

July 15, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, July 15, 2010 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:34 p.m.

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

Town Attorney, John Hicks – Absent
DPW Commissioner, Jeffrey Feagles
Police Chief, Thomas F. McGovern, Jr.

PRESENTATION BY DR. RICHARD HULL: Presented the Town Supervisor Michael Sweeton and the Town Clerk Marjorie Quackenbush with a plaque to be displayed at Town Hall representing the historical list of Town Supervisors and Clerks from 1789 to the present.

Dr. Richard Hull also presented a certificate of recognition to Claire Miller Garcia, a representative of the Miller Monument Works, for the 145th anniversary of the founding of Miller Monument Works established in 1865 by Ira S. Miller.

Supervisor Sweeton – We appreciate that you keep and recognize the special businesses that we do have as part of the history and it's important that people know. I know Mrs. Garcia and the Garcia Family and the Miller Family have been a big part of the community for so many years and have done so much, so we appreciate it and thank you for that.

ACCEPTANCE OF MINUTES:

1. Regular Town Board Meeting, 06/24/2010

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the regular meeting held on June 24, 2010. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

ANDREW MCLAUGHLIN – Resident, Town of Warwick, NY 10990 – Letter to the Supervisor and Town Board resigning from the Town of Warwick Conservation Board.

PETER D. BARLET – Town of Warwick Justices – Memo to Supervisor Sweeton and Town Board requesting authorization to attend the New York State Magistrate's Association Annual Conference on September 26th to September 29th, 2010 in Callicoon, New York.

SEAN M. BYRNE – Acting Commissioner, State of New York, Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203-3764 – Letter to the Supervisor advising that the Town of Warwick Police Department has been awarded \$17,285 from Federal 2009 Byrne JAG Recovery grant funds. This funding is to support the purchase of License Plate Reader equipment.

PORTIA ROBERSON – Director, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Room 1629, Washington, DC 20530 – Letter sent to the Town Clerk in response to a letter dated February 19, 2010 to the Attorney General regarding the trial of the 9/11 defendants. The letter was forwarded to the Department of Justice’s Office of Intergovernmental and Public Liaison for response. The Department appreciates the recommendations and viewpoints it has received from interested communities and are considering such views and will ensure that our approach is consistent with our national security interest, the safety of our communities and the need to bring these defendants to justice.

WILLIAM ROE – Deputy Commissioner, Town of Warwick DPW – A note of thanks to the following members of Boy Scout Troop 38 Andrew Julian, Phillip Julian, Gordon Brown and Noah Lucarelli for staining the playground equipment at the Town Park. We will be assisted by various troop members throughout the summer as they earn their service project hours necessary for rank advancement.

VISITING ELECTED OFFICIALS

Supervisor Sweeton held a moment of silence in respect for the passing of New York State Senator Thomas P. Morahan.

COMMITTEE REPORTS:

DEPARTMENT OF PUBLIC WORKS REPORT

**WORK BEING
DONE**

LOCATION

REASON FOR WORK

CULVERT PIPES	Nelson Rd. Church St., GWL Skinners Ln.	Replace 50 ft. of 36 in. pipe Install drainage Replace 50 ft. of 36 in. pipe
CATCH BASINS	Helene Rd.	Repair basin
DITCH WORK	Cascade Rd.	Reshape ditches
CHIP SEAL	Town wide	Jessup Rd., Foley Rd., Prices Switch Rd.
TREE WORK	Ackerman Rd.	Assist Nelson Tree
MOWING	Town wide	As needed
POT HOLES	Town wide	As needed
ROAD SIGNS	Town wide	As needed

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report -June, 2010

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	3,324,900 gal
Average daily use	99,700 gal
Sodium Hypochlorite used	86 qt
Orthophosphate used	16 qt

Bellvale Park Water District

Total monthly production	128,300 gal
Average daily use	4,300 gal
Sodium Hypochlorite used	7 qt

Eurich Heights Water District

Total monthly production	222,100 gal
Average daily use	7,400 gal
Sodium Hypochlorite used	4 qt
Orthophosphate used	0 qt

Pine Island Water District

Total monthly production	389,400 gal
Average daily use	13,000 gal
Sodium Hypochlorite used	28 qt

Westside #1 Water District

Total monthly production	2,710,100 gal
Average daily use	90,300 gal
Sodium Hypochlorite used	228 qt
Orthophosphate used	156 qt
Caustic Soda	80 gal

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	4,916,400 gal	58%
Wickham Village District	1,913,141 gal	22%
Kings Estates District	1,682,679 gal	20%
<u>Total District Flow</u>	8,512,220 gal	100%
<u>Average Daily Flow</u>	283,741 gal	

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

The belt press ran for 45 hrs, and 4.5 gal of polymer were used.

