

January 24, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, January 24, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:00 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman Floyd DeAngelo  
Councilman Russell Kowal  
Councilman James Gerstner  
Councilman Mickey Shuback

**ACCEPTANCE OF MINUTES:**

**1. Re-Organizational Meeting, 1/2/13**  
Motion Councilman DeAngelo, seconded Councilman Shuback to accept the minutes as written from the Re-Organizational Meeting held on January 2, 2013.  
Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**ROBERT M. KENNEDY – 6 Apple Blossom Lane, Warwick, NY 10990 – Letter to the Town Board requesting to be re-appointed to the Town of Warwick Planning Board.**

**EDWARD A. DIANA, County Executive, SUSAN BAHREN & DAVID GREEN, Commissioners of Elections, Orange County Board of Elections, 25 Court Lane, P.O. Box 30, Goshen, NY 10924 – Letter to the Supervisor and Town Board charging the Town of Warwick for costs associated with the four elections for 2012 totaling \$100,081.70.**

**PAMELA CARROLL – 555 East Shore Road, Hewitt, NJ 07421 – Letter to the Supervisor and Town Board requesting to be re-appointed to the Town of Warwick Zoning Board of Appeals as the Recording Secretary.**

**CARL LAMARCA – 1150 Route 17A, Greenwood Lake, NY 10925 – Letter to the Supervisor and Town Board requesting a bond release in the amount of \$4,600.**

**DAINDE LAPLANTE – 2344 Mountain Road, Otisville, NY 10963 – Letter to the Supervisor and Town Board requesting the position of video technician for the Town Board meetings for a fee of \$75 per meeting.**

**JOSEPH E. STANKAVAGE, P.E. – Principal Engineer, Orange County Department of Public Works, P.O. Box 509, 2455-2459 Route 17M, Goshen, NY 10924-0509 – Letter in reference to the Intersection of County Route #1(Pine Island Turnpike) and Blooms Corners Road in the Town of Warwick. After looking carefully into this matter, we have concluded that a full traffic signal control installation is not warranted for the**

**intersection at this time, but have reviewed the existing signs approaching the intersection and adjusted them to improve visibility.**

**EDWARD S. BUTLER, P.E. – 2 Herbert Hoover Drive, New Windsor, NY 12553 – Letter to the Supervisor and Town Board requesting to be considered as the Town of Warwick Engineer.**

**BOARD’S DISCUSSION ON CORRESPONDENCE**

**Supervisor Sweeton – We received our allocations from the County Executive for the cost of elections in 2012 and the cost for the Town is \$100,000.**

**VISITING ELECTED OFFICIALS**

**REPORTS OF BOARDS AND COMMISSIONS**

- 1. Katie O’Reilly – Warwick Valley Central School District Liaison**

**COMMITTEE REPORTS**

**ENVIRONMENTAL CONSULTANTS REPORT**

**Town Of Warwick - Water and Wastewater Operations Report - December, 2012**

**Wickham Water District**

Wells #11, monthly production	2,161,100 gal
Average daily use	69,700 gal
Sodium Hypochlorite used	180 qt
Orthophosphate used	60 qt
Soda Ash	750 lbs

**Bellvale Park Water District**

Total monthly production	96,800 gal
Average daily use	3,100 gal
Sodium Hypochlorite used	3 qt

**Eurich Heights Water District**

Total monthly production	185,700 gal
Average daily use	6,000 gal
Sodium Hypochlorite used	3 qt
Orthophosphate used	12 qt

**Pine Island Water District**

Total monthly production	226,400 gal
Average daily use	7,300 gal

Sodium Hypochlorite used 40 qt

**Westside #1 Water District**

Total monthly production 2,354,500 gal

Average daily use 69,200 gal

Sodium Hypochlorite used 152 qt

Orthophosphate used 160 qt

Caustic Soda 50 gal

**The Fairgrounds**

Total monthly production 204,193 gal

Average daily use 6,590 gal

Sodium Hypochlorite used 40 qt

**Sewer District #1 Wastewater Treatment Facility**

Mid-Orange Correctional District 0 gal 0%

Wickham Village District 3,196,460 gal 62%

Kings Estates District 1,940,040 gal 38%

**Total District Flow** 5,136,500 gal 100%

**Average Daily Flow** 165,694 gal

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

The belt press ran for 44 hrs. and 1.5 gal of polymer was used.

