

February 4, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, February 4, 2010, at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:44 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Leonard DeBuck – Absent
Councilman James Gerstner
Councilman Mickey Shuback

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

ACCEPTANCE OF MINUTES:

1. Public Hearing, Amendments Proposed to the Town of Warwick Zoning Law and Development Fees Local Law, 01/21/10
2. Regular Town Board Meeting, 01/21/10

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the Public Hearing, Amendments Proposed to the Town of Warwick Zoning Law and Development Fees Local Law held on January 21, 2010 and the regular meeting held on January 21, 2010. Motion Carried (4 ayes, 0 nays)

CORRESPONDENCE:

EDWARD BUTLER, P.E. – Town Engineer, Tectonic Engineering & Surveying Consultants, P.C., P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY 10953 – Memo to the Supervisor regarding W.O. #532.0475 Foxwood Estates (aka Apple Ridge Estates) Partial Bond Release. “In regard to request for reduction in performance bond made by Bob Loughrey of Warwick Properties, LLC and his attorney, Robert Krahulik, I looked at the current status and determined that sufficient work has been satisfactorily performed to justify reduction. Remaining work items include, but are not limited to:

1. Placement and/or replacement of minor portions of asphalt base course.
2. Placement of asphalt top course.
3. Construction of portions of approved driveways within 25’ of roadway.
4. Temporary erosion control measures.
5. Reconstruction of stormwater management facilities.
6. Minor grading work and establishing vegetative cover.

Initial recommendation for performance bond to be held was \$312,000.00. I recommend reduction of the bond, but that \$139,000.00 bond be held until completion of the work. In addition, construction inspection fees had been deposited, in the amount of \$15,826.00, however developer encountered unforeseen circumstances during construction have led to

extended efforts and time. I believe the Town's expenses for construction inspection to date have reached \$41,729.15."

JEFF BABCOCK – President, Florida Fire Department and Rescue Squad, P.O. Box 600, Florida, NY 10921 – Letter to the Supervisor requesting permission to display fireworks as a grand finale for the Florida Fire Department and Rescue Squad's 125th Anniversary Parade on Saturday, June 5, 2010.

KATY DUNLAP – Coordinator, Hudson River Watershed Alliance, P.O. Box 685, Poughkeepsie, NY 12601 – Notice of a workshop "Watershed Planning Across Political Boundaries-A Workshop on Inter-municipal Collaboration", to be held on Wednesday, February 24, 2010 from 9:00 a.m. until 4:00 p.m. at SUNY New Paltz, Student Union Building, 4th Floor. Please RSVP to Katy Dunlap at katy@hudsonwatershed.org by February 17, 2010.

MICHAEL HOLT, P.E. – Chief, Water Quantity Management Section, New York State Department of Environmental Conservation, Division of Water, Bureau of Water Resource Management, 4th Floor, 625 Broadway, Albany, NY 12233-3508 – Letter to all Water Withdrawers as authorized by Title 33 of Environmental Conservation Law Article 15, any person who withdraws or is operating any system or method of withdrawal that has the capacity to withdraw more than 100,000 gallons of groundwater or surface water per day shall file a report with the Department. The first of these annual reports must be filed on or before February 1, 2010. The form needed to report this information can be found by accessing our webpage at: <http://www.dec.ny.gov/lands/55509.html>. If you have questions or need further assistance submitting your data, please contact Richard Kruzansky at 518-402-8182.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,316.35 to Yolanda Perry.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$4,821.75 to Peter & Mei Li Dong Ydeen.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$2,884.70 to Howard Hansen.

COMMITTEE REPORTS:

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>
CATCH BASINS	Town wide	Clean basins.
DRAINAGE	Town wide	Due to heavy rains 1/25/10.
DITCH WORK	Iron Mountain Rd.	Ditch work.
TREE WORK	Amity Rd. Little Brooklyn Rd.	Assist Nelson Tree Co. Take down dead trees.
BRUSH PICK UP	Town wide	Clean up from storm on 1/25/10.
SANDING VEHICLE MAINT.	Town wide	Storm on 1/28/10. As needed.
ROAD SIGNS	Town wide	As needed.
MAIL BOXES	Town wide	As needed.
HAUL MATERIAL	From Town barn to GWL stock pile.	
TOWN PARK	Union Corners	Clearing for new walking trail.

COUNCILMAN DE ANGELO REPORT

1. I would like to wish everyone a happy Valentines Day.

COUNCILMAN DE BUCK REPORT – Absent

COUNCILMAN GERSTNER REPORT

1. I have a letter from Cablevision discontinuing TV Guide Magazine through Cablevision. They are writing to inform you that effective Wednesday, March 3, 2010 all customers who subscribe to TV Guide Magazine through Cablevision will be charged \$3.99 per month for the publication. The TV Guide subscription was a grandfathered service that is no longer available from Cablevision. Currently some customers receive the TV Guide for free or pay \$37.00 annually for the weekly publications. Customers are being notified in writing and if you have any questions you can contact the Cablevision Company Optimum online.