80cu. Yd. of sludge and 8 cu. ft. of grit were removed from the site this month.

Acid cleaned Ultra Violet system

Sewer District #2 Wastewater Treatment Facility

Total District Flow 149,026 gal

Average Daily Flow 4,968 gal

Startup was on June 8, 2010

COUNCILMAN DE ANGELO REPORT

- 1. For the month of June the Post Report is as follows: Greenwood Lake had 235 calls, the Town outside the Village had 958, calls, Pine Island 311 calls and the Village of Warwick had 852 calls for a total of 2,356 calls for the month of June.**
- 2. I also wanted to thank the Chief and his people for their efforts in obtaining a grant for a license plate reader from the Federal 2009 Byrne JAG Recovery grant funds. Congratulations Chief and it's in the amount of \$17,285.**
- 3. On Saturday night in the Village of Greenwood Lake at the Thomas P. Morahan Water Front Park there will be an outdoor concert with Wray Ban and Paul Binato.**

Supervisor Sweeton – I think we should also offer our congratulations to the department on the closing and the arrests that were made recently in the Pine Island area for an illegal operation. That was an ongoing investigation for a fairly long period of time; you did good work and thank you.

Police Chief McGovern – I know you heard a lot of complaints about it and that's why we brought you in at the get go, so when you did get those complaints you could deflect them in whatever fashion you felt appropriate, so the investigation wasn't compromised and it all worked out very nicely.

COUNCILMAN DE BUCK REPORT

- 1. In two weeks we are going to have some international visitors coming to Pine Island for the Turf Grass Producers International Convention. This is a week long convention held in New York City, but the field day is going to be held at my neighbor's farm Pine Island Turf Nursery and Shuback Farms and my own farm is going to host. We anticipate between 600 and 800 people coming to Pine Island from as many as 35 different countries where turf grass is grown. We are quite honored to have international guests visiting our community. As part of that effort and as this expedition goes on new turf grass harvesting equipment Pine Island Turf Grass together with Shuback's and myself are working with the Village of Warwick in order to donate the sod that is going to be harvested that day of this prototyped material or prototyped exhibits we are harvesting to show prospective buyers how their harvester works. We didn't want to see this agricultural product go to waste, so we are working with the Village to have this placed on one of their peewee football fields and they will utilize that turf. I'm quite pleased to both have visitors**

and to be able to show people from around the world another sector of our agricultural enterprise.

2. The only other thing I'd like to say in regards to the passing of Senator Morahan is that, I think it was a wonderful tribute a few years ago that we decided to name our water front park in Greenwood Lake after Senator Morahan. I know he was our State Senator for 11 years, but truly he had over 40 years of public service and he was a very humble man and I know hearing from others that he was tickled to have that park named after him. I know he visited it, his wife visited it, his children and grandchildren visited it and perhaps in some way his legacy can continue in memory because of this particular park in our town being named after him and do solely honor him that way. I'm pleased that the Town recognized his service and we're all going to miss his contribution and his smiling Irish face.

COUNCILMAN GERSTNER REPORT

1. I would like to thank all of the recreation committees in the Villages and our Town for their work in getting prepared for the summer recreation programs.
2. Sunday, July 25th the Greenwood Lake Ambulance will be having a wet down from 1:00 p.m. until 4:00 p.m. in Greenwood Lake.

