

January 21, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, January 21, 2010, 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
DPW Commissioner, Jeffrey Feagles
Police Chief, Thomas F. McGovern, Jr.

ACCEPTANCE OF MINUTES:

1. Public Hearing, Wickham Water Dist. Improvement of Facilities, 12/29/09
2. Re-Organization Meeting, 01/04/10

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing, Wickham Water District Improvement of Facilities held on December 29, 2009 and the Re-Organization meeting held on January 4, 2010.

Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

ROBERT WEISS – 202 Pine Island Turnpike, Warwick, NY 10990 – Letter to the Supervisor requesting the Town of Warwick file a complaint to the Public Service Commission on behalf of the Town residents regarding the dispute between Cablevision and Scripps Network.

TINIE FILIPOWSKI – 85 Edgemere Avenue, Greenwood Lake, NY 10925 – Letter to the Town of Warwick requesting a 3 way stop at the intersection of Wisner, Lower Wisner and Upper Wisner Road.

MARK MONTEVERDI – New Milford Country Store, 1 Ryerson Road, Warwick, NY 10990 – Letter informing the Town of Warwick and the New York State Liquor Authority that he is applying for the renewal of his liquor license.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer in the amount of \$200.00 from Russell Dougherty into the Police Budget Line B02-3120.476.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer in the amount

of \$400.00 from Thomas McGovern and ASM Construction into the Police Budget Line B02-3120.242.

PETER D. BARLET & NANCY BRENNER DEANGELO– Town of Warwick Justices – Memo to Supervisor Sweeton and Town Board requesting authorization for Patricia Maddalena to attend the Annual New York State Association of Towns Training for Court Clerks Conference on February 15th and 16th, 2010 in New York City, New York.

SUSAN BAHREN & DAVID C. GREEN – Commissioner of Elections, Orange County Board of Elections, 25 Court Lane, P.O. Box 30, Goshen, NY 10924 – Letter to the Supervisor advising him that the Orange County Legislature approved a resolution to apportion and levy expenses against the cities and towns in the County of Orange to pay a portion of the September 15th Primary and November 3rd General Election expenses incurred by the County in 2009.

SHARON ROLL – Letter to the Supervisor regarding the Route 94 corridor and using renewable energy.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced the Hon. Trustee Barry Cheney from the Village of Warwick and no report was given.

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
TREE WORK	Working with Nelson Tree	taking down dangerous trees throughout town
BRUSH PICK UP	Ryerson Rd.	Clear right of way
	Taylor Rd.	Clear right of way
POT HOLES	Town wide	As needed
SANDING	Storm on 1/17/10	Sanded roads
WATER DEPT.	Working on pump station	for well # 11
VEHICLE MAINT.	As needed	
MAIL BOXES	Town wide	As needed
HAUL MATERIAL	Hauling grit to stock pile	

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - December, 2009

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	1,991,500 gal
Average daily use	64,200 gal
Sodium Hypochlorite used	112 qt
Orthophosphate used	26 qt

Bellvale Park Water District

Total monthly production	98,400 gal
Average daily use	3,200 gal
Sodium Hypochlorite used	3 qt

Eurich Heights Water District

Total monthly production	188,300 gal
Average daily use	6,100 gal
Sodium Hypochlorite used	8 qt
Orthophosphate used	16 qt

Pine Island Water District

Total monthly production	204,300 gal
Average daily use	6,600 gal
Sodium Hypochlorite used	8 qt

Westside #1 Water District

Total monthly production	1,199,200 gal
Average daily use	38,700 gal
Sodium Hypochlorite used	110 qt
Orthophosphate used	48 qt
Caustic Soda	68 gal

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	5,208,170 gal	48%
Wickham Village District	3,609,044 gal	34%
Kings Estates District	1,928,326 gal	18%
<u>Total District Flow</u>	10,745,540 gal	100%
<u>Average Daily Flow</u>	346,630 gal	

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

The belt press ran for 75 hrs, and 5.5 gal of polymer were used.

80cu. Yd. of sludge and 8.5 cu. ft. of grit were removed from the site this month.

On December 2nd the gravity sewer main at Lower Wickham was jet cleaned by A+ Sewer Service.

COUNCILMAN DE ANGELO REPORT

1. I have a post report for the month of December and in the Pine Island area we had 211 calls, in the Town outside of the Villages we had 863 calls, in the

Greenwood Lake area outside the Village we had 274 calls and in the Village of Warwick we had 687 for a total of 2,035 calls.

2. The Great Greenwood Lake Revitalization Committee is having a fundraiser on February 4th at 7:00 p.m. at the Waterstone Inn on Sterling Road. It is \$40 per person or \$200 per couple for a party and an overnight stay. Tickets are limited and you have to RSVP by January 22, 2010 to 845-477-3535. All proceeds will be donated to the Village of Greenwood Lake to support the media and improvement projects.

