

October 24, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, October 24, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:40 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Deputy Supervisor Gerstner
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Mickey Shuback

DPW Commissioner, Jeff Feagles
Police Chief, Thomas McGovern, Jr.

PRESENTATION OF STAR REGISTRATION PROGRAM: JOHN WOLHAM
Supervisor Sweeton introduced John Wolham the Regional Director from the Office of Real Property Tax Services of New York State Department of Taxation and Finance who presented the Supervisor and Town Board with information regarding the Star Registration Program for people who are eligible to receive the basic star exemption.

SPECIAL PRESENTATION:

Supervisor Sweeton and the Town Board presented Kelly Pikul a Dispatcher for the Town of Warwick Police Department with a certificate for receiving by the New York State Volunteer Ambulance & Rescue Association EMS Person of Excellence.

Supervisor Sweeton asked the public to pause for a moment of silence for the passing of Thomas F. Lawrence Jr. our Town Clerk, Marjorie Quackenbushs father.

ACCEPTANCE OF MINUTES

1. Regular Meeting, October 10, 2013

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on October 10, 2013.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

DAWN PORTER – 485 Liberty Corners Rd., Pine Island, NY 10969 – Letter to the Supervisor requesting consideration to be appointed to the Pine Island Recreation Committee.

CHARLES PAPACENO – Adjutant, Veterans of Foreign Wars Post #4662 – Letter to the Supervisor inviting him to speak at the Veterans Day services to be held at Memorial Park at 11:00 a.m. on November 11, 2013.

PAT WEISSLANDER – Congregation B’nai Torah, Jewish Community Centre of Greenwood Lake, Inc., 14 Lakes Rd., Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board inviting them to the annual Hannukah Candle-Lighting Ceremony on Wednesday, November 27, 2013 in front of the Ambulance Corps Building at 7:00 p.m.

MAUREEN HALAHAN – President & CEO, Orange County Partnership Office of Economic Development, 40 Matthews Street, Suite 108, Goshen, NY 10924 – Letter to the Supervisor congratulating him as being selected the years Spirit of Innovation Award winner. The Spirit of Innovation Award recognizes an individual or organization that has displayed exceptional initiative and innovation and epitomizes the forward thinking spirit of Orange County. The award will be presented at the Partnership’s Annual Event on Tuesday, December 3rd at 5:00 p.m. at Anthony’s Pier 9.

JON HODOS – Local Highway Inventory Coordinator, Planning Group, New York State Department of Transportation, Region Eight, 4 Burnett Blvd., Poughkeepsie, NY 12603 – Letter to the Supervisor regarding the yearly updates of the local roads in the Town of Warwick for the local highway inventory statewide database.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CATCH BASINS	Hunt Dr.	Repair basin
	Winding Hills Dr.	Repair basins
DITCH WORK	Missionland Rd.	Clean ditches
	Oil City Rd.	Clean ditches
POT HOLES	Town wide	As needed
ROAD SIGNS	Town wide	As needed

COUNCILMAN DE ANGELO REPORT

- 1. I have a request from the Warwick Valley Humane Society who are very low on staples which includes canned ground cat food or pate, paper towels,**

bleach, paper plates, heavy duty garbage bags, large dog biscuits, spray bottles and natural wood stove pellets. They are very low on these supplies and anything that you can contribute would be greatly appreciated.

Chief McGovern – I just want to reiterate to folks that its already deer season if your using a bow but very shortly it will be rifle season and deer will be in their full rut. The deer increase a lot of activity during that period and we tend to have a lot of car accidents. We also know that we have a lot of people locally who are hunters and we encourage them to practice to make them better hunters. We did have an incident over the past weekend in Pine Island where someone was target practicing and some of the rounds that were being fired kind of intimidated other people who we're not use to being around guns and certainly didn't enjoy the fact that bullets were hitting somewhere in the vicinity of where they were. We haven't had any incidents like that where anyone has been injured either hunting or with gunfire in many, many years and we would like to say, certainly we encourage you to practice and we encourage you to be safe about it. A rifle bullet can travel probably at the proper angle close to two miles and they all come down somewhere so if you're not at a range where you're contained and all the rounds you are firing are not being stopped by a backstop you really, really need to pay attention to direction of fire and always handle the gun safely to avoid any incidents. We don't want to have any accidents, we've had a good record and we want to remind people to keep it that way.

COUNCILMAN KOWAL REPORT

1. The last couple of weeks while riding around town I've noticed some of our residents have been a little lapse in making sure their houses are easily identifiable by the road with a number on their mailbox or the house. I remember when my dad got hurt and we called the ambulance instead of going to his house they came to my house because we had the numbers properly displayed. I remember the driver saying thank you for putting the numbers out there so we can see them. It is important to have them out there so the next time you pull into your driveway look around and make sure that your house can be identified from the street by an emergency vehicle because the life you save could be your own.