COUNCILMAN SHUBACK REPORT

The Wickham Well Water District well #10 is supplying ample water right now and residents are voluntarily using less water. We are still waiting for well #11 to get approved from the Health Department, which should have been done weeks ago, but we are hoping in the next two or three weeks it will be done.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. **Fees Collected: Month of June, 2010** – Wickham Lake Permit Fees, Resident, \$380.00; Wickham Lake Permit Fees, Non-Resident, \$120.00; Wickham Lake Permit Fees, Additional Stickers, \$38.00; Wickham Lake Permit Fees, Resident Renewal, \$100.00; Wickham Lake Permit Fees, Non-Resident Renewal, \$80.00; Copies of Maps, \$40.00; ATV Impoundment Fees, \$500.00; Certified Marriages, \$80.00; Photocopies, \$91.00; Use of Kitchen Fees, \$50.00; Interest in Checking Account for Month of May, \$0.55; Dog Enumerations, \$5.00; Dog Impoundments, \$810.00; Town Park Pavilion Fees, \$75.00; Marriage License Fees, \$472.50; Games of Chance Proceeds, \$69.75; Cascade Park Trail Maps, \$2.00; Conservation Licenses, \$40.55; Dog Licenses Issued/Renewed, \$1,205.80; Use of Room Fees, \$280.00; Registrar Fees, \$40.00; Zoning Maps, \$10.00; Waterfront Park Daily Non-Resident Passes, \$868.00; Waterfront Park Daily Resident Passes, \$2,148.00; Waterfront Park Adult Season Passes (Resident), \$360.00; Waterfront Park Child Season Passes (Resident), \$725.00; Waterfront Park Family Season Passes (Resident), \$3,300.00; Waterfront Park Senior Season Passes (Resident), \$550.00; Waterfront Park Commercial Passes, \$60.00; Waterfront Park Wedding Permit Fee, \$30.00; Town Park Deposits, \$200.00. **Total Fees Collected: \$15,987.30**
2. **Fees Paid: Month of June, 2010:** Orange County Commissioner of Finance for Dog Licenses, \$319.20; New York State Dept. of Health for Marriage Licenses, \$607.50;

NYS Dept. of Ag & Markets for Spay/Neuter Program, \$75.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$694.45; Village of Greenwood Lake for Registrar Fees, \$30.00; Village of Warwick for Registrar Fees, \$1,170.00. Total Fees Paid to Supervisor, \$13,091.15.

SUPERVISOR'S REPORT

1. The 2011 Budget - We started a month early on that process. We sent out a note to all of our department heads thanking them for their work on cutting their departments at the last budget and asking them as we go forth the next six months to continue to look for savings, because we anticipate that 2011 will be as difficult if not more difficult than forming last year's budget. Certainly our goal is not to burden taxpayers to any great extent, so we've begun the process and we'll make sure the information is out to everyone and we'll struggle through it the best that we can. If you notice we're doing less road work this year simply because we don't have the money. All departments have chipped in and I thank them very much and the police department has worked hard at it as well. They are our two biggest departments and congratulations to all of our department heads and all of the employees for that.

1. Cooling center - There was something we did put in the paper; I just want to make the public aware that on days when it is 90 degrees or more for two or more consecutive days we are making the Senior Center available. If seniors or anyone that doesn't have air conditioning would like to come out there it would be opened and they are more than welcome to come in. There is cable television in there that was provided by Cablevision, so there are things to do. There are tables, bathrooms, water the whole deal, so we want to get the word out. If you know of anyone who is elderly and perhaps is stressed when it gets hot like it has been for the last couple of weeks that is available. The police department also has the ability to open it if it's after Town Hall hours.

2. I would like to publicly thank the Village of Greenwood Lake. The Mayor and Trustees graciously donated their old children's play equipment, which was actually in pretty good shape and pretty nice, to us which we have placed at the Thomas P. Morahan Water Front Park and all reports are it's getting tremendous use. The people are loving it, the kids are able to play and it's a nice addition. The Village got some new equipment through a grant and they graciously donated to us and I want to thank them.

3. FEMA - During March rain storms we did have three areas in the Town that has some significant damage and the President did ultimately declare Orange County a disaster area from that flooding. FEMA has been here and I have to say they have been exceptional in working with our highway department in first assessing the sites and then working to give estimates of what they will pay to repair the sites. Ryerson Road is one, Nelson Road is another and there was another area as well near the Florida area. We're very thankful for them rapping up that work and then we will get the contractors to get the work done. I know the federal government gets knocked a lot, but in this case I think FEMA did a very efficient quick job and it's helping out the Town of Warwick.

