

December 6, 2012

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, December 6, 2012 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

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

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

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 11/15/2012

Motion Councilman Shuback, seconded Councilman Gerstner to accept the minutes as written from the Regular Meeting held on November 15, 2012.

Motion Carried (4 ayes, 0 nays & 1 absent - Councilman DeAngelo absent)

CORRESPONDENCE:

JUDENE B. GIAMBRONE – 32 Sanfordville Road, Warwick, NY 10990 – Letter to the Supervisor and Town Board respectfully withdrawing my letter of intent to retire from my position in the Town of Warwick Assessor’s Office.

EDWARD A. DIANA – Orange County Executive, Orange County Government Center, Goshen, NY 10924 – Letter to Supervisor Sweeton indicating the following projects have been included in the 2013 Application to HUD for Community Development Block Grant Funds:

- 1. Winslow Therapeutic Riding Unlimited – Parking area Paving
Amount - \$25,000.00**
- 2. Warwick Community Bandwagon – Community Center Improvements –
Amount - \$25,000.00**
- 3. Empty Bowls Food Pantry
Amount - \$2,500.00**

Formal application containing all municipal projects was submitted to HUD on November 15, 2012. The Office of Community Development will contact you in January 2013, to schedule a project Implementation meeting. The purpose of this meeting will be to discuss grant regulations and contract requirements. We anticipate funds will be available April 2013.

Please be advised that income eligible homeowners in your municipality will continue to be able to receive low interest loans in 2013 under the Community Development Housing Rehabilitation Program. According to our records, homeowners within your

municipality have received loan funds totaling \$141,242.00 during the 2012 Calendar Year thus far.

EILEEN ASTORINO – Asst. Secretary, Town of Warwick Planning Department – Letter to the Town Board requesting Planning Board applicant, Mark Schmit be refunded the balance of his escrow in the amount of \$500.00.

PATRICIA MCCONNELL – Resident, Town of Warwick, NY 10990 – Letter to the Supervisor and Town Board asking that they pass a law forbidding the extraction of oil and gas with the questionable practice of hydraulic fracturing or “fracking” in the Town of Warwick.

TOWN OF WARWICK CONSERVATION BOARD – Letter to the Town Board after careful study of the various adverse environmental impacts associated with hydraulic fracturing of shale to extract oil and/or natural gas or other energy liquids, along with the ancillary activities recommends that the Town Board adopt a ban on Fracking at the earliest opportunity. The known adverse impacts caused by Fracking, even with substantial mitigation, do not justify allowing such an intensive industrial activity in the Town. Fracking will disrupt the aesthetic quality of the Town’s landscape and open spaces, land values, water and air resources, as well as creating potentially unacceptable impacts on the Town’s flora and fauna, in addition, Fracking is totally at odds with the Town’s Comprehensive Plan.

MARIANNE VERRENGIA – Resident, Town of Warwick – Letter to the Police Chief and Town Board recognizing Detective Tetzloff for his compassion and professionalism while investigating a theft at her parents’ home.

BOARD’S DISCUSSION ON CORRESPONDENCE

VISITING ELECTED OFFICIALS

REPORTS OF BOARDS AND COMMISSIONS

- 1. Katie O’Reilly – Warwick Valley Central School District Liaison – Megan Reilly a 9th grader is in San Diego California representing the northeast in the Foot Locker Nationals. Today four seniors signed their national letter of intent Katie Fitzgerald for track and field at Cornell, Megan Ryan for golf at the University of Hartford, Emma Bonacure for soccer at the College of St. Rose and Hunter Dolshion for baseball at the University of Maryland at Baltimore. The Interact Club put together Thanksgiving dinner baskets for 25 families in the community and they will also be doing this for Christmas and the holiday season.**

