

November 20, 2014

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 20, 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
Councilman James Gerstner
Councilman Mickey Shuback

Attorney for the Town, Jay Myrow
Deputy DPW Commissioner, William Roe
Police Lieutenant, John Rader

Public Hearing: Continued 2015 Special Districts & 2015 Preliminary Budget 7:30 p.m.

Supervisor Sweeton – The reason we kept it open from the budget hearing is because we were awaiting a decision from the Office of the State Comptroller as to how much of an allowance we would have against our cap for taking on the job of providing the basic life support services essentially volunteer ambulance service to the Florida Fire District. We received word last July from the Florida Fire Commissioners that they have not been able to provide adequate basic life support ambulance service for the past few years and as of January 1, 2015 they informed us they will no longer offer that service. The Town, working with the Warwick Ambulance Corp., put together a plan to provide that service to protect our most vulnerable residents. Discussions were amicable and we all agreed that the town should not be forced to exceed the 2% tax cap in order to provide this service. The office of the State Comptroller which must approve a credit towards the town's budget for this shift of services met with the Florida Fire District Treasurer and Commissioners to determine the cost for the existing service. Not surprisingly, they identified initially \$24,000 and ultimately only \$37,000 for service that was only sporadically being provided over the past few years. A comparable service in the town is the Pine Island Ambulance District which is a 2 rig service and when you deduct the cost of maintaining their building which the Florida District would not be doing, the cost is approximately \$85,000 a year for the service for the same size district as Florida but with half the number of households. The Warwick Ambulance Corp. had submitted a proposal to the town to provide the Florida service for \$67,000 a very realistic number for a vastly superior service that provided the Florida residents in recent years. This left a \$30,000 shortfall which either had to be found through cuts in the town budget or through some cost sharing with the fire district if the Florida Fire Commissioners were willing. In a 3

to 2 vote the fire commissioners said “Sorry Warwick this is now your problem.” The Town Board will not leave our residents and the Florida Fire District without basic life support service. Working with the Warwick Ambulance Corp. as well as dedicated members of the former Florida Ambulance Service we will ensure that those residents who need the emergency service will get that service. I have reduced our budget by \$30,000 in order to remain under the 2% tax cap because that is the fiscally responsible thing to do. I want to thank those fire commissioners who fought for equity to no avail and I wish the members of the Florida Fire District and the department all the best in moving forward. Tonight I’ve presented to the Town Board a revised budget which is \$30,000 less. I’ve gone through and cut some things out and we will be proceeding with Warwick Ambulance to provide that service come January 1st. What it means for residents, at the last meeting when I presented my budget I reported that a village resident would see about a 1.9% increase or about \$6.60 for the average house and the town residents would see a 1.9% increase for about \$17.00 for the average house. With the cuts and reductions I’ve made that will drop so a village resident will now see a 1.1% increase or \$3.79 for the average house. Town residents will see a 1.5% or about \$14.00 for the average house. We did what we had to do and we will provide the service and we look forward to working with the Warwick Ambulance and the dedicated members from Florida who will join the Warwick Ambulance Corp. to help staff that service. Any questions from the Board? Seeing none, may I have a motion to close the public hearing?

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

ACCEPTANCE OF MINUTES

1. Public Hearing, November 6, 2014
2. Public Hearing, November 6, 2014
3. Regular Meeting, November 6, 2014

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the two Public Hearings held on November 6, 2014 and the Regular Meeting held on November 6, 2014. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

JOHN D. BOLLENBACH – Florida Fire District Attorney, 757 Seward Highway Rt. 94N, Florida, NY 10921 – Notice to the Town Supervisor regarding the EMS Closure Plan for the Florida Fire District as they will cease operation and surrender its EMS Operating Certificate effective December 31, 2014.

CONNIE SARDO – Planning Board Secretary, Town of Warwick – Letter to the Town Board requesting a refund on the remaining balance of an escrow in the amount of \$132.50 to Building Department applicants, Joseph and Deborah Walter.

CONNIE SARDO – Planning Board Secretary, Town of Warwick – Letter to the Town Board requesting a refund on the remaining balance of an escrow in the amount of \$783.75 to Planning Board applicant, Sprint-IBM.

ALYSE D. TERHUNE, ESQ. – Jacobowitz and Gubits, LLP, Counselors At Law, 158 Orange Avenue, P.O. Box 367, Walden, NY 12586-0367 – Letter to the Town Board regarding an application from Cingular Wireless submitted to the Greenwood Lake Planning Board seeking approval to construct a new cellular telecommunications tower in the Village of Greenwood Lake on property located at 11 Timber Hill Road. “A copy of the Notice of Intent, the application and the Environmental Assessment Form are enclosed herewith. Please do not hesitate to contact Robert Zimmer, Chairman of the Village of Greenwood Lake Planning Board, if you have questions regarding the Notice or the application.”

