

November 4, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, November 4, 2010 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 8:00 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.
Steven Brown, Auditor

ACCEPTANCE OF MINUTES:

1. Regular Town Board Meeting, 10/21/2010
2. Special Town Board Meeting, 10/25/2010

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the regular meeting held on October 21, 2010 and the special meeting held on October 25, 2010. Motion Carried (5 ayes, 0 nays)

CORRESPONDENCE:

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 \$435.90 to Michael and Dawn Hazard.

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 \$592.00 to Michael and Dawn Hazard.

ROBERT LEWIS – Laborer, Town of Warwick DPW - Letter to the Supervisor and Town Board requesting his intent to retire effective December 29, 2010.

MARY ANN HESSE – Real Property Tax Supervisor, Department of Finance, Orange County Government Center, Goshen, NY 10924 – Letter to the Town Clerk regarding the requirement of an insurance bond or undertaking being filed for the Town Tax Collector.

KELLY ROHDE, RMC – Borough Clerk, Borough of Ringwood, 60 Margaret King Avenue, Ringwood, NJ 07456 – Notice of Ordinance #2010-15 amending chapter 40 zoning regulations of the revised ordinance of the Borough of Ringwood to clarify the permitted locations for residential storage sheds. This ordinance was introduced and passed first

reading at a meeting of the Municipal Council of the Borough of Ringwood in the County of Passaic, New Jersey on October 19, 2010 and will be considered for final passage at a Business Meeting of said Municipal Council of the Borough of Ringwood to be held on Tuesday, December 1, 2010 at 8:00 p.m., or as soon thereafter as same can be considered, at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, NJ.

PAT & JEFF CIAMPA – 171 Kings Highway, Warwick, NY 10990 – Letter was sent to Charles Lee Commissioner of Orange County Department of Public Works regarding a very large dead tree located on their property.

GERRY O’NEILL – Member, Tri-State Motorcycle Club, 4 Forest Drive, Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board requesting permission to hold an ice race on Greenwood Lake on Sunday, February 20, 2011.

CRAIG CHERRY – Deputy Commissioner, Orange County Department of Emergency Services, Division of Police Services, 22 Wells Farm Road, Goshen, NY 10924 – Letter sent to Police Chief McGovern regarding DWI enforcement contracts returned for the October 8th to January 1st must include a board resolution approving the contract and the authorized signature.

MICHAEL MAZZARELLA – Underwriting Manager, Selective Way Insurance Company – Notice of conditional renewal of your policy effective date January 1, 2011.

BOARD’S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton – I want to thank Pat and Jeff Ciampa they sent me a copy of a letter that they sent to the County regarding a dangerous tree on the right-of-way on Kings Highway. I asked the Commissioner to take a look at it and he went over and contacted O&R’s people and they graciously agreed to come right away to take the tree down. In the mean time the County somehow got wind of that maybe they got the letter, I don’t know, but they called the Commissioner to say “oh well get there in a couple of days” and the Commissioner said we’re taking it down, so thank you and I know the residents thank you for getting over there and helping out to prevent something that could have been dangerous.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced Tom Chevrier a Trustee from the Village of Florida and no report was given. We also have a Village Trustee from the Village of Warwick Bill Lindberg who’s a new trustee and no report was given.

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	78 Lake St.	Replace pipe	12 in x 38 ft.
CATCH BASINS	Wickham Village	Repair basins	

	Knollcroft Terr.	Clean basins
	Deer Pond Dr.	Clean basins
DRAINAGE	Big Island Rd.	Clean ditches
	Iron Mtn. Rd.	Clean ditches
	Deer Pond Dr.	Clean ditches
POT HOLES	Town wide	As needed
ROAD SIGNS	Town wide	As needed
TOWN PARK	All Parks	Fall cleanup

ENVIRONMENTAL CONSULTANTS REPORT

COUNCILMAN DE ANGELO REPORT

- 1. (Tape malfunctioned) The Warwick Valley Humane Society received a satisfactory inspection report from New York State Department of Ag and Markets.**
- 2. Saturday, December 4th and Sunday, December 5th from 12:00 p.m. until 3:00 p.m. the Warwick Valley Humane Society is sponsoring pet photos. You can have your picture taken with your pet and Santa Claus or just your pets and Santa Claus. It's rain, snow or shine with a professional photographer Chris Babicke and it's \$10 for one photo, \$18 for two photos and \$25 for three photos. All proceeds benefit our homeless pets in this holiday season, so I encourage you to take your dogs and cats and get their pictures taken.**
- 3. On Thursday, November 11th Veteran's Day the Greenwood Lake American Legion is having a service at 11:00 a.m. in Greenwood Lake.**

