

# RS Landscaping LLC

Robert Scheuermann

273 Little York Road

Warwick, New York 10990

845-258-1615

## Landscape Services Proposal

To Whom it may concern,

I Robert Scheuermann owner of RS Landscaping LLC would like to submit my bid for providing landscape services to the town of Warwick. Our bid will provide mowing and cleanup services on foreclosed properties as needed. RS Landscaping will carry full insurance and provide all equipment and man power to professionally complete work at a rate of \$90.00 per hour.

Thank you,

A handwritten signature in black ink, appearing to read "Robert Scheuermann", with a long horizontal line extending to the right.

Robert Scheuermann

Robert Howell Landscaping  
P.O. BOX 673  
Florida, NY 10921

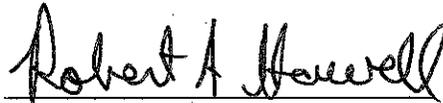
Bid: Cleanup for Closed House  
For: Town of Warwick

Cleanup will be charged as an hourly rate of \$150 with a minimum of four hours. This includes three laborers, F350 dump truck, equipment (saws, trimmers, mowers, etc.), and removal of brush and grass clippings.

Any debris that is needed to go to the landfill will cost an additional land fill fee dependent on weight and a \$100 trucking fee per load.

If heavy equipment is needed a \$40 per hour fee will be charged for a skid-steer and a \$60 per hour fee will be charged for a mini-excavator.

Robert A. Howell



Approval

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WE THE RESIDENTS OF JESSUP RD. (BETWEEN PINE ISLAND TURPIKE AND SARGENT RD. PETITION THE WARWICK TOWN BOARD TO LOWER THE SPEED LIMIT FROM 40 MPH TO 30 MPH

MANY CARS ARE USING JESSUP RD TO GET TO THE TOWN PARK, FLORIDA AND ROADS WEST.

MANY CARS DO NOT OBEY THE SPEED LIMIT BUT BY LOWERING THE LIMIT MAY HELP.

DATE	NAME	ADDRESS	SIGNATURE
6-17-13	Patricia L. Luft	55 Jessup Rd.	Patricia L. Luft
6-17-13	Richard H. Luft	55 Jessup Rd	Richard H. Luft
6/24/13	Dorcas W. Watauski	47 Jessup Rd	Dorcas W. Watauski
6/24/13	FRANK EISLER	46 JESSUP RD	Frank Eisler
6/24/13	Dawn Zidinder	3 Windmill Lane	Dawn Zidinder
6/24/13	Ray Gervay	4 Windmill Lane	Ray Gervay
6/24/13	Kimberly Goldstein	13 Windmill Ln	Kimberly Goldstein
6/24/13	Matt Cardella	14 Windmill Ln	Matt Cardella
6/24/13	Nebbie Caravale	16 Windmill Ln	Nebbie Caravale
6-24-13	Jeanne Lopez	18 Windmill Ln	Jeanne Lopez
6-24-13	Juan Lopez	~	Juan Lopez
6-24-13	Sara Spater	22 Windmill Ln	Sara Spater
6-24-13	Ann Pack	17 Meadow Ridge Rd	Ann Pack
6/24/13	Kendra Wendt	15 Meadow Ridge Rd	Kendra Wendt
6/24/13	MARY ROSENBERG	13 Meadow Ridge Rd	Mary Rosenberg
6/24/13	DOUG MENDENHALL	1 MEADOW RIDGE RD	Doug Mendenhall
6/24/13	Billy McNeil	2 " " "	Billy McNeil
6/24/13	Karen Hurd	20 Jessup Road	Karen Hurd
6/24/13	BESSIE YOUNGMAN	18 JESSUP RD	Bessie Youngman
6-24-13	ROBERT YOUNGMAN	18 JESSUP RD	Robert Youngman
6/24/13	Irindall Mess	16 JESSUP RD.	Irindall Mess
6/24/13	JOAN CHORRAN	21 Jessup Rd.	Joan Chorrán
6/25/13	Luella Crubler	28 Jessup Rd.	Luella Crubler
6/25/13	Dorothy	12 Jessup Rd	Dorothy
6/25/13	S. P. Ulla	62 Jessup Rd.	S. P. Ulla
6/25/13	Paula Smith	57 Jessup Rd	Paula Smith
6/25/13	Linda S. McCoy	54 Jessup Rd.	Linda S. McCoy

STATE ENVIRONMENTAL QUALITY REVIEW  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 for UNLISTED ACTIONS Only

**PART 1 - PROJECT INFORMATION** ( To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Town Board of the Town of Warwick	2. PROJECT NAME Expansion of Wickham Water District
3. PROJECT LOCATION: Town of Warwick Municipality	Orange County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map Former Mid-Orange Correctional Facility site	
5. IS PROPOSED ACTION : <input type="radio"/> New <input checked="" type="radio"/> Expansion <input type="radio"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: The Town has proposed to expand the Wickham Water District to include the former Mid-Orange Prison site. On July 1, 2011, New York State closed the Prison. The State and Town have proposed transfer of the property to the Town and possibly others through the Warwick Valley Local Development Corporation (LDC), a not-for-profit 501(c)(3). Currently, the site is served by the Wickham Sewer District and the provision of community water to the site will allow for its redevelopment in accordance with the Town Comprehensive Plan and with the recommendations of a Town Board appointed Mid-Orange Advisory Committee. The Committee conducted an analysis of potential future use of the prison property if it were to be transferred to the Town of Warwick and others. The Committee conducted a visioning meeting with residents and property owners in the Town to reach out to the public on potential future uses of the site. The Town and LDC wish to enable the site's redevelopment. No construction is proposed as part of the action.	
7. AMOUNT OF LAND AFFECTED: Initially    726    acres                      Ultimately    726    acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="radio"/> Yes <input type="radio"/> No    If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="radio"/> Yes <input type="radio"/> No    If yes, list agency name and permit / approval: NY State Dept. of Environmental Conservation and Orange County Dept. of Health	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="radio"/> Yes <input type="radio"/> No    If yes, list agency name and permit / approval: The Wickham Water District currently has a public water supply permit	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input checked="" type="radio"/> Yes <input type="radio"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name <b>Michael Sweeton</b>	Date:
Signature _____	

**If the action is a Coastal Area, and you are a state agency,**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 Separate SEQR reviews have been and will continue to be conducted for redevelopment of the site. No construction is proposed in association with the Water District expansion action.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 Separate SEQR reviews have been and will continue to be conducted for redevelopment of the site. No construction is proposed in association with the Water District expansion action.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 Separate SEQR reviews have been and will continue to be conducted for redevelopment of the site. No construction is proposed in association with the Water District expansion action.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 The proposed action is consistent with the Town Zoning Law (Office & Industrial Park District), the Town Comprehensive Plan and with the Mid-Orange Advisory Committee Final Report dated March 7, 2012.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 It is the desire of the Town, its residents, and the LDC to provide a "shovel-ready" site to facilitate its redevelopment and to recapture the more than 400 jobs lost as a result of the Prison closure.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 The Town's Wickham Sewer District currently serves the site and the provision of water supply to the site will compliment the sewer services and will encourage redevelopment in accordance with the Town Plan.

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:  
 None anticipated. Separate and site-specific SEQR reviews are underway by other Lead Agencies for potential redevelopment of portions of the site. The Town is establishing a park on sensitive environmental lands.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)

Wood Warmth LLC  
119 Mandy's Rd.  
Westtown, NY 10998  
845-674-8010

MS  
TB



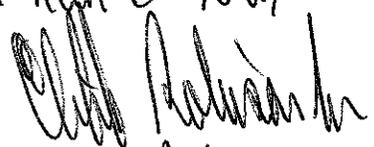
September 10, 2013

RE: Town Board Meeting Agenda

To Whom it May Concern,

I am requesting that I be added to the 9-12-13  
Town Board meeting regarding the codes related to outdoor  
wood furnaces. (Ch. 104).

There have been significant changes to the way  
these boilers operate and the current codes are both  
unnecessary and potentially dangerous.

Thank You,  
  
Cliff Robinson Jr.

REPORT TO THE TOWN OF WARWICK  
Regarding  
OUTDOOR WOOD BOILERS

MS  
TB

To completely understand why the current regulations are in place and why they need to be changed, it is necessary to understand the timeline as to how we got here. This report will begin in 2006 when the regulations began to change.

During the spring of that year a group called NESCAUM was commissioned to do testing comparing the emissions (PM) of an indoor wood stove and a typical outdoor wood furnace (OWF). (While these units are actually boilers, I will use the more common acronym of OWF.) The report recommended very strict regulations regarding the installation of OWFs based on their findings. This report was picked up by the news wire services, placed on the official NYS website and became the basis of codes in almost every Town in the Northeast.

Unfortunately the test was flawed in several key areas. Packet A is Central Boilers' response to the test. One of the major problems with the test is that it did not compare PM as a percentage of wood burned. Obviously OWFs burn more wood than a wood stove, but they also heat a much larger area, as well as domestic water. This was not accounted for.

To illustrate, imagine two identical cars are tested for emissions. Car A is run for 100 miles and car B for 25. The test concludes that car A produced four times the emissions of car B. While that is true, it should be mentioned that car A went four times farther than car B, but the test doesn't. That is essentially what took place with the NESCAUM test. (They also included water vapor as part of the PM, which it is not.)

Later that same year this test was redone using different guidelines provided by the EPA and it found that OWFs are just as clean as certified wood stoves. Unfortunately that test did not get picked up by the wire services. As a result the very strict guidelines that most Towns adopted in 2006 stayed in place. (It should be noted that fireplaces, indoor wood boilers, burn barrels, barbecue pits, older wood stoves and campfires did not and still do not come under these regulations, even though any one of those categories burn more wood in NYS than OWFs.)

About that same time the OWF industry adopted the Best Burn Guidelines. This recommended that OWFs burn only seasoned wood and be installed in such a manner that the smoke does not interfere with their neighbors' lives. The NYS DEC adapted these guidelines and set the following regulations: A 100' setback for residential OWFs from the property boundary, a minimum 18' tall chimney and a spark arrestor. The Town of Warwick went even farther and has more stringent setback and chimney height rules.

In 2010 the NYS DEC was considering adopting EPA Phase II emissions standards and, as required, held public hearings throughout the state to determine if this was what the people of NY State wanted. The result of these hearings is detailed in packet B. Summing it up, approximately 858 people attended these hearings and a grand total of 11 spoke in favor of the new regulations. The public was, and is, overwhelmingly opposed to these new emissions standards. Nevertheless, on December 29, 2010 thirteen members of the Board (some of whom had their term expiring in two days) met together, formed a quorum and passed the law anyway. I have always felt this was an egregious abuse of their power.

Unfortunately in their haste to pass the emissions standard they forgot to rescind the other codes. Why do I say that? The new standard is 0.32 pounds per million Btus. This is incredibly strict. It essentially means that these new units can produce no smoke at all. The other codes (stack height, spark arrestor, setbacks, minimum acreage) were all put in place to ensure that the smoke produced by the OWF did not drift over to the neighbor. All of these are moot when the OWF produces no smoke!

However the problems of not rescinding these codes are more than just a nuisance. They actually hurt the operation of the OWF, can result in destruction of the OWF and have the potential of seriously harming the homeowner through no fault of their own. I will explain each in order.

1. To achieve the .32 standard all OWFs currently installed use a process called "gasification". This requires two separate burn chambers where the combustion gases and PM from the upper chamber are sent through a secondary chamber where the temperature approaches 2000 degree F. All PM is burned, leaving only water vapor. To achieve these temperatures requires very fast air flow through the secondary chamber. This is hindered by a tall chimney and a spark arrestor.

2. Because these units are so efficient the stack temperature is about half that of an older OWF. When the temperature in the chimney reaches below 135 degrees the water vapor will condensate and drip down the inside of the chimney, eventually destroying the unit. When a tall chimney is installed the upper half gets very cold in the winter, too cold for the OWF flue gases to overcome for several minutes. The resulting condensation voids any warranty provided by the manufacturer and makes for a tremendous hardship for the homeowner.

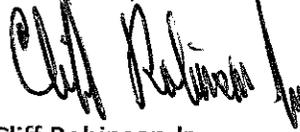
3. This condensation is pronounced at the spark arrestor. Most of them have screens and the condensation can actually formed an ice dam, resulting in no escaping of the flue gases. When the homeowner comes out the next morning to load wood, the flame rolls out onto him when he opens the door.