4. An update on East Shore Road - As you know that was a part highway congressional earmark funded project when Sue Kelly was our congresswoman and then got secured stimulus dollars to complete the project. This is a drainage improvement project along a narrow stretch of East Shore Road that is very close to the lake on one side and the mountain on the other side. The drainage structures are mostly in and they are

beginning to ramp up to cut across the road to put the additional structures in. We've run into a little snag with part of the road sagging a little, so we are evaluating what that's going to cost and what that might entail in repairing that. That is anticipated to go through September at this point, but it is progressing and it has been a learning experience, but in the end it will improve safety through that area at very little cost to the taxpayers to the Town of Warwick, so it was a good project.

5. I thank the Dispatch for publishing the Supervisors Corner every week.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2010-163 ACCEPT "TEN PERCENT CHALLENGE"

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

WHEREAS, local citizens and the Sustainable Warwick organization have worked to reduce energy consumption, the Town Board of the Town of Warwick supports efforts to reduce energy consumption in its Town operation, and

WHEREAS, the Town Board of the Town of Warwick chooses to encourage energy reduction town wide,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Warwick hereby accepts the "Ten Percent Challenge" and will thereby work to reduce its energy consumption by ten percent (10%) over the course of the next year.

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

Discussion: Supervisor Sweeton stated that it's a worthwhile effort and we're trying to get the public involved and include as many as we can. It can be you in your own home; it can be organizations and groups. We just want to encourage you to reduce your energy consumption over the next year by 10%. It's not that difficult to do and there are a lot of tips on websites to teach you how to do that.

#R2010-164 STANDARD WORKDAY AND REPORTING TO NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM FOR ELECTED AND APPOINTED OFFICIALS

TITLE	NAME	STANDARD WORK DAY (Hrs/day)	Term Begins/Ends	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MONTH (Based on Record of Activities)
ELECTED OFFICIALS					
Town Clerk	Marjorie Quackenbush	6.5	1/01/2010-12/31/2013	N	20 Max
Receiver of Taxes	Brenda Faulls	6.5	1/01/2010-12/31/2013	N	12.5
Town Justice	Peter Barlet	6.5	1/01/2010-12/31/2013	N	9.1

Town Councilman	Floyd DeAngelo	6.5	1/01/2010-12/31/2013	N	11.9
Town Councilman	Mickey Shuback	6.5	1/01/2010-12/31/2013	N	7.6
APPOINTED OFFICIALS					
Town Attorney	John Hicks	6.5	1/01/2010-12/31/2011	N	5.5

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

BE IT RESOLVED that the Town of Warwick hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body: Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

On this 16th day of July, 2010

Date enacted: July 15, 2010

(Signature of Clerk)

I, Marjorie Quackenbush, clerk of the governing board of the Town of Warwick, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 15th day of July, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Warwick.

(Seal)

Discussion: Supervisor Sweeton stated that this is for the public's information. The Town had established work days years ago; 6.5 is for the municipal workers and clerical functions at Town Hall. They had hours for elected officials and part time officials. The State of New York about three or four years ago responding to some incidences on Long Island where there was some double dipping in retirement systems, put together a new procedure by which at the beginning of every term you have to do an analysis and track your time for a three month period and you need to report that. That then becomes your reporting time compared to the average day that your town establishes and then that has to be published for the public to see. This will be on the website for the next 30 days and then it will be reported to the NY State Comptroller's office.

#R2010-165 APPOINTMENT TO ZONING BOARD OF APPEALS – KEVIN SHUBACK

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to appoint Kevin Shuback to the Zoning Board of Appeals to fill the unexpired term of Charles Todd which expires 12/31/2013.

Motion Carried (4 ayes, 0 nays, 1 abstention-Councilman Shuback abstaining) Supervisor declared this resolution duly adopted.

#R2010-166 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW - NYS EARLY RETIREMENT INCENTIVE PROGRAM FOR 2010

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider a local law to offer the NYS early retirement incentive program for 2010. Said hearing to be held on Thursday, August 12, 2010 at 7:15 p.m., 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 State is offering this early retirement incentive and if we choose, we haven't made a decision because we want to wait until the public hearing, but if we do choose to offer it to employees and it's non-police personnel we have to do it by local law and hence a public hearing. On August 12th we will have that public hearing.

