

October 25, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, October 25, 2012 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:40 p.m.

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

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

CORRESPONDENCE:

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) - NEGATIVE
DECLARATION**

Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Warwick, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Warwick 2012 Zoning Amendments

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The Town Board has proposed six Amendments to the Town Zoning Law as follows: 1) corrections and enhancements to Section 164-47.10, the Town's existing Stormwater Management regulations; 2) a clarification to Section 164-40M, the Table of Use Requirements; 3) a Zoning Map amendment to change the designation of parcel 14-3-1 from the SL Zoning District to the adjoining LB Zoning District; 4) inclusion of a 30.4 acre

lot identified as parcel 31-2-91.2 into the AP-O Qualifying Area; 5) amending Section 164-73.C, the filing deadline date for previously approved subdivisions, site plans and special use permits from January 1, 2013 to January 1, 2014; and 6) amending Section 164-73.D, the construction deadline for permits issued under the 2002 Zoning Law from two years to three years.

Location: Town of Warwick, Orange County, NY

Reasons Supporting This Determination:

1. The Town Board of the Town of Warwick has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the project, the Town Board has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. There were no large or important environmental impacts identified on the Part 2 EAF as a result of the proposed Zoning Amendments.
4. Corrections and enhancements to Section 164-47.10, the Town's existing Stormwater Management regulations are proposed. These amendments are designed to take into consideration the size and scale of new development. Small developments will require a "Simple" stormwater management plan (SWPPP), developments affecting 1 to 5 acres will require an "Intermediate" SWPPP, and development of 5 or more acres will require a "Full" SWPPP. This will create a benign effect on water quality while increasing the effectiveness of administering the Zoning Law.
5. A correction to Section 164-40M, the Table of Use Requirements is proposed to address an omission in the Table that was made when the Community Business (CB) Zoning District was created in 2010.
6. A Zoning Map amendment is proposed to change the designation of one small parcel of land identified as parcel 14-3-1 from the SL Zoning District to the adjoining LB Zoning District. This 0.58 acre parcel is already developed with a commercial use and the existing use more closely fits the LB District than the SL District, which is a residential district.
7. The owners of a 30.4 acre lot, identified as parcel 31-2-91.2, have petitioned the Town Board to include their lands into the Agricultural Protection Overlay (AP-O) District Qualifying Area. This will increase the area of the Town subject to the Town's AP-O District requirements, a beneficial effect on agriculture.
8. Section 164-73.C of the Zoning Law is proposed for amendment, which will extend the filing deadline date for previously approved subdivisions, site plans and special use permits from January 1, 2013 to January 1, 2014. The real estate market since 2008 has stifled previously approved plans and applicants have been unable to obtain financing to move their approved projects forward. This amendment will provide one additional year for approved plans to be filed in compliance with the Zoning Law in effect when they were approved.
9. Section 164-73.D of the Zoning Law is proposed for an Amendment that would extend the construction deadline for permits issued under 2002 Zoning Law from two years to three years for the same reasons as in number 8 above.

For Further Information:

Contact Person: Michael Sweeton, Supervisor
Address: Town Board of the Town of Warwick

132 Kings Highway
Warwick, NY 10990
Telephone: 845.986.1120

CONNIE SARDO – Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting Planning Board applicant Verizon/Randall #3 be refunded the balance of their escrow in the amount of \$3,072.50.

KATHRYN A. SHERLOCK – Town Clerk, Town of Wawayanda, P.O. Box 106, Slate Hill, NY 10973 – Letter of notice that proposed changes to the Zoning Law of the Town of Wawayanda have been submitted to the Town Board of the Town of Wawayanda. Such proposed changes include, but are not limited to, changes to certain requirements concerning accessory structures; age requirements for planned active adult communities; certain definitions under the Zoning Law; and changes to the Bulk Table requirements. A complete copy of the amended draft of the proposed Local Law is available for inspection at the Town Clerk’s Office, Monday through Friday, from 9:00 a.m. until 4:00 p.m. and on the town website at www.townofwawayanda.com. The Town Board of the Town of Wawayanda will hold a public hearing on October 16, 2012 at 7:00 p.m. at the Town of Wawayanda Town Hall, 80 Ridgebury Road, Slate Hill, New York.

RODGER HEADRICK – President, RAMM Environmental Services, Inc., 77 Nottingham Road, P.O. Box 308, Fair Lawn, NJ 07410 – Letter to the Town Clerk with various quotes regarding indoor air quality services. For further information I can be contacted at 201-475-9880 or www.rammenvironmental.com.

DAVID CHURCH – Commissioner, Orange County Dept. of Planning, 124 Main St., Goshen, New York 10990 – Notice to the Town Board with regards to receiving local law Changes to Chapter 164, “Zoning” of the Town Code of the Town of Warwick. The Department has received the above referenced local law and has found no evidence that significant inter-municipal or countywide impacts would result from its approval. We have no objections to the local law proposing zoning code and map changes as specified.

JEFFREY FEAGLES - Commissioner, Town of Warwick Department of Public Works – Memo to the Town Board requesting the following people be hired as part time seasonal laborers Derek Mautz, Richard Cheney, Henry Kirsch and Daryl DeFreest.