As an installer we are required to put them in according to manufacturer's instructions. A bulletin from the maker of Empyre OWFs is included. Your current code also requires the same thing. So you have a dilemma. Regardless of which way you decide you will be violating a code.

To illustrate how illogical the current codes are, my potential customer has both an indoor wood boiler and a fireplace. The chimneys for both are less than 50' from the property boundary. When in use these very inefficient appliances produce great amounts of smoke which hangs low in the air due to the topography. They are perfectly legal and are under no regulations. However, the OWF I want to install, which produces no smoke at all, is illegal according to the current regulations!

I am asking that you rescind the codes related to the old style OWFs (minimum acreage, setbacks, chimney height and spark arrestors) and go by the manufacturer's recommendations on an individual basis. If you have any questions, please contact me at 845-674-8010.

Thank You,

A handwritten signature in black ink that reads "Cliff Robinson Jr." with a stylized flourish at the end.

Cliff Robinson Jr.  
Owner of WoodWarmth LLC and  
Robinson's Mechanical LLC

**PACKET**

**A**

# WHITEMAN OSTERMAN & HANNA LLP

MICHAEL WHITEMAN  
MELVIN H. OSTERMAN  
1957-2005  
JOHN HANNA, JR.  
JOEL L. HODES  
PHILIP H. GITLEN  
SCOTT N. FEIN  
DANIEL A. RUZOW  
LESLIE M. APPLE  
PHILIP H. DIXON  
RICHARD E. LECKERLING  
MARGARET J. GILLIS  
JONATHAN P. NYE  
HEATHER D. DIDDEL  
NEIL L. LEVINE  
TERRESA M. BAKNER  
NORMA G. MEACHAM  
ALAN J. GOLDBERG  
BETH A. BOURASSA  
MARTIN J. RICCIARDI  
CHARLES R. HAVILAND, JR.  
LESLIE K.L. THIELE  
LORRAINE POWER THARP  
DAVID R. EVERETT  
MICHAEL G. STERTHOUS  
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April 21, 2006

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ROBERT T. SCHOFIELD  
ROBERT S. REYNOLDS  
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BRADLEY G. ALLEN  
THOMAS HOFF PROL  
ALANNA MCKIERNAN  
TAMMY L. CUMO-SMITH  
LUCY KATS  
PAUL F. FOLEY  
SARAH K. DELANEY

## **By Federal Express**

Arthur Marin  
Executive Director  
NESCAUM  
101 Merrimac Street  
Boston MA 02114

### ***Re: Assessment of Outdoor Wood-fired Boilers***

Dear Mr. Marin:

This Firm represents Central Boiler, Inc., which has asked us (and our technical consultant) to review the report published by NESCAUM at the end of March, 2006 entitled "Assessment of Outdoor Wood-fired Boilers" (the "Report").

The Report was prepared to convince "policymakers" that outdoor wood boilers ("OWBs") must be either banned or severely regulated. The Report has been published by NESCAUM and is available to the general public through various means, including the NESCAUM web site ([www.nescaum.org](http://www.nescaum.org)).

To support its recommendations, NESCAUM makes a number of statements of fact regarding OWBs, generally, and Central Boiler OWBs, specifically, which are completely inaccurate. In addition, in its zeal to convince regulators and the general public, NESCAUM consistently distorts and misrepresents the findings of United States Environmental Protection Agency ("EPA") studies comparing the emissions from OWBs and EPA-certified woodstoves.

A. Marin  
April 21, 2006  
Page 2

Below we present the most obvious and glaring factual inaccuracies and misleading statements contained in the Report. Because these inaccuracies and misleading statements may lead members of the public to choose not to purchase a Central Boiler OWB (or may lead government officials to ban or limit the use of OWBs), Central Boiler may suffer substantial economic damages for which NESCAUM and the NESCAUM employees who participated in the publication of the false and misleading statements in the Report may be held accountable.<sup>1</sup>

Without prejudice to Central Boiler's other rights and the remedies that may be available to it, on behalf of Central Boiler we demand that within ten days from the date of this letter NESCAUM withdraw the Report and not re-issue it until the factual inaccuracies and misleading statements are corrected.

**The Cover of the Report is Misleading Because it Purports to Depict Smoke Emissions from a Central Boiler OWB While What is Actually Depicted is Steam Escaping from a Relief Vent**

The photograph chosen by NESCAUM for the cover of its Report certainly sets the tone for NESCAUM's misleading and inaccurate Report by depicting a Central Boiler OWB with what appears to be smoke billowing from the unit.

However, the cloud of "smoke" is steam (water vapor) being vented from the boiler's water jacket, a safety device that prevents pressure buildup and damage to the boiler under conditions of improper operation when the firebox door is left open (which it appears is the case in this photo). With the firebox door left unlatched or not properly closed, excess air is drawn in and the fire burns uncontrolled, boiling the water in the water jacket. Note that the steam originates from the waterjacket vent pipe on the top of the unit and not the exhaust stack, which is on the back of the unit and is obscured by the steam.

The photograph chosen by NESCAUM, together with the text of the Report, purports to show a Central Boiler unit emitting smoke and particulate matter, when what is shown in the photograph is steam resulting from the improper operation of the unit. This is only the first of numerous false or misleading statements and representations made by NESCAUM about OWBs, generally, and Central Boiler and its products, specifically.

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<sup>1</sup> Restatement (Second) of Torts, Section 623A (Liability for Publication of Injurious Falsehood—General Principle) "One who publishes a false statement harmful to the interests of another is subject to liability for pecuniary loss resulting to the other if (a) he intends the publication of the statement to result in harm to the interests of the other having a pecuniary value, or either recognizes or should recognize that it is likely to do so, and (b) he knows that the statement is false or acts in reckless disregard of its truth or falsity."

**NESCAUM's Statements Regarding Particulate Matter Are Misleading Because NESCAUM Ignores EPA Data Which Shows that the Rate of Particulate Emissions from OWBs is Similar to the Rate of Emissions from Certified Woodstoves**

The conclusion on page vii of the Report that "OWBs emit significantly more particulate matter than other wood burning devices" is misleading because NESCAUM fails to disclose that:

- Emissions from all heating appliances are in direct proportion to fuel input and heat output
- Actual emissions from wood stoves are significantly greater than the USEPA certification values
- Emissions from a Central Boiler OWB are similar to those of EPA-certified woodstoves

NESCAUM fails to disclose that a well-designed and properly operated and installed OWB produces essentially the same particulate matter emissions per unit of consumed fuel (i.e, kilogram of wood) as an EPA-certified woodstove. If EPA-certified woodstoves are used to heat a home, therefore, the grams/hour of total particulate emitted by the woodstoves will be similar to that emitted by an OWB.<sup>2</sup>

EPA test data for 16 EPA-certified Phase 2 woodstoves (43 separate tests), as they were actually operated in people's homes, showed average particulate emissions of 9.7 g/kg (non-catalytic stoves averaged 9.2 g/kg and catalytic stoves averaged 10.8 g/kg.)<sup>3</sup> Emissions produced by these EPA-certified Phase 2 woodstoves were as high as 40.3g/hr and 20.8 g/kg Emissions on a time basis for these stoves averaged 11.1 g/hr (which is significantly above the certification threshold for Phase 2 woodstoves of 4.1 g/hr (catalytic design) and 7.5 g/hr (non-catalytic design)). A comparison of the actual particulate emissions to each stove's certification value is provided in this same EPA study<sup>4</sup> and shows that actual emissions from certified stoves are on average 3.3 times the certification value. Individual test results were as high a 5.45 times the certification rating. The reason for this discrepancy is that EPA's stove certification test (known as

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<sup>2</sup> Both certified stoves and OWBs are bulk-loaded with cordwood. In both, an air damper regulates the combustion process (manual in a woodstove, automatic in an OWB), and heat transfer is through the firebox surface to either the surrounding room (in the case of a woodstove) or a surrounding water reservoir (in the case of an OWB). Since the heat load of the home ultimately determines the amount of wood fuel needed for the wood heating appliance(s), usable heat produced by one or more stoves or an OWB is related to the quantity of wood burned, thus an appropriate measure of emissions should be related to the heating load and appliance size to meet that heat load.

<sup>3</sup> Fisher, L., Houck, J., Tiegs, P. and McGaughey, J., "Long-Term Performance of EPA-Certified Phase 2 Woodstoves, Klamath Falls and Portland, Oregon, 1998-1999," EPA-600/R-00-100, November 2000, p. 43, Table 3-9 and p. 39, Table 3-6.

<sup>4</sup> Ibid, page 46, Table 3-12. p 39 table 3-6.

Method 28) substantially under-counts actual particulate emissions (discussed below) in the actual use of the product in the home.

The NESCAUM Report fails to disclose that, in 1997, EPA performed emissions tests on two OWBs simulating the actual use for heating a home. Furnace B in these tests is a Central Boiler Model CL17<sup>5</sup>. EPA reported “compared to a wide range of residential heating options, these furnaces’ emissions were of the same order as other stick wood burning appliances.” (Emphasis supplied.)

EPA’s own test data for the Central Boiler furnace showed an average particulate emission rate (over four tests at high and low fire-rates) of 10.7 g/kg<sup>6</sup>. Emissions on a time basis for the Central Boiler unit averaged 14.9 g/hr (low fire) to 37.1 g/hr (high fire), and are up to three times the rate for a woodstove because the OWB produced 2 to 3 times the amount of heat than woodstoves typically do (15,000 to 30,000 btu/h compared to the certified stoves producing 11,000 to 22,000 btu/h--and the burn rate coincides with higher BTU output, approximately 3 kg/hr for the OWB and 1kg/hr for the wood stove). Similarly, when Central Boiler tested Model CL7260, which burns three times the fuel (and produces three times the heat output) of the Model CL17 (9 kg/hr of wood) the measured particulate emissions were 10.4 g/kg<sup>7</sup>. Thus, actual in-use particulate emissions from Central Boiler OWBs are approximately the same as actual in-use particulate emissions for EPA-certified woodstoves, when measured on a comparable grams of particulate per kilogram of wood consumed basis.

Another way to look at the EPA test data for the Central Boiler Model CL17 is to compare the results for the low fire test (Furnace B/B-3 and B/B-4 tests) in which the firing rate was 1.6 kg/hr of wood (dry basis) with the emission limit for EPA woodstove certification. As Paul Tiegs of OMNI-Test Laboratories explained in a letter to NESCAUM<sup>8</sup>--which NESCAUM doesn’t mention in the Report--the average emissions rate established by EPA for the Central Boiler unit of 14.9 g/hr is well below the 18 g/hr limit EPA allows in woodstove certification testing for burn rates over 1.5 kg/hr of wood.<sup>9</sup> Thus, if a Central Boiler unit is run at a low fire rate to make it roughly equivalent to a woodstove in terms of fuel input, the OWB could meet the EPA certification requirements applied to woodstoves.<sup>10</sup>

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<sup>5</sup> Letter from Robert McCrillis, EPA Project Manager, to Rodney Tollefson, November 23, 1998.

<sup>6</sup> Valenti, J. and Clayton, R., “Emissions From Outdoor Wood-Burning Residential Hot Water Furnaces,” EPA-600/R-98-017, February 1998, p. 22, Table 4-1a, average of Furnace B/B-1 through B-4 test results.

<sup>7</sup> Letter from Paul Tiegs, OMNI – Test Laboratories, Inc., to Rodney Tollefson, May 1, 2003.

<sup>8</sup> Letter from Paul Tiegs, OMNI – Test Laboratories, Inc., July 30, 2004.

<sup>9</sup> 40 CFR 60.532(b)(2), Standards of Performance for New Residential Wood Heaters – Standards for Particulate Matter.

<sup>10</sup> The performance of the Central Boiler unit is even better than this comparison presents because the EPA emissions tests<sup>5</sup> on the Central Boiler unit ran the OWB through a normal heat demand cycle for a home in the winter, with the OWB on for 8 minutes and then off for 30-60 minutes in each cycle and the tests included the cool-down phase of OWB operation when wood smolders. The standard EPA Method 28

**NESCAUM's Statements Regarding Polycyclic Aromatic Hydrocarbons (PAHs) are Misleading Because NESCAUM Ignores EPA Data Which Shows that PAH Emissions from OWBs are Similar to PAH Emissions from Woodstoves**

Although NESCAUM concludes on page vii of the Report that "There is a lack of information relating to air toxic emissions, such as polycyclic aromatic hydrocarbons (PAHs)," later in the Report NESCAUM asserts that OWB combustion create "smoldering conditions [that] can result in ... formation of particle-bound PAHs." NESCAUM, however, has again chosen to ignore published EPA data—this time data regarding PAH emissions from OWBs.

