

September 12, 2013

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, September 12, 2013 at the Town Hall, 132 Kings Highway, Town of Warwick. Deputy Supervisor Gerstner called the meeting to order at 7:30 p.m.

ATTENDANCE: Supervisor Michael Sweeton – Absent
Deputy Supervisor James Gerstner
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Mickey Shuback

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

ACCEPTANCE OF MINUTES

1. Regular Meeting, August 15, 2013
2. Special Meeting, August 20, 2013
3. Special Meeting, August 29, 2013

Motion Councilman DeAngelo, seconded Councilman Kowal to accept the minutes as written from the Regular Meeting held on August 15, 2013, the Special Meeting held on August 20, 2013 and the Special Meeting held on August 29, 2013.

Motion Carried (4 ayes, 0 nays & 1 absent Supervisor Sweeton absent)

CORRESPONDENCE:

THOMAS F. MCGOVERN JR. – Chief of Police, Town of Warwick – Memo to the Town Board requesting that they acknowledge and accept the donation from Angela M. Riden of three firearms to the Town of Warwick Police Department.

THOMAS F. MCGOVERN JR. – Chief of Police, Town of Warwick – Memo to the Town Board requesting that the Bookkeeper file the proper paperwork to promote Police Officer Derek Kerstner as a permanent position after successfully completing his probationary period.

THOMAS F. MCGOVERN JR. – Chief of Police, Town of Warwick – Memo to the Town Board requesting permission to have the Town Clerk post for sale a 2005 BMW F650GS motorcycle on GovDeals.

CATHERINE S. WHITE – 26 Main Street, Warwick, NY 10990 - Letter to the Town Clerk requesting to be reappointed to the Town of Warwick Assessment Board of Review.

DEBORAH EURICH – Assessor, Town of Warwick – Letter to the Town Board requesting approval to attend the New York State Assessors' Association Fall

Training Session on “Assessment Administration” in Lake Placid, October 1st until the 4th 2013.

CONNIE SARDO – Secretary, Town of Warwick Planning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$1,718.35 to Kristin and Lee Ann Matthews.

LAURA A. BARCA, P.E. – Project Manager, HDR, Eastgate Corporate Park, 7 Coates Drive, Suite 2, Goshen, NY 10924 – Letter to the Supervisor Letter requesting the release of a cash bond in the amount of \$12,480 to Donald Fisk.

FRANK T. SIMEONE, ESQ. – 46 Washington Avenue, P.O. Box 177, Suffern, NY 10901 – Letter to the Supervisor thanking him for meeting with him and representatives from the Pine Island Fire District regarding the proposed cell tower installation on the premises of the Pine Island Fire District. 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. The Board of Fire Commissioners asks whether consideration could be given to a waiver of fees and engineering expenses which may otherwise be applicable.

HON. CHARLES E. SCHUMER – United States Senator, Washington, DC 20510 – Letter to the Town Clerk thanking her for her letter of support opposing the Assault Weapons Ban.

SCOTT M. BRAYMER, P.E. – Environmental Engineer 2, Dam Safety Section, New York State Department of Environmental Conservation, Division of Water, Bureau of Flood Protection and Dam Safety, 4th Floor, 625 Broadway, Albany, NY 12233-3504 – Letter sent to Watchtower Bible and Tract Society of New York, Inc., 25 Columbia Heights, Brooklyn, NY 11201, Attention Richard Devine, Facility Manager regarding Sterling Forest Lake Dam, DEC Dam ID#: 180-1740, Town of Warwick, Orange County. I conducted a routine visual inspection at the above referenced dam on August 15, 2013 as part of the Department of Environmental Conservations’ 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. If you have any questions regarding the above, or the Dam Safety program in general, please contact me at 845-402-8145.

CLIFF ROBINSON – Wood Warmth, LLC, 119 Mandy’s Rd., Westtown, NY 10998 – Letter and report submitted to the Town Board requesting to be added to the 9/12/13 Town Board agenda. He would like to address the Board regarding the code related to wood furnaces (Chapter 104).

PETER D. BARLET & NANCY BRENNER DEANGELO – Town Justices, Town of Warwick – Letter to the Supervisor requesting approval for Lois Murtie to

attend the NYS Association of Court Clerks Annual Conference to be held on October 6th to October 9, 2013 in Albany, NY. Funds have been allocated for this training in the current budget.