2. I was able to attend the lacrosse dinner this past week for the Supervisor and I had a very nice time. Lacrosse is looking to work with the Town at Union Corners Field with Deputy Commissioner Roe and the park guys who put up some netting out there; we're looking forward to that. Hopefully we'll get that up before the season starts depending on the weather.

Supervisor Sweeton – It's another partnership with the local sports groups to improve the parks at no cost to us, which is a good thing and it will make it safer there.

COUNCILMAN SHUBACK REPORT

1. We finally got the DEC permit for well #11 in the Wickham Water District and we were able to get 250 gallons per minute for a total of 215,000 gallons per day. This will save a lot of problems that we've been having for the last four years. The only thing we need now is the approval from the Health Department and we will have everything done by the first of April.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

- 1. Fees Collected: Month of January, 2010** – Carter's Permits, \$425.00; Copies of Maps, \$80.00; Code Book Updates, \$105.00; Certified Marriages, \$80.00; Mileage, \$3.00; Photocopies, \$17.00; Interest in Checking Account for Month of December, \$1.13; Dog Impoundments, \$245.00; Town Park Pavilion Fees, \$325.00; Marriage License Fees, \$87.50; Bell Jar Permits, \$30.00; Games of Chance Permits, \$10.00; Cascade Park Trail Maps, \$4.00; Road Maps, \$6.00; Conservation Licenses, \$11.65; Dog Licenses Issued/Renewed, \$1,119.90; Use of Room Fees, \$220.00; Registrar Fees, \$300.00; Zoning Maps, \$10.00; Town Park Deposits, \$150.00. **Total Fees Collected: \$5,150.13**
- 2. Fees Paid: Month of December, 2010** – Orange County Commissioner of Finance for Dog Licenses, \$299.10; NYS Dept. of Health for Marriage Licenses, \$112.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$81.00; NYS Environmental Conservation, \$267.35; NYS Comptroller for Bell Jar Permits, \$45.00; NYS Comptroller for Games of Chance Permits, \$15.00; Village of Florida for Registrar Fees, \$100.00; Village of Greenwood Lake for Registrar Fees, \$10.00; Village of Warwick for Registrar Fees, \$990.00. **Total Fees Paid to Supervisor: \$3,230.18.**

SUPERVISOR'S REPORT

- Monday evening February 8th a citizens foundation in Sugar Loaf is jointly holding with the Orange County Water Authority a discussion of the proposed Orange County Water Master Plan. It will be 5:30 p.m. until 7:00 p.m. at White Oak Drive, which is off of Kings Highway on Bellvale Lakes Road at the Seaglemans farmstead. The reason why I'm bringing this up is there has been a lot of misinformation going around the County about this master plan that talks about interconnections of water between communities. These mini water distribution systems are somehow going to have the Orange County Water Authority pre-empt home rule and force connections between municipalities. That is not the case and that is not the intent of the Water Master Plan. If the County has a role in this other than proposing where these need to be based on an analysis of water around the County their role would be to create a pool of money that municipalities could tap for financing to make these connections, to make it feasible for communities that want to help each other. For instance, the Village of Florida sends water to the jail in Goshen and there are different areas around that could use some help. If you're interested in learning about this it should be a good presentation.
- Home Town Alert Registration - I want to remind everyone that it's so important with the advent of cell phones and numbers changing all the time that you go online to the Town website townofwarwick.org, fill out the application and it goes directly into the system. Nobody sees it and it will make sure that you get emergency alerts from the Town's system. It takes a few minutes of your time even if you think you're already in it, do it again.
- The Community Preservation Advisory Board met for the first time this week. That is a group of seven individuals; four from the Town and one from each of the Villages. They will meet again in a month or so and begin to sift through probably about fifteen potential applicants for funding from the Community Preservation

Fund. It's a great group of individuals with varied backgrounds in the Town, so I was pleased they got underway.

4. The East Shore Road ARRA Project Update - It's moving along and we're qualifying the low bidder. The stimulus funding I got the final supplemental contracts, so the money is secured provided we don't make any clerical errors with the Federal Government along the way, which we won't do. That project will start in the late spring and we'll be looking forward to that.

5. Route 94 Environmental Impact Statement - There was some question that it would be ready today. That is not the case. The planner is still working on it. They have told me that they will have it to the Board by the 18th of February and at that point, if we have it in our hands, we'll be able to schedule a hearing not much before the middle of March in terms of having that hearing. It will give ample time for people to go through the environmental impact statement and look at it and see what it has presented and whether we need to look at changes to the proposed zoning amendments or not. That is specifically for Route 94.