JOHN SANDFORT – Resident, 19 Sandfort Lane, Warwick, NY 10990 – Letter to the Supervisor asking that his residential property at 19 Sandfort Lane (SBL# 31-2-109) be considered for purchase of development rights.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Warwick, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Mid-Orange Correctional Facility Transfer and Subdivision

**SEQR Status: Type I
Unlisted**

**Conditioned Negative Declaration: YES
 NO**

Description of Action: The Mid-Orange Correctional Facility was closed and vacated by the State of New York on July 1, 2011. The site, which consisted of a medium security prison facility for males, is located within the Town's Office and Industrial Park (OI) Zoning District. The State of New York and Town of Warwick have proposed transfer of the property to the Town and others through the Warwick Valley Local Development Corporation, a not-for-profit 501(c)(3) corporation. In order to effectuate the transfer from the State, the action includes initial subdivision of the site for the following purposes: 1) future development and redevelopment of the prison facilities area including creation of an initial ± 60 acre lot for an anticipated development that has been discussed with Town officials but for which no applications have as yet been filed; 2) protected freshwater wetlands for transfer to a land trust; and 3) transfer of the remaining lands to the Town of Warwick for park, recreation and other municipal uses. The transfer process is envisioned to include Office of General Services transfer of the entire site to Empire State Development, Empire State Development transfer of the entire site to the Warwick Valley Local Development Corporation, and then transfer from the Warwick Valley Local Development Corporation to the Town and others.

Location: State School Road, Town of Warwick, Orange County, NY

Reasons Supporting This Determination:

- 10. The Town Board of the Town of Warwick has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).**
- 11. After reviewing the Environmental Assessment Form (EAF) for the project dated September 25, 2012 and as revised on October 23, 2012, the Town Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).**
- 12. A Town Board appointed Mid-Orange Advisory 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 Committee members held eight committee meetings as a whole along with numerous meetings by five Subcommittees including Agency Interaction, Community Outreach, Facilities, Legal, and the Records, Reports and Archive Committee.**

The Committee prepared a Final Report that was posted online on the Town of Warwick website for public review. The Report recommends the Town pursue future projects such as: 1) conservation and historic preservation; 2) agriculture; 3) food processing and distribution; 4) sustainable energy generation; 5) low security corrections; 6) open space and recreation; 7) office and light industrial development; and 8) transportation alternatives. No plans have been developed for such uses at this time. However, at such time as the transfer and subdivision processes have been completed, it can be expected that plans will be formulated; the Town Board anticipates that the subdivision process will lead to at least one new application for development approvals to be submitted to the Town Planning Board in 2012 as a result of the subdivision. At that time, additional SEQR reviews will be required for future development and redevelopment and such development will be subject to the Town's Zoning Law and other applicable regulations. Future approvals and SEQR reviews for development and redevelopment will likely be necessary from agencies such as the Town Board, Planning Board, Zoning Board of Appeals and other County, State and Federal agencies.
- 13. The Full EAF prepared for the action did not attempt to predict or analyze the scope or breadth of possible future uses of the site. Over the past few decades, the State of New York has closed many other large institutional uses, such as mental health centers, to reduce spending and in recognition of changed conditions. Some of these facilities have languished while others have undergone a protracted phase of planning and engineering for reuse and redevelopment. Therefore, it would be highly speculative to attempt to predict the ultimate outcome of the prison facility redevelopment.**
- 14. The SEQR regulations at 6 NYCRR 617.3(g)(1) provide that a lead agency may segment the environmental review of an action when it believes that the**

circumstances warrant such a review, and where it clearly states the reasons in support of such determination and that such segmentation is no less protective of the environment.

15. Segmenting the environmental review of the proposed transfer and subdivision review process from any future development or redevelopment of the prison property is warranted since the current action will not commit the Town Planning Board or any other agency to an approval of development or redevelopment of the property, assuming that such development or redevelopment were to be formulated and submitted to the Town and other agencies in the future. Reviewing the proposed transfer and subdivision actions as separate from any future development or redevelopment of the prison property will be no less protective of the environment since any future local actions such as subdivision, site plan, and/or special permit applications will be subject to a full and comprehensive site-specific environmental review under SEQR. Other agencies may also receive applications that would likewise be subject to site-specific SEQR reviews.
16. The Town Board's review of the proposed action and other Involved Agency actions on the transfer and subdivision processes will in no way impair or impede any subsequent environmental review process. Segmented approval of the proposed transfer and subdivision review process from any future development or redevelopment of the prison property will not result in the creation of several smaller projects that fall below the threshold requiring environmental review because the Town Planning Board and other agencies will have the authority to issue a Positive Declaration for any development of the property that may be proposed in the future if such agencies find that a significant adverse impact on the environment may result.
17. The Town Board has not identified any potentially significant adverse environmental impacts as a result of the proposed subdivision and transfer action. The absence of potentially significant adverse impacts of the proposed action implies a proper basis for segmentation. The purpose of SEQR is to mitigate significant adverse impacts to the extent practicable. The absence of the potential of such impacts from the transfer and subdivision processes indicates the absence of any further need for SEQR review at this time (i.e. prior to the transfer and initial subdivision of the property).
18. The Town Board does not commit itself or any other agency to a subsequent approval of any future development or redevelopment of the prison property. Thus, the environmental review of the proposed action presents a proper case for segmentation and such review is no less protective of the environment.
19. There are several environmental issues associated with the site due to the extensive freshwater wetlands that are present on the site and surrounding areas. The undeveloped portions of the site are within the Town's Biodiversity Conservation Overlay Zoning District. The Town has established this District to

protect biodiversity resources in the community. No species of conservation concern, significant habitats or rare plant or rare animals are known to exist on the site, but they have been found in the surrounding areas. The site is also in the Town's Aquifer Protection Overlay District (AQ-O). Development and redevelopment activities in the future will require an Aquifer Impact Assessment as part of any site-specific SEQR review.