The EPA OWB study produced test data on PAH emission rates and compared these to PAH emission rates for woodstoves, on a mg/MJ (mega joule, a measurement of energy) heat input basis. The EPA test data show the Central Boiler Model CL17 produces 16.1 mg/MJ of PAHs, which is not significantly different from (but is less than) data for certified woodstoves of 24-28 mg/MJ.<sup>11</sup>

**NESCAUM Misrepresents the Comparison of Emissions from EPA Certified Woodstoves and OWBs By Comparing Method 28 Results for Woodstoves with Actual Emissions from OWBs without Disclosing that Actual Emissions from Woodstoves are More than 3 Times Greater than Method 28 Results**

In the Report, NESCAUM compares particulate emissions from woodstoves using the EPA Method 28 certification tests with particulate emissions from OWBs in actual use. However, NESCAUM's comparison is utterly misleading because the EPA certification test typically undercounts particulate emissions compared to the testing procedure for measuring actual emissions from heating appliances that are in normal household use. EPA certification testing of woodstoves for PM emissions is performed using the test procedure known as Method 28<sup>12</sup> in conjunction with the EPA particulate sampling procedure Method 5H.<sup>13</sup> Method 28 substantially under-counts particulate emissions.

Particulate emissions increase dramatically when a new load of wood is added to

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certification test for woodstoves, as explained below, does not represent actual woodstove operation and does not include cool-down phase emissions. If the Central Boiler unit had been tested following the EPA certification methodology, the particulate emissions from the Central Boiler unit would have been even lower.

<sup>11</sup> Valenti, J. and Clayton, R., "Emissions From Outdoor Wood-Burning Residential Hot Water Furnaces," EPA-600/R-98-017, February 1998, p. 27, Table 4-5.

<sup>12</sup> 40 CFR 60, Appendix A, Method 28.

<sup>13</sup> 40 CFR 60, Appendix A, Method 5H.

a stove unless the primary air control is left wide open for 5-15 minutes to bring the internal temperature back up to the high level required for secondary combustion.<sup>14</sup> Tests by EPA of one of its “cleanest” non-catalytic woodstoves (an Aladdin Hearth Products QuadFire stove) found that the stove achieved low particulate emissions (2 to 4 g/hr) if the air supply control was left wide open for 10-15 minutes each time wood was loaded into the stove. When the air control was turned down for a slower burn rate before 5 minutes had elapsed, however, emissions soared 5 to 10 times higher into the 15-20 g/hr range.<sup>15</sup> Because of this emissions “spiking” characteristic of woodstoves, Method 28 allows the test operator to leave the air damper wide open for the first 5 minutes of the test to artificially raise the stove temperature and then turn it down to match the test’s prescribed burn rate (see Section 8.12.1.4 in Method 28). Method 28 also allows the air control to be manipulated during the test to minimize particulate emissions (see Sections 8.12.4 and 8.10).

In a published interview with USEPA, Dennis Jaasma, Professor of Mechanical Engineering at Virginia Polytechnic Institute stated that the correlation between certification tests of woodstoves and in-home performance is “very poor”.<sup>16</sup>

Robert McCrillis, the EPA Project Officer in charge of woodstove emissions research programs for the Agency in 1998 commented on the way a stove is manipulated during a Method 28 test:

“Nobody would run a stove the way we ran it; you wouldn’t do that in your home. To me that’s just not right.”<sup>16</sup>

The air control manipulations during a Method 28 test, crucial to a woodstove passing the EPA certification, are not done routinely by homeowners. When a stove is refueled in the home, the wood is added, the air control might be adjusted, and the homeowner walks away. The homeowner does not come back 5-15 minutes later to readjust the air controls, and does not repeatedly manipulate them for low emissions performance. Thus, actual in-home use of a woodstove produces substantially higher emissions than Method 28 suggests. Note that the EPA OWB emissions study did not artificially manipulate the air damper control for low emissions. The test on the Central Boiler Model CL17 simulated actual residential use in the winter with the furnace controls automatically regulating the damper as the heat load drawn from the furnace followed the home’s heating demand load.

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<sup>14</sup> U.S. EPA, “Non-Catalytic Wood Stoves—Installation, Operation and Maintenance,” EPA-22A-4002, 1992.

<sup>15</sup> U.S. EPA, “Enhanced Combustion Woodstove Technology,” EPA/600/A-94/124, 1994.

**NESCAUM'S Attempt to Distinguish OWBs from Woodstoves by Claiming that OWBs Operate in Cycles is Misleading Because Woodstoves Also Operate in Cycles**

The conclusion on page vii of the Report that “The cyclic nature of OWB operations, unlike EPA certified woodstoves, does not allow for complete combustion...” is misleading. Both wood appliances experience air-starved operations during routine residential use that can lead to incomplete combustion. For an OWB, this occurs when the thermostat-controlled air damper closes. For woodstoves, this occurs when the homeowner loads the firebox full of wood before going to bed and closes down the air damper to ensure the stove will burn the wood slowly throughout the night. Moreover, no combustion device has complete (100%) combustion. This statement is also misleading because it implies that complete combustion occurs in EPA certified woodstoves.

**NESCAUM's Statements Regarding Low Stack Heights for OWBs is Incorrect**

The alleged factual statement on page viii of the Report that “stacks from OWBs, as per manufacturer’s installation instructions, are usually less than 12 feet from the ground...” is simply incorrect for Central Boiler products now being sold. Every Central Boiler OWB is shipped with (2) four-foot stack sections that, when installed on top of the unit, produce a minimum stack height of 12 to 13 feet above ground level. Every Central Boiler OWB also comes with installation instructions stating that “it is recommended to extend the chimney to a height above the roofs of surrounding buildings.”

**NESCAUM'S Statement that OWBs are not Designed to Achieve Secondary Combustion is Also Incorrect**

On page 2-1, NESCAUM states: “Most OWBs do not have any combustion controls, such as catalytic devices and secondary combustion.” Central Boiler OWBs provide secondary combustion through its ripple and baffle design. The baffle collects combustion gases in the upper portion of the ripple at the top of the fire box where secondary combustion occurs.

**NESCAUM's Statement that Complaints Registered in Vermont Increased After Vermont Adopted Siting Regulations for OWBs is Incorrect**

On page 2-3, NESCAUM discusses the 1997 Vermont regulation establishing standards for the siting of an OWB in relation to lot lines and neighbors and says: “This regulation has not eliminated the OWB problem; and in fact the number of complaints received by the VT DEC continues to increase.” The relatively few complaints the State of Vermont has received about OWBs relate to installations which either pre-date the

regulation or involve units with inadequate stack height. Nevertheless, the number of OWB smoke complaints registered with the Vermont DEC Air Pollution Control Division over the past three years has been declining, not increasing as NESCAUM falsely claims:

2003 = 8  
2004 = 4  
2005 = 3

### **NESCAUM's Claims Regarding Central Boiler's Manufacturing Capacity are Incorrect**

Page 3-3 of the Report asserts that Central Boiler states that it manufactures at least 20,000 OWBs annually and has the capacity to manufacture more than 50,000 OWBs annually—statements that are made by NESCAUM to make it appear that OWB sales are increasing at a rate far beyond actual sales. NESCAUM's assertions are a complete fabrication, resulting from NESCAUM's distortion of two unrelated (and incorrect) statements from an unidentified source—one that Central Boiler manufactured approximately 10,000 units in 2004 and the other, a statement regarding the rate of sales in 2005 which have nothing to do with the manufacturing rate in 2005 or Central Boiler's manufacturing capacity.

### **NESCAUM Repeatedly Misrepresents EPA Test Data**

Page 5-1 (discussing "Previous Test Data") contains several inaccurate and misleading statements regarding EPA test data reported in the previously discussed EPA studies.

The test values of 143.2 g/hr and 55.4 g/hr do not correspond to the Central Boiler OWB (Furnace B, see Table 4-1a of the EPA OWB study), and the first sentence gives the misleading impression that the Central Boiler OWB produced emissions this high.

The next statement that "This testing, under idealistic combustion conditions, demonstrated that OWBs can emit four and twenty times higher levels of fine particulate matter than certified woodstoves" is incorrect and misleading. The EPA OWB emissions study replicated actual in-use operation and emissions while woodstove certification, as discussed above, does neither:

- The EPA OWB study used real cordwood, similar to what a homeowner would use. The EPA certification test uses dried dimensional lumber (e.g., two by fours) with spacers—not the typical fuel used by a homeowner.

- The EPA OWB study operated the OWB through a realistic on-off-cycle automatically controlled by the furnace aquastat with the heat load drawn representing residential heating demand, while woodstove certification involves artificial manipulation of the air damper control uncharacteristic of in-home use.
- The EPA OWB study used an XAD-2 absorbent cartridge after the Method 5G sampling train to ensure that the “back half” of particulates, representing condensable organics, was fully captured. Woodstove certification with Methods 28 and 5H does not fully capture condensable organics.
- The EPA OWB study represents actual in-use conditions, while woodstove certification uses an unrealistic ideal condition.

The sentence in which NESCAUM claims that OWB PAH emissions are 196 times higher than EPA-certified woodstoves is simply false. The only comparison between PAH emissions for OWBs and woodstoves in the EPA OWB study is in Table 4-5, which shows OWB emissions to be lower (not 196 times higher) than those from certified woodstoves. And, the highest PAH emission rate in any one test (2.8 g/hr) occurred for the Taylor OWB unit (Furnace A/Test A-3, see Table 4-2a), not a Central Boiler unit.

The sentence in which NESCAUM asserts that a Central Boiler unit produced greater emissions than a Heatmor unit is also incorrect. NESCAUM has reversed the reported emissions from the Central Boiler OWB and the other OWB that was tested. The figure of 681 mg/MJ applies to the Central Boiler OWB, not 1,048 mg/MJ.

Table 5-1 in the NESCAUM report does not match the actual table from the New York AG’s report “Smoke Gets In Your Lungs”. NESCAUM has left out the Taylor and Central Boiler test numbers (Furnaces A and B) from their report and the fact that there were PAH emissions data reported by EPA.

**NESCAUM’s Presentation of Near-Source Emission Monitoring is Misleading Because NESCAUM Fails to Disclose that Emissions From an OWB with Proper Stack Heights Comply with National Ambient Air Quality Standards**

The PM<sub>2.5</sub> monitoring data presented in pages 5-3 through 5-5 of the Report simply demonstrate that if one operates an OWB (in this case a Hardy H5-1-07) with a short stack and use green wood (cut only four months before the test) that you can record high 15-second concentrations as sections of the plume are down-washed to the ground by air circulation up and over the adjacent house. NESCAUM fails to disclose that if a certified woodstove were placed outside next to the same house with only a 10-foot stack and fired with green wood, the same concentration peaks could be measured. NESCAUM also fails to disclose that if the unit had a proper stack height, ground level particulate concentrations are substantially reduced.

Central Boiler has previously demonstrated at public hearings that representatives of NESCAUM have attended that a properly installed OWB should not cause violations of National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub>, established to protect public health with a margin of safety. The 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>. Using data from the EPA tests on a well-designed OWB, dispersion modeling with EPA's SCREEN3 model was performed for a continuously-operating OWB installed in two potential locations: 1) close to a house (subject to building downwash effects), and 2) at a distance five times the roof height (no downwash effects). The stack height was set equal to Central Boiler's installation instruction.

The predicted maximum PM<sub>10</sub> concentrations, scaled to a 24-hour period using EPA conservative time scaling factors, were 38 µg/m<sup>3</sup> and 3 µg/m<sup>3</sup> for the downwash and no-downwash scenarios, respectively. When the stack height is short relative to the roof peak, however, much higher concentrations result. This analysis demonstrates that a properly designed OWB, installed in accordance with Central Boiler recommendations, produces even localized PM<sub>10</sub> concentrations that are well within the NAAQS.

**NESCAUM's OWB "In Use" Stack Test Data is Misleading Because the Data was Not Collected Using EPA Test Methods for Wood Combustion Sources and the Test Methods that Were Used Produce Invalid Results**

Pages 5-6 through 5-9 of the Report, with accompanying tables and figures, present emissions testing NESCAUM did on a Central Boiler CL-17 OWB. The test results are invalid because NESCAUM did not use established EPA test methods for particulate emissions from wood heaters (EPA Methods 5G or 5H). Instead, NESCAUM used: (1) a portable particulate monitor typically used for ambient monitoring, a DataRAM 4000; and (2) EPA Method 17, which cannot be used for wood combustion sources.