RESIDENTS OF JESSUP ROAD – A petition containing twenty seven signatures presented to the Supervisor requesting that the speed limit on Jessup Rd. (between Pine Island Turnpike and Sargent Rd.) be lowered from 40 mph to 30 mph.

WAYNE STEVENS – Building Inspector, Town of Warwick – Memo to the Town Board regarding Mr. Robinson’s claim that our code on outside wood boilers is wrong.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

Town Of Warwick - Water and Wastewater Operations Report - July, 2013

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	2,564,700 gal
Average daily use	82,700 gal
Sodium Hypochlorite used	195 qt
Orthophosphate used	191 qt
Caustic Soda	90 gal

Bellvale Park Water District

Total monthly production	114,800 gal
Average daily use	3,700 gal
Sodium Hypochlorite used	1 qt

Eurich Heights Water District

Total monthly production	236,900 gal
Average daily use	7,600 gal
Sodium Hypochlorite used	9 qt
Orthophosphate used	36 qt

Pine Island Water District

Total monthly production	292,800 gal
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Average daily use	9,400 gal
Sodium Hypochlorite used	60 qt

Westside #1 Water District

Total monthly production	3,510,900 gal
Average daily use	113,300 gal
Sodium Hypochlorite used	240 qt
Orthophosphate used	180 qt
Caustic Soda	50 gal

The Fairgrounds

Total monthly production	525,100 gal
Average daily use	16,900 gal
Sodium Hypochlorite used	60 qt

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	0 gal	0%
Wickham Village District	2,793,803 gal	60%
Kings Estates District	1,883,037 gal	40%
<u>Total District Flow</u>	4,676,840 gal	100%
<u>Average Daily Flow</u>	150,866 gal	

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

The belt press ran for 45 hrs. and 2.5 gal of polymer was used.

20 cu. Yd. of sludge and 5.5 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	146,516 gal
<u>Average Daily Flow</u>	4,726 gal

Town Of Warwick - Water and Wastewater Operations Report - August, 2013

Wickham Water District

Wells #1, #5 #6, #8, #10 monthly production	2,363,500 gal
Average daily use	76,200 gal
Sodium Hypochlorite used	160 qt
Orthophosphate used	36 qt
Caustic Soda	100 gal

Bellvale Park Water District

Total monthly production	99,500 gal
Average daily use	3,200 gal
Sodium Hypochlorite used	4 qt

Eurich Heights Water District

Total monthly production	188,400 gal
Average daily use	6,100 gal
Sodium Hypochlorite used	4 qt
Orthophosphate used	24 qt

Pine Island Water District

Total monthly production	250,700 gal
Average daily use	8,100 gal
Sodium Hypochlorite used	0 qt

Westside #1 Water District

Total monthly production	3,108,300 gal
Average daily use	100,300 gal
Sodium Hypochlorite used	200 qt
Orthophosphate used	180 qt
Caustic Soda	72 gal

The Fairgrounds

Total monthly production	558,400 gal
Average daily use	18,000 gal
Sodium Hypochlorite used	20 qt

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	0 gal	0%
Wickham Village District	2,103,540 gal	54%
Kings Estates District	1,770,230 gal	46%
<u>Total District Flow</u>	3,873,770 gal	100%

Average Daily Flow 124,960 gal

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

The belt press ran for 30 hrs. and 1.5 gal of polymer was used.

20 cu. Yd. of sludge and .5 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	152,112 gal
<u>Average Daily Flow</u>	4,907 gal

DEPARTMENT OF PUBLIC WORKS

WORK BEING

DONE

LOCATION

REASON FOR WORK

CATCH BASINS	Chester Hill Rd. Wesley Hill Ln.	Repair basins Repair basins
DITCH WORK	Blooms Corners Rd.	Clean ditches
MOWING	Town Wide	
POT HOLES	Town Wide	As needed
ROAD SIGNS	Town Wide	As needed
WATER DEPT.	Rt. # 210 in GWL Shepard Rd.	Repair main Repair main

COUNCILMAN DE ANGELO REPORT

1. For the month of August 2013 the Post Report is as follows: Greenwood Lake had 202 calls, the Town outside the Village had 724 calls, Pine Island had 332 calls and the Village of Warwick had 666 calls for a total of 1,924 calls for the month of August 2013.