COUNCILMAN GERSTNER REPORT

- 1. As you know there is a town law for the labeling of the houses for emergency vehicles.**
- 2. I would like to remind all the residents that Election Day is coming up, get out and vote, exercise your right and I wish all the candidates good luck and thank them for running.**

COUNCILMAN SHUBACK REPORT

- 1. Hunting season is coming up pretty fast and when that does the highway crew is going to be down to about 10% of the people.**

TOWN CLERK'S REPORT

1. We had a bid opening on October 23, 2013 for the Collection of Recyclables. Bid packets were mailed to all carters having a Town issued Carters Permit. One bid was received from:

County Waste

1927 Route 9

Clifton Park, N.Y. 12065

(518) 877-2346

Option 1 - \$3.71/unit dwelling

Option 2 - \$4.87/unit dwelling

SUPERVISOR'S REPORT

1. The Community Preservation Fund receipts for the month of September were \$42,874.74 which brings the total in the fund to \$3,137,661.09.

2. The budget remarks that I wanted to make was again the hearing will be scheduled tonight for both the preliminary budget which is our main budget and the special district budget for November 7th. Again it's our expectation that we will be under the cap, that's the budget I will present. I think the departments have done a decent job we've been able through our conservation for the past few years and our down sizing of government we've been able to have enough funding this year to do some extra road work and get some updated equipment in our police department and so I think we are looking forward to a good solid stable budget for the coming 2014.

3. High Breeze Farm, I just wanted to mention that we have a very talented local artist named Bob Fletcher who lives on Iron Mountain Road and he gave me a copy of this book, which I assume you all can get locally or on amazon or one of these places. It is called "High Breeze" and it's an American family farm that is full of illustrations by Bob who is such a talented artist, with stories from Luther Barrett from the Barrett Road location where this farm was in Warwick. It's fascinating and I thought Bob should get a shout out for doing such a great job with this. I will have a copy in my office is somebody wants to take a look at it before they purchase it.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2013-230 HALLOWEEN CURFEW

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to impose a curfew against congregating and loitering by those under 18 years of age or younger to begin at 8:00 p.m. on Wednesday, October 30, 2013 to 6:00 a.m. on Thursday, October 31, 2013 and from 8:00 p.m. Thursday, October 31, 2013 to 6:00 a.m. Friday, November 1, 2013.

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

Discussion: Supervisor Sweeton stated that we do this every year for the past 5 years or so in conjunction with our villages Chief and it works out really well.

Chief McGovern – Yes.

Supervisor Sweeton – If you’re an adult and you’ve got your child with you and you’re scrambling around at 8 it’s ok we’re not going to lock you up but we are just looking to make it safe for everyone to have a good experience that night and get off the streets while it’s still early. There is a Halloween Parade in the Village of Warwick on Halloween with a line up at 4:30 p.m. and starting at 5:00 p.m. at the park across from Village Hall and march down to Railroad Green. They are not going to do the whole contest thing this year at Railroad Green. They are going to do the trunk-or-treating the following Saturday from 11:00 a.m. until 1:00 p.m. at the High School parking lot instead of the Middle School parking lot this year.

Councilman Shuback – The Village of Florida is going to have a parade on Halloween at 6:00 p.m.

#R2013-231 AUTHORIZATION TO SELL USED DPW VEHICLES AND BACKHOE ON GOVDEALS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the sale of the following used DPW vehicles and backhoe to be sold in “AS IS” condition on GovDeals.com.

- *1997 Dodge Van – VIN# 2B7HB21X9VK545396**
- *1997 Ford Crew Cab – VIN# 1FTJW36H6VEB36385**
- *2001 Dodge Mason Dump – VIN# 3B6MF36631M261977**
- *1989 GMC Mason Dump – VIN# 1GDHV34K8KJ510767**
- *1987 Ford Backhoe - #C774775**

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

#R2013-232 DECLARE NOVEMBER “WARWICK ECUMENICAL FOOD PANTRY MONTH” IN THE TOWN OF WARWICK

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution declaring November “Warwick Ecumenical Food Pantry Month” in the Town of Warwick to recognize their efforts to supply holiday food baskets to over 250 Warwick families.

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

Discussion: Supervisor Sweeton stated that there is a sign up sheet at the Methodist Church on Forester Avenue if you know a family in need that’s perhaps struggling have them go and sign up. It’s a great project and where happy to recognize the

efforts of the Ecumenical Food Pantry to do this for both the Thanksgiving Holiday and Christmas Holiday. If you would like to make donations you can also do that and contact the pantry at the Methodist Church.