LAWRENCE PESESKY – Senior Vice President, The Louis Berger Group, Inc., 48 Wall St., 16th Floor, NY 10005 – Notice to the Town Board that the Town Board of the Town of Tuxedo, NY acting as lead agency pursuant to 6 NYCRR Part 617 State Environmental Quality Review (SEQR) has received a Draft Environmental Impact Statement from RW Orange County LLC (“the applicant”) related to the Applicant’s proposal to construct a gaming facility in the Town of Tuxedo, known as Sterling Forest Resort (“the Project”). The Town Board accepted the DEIS as complete by resolution on November 10, 2014. This letter announces the DEIS is now available for public review and comment. The DEIS and all appendices are available on the Town of Tuxedo website at <http://www.tuxedogov.org/sterlingforestresort>. The Town Board will accept written comments on the DEIS from all involved/interested agencies, parties, or members of the public, up to 3:00 p.m. on December 19, 2014, at the Office of the Town Clerk, One Temple Drive, Tuxedo, NY 10987.

TONYA E. CUBBY – Planning Board Secretary, Township of West Milford, 1480 Union Valley Road, West Milford, NJ 07480-1303 – Notice to the Town that the Planning Board of the Township of West Milford with offices located at the West Milford Municipal Building, 1480 Union Valley Rd., West Milford, NJ 07480, will conduct a public hearing in order to consider the adoption of the Land Use Plan Element of the Township of West Milford Master Plan. Public hearing has been set for December 4, 2014 at 7:30 p.m. at the West Milford Township Municipal Building.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

WORK BEING

<u>DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CATCH BASINS	Nelson Rd.	Replace stolen basin lids
TREE WORK	Black Rock Rd.	Clear roadsides
POT HOLES	Town wide	As needed
SANDING	Town wide	Storm on 11/14/14
ROAD SIGNS	Town wide	As needed
WATER DEPT.	Curb box on Rt. 210	

PARKS DEPARTMENT

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - October, 2014

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	1,896,700 gal
Average daily use	61,200 gal
Sodium Hypochlorite used	212 qt
Orthophosphate used	60 qt
Caustic Soda	75 gal

Bellvale Park Water District

Total monthly production	80,800 gal
Average daily use	2,600 gal
Sodium Hypochlorite used	4 qt

Eurich Heights Water District

Total monthly production	150,000 gal
Average daily use	4,800 gal
Sodium Hypochlorite used	12 qt
Orthophosphate used	24 qt

Pine Island Water District

Total monthly production	299,500 gal
Average daily use	9,700 gal
Sodium Hypochlorite used	40 qt

Westside #1 Water District

Total monthly production	1,887,600 gal
Average daily use	60,900 gal
Sodium Hypochlorite used	2920 qt
Orthophosphate used	60 qt
Caustic Soda	0 gal

The Fairgrounds

Total monthly production	27736300 gal
Average daily use	9,000 gal
Sodium Hypochlorite used	9 qt

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	0 gal	0%
Wickham Village District	1,525,522 gal	49%
Kings Estates District	1,604,828 gal	51%
<u>Total District Flow</u>	3,130,350 gal	100%
<u>Average Daily Flow</u>	100,979 gal	

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

The belt press ran for 32 hrs and 2 gal of polymer was used.

20 cu. Yd. of sludge and 2 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	235,094 gal
<u>Average Daily Flow</u>	7,584 gal

COUNCILMAN DE ANGELO REPORT

1. This coming Sunday, November 23rd the Warwick Animal Shelter is celebrating their 60th anniversary at the Landmark and it is \$60 per person and there are tickets still available. November continues the “Adopt A Senior Pet Month.” A special adoption fee is offered for active and veteran military personnel. November 29th and 30th is the annual pet photos with Santa at the shelter from 12 p.m. to 3 p.m. On December 6th the fire house on West Street is having a holiday bizarre from 10:00 a.m. until 4:00 p.m. The Warwick Valley Humane Society will be selling handmade items by local Girl Scout Troop and all proceeds benefit the homeless residents. On December 7th there is a concert at Warwick Grove at 2:00 p.m. to benefit the shelter and you can get tickets through the Warwick mini series. On December 13th is a tricky tray at the Warwick Middle School to benefit the Humane Society at 1:00 p.m. On December 14th there is a rabies clinic at 10:00 a.m. to 12:00 p.m. for cats and dogs for a fee of \$15.00 per animal. Suzyn Barron has reported today in the Times Herald Record that they are near emergency status

because they have almost 200 cats and 30 dogs in the shelter built to hold only 50 cats and 19 dogs. They have created a financial campaign website as they are in dire need of funds. They are asking the public to consider supporting them by going to wvhumane.org and look for the posted link and perhaps make a donation. As usual they are in dire need of ground canned cat food or pate, large dog biscuits, paper towels, garbage bags and monetary donations.