COUNCILMAN DE BUCK REPORT

1. I encourage everyone with the cold weather to enjoy the parks.
2. In the Pine Island area the Pine Island Chamber of Commerce has passed a resolution to ask federal officials if they would reconsider the expansion of the Wallkill River National Wildlife Refuge. This permission was granted about a year ago and many farmers and Chamber members feel that it would best if the Wildlife Refuge did not expand because we feel that it's a weakening of the agricultural community. There's a little bit of movement on that front to see if the federal officials would reconsider that permission.

COUNCILMAN GERSTNER REPORT

1. As Trustee Cheney mentioned we'll be meeting tonight with the Recreation Commission and the organized youth groups sports for field usage for the springtime and I thank all of the committee members for all of their hard work on that.

COUNCILMAN SHUBACK REPORT

1. The month of December and part of November we spent \$19,900 for sand and \$35,750 for salt and for overtime \$52,330 for a total of \$108,000 for the month of December on our roads. So far in January we spent \$77,900; \$33,000 was for overtime, \$28,000 was for salt and \$15,900 was for sand. We are going to run out of money in the highway department for sand and salt if we keep getting storms like we've been getting.

TOWN CLERK'S REPORT

1. Fees Collected: Month of December, 2009 – Carters Permits, \$455.00; Certified Marriages, \$30.00; Photocopies, \$14.50; Returned Check Fees, \$40.00; Junk License Fees, \$25.00; Use of Kitchen Fees, \$100.00; Interest in Checking Account for Month of November, \$1.82; Dog Impoundments, \$870.00; Marriage License Fees, \$122.50; Bid Specs Fees, \$550.00; Conservation Licenses, \$31.44; Dog Licenses Issued/Renewed, \$1,093.93; Use of Room Fees, \$220.00; Registrar Fees, \$330.00; Sale of Used Police Vehicles, \$2,525.25.
Total Fees Collected: \$9,099.07
2. Fees Paid: Month of December, 2009 – Orange County Commissioner of Finance for Dog Licenses, \$298.57; NYS Dept. of Health for Marriage Licenses, \$157.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$87.00; NYS Dept. of Environmental Conservation, \$606.56; Village of Florida for Registrar Fees, \$60.00; Village of Greenwood Lake for Registrar Fees, \$20.00; Village of Warwick for Registrar Fees, \$1,460.00. Total Fees Paid to Supervisor, \$6,409.44

SUPERVISOR'S REPORT

1. I just want to let the public know that Orange and Rockland tree trimming crews are out in the Town. They are going to be here for another two to three weeks primarily working on trimming on Warwick Turnpike, Route 94, Route 17A, Bellvale Lakes Road, Blooms Corners Road, Pine Island Turnpike, Kings Highway, Belcher Road, Wisner Road and Cascade Road. I believe its Nelson Tree so if you see their truck that's what they are doing and it's O&R trimming around the wires.
2. Community Preservation fund receipts for December were \$40,685.53 which brings the total in the fund to \$2,080,980.05.
3. It is with some sadness that we learned today that the Greenwood Lake News is going to cease operations as of the end of the week. It has been a mainstay of information in the Greenwood Lake area and we're saddened by that and we wish Ann Chaimowitz the owner/editor and her staff the best. I know that the Dispatch is going to step in and try to give some coverage to that area, so we do thank the Dispatch for that. We hope that is successful and we look forward to you keeping that portion of the Town informed.
4. The Supervisor Corner is published in the Warwick Dispatch.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Chief McGovern clarified Councilman DeAngelo's Post Report that Post one is Greenwood Lake and Post Three is Pine Island.

Supervisor Sweeton recognized Hon. Trustee Eileen Patterson from the Village of Warwick and stated that they are saddened that she is not seeking re-election in the Village and wished her well.

NEW BUSINESS:

#R2010-61 BUDGET TRANSFER – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the following Police Dept. budget transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Check #6320 from Thomas McGovern	Arms Replacement (B02.00.3120.242)	\$200.00
Check #1175 from ASM Construction	Arms Replacement (B02.00.3120.242)	\$200.00

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

#R2010-62 ACCEPT DONATION TO POLICE DEPARTMENT FROM RUSSELL DOUGHERTY

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to accept a check in the amount of \$200.00 from Russell Dougherty as a donation to the Police Department. Funds to be transferred into Telephone Expenses Budget Line (B02.00.3120.476).

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

#R2010-63 DESIGNATION OF DELEGATE & ALTERNATE DELEGATE – ASSOCIATION OF TOWNS CONFERENCE

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to designate Michael P. Sweeton, Town of Warwick Supervisor, as the voting delegate to attend the New York State Association of Towns Annual Business Session on February 17, 2010 and to cast the vote of the Town of Warwick, pursuant to §6 of Article III of the Constitution and By-Laws of said Association; and James Gerstner, Town of Warwick Councilman, be designated as the Alternate Voting Delegate to cast the vote of the Town of Warwick in the absence of the voting delegate.

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

#R2010-64 AUTHORIZATION TO ATTEND NYS ASSOCIATION OF TOWNS TRAINING FOR COURT CLERKS – PAT MADDALENA

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize Pat Maddalena to attend the Annual Association of Towns Training for Court Clerks to be held in New York City, NY February 15, 2010 and February 16, 2010. Monies for this training session are allocated in the 2010 budget.

