local law enacted to allow you to exceed it. There will be a discussion of that at the Association of Towns meeting on October 4<sup>th</sup> among the supervisors. If at that point after discussion with the fellow Board members we choose to follow that path; we'll make that decision at that time. We are plowing ahead under the premise of a 2% tax gap and the reduction in services it might bring.**

**7 Another part of the FEMA storm relief effort was a executive order By Governor Cuomo that if you are in a County that was affected by the storm you have the ability, if your school district so chooses, to request a 21 day extension by which you can pay your school tax without penalty. The only school district so far in the Town of Warwick that has chosen that path is the Warwick School District. You need to be clear in your reporting of this if you are a resident who has been affected by the flooding during the storm you can get an extension of 21 days to pay your school taxes without penalty, so it would be October 21<sup>st</sup>. There is no verification of that so it is an honor system and again the only school district that has requested it from the State is the Warwick**

**School District.** The Greenwood Lake School District has said that they will not be requesting the extension because they feel the damage there was not as severe and Florida School District has yet to. They are analyzing it and they will get back to us shortly. If there are questions that someone has they can direct them to the Receiver of Taxes office, Brenda Faulls.

**8. Bill Stiles** who does the defensive driving for the AARP has offered to do a defensive driving course free of charge to veterans and their wives in the month of November. They would like to hold it here in the Town and I thought it was a great idea, but I thought I'd ask the Board their input.

**Councilman Gerstner** – No problem.

**Councilman DeAngelo** – As a veteran I think it's a great idea.

He is only able to do 35 at a time, but he has offered to do multiple sessions. We can announce that Bill Stiles will be holding a defensive driving training course for veterans and their wives in the month of November, a date to be announced, free of charge to help them reduce their insurance.

**9. Budget Reviews** - I've gone over all the journal entries and bank reconciliation and everything is in order for this month and that's all been reviewed.

**10. 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:**

#### **#R2011-234 ESTABLISH LEAD AGENCY – BELLVALE WATER DISTRICT & CASCADE PARK PROPERTY ACQUISITIONS**

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

**WHEREAS, the Town of Warwick Town Board is considering action on a proposed acquisition of two properties, for back taxes, that consist of a one (1) acre parcel adjacent to the Town owned Bellvale Water District property and a 10.3 acre parcel adjacent to the Town owned Cascade Lake Park in the Town of Warwick, Orange County, New York, and**

**WHEREAS, an Environmental Assessment Form (EAF) dated 09/20/2011 was prepared to address the environmental effects of such actions, 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 are no other involved and/or federal agencies on this matter.**

**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.**

**Discussion: Supervisor Sweeton stated that this was offered to us by the County. The back taxes on the Bellvale lot is \$5,000 and that lot is kind of a funky result of a subdivision and it surrounds the water lot, so it's critical to protect that. At that price I think it's a fair that will be borne by the district. The 10.3 acre parcel has a back tax bill of \$1,500 so it almost seemed like a no-brainer because it does jut into the park so it seemed like it made sense. We will have a public hearing on that once we move on here.**

**#R2011-235 SCHEDULE PUBLIC HEARING – PURCHASE OF PARCELS FOR BACK TAXES**

**Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to schedule a public hearing to consider the purchase, for back taxes, of parcel SBL# 56-6-1.12 and parcel SBL# 69-1-5 for the purpose of protecting the Bellvale Water District and the entrance to Cascade Lake Park respectively. Said public hearing to be held on October 13, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick.**

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

**Discussion: Supervisor Sweeton stated that the cost of the water district lot will be born by the water district and the cost of the Cascade lot will come from the park funds.**

**#R2011-236 APPOINTMENT OF PART TIME DIAL-A-BUS DRIVER – VLACHOS EUSTRATES**

**Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Vlachos Eustrates as a part time Dial-A-Bus driver at a rate of pay of \$13.75 per hour effective September 24, 2011.**

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

**Discussion: Supervisor Sweeton stated that this is to fill a vacant seat at the Dial-A-Bus.**

**#R2011-237 RECOGNITION OF PINE ISLAND CHAMBER 50<sup>TH</sup> ANNIVERSARY**

**Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution;**

**WHEREAS, the Pine Island Chamber of Commerce was officially organized in 1961 and is proudly celebrating their 50<sup>th</sup> anniversary, and;**

**WHEREAS** the Pine Island Chamber of Commerce is a non profit organization made up of community volunteers of individual citizens and business members who have tirelessly served their community for 50 years, and;

**WHEREAS**, the Pine Island Chamber of Commerce has been instrumental in increasing community involvement and establishing many events beneficial to the area, and;

**WHEREAS**, the Pine Island Chamber is stronger than ever with a record number of members and new activities that have strengthened their ties to not only their hamlet but the wider Town of Warwick economy, and;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board, on behalf of its residents, congratulate the Pine Island Chamber of Commerce on their many achievements on their 50<sup>th</sup> Anniversary.