2. The Warwick Valley Humane Society welcomes Houndstooth which is a non-anesthetic veterinary pet dental service on Saturday, October 12, 2013 and it's a safe, affordable, thorough dental scaling of above and below the gum line and polishing for dogs, cats and ferrets. The pets remain alert and comfortable avoiding the risks of anesthesia. The fee is \$200 cash or money order, preregistration is required and make your pets' appointment today by calling 986-2473.

3. On Saturday, October 12, 2013 at the Warwick Valley Middle School the Warwick Valley Humane Society is having the 5K for Paws Walk and Run. There is a preregistration by September 27th, 8:00 a.m. to 9:00 a.m. same day registration, \$30 for runners and \$10 for walkers and \$5 for a walking child under 12 years and dogs are free. There are applications available at wvhumane.org and all proceeds benefit our homeless pets or you can call 986-2473.

COUNCILMAN KOWAL REPORT

1. The beach and some of the parks are starting to wind down as the summer is coming to a close and the athletic fields are starting to get more use by the soccer clubs. The parks are all in good shape thanks to our DPW people.

2. Just a reminder that the farm areas of our town the harvest season is in full session and there is a lot of extra traffic and slow moving tractors on the roadways. I just want to remind people that even though there is a very slow moving vehicle in front of you it's still illegal to pass them on a double yellow line. You need to have a little patience since they are out there growing your food so think about that when you're

stuck behind a hay wagon or an onion truck; just give them a little bit more slack this time of year. We are trying to get the harvest in as quick as we can and we will be out of your way as soon as we possibly can.

COUNCILMAN GERSTNER REPORT

COUNCILMAN SHUBACK REPORT

1. I have nothing further to add to the DPW report.

ATTORNEY'S REPORT – Absent

TOWN CLERK'S REPORT

1. **Fees Collected – Month of August** – Wickham Lake Permit Fees, Residents, \$120.00; Wickham Lake Permit Fees, Non-Resident, \$90.00; Wickham Lake Additional Keys, \$20.00; Wickham Lake Additional Stickers, \$4.00; Wickham Lake Resident Renewals, \$30.00; Copies of Maps, \$30.00; Certified Marriages, \$140.00; Photocopies, \$42.25; Returned Check Fee, \$20.00; Blasting Permits, \$15.00; Interest in Checking Account for Month of July, \$1.28; Dog Impoundment Fees, \$770.00; Town Park Pavilion Fees, \$300.00; Marriage License Fees, \$350.00; Bid Specs Fees, \$600.00; Conservation Licenses, \$499.29; Dog Licenses Issued/Renewed, \$2,126.00; Use of Room Fees, \$20.00; Registrar Fees, \$290.00; Waterfront Park Daily Non-Resident Fees, \$1,930.00; Waterfront Park Daily Resident Fees, \$3,252.00; Waterfront Park Resident Child Season Fees, \$25.00; Town Park Deposits, \$400.00; Waterfront Park Group Deposit, \$150.00. **Total Fees Collected: \$26,512.53**
2. **Fees Paid – Month of August** – New York State Dept. of Health for Marriage Licenses, \$450.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$260.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$13,217.71; Village of Florida for Registrar Fees, \$20.00; Village of Greenwood Lake for Registrar Fees, \$40.00; Village of Warwick for Registrar Fees, \$1,300.00. **Total Fees Paid to Supervisor: \$11,224.82**
3. Two landscaping companies replied to the ad placed in the Warwick Dispatch for mowing and yard clean-up services on foreclosed properties under Chapter 6 of the Town Code. Proposals were received from:

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

Proposal: Clean-up \$150/hr. (4 hour minimum) -
Landfill fees will depend on weight &
\$100 trucking fee will apply per load –
Heavy equipment fees apply also if needed

RS Landscaping LLC
273 Little York Rd.
Warwick, NY 10990
Proposal: \$90/hr.