20. A portion of the parcel includes Wickham Lake and presents an opportunity for future recreational use by the Town. A total of 42 percent of the project site has been estimated to be comprised of New York State Protected Freshwater Wetlands. An additional 367 acres of the project site may be additional wetland areas or protected wetland adjacent areas. Therefore, careful planning will be necessary in the future to avoid impacting the wetlands. The Southern Wallkill Biodiversity Plan states that *"These wetlands and fields along Wawayanda Creek contain some of the most important biodiversity in the entire Southern Wallkill Region, for a variety of taxa. Impacts to wetlands and other habitats in this area should be minimized to the greatest extent possible."*
21. The 733 acre site is well segregated from residential areas due to the present use and environmental conditions on-site. The site's potential reuse as Town park and recreation lands, municipal uses, conservation lands and redevelopment of the existing structures and areas represents an opportunity to create planned uses that could mitigate the loss of jobs in the Town as a result of the prison closing.
22. The Manor House located on the grounds of the Mid-Orange Correctional Facility is eligible for or already listed on the State Register of Historic Places. It had been used by the State for staff housing. It was built in 1841 on the foundations of a pre-Revolutionary War farmhouse. The project area is also almost entirely within an area identified as sensitive for archaeological sites on the New York State Site Inventory. While the proposed action will not affect such cultural resources in any way, because there is no construction planned nor are there any plans developed to date for development or redevelopment of the site, care must be taken in the future to ensure cultural resources are fully evaluated and any potential impacts on such resources are avoided or properly mitigated. It should be noted that the Orange County Land Trust Board of Trustees has expressed an interest in occupancy in the Manor House for administrative offices, conference, exhibition and seminar rooms by the Trust and perhaps other not-for-profits and such use by a land trust and others was recommended in the Mid-Orange Advisory Committee's Final Report. Adaptive reuse of this historic resource can be considered a beneficial effect of the action.
23. A Phase 1 Environmental Site Assessment was completed on December 6, 2011 of the entire site by HRP Associates, Inc. for the New York State Department of Corrections and Community Supervision (DCCS). The Site Assessment was performed by HRP in accordance with the American Society for Testing and Materials (ASTM) "Standard Practice E1527-05," which also satisfies the

Federal government's "Standards and Practices for All Appropriate Inquiries" or AAI from 40 CFR Part 312.

24. The Site Assessment identified several recognized areas of environmental concern from the past prison operations. An outdoor firing range operated by DCCS will require lead remediation. The presence of the lead is not in itself an environmental hazard because it could be reclaimed and recycled as scrap metal (CFR 261.6(a)(3)(ii)). However, depending on the circumstances, it may be subject to the authority of Resource Conservation and Recovery Act (RCRA) §7003, which addresses imminent hazards. The DCCS is responsible for and has committed to conducting remediation.

The remainder of the areas of environmental concern involve underground and above ground storage tanks, used primarily of storage of fuels and oil used to operate the prison's energy and transportation needs. There were two buildings with oil staining on the floors of the buildings. A coal cinder disposal area, an area of possible dumping of drums and car parts, a greenhouse, and a trench drain connected to an oil/water separator were the remaining areas that were identified. All of these and other areas of potential risk are being further assessed in a Phase 2 Environmental Site Assessment. It is expected that if such Phase 2 Assessment identifies the need for remediation, that such remediation will occur by the responsible parties if a public health threat exists. Federal regulations impose joint and several liability among current and past property owners for the costs associated with the remediation of environmental hazards. Therefore, irrespective of whether or not a current environmental hazard is identified, the Legal Subcommittee of the Mid-Orange Advisory Committee recommended that, prior to taking title of any portion of the State-owned property, the Town and/or Local Development Corporation should secure a letter of indemnification from the State for any costs associated with the remediation of any environmental hazards attributable to State operations on the property.

25. Closure of the prison resulted in the elimination of the need for disposal of sewage from the site to the Wickham Sewer District. This Town operated District serves approximately 540 homes and the prison. The prison contributed approximately one-half (50 %) of the \$420,000 annual operating budget of the District. Loss of this revenue has impacted the remaining homeowners who will be required to continue to pay for the operations of the Sewer District. The Town and the Local Development Corporation have begun an immediate search for viable redevelopment and/or reuse of the site so that the jobs and tax revenues lost as a result of the closure can be replaced.
26. The Town has proposed acquiring some of the lands on the prison property and the State may be willing to transfer title to some of the property to the Town of Warwick for \$1.00 if the property is used for "public use". Public use would include parks, recreational facilities, and government facilities, all of which would require government funding to maintain. This could include expanding

public access to Wickham Lake and environmentally sensitive areas. The Mid-Orange Advisory Committee recommended acquiring approximately 30 acres to the existing Wickham Lake Town Park.