Councilman DeBuck – Asked if there was a list that they could get from the bookkeeper of eligible employees.

Supervisor Sweeton stated that he has that list and he will distribute it to the Board and that it's a two part incentive there's a part A and a part B and we have three eligible for part B and we have about ten eligible for part A. We can offer part A or part A and B.

Councilman DeBuck – Regardless of our determination it doesn't determine their determination.

Supervisor Sweeton – That's correct. They have to affirmatively choose to do so, but they can't unless we offer it and adopt it by August 31st, so we will vote on it that evening.

#R2010-167 AUTHORIZATION TO ATTEND NYS MAGISTRATES ASSOCIATION CONFERENCE – PETER BARLET

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize Peter Barlet to attend the NYS Magistrates Association Conference to be held in Callicoon, NY on September 26, 2010 through September 29, 2010. Monies for this conference have been allocated in this year's budget.

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

#R2010- 168 SPECIAL EVENT PERMIT – PINE ISLAND SUMMER FEST

Motion Councilman DeBuck, seconded Councilman Shuback to adopt a resolution granting approval to the Polish Legion of American Veterans and Pine Island Fire Department to hold the Pine Island Summer Fest on August 13, 2010 through August 15, 2010 pending approval by the Chief of Police. Application and Certificate of Insurance are on file in the Clerk's office.

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

**#R2010-169 REQUEST TO PARTICIPATE – AGRICULTURAL PROTECTION
OVERLAY DISTRICT- SECTION 33 BLOCK 1 LOT 30.22 – NOBLE**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt the following resolution regarding Request for Participation in the Town of Warwick Agricultural Protection Overlay District:

WHEREAS, the Town of Warwick adopted a Zoning Law, known as the 2002 Zoning Law of the Town of Warwick, adopted January 24, 2002; and

WHEREAS, said Zoning Law contained provisions for an Agricultural Protection Overlay (AP-O) District one of the purposes of which was to recognize and codify the importance of agriculture to the future of the Town of Warwick and the welfare of its citizens; and

WHEREAS, said Zoning Law established an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map parcels which could qualify for the benefits of the AP-O District; and

WHEREAS, Section 164-47.3.B sets forth the applicability of said AP-O District to lands within the Town of Warwick; and

WHEREAS, Paragraph 5 of Section 164-47.3.B. provides for a mechanism for land owners who are within the AP-O District, pursuant to the criteria listed in paragraph B.1, thereof, to apply for the benefits of said district; and

WHEREAS, pursuant to the procedure set forth, the Town of Warwick has received an Application for Participation, on the proper form submitted to the Town Clerk as required, from Leslie Noble, 90 Minturn Rd., Warwick, NY 10990 for 37 +/- acre parcels known as Section 33, Block 1, Lot 30.22 of the Tax Map of the Town of Warwick; and

WHEREAS, the Town Board has determined that this particular parcel is one of the parcels included in the area shown on the Overlay District Qualifying Area Map and has therefore met the requirements set forth for inclusion in the AP-O District as a participating parcel;

NOW, THEREFORE BE IT RESOLVED, that Tax Map Section 33, Block 1, Lot 30.22 of the Tax Map of the Town of Warwick and belonging to Leslie Noble is hereby declared eligible to participate under the provisions of the AP-O district and is entitled to all the benefits contemplated thereof; and

BE IT FURTHER RESOLVED that an Appendix to the zoning Law be updated to reflect that the above described Leslie Noble parcel shall be considered included as a participating parcel in the AP-O District, and

BE IT FURTHER RESOLVED, that the AP-O Overlay District Qualifying Area Map be so marked to show the above Leslie Noble parcel as a participating parcel within said District.

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

**#R2010-170 ACCEPT RESIGNATION – CONSERVATION BOARD – ANDREW
MCLAUGHLIN**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Andrew McLaughlin from the Conservation Board effective immediately. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton thanked Andy for his service and stated that he has a conflict with his new role on the Orange County Land Trust and it doesn't allow him time to do this.

BILLS: Motion Councilman DeBuck, 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) 8:05 p.m.
07-15-10 cp.**

Marjorie Quackenbush, Town Clerk