#R2013-233 SCHEDULE PUBLIC HEARING – 2014 PRELIMINARY BUDGET

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider the 2014 Preliminary Budget. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, November 7, 2013 at 7:00 p.m., or as soon thereafter as the matter can be heard.

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

#R2013-234 SCHEDULE PUBLIC HEARING – SPECIAL DISTRICTS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing on the Assessment Roll for the purpose of raising funds for the operation and maintenance of the Special Districts of the Town including: Wickham Village, Eurich Heights, Bellvale Park, Pine Island, and West Side Greenwood Lake Water Districts, Warwick Sewer District #1, Garbage District, Pine Island Lighting District, Kings Estates Lighting District, Warwick Ambulance District #1 (Warwick), Warwick Ambulance District #2 (Greenwood Lake) and Warwick Ambulance District #3 (Pine Island), Kings Estates Park District, Warwick Fairgrounds Sewer District #2 and the Warwick Fairgrounds Water District. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick, on Thursday, November 7, 2013 at 7:15 p.m. or as soon thereafter as the matter can be heard.

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

#R2013-235 ADOPT LOCAL LAW # 5 OF 2013 – TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt the following resolution:

WHEREAS, a Local Law to override the tax levy limit established in General Municipal Law Section 3-C, was introduced on October 10, 2013, and

WHEREAS, a public hearing was held as required by law on October 24, 2013 to consider the adoption of said local law, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of the said local law is in the public interest,

NOW, THEREFORE BE IT RESOLVED that the said local law to override the limit on the amount of real property taxes that may be levied by the Town of Warwick, County of Orange, State of New York pursuant to General Municipal Law § 3-c is hereby adopted and same shall go into effect as provided by law.

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

Discussion: Supervisor Sweeton stated that it is my intent to submit a budget to the Town Board that will be below the cap.

**#R2013-236 ACCEPT FUNDING FROM ORANGE COUNTY YOUTH BUREAU –
SCHOOL RESOURCE OFFICER YOUTH DEVELOPMENT
PROGRAM**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution that the Town Board of the Town of Warwick accepts funding in the amount of \$1,000.00 from the Orange County Youth Bureau for the Warwick School Resource Officer Youth Development Program.

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

**#R2013-237 APPOINTMENT OF ANIMAL CONTROL OFFICER – ABIGAIL
ALLEMAN**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to appoint Abigail Alleman as a Town of Warwick Animal Control Officer effective October 25, 2013 for the remainder of the 2013 calendar year.

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)

Tracy O’Halloran – Resident, Town of Warwick, NY 10990 - Regarding the Halloween curfew this is the first time I’ve heard of this, you said it’s been going on for 5 years.

Supervisor Sweeton – Yes.

Tracy O’Halloran – So basically if you’re over 18 and you’re out walking after 8:00 p.m. you could be arrested.

Supervisor Sweeton – Well...

Chief McGovern – Under 18.

Supervisor Sweeton – Under 18.

Tracy O’Halloran – Under 18.

Councilman Gerstner – If the parents are with them it’s no problem.

Tracy O'Halloran – I have a child who is 16 walking on these particular dates after 8pm.

Supervisor Sweeton – As long as they are walking somewhere purposely that's fine. We're not rounding people up and carrying them off. It's just that we've had in the past trouble with kids coming into the area creating havoc and since we instituted this it's just seems to have calmed all that down and kids still are kids. We have officers out on normal patrol and we usually put extra officers on and its just a way to let people know we are going to be there and vigilant but we're not looking to round people up per-say.

Tracy O'Halloran - Wouldn't they be there vigilant anyway?

Supervisor Sweeton – We're trying to discourage publicly by promoting this to discourage the kind of activity we've experienced.

Tracy O'Halloran – Its not like a resolution or law.

Supervisor Sweeton – It's a curfew, we've imposed it by resolution which we have the authority to do.

Tracy O'Halloran – Yes you do and again I'm questioning it because it just seems a little much.

Supervisor Sweeton – Ok.

Tracy O'Halloran – Well intended but still a bit much.

Supervisor Sweeton – Duly noted.

Paula Cornine – Resident, Town of Warwick, NY 10990 – For the recycling bid I think we may have missed the correspondence or something on it. I have a question about the recycling bid. I was told by somebody who works in a DPW that basically all of the garbage is thrown together.

Supervisor Sweeton – It's not true. We have curbside recycling here.

Paula Cornine – Right, but once it leaves the curbside.

Supervisor Sweeton – It's taken to a transfer location in the county and then it's trucked to a processing facility outside of Albany by our hauler, which is run by them and inspected. They separate the recycling because it is single stream so it needs to be separated, so no I don't agree that that's the case at all.