The Thermo Electron DataRAM 4000 uses light scattering to determine the size and number of particles in an air sample, and assuming a typical crustal dirt particle density of 2.6 g/cm<sup>3</sup>, it then estimates the particle mass in the air sample. This type of field survey instrument cannot be used for combustion particulate measurements for two reasons. First, the density of wood combustion particulate in any given test may not be the assumed 2.6 g/cm<sup>3</sup> value and NESCAUM made no attempt to correct for this fact. Methods 5G and 5H, by contrast, are gravimetric and measure particle mass directly. Second, and this is the greater error, wood combustion particles are saturated with water vapor when the gas is cooled to "near-ambient temperatures" as NESCAUM did (page 5-6), and above 50% relative humidity solid particles swell due to accretion of water. Above 70% RH, this growth in particle size is so significant that the majority of the

particle mass is water.<sup>16</sup> Thus, most of the “particle mass” NESCAUM measured with the DR 4000 in its test was water. NESCAUM failed to use an MIE Temperature Conditioning Heater (DR-TCH) that could have removed the excess water; Thermo Electron recommends this accessory.<sup>17</sup>

The conclusion that the DR 4000 test results are invalid due to water clogging is confirmed by NESCAUM’s own observations (page 5-6) that “...there were some problems with the continuous PM measurements. The inlet probe clogged several times and concentrations exceeded the DataRAM’s useful range.”

The second method NESCAUM employed, EPA Method 17, cannot be used for wood combustion emissions for two reasons. First, in wood combustion a majority of the fine particulate matter is condensable organics, and particulate concentrations are related to exhaust gas temperature, i.e., as the gas cools more particles form. Second, the exhaust gas contains substantial amounts of water vapor. EPA Method 17, which is a particulate stack measuring method for industrial process sources, states:

“This method is applicable for the determination of PM emissions, where PM concentrations are known to be independent of temperature over the normal range of temperatures characteristic of emissions from a specified source category. It is intended to be used only when specified by an applicable subpart of the standards, and only within the applicable temperature limits (if specified), or when otherwise approved by the Administrator. This method is not applicable to stacks that contain liquid droplets or are saturated with water vapor.”

None of the required conditions apply and Method 17 cannot be used for wood combustion testing. Thus, both test methods selected by NESCAUM are inappropriate and the presentation of these results in the Report completely misrepresents the particulate emissions from a Central Boiler OWB.<sup>18</sup>

### **NESCAUM Should Withdraw the Report and Not Re-Issue the Report Until NESCAUM Has Corrected the Misleading and Factually Inaccurate Statements**

As demonstrated in detail above, the Report is both misleading and factually inaccurate. NESCAUM attempts to portray all OWBs—and particularly, Central Boiler

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<sup>16</sup> Thermo Electron Corporation, Model DR-4000 Instruction Manual, page 48.

<sup>17</sup> Ibid, page 6.

<sup>18</sup> Other problems with the NESCAUM test include: (1) a bias toward high emissions by taking measurements near the beginning of a fuel-load when PM emissions are higher, rather than emissions from an entire fuel cycle; (2) failure to record the weight of wood burned per hour, a key piece of data; and (3) the use of green wood in the test with a moisture content over 40% (see page E-3).

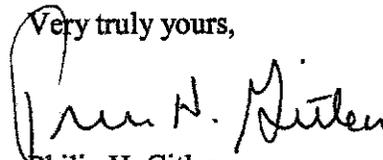
A. Marin  
April 21, 2006  
Page 12

OWBs—as the worst type of wood-fired heating devices and then uses that portrayal in support of its plea that USEPA, the States and localities either ban or severely regulate OWBs. NESCAUM repeatedly mischaracterizes or simply fails to report USEPA test data that either does not support or refutes NESCAUM's portrayal.

The Report is written with the express purpose of reducing OWB sales and thereby harming the manufacturers and distributors of OWBs.

NESCAUM has the legal duty to make sure that all of its claims are factually correct and that none of its claims are misleading. The Report, therefore, must be withdrawn and not re-issued until the false and misleading statements and claims are corrected.

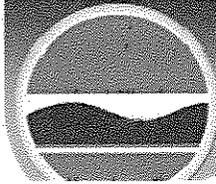
Very truly yours,



Philip H. Gitlen

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(Outdoor Wood Boilers) - Hearing Report, July 30, 2010

# Part 247 (Outdoor Wood Boilers) - Hearing Report, July 30, 2010

## Hearing Report, July 30, 2010

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Hearings and Mediation Services

625 Broadway, First Floor

Albany, New York 12233-1550

In the Matter of

Proposed Part 247 (Outdoor Wood Boilers)

and Proposed Revisions to Part 200 (General Provisions)

of Title 6 of the Official Compilation of Codes, Rules and Regulations

of the State of New York

HEARING REPORT

### Proceedings

### Background

The New York State Department of Environmental Conservation ("Department" or "DEC") scheduled hearings to receive public comment on the proposed revisions to Part 200 (General Provisions) and proposed Part 247 (Outdoor Wood Boilers) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR").

The purpose of the rulemaking is to regulate outdoor wood fired boilers, including provisions with respect to stack height for new and existing units, setback requirements, and particulate emissions for new outdoor wood boilers, or "OWBs." The proposal incorporates phase out provisions, as well as seasonal prohibitions.

The Department's Division of Air Resources ("DAR") requested that the Department's Office of Hearings and Mediation Services ("OHMS") assign administrative law judges ("ALJs") to conduct the legislative hearing sessions and to provide a report summarizing the comments.

On April 16, 2010, ALJ Susan J. Dubois was assigned to conduct the hearing in Pomona; ALJ Helene G. Goldberger was assigned to conduct the hearings in Batavia and Harrietstown; ALJ P. Nicholas Garlick was assigned to conduct the hearings in Watertown, Albany, and Herkimer; ALJ Molly T. McBride was assigned to conduct the hearings in Belmont and Jamestown; ALJ Maria E. Villa was assigned to conduct the hearings in Cortland and Staatsburg; and ALJ Richard A. Sherman was assigned to conduct the hearing in Stony Brook.

Prior to the hearings, the DAR staff provided the ALJs with a copy of the Department's notice of proposed rulemaking and proof of publication of this notice. The notice appeared in the April 21, 2010, edition of the *State Register*, the *Environmental Notice Bulletin*, and in the following newspapers: the *New York Post*, *Newsday*, *Poughkeepsie Journal*, *Middletown Times Herald*, *Adirondack Daily Enterprise*, *Batavia Daily News*, *Jamestown Post-Journal*, *Herkimer Evening Telegraph*, *Wellsville Daily Reporter*, *Watertown Daily Times*, *Utica Observer Dispatch*, *Binghamton Press*, *Salamanca Press*, *Albany Times Union*, *Buffalo Evening News*, *Syracuse Post-Standard*, *Glens Falls Post Star*, and the *Rochester Democrat & Chronicle*.

The Department received written comments on the rulemaking until 5:00 p.m. on Friday, July 2, 2010.

## **Public Hearings**

### ***Watertown***

Approximately **160 people attended** this hearing session, on Thursday evening, June 3, 2010 at the Dulles State Office Building, 1st Floor Auditorium, 317 Washington Street. Thirty-three people spoke, all in opposition, and when one speaker asked for a show of hands from the audience, it appeared that all in attendance were opposed. The hearing followed an hour long question and answer session at the same location.

At the opening of the hearing, John Barnes, an Environmental Engineer with the Division of Air Resources, Central Office, spoke on behalf of Department staff with respect to the proposed regulations. Three elected officials immediately followed. Senator Darrel J. Aubertine spoke in opposition to the regulations and noted his introduction of Senate Bill S.8101, which would overrule several aspects of the proposed regulations. Mr. Warren Shaw, the Highway Superintendent for the Town of Croghan, summarized the resolutions passed by five towns in Lewis County opposing the regulations (Towns of Croghan, Diana, Lowville, New Bremen, and Martinsburg). Councilman James Durkish, from the Town of Diana, spoke next, opposing the regulations and suggesting that the regulation of OWBs be left to the local governments.

Following the elected officials, thirty members of the public, including a representative of the Farm Bureau, spoke in opposition to the proposed regulations. Nearly all those who spoke owned and operated

OWBs, and several also sold and installed them. Among the recurring points made by the speakers were: (1) the relative poverty of the area, the high cost of heating with oil or gas, and the economic impact on the region from the regulation; (2) the relative safety of OWB compared to indoor wood stoves; (3) concerns about the regulation's requirements regarding stack height and the increased risk of chimney fires with higher chimneys; (4) the fact that recently installed OWBs with 25-year warranties would have to be replaced before the end of their useful life; (5) the regulation's impact on OWB owners with small lots or who owned adjacent lots; (6) OWB owners who lived in locations far removed from any neighbors; and (7) the regulation's prohibition on use of OWBs to heat water during the summer.

There was general support for tougher emission limits for new OWBs and unanimous support for grandfathering existing units. Numerous speakers made the analogies to new and old cars, where older vehicles are grandfathered and their owners are not required to comply with new regulatory requirements. A majority of the speakers favored leaving the regulation of OWBs to local governments and responding to complaints about the few problem OWBs, as opposed to the forced removal of newly installed units. Several speakers questioned why, with the emphasis on development of renewable energy sources (such as wood) and the federal government's tax credits for OWBs, the Department was forcing OWB owners to remove these units. Several speakers stated that the regulations would force them to convert to fossil fuels, and because of their economic situation, force them to sell their homes.

### ***Stony Brook***

This hearing session was held on Monday evening, June 7, 2010, at the DEC Region 1 offices, 50 Circle Road, Stony Brook, New York. Prior to the public hearing, from 5:00 p.m. to 6:00 p.m., Department staff held an informational session during which materials concerning wood boilers and the proposed regulations were made available to the public.

At the commencement of the public hearing, Daniel Rozell, Environmental Engineer, Division of Air Resources, Region 1, presented Department staff's opening statement on the proposed regulations. Three members of the public attended the hearing and one offered comments on the proposed regulations.

Michael Seilback, Vice President, Public Policy & Communications, American Lung Association of New York, spoke in favor of the proposed regulations and suggested that the regulations should be made more stringent. Mr. Seilback stated that scientific evidence shows that the particle pollution found in wood smoke is a serious lung health hazard. He also noted that, over the last two years, his organization had received more telephone complaints concerning outdoor wood boilers than on any other air quality issue. No other members of the public offered comments on the proposed regulations. Department staff remained at the hearing location until 8:00 p.m., at which time the hearing record was closed.

### ***Albany***

Approximately 140 people attended this hearing session, on Tuesday evening, June 8, 2010, at the Department's Central Office, 625 Broadway, Public Assembly Room 129. Forty people spoke, with over thirty people speaking in opposition. Approximately six spoke in support and the remaining speakers offered no opinion. The hearing followed an hour long question and answer session at the same location.

At the opening of the hearing, John Barnes, an Environmental Engineer with the Division of Air Resources, Central Office, spoke on behalf of Department staff with respect to the proposed regulations. Only one elected official, Kevin Lennon, a Town of Catskill Councilman, offered comments. Mr. Lennon talked about an upcoming vote by the Catskill Town Board on a proposed local law banning the use of OWBs. Mr. Lennon stated that he had come to the hearing to learn more about the issue.

Of the thirty members of the public who spoke in opposition to the proposed regulations, nearly all owned and operated OWBs and several also sold and installed them. Among the recurring points made by the speakers were: (1) the high cost of heating with oil or gas, and the economic impact of the regulations; (2) the relative safety of OWB compared to indoor wood stoves; (3) concerns about the proposed regulation's requirements regarding stack height; (4) the fact that recently installed OWBs with 25 year long warranties would have to be replaced before the end of their useful life; (5) the proposed regulation's impact on OWB owners with small lots or who owned adjacent lots; (6) OWB owners who lived in locations far removed from any neighbors; and (7) the regulation's prohibition on use of OWBs to heat water during the summer. Several speakers also stated that the public notice for the hearing was inadequate.

Those who spoke in favor of the regulations, including a representative of the Adirondack Council, generally cited the health impacts that OWBs can have, especially on those with respiratory diseases, such as asthma. The proponents argued that the regulations were science-based and that OWBs heated through inefficient combustion at lower temperatures that released more pollutants. Several speakers recalled living next to improperly operated OWBs and noted the difficulty in getting DEC regional staff to enforce existing regulations.