.7 cu. ft. of grit was removed from the site this month.

**Sewer District #2 Wastewater Treatment Facility – The Fairgrounds**

**Total District Flow** 132,094 gal

**Average Daily Flow** 4,261 gal

**DEPARTMENT OF PUBLIC WORKS**

**WORK BEING**

<b><u>DONE</u></b>	<b><u>LOCATION</u></b>	<b><u>REASON FOR WORK</u></b>
<b>DITCH WORK</b>	<b>Minturn Rd.</b>	<b>Clean ditches</b>
<b>BRUSH PICK UP</b>	<b>Walling Rd.</b>	<b>Clear road sides</b>
<b>POT HOLES</b>	<b>Town wide</b>	<b>As needed</b>
<b>SNOW PLOWING</b>	<b>1/16/2013</b>	<b>Snowstorm</b>
<b>SANDING</b>	<b>1/16/2013</b>	<b>Snowstorm</b>
<b>ROAD SIGNS</b>	<b>Town wide</b>	<b>As needed</b>
<b>MAIL BOXES</b>	<b>Town wide</b>	<b>As needed</b>
<b>HAUL MATERIAL</b>	<b>Haul mix to GWL salt barn</b>	
	<b>Haul road grit from Baldwin's to DPW</b>	

**WATER DEPT. Assist with replacement of motor at pump house - upper Wickham**

**COUNCILMAN DE ANGELO REPORT**

1. T.A.R.A. certificates for the 2013 year are available for \$20 per cat between the hours of 12:00 p.m. and 4:00 p.m. for Warwick and Chester residents with proof of residency such as a tax or utility bill. The certificates are valid for 60 days only from the date of purchase with no exceptions. Appointments must be made by calling T.A.R.A. at 744-7100 and they are offering clinics three times a week now in Middletown, Harriman and Monticello.
2. The Town of Warwick Animal Control Officers will be issuing summonses on delinquent dog license renewals as a reminder, so please check your dog licenses to insure they are up to date with the Town Clerks office in Warwick.
3. They have a new shed in memory of David Little, Michelle Little's father, which was used as a meet and greet facility and a puncture rabies clinic location. The shed will be named "David's Little Den".
4. They are always in need of pine pellets, bleach, simple green, paper towels and cat food pate.
5. On February 2<sup>nd</sup> there's a first annual Greenwood Lake Silent Fliers Indoor Fun fly and Swap Meet. This will be at the Greenwood Lake Middle School and it's a model airplane group and the flier is located on the community channel.

**COUNCILMAN KOWAL REPORT**

1. Our DPW crews when they are not removing the snow from our storms are in the process of repairing a lot of the picnic tables that get wear and tear in our town parks I received that report from Bill.
2. At least in the Pine Island Park I can report thanks to the cold weather the ice skating rink is up and functioning. There's a couple of footprints that looks like someone was out there when it was a little too warm but for the most part it's in good shape so go out and enjoy some skating when you have time.

**COUNCILMAN GERSTNER REPORT**

1. I've been working with Cablevision and I appreciate their help working with us to get ready for the recording of our meetings. They've been a great help working with the equipment we have here and hopefully it will be hooked up within the next month.

**COUNCILMAN SHUBACK REPORT**

1. Nothing has changed since the beginning of the year because the Town Highway boys are keeping pretty busy with snow and overtime they are doing a decent job.