6. Supervisors Corner is published in the Warwick Dispatch every week and I'm grateful to them for doing that.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2010-66 HOME RULE REQUEST – TOWN OF WARWICK'S ABILITY TO CONTROL TOWN SPEED LIMITS

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution in support of Assembly Bill #A.2685 and Senate Bill #S.5151, Home Rule Request, supporting the Town of Warwick's request to have the ability to control the town speed limits.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that we had asked for this last year. In the State of New York villages and cities control their speed limits, but not towns. The State does and in some cases it takes a long time to get a determination and in some cases they don't make a determination. We've asked for this before and it's a new legislative session, so we'll ask again. I thank Assemblywoman Rabbitt for carrying that for us and State Senator Tom Morahan as well.

#R2010-67 BOND REDUCTION – FOXWOOD ESTATES

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to reduce the Performance Bond (SBL#55-1-2.2), #SUR024317 from Lincoln General Insurance Co., from \$312,000.00 to \$139,000.00 and authorize the release of \$173,000.00 to

Warwick Properties, LLC, as per the recommendation of the Town Engineer; letter dated January 26, 2010.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-68 AUTHORIZE SPECIAL EVENT PERMIT – WARWICK LIONS CLUB

Motion Supervisor Sweeton, seconded Councilman Shuback to adopt a resolution to authorize the use of the roads in the Town of Warwick by the Warwick Lions Club for their annual Labor Day 5K Road Race to be held on Monday, September 6, 2010 subject to review by the Chief of Police and proof of proper insurance.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-69 AUTHORIZATION TO SIGN MUNICIPAL AGREEMENT WITH THE ORANGE COUNTY OFFICE OF COMMUNITY DEVELOPMENT – 2009-2010 HUD GRANT AWARDS

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign the Municipal Agreement with the Orange County Office of Community Development for the 2009-2010 HUD grant awards.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-70 AUTHORIZATION TO SIGN INTERMUNICIPAL AGREEMENT WITH GREENWOOD LAKE FIRE DISTRICT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an Intermunicipal Agreement with the Greenwood Lake Fire District for the Town of Warwick to perform routine service on fire district vehicles. The cost to be billed to the Fire District.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-71 AUTHORIZATION OF ESCROW REFUND – HANSEN

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$2,884.70, the balance of escrow SBL #64-1-16 to Planning Board applicant Howard Hansen as per the recommendation of the Planning Board Secretary; letter dated February 1, 2010.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-72 AUTHORIZATION OF ESCROW REFUND – YDEEN

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$4,821.75, the balance of escrow SBL #27-1-93.2 to Planning Board applicants Peter and Mei li Dong Ydeen as per the recommendation of the Planning Board Secretary; letter dated February 1, 2010.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

#R2010-73 AUTHORIZATION OF ESCROW REFUND – PERRY

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$1,316.35, the balance of escrow SBL #58-2-11.22 to Planning Board applicant Yolanda Perry as per the recommendation of the Planning Board Secretary; letter dated February 1, 2010.

Motion Carried (4 ayes, 0 nays, 1 absent – Councilman DeBuck absent) Supervisor declared this resolution duly adopted.

BILLS: Motion Councilman DeAngelo, seconded Councilman Gerstner to pay the bills as audited. Motion Carried (4 ayes, 0 nays).

PRIVILEGE OF THE FLOOR (GENERAL)

Ed Virag – Resident, Town of Warwick, NY 10990 – I’m coming to you on behalf of my property that has been here for about five years in the Town and we’ve had several issues with the adjoining property, which I spoke to you about earlier in the week. I believe it’s in the process of being transferred hands again and the hardship is going to fall on me to prove that the house is not a legal dwelling. I’m looking for some help from the Town Board, the Supervisor and Attorney as far as regarding my property rights as a homeowner in the Town and upholding the law. It has been jaded to a certain degree and how we can handle it with the Town Boards information it would be helpful at this point.

Supervisor Sweeton – Ok. We met and you apprised me of the situation and the building department is aware of it. My understanding is, after discussing it with the building inspector, that the property has not been sold; that it is up for sale and the gentleman who is enquiring about it came into the building department was instructed with the last memos and shown all of the correspondence, so he is aware of the situation.

Ed Virag – There has been quite a bit of work going on up there.

Supervisor Sweeton – We did have somebody go down and I think they saw a little bit of digging going on.

Ed Virag – I came home to excavation, deep pits, the whole nine yards.

Supervisor Sweeton – I think they're able to do that, Attorney Hicks?

Attorney Hicks – It's hard to remember going back all the length of time we've been dealing with this. There were certain things the Town had said would have to be brought up to specifications before it could be occupied and one of them had something to do with the septic system, so they maybe working on that.

Supervisor Sweeton – Right, but we'll keep an eye on it. We understand.

Ed Virag – I believe its Town properties and the tables and all that available as well as whatever else has to be done by law.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:55 p.m.
02-04-10 cp.**

Marjorie Quackenbush, Town Clerk