DEPUTY SUPERVISOR'S REPORT

1. I have a few letters here from Cablevision, please let this letter inform you that effective August 28th in all New York systems MSG Varsity will launch a new multi platform interactive strategy that will connect you to live local news and high school sports content. Also offering approved functionality in a better overall experience on the screen of their choice. TV, web or mobile MSG Varsity will provide fans with functionality of high school sports that they receive on each platform. For further information you can go to www.optimum.com. Also the rebranding and relocation of the Esquire Network let this letter serve notice that Cablevision had been informed by the Style channel that effective September 23, 2013 it will be rebranded and re-launched as the Esquire Network. In addition, the Esquire Network will be relocated from channel 176 to channel 64 from October 22nd to October 24th, 2013 and for further information you can go to www.optimum.com. Also from Cablevision let this letter serve notice of the elimination of channel G4 from MBC Universal that effective October 10th it will cease to transmit G4 programming which airs on IOTV 175 and 76 and will no longer be available on Cablevision systems. For further information you can go to www.optimum.com.

2. I have some numbers on our beach this year; our daily non-residents passes were \$10,130.00 for 1,030 people, our daily resident passes were \$14,136.00 for 3,534 people, our non-resident senior passes were \$120.00 for 2 people, our resident adult senior passes were \$1,050 for 21 people, our resident child season were \$625.00 for 25 kids, our resident family season passes were \$8,690.00 for 79 families, our resident senior season passes were \$1,200.00 for 48 seniors, our commercial passes were \$240.00 for 4 of them for a total of \$36,191.00. Hopefully by our next meeting I will have a list of our total expenses so I can give a total cost of our beach for this year.

3. This morning I had the opportunity to participate in the Our Greater Valley Warwick Optimum Health Initiative to Walk, Run or Crawl every Tuesday and Thursday. The initial walk was this morning we met at the Warwick Valley Community Center at the old Doc Fry building at 11 Hamilton Avenue at 9:30 a.m. They have walks of 1, 2 or 4 miles, registration is 8:30 a.m. until 9:15 a.m. and they start at 9:30 a.m. I had a great little walk this morning, it was warm, but I made it.

4. Yesterday Councilman DeAngelo, Supervisor Sweeton and I attended the memorial services for 9/11 at Memorial Park in the Village of Warwick, at the Greenwood Lake Senior Center at 11:00 a.m. and then last night at 7:00 p.m. at the Greenwood Lake Fire House. I want to thank all the residents who came out to remember that day and we have to make sure that we keep it going. Also remember all the victims and also the ones who have passed since that horrible day in 2001.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

NEW BUSINESS:

**#R2013-195 AUTHORIZATION OF ESCROW REFUND – KRISTEN & LEE
ANN MATTHEWS**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize a refund in the amount of \$1,718.35, the balance of the escrow for Planning Board applicants Kristine & Lee Ann Matthews as per the recommendation of the Planning Board Secretary; letter dated August 22, 2013. Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-198 APPROVE SPECIAL EVENT – ANNUAL RJR MEMORIAL
CHARITY 5K**

Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution authorizing the use of the roads in the Town of Warwick for the 3rd Annual RJR Memorial Charity 5K Race to be held on Saturday, October 5, 2013 pending approval by the Chief of Police. Application and Certificate of Insurance are on file in the Clerk's office.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-199 BOND RELEASE – ROAD REPAIR BOND – DONALD FISK

Motion Councilman Shuback, seconded Councilman DeAngelo to adopt a resolution to authorize the release of the remaining amount of a cash Road Repair Bond, in the amount of \$12,480.00 to Donald Fisk, 156 State Street, Bloomfield, NJ 07003 for the satisfactory construction of the home at 61 Shore Ave. without causing damage to Shore Avenue as per the recommendation of the Town Engineer; letter dated September 3, 2013.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-200 SOLICIT BIDS – COLLECTION OF RECYCLABLES – SINGLE
STREAM**

Motion Councilman DeAngelo, seconded Councilman Shuback to adopt a resolution to solicit bids for the collection of recyclables (single stream) in the Town and Village of Warwick. Said bids to be opened October 8, 2013 at 2:00 p.m. at the Town Hall, 132 Kings Highway, Town of Warwick.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-201 AUTHORIZATION TO SELL USED POLICE VEHICLE ONLINE
GOVDEALS**

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize the sale of a police motorcycle to be sold in “as is” condition.