**ATTORNEY'S REPORT – Absent**

**TOWN CLERK'S REPORT**

**SUPERVISOR'S REPORT**

1. FEMA road updates, Cascade Road on the 17A side finally got opened which was great news for the residents. It's not completed there will be paving to be done in the spring, guardrails to be done but the road is open which has to be a blessing for the

people that lived on that end. It was closed for quite a while and ran into some difficulty with the weather but it is open and passable. There's a repair to a temporary culvert on the other end of Cascade that will get done but we've got a plan with the contractor to keep one lane open at all times so we will not limit traffic on Cascade Road when we do that repair. That should start within the next 10 days or so. Black Rock Road is open but not finished so be cautious when you go through the area. There's some signage that needs to be removed I was through there last night and one sign still says the road is closed so I have to get on the contractor tomorrow to get that done. Distillery Road is open; again a guardrail needs to be installed so again just be cautious going through there. We continue to work on the other ones as FEMA allows us to. Ryerson Road is still one where that little section of Ryerson from 94 to Jockey Hollow Road is closed. They've run into some issues with rising water so they've got a plan now to dewater that so they can actually get the pylons in and then that should get assembled fairly quickly because they have a lot of room to work there. We are still pressing our case with FEMA for mitigation on the remaining ones Brady Road culvert, Bowen and Jessup. The process there is FEMA approves a fix but if we can make the case by mitigating it by increasing it we can prevent future flooding they'll pay for that, so that's the process we're in. That's why those repairs are not being done as a permanent repair yet.

2. Community Preservation Fund receipts for December were \$46,154.41 which brings the total for 2012 to \$536,551.88 and the total in the fund to date is \$2,752,775.30.

3. The letter that we received from Orange County we had multiple complaints. We had a resident complain about the dangerous traffic pattern at County Route 1 and Blooms Corners Road where the blinking light is with the number of accidents there. We actually had the under sheriff the Orange County Sheriff Department also make an inquiry of the County DPW as to whether that should not be a permanent red and green light because there have been in their own observation a number of accidents that seemed unusual at the intersection. We did receive a letter from the County after providing them with all the accident data and they replied, "After looking carefully into the matter we've concluded that a full traffic signal at the intersection is not warranted at this time. Therefore we will not install a full traffic signal at the intersection. However, we have reviewed the existing signs approaching the intersection and adjusted them to improve visibility. We also will be repainting the existing stop bars at the intersection this year and finally since speeding traffic appears to be a contributing factor to the concerns identified in your request, we recommend a greater police presence in this area to help control the traffic speed." This is the response we are getting from our County Highway Department. We'll probably pursue it further but I don't know if we'll get any immediate action from them. It seems to be a difficult department to deal with.

4. I did do journal entries this month, I reviewed the bookkeepers entries they were all correct for the Board's information and I did sign off on those.

5. Supervisors Corner is published each week in the Warwick Dispatch, with excerpts printed in the Warwick Advertiser.

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

**Gregg Merksamer – Resident, Town of Warwick, NY 10990 – Can I ask a question about the election billing? Did you get any itemization from them?**

**Supervisor Sweeton – We do get an itemization from them for like the delivery of the machines, picking up the results, storing of the machines. Now you realize when we did it the machines were stored here, there were no storage costs because they were stored where ever the poling places were, there were no delivery costs, they've increased the amount for inspection. We have no control over their cost is our point and in fact it takes longer to get results now then it did when we were doing it and they are working on improving that. In this day and age it seems ridiculous to me but if that's the process that's ok they should pay for it not us.**

**Gregg Merksamer – It's seems silly to charge for machines that are in town.**

**Geoff Howard – Are we new business or an agenda item?**

**Supervisor Sweeton – You're an agenda item.**

**Geoff Howard – Did you want to say something first? I thought you were going to speak about number 8.**

**Supervisor Sweeton – I was going to do that when I introduce the resolution. I don't want to confuse anybody. I'll give you a chance at the end.**

**NEW BUSINESS:**

**#R2013-58 BOND RELEASE – LAMARCA SUBDIVISION – CARL LAMARCA**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the release of a cash Performance Bond plus interest for subdivision SLB# 58-2-13.2 in the amount of \$4,600.00 to Carl LaMarca as per the recommendation of the Planning Board Secretary; letter dated January 22, 2013. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**#R2013-59 RE-APPOINTMENT TO TOWN OF WARWICK PLANNING BOARD  
– ROBERT M. KENNEDY**

**Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to re-appoint Robert M. Kennedy to the Town of Warwick Planning Board for a five year term expiring December 31, 2017. Motion Carried (5 ayes, 0 nays) Supervisor declared this resolution duly adopted.**