Paula Cornine – It's not all kind of lumped together.

Supervisor Sweeton – No and in fact I talked to another hauler today regarding this issue. The reason we didn't discuss the recycling thing tonight is because we haven't accepted that bid. It was the only bid that we received and it is from our current hauler and I have to have a discussion with the Board on do we want to re-bid or do we want to change the parameters to see if we can encourage additional bidders. Not that we are unhappy with the current hauler but we would like to get a little competitive nature to it. I talked to another hauler in town a local hauler who says that since the single stream started here it's reduced by at least 45% the amount of material going into the trash that he picks up, so it's been a big impact. I think what you've heard is just not true.

Tracy O'Halloran – Is that per dwelling per week?

Supervisor Sweeton – No that is per month.

Tracy O'Halloran – So per dwelling per month.

Supervisor Sweeton – Right and you get picked up every week. That's what you get charged as a taxpayer per month for recycling pickup curbside.

Paula Cornine – I don't know if it's appropriate to bring this up now but I noticed that the Veterans of Foreign Wars Post #4462 invited you to speak at the Veterans Day services. Just as an aside I don't know if there are anyone here that are Vets if they received a letter from the Warwick Veterans Legion to fill out a DD214 for IRS purposes.

Supervisor Sweeton – I didn't receive that letter.

Paula Cornine - I meant to bring it but I left it on my table.

Supervisor Sweeton – Ok, if you bring it or send it to the office we'll put it right on our channel 21.

Paula Cornine – It was just a letter from the IRS wanting to get acknowledgement from the Legion of Veterans I guess.

Supervisor Sweeton – Really, maybe they don't want to fill it out.

Paula Cornine - No I would advise people not to fill it out.

Supervisor Sweeton – Ok then don't send it to me.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:00 p.m.
10-24-13**

Carolyn Purta, Deputy Town Clerk

October 24, 2013

The Town Board of the Town of Warwick held a Public Hearing on a Proposed Local Law entitled "A Local Law to Override The Tax Levy Limit Established in General Municipal Law Section 3-C." Said public hearing was held on Thursday, October 24, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:35 p.m.

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

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on October 16, 2013. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – Before I open this to the public I will explain that with the passing of the legislation that imposed a tax cap on municipalities and school districts it also included a provision that in the event that you intended to override the cap you had to pass a local law each year and we do not intend to override the cap. We intend to be under it and our budget hearing will be on November 7th, but most municipalities pass a local law in the event that they've made some kind of error in their budget and it inadvertently goes over the cap. Because what happens then the state takes the money sequesters the money that you have, so we are doing it as a precaution and we've done it each year and each year we have been under the cap with our budget. Now I will open to the public for any comment.

Tracy O'Halloran – Resident, Town of Warwick, NY 10990 – I'm confused as to what it even is.

Supervisor Sweeton – In other words when the state passed its legislation requiring municipalities and school districts to cap their tax increases annually.

Tracy O'Halloran – Ok tax increases.

Supervisor Sweeton – By 2% or the rate of inflation. They also required that in the event you could override it by a majority vote of your Board or in the case of your school districts a majority vote of the voting electorate. First in order to do that you had to have a local law in place that allowed you to do that, ok so its an administrative thing that they require you to do and you have to do it every year. You can't do it one year and then next year not do it and override the cap.

Tracy O'Halloran – In advance to potential increases.

Supervisor Sweeton – Correct. Ok, so that’s the purpose.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:40 p.m. 10-24-13

Carolyn Purta, Deputy Town Clerk

October 24, 2013

The Town Board of the Town of Warwick held a Public Hearing for the 2012-2013 MS4 Annual Report. Said public hearing was held on Thursday, October 24, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton opened the public hearing at 7:30 p.m.

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

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on October 16, 2013. (Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – Before I open it for public comment this was regulations passed several years ago by the State of New York and administered by the DEC and the area of the Town that has been designated as an MS4 is the Greenwood Lake area. Under this law we are obligated to have a plan in place and provide an annual report for how we monitor and control discharges to the MS4 area. This is a report that is online on the Town’s website and the purpose of the hearing is to allow the public any comment on it. It involves things like our efforts through the building department to control illegal discharges if somebody’s septic is not working. We have drain outflows that can go toward the lake so we do a monitoring of that annually. It also includes housekeeping in town own facilities and the parks and also education. We are involved in the groundwater guardian program that is administered and taught through the schools. The report is online as I mentioned and I will open the floor for any comments from the public on the report.

There were no public comments for or against this public hearing.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed. Motion Carried (5 ayes, 0 nays)
7:35 p.m.
10-24-13

Carolyn Purta, Deputy Town Clerk