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

#R2010-65 AUTHORIZATION TO SIGN AGREEMENT WITH VANACORE, DEBENEDICTUS, DIGOVANNI & WEDDELL TO PERFORM AUDITING SERVICES FOR THE 2009 AUDIT YEAR

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with Vanacore, DeBenedictus, DiGovanni & Weddell to perform auditing services for the Town of Warwick for the year ending December 31, 2009.

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

Discussion: Supervisor Sweeton stated that this was a new auditor that we had this year and they did a great job in 2008 and this is the same price they quoted us for 08.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Mary Ellen Tyndall – Resident, Town of Warwick – You managed to do away with one light that was shining in my windows. We now have one that is closer and bright. That’s my front lawn perhaps you can do something about that.

Supervisor Sweeton – We’ll take a look at it.

Mary Ellen Tyndall – I don’t know what the codes are for it. I guess it will have to be tested.

Supervisor Sweeton – We would have to see whether the light meets our shielding requirements because that’s one of the new lights I take it.

Mary Ellen Tyndall – It is one of the new lights because it is after the other one got put out.

Supervisor Sweeton – Right, but we had the other one fixed.

Mary Ellen Tyndall – Now this is closer to my house and on my lawn.

Supervisor Sweeton – Ok, but as long as it meets our lighting code then it’s permitted under the code, but we’ll check that.

Mary Ellen Tyndall – Does the code have how far the light can go?

Supervisor Sweeton – Yes.

Mary Ellen Tyndall – In addition to that I have a letter that I would like to read that is addressed to you and the Board members.

Supervisor Sweeton – Sure.

Mary Ellen Tyndall – “Mr. Sweeton I would like to give you and the Board a chronological account of the Airport Fence Project from my perspective. It starts with the Airport Manager designing a fence line to suit his own agenda. He dismissed his committee; he had a fence committee because he didn’t like their plans which were leaning towards attractive and tasteful. In July of 2008 Mr. Butler of the Building Department informed you Mr. Sweeton that a portion of the scheduled fencing was planned to be on a resident’s property line. You did nothing. I spoke to you many times in private and in public about the location of the proposing fence and the abutting line our property line. You answered in many different ways such as the Airport Road children need a fence, even though the Knolls children have been there for 40 years adjacent to the airport. You answered, “The Town could do

whatever they wanted and didn't have to follow the code." You answered, "It's too late, the bids have already gone out." You answered that I chose to move next to an airport, so it was my problem and another time you said the WVPA would plant foliage in front of the fence that bordered my property, well they did. They planted forsythia seedlings, which you said Mr. Sweeton would take five years to come in full bloom and cover the fence and of course everyone knows that forsythia lose their leaves in the winter no matter how big they are. Another time you told me the fence had to go around the airport when actually the fence does not go around the airport it's only around half of the airport. In a lot of places it's very vulnerable in wooded areas. In fact, if you come at night you can't help but notice that most of the security lights point toward the airport manager's hangars leaving the other hangars and tied down airplanes in the dark off camera. I did show you the transportation security administration guidelines for fence grants, which you should have read and adhered to. It clearly states attractive, tasteful fencing is ok and spending unnecessary security enhancement may actually be detrimental to an airports overall security plan. That is word for word by the security plan. You chose to use the fence plans of someone who does not live on Airport Road, who does not live in Warwick and does not even live in New York. He was the one who designed the fencing. Someone who has not noticed that the airport is now in an upscale, executive, meticulously maintained neighborhood where curb appeal is of the upmost concern of the residents. You let someone create an ugly metal mess from the airport entrance which sits in the yard of my residence. There was ample room to set it back the appropriate amount of feet. The airport is on 80 acres. It didn't have to be 5 feet from my property line. You let someone who does not reside in the Ridge at Wickham Lake choose an eyesore of an entrance rather than an eye appealing entrance. You gave me many evasive reasons for allowing a fence to be as it is and where it is when I asked you why you let this happen. Now my question is why would you let it happen? Mr. Sweeton you let the residents of the Ridge at Wickham Lake down. You let the Town of Warwick down. You either didn't care or didn't have time to review the fencing plans to talk to the residents of the neighborhood and to adjust the project in a fair and reasonable way. Why would you not read the requirements of thousands of dollars of New York grant money, why wouldn't you read that? Why would you let grant money be used to satisfy a personal agenda? Why did you let all of the decisions of this project be made by someone who is not a Town employee and is not a resident of Warwick? Why Mr. Sweeton Town Supervisor, why? At any time during the year or so of the fencing project you could have admitted that you were remiss in your duties as Town Supervisor and say "ok what could we do to make the situation better before it's completed?" But you didn't instead you let it proceed and prove to this resident and others that you have no allegiance to the residents of Warwick particularly to the residents in the Wickham Lake neighborhood."

Supervisor Sweeton – Are you submitting the letter for the record?

Mary Ellen Tyndall – not this copy.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:47 p.m.
01-21-10 cp.**

Marjorie Quackenbush, Town Clerk