### ***Pomona***

Five persons attended the hearing, which was held at the Rockland County Fire Training Center in Pomona, New York, on Wednesday, June 9, 2010. Mr. Barnes described the proposed regulation and two persons presented comments about the proposal. The commenters criticized the requirement that existing units be replaced and proposed other approaches including education of owners about how to adjust their boilers to reduce emissions, enforcement against the units that are causing complaints rather than phasing out all of the existing units, limits on boiler use during the summer, and use of filtration or emission control devices.

Both speakers identified what they had paid for their boilers and for related equipment and structures. One speaker from Tuxedo (Rockland County) recommended that the Department should have a buy-back program, if the requirement to replace existing units remains in the regulation. He asked whether he would

need to replace a high-efficiency boiler if he installed it in the near future but prior to April 15, 2011. The other speaker, from Yorktown Heights (Westchester County) stated that outdoor wood boilers could last for 15 or 20 years, and compared the removal of existing boilers to a requirement for getting rid of new cars that are not hybrids. He stated that the locations of the hearings were difficult to find on the DEC web site.

### ***Herkimer***

Approximately 80 people attended this public hearing, on Thursday evening, June 10, 2010, at Herkimer Community College, Robert McLaughlin College Center, 100 Reservoir Road. Twenty-eight people spoke, all in opposition to the proposed regulation. The hearing followed an hour long question and answer session at the same location.

At the opening of the hearing, Rob Sliwinski, an Environmental Engineer with the Division of Air Resources, Central Office, spoke on behalf of Department staff with respect to the proposed regulations. Following DEC staff's presentation, two elected officials spoke. Fred Shaw, a county legislator, spoke in opposition and noted an effort to pass resolutions in opposition in all county legislatures in the North Country. Keith Munz, a councilman from the Town of Osceola, also spoke in opposition and stated his opinion that the public notice for the hearing was inadequate.

The remaining speakers echoed the grounds for opposition heard at the hearings in Watertown and Albany. Several speakers raised other points including: (1) the impact of these regulations on dairy farmers; (2) the increased cost of fire insurance with indoor wood burning stoves; (3) the possibility of stacks being so high that it would contravene local zoning; and (4) failure of the regulations to take into account local topography. Near the close of the hearing, Benjamin Simons, president of the Oneida County Farm Bureau, spoke forcefully against the regulations and its impacts on the 700 member farmers in his county.

### ***Batavia***

The hearing in Batavia took place at Genesee Community College on Monday, June 14, 2010. At 6:00 p.m., at the conclusion of the public information session, Rob Sliwinski, of the Department's Division of Air Resources, summarized the proposed regulations for the approximately 80 people in the audience. His remarks were followed by 22 speakers who commented on the regulations - of which only two spoke in favor. Five individuals were retailers of wood burning stoves. The general themes of the remarks are summarized below.

Two individuals spoke about their experiences of having smoke from a neighbor's outdoor wood boiler interfere significantly with their ability to live normally and the difficulties they encountered in getting relief.

A number of speakers commented that the regulations were overly inclusive and that OWBs that functioned without causing problems and were properly maintained should not be subject to removal. Paul

Bencal from the Farm Bureau opposed the "one size fits all" regulatory strategy. He said removing useful units from service was wasteful and expensive. He said this course of action would force owners to resort to more expensive models or to use oil and gas - non-renewable resources. He said that the phase-out period was too short and amounted to a taking. He said that the vast majority of the units were placed in remote areas where they did not cause harmful effects. He said that these units were an expensive investment and that DEC should deal with complaints on a case-by-case basis.

During the public information session, Department staff had responded that the regulations were intended to allow efficient enforcement, because the Department lacks sufficient staff to respond on a case-by-case basis. Several speakers pointed out that many people will simply refuse to take their units out of service and this will compound the enforcement dilemma.

Many speakers suggested that complaints be addressed by localities because towns and villages were more familiar with the circumstances than a State agency. Many also argued that the stack heights proposed were too high - the height would make them difficult to clean, was dangerous, and would cause the systems to malfunction due to a cooling effect. Numerous speakers suggested that in many cases where there were problems it was likely due to the use of incorrect fuels - garbage, etc. and that if dry wood is used there should not be a problem.

A number of speakers responded to the volume of complaints DEC staff stated were received by the agency that gave rise to the regulatory proposal (about 100) stating that this was a very small fraction of the units out there (15,000) and therefore a weak basis for the regulations.

Some speakers asked if individual owners will be compensated for taking out equipment that still had a useful life, and others asked why the units were not grandfathered, as was the case with automobiles that did not have current emission equipment but still were allowed on the road. A number of individuals argued that the regulations proposed by DEC are not consistent with those in other states because in other jurisdictions there is no requirement to shut down older units.

Many speakers criticized the regulations for being onerous and causing a further burden on middle class people who were trying to save money and reduce reliance on foreign oil. Some of the speakers asserted that whether wood was burned or allowed to rot on the ground the same amount of greenhouse gases was emitted.

Some speakers noted that forced air units ran very clean but that the manufacturers did not want to spend the money to obtain certification because of the cost of testing.

Quite a few people stated that there were many other activities that caused worse air pollution than these devices such as unregulated fireplaces, wood burning stoves, and camp fires. Many people also commented that the removal of wood burning devices from inside the home was a vast improvement in terms of safety because of the reduced danger of chimney fires.

The hearing concluded at 8:00 p.m. DEC staff remained at the hearing location to speak with individuals about their concerns and questions.

### ***Cortland***

The hearing in Cortland took place on Tuesday evening, June 15, 2010, at the Cortland County Office Building, second floor auditorium. After a question and answer session that began at 5:00 p.m., the public comment hearing commenced. Rob Sliwinski, of the Division of Air, offered brief remarks, and then public comment was received from 33 speakers out of an audience of approximately 60-75 persons. Only two persons supported the proposal, citing health concerns and the difficulties associated with obtaining relief in a situation where a neighbor's OWB was not operating properly, or where complaints were disregarded. One of the speakers recommended that complaints be evaluated through testing with particulate meters when complaints were received, and dealing with violators on that basis.

The remaining speakers cited the financial burdens associated with replacement, particularly where existing warranties extended past the removal dates set forth in the proposed regulation. A number of speakers were older retirees, and noted that they were on fixed incomes and would be unable to heat their homes if they were forced to remove the boilers. Still others stated that they lived in remote locations, at the end of long driveways or unplowed roads, and were unable to have alternate fuel delivered, such as gas or oil. Many speakers asserted that existing units should be grandfathered, and noted the advantages of siting a unit for heat and hot water outside the structure being heated, with the consequent reduction in indoor pollutants, such as carbon monoxide, and the lessened danger of chimney fires. Some of the speakers sold and serviced the units, and spoke about the improved efficiency, safety, and convenience associated with OWBs when those units were properly sited, maintained, and operated.

Fred Forbes, the Supervisor of the Town of Homer, stated that he had never received any complaints associated with OWBs. He stated that two years ago, he met with State Senator Jim Stewart to recommend that the State consider regulating the boilers. Supervisor Forbes also stated that he would like to see the names of the persons who wrote the proposed regulation made public, and would like to know if any of those persons have stock in oil, gas, or utility companies.

A number of speakers maintained that the matter should be handled on the local level, and pointed out the difficulties inherent in enforcing the proposed regulations. Others stated that in rural areas, where there are significant distances between neighbors, the boilers should not be regulated. During the informational session, Department staff indicated that 25 separate complaints had been received. This prompted a number of speakers to point out that a relatively small number of complaints should not trigger a response by the Department to regulate the majority because of a small minority that did not maintain their units or operate those units properly. Some of the speakers represented commercial operations that use the units to heat their businesses or run generators. These speakers stated that they would be forced out of business if they were obliged to replace the units. A number of persons contended that the Department should reimburse owners of existing units who were obliged to replace those units.

Several speakers cited reduced dependence on fossil fuels as one of their reasons for using an OWB, and observed that they had enough land to manage their own woodlots. They pointed out that they did not wish to support the oil and gas industry, which, according to these speakers, pollute the environment and do not help to maintain the local economy. The expense associated with the use of other fuels was the subject of a number of comments. Others pointed out that unlike a wood stove, the units were designed to burn an entire tree, including twigs and branches, thus reducing waste, and noted that the units are more efficient than a wood stove. Other speakers pointed out that they no longer needed to bring wood, which might contain dirt, insects, or allergens, into the house. The proposed stack height requirements were criticized, and many persons argued that the setbacks should take into account the nearest residence, rather than property lines.

Some of the attendees pointed out that the State receives revenues as a result of taxes on oil and gas, and questioned why, if bills introduced in the legislature to address OWBs failed to advance, the Department is attempting to "push through" the proposed regulations. Noting that New York is the only State seeking to ban the use of OWBs, several persons stated that they bought the units in good faith and operated them properly, and noted that manufacture, sales and service associated with the units creates jobs.

Other points of objection included the proposed seasonal restrictions (restrictions on summertime use), as well as the State's collection of sales tax on the units and fees for permits for the units, where required. Various persons stated that their neighbors were not even aware of the presence of the unit until the speaker informed them, and other speakers opined that the stack height regulations were not well thought out. Bradd Vickers, the president of the Chenango Farm Bureau, stated that he was appalled that the Department was attacking a single industry, noting that the units are the only source of heat for many households and businesses. Mr. Vickers also pointed out that with the removal of the units, many people would be obliged to resort to indoor wood stoves for heat, with a corresponding increase in their homeowners' insurance premiums.

The hearing concluded at approximately 8:15.

### ***Belmont***

The hearing took place on Wednesday, June 16, 2010, at the Allegany County Courthouse in Belmont, New York. An information session was held before the start of the public hearing and Department Staff met with the public at this session to answer questions. The public hearing began at 6:00 p.m. Approximately 150 people were in attendance. John Barnes, engineer with the DEC's Division of Air resources spoke briefly, summarizing the proposed regulations. After Mr. Barnes gave a brief presentation, members of the public were invited to comment on the proposed regulations and 38 people made comments on the record. All speakers were opposed to the regulations in the current form. The objections stated were those voiced at previous hearings held across the State.

The majority of speakers requested that the units be grandfathered in so that the owners do not lose the financial investment they have made in the stoves. The units cost many speakers in excess of ten thousand dollars and several had just purchased them in the past year or two. Many speakers complained about government interference on their private property and questioned the government's motivation for such interference. They noted that outdoor wood boilers are a common heating method where they live, noting that natural gas is not available. Several commented on the environmental benefits of a wood stove versus using fossil fuels as well as the financial savings of burning wood from their own property.

The speakers questioned the reasoning behind implementing such regulations when OWB are the norm in these communities and most speakers had never encountered any complaints regarding their units. Overall, the speakers were united in their opposition to the regulations in their entirety. Most stated that if regulations are implemented, they would face serious financial harm from them, both from the cost of purchasing a new unit and from the significant increase in cost to heat their homes.

### ***Dunkirk***

The hearing in Dunkirk was held on Thursday, June 17, 2010, at the Jamestown Community College in Dunkirk, New York. As with all hearings on the proposed regulation, an information session was held before the start of the public hearing. The hearing began at 6:00 p.m. Approximately fifty people were in attendance and 27 people spoke, all opposing the regulation. John Barnes from the Division of Air summarized the proposed regulation before the comments were taken. The comments made were the same in content as at all previous hearings. No one spoke in favor of the regulations and the opposition was strong.

### ***Staatsburg***

The hearing in Staatsburg took place on the evening of Monday, June 21, 2010, at the Norrie Point Environmental Education Center in Norrie Point State Park. Approximately sixty persons were in attendance, and 21 persons spoke at the hearing. An information session was held prior to the commencement of the hearing, and Department staff answered questions and provided a short presentation. John Barnes, of the Division of Air, also offered brief remarks at the beginning of the hearing.

All of the speakers except one opposed the measure, and the individual in support had a number of objections to the proposed rule, specifically, the setback requirements. This speaker stated that the setback should be increased to 150 feet, and that the boilers should not be permitted on any lot smaller than four acres.

Many of the speakers urged that existing units be grandfathered, and took issue with the setback and stack height requirements, pointing out that these were unrealistic, overly broad, and would not lead to cleaner combustion or solve the problem of neighbor complaints. Many speakers stated that they burned wood in order to decrease dependence on fossil fuels. A number of persons stated that this was their only

source of heat and hot water, and objected to the proposed shutdown periods during the warmer months. Several speakers pointed out that the issue of complaints should be handled on the local level, rather than involving the State and implementing regulations that paint with too broad a brush. Many speakers noted the significant financial investment associated with the OWBs that they had installed, and questioned whether the State would compensate them for the monetary losses they would sustain if the new regulations were implemented.