**Discussion: Supervisor Sweeton stated that he's currently serving and does a decent job and attends every meeting.**

**#R2013-60 DESIGNATION OF DELEGATE & ALTERNATE DELEGATE –  
ASSOCIATION OF TOWNS CONFERENCE**

Motion Councilman Kowal, seconded Councilman DeAngelo adopt a resolution to designate Michael P. Sweeton, Town of Warwick Supervisor, as the voting delegate to attend the New York State Association of Towns Annual Business Session on February 22, 2013 and to cast the vote of the Town of Warwick, pursuant to §6 of Article III of the Constitution and By-Laws of said Association; and James Gerstner, Town of Warwick Councilman, be designated as the Alternate Voting Delegate to cast the vote of the Town of Warwick in the absence of the voting delegate.

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

**#R2013-61 RE-APPOINTMENT OF ZONING BOARD OF APPEALS  
SECRETARY – PAMELA CARROLL**

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to re-appoint Pamela Carroll as the Zoning Board of Appeals secretary at a rate of pay of \$11.09 per hour.

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

**#R2013-62 RE-APPOINTMENT OF PART TIME POLICE OFFICER – DEREK  
KERSTNER**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to re-appoint Derek Kerstner as a part time Police Officer at a rate of pay of \$20.92 per hour effective February 2, 2013.

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

Discussion: Supervisor Sweeton stated that Derek worked for us last year and we are bringing him back to help us keep the cost of over time down in the police department.

**#R2013-63 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR  
PREPARATION OF PROPOSAL TO NATIONAL RESOURCES  
CONSERVATION SERVICE (NRCS) – AMY OLNEY**

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement with Amy Olney to prepare a proposal to the National Resources Conservation Service (NRCS), Farm and Ranch Lands Protective Service Program in an amount not to exceed \$3,000.00.

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

**#R2013-64 AUTHORIZATION TO SIGN 2013 SENIOR DINING PROGRAM  
AGREEMENT WITH COUNTY OF ORANGE**

**Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign the 2013 Senior Dining Agreement with the Orange County Office for the Aging.**

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

**#R2013-65 SCHEDULE PUBLIC HEARING – CONSIDERATION OF LOCAL LAWS  
ENTITLED “LOCAL LAW TO PROHIBIT BRINE ON TOWN ROADS”  
AND “LOCAL LAW TO PROHIBIT HEAVY INDUSTRY”**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing for consideration of local laws entitled “Local Law to Prohibit Brine on Town Roads” and “Local Law to Prohibit Heavy Industry”. Said hearing to be held at 6:00 p.m. on February 11, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick.**

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

**Discussion: Supervisor Sweeton stated for the public information as you know I'm sure you've been all aware we've been considering this issue since sometime in the fall. We had a public forum here at Town Hall where both sides of the issue were discussed. We subsequently had submissions of additional information from the public concerned about the issue of what's known as Fracking being done in the Town of Warwick potentially. The Town Board has been digesting all of that information and wanted to do some of its own research which we have done. We engaged our Town Planner Ted Fink of Green Plan to give us some options and give us a status of where we are with the whole issue in New York State. He has done that and he has delivered to us a fairly thorough analysis of the issue in terms of our zoning code and how it relates to our comprehensive plan. In subsequent discussions with him in weighing all of those things I asked him to prepare two local laws that we can present to the public for a discussion of the issue and a consideration of adoption of those local laws. So you understand the process is in order for us to have a public hearing... Tape Malfunction. We will take public comment and then vote to either adopt or reject the proposed local laws.**

**#R2013-66 SETTLING OF TAX CERTIORARI CLAIM**

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

**WHEREAS, Warwick Valley Tel Co., has commenced a tax certiorari proceedings against the Town of Warwick in the Supreme Court, State of New York, County of Orange, Index Nos. 7180/08, 8278/09,7856/10, 6466/11, 6398/12, 6399/12, 6400/12, 6401/12 and 6403/12 for the 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13 tax year; and**

**WHEREAS, it appears from the recommendation of the Town Assessor, the Town's appraiser, and John H. Thomas, Jr., Esq., of Jacobowitz and Gubits, counsel for the Town of Warwick in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and**

**WHEREAS, Warwick Valley Tel Co. is willing to settle these proceedings without interest, costs or disbursement, in the following manner;**