Lieutenant Rader – We will be stepping up our DWI enforcement again for the holidays. We are up and running with monitoring the outside cameras at St. Anthony's Hospital.

COUNCILMAN KOWAL REPORT

1. Last Wednesday I attended, on behalf of the town, a holiday tree lighting at the Pine Island Park with the Chamber. It was well attended with about 50 or 60 people there. It was a mild evening and we were serenaded by the choral from the high school and we had an antique sleigh if people wanted to take pictures on it. It was a very nice evening at the park. Things are quieting down this time of year. There's not much going on as far as new projects; just doing maintenance on things.

2.

COUNCILMAN GERSTNER REPORT

1. I have a letter from Cablevision; effective December 18th Cablevision will be changing 4 channels as follows; FXX will be added to the Optimum Value and above packages, the Fox Business Network will be added to the Optimum Value and above packages. National Geographic will be added to the Optimum Value and above packages and the FOX Sports 2 will be added to the Optimum Preferred and above packages. There are no additional costs for these channels and the channel locations will not change and for more information you can go to www.optimum.com. The second letter states effective December 17th Cablevision will be introducing a new residential college sports package called Optimum College Sports Package. This will retail for \$2.95 and will consists of 7 sports channels BTN, CBS Sports Network, ESPNU, ESPN Gold Line Buzzer Beater, FOX College Atlantic, FOX College Sports Central and FOX College Sports Pacific. That is available to all residential subscribers and for more information on that you can go to www.optimum.com.

2. I would like to wish all the residents a Happy, Safe and Healthy Thanksgiving.

COUNCILMAN SHUBACK REPORT

1. I met with Mike and Jeff Feagles concerning equipment purchasing and we decided to delay the purchase of a new truck so we can fix the roof, which is in dire need of repair. We are going to postpone the purchase of a new truck for 9 months to stay within the 2% tax cap.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. Bid opening on Nov. 19th at 12 Noon for the replacement of the roof of the Highway Garage. One bid was received:

V. Brooks
36 Walling Rd.
Warwick, NY 10990
Tel. # (845) 258-4898

Proposal: \$120,750.00

Supervisor Sweeton – We had gotten estimates 2 or 3 months ago both of which were higher than this bid. I think due to the situation down there and the health and the safety of the employees we need to move forward with it as soon as possible get the repairs made before the weather gets too terrible.

SUPERVISOR'S REPORT

1. The Community Preservation Fund receipts for the month of October were \$65,778.02, which brings the amount generated in the fund to date to \$4,510,808.48.

2. For the Board and the public's information the Warwick Valley Local Development Corp. received bids on the construction of the road into the 10 pad sites at the former prison and we did award that bid to a local Orange County firm as the lowest responsible bidder. We expect that they will be signing contracts beginning of next week and they will be on site by December 1st, so the hope is to get the road punched out before the weather get too nasty. That will get that off and running so that is a good thing.

3. Holiday Recycling Schedule - For the public's information if your day falls on Thanksgiving, Christmas or New Years the County Waste will pick it up the day after so if we can publicize that it would be helpful.

3. I want to remind residents that it won't be long before we do have significant snow. There are snow regulations in the town; it's not like we prevent you from parking on a town road but we do prevent you from doing that 24 hours prior and 24 hours after a snow event. The other portion of the regulation is that it is a fineable offense to plow your snow from your driveway into the town road because it makes it dangerous for other residents traveling through the road and it also makes it expensive for the town to go back out afterwards. Just remind your plow people to plow that snow off to the side of the roads if you can.

4. We did receive the draft environmental impact statement from Genting which is the potential casino in the Tuxedo area. We will try and get that up on our website but the disk is available here at town hall if anyone is interested in seeing the draft environmental impact statement. The Town of Tuxedo which is the jurisdiction will be holding a hearing and taking written comments up until 3:00 p.m. on December 19th. They did post this document on tuxedogov.org under Sterling Forest so if anyone is interested in that please check it out.

5. I would also like to wish everyone a very Happy Thanksgiving and safe holiday season.

6. 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:

**#R2014-264 AMEND RESOLUTION #R2014-241 – CREATE WARWICK
AMBULANCE DISTRICT #4 (FLORIDA)**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to amend resolution #R2014-241 to read as follows: “to create the Warwick Ambulance District #4 (Florida) as defined by the SBL’s attached as Exhibit A comprising the Town of Warwick portion of the Florida Fire District. Tax will be levied on an ad valorem basis.”