- **2005 BMW – F650GS Police Motorcycle, VIN# WB10182A23ZE, excellent condition, \$5000.00 minimum bid**

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-202 PERMANENT POSITION OF POLICE OFFICER – DEREK KERSTNER

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution that Derek Kerstner receive a permanent appointment as Police Officer effective immediately and that the Bookkeeper will file the necessary paperwork with the County of Orange.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-203 APPROVAL TO ATTEND NEW YORK STATE ASSESSOR’S ASSOCIATION FALL TRAINING – DEBORAH EURICH

Motion Councilman Shuback, seconded Councilman Kowal to adopt a resolution to authorize Deborah Eurich to attend the NYS Assessor’s Association Fall Training Session to be held in Lake Placid on October 1 through October 4, 2013. Monies have been allocated for this training in the current budget.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-204 ACCEPT DONATION TO POLICE DEPARTMENT – ANGELA M. RISDEN

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to accept the generous donation of three firearms and AR-15 parts from George Risdén’s estate to the Police Department by Angela M. Risdén.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-205 REAPPOINTMENT TO TOWN OF WARWICK ASSESSMENT BOARD OF REVIEW – CATHERINE WHITE

Motion Councilman Shuback, seconded Councilman Kowal to adopt a resolution to reappoint Catherine White as a member of the Town of Warwick Assessment Board of Review for a five year term expiring September 30, 2018.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-206 ESTABLISH INTENT TO BE LEAD AGENCY – WICKHAM
WATER DISTRICT EXPANSION**

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

WHEREAS, the Town Board of the Town of Warwick has proposed expansion of the Wickham Water District to include the site of the former Mid-Orange Correctional Facility, which consists of five parcels of land totaling approximately 726 acres and located at State School Road, Town of Warwick, Orange County, New York; and

WHEREAS, a Short Environmental Assessment Form (EAF) dated September 10, 2013 has been prepared to describe the proposed action and the potential environmental effects of the expansion action; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted action; and

WHEREAS, after examining the EAF, the Town Board has determined that there are other involved and/or federal agencies on this matter including the New York State Department of Environmental Conservation and the Orange County Department of Health.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares its intent to be Lead Agency for the review of this action; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

BE IT FURTHER RESOLVED, that unless an objection to the Town Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Town Board will become lead agency for the review of this action.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-207 SCHEDULE PUBLIC HEARING – EXPANSION OF WICKHAM
WATER DISTRICT**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to schedule a public hearing on the expansion of the Wickham Water District. Said public hearing to be held on Thursday, September 26, 2013, at 7:30 p.m., or as soon as the matter may be heard at the Town Hall, 132 Kings Highway, Town of Warwick.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

**#R2013-208 ACCEPT BID PROPOSAL FOR LANDSCAPING SERVICES – RS
LANDSCAPING LLC**

Motion Councilman Shuback, seconded Councilman Kowal to adopt a resolution to accept the bid proposal for mowing and yard clean-up services as needed on foreclosed properties from RS Landscaping LLC, 273 Little York Rd., Warwick, NY 10990 at a cost not to exceed \$90.00 per hour.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-209 APPROVAL TO ATTEND NEW YORK STATE ASSOCIATION OF COURT CLERKS ANNUAL CONFERENCE – LOIS MURTIE

Motion Councilman DeAngelo, seconded Councilman Kowal to adopt a resolution to authorize Lois Murtie to attend the New York State Association of Court Clerks Annual Conference to be held on October 6th to October 9, 2013 in Albany, NY. Funds for this training are allocated in the current budget.

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

#R2013-210 SPEED LIMIT REDUCTION – JESSUP ROAD

Motion Deputy Supervisor Gerstner, seconded Councilman DeAngelo to adopt a resolution to file the necessary TE9 forms with the County of Orange to request the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed of 30 mph at which vehicles may proceed on Jessup Rd. between Pine Island Turnpike and Sargent Rd..

Motion Carried (4 ayes, 0 nays, 1 absent-Supervisor Sweeton absent) Deputy Supervisor declared this resolution duly adopted.