Many studies have supported the finding that residential parcels nearby preserved open space, such as a park, can expect to see a property value increase. According to such studies, adjacent parcels will see the most positive impact on property values. Passive use parks will typically generate higher property value increases than intensively used recreational facilities. It appears that long stretches of open spaces have the greatest potential to produce higher property values. Linear green spaces, such as greenways, maximize the number of parcels that can be positioned next to or nearby them. As a result, a higher number of properties' values are enhanced and the impact on the property tax base is greater. Therefore, such amenities should be recognized as a valuable component of a well-planned community.

According to the studies referenced in the Full EAF, expanded parkland can and will, when designed functionally and located appropriately, increase property values among adjacent residential parcels. As the majority of these residential parcels will be new and will demand high-cost municipal services, increased property values are fiscally desirable to municipalities and the general public for their positive impact on property tax revenues. It can be reasonably anticipated then, that any increases in the demands on Town services to maintain the additional areas for public uses, will be offset by increased municipal revenues.

- 27. The proposed prison closure eliminated about 309 jobs in the Town. Additional jobs may have also been affected as a result of the closure. For example, many support businesses exist to accommodate the needs of the prison employees and inmates including food services, supplies, transportation, and many other commercial services. It has been the intent of the Town Board to work with the State to create an equitable solution to the loss of jobs so that the site can continue to supply needed jobs and tax revenues to the Sewer District and new sources of tax revenues for Town services.**
- 28. There have been no significant adverse environmental impacts identified as a result of the proposed transfer and subdivision processes. Future development and redevelopment activities, assuming plans are formulated for such activities, will be subject to full and complete environmental review under SEQR.**

For Further Information:

Contact Person: Michael Sweeton, Supervisor
Address: Town Board of the Town of Warwick
132 Kings Highway
Warwick, NY 10990
Telephone: 845.986.1120

BOARD'S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton stated that there are two negative declarations listed there under SEQRA. One is for the zoning amendments that we just had the hearing for and the other one relates to the property transfer of the Mid Orange Correctional Facility to the combination of the Warwick Valley LDC and the Town of Warwick. Also a letter from David Church the Commissioner of Orange County Planning, we referred as we're required for review to Orange County Planning the zoning amendments that we had talked about this evening and we have a letter back from him having no objections and stating it is considered a local matter.

REPORTS OF BOARDS AND COMMISSIONS

1. Katie O'Reilly – Warwick Valley Central School District Liaison – The Warwick Valley High School Girls Varsity Tennis Team clinched the Division II title for the first time in 16 years. They finished their season with a 14-0 record.
2. Coach Sirico who is currently the full time athletic director and after Homecoming he was told that he will become part time athletic director and part time vice principal at the Warwick Valley Middle School. The student body at Warwick Valley is very involved with their athletics and they are signing a petition to help him get his job saved. The discussion has been tabled and will be discussed later.
3. Two seniors, Victoria O'Connor and Eric Fonstack, were chosen to host MSG Varsity High Schools Life. What this is, is they go around to schools in the Hudson Valley and they pick two students from the communications programs to give a tour of their school and discuss what's going on so if you would like to tune in it's on MSG Varsity Cablevision Channel 14. It is airing this Saturday, October 27th at noon time.

COMMITTEE REPORTS

Dan Duthie - Chairman, Town of Warwick Conservation Board – As a result of your request at the last meeting for the Conservation Board to look into the recommended ban by the Sustainable Warwick Group we are here to support that request. We've taken the opportunity to go through the draft environmental impact statement that was prepared by the Department of Environmental Conservation. It's a gigantic document and I'm not going to stand here and tell you I've read it all but I have gone through the executive summary. The general accounting office in September issued a report on the impacts of shale fracking, again sighting some very, very serious environmental impacts. I think in view of that and in view of a potential deadline of November 29th, let me just step back a minute; November 29th is not a magical date other than because of the State Administrative Procedure Act.

The DEC back in September of 2011 proposed some regulations that they were going to revise and add to the current fracking regulations. As a result, they received a number of comments and they had four hearings; the last one was November 30th in New York City. Under the State Administrative Procedure Act the proposal expires if not adopted within the year. Hence November 29th is the date that it's being focused on as a date for action. I spoke already with two members of the DEC legal office and I got some good information but I was told to speak with the general council and we've yet to hook up on a telephone call and I'm hoping to do that shortly. There is a separate process that is afoot with the Draft Environmental Impact Statement which has been referred the health impacts to the Department of Health. We don't know what was referred, who drafted what was referred if anything was referred, and I'm hoping to get a little more clarity from the general council as to specifically what was sent to the Department of Health and what the Department of Health is going to do. That process is not complete and it does not appear although I don't want to take the chance that they adopt something and we're caught flatfooted, so we are here to strongly recommend and I would defer to the Town Attorney as to what procedures to follow to try to get a ban adopted before November 29th as quickly as possible. I have read one of the decisions by the Supreme Court that upheld in the Town of Dryden ban and it was upheld on pretty solid grounds on local zoning. It did not interfere with the DEC's overriding regulation of the operations of the drilling. The courts said yes the town can decide where these activities occur or if they occur at all, so that was upheld and that another community did the same thing. Both of those decisions are on appeal in the held division and the appeals took effect two Monday's ago and we probably will get a decision on that in the spring. I don't think this town should take the opportunity to wait and not act as costly as we can right now. We have a copy of the Dryden local law that we can share with the Town Board as appropriate to use as a model. If it passed a test in one court it might be a good starting place.