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

**Discussion:** Supervisor Sweeton stated that it's a great organization that's done so much to that area and the wider Town, so we congratulate them.

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

#### **PRIVILEGE OF THE FLOOR (GENERAL)**

Christina Cytrynowicz – Resident, Town of Warwick, NY 10990 – I have a question in reference to the law that states a dog off a leash is only a \$25 fee. We have been having issues with a rogue 115 pound Doberman pinscher who has been menacing the neighborhood and the woman has been given a ticket of \$25. My issue is the \$25 does not fit the inappropriate behavior of the animal as well as the dog. I don't understand, if you throw a piece of garbage out the window it's a \$250 ticket or if I should choose to put a pool in my backyard I need to put fencing around the pool. This dog has growled at family members. I know also of other issues in Warwick where people have lost chickens from dogs coming into their yards and menacing the neighborhood. I'm just curious to know what the logic is behind only a \$25 ticket. You can't even fill a tank of gas, so it's not the person who is violating the ordinance and the law; there's no real accountability for a \$25 ticket on an animal like that. If somebody comes into your neighborhood or yard and is hunting and they trespass into your property it's a greater fee. I want to know how we can maybe change this and make people more accountable for their pets. I have the understanding that the Warwick Valley Humane Society spends most of their time dealing with this inappropriate behavior without any accountability coming from the people who are given the ticket because they don't care; it's \$25 they just do it and it keeps growing and growing. It spends more time on the individuals who work for the Humane Society for them to be driving around delivering tickets for people who just don't care. I propose that we raise the fee to something that will make people think twice about the action instead of waiting for someone to be bitten by an animal or for something more dangerous to happen. I was wondering if you could give me an idea as to why it's only \$25 and how do we change it?

**Supervisor Sweeton – I’m guessing it was set at \$25 a few years ago when \$25 was worth more and it hasn’t been reviewed, but certainly if you brought the issue up I will speak with the animal control folks and we’ll get a recommendation from them and we’ll be happy to entertain adjusting those fees.**

**Christina Cytrynowicz – Is there anything you need me to do?**

**Supervisor Sweeton – Well you’re on record now but if you’d like to put it in writing your welcome to do that but it’s not necessary because it is on record. The Clerk will have the minutes. After the meeting you can leave contact information with the Clerk and I’ll let you know.**

**Christina Cytrynowicz – Does it make sense to you?**

**Supervisor Sweeton – Absolutely, I thought on multiple offenses that number goes up.**

**Christina Cytrynowicz – It does but it only goes up in \$25 increments and I’ve had this issue since April.**

**Supervisor Sweeton – Do you know how many times the person has been cited?**

**Christina Cytrynowicz – The person has been cited twice and we’ve just put in \$3,000 or \$4,000 worth of fencing on my property. It goes up \$25, then \$50 and then \$75 and the situation happens intermittently and not everybody takes the time to go down to the Humane Society to file a report until an actual incident that could lead to a huge problem.**

**Supervisor Sweeton – It certainly sounds like a review is in order and we’ll be happy to do that.**

**Christina Cytrynowicz - Bring some more money to the pound and god knows there are a lot of irresponsible pet owners out there and it’s just not right.**

**Supervisor Sweeton – Thank you so much.**

**Councilman DeBuck – What part of Town is this and do we know the proprietors of this particular dog?**

**Christina Cytrynowicz – Oh please, I have gone from having a conversation introducing myself politely...**

**Councilman DeBuck – The personal policing thing isn’t working well by saying your dog is loose come get it.**

**Christina Cytrynowicz – Some people just don't get it. Some people think their dogs are like their children; they are lovely and wonderful and it's really not screaming it's just a little moan. It's a dog and it's a 115 pound baby and it's a Doberman, but look how cute it is and you tell them you need to keep your dog under control, "Oh but it's a sweet baby". They don't get it and that's how it is.**

**Supervisor Sweeton – Thank you I appreciate it and thank you for coming.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:00 p.m.  
09-22-11 cp.**

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**Marjorie Quackenbush, Town Clerk**