COUNCILMAN DE BUCK REPORT

- 1. It's November now and with the colder weather the DPW and the Parks Department will be winterizing the restroom facilities in the parks. The parks are open, but you might want to plan accordingly because the bathrooms will be closed and likely locked because there will be no water because they are seasonal water systems. To keep them from freezing and breaking and costing more money they simply drain them.**
- 2. I wanted to make a public service announcement in regards to daylight savings time with the time falling back to please be aware of the deer. They are extremely active this time of year.**

Supervisor Sweeton – Congratulations on being a grandpa.

COUNCILMAN GERSTNER REPORT

- 1. As most residents are aware Cablevision has settled with Fox News to provide programming again and we thank them for all their efforts in that.**
- 2. As Councilman DeAngelo said Veteran's Day is next week, so I would like to thank the Veteran's always and not just on Veteran's Day. I encourage residents to try and get out to participate in a ceremony if possible.**

COUNCILMAN SHUBACK REPORT

- 1. The highway department is busy bringing in sand for the winter.**

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. **Fees Collected: Month of October, 2010** – Wickham Lake Permit Fees, NR, \$30.00; Copies of Maps, 30.00; Certified Marriages, \$100.00; Photocopies, \$3.75; Blasting Permits, \$5.00; Carters Permits, \$25.00; Peddlers Permits, \$400.00; Interest in Checking Account for Month of September, \$1.29; Dog Impoundment Fees, \$465.00; Marriage License Fees, \$280.00; Cascade Park Trail Maps, \$2.00; Conservation Licenses, \$320.02; Dog Licenses Issued/Renewed, \$1,088.73; Use of Room Fees, \$160.00; Registrar Fees, \$80.00; Zoning Maps, \$10.00. **Total Fees Collected: \$13,059.54**

2. **Fees Paid: Month of October, 2010** – Orange County Commissioner of Finance for Dog Licenses, \$273.77; NYS Dept. of Health for Marriage Licenses, \$360.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$57.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$7,917.98; Village of Florida for Registrar Fees, \$20.00; Village of Warwick for Registrar Fees, \$1,430.00. **Total Fees Paid to Supervisor: \$3,000.79**

3. Requests for Proposals were received for landscaping to meet the requirements of the approved plan of the Millenium/Sobiech Planning Board application from:

RS Landscaping LLC
273 Little York Rd.
Warwick, NY 10990

BID AMOUNT: \$2,906.00

Bill Triplett & Sons Landscaping
RR1 Box 1147
Dingmans Ferry, PA 18328

BID AMOUNT: \$2,589.00

Valentino Lawn Care
84 DeKay Rd.
Warwick, NY 10990

BID AMOUNT: \$2,500.00

4. Bid opening on the Collection of Recyclables – Single Stream - Wednesday, October 27, 2010 at 2 P.M.

FOLLOWING TWO (2) BIDS RECEIVED:

Non-collusion statements, bid bonds and/or check received from both bidders.

Interstate Waste Services
500 N. Franklin Turnpike
Suite 212
Ramsey, NJ 07446
Tel. #: 201-258-1300

AMOUNT OF BID: \$5.26/month/unit

County Waste
P.O. Box 431
Clifton Park, NY 12065
Tel. #: 845-457-4885 AMOUNT OF BID: \$3.55/month/unit

5. Bid proposals were received for the replacement of a culvert on Ryerson Rd. that was damaged during the storms of March 2010.

Allied Excavating Inc.
71 Waterbury Rd.
Warwick, NY 10990
Tel: (845) 986-3516 AMOUNT OF BID: \$119,545.00

JP Giordano Excavators and Engineers
38 Carol Drive
Hopewell Junction, NY 12533
Tel: (845) 453-4459 AMOUNT OF BID: \$153,468.00

Earth-Tec Associates, Inc.
P.O. Box 941
Vernon, NJ 07462
Tel: (973) 827-1700 AMOUNT OF BID: \$121,075.00

Albert Christmann, Inc.
P.O. Box 662
New Foundland, NJ 07435 AMOUNT OF BID: \$163,820.00

Supervisor Sweeton – A point of clarification, the landscaping proposals were solicited by the Town. This is a Planning Board application that required landscaping to be done. The applicant posted a bond and then failed to do the landscaping, so the Town is now going to get the contractor to come in and one of these landscapers do the landscaping and pay for it with the bond amount, so there's no cost to the residents. Ryerson Road culvert is a fairly large crossing and this was being covered by the FEMA declaration that was declared in March. It's taken us this long because it took us this long to get a permit from the DEC to actually work in that stream, so we'll accept one of those bids tonight.