Supervisor Sweeton – Can you and the Conservation Board draft something in writing to us to submit to us?

Dan Duthie – Sure. Two new items that seem to be coming up now that have to be considered that are also fairly negative but they are more economic impacts and I will let Geoff handle that.

Supervisor Sweeton – I thought we we're going to save the rest of the presentation till the end?

Geoff Howard – We can do that.

Supervisor Sweeton – I didn't know how many people wanted to speak because I wanted to give them a chance.

Geoff Howard – Just us.

Supervisor Sweeton – OK, come on.

Geoff Howard – Chairman, Sustainable Warwick - I just want to take this minute to underline some of the economic impacts. Two main factors, mortgages and insurance, and all of you are probably landowners who probably have mortgages and probably have insurance. Let me just read these two paragraphs, news reports reveal that a growing number of lenders, most noticeably Wells Fargo the largest lender in the US, have stopped issuing mortgages for refinancing or for the new purchase of homes with gas leases. Lenders are becoming skittish about the risks of losses caused by contamination and by the lease mechanism itself. Mortgages the ability to resell, the ability for a new buyer to get a mortgage to buy a property is seriously comprehensive. Not only must mortgage holders consent to a gas lease so too must home insurance companies. Home insurance companies are obligated to value new liability risks and adjust the terms and premium cost of policy coverage. Nationwide, one of the nation's largest insurers, recently decided that it will no longer insure properties leased for gas drilling. Those are two huge clouds, threats over the town and it does affect the town too because these properties decline in value. The tax rates associated with those properties decline and it has impacts on municipal finances. Those are just two and I'll be happy to leave this with you.

Supervisor Sweeton – Yes, that would be great because I'm preparing a packet for the Board. Dan, I did have another question, in the Conservation Boards discussions so far, of this have you looked at this in the context of the Comprehensive Plan? What does that say about it?

Dan Duthie – I think our view about is the Comprehensive Plan is so far a field of this kind of activity I don't think a fair reading of it will comprehend any kind of activity like this. It's so intensive, it's so industrial in nature, there's so much traffic, there's so much noise and even if it's safe and we have to determine that I don't think anywhere it would be found compatible with our Comprehensive Plan. I think if you wanted to have fracking in this town and hopefully you don't we'll get to a ban. I think you would have to amend the Comprehensive Plan to allow it and change the zoning accordingly.

Supervisor Sweeton – Will your opinions on that be in there?

Dan Duthie – Yes.

Supervisor Sweeton – That's great. For the Boards information I did talk to Ted Fink who is our planner and Ted has actually been involved in some panels and things and discussions on this. He's also preparing something for all of you to review to help make your decision here and you should be getting that in a day or so.

ENVIRONMENTAL CONSULTANTS REPORT**Town Of Warwick - Water and Wastewater Operations Report - September, 2012****Wickham Water District**

Wells #11, monthly production	2,167,000 gal
Average daily use	72,000 gal
Sodium Hypochlorite used	200 qt
Orthophosphate used	64 qt
Soda Ash	750 lbs

Bellvale Park Water District

Total monthly production	92,000 gal
Average daily use	3,100 gal
Sodium Hypochlorite used	8 qt

Eurich Heights Water District

Total monthly production	198,900 gal
Average daily use	6,400 gal
Sodium Hypochlorite used	4 qt
Orthophosphate used	12 qt

Pine Island Water District

Total monthly production	239,200 gal
Average daily use	8,000 gal
Sodium Hypochlorite used	20 qt

Westside #1 Water District

Total monthly production	3,906,400 gal
Average daily use	130,200 gal
Sodium Hypochlorite used	160 qt
Orthophosphate used	128 qt
Caustic Soda	00 gal

The Fairgrounds

Total monthly production	582,400 gal
Average daily use	19,400 gal
Sodium Hypochlorite used	20 qt

Sewer District #1 Wastewater Treatment Facility

Mid-Orange Correctional District	103,407 gal	31%
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Wickham Village District	2,278,257 gal	53%
Kings Estates District	1,901,613 gal	44%
<u>Total District Flow</u>	4,283,277 gal	100%
<u>Average Daily Flow</u>	142,776 gal	

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

The belt press ran for 20 hrs. and .75 gal of polymer was used.

20 cu. Yd. of sludge and .7 cu. ft. of grit were removed from the site this month.