**(1) That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced from \$58,100 to a total assessment of \$40,000 for tax map no.14-6-5;**

**(2) That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced from \$563,300 to a total assessment of \$321,200 for tax map no.207-5-26;**

**(3) That the balance of the tax map parcels set forth in the 2008 petition shall have no change in those assessments and the assessments are confirmed as set forth on the 2008 assessment roll;**

**(4) That the tax map parcels set forth in the 2009 petition shall have no change in those assessments and said assessments are confirmed as set forth on the 2009 assessment roll;**

**(5) That the tax map parcels set forth in the 2010 petition shall have no change in those assessments and said assessments are confirmed as set forth on the 2010 assessment roll;**

**(6) That the tax map parcels set forth in the 2011 petition shall have no change in those assessments and said assessments are confirmed as set forth on the 2011 assessment roll;**

**(7) That the proceeding for the 2012-13 tax year be compromised and settled by the assessment being reduced from \$300,000 to a total assessment of \$284,600 for tax map no.207-5-26;**

**(8) That the proceeding for the 2012-13 tax year be compromised and settled by the assessment being reduced from \$60,000 to a total assessment of \$49,900 for tax map no. 207-4-10;**

**(9) That the balance of the tax map parcels set forth in the 2012 petition shall have no change in the assessments and those assessments are confirmed as set forth on the 2012 assessment roll;**

**(10) That for the 2013 assessment roll, tax map parcels 207-4-10 and 207-4-11 (22 Forester Ave.) shall be combined into one tax map parcel with a total assessment of \$63,000 and the parties shall sign all the necessary documents required to accomplish same;**

**(11) That for the 2013 assessment roll, tax map parcels 211-5-3 and 211-5-4 (39 High Street) shall be combined into one tax map parcel with a total assessment of \$59,000 and the parties shall sign all of the necessary documents required to accomplish same;**

**(12) That for the 2013 assessment roll, tax map parcels 107-2-27 and 107-2-28 (South Main Street) shall be combined into one tax map parcel with a total assessment of \$27,000 and the parties shall sign all of the necessary documents required to accomplish same;**

**(13) That for the 2013 tax assessment roll, tax map parcel 207-5-26 (47 Main Street) shall be assessed at \$283,500;**

**(14) That for the 2013 assessment roll, tax map parcel 14-6-5 (Treasure Lane) shall be assessed at \$37,200;**

**(15) That for the 2013 assessment roll, tax map parcel 999-1-311 shall be assessed at \$31,400;**

**(16) That for the 2013 assessment roll, tax map parcel 999-1-357 shall be assessed at \$40,700;**

**(17) That for the 2013 assessment roll, tax map parcel 999-1-358 shall be assessed at \$133,600;**

**(18) That for the 2013 assessment roll, tax map parcel 999-1-434 shall be assessed at \$9,200;**

**(19) That for the 2013 assessment roll, tax map parcel 999-1-442 shall be assessed at \$14,800;**

**(20) That for the 2013 assessment roll, tax map parcel 999-1-465 shall be assessed at \$44,800;**

**(21) That petitioner(s) real property taxes for the 2008-09 and for the 2012-13 School taxes and the 2009 and for the 2013 County and Town tax bills be adjusted accordingly and that petitioner(s) be reimbursed for any overpayment without interest, if paid within sixty (60) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be;**

**NOW, BE IT THEREFORE RESOLVED**, that the proposed settlement as set forth and described above is hereby accepted pursuant to §68 of the Town Law, and it is further;

**RESOLVED**, that Deborah Eurich, Assessor of the Town of Warwick and John H. Thomas, Jr., Esq. on behalf of Jacobowitz and Gubits, LLP be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law.