SUPERVISOR'S REPORT

1. At the risk of speaking of flowers, I did want to congratulate the Warwick In Bloom Committee and their efforts recently to enter and win on behalf of the Village of Warwick the International Competition for Communities in Bloom. They competed with five communities in Canada, one in Scotland and one in Belgium and the little village that could, won. We do congratulate them it was a tremendous collaborative effort between a lot of groups, volunteer groups in our community both town and village residents and they deserve our thanks for that. It will be a

tremendous PR cue for our area in terms of attracting visitors that will spend money in our town and stay in our bed and breakfasts.

2. Election Day - I just want to congratulate everybody who participated, the winners and the losers, because they all participated and were willing to serve and our congratulations go out to everyone there. Certainly we look for to working with Annie Rabbitt again in the Assembly, the new State Senator David Carlucci will be representing us and our new Congresswoman Nan Hayworth, so we look forward to working with them as well.

3. I just want to echo the sentiments of Councilman DeAngelo that Veteran's Day is coming up on November 11th. In the Village of Warwick at 11:00 a.m. at Memorial Park there will be a ceremony as usual at the monument and in Florida Tom, I think they do something at the monument at 11:00 a.m. as well, so if you can take a few moments out of that day and come out and recognize Veteran's as well as in Greenwood Lake that would be helpful.

4. The new feature on my report is my report to the Town Board on a state of the budget at any given month. I just got hot off the press the October numbers and we are in most cases in all departments under budget, which is good because it will help us going forth to try to replenish a little of that savings account to get us through a couple of very difficult years.

5. Supervisors Corner is in the Warwick Dispatch and excerpts in the Advertiser.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Attorney Hicks – I think it might be appropriate to recognize one of the driving forces behind the Warwick in Bloom who's here tonight who happens to be your wife.

Supervisor Sweeton – One of the committee people who is here is, Deborah Sweeton, and I do want to recognize you and again say thank you. Thank you Attorney Hicks for reminding me.

NEW BUSINESS:

#R2010-212 AUTHORIZATION OF ESCROW REFUND – HAZARD

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize a refund in the amount of \$592.00, the balance of the escrow for SBL#40-1-99.3, to Planning Board applicants Michael and Dawn Hazard as per the recommendation of the Planning Board Secretary; letter dated October 27, 2010.

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

#R2010-213 AUTHORIZATION OF ESCROW REFUND - HAZARD

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$435.90, the balance of the escrow for SBL# 40-1-28, to Planning Board applicants Michael and Dawn Hazard as per the recommendation of Planning Board Secretary; letter dated October 27, 2010.

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

#R2010-214 ACCEPT RESIGNATION – ROBERT LEWIS

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Robert Lewis, DPW Laborer, for the purpose of retirement effective December 29, 2010.

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

Discussion: Supervisor Sweeton thanked Bob for his service and stated that he came with the merge of the Greenwood Lake DPW and I wish him well.

#R2010-215 APPOINTMENT OF PART-TIME ASSISTANT BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER – DANIEL P. GIBSON

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to appoint Daniel P. Gibson as a part-time Assistant Building Inspector/Code Enforcement Officer at a rate of pay of \$13.25 per hour effective November 6, 2010.

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

#R2010-216 ADOPT FOOT PURSUIT POLICY – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to adopt the Foot Pursuit Policy to be added as a new section in the Police Procedures Manual of the Warwick Police Department as per the recommendation of the Chief of Police.

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

#R2010-217 AUTHORIZATION TO SIGN AGREEMENT WITH COUNTY OF ORANGE – STOP DWI ENFORCEMENT

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign an agreement with the County of Orange for Stop DWI Enforcement.