Sewer District #2 Wastewater Treatment Facility – The Fairgrounds

<u>Total District Flow</u>	153,692 gal
<u>Average Daily Flow</u>	5,123 gal

DEPARTMENT OF PUBLIC WORKS

<u>WORK BEING DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	Prices Switch Rd.	Replace pipe	60 ft. 12 in.
	Penaluna Rd.	Replace pipe	40 ft. 36 in.
	Continental Rd.	Replace pipe	20 ft. 15 in.
	71 Waterbury Rd.	Replace pipe	20 ft. 15 in.
CATCH BASINS	Melody Ln.	Repair basin	
	Deer Pond Dr.	Clean basins	
	Scenic Pond Dr.	Clean basins	
TREE WORK	Wheeler Rd.	Trim road sides	
	Jessup Rd.	Trim road sides	
	Rutherford Rd.	Trim road sides	
POT HOLES	Town wide	As needed	
ROAD SIGNS	Town wide	As needed	
HAUL MATERIAL	Haul road grit	To stockpile for winter	
WATER DEPT.	Jersey Ave.	Repair water main	

COUNCILMAN DE ANGELO REPORT

1. For the month of September the Post Report is as follows: Greenwood Lake had 177 calls, the Town outside the Village had 750 calls, Pine Island 238 calls and the Village of Warwick had 603 calls for a total of 1,768 calls for the month of September.

2. Sue Barron from the Warwick Valley Humane Society has a few announcements she would like me to make. On Saturday, November 3rd the Wadeson Home Center is having a grand opening sale from 9a.m. to 4p.m. and she's suggesting you buy a bag or two or a pallet of wood stove pellets for the Humane

Society. Friday, November 9th from 7p.m. to 9p.m. the Warwick Valley Fine Arts show to benefit the Warwick Valley Humane Society. Local artists will donate 20% of their proceeds to the Humane Society and it will be held at the Clock Tower, 65 Main Street, Suite 300 in the Village of Warwick and the telephone number is 981-7300. Saturday, November 10th from 9a.m to 12 noon there's a shred event at Greater Hudson Bank at Mitchell's Corners for \$6 per box and a portion of the proceeds of the shred event will be donated to the Humane Society by the Metro Shred Company. Sunday, November 11th it's "Acupuncture For Pets" at the Humane Society by appointment only for \$20 for 20 minutes for a session with Pam Shultz who is a doctor of veterinary medicine and you have to call 986-2473 and Ms. Barron has asked me to make a plea because of the overcrowding with 180 cats for heavy duty garbage bags, bleach, Simple Green, natural wood stove pellets for litter and canned ground cat food.

Supervisor Sweeton – Thank you for handing out the medals at the event they had last weekend.

Councilman DeAngelo – You're welcome.

Supervisor Sweeton – Councilman Kowal is absent this evening because I asked him to represent us this evening at the Orange County Annual Farm Bureau dinner. That is where he is this evening representing the Town of Warwick at the dinner.

COUNCILMAN KOWAL REPORT – Absent

COUNCILMAN GERSTNER REPORT

1. I have a notice here from Cablevision on One World Sports Channel launch, effective November 13th through the 15th the One World Sports Channel, the first English language multi-screen multi-platform network in the United States will focus on sports throughout Cablevisions Hudson Valley systems. One World Sports will be added to a new Japanese package for \$24.95 and it will be added at no additional charge to current Chinese and Korean packages. In addition, after November 15th Cablevision customers will be able to purchase the sports ala cart service for \$295. The TV Channel will no longer be an ala cart service. Customers will be notified through on air bill messaging and if you have any other questions you can go to their website at www.optimum.com.

2. I see on our agenda the Halloween curfew which has worked well in the past and I urge all the residents to be careful while they are out on Halloween.

COUNCILMAN SHUBACK REPORT

1. Tomorrow the Town of Warwick Highway Department is going to put the snowplows on because we are expecting severe weather starting in the beginning of the week. It could be snow, hail but only God knows what and they are predicting a lot of rain. You have a hurricane and a cold front coming from the north that's going to meet somewhere around here.

ATTORNEY’S REPORT

TOWN CLERK’S REPORT

1. Election Day is Tuesday, November 6th and the polls are open from 6a.m. until 9p.m. Some people are confused about their voting status what district they are in, where they have to vote; they can call the Clerk’s office. I have a very good website called smartvoter.org/ny/orn and all you do is plug in your first and last name, date of birth, your zip code and it tells you everything you want to know.

SUPERVISOR’S REPORT

1. A brief update on Mid Orange – Nothing has really changed. We creep closer and closer to our goal of having the Town and it’s LDC control the property for public use for some aspects of it and redevelopment to get back on the tax roll and create some jobs for another portion of it. It’s just that we are climbing over three or four bureaucracies at the State of New York and they don’t move very fast. We’ll give you more information as soon as we get it.

2. We did successfully get a FEMA hazardous mitigation grant in conjunction with our three villages and we’re all going to be working together on a plan to handle exactly the kinds of storms that we seem to be getting more regularly. We are very pleased to be able to get it because they are not handing them out generally to individual towns anymore but working with our villages we were able to convince them and we did receive the grant.

3. Again the budget will be the subject of a hearing on November 8th we have a resolution tonight. We have every intension to bring it under the 2% tax cap because we understand the necessity of keeping our taxes as low as we can possibly do.