**Roll Call Vote:**

Supervisor Sweeton Aye

Councilman Gerstner Aye

Councilman Kowal Aye

Councilman Shuback Aye

Councilman DeAngelo Aye

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

**#R2013-67 ACCEPT FOR DEDICATION – STRIPS ON COVERED BRIDGE AND DEKAY ROADS**

**Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept for dedication a strip of land located on Covered Bridge Road and a strip located on Dekay Road from MJJ Builders subject to Town Attorney review and acceptance of Title reports for the subject properties. Copies of the deed descriptions are attached as Schedule A.**

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

**#R2013-68 AUTHORIZATION TO SIGN MUNICIPAL AGREEMENT WITH THE ORANGE COUNTY OFFICE OF COMMUNITY DEVELOPMENT – 2013 HUD GRANT AWARDS**

**Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution to authorize the Supervisor to sign the Municipal Agreement with the Orange County Office of Community Development for the 2013 HUD grant awards.**

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

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

**PRIVILEGE OF THE FLOOR (GENERAL)**

**Geoff Howard – Chairman, Sustainable Warwick – We want to do two things tonight, we want to hand off a petition that has been circulating and we want to officially hand that off to you so you have it. More than 1,000 Warwick residents have signed it and also there are two important letters, one from 24 Warwick Realtors and one from 37 business owners. The other thing we want to do is offer something that we think is valuable. We are greatly encouraged by what we have heard tonight by your intent to protect the Town by listing fracking as one of the potential heavy industries in Warwick, but remember what Conservation Board**

**Chairman Dan Duffy said the language you use, the way you do it it's important that it be bulletproof because we do know one thing that this industry will shoot and the language gets to be very critical. When we see the legislation on Wednesday we are offering to work with you. We have already pulled a great deal of information from the town's that have already successfully implemented these paths. We have linkages to the acknowledged experts in the field who are willing to work pro-bono to tighten up that language and to make it as bullet proof as possible. The 1,000 names on the petition and the 61 realtors and business owners who signed those letters are expecting you not only to do the right thing and it sounds like that is what you are doing, but to do the right thing right. We can help, we want to help and we urge you to take us up on our offer to share what we have learned and the resources we have available. As one of the business owners who signed that letter said failure is not an option here thank you.**

**Supervisor Sweeton – Thank you.**

**Kevin Cote - Town of Warwick, NY 10990 – If I have gas under my land and I have the opportunity to benefit financially from that gas under my land. I have not seen and I really would like to see the absolute proof that fracking has caused groundwater contamination I don't see it, I haven't seen it. This is a real emotional issue and I'm sort of a libertarian more a conservative and I was elected to a committee in Pine Island and started a lawsuit with Board of Elections about this. Let me tell you something I don't want anybody telling me what the hell I can do with my land. How would you like it if I came onto your land and told you what do?**

**Supervisor Sweeton – Sir, hold a second and address the Board.**

**Kevin Cote - I am addressing the Board but I'm also addressing all of these people too.**

**Supervisor Sweeton – But the point of this discussion should be at the public hearing so you have it on the record.**

**Kevin Cote – Shut up, I don't want to hear you. When I have the floor keep your mouth quiet or we'll take it outside.**

**Resident – Are you talking to me?**

**Kevin Cote – Yeah I'm talking to you.**

**Supervisor Sweeton – Listen, stop you're out of order just address the Board.**

**Kevin Cote – You already have two laws written and it sounds to me like you're going to steamroll this thing right over.**

**Supervisor Sweeton – They are two proposed laws that will be the subject of a public hearing on February 11<sup>th</sup>.**

**Kevin Cote – Do you also have proposed laws to guarantee people are going to have the right to use their land in the way that they see fit?**

**Supervisor Sweeton – We all have rights.**

**Kevin Cote – Those two laws counteract them.**

**Councilman Shuback – Mike, let him come to the hearing this isn't the place.**

**Supervisor Sweeton – The point is to come to the hearing and express your opinion.**

**Kevin Cote – Is this the hearing?**

**Supervisor Sweeton – No it is not the hearing.**

**Kevin Cote – I just want to know because I am absolutely opposed to these laws.**

**Supervisor Sweeton – Ok, but you need to do that at the hearing that's what I'm asking.**

**Kevin Cote – I don't want people to tell me what I can do on my own land.**

**Supervisor Sweeton – Ok.**

**Kevin Cote – I don't do it to you so don't do it to me.**

**Supervisor Sweeton – Ok, thank you for your comments.**

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 7:40 p.m.  
01-24-13**

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**Carolyn Purta, Deputy Town Clerk**