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

#R2010-218 SCHEDULE PUBLIC HEARING – AMENDMENT TO THE TOWN OF WARWICK ZONING CODE - GRANDFATHER CLAUSE FOR PRELIMINARY APPROVED SUBDIVISIONS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider an amendment to the Town of Warwick Zoning Code to add a grandfather clause for the preliminary approved subdivisions from the February 2010 zoning changes as it pertains to lot count. Said public hearing to be held at the Town

Hall, 132 Kings Highway, Town of Warwick on Thursday, November 18, 2010 at 7:30 p.m., or as soon thereafter as the matter can be heard.

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

Discussion: Supervisor Sweeton stated normally when we adopt zoning changes, we adopted these in February, we normally would grandfather an application at the preliminary approval and we did not do that. There are four of them and that's what the hearing will be about.

#R2010-219 AMENDMENT TO SENIOR CLUB TOWN FUNDING CRITERIA

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to amend the Senior Club funding criteria replacing the current 1B with the following: "Must be a Town of Warwick resident" effective January 1, 2011.

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

#R2010-220 ACCEPT LANDSCAPING PROPOSAL – MILLENIUM/SOBIECH PLANNING BOARD APPLICATION

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to accept a landscaping proposal to meet requirements of landscaping under the approved plan of the Millenium/Sobiech Planning Board application from Valentino Lawn Care, 84 DeKay Rd., Warwick, NY 10990 in an amount not to exceed \$2,500.00 from funds deposited by the applicant.

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

#R2010-221 SCHEDULE PUBLIC HEARING – LOCAL LAW AMENDING CHAPTER 77 OF THE CODE OF THE TOWN OF WARWICK ENTITLED "DOGS"

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider a local law amending Chapter 77 of the Code of the Town of Warwick entitled "Dogs." Said public hearing will be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, November 18, 2010 at 7:30 p.m. or as soon thereafter as the matter can be heard.

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

Discussion: Supervisor Sweeton stated that this is because the State of New York has decided they are getting out of licensing dogs and leaving it to the towns to do, so we have to amend the code to give us the authority or the procedure to do it. The Clerk has prepared some language and that will be the subject of the hearing.

#R2010-222 ACCEPT BID PROPOSAL – REPLACEMENT OF CULVERT ON RYERSON ROAD

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to accept a bid from Allied Excavating, 71 Waterbury Rd., Warwick, NY for the

replacement of a culvert on Ryerson Road that was damaged during the storms of March 2010 in an amount not to exceed \$119,545.00. Funds provided by FEMA project PA-02-NY-1899-PW-00202(0).

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

#R2010-223 AUTHORIZATION TO SIGN SUPPLEMENTAL AGREEMENT #2 WITH MCFARLAND JOHNSON ENGINEERING

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign a supplemental agreement #2 with McFarland Johnson Engineering for the East Shore Road Drainage Project.

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

Discussion: Supervisor Sweeton stated that this because of the additional work that had to be done because the road started to collapse. We got additional money from the State and this is to put that into a contract.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Lois Murtie – President, Local CSEA 836 Town of Warwick - In reference to the appointment of the assistant building inspector shouldn't that be posted?

Supervisor Sweeton – It's a part time position.

Lois Murtie – they're not doing a full time.

Supervisor Sweeton – No, it's not a building inspector no.

Lois Murtie – Because there is in our contract...

Supervisor Sweeton – Correct, it's not a full time position.

Lois Murtie – Ok.

Supervisor Sweeton – It's a part time position replacing a part time person we had. The intension you know that building inspector retired due to budgetary constraints and we are not replacing the full time building inspector at this time. We are going to run the office with the part timers until times get better.

Lois Murtie – Thank you.

Supervisor Sweeton – You are very welcome.

Ed Mullins – Police officer, Town of Warwick Police Department, NY 10990 – I just wanted to let you know that the Warwick In Bloom Committee did a fabulous job doing all those improvements on Main Street. A lot of times you go by and see a crew out there picking off the dead flowers. A lot of officers got pretty good at replanting when people would tip them over at night, but it was an effort that was overshadowed by the other issue and it shouldn't be. It was a great honor to the community and the people who did it should be commended.

Supervisor Sweeton – Thank you and we appreciate it. I know the Police keep an eye on a lot of that stuff especially around the judging time.

Ed Mullins – Nothing compared to what those officers did you saw them out there every day and every night going through and really taking care of those.

Supervisor Sweeton – I appreciate that, thank you.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:20 p.m.
11-04-10 cp.**

Marjorie Quackenbush, Town Clerk