COMMITTEE REPORTS

ENVIRONMENTAL CONSULTANTS REPORT

DEPARTMENT OF PUBLIC WORKS

<u>DONE</u>	<u>LOCATION</u>	<u>REASON FOR WORK</u>	<u>LENGTH</u>
CULVERT PIPES	11 Walling Rd.	Replace culvert	30 ft. x 12"
	34 Sanfordville Rd.	Replace culvert	80 ft. x 12"
TREE WORK	Town wide	Due to hurricane Sandy	
BRUSH PICK UP	Town wide	Due to hurricane Sandy	
POT HOLES	Town wide	As needed	
SNOW PLOWING	Town wide	Storm on 11/27/12	
SANDING	Town wide	Storm on 11/27/12	
ROAD SIGNS	Town wide	As needed	
HAUL MATERIAL	Haul mix to GWL barn		

COUNCILMAN DE ANGELO REPORT – Absent

COUNCILMAN KOWAL REPORT

1. Last week I attended the open house for the Greenwood Lake students and parents to come and tour the school and ask questions of the faculty, look at the curriculum and tour the facility. It was very well attended and everything went very well. They had a nice string quartet serenade and I got to walk around my old high school.

COUNCILMAN GERSTNER REPORT

1. I received correspondence from Cablevision that I will file with the Clerk regarding Hurricane Sandy; that will be attached to the end of the minutes.
2. I was there also with Councilman Kowal and it was very well attended and a nice program that they put on.
3. I would like to wish all the residents a Happy Holiday and a safe one.

COUNCILMAN SHUBACK REPORT

1. The Town Highway Department is getting back to normal with the employees with the end of deer season approaching.

ATTORNEY'S REPORT

TOWN CLERK'S REPORT

1. Fees Collected – Month of November, 2012 – Copies of Maps, \$60.00; Certified Marriages, \$200.00; Photocopies, \$8.75; Use of Kitchen Fees, \$100.00; Use of Senior Center Fee, \$50.00; Interest in Checking Account for Month of October, \$1.15; Dog Impoundment Fees, \$510.00; Marriage License Fees, \$122.50; Conservation Licenses, \$217.09; Dog Licenses Issued/Renewed, \$1,523.00; Use of Room Fees, \$140.00; Registrar Fees, \$200.00; Total Fees Collected: \$11,719.90

2. **Fees Paid – Month of November, 2012 – NYS Dept. of Health for Marriage Licenses, \$157.50; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$190.00; NYS Dept. of Environmental Conservation for Conservation Licenses, \$6,239.91; Village of Florida for Registrar Fees, \$30.00; Village of Greenwood Lake for Registrar Fees, \$200.00; Village of Warwick for Registrar Fees, \$1,770.00. Total Fees Paid to Supervisor, \$3,132.49**
3. Bid proposals were received for specific audio visual equipment from the following vendors:

**Audio-Video Corporation
213 Broadway
Albany, NY 12204-2770
Tel: (518) 449-7213
Proposal: \$34,336.00**

**The Lerro Corporation
905 Madison Ave.
Norristown, PA 19403
Tel: (610) 650-4100
Proposal: \$33,841.00**

**Sojourner Communications, Inc.
P.O. Box 30
Sylva, NC 28779
Tel: (828) 586-1215
Proposal: \$17,277.00 ** This quote does not include all the requested equipment**

Supervisor Sweeton – For the public’s information it’s part of the new cable agreement that the town and each of its villages concluded with Cablevision. Cablevision is going to phase out where they send someone to tape the meetings but they’ve given us funding to provide our own equipment and upgrade our transmission equipment, which is here in Town Hall that allows us to broadcast out on the Government Channel 21. We coordinated with each of our three villages so that we all have the same equipment. The head end here will be upgraded and actually we’ll have more flexibility because we’ll have cameras that will be able to go live if we need to in the event of an emergency or a storm and if we want to film events outside the normal board meetings we’ll have the equipment to do that. We’ll determine whether we want to try to get volunteers to help or paid interns or whatever but we’ll deal with that. That’s what this is about and the funding has already been given to each of the villages and the town so we’re going to accept some bids tonight to get this setup so we can take over after the first of the year.