One speaker asserted that New York is the only State that is outlawing the stoves, and argued that an analysis of the complaints should be undertaken to determine the basis for and the circumstances of those complaints. This point was echoed by several other speakers, who urged the Department to review the complaints and provide an analysis rather than impose retroactive regulation on OWB owners who burn responsibly. Several speakers with an engineering background spoke about the technical problems with the rule, arguing that any regulation should be based on data and analysis, and actual conditions. Others pointed out that the proposal does not take into account those units that burn dual fuels, such as wood and coal. One speaker urged that variance provisions be incorporated into the proposed regulation.

The speakers emphasized that wood burning is a way of life in many communities, and that the owners of OWBs take pride in properly operating the units. Several persons pointed out that wood, a renewable resource, should not be allowed to go to waste.

Several speakers also maintained that the regulations should be rewritten, circulated a second time, and public comment solicited on the revisions.

### ***Harrietstown***

This hearing session took place on Wednesday evening, June 23, 2010, at the Harrietstown Town Hall in Saranac Lake, New York. Because the stenographer was not able to travel to this hearing due to a disabled automobile, the public comment session did not start until 6:45 p.m. when Region 5 staff were able to deliver a tape recorder to the administrative law judge. Due to the length of the public comment session, ALJ Goldberger began the hearing immediately with calling the individuals who had requested the opportunity to speak. There were approximately 60 people in attendance and 24 people spoke. All of these individuals opposed the regulations as proposed.

The comments reflected the sentiments that had been expressed at the Batavia hearing. Many of those who commented argued that the regulation reflects a "one size fits all" approach while many or most of the boilers do not cause nuisance complaints. The speakers were concerned that they had invested significant sums on these units and that many years before their usefulness expires they will be forced to retire them. These individuals also noted that many of the people who installed these units did so because they could not afford the high cost of petroleum to heat their homes and certainly could not afford to shut the units down and purchase new ones. Many speakers expressed the view that in rural areas like the Adirondacks, using wood for heat is appropriate and economical.

Speakers stated that the stack heights were unreasonable and would cause the units to function poorly, with high creosote buildup. Many people explained that the setbacks were also unreasonable and even if the newer, approved units were installed, the setbacks and stack heights in the proposed regulations would make the units unworkable. Others argued that if the State wishes to phase the units out, the State should compensate owners for the economic loss. Many speakers criticized the regulations on the basis that the number of complaints was not worthy of this approach and regulation should be left to the localities. A number of speakers expressed the sentiment that the effort spent on the regulations was well beyond the gravity of the issue the Department was attempting to address and that bigger environmental issues should be the Department's focus. One speaker noted that old power plants are grandfathered until equipment breaks and that approach is not being used here.

Many speakers argued that the use of the outdoor heating system was safer than burning wood in the home and that other forms of wood burning heating systems were more polluting.

A few people stated that there was inadequate notice for the hearing; municipalities should be given individual notice electronically from the Department; and that the date in the *Adirondack Daily Enterprise* was incorrect for this hearing.

The hearing concluded at 8:30 p.m. DEC staff remained at the hearing location to speak with individuals about their concerns and questions.



Box 112 Arborg MB Canada R0C 0A0

☎1.888.933.4440

☎204.364.2211

☎204.364.2472

☎www.profabgroup.com

August 30, 2013

TO WHOM IT MAY CONCERN

RE: Empyre Elite XT 100; Empyre Elite XT 200;  
Empyre Pro Series 200; Empyre Pro Series 400

The above noted outdoor wood furnaces are manufactured by Pro-Fab Industries Inc. and are extremely efficient units. These units use a process called wood gasification to produce highly efficient combustion in the furnace's burn chambers. This results in most of the heat in the products of combustion (carbon dioxide and water vapour) being removed prior to it entering the chimney.

If the chimney is too long there is not enough heat in the exhaust to heat the chimney and the exhaust will condense. In cold weather, this will result in excessive condensation (water) running back into the furnace causing corrosion, as well as frost forming at the chimney cap with the possibility of blocking the chimney.

As a result, these furnaces should only be installed with 3 feet of chimney. Further, it is not required to install a spark arrestor in the chimney cap due to the extremely clean burn of the Empyre gasification units.

If you require further explanation, please don't hesitate to contact me at the numbers above.

Regards,

Ben DeBruyn  
Trainer



MS  
TB

Agenda for 9/12/13 Meeting

X

TOWN OF WARWICK  
STATE OF NEW YORK

Office of the  
**TOWN JUSTICE**  
132 Kings Highway  
Warwick, N. Y. 10990  
Telephone 845-986-1128  
Fax 845-987-1815

September 5, 2013

TO: Michael Sweeton,  
Supervisor

FROM: Peter D. Barlet  
Nancy Brenner DeAngelo

Re: New York State Association of Court Clerks

The New York State Association of Court Clerks Annual Conference will be held on October 6th to October 9<sup>th</sup> 2013 in Albany, New York.

I am requesting the Board to give Lois Murtie approval to attend this training session and meeting.

This meeting was anticipated in our budget allocations which remains available for this purpose.

Respectfully,

  
Peter D. Barlet  
Town Justice

  
Nancy Brenner DeAngelo  
Town Justice

# TOWN OF WARWICK



132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990

BUILDING & PLANNING DEPT (845) 986-1127  
FAX NO. (845) 987-9644  
BUILDING DEPT EXT. 258/260  
PLANNING DEPT EXT 261  
ENGINEER EXT 275

August 22, 2013

Town of Warwick  
Town Board  
132 Kings Highway  
Warwick, New York 10990

Re: Planning Board Applicant, Kristin & Lee Ann Matthews – Escrow Refund Request  
SBL # 61-1-37

Dear Town Board Members:

Please be advised, as of today's date the review of the Planning Board Applicant, Kristin & Lee Ann Matthews has been completed. Please refund the balance of escrow in the amount of \$1,718.35 back to the applicant as stated below:

Kristin & Lee Ann Matthews  
P.O. Box 832  
Tuxedo, New York 10987

TAO # 899

Sincerely,

  
Connie Sardo  
Planning Board Secretary

cc: Joanne Wilcox, Bookkeeper  
Michael Sweeton, Supervisor  
Meg Quackenbush, Town Clerk  
John Hicks, Town Attorney  
Kristin & Lee Ann Matthews

August 21, 2013

Angella M. Riden  
547 Jersey Ave.  
Greenwood Lake, N.Y. 10925

ORIGINAL

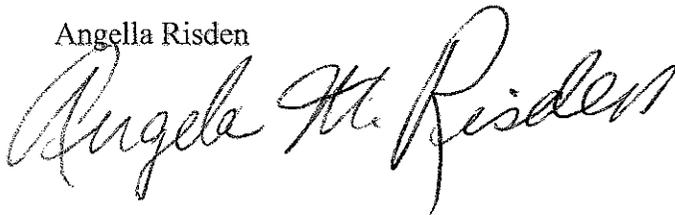
Dear Chief McGovern,

I would like to donate three firearms and AR-15 parts from my late husbands estate George Riden who passed away on July 7<sup>th</sup>, 2013 to The Town of Warwick Police Department for your use with the force. I would like these guns to be utilized in the protection of your officers and the public of The Town of Warwick.

1. Sportswereus AR-15 S# TRR0A0008 Color Black Cal.223
2. Sportswereus AR-15/TRR-1 S# TRR0A5808 Color Black Cal .223
3. Gunsmoke AR-15 S# GEO4138 Color Black Cal.223

Sincerely Yours,

Angella Riden

A handwritten signature in cursive script that reads "Angella M. Riden". The signature is written in black ink and is positioned below the printed name "Angella Riden".

# TOWN OF WARWICK

## DEPARTMENT OF POLICE

132 Kings Highway  
Warwick N.Y. 10990  
(845) 986-5000

Thomas F. McGovern, Jr. N.A.  
Chief of Police

23<sup>rd</sup> August 2013

MEMO

To: Supervisor Michael Sweeton and the Town Board  
From: Chief Thomas McGovern   
Re: Donation

Please accept this memo as my request that the Board formally accept the generous donation of Angela M. Ridsen to the police department. The details are contained in her attached letter.

If you have any questions do not hesitate to contact me.

Thank you very much.

TM/km

MS  
TB

Y

# TOWN OF WARWICK

## DEPARTMENT OF POLICE

132 Kings Highway  
Warwick N.Y. 10990  
(845) 986-5000 Fax (845) 986-5020

Thomas F. McGovern, Jr. - N.A. 199  
Chief of Police  
wpdchief@warwick.net

25 August 2013

### MEMO

To: Town Board, Joanne Wilcox – H.R.  
From: Chief T. McGovern   
Re: Kerstner probation

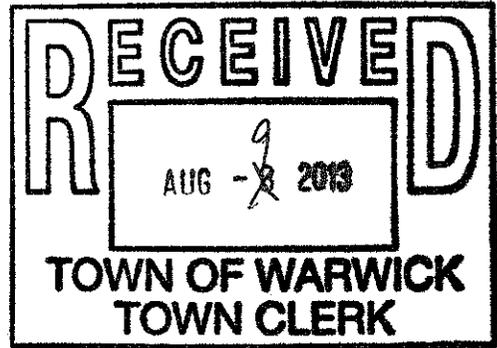
Please accept this memo as my request to have Joanne Wilcox file the necessary paperwork with Orange County, advising them P. O. Derek Kerstner has successfully completed his probationary period and that his position should be considered permanent.  
Thank you.

MS  
TB

X

August 8, 2013

Mrs. Marjorie L. Quackenbush  
Town Clerk  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990



Dear Mrs. Quackenbush:

Thank you for your letter dated August 1. Yes, I would definitely appreciate being reappointed to the Town of Warwick Assessment Review Board for another term.

Very truly yours,

*Catherine S. White*  
CATHERINE S. WHITE



*Wilfred L. Raynor, Inc., The Raynor Building*

26 Main St., Warwick, NY 10990 (845) 986-1151 • FAX: (845) 986-4679

MLS  realtors — appraisers — consultants

MS  
TB

J

# TOWN OF WARWICK

ASSESSMENT DEPARTMENT  
Deborah A. Eurich, IAO, Assessor

132 Kings Highway  
Warwick, New York 10990  
845.986.1123

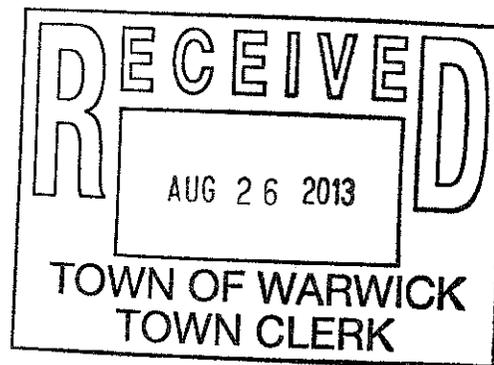
## Memorandum

**DATE:** August 26, 2013  
**TO:** Warwick Town Board  
**FROM:** Deborah Eurich, IAO, Assessor   
**RE:** Training Request

I respectfully request the Board's permission to attend the New York State Assessors' Association Fall Training Session on Assessment Administration in Lake Placid, October 1<sup>st</sup> through October 4<sup>th</sup>. I will have the opportunity to select from concurrent sessions related to assessment administration, valuation and current legislation. The Board approved the necessary funds for these training sessions in the current budget.

Please contact me with any questions that you may have.

Thank you.



TB

X

September 03, 2013

Michael P. Sweeton, Supervisor  
Town of Warwick  
132 Kings Highway  
Warwick NY 10990

**Re: Donald Fisk Road Repair Bond Release  
61 Shore Avenue**

**Task: PB026**

Dear Mr. Sweeton,

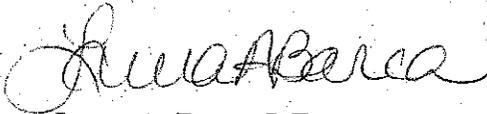
Mr. Donald Fisk appeared before the Planning Board and received approval to replace the existing home at 61 Shore Avenue with a new home. As part of the approval, a Road Maintenance Bond was necessary because it was necessary to bring in large machinery over a private road (Shore Avenue). The bond was paid for with a personal check from Mr. Fisk.

The construction has been completed at 61 Shore Avenue and the building department has issued a Certificate of Occupancy for the new home. It has been determined that the construction at this property did not result in any damage to Shore Avenue. At this time, we recommend the release of the \$12,480 cash bond.

If you have any questions, please contact me at (845) 294-2789.