4. I want to point out that there is from now through the holiday season a toy drive being done by the Warwick Valley Knights of Columbus from the Florida area. They have a box here at Town Hall if you’re so inclined you can put a nice gift in there. Also a young student at the Warwick High School, Christina Carmody is running a coat drive and there’s also a box there if you want to donate a winter coat for Veterans it would be helpful and that’s also in the lobby.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

**#R2012-254 AUTHORIZATION OF ESCROW REFUND – VERIZON WIRELESS/
RANDALL #3**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$3,072.50 for SBL# 19-1-47.2-1, to Planning Board applicant

Verizon Wireless/Randall #3 as per the recommendation of the Planning Board Secretary: letter dated October 19, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-255 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – DEREK MAUTZ

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to appoint Derek Mautz as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective, October 27, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-256 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – RICHARD CHENEY

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Richard Cheney as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective, October 27, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-257 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – HENRY KIRSCH

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to appoint Henry Kirsch as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective, October 27, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-258 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – DARYL DEFREEST

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Daryl Defreest as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective, October 27, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Councilman Shuback stated that we have these people come in when we need to plow snow or ice because we need to have two people in the truck and we bring them in for that purpose.

Supervisor Sweeton – For safety reasons because when we're in the midst of snowstorms we don't go on a split shift because we don't have the personnel to do that and the storms could be quite

lengthy. For safety reasons we put riders in the trucks with the drivers and give them the breaks they need but still it's a safety factor.

#R2012-259 HALLOWEEN CURFEW

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to impose a curfew against congregating and loitering by those under 18 years of age or younger to begin at 8:00 p.m. on Tuesday, October 30, 2012 to 6:00 a.m. on Wednesday, October 31, 2012 and from 8:00 p.m. Wednesday, October 31, 2012 to 6:00 a.m. Thursday, November 1, 2012. Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that they've done this for a number of years now and the villages also do it. We don't throw people in jail at 8pm but it does keep the mischief to a manageable level.

#R2012-260 AUTHORIZATION TO SIGN AGREEMENT WITH TOWN OF TUXEDO – SNOW AND ICE CONTROL OF OLD FORGE ROAD

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign an agreement with the Town of Tuxedo for the control of snow and ice on Old Forge Road for the sum of \$5,000.00. Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that it saves us money for not having to go over the second mountain to plow the one road that we own over there.

#R2012-261 AUTHORIZATION TO ADD PARCELS TO THE COMMUNITY PRESERVATION PROJECT PLAN

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the addition of the following parcels to the Community Preservation Project Plan, Section B:

		31-2-109
53-1-37	51-1-41	47-1-80.2
35-1-55.3	51-1-7.41	45-1-45.41
23-1-25.12	47-1-61.24	51-1-36

The Town Clerk is directed to forward a copy of the revised plan to each of the following: Commissioner, New York State Department of Environmental Conservation, Commissioner, New York State Department of Agriculture and Markets, and Commissioner, Office of Parks, Recreation and Historic Preservation. Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this includes them in the plan and makes them eligible; it doesn't obligate them to anything and it doesn't obligate us to be pursuing their preservation of development rights. They'll all get ranked with any other properties that are in the process by the Board of Citizens that have been put together to rank these properties.

#R2012-262 AUTHORIZATION TO ACCEPT 2013 FUNDING ALLOCATION FROM ORANGE COUNTY YOUTH BUREAU

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution for the Supervisor to accept the 2013 funding allocation in the amount of \$3,154.00 from the Orange County Youth Bureau.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-263 AUTHORIZATION FOR SUPERVISOR TO SIGN LETTER TO WARWICK VALLEY TELEPHONE COMPANY ASSIGNING EASEMENT TO RESTRUCTURED ENTITY WARWICK VALLEY TELPHONE COMPANY, LLC

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to sign a letter to Warwick Valley Telephone Company granting permission to assign our easement to the newly structured entity Warwick Valley Telephone Company, LLC

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated for informational purposes Warwick Valley Telephone went under a restructuring creating new entities and what we are doing is our easement for all the telephone lines could not be transferred without approval from the Town Board, so we are transferring it to the company that will be managing that for them.

#R2012-264 ADOPT LOCAL LAW # 2 OF 2012 – TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

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

WHEREAS, a Local Law to override the tax levy limit established in General Municipal Law Section 3-C, was introduced on October 11, 2012, and

WHEREAS, a public hearing was held as required by law on October 25, 2012 to consider the adoption of said local law, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of the said local law is in the public interest,

NOW, THEREFORE BE IT RESOLVED that the said local law to override the limit on the amount of real property taxes that may be levied by the Town of Warwick, County of Orange, State of New York pursuant to General Municipal Law § 3-c is hereby adopted and same shall go into effect as provided by law.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-265 ESTABLISH LEAD AGENCY – 2012 ZONING LAW AMENDMENTS

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

WHEREAS, the Town Board of the Town of Warwick is considering adoption of six Amendments to the Town Zoning Law in Town of Warwick, Orange County, New York, and

WHEREAS, an Environmental Assessment Form (EAF) dated 10-12-2012 has been prepared to address the potential environmental effects of the 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 a Type 1 action, and

WHEREAS, after examining the EAF, the Town Board has determined that there are no other involved and/or federal agencies on this matter.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the review of this action.

