

December 29, 2009

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, December 29, 2009 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

**ACCEPTANCE OF MINUTES:**

**1. Regular Meeting, 12/10/09**

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the regular meeting held on December 10, 2009.

Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**ROBERT KENNEDY** – Resident, Town of Warwick, NY 10990 – Letter to the Supervisor and Town Board requesting to be an alternate on the Town of Warwick Planning Board.

**THOMAS F. MCGOVERN, JR.** – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer in the amount of \$4,860.76 from Selective Way Insurance Company into the Police Auto Maintenance Department Budget Line B02-3120.403.

**NETTIE BRODSKY** – 42 Park Drive, Warwick, NY 10990 – Letter to the Town Board regarding the construction of two warehouses on Lake Station Road, Kings Highway and Park Drive.

**REPORTS OF BOARDS AND COMMISSIONS**

**COMMITTEE REPORTS**

**DEPARTMENT OF PUBLIC WORKS REPORT**

**WORK BEING**

<b><u>DONE</u></b>	<b><u>LOCATION</u></b>	<b><u>REASON FOR WORK</u></b>
<b>DRAINAGE</b>	<b>West Ridge Rd.</b>	<b>Clean ditch</b>
	<b>Black Rock Rd.</b>	<b>Clean ditch</b>
<b>TREE WORK</b>	<b>Ball Rd.</b>	<b>Clear brush</b>

	Wheeler Rd.	Clear brush
	Sunrise Ridge	Clear brush
<b>SNOW PLOWING</b>	Town wide	Storm on 12/19/09
<b>SANDING</b>	Town wide	Freezing rain on 12/13/09
	Town wide	Freezing rain on 12/25/09
	Town wide	Freezing rain on 12/26/09
<b>MAIL BOXES</b>	Town wide	As needed
<b>GUARDRAIL</b>	Ball Rd.	Install 70 ft. guardrail
	Cascade Rd.	Repair guardrail
<b>HAUL MATERIAL</b>	Salt barn	Haul material to stockpile

**COUNCILMAN DE ANGELO REPORT**

1. I want to wish everyone a happy and prosperous New Year.

**COUNCILMAN DE BUCK REPORT**

1. I too would like to wish everyone a happy and healthy New Year.

2. The Girl Scouts from Florida, New York have approached the Town Board and have presented us with a preliminary plan and hopefully during new business we'll accept their proposal and begin working on that when the ground thaws in the spring. Part of that proposal clearly explains that it's part of their silver award and they'll have to provide the leadership of coming up with funds that go into any capital that needs to be put into the project. They were very excited presenting their project just a couple of weeks ago at our workshop and now they would be most appreciative to have passage of that resolution.

**COUNCILMAN GERSTNER REPORT**

1. I have a notice from Cablevision who is excited to announce their last phase of their customer friendly feature where Cablevision automatically matches with the high definition channel to its corresponding high definition feed. For all the Cablevision customers they could go to the website at [www.optimum.com](http://www.optimum.com) to get a listing of the channel changes.

2. I would like to wish everybody a happy, safe and healthy New Year and thank all the Town employees for all of their hard work this year.

**COUNCILMAN SHUBACK REPORT**

1. We're back to normal, but we always get snow and freezing rain on the weekends or a holiday. Last Friday and Saturday they were out sanding. I don't have the figures for it, but I will for the next meeting.

2. I would like to wish everyone a Happy New Year.

Supervisor Sweeton – I want to echo Councilman Shuback praise of the DPW. They were out Christmas Day and early the next morning and I suspect they'll be out New Years Eve and New Years Day. Commissioner make sure that you express to the department our thanks.