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

Discussion: Supervisor Sweeton stated that the reason why this needed to be amended is because the County Clerks office didn’t like the map we sent so we were providing them section, block and lots for the parcels that will be in the district so they asked us for a revised resolution.

**#R2014-265 APPOINTMENT OF PART TIME SEASONAL DPW LABORER
(RIDER) – FRANK ROBERTS V**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Frank Roberts V as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective November 22, 2014.

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

#R2014-266 ADOPT 2015 TOWN PRELIMINARY BUDGET

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept the 2015 Preliminary Budget as presented and amended with the attached adjustments.

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

#R2014-267 ESCROW REFUND – JOSEPH & DEBORAH WALTER #2

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$132.50, the balance of the escrow for SBL# 27-1-19, to Building Department applicants Joseph and Deborah Walter as per the recommendation of the Planning Board Secretary; letter dated November 5, 2014.

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

#R2014-268 ESCROW REFUND – SPRINT-IBM

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$783.75, the balance of the escrow for SBL#85-1-1.1, to Planning Board applicant Sprint-IBM as per the recommendation of Planning Board Secretary; letter dated November 10, 2014. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

#R2014-269 ESTABLISH LEAD AGENCY – ADOPTION OF LOCAL LAW # 7 OF 2014 AMENDING THE TOWN ZONING LAW

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

WHEREAS, the Town Board of the Town of Warwick is considering adoption of a Local Law Amending the Town Zoning Law entitled Local Law No. 7 of 2014, and

WHEREAS, an Environmental Assessment Form (EAF) dated November 20, 2014 was prepared to address the potential environmental effects of the action, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed action is a Type 1 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 reviewed 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.

#R2014-270 SCHEDULE PUBLIC HEARING – AMENDMENTS TO TOWN ZONING LAW

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider adoption of a Local Law amending the Town Zoning Law. Said public hearing to be held on December 11, 2014 at 7:15 p.m. at the Town Hall, 132 Kings Highway, Town of Warwick. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated there are some minor changes to the zoning code. There is one change to the sign ordinance, there are some typo corrections, there's a section on change of use which required the signoff of the town engineer. We are changing that to the building inspector which is the more appropriate agency to look at change of use. Then we are clarifying the use of commercial solar

panels in the town to ensure that there is adequate review and screening of those. There's more activity now and we certainly want to promote the use and we also want to be able to make sure that it fits into the properties and that will also be considered that evening. The local law will be available in the Clerk's office and posted on the website in the days ahead.

**#R2014-271 ACCEPT BID PROPOSAL FOR REPLACEMENT OF ROOF –
TOWN OF WARWICK HIGHWAY GARAGE**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the bid proposal for the replacement of the roof on the Town of Warwick Highway Garage from V. Brooks, 36 Walling Rd., Warwick, NY 10990 at a cost not to exceed \$120,750.00.

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

**#R2014-272 UNPAID WATER AND SEWER RENTS TO THE COUNTY OF
ORANGE**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to submit the following unpaid water and sewer rents plus penalties to the County of Orange for inclusion in the January, 2015 tax bills:

Bellvale Park Water:	\$ 752.00
Eurich Heights Water:	\$ 2,404.20
Pine Island Water:	\$ 3,597.00
West Side Greenwood Lake Water: (Includes Seasonal, Year-Round, Industrial)	\$29,187.31
Wickham Water:	\$30,057.22
Wickham Sewer:	\$36,161.20
Kings Sewer	\$43,821.96
TOTAL:	\$145,980.89

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

**#R2014-273 AUTHORIZATION TO SUBMIT AMOUNTS ASSESSED ON
INDIVIDUAL PROPERTIES PER CHAPTER 6 OF THE TOWN
CODE TO THE COUNTY OF ORANGE – LEVIED AGAINST
JANUARY, 2015 PROPERTY TAX BILLS**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize submitting the following amounts assessed on individual properties to the County of Orange for inclusion in the January, 2015 property tax bills as per Chapter 6 of the Code of the Town of Warwick.

42-1-80.1	4 Waterbury Rd.	\$900.00
27-1-51	22 Blooms Corners Rd.	\$450.00

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

**#R2014-274 APPOINTMENT OF PART TIME SEASONAL DPW LABORER
(RIDER) – ANTHONY MANN**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Anthony Mann as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective November 22, 2014.

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

**#R2014-275 APPOINTMENT OF PART TIME SEASONAL DPW LABORER
(RIDER) – GAVIN DOWLING**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Gavin Dowling as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective November 22, 2014.

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)

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

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:53 p.m.
11-20-14 CP.**

Marjorie Quackenbush, Town Clerk