Sincerely,

Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
in association with HDR Engineering, Inc



Laura A. Barca, P.E.  
Project Manager

cc  
TBSD  
jmq  
j

# KORNFELD, REW, NEWMAN & SIMEONE

ATTORNEYS AND COUNSELLORS AT LAW

46 WASHINGTON AVENUE

POST OFFICE BOX 177

SUFFERN, NEW YORK 10901

AUG 22 2013

FAX 845-357-2860

TOWN OF WARWICK  
SUPERVISOR'S OFFICE

FRANK T. SIMEONE  
THOMAS J. NEWMAN, JR.  
WILLIAM S. BADURA  
SCOTT A. DOW  
JEROME S. JEFFERSON

ROBERT E. REW JR. (1912-1960)

THOMAS J. NEWMAN (1928-2012)

JEROME M. KORNFELD (1923-2012)

OUR FILE # \_\_\_\_\_

August 21, 2013

Michael P. Sweeton  
Warwick Town Supervisor  
132 Kings Highway  
Warwick, New York 10990

RE: Pine Island Fire District

Dear Supervisor Sweeton:

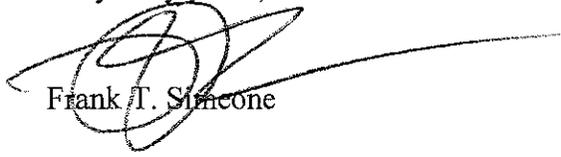
I am writing to thank you for taking the time yesterday to meet with representatives of the Pine Island Fire District in connection with the proposed cell tower installation for emergency communications on the premises of the Pine Island Fire District on County Route 1.

To briefly outline our discussions: the Fire District proposes to act as lead agency for SEQRA purposes which will include approval of a site plan and issuance of a negative declaration, assuming environmental and engineering issues, after review, justify same. Thereafter the Fire District will make application to the Zoning Board of Appeals for any necessary variances, to include set back and tower height. The Board of Fire Commissioners asks whether consideration could be given to a waiver of fees and engineering expenses which may otherwise be applicable. The SEQRA process will involve a coordinated agency review with your town noted as an involved agency. As presently conceived, we expect a public hearing will be conducted for site plan review as well as for "balancing of interests" under the *County of Monroe* case.

We hope to coordinate with other town and local agencies so that, in addition to partnering with AT&T, which will construct the tower, it may also serve the communication needs of other local emergency services. The Fire District looks forward to favorable action under the Town's Wireless Telecommunications Law.

It is expected that these actions can be completed fairly soon, but in any event this Fall, with the intention to allow construction of the tower and accessory structures next Spring.

Very truly yours,



Frank T. Simeone

FTS:ch

Michael P. Sweeton  
Warwick Town Supervisor  
Page 2  
August 21, 2013

cc: Board of Fire Commissioners  
Pine Island Fire District  
P.O. Box 306  
Pine Island, New York 10969

John Bollenbach, Esq.  
757 Seward Hwy.  
Florida, New York 10921

CHARLES E. SCHUMER  
NEW YORK

MS  
TB

COMMITTEES:

JUDICIARY

BANKING

RULES

# United States Senate

WASHINGTON, DC 20510-3203

August 15, 2013

Marjorie Quackenbush  
132 Kings Highway  
Warwick, New York 10990

Dear Marjorie:

Thank you for writing to voice your opposition to the Assault Weapons Ban. Like you, I believe that the right to bear arms is guaranteed by the Constitution's Second Amendment. The recent Supreme Court decisions reinforced this fact, but I believed that this was the case prior to those decisions.

While the right to bear arms is enshrined by the Second Amendment to the Constitution, I believe that we have a collective interest in keeping guns out of the hands of those who want to harm the innocent. I believe it is possible to strike a reasonable balance. I have long advocated for faster and more accurate background checks so legal purchasers can receive their guns quickly while ensuring criminals do not illegally purchase and possess firearms. In 2011, I proposed S. 436, the Fix Gun Checks Act to provide more funding to states to compile required background data for the National Instant Criminal Background Check System (NICS). This legislation builds on the National Rifle Association-supported NICS Improvements Amendment Act, passed by Congress in 2007. Ensuring that this information is comprehensive and up to date will protect law enforcement from criminals with illegally obtained weapons while speeding up the process for law abiding citizens.

You may also be pleased to know that I have successfully fought to create new opportunities for gun owners to exercise their right to use guns. For example, in the 109th Congress, I secured federal money to expand the scarce hunting grounds in New York State by creating a financial incentive for private landowners to allow hunters access to their property.

Thank you for contacting me about this important issue. Please do not hesitate to contact me in the future if I can ever be of assistance to you on this, or any other matter.

Sincerely,



Charles E. Schumer  
United States Senator

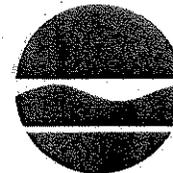
MS  
IB  
Bu A.

X

**New York State Department of Environmental Conservation**

**Division of Water**

Bureau of Flood Protection and Dam Safety, 4<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-3504  
Phone: (518) 402-8185 • FAX: (518) 402-9029  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

August 21, 2013

Watchtower Bible and Tract Society of New York, Inc.  
25 Columbia Heights  
Brooklyn, NY 11201  
Attention: Richard Devine, Facility Manager

Re: Sterling Forest Lake Dam  
DEC Dam ID#: 180-1740  
Town of Warwick, Orange County

Dear Mr. Devine:

I conducted a routine visual inspection at the above referenced dam on August 15, 2013 as part of the Department of Environmental Conservation's (Department) ongoing Dam Safety program. I am writing to you because it is my understanding that you represent the owner of this structure. The inspection revealed that the dam is generally well maintained, although additional clearing of woody vegetation is needed. A copy of my Visual Observations is enclosed for your information.

This dam is currently considered to be a "Large, Class C - High Hazard" dam. The revised Dam Safety Regulations became effective on August 19, 2009. The owners of Large, Class C - High Hazard dams are required to, amongst other things:

1. Develop and submit to the Department an Emergency Action Plan (EAP) for each structure no later than August 19, 2010, and review and update annually thereafter. *We have received and accepted the EAP, last revised January 2013;*
2. Submit to the Department an Annual Certification of ownership, and that the Inspection and Maintenance (I&M) Plans are current and being implemented and that the EAPs are current, for each structure by January 31<sup>st</sup> of each year. *We have received the Annual Certification for calendar year 2012;*
3. Conduct a full Engineering Assessment every 10 years. *Because the hazard class of this dam was raised on June 26, 2012, 6 NYCRR Part 673.13(e)(4) requires that a completed Engineering Design Report (EDR) or an Engineering Assessment (EA) be submitted within two years, that is no later June 2014. We have received and reviewed the EDR, dated February 2013, and a Notice of Incomplete Application was issued on May 2, 2013. The February 2013 EDR documents that this dam has inadequate spillway capacity, which is a serious deficiency. Please provide an update regarding your plans and schedule for bringing this dam into conformance with all applicable safety criteria.*

The full text of the revised 6 NYCRR Part 608 and Part 673 can be downloaded from:  
<http://www.dec.ny.gov/regulations/regulations.html>

The Department's visual observation of the facilities is not a substitute for a thorough engineering evaluation of the facility by a licensed professional engineer. The Department's inspection observations and notes are not intended for, and should not be relied on for "Risk Management/Assessment" or other financially based determinations. Please note that we do not "certify" dams, or give them a "pass/fail" rating although this data is sometimes requested.

Please keep in mind that any repair or construction activities related to the dam may require permits from Department. Well before beginning work on the dam, please check with the Regional Permit Administrator at the Department's Region 3 – New Paltz office at (845) 256-3054 to see if any permits are required.

If you have any questions regarding the above, or the Dam Safety program in general, please contact me at (518) 402-8145.

Sincerely,



Scott M. Braymer, P.E.  
Environmental Engineer 2  
Dam Safety Section

cc w/ enc: Jennifer Everleth, P.E., CHA, [JEverleth@chacompanies.com](mailto:JEverleth@chacompanies.com)  
Supervisor, Town of Warwick, [townhall@townofwarwick.org](mailto:townhall@townofwarwick.org)  
Director, Orange County Emergency Management  
Berhanu Gonfa, P.E., NYSDEC Region 3, Dam Safety Representative

bcc w/ enc: Project file

bcc w/o enc: Daybook

L:\DOW\Dam Inventory\Region 3\Orange County\180-1740SterlingForestLake\Letter.Dam.180-1740.2013-8-21.SterlingForestLake.docx

# New York State Department of Environmental Conservation

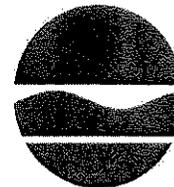
## Division of Water

Bureau of Flood Protection and Dam Safety, 4<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-3504

Phone: (518) 402-8185 • FAX: (518) 402-9029

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

### Visual Observations

*Dam Name:* Sterling Forest Lake Dam      *State ID:* 180-1740  
*Hazard Class:* Class C – High Hazard      *Quad:* B  
*County:* Orange      *Nearest City/Town:* Eagle Valley  
*Owner:* Watchtower Bible and Tract Society of NY, Inc.  
*Inspectors:* SMB      *Date of Inspection:* 8/15/2013

*General:* Water level 4 inches below the left spillway crest, flow through the center notch. Drain operation not observed. Large construction project underway south of the right abutment, apparently associated with the Watchtower World Headquarters. A United Water representative stated that the 12 inch, 150 psi water main along the left abutment and top of dam had been relocated, and that the pipe within the dam had been abandoned in place and filled with grout without disturbing the dam. He also mentioned that United Water has the rights to the “top one foot” of water in the lake.

*Spillway:* The embankment on the left side of the spillway is steep and has poor grass cover. Some of the trees have been cut from the left side of the spillway, but several trees and stumps remain. Brush remains on the right side of the spillway. Minor cracking, spalling and efflorescence on downstream concrete faces. Minor seeps from left and right vertical joints along downstream face. There appeared to be a square orifice on the downstream face under the nappe of flow, purpose unknown. Plunge pool formed by shallow v-notch weir that discharges to a 64 inch diameter RCP road culvert.

*Main Embankment:* Embankment generally well mowed. Boggy/wet area with hydrophilic vegetation along the upper section of the left downstream groin. 2 trees at left upstream groin. Minor scarping along water's edge. 2 piezometers noted on upstream and downstream crests. Several trees along right upstream groin. Tall weeds along upper section of the right downstream groin. Downstream face was steep, about 2H:1V, with scattered mower ruts. Wet/boggy seep to left of low level outlet, about 20 feet up the slope, with orange floc but no flow evident. Shallow pool (4 inches above pipe invert) at low level outlet, no flow apparent. Weir boxes on left and right sides of the low level outlet for left and right toe drains. Weir boxes are open topped, and clear of debris with 90 degree v-notch weirs on the outlets. About one inch of flow above the v-notch on both sides, with orange floc. Flow noises from toe drain manhole midway up the left groin. Monitoring well on left groin down slope from the manhole.