**ATTORNEY'S REPORT**

**1. We wish the public a happy New Year and the employees of the Town, but nobody ever thanks the Supervisor and the Town Board for anything, so I'd like to wish the Board and the Supervisor a happy and health New Year.**

**TOWN CLERK'S REPORT**

**1. I too wish everybody a happy and healthy New Year.**

**SUPERVISOR'S REPORT**

**1. Revised Recycling Schedule - I want to remind people that if your recycling is picked up on Friday it will be picked up on Saturday this week. Due to budgetary cuts, we had talked about this when we adopted the budget, the recycling center is going to have curtailed hours. Now that we have curbside recycling the recycling center has become somewhat of an additional outlet and we felt that it was ok that we curtail those hours and try to get people to come more bunched up and still find it useful for them, so we'll provide you with the hours. Currently on Monday's it is 9 to 5, on Tuesday it will be 9 to 5, it will be closed on Wednesdays and Thursdays, on Fridays it will be open from 9 to 1, on Saturdays it will be open all day from 9 to 5 and on Sundays it will be open from 9 to 1. We will monitor that and that was in conjunction with talking with the recycling people when they estimated when they were the busiest. We'll see how that works and if we need to adjust it a little bit we will, but we'll stay in the confines of having it open only 32 hours a week.**

**2. The Re-Organization Meeting of the Town Board will be on Monday, January 4<sup>th</sup> at 10:00 a.m. here. That's when we reorganize all of our departments and make our appointments on various appointed people and service professionals. We will also have the swearing in of the newly elected councilmen, Councilman DeAngelo and Shuback who were re-elected as well as our Town Clerk Meg Quackenbush, our Receiver of Taxes Brenda Faulls and our Justice Peter Barlet. There will be a brief reception after the swearing in and prior to the continuation of the meeting in the lobby, so we encourage you to come for that.**

**3. Community Preservation Fund update for November was \$32,768.97 which is down. It's about what it was the month before, but it's about 40% less than it's been averaging and it brings the fund to about \$2,040,294.52. That fund will be the continuation of the PDR program and tonight we will seek members on an advisory committee as per that legislation that will help the Town Board evaluate some of the properties that have been submitted for consideration.**

**4. Zoning Amendments - Tonight there will be a motion on the agenda to set a public hearing for January 21<sup>st</sup> at 7:00 p.m. prior to the regular scheduled Town Board Meeting to consider all of the zoning changes that came to us as a recommendation from the Comprehensive Plan Review Committee. It will exclude the Route 94 issue. That issue is being handled separately having its own environmental impact statement done and that it progressing through a series of steps. These zoning changes will be available online in the next few days on the Towns website at [www.townofwarwick.org](http://www.townofwarwick.org) . They correct some things, they tightened up the clustering provisions to get more benefit for the Town from cluster subdivisions from applicants and I think it's pretty innovative. It adopts a biodiversity overlay zone and it incorporates New York State Stormwater Management Control guidelines in site development. There's a lot of good things, some energy incentive things, so we look forward to that and getting public input on it.**

5. Supervisors Corner is published in the Greenwood Lake News and the Warwick Dispatch and I appreciate that they do that it's a good source of information and I thank them.
6. I to on behalf of the Board wish all of our residents a very healthy, happy, and safe New Year. Be careful this year because it is going to be inclement weather.

**PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

There were no comments or questions on the agenda items.

**NEW BUSINESS:**

**#R2009-274 BUDGET TRANSFERS – BOOKKEEPER**

Motion Councilman Gerstner, seconded Councilman DeBuck to adopt a resolution to authorize the attached budget transfers as prepared by the Bookkeeper.

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

**#R2009-275 APPOINTMENT TO ZONING BOARD OF APPEALS – JAN JANSEN**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to appoint Jan Jansen to the Town of Warwick Zoning Board of Appeals for a five year term expiring December 31, 2014.

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

Discussion: Supervisor Sweeton thanked Jan for his continued service on that board as chairman.

**#R2009-276 APPOINTMENT TO PLANNING BOARD – RUSSELL KOWAL**

Motion Supervisor Sweeton, seconded Councilman DeBuck to adopt a resolution to appoint Russell Kowal to the Town of Warwick Planning Board for a five year term expiring December 31, 2014.

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

Discussion: Supervisor Sweeton stated that this is a reappointment and Russ has served and was on the ZBA before that and he's doing a great job.

**#R2009-277 APPOINTMENT TO PLANNING BOARD – ROBERT M. KENNEDY**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to appoint Robert M. Kennedy to the Town of Warwick Planning Board as an alternate with term expiring December 31, 2010.