BILLS: Motion Councilman DeAngelo, seconded Councilman Kowal to pay the bills as audited. Motion Carried (4 ayes, 0 nays & 1 absent Supervisor Sweeton absent)

PRIVILEGE OF THE FLOOR (GENERAL)

CLIFF ROBINSON – Wood Warmth LLC, 119 Mandy’s Road, Westtown, NY 10998 – I am here to discuss the current codes regarding outdoor wood boilers. Mr. Stevens sent a memo to the Town Board regarding Mr. Robinson’s claim that our code on outside wood boilers is wrong. It’s really not; I’m claiming the code is outdated and unnecessary. The package I gave you I don’t know if you had a chance to read them because there was a lot in there.

Deputy Supervisor Gerstner – Yes the Board picked them up and we just got them.

Cliff Robinson – It basically starts in 2006 a group called NESCAUM was commissioned to do a test to compare the emissions of an outdoor wood boiler to a woodstove. They did the test cascading outdoor boilers saying they should be severely restricted or even outlawed. The problem was the test was not done correctly and what you have is two separate boilers rebuttal to the test. Unfortunately that test was picked up by the news wire services and became a part of New York States official website and almost every town in the northeast adopted very, very strict codes based on that test including the Town of Warwick and that’s when your first codes were adopted in 2006. Later that year the test was redone appropriately and what was

determined is they burn just as clean as a certified woodstove. Those initial recommendations should have never been in there in the first place but they are there. We fast forwarded to 2010 for the intervening five years the industry and the New York DEC follow what we call the best burn practices which are recommendations to make sure if you still are producing smoke it would drift over the neighbor's house or it wouldn't even reach the neighbors house. That included tall chimneys, spark arrestors, setbacks and minimum acreage. The DEC did not recommend minimum acreage but the Town of Warwick did based on that NESCAUM report which again was wrong. Interestingly fireplaces, campfires, burn barrels, burn pits, indoor wood stoves and indoor wood boilers none of that is regulated. Outdoor wood boilers are 1% of wood burning so the claim that this was done to protect the environment is a little devious in my opinion. 2010 has come along and EPA has issued phase II emissions standards which is incredibly strict .32 pounds of particular matter per one million Btu's of wood burned. Its unbelievable how strict and it basically means no smoke at all. In order to achieve that we use a process called gasification and it makes these boilers much more expensive. By law they have to go throughout the state to see if this is what the people of New York State wanted so they have 11 public hearings which is in section B and that's the DEC report not mine. 858 people attended and 11 people spoke in favor of the new regulations and the people made some excellent points, like why aren't you regulating all these other things why just outdoor wood boilers and why are you trying to ban them. We were told that the DEC is going to reconsider this because a lot of points got brought up. I know that I spent a lot of money on advertising that year and fellow dealers bought stock. On December 29, 2010 thirteen members of the outgoing board met and passed the law anyway even though the people of the state did not want it. Now typically when you retool an entire industry like we did with cars when we went from leaded gasoline to unleaded gasoline you give it some time at least a year or two because it's a completely different stove. They gave us four months and made it effective April. We don't sell stoves in the middle of the winter because we have to put in the underground pipe. We screamed about it and they gave us an additional three months which was meaningless. I'm saying this because there's something else going on here these stoves are not a problem nevertheless that is what the current code, is gasification 0.32 PPM stoves. In their rush to get the emission standard through which means no smoke they did not rescind the other standards that were put in place for the smoking style stoves, mainly the setbacks, chimney height and the rest of that. There is no need for a tall chimney or a spark arrestor or setbacks on a stove that produces no smoke. Unfortunately it's worse than that. The last piece you have there is a bulletin from the manufacturer that I represent. If you put a tall chimney on these gasification stoves it actually turns out to be dangerous. The way they work the heat exchanger sucks so much more heat into the water than the standard stove that the stack temperature is half than what it normally is. When you put a tall chimney on there the upper portions of that chimney get so cold the stove can not over come that cold temperature and you will condense the water vapor which will then drip down and destroy the stove. If you put a spark arrestor which has a screen in it, it can form an ice dam around there, now the homeowner can't see that 18 feet in the air. He comes down in the morning and opens his door to put some wood in; those gases have been sitting in there waiting and they