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment. Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-266 NEGATIVE DECLARATION – 2012 ZONING AMENDMENTS

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

WHEREAS, the Town of Warwick Town Board is the SEQR Lead Agency for conducting the environmental review of a proposed set of six amendments to the Town Zoning Law, Town of Warwick, Orange County, New York, and

WHEREAS, there are no other involved agencies pursuant to SEQR, and

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated October 12, 2012, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Supervisor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-267 ADOPT LOCAL LAW # 3 OF 2012 – AMENDING CHAPTER 164 OF THE CODE OF THE TOWN OF WARWICK ENTITLED “ZONING”

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

WHEREAS a Local Law to amend Chapter 164 of the Code of the Town of Warwick in relation to various sections thereof as specified below.

Section 1 – Section 164-40M of the Code, Table of Use Requirements more specifically Attachment 1:18 thereof shall be amended to add “CB” zone in the third paragraph of “Notes” and to add “CB” zone in fifth paragraph “Notes”.

These respective paragraphs will now read:

“All uses in the TN-O, DS, CB and LB Districts shall be subject to Section 164- 46J(53), (129), and (145).” and

“All uses in the DS and CB District shall be subject to Section 164-46J(73) through (76), (126), (128) and (129).” respectively.

Section 2 – Section 164 of the Code, specifically the Zoning Map thereof shall be amended to include a certain parcel of land known as Section 14, Block 3, Lot 1 in the LB Zone instead of its current listing in the adjacent SL Zone.

Section 3 – Section 164 of the Code, specifically the AP-O District thereof, shall be amended to include a certain parcel of land known as Section 31, Block 2, Lot 91.2 in the AP-O Qualifying Area.

Section 4 – Section 164-73. C. Filing deadline. shall be amended to substitute “January 1, 2014” in place of the current “January 1, 2013” therein.

Section 5 – Section 164-73. D. Construction deadline. shall be amended to substitute “three years” in place of the current “two years” therein.

Section 6 – Replace section 164-47.10 in its entirety by a new Section 164-47.10 as attached.

Section 7 - This Local Law will take effect upon the filing of same with the New York State Secretary of State.

WHEREAS, a Local Law to amend Chapter 164 in these various sections was introduced on September 27, 2012, and

WHEREAS, a public hearing was held as required by law on October 25, 2012 to consider the adoption of such local law, and

WHEREAS, the Town Board has considered all comments received and has determined that the adoption of said local law is in the public interest,

NOW THEREFORE BE IT RESOLVED that the said local law amending Chapter 164, “Zoning” of the Code of the Town of Warwick is hereby adopted and same shall go into effect as provided by law.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-268 SCHEDULE PUBLIC HEARING – 2013 PRELIMINARY BUDGET

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing to consider the 2013 Preliminary Budget. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick on Thursday, November 8, 2012 at 7:15 p.m., or as soon thereafter as the matter can be heard.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-269 SCHEDULE PUBLIC HEARING – SPECIAL DISTRICTS

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a public hearing on the Assessment Roll for the purpose of raising funds for the operation and maintenance of the Special Districts of the Town including: Wickham Village, Eurich Heights, Bellvale Park, Pine Island, and West Side Greenwood Lake Water Districts, Warwick Sewer District #1, Garbage District, Pine Island Lighting District, Kings Estates Lighting District, Warwick Ambulance District #1 (Warwick), Warwick Ambulance District #2 (Greenwood Lake) and Warwick Ambulance District #3 (Pine Island), Kings Estates Park District and Warwick Fairgrounds Sewer District #2. Said public hearing to be held at the Town Hall, 132 Kings Highway, Town of Warwick, on Thursday, November 8, 2012 at 7:15 p.m. or as soon thereafter as the matter can be heard.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-270 NEGATIVE DECLARATION – MID ORANGE CORRECTIONAL FACILITY

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

WHEREAS, the Town of Warwick Town Board is the SEQR Lead Agency for conducting the environmental review of a proposed transfer and initial subdivision of the Mid-Orange Correctional Facility, which was closed by the State of New York on July 1, 2011, Town of Warwick, Orange County, New York, and

WHEREAS, there are other involved agencies pursuant to SEQR, including the New York State Office of General Services, Empire State Development, New York State Department of Corrections and Community Services, and Town of Warwick Planning Board and

WHEREAS, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated 9/25/12 & as revised on 10/23/12, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

NOW THEREFORE BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached

EAF and Negative Declaration and authorizes the Supervisor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-271 CREATE POSITION WITH ORANGE COUNTY DEPARTMENT OF PERSONNEL – PART TIME DISPATCHER

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the Supervisor to file the necessary forms with the Orange County Department of Personnel to create the position of Part Time Dispatcher in accordance with the current CSEA employee contract.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

#R2012-272 APPOINTMENT OF PART TIME DISPATCHER – STUART B. LLOYD

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Stuart B. Lloyd as a part time Dispatcher at a rate of pay of \$14.15 per hour effective October 27, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent-Councilman Kowal absent) Supervisor declared this resolution duly adopted.

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

PRIVILEGE OF THE FLOOR (GENERAL)

There were no comments or questions under privilege of the floor.

ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:18 p.m. 10-25-12 CP.

Marjorie Quackenbush, Town Clerk