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

**Discussion:** Supervisor Sweeton stated that this is the alternate position that we added in 2002 and a person serves and votes only in the case of an absence of another member, but it's an important role, so I thank Mr. Kennedy for stepping up for that.

**#R2009-278 ACCEPT FOR DEDICATION – STRIP ON MOUNT EVE ROAD –  
MARION AND HELEN SHUBACK**

**Motion** Supervisor Sweeton, seconded Councilman DeBuck to adopt a resolution to accept for dedication a strip of land located on Mount Eve Road from Marion and Helen Shuback subject to the Town Attorney's review and acceptance of Title report for the subject property. Copy of the deed description is attached as Schedule A.

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

**Discussion:** Supervisor Sweeton stated that when there is a subdivision or lot line change this is to clear up an issue where the Town requests a dedication strip for maintenance and that's what this is for.

**#R2009-279 APPOINTMENTS TO COMMUNITY PRESERVATION FUND  
ADVISORY BOARD**

**Motion** Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution appointing the following persons to serve on the Town of Warwick Community Preservation Fund Advisory Board for terms serving at the Pleasure of the Town Board, as per Chapter 7, § 7-6 of the Town Code.

**Edward English**

**Paul Ruzkiewicz**

**Joseph Grizzanti**

**Robert Scott**

**Andrew McLaughlin**

**Bill Wadeson**

**Steven Myruski**

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

**Discussion:** Supervisor Sweeton stated that this is required by the local law that we passed for the Community Preservation Fund and we tried to find a good mix of people that have had some experience on some of these issues as well as representing various geographic areas of our Town and Villages and I think we put together a good group of folks.

**Attorney Hicks** stated where it says to serve at the pleasure of the Board it should say at the pleasure of the Town Board since there might be some confusion as to whether they would serve at the pleasure of their own advisory board.

**#R2009-280 SCHEDULE PUBLIC HEARING – PROPOSED ZONING  
AMENDMENTS**

**Motion** Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider proposed zoning amendments as

recommended by the Comprehensive Plan Review Board. Said public hearing to be held at Town Hall, 132 Kings Highway, Town of Warwick on Thursday, January 21, 2010 at 7:00 p.m.

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

**#R2009-281 BUDGET TRANSFER – POLICE DEPARTMENT**

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Check from Selective Way Ins. Co. for repairs to police vehicle	Police Auto Maintenance (B02.00.3120.403)	\$4,860.76

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

**#R2009-282 ACCEPT A PROPOSAL FOR THE CONSTRUCTION OF A DOG PARK WITHIN UNION CORNERS PARK**

Motion Councilman DeBuck, seconded Councilman DeAngelo to adopt a resolution to accept in concept a proposal from the Florida Girl Scout Troop #571 to build a Dog Park within the confines of Union Corners Park in the Town of Warwick.

WHEREAS, 11 girl scout members of Troop #571 have agreed to undertake this project as part of their obligation to earn their Silver Award, and

WHEREAS, they have already approached the members of the Town Board at a workshop meeting to explain their proposal and its benefits, and

FURTHERMORE they have worked with Deputy DPW Commissioner Bill Roe and Councilmen DeBuck and Shuback by visiting the proposed location and by researching other dog parks within the region, and

FURTHERMORE, they have sought out the professional help of a surveyor to delineate a preliminary plan showing a two-part fenced in area of approximately 1.2 acres, and

FURTHERMORE, it is the understanding of the Girl Scout Troop that the Town Board is able to support this project in its concept and by committing to perform in kind services in order to have the Dog Park constructed, but any other necessary monies must be obtained through fund raising efforts by the troop working with the community at large,

THEREFORE, BE IT RESOLVED that the Town Board agrees to work with Girl Scout Troop #571 of Florida, NY to construct a Dog Park in the spring and summer of 2010 within Union Corners Park in the Town of Warwick.

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

**Discussion:** Supervisor Sweeton stated that the Town Board was very impressed with the presentation that the Troop made and we really are supportive of your efforts, we wish you the best and we look forward to it.

**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) 7:48 p.m.  
12-29-09 cp.

---

Marjorie Quackenbush, Town Clerk