roll out right onto the person. To get the gasification effect this air is turbo through a lower chamber and that chamber turns to 2,000 degrees but it will not do it unless the air is moving through there very fast. When you put tall chimneys and spark arrestors on it you slow down that process, you're actually defeating the gasification. All stoves that are installed in New York State now have to be white tagged by the EPA. To get that white tag they did not have an 18 foot tall chimney on it, they had a 3 foot chimney on it. We are not allowed to install them against the manufacturer's instructions and your code 104 says the same thing so it puts every Town Board that I speak to in a very bad position no matter who you decide you're going to violate a code. What I'm asking is you violate a code that doesn't make any sense any more. You don't need these codes regarding smoke when you have an appliance that produces no smoke. What my recommendation is the minimum chimney height and spark arrestor be taken away and you go to the manufacturer's instructions.

Deputy Supervisor Gerstner – Ok.

Cliff Robinson – And the minimum acreage be taken away too because again it's not producing smoke. The setback I would like to see it at 50 feet just so it's not visible directly by the neighbor. I think that could be done on an individual basis by the building inspector he can see whether it's appropriate or not. Just to illustrate how illogical and inconsistent the codes are right now. This gentleman that I want to put this boiler in for he's got an indoor wood boiler and a fireplace that both go up a chimney on the left side of his house and he's less than 50 feet from his property boundary. When those things are going they produce gobs of smoke like an old coal burning train but the lay of the land there the smoke doesn't go up it falls back down and spreads throughout the whole community. There is nothing you can do about that. There are no emission standards for those or anything else but this boiler which produces no smoke according to the current code can not be put in. It is very inconsistent and the bottom line is they should have gotten rid of the old codes when they passed the emission standards and they didn't and now it falls to you and all these Town Boards in the area to make it right.

Deputy Supervisor Gerstner – From now on no stove can be put in unless it's a new style stove and the past is the past and it doesn't matter. Any stove this day and age going in has to be under all these guidelines to be installed, ok.

Cliff Robinson – There is an actual list on a New York State DEC website of all the approved stoves.

Deputy Supervisor Gerstner – Ok.

Cliff Robinson – The one I'm putting in is on that list and they all fall under the 0.32 pounds per million.

Deputy Supervisor Gerstner – Ok.

Councilman Kowal – When you say no smoke does that mean there’s no smoke odor?

Cliff Robinson – No smoke at all.

Councilman Kowal – It does not smell like a woodstove.

Cliff Robinson – No, there is no odor at all. The only thing when it’s first starting out for maybe a minute a little smoke will come out and what is left is water vapor, the particular matter which in the beginning is so small when it hits that 2,000 degree chamber it’s gone. In your code 104 there’s a sheet in there from the DEC that says these stoves put out PM or particular matter a thousand times greater than an oil burner. I think this is a trick that they try do because it’s very misleading, first of all that was based on that NESCAUM report which did not separate water vapor from particular matter so it’s way out of whack but the inferences that oil burning and gas burning is clean where as wood burning is dirty, but the truth of the matter is coal, oil and gas so called fossil fuels contain huge amounts of sulfur. You can’t see the sulfur but when that goes into the atmosphere and condenses that forms sulfuric acid which we know is acid rain. Wood does not do that. When you burn wood there is no sulfur in it what you have left is particular matter and water vapor, but these stoves with the gasification there is no particular matter all you have left is water vapor and that’s why the chimney becomes the problem because it’s going to condense in that chimney.

Deputy Supervisor Gerstner – Ok.

Councilman Kowal – I know you mentioned the date but what was the date of the change of the standard?

Cliff Robinson – December 29th, 2010 but it came effective July 15th 2011. The stove that we are trying to put in and all we can put in are these gasification stoves and it’s not just this town it’s every town in the area that adopted the same state codes.

Deputy Supervisor Gerstner – Ok, I appreciate that and I appreciate the presentation and the Town Board will review the packet and we will definitely get back to you. Thank you for the information.

ADJOURN: Motion Councilman DeAngelo, seconded Councilman Shuback that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent-Supervisor Sweeton absent) 8:04 p.m.

09-12-13 CP.

Marjorie Quackenbush, Town Clerk