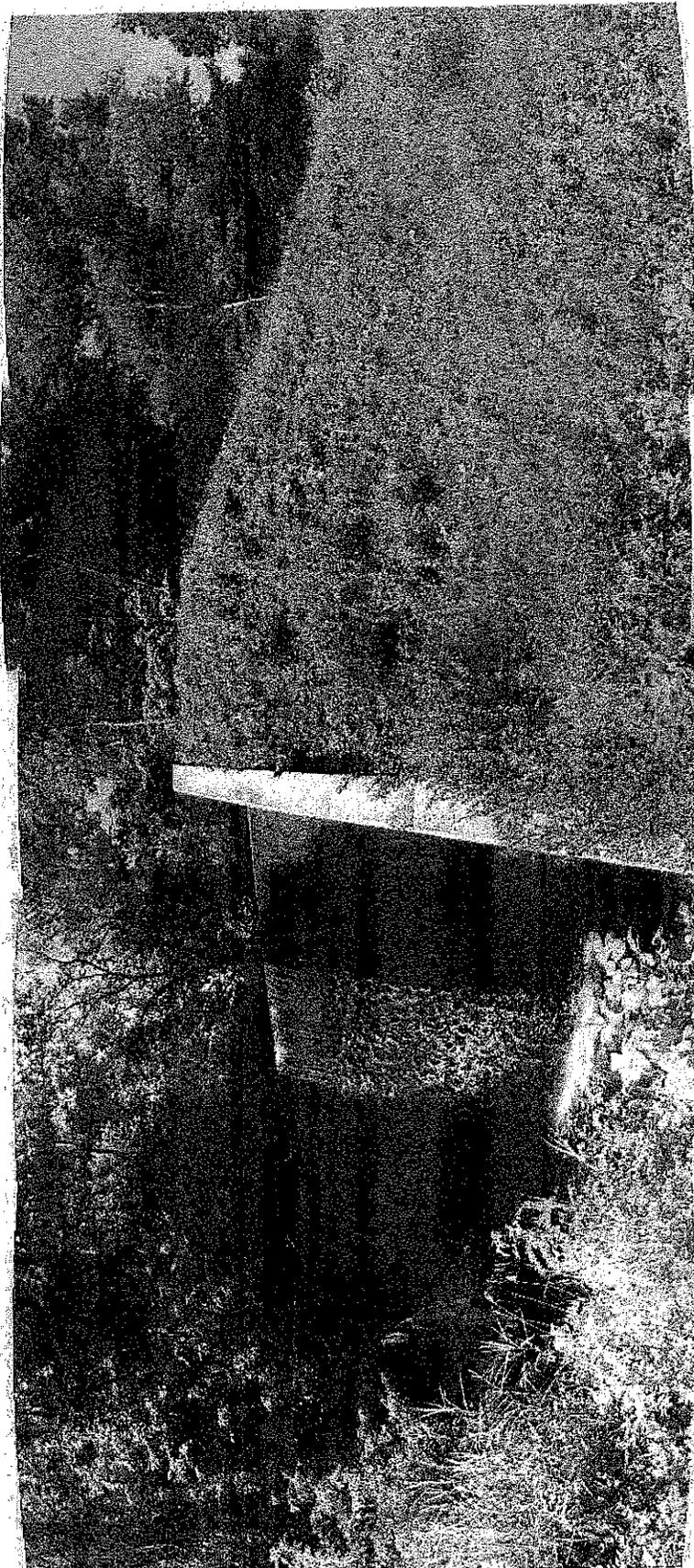


Photo #1 – Composite of spillway.

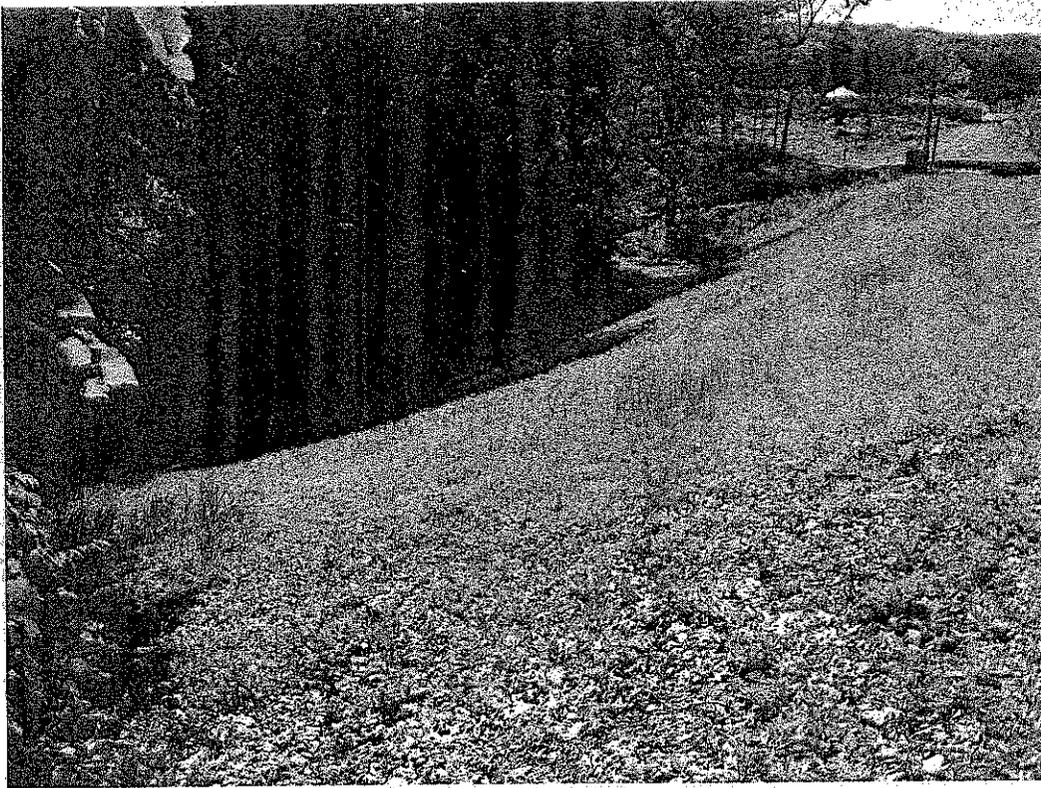


Photo #2 – Downstream face, looking south.



Photo #3 – Low level outlet and right toe drain weir box (left box similar).

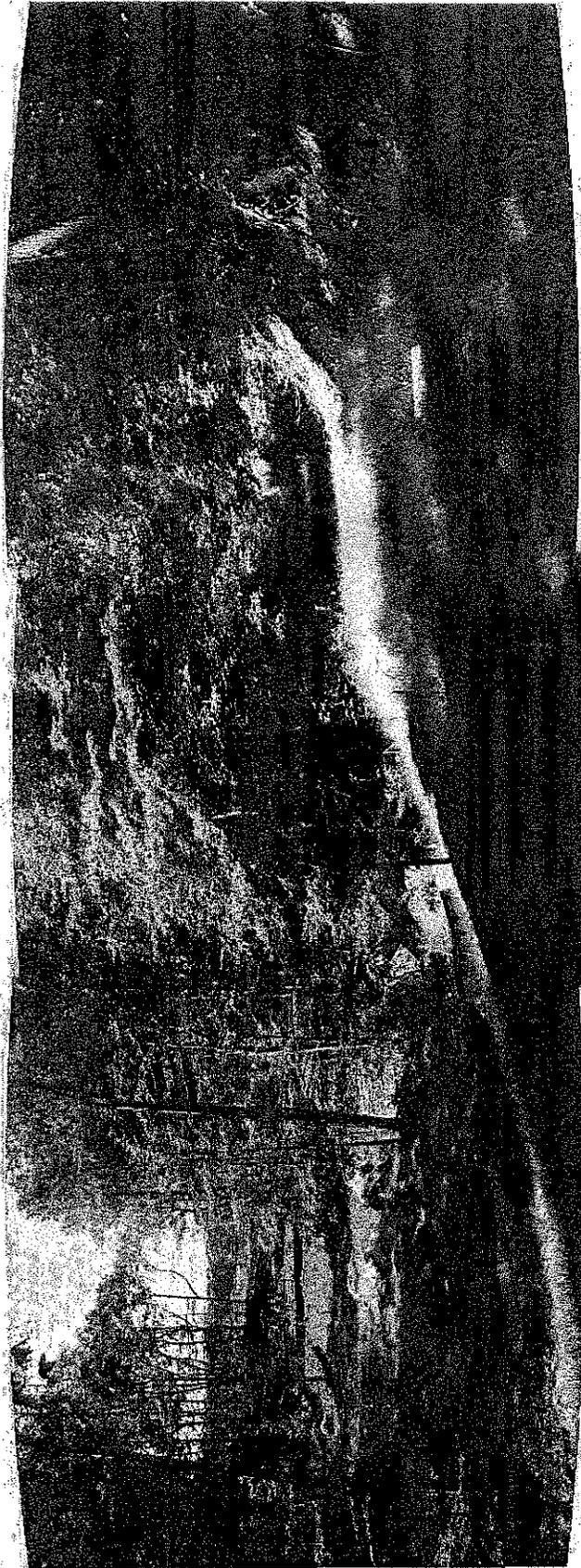


Photo #4 – Composite of new water main route (to left) and abandoned water main to right, looking upstream in the direction of the dam.

# 3RD ANNUAL RJR MEMORIAL CHARITY 5K



<b>DATE:</b>	Saturday October 5 <sup>TH</sup>
<b>LOCATION:</b>	Apple Ridge Orchard 101 Jessup Rd in Warwick, NY 10990
<b>TIME:</b>	Registration starts 8:30am Race starts 10:30am
<b>FEE:</b>	\$25 per racer day of the race Pre-registration available until 9/30/13 <a href="http://beta.active.com/warwick-ny/running/3rd-annual-rjr-memorial-5k-run-walk-2013">http://beta.active.com/warwick-ny/running/3rd-annual-rjr-memorial-5k-run-walk-2013</a> OR By mail: See Entry Form below Pre-registration fee \$20
<b>ORGANIZER:</b>	Katie Rudy RJRmemorialcarshow@hotmail.com

*ALL proceeds benefit the **Richard Jacob Rudy Memorial Fund**, a local non-profit organization donating to local children & families in need!  
See [www.RJRmemorial.org](http://www.RJRmemorial.org) for more info.*

**\*\*Timing by Fast Finishes\*\*Breakfast/Lunch \*\*Awards presented\*\*  
**USATF Certification (Guarantee of Accuracy) Pending –**  
**Course to be measured by Brian Cavanagh****

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## ENTRY FORM

(Please make checks payable to "RJR Memorial Fund" and mail to:  
RJR Memorial Fund, PO Box 403; Pine Island NY 10969)

Name:

Address:

City, State, Zip Code:

Phone:

Sex: M  F

Age on 10/5/13:

Runner  or Walker



In consideration of my participation in the 2013 RJR Memorial Charity 5K, on behalf of myself, consent to hereby discharge the Richard Jacob Rudy Memorial Fund, Apple Ridge Orchard, & the town of Warwick, and other parties associated with this race from any and all liability arising from illness, personal injuries, claims, damages or property loss incurred to me during my participation in the race. I hereby attest that I am physically fit and sufficiently trained for this event. I am of legal age and understand the consent and release. If I am a minor, my parent or legal guardian's signature is required. All officials' decisions are final.

Signature \_\_\_\_\_ Date \_\_\_\_\_

MS  
TB  
John C. Mathew

Prepared By:  
Town Of Warwick  
132 Kings Highway  
Warwick, NY 10990

Permit #:  
Date of Event: 10/15/13  
Hours of Event:  
From: 10 AM  
To: 11 AM

**Special Event Permit**

To: Town Board  
Town of Warwick  
Warwick, NY 10990

Application is hereby made for a Special Event Permit for access to road(s) in the Town of Warwick.

A. Applicant:  
Katie Rudy for the Richard Jacob Rudy Memorial Fund

Telephone #: 845-987-0797

Evening #: same

Emergency #: same

B. Address: 2 Mountainside Rd; warwick, NY 10990  
RJR Memorial Fund; PO Box 403; Pine Island NY 10969

C. Name of Road(s) (Attach map of Route):  
Jessup Road, Apple Ridge Orchard

D. Nature and Purpose of Permit:  
5K fundraiser

If Permit is granted, I hereby agree to conform to all the conditions and restrictions forming a part of this Permit and to conform to all local ordinances, if any, and to conform to the provisions as set forth in the M.U.T.C.D. (Manual of Uniform Traffic Control Devices).

Katie Rudy                      President of                      8/15/13  
Applicant's Signature                      Title                      Date  
RJR Memorial Fund

2 Mountainside Rd; warwick, NY 10990  
Address

I Herewith agree to the "Conditions and Restrictions".

*Kate King*  
Applicant's Signature

8/15/13  
Date

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Date

Permission is hereby granted to applicant.

A Certificate of General Liability (bodily injury/property damage) Insurance must be on file at the Office of the Town Clerk, Town of Warwick.

\_\_\_\_\_  
Town Clerk (Signature)

\_\_\_\_\_  
Date

Approved by Town Board on \_\_\_\_\_  
Date

\*\*\*\*Note\*\*\*\*As per following the Town Board Resolution. If additional police personnel are required for this Special Event, Police Chief will bill you for services provided.

**#R06-69 POLICE CHARGE FOR SPECIAL EVENTS**

Motion Councilwoman Gamache, seconded Councilman Lust to adopt a resolution charging the sponsor of special events in the Town of Warwick for police services provided by the Town of Warwick Police. The amount of the charge is to be determined by the Town of Warwick Police Chief, and is to be equal to the additional personal services (payroll/labor) cost resulting from the police services provided for the special event. Motion Carried (5 ayes)

Following information to be completed by the Police Chief

Number of additional police personnel required at this event: \_\_\_\_\_

Amount of Charge as prepared by Police Chief: \$ \_\_\_\_\_

Date Billed: \_\_\_\_\_

Date Paid: \_\_\_\_\_

*no police needed*

cc: Fire Department, Ambulance Department