SUPERVISOR’S REPORT

1. Tomorrow I’m pleased to say that we will be transferring the easements that were purchased on the Hampton Hills Farm and the Bazylevsky Farm. We partnered with the Open Space Institute on those farms. They actually purchased the easements in total and they’re transferring them to the town in conjunction with the Orange County Land Trust. Those are two additional farms that will enter our preservation program which is good. Hampton Hills is on both sides of Jessup Road adjacent to the Myruski Farm which is already in our PDR program and I understand the Myruski family has already purchased or is in contract to purchase

the eased property to add to their farm operation. That is good and it keeps them as a viable farm. Bazylevsky is adjacent and sandwiched in between the Wisner Buckbee Farm and the Iron Forge Bellvale Farm so it fills that final section out there. It sits upon the largest aquifer that runs through the Town of Warwick so it's a good thing that, that one is being preserved as well. We thank the Open Space Institute for joining us and this will be our third venture together. We first purchased development rights on the Wright Farm. We are glad that they are our partners and we continue to look forward to doing additional acquisitions with them through the Community Preservation Fund.

2. There's a Christmas Tree lighting in Florida tomorrow evening at 4:00 p.m. and Santa will arrive right by Village Hall, so if you missed one of the tree lightings around you can still catch that one.

3. We will begin a project that was funded through community development, that's a HUD funded project' and that's to put an additional handicapped ramp in front of our Senior Center which will begin tomorrow and should get wrapped up fairly quickly.

4. I have an update on roads that are closed. Cascade Road on the Bellvale 17A side remains closed. The bridge components are there they poured two of the footings I believe and they are going to work through part of this weekend and they'll begin assembling the rest of the bridge sometime next weekend and hopefully get the bridge open in the next 10 days to two weeks. Ryerson Road is in some final design review that will actually accelerate that project or at least get it back on the schedule. Both of the projects were delayed because of Sandy and those are the two roads that will be shut down. I believe Distillery will start next week on Monday and they will be closing that road as of Tuesday and that's not as big a project as the other two so it won't be closed as long but there will be detour signs up and these are all permanent repairs being done from hurricane Irene and Lee, not Sandy. There are a bunch of other minor ones going on. We met with FEMA today and SEMO which is the State Emergency Management Office which is taking over those functions from FEMA and we're following up on the additional projects that we have so we'll keep the press and public aware of those.

5. I want to also wish everyone a Merry Christmas and Happy Holidays.

6. Journal entries for the month were all in order and have been initialed and signed off.

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

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

Paula Cornine – Resident, Town of Warwick, NY - Who is the proposal from for the Cablevision proposal?

Supervisor Sweeton – Cablevision is part of the new franchise agreement that they signed both with the town and the village over a year ago. Provided in that agreement funding for the town, they signed separate agreements with the villages and with the town. In that agreement they funded, in the case of the town, \$15,000 initially with an additional \$15,000 to be paid midway through the agreement. I don't have the numbers they did with the

villages but it was not as much, a proportion smaller than that. All of the cost of that equipment is paid by that initial funding that we received from Cablevision, so there's no tax dollars involved in it. It's all of what they provided.

Paula Cornine – Thank you.

Supervisor Sweeton – You're welcome.

NEW BUSINESS:

#R2012-286 AUTHORIZATION OF ESCROW REFUND – MARK SCHMIT

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to authorize a refund in the amount of \$500.00, the balance of the escrow for SBL#26-1-73.2 to Planning Board applicant, Mark Schmit as per the recommendation of the Planning Board Secretary; letter dated November 21, 2012.

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

#R2012-287 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – BRENDAN KOLESAR

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Brendan Kolesar as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective December 8, 2012.

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

#R2012-288 AUTHORIZATION TO APPOINT PART TIME SEASONAL DPW LABORER (RIDER) – CHARLIE HOFFMANN

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint Charlie Hoffman as a part time seasonal DPW laborer (rider) at a rate of pay of \$10.50 per hour effective December 8, 2012.

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

#R2012-289 SPECIAL EVENT PERMIT – GRAN FONDO NATIONAL CHAMPIONSHIP SERIES BICYCLING EVENT

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution granting approval to authorize the use of the roads in the Town of Warwick for the Gran Fondo National Championship Series Bicycling Event to be held on June 9, 2013 pending approval from the Chief of Police and receipt of Certificate of Insurance.

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

#R2012-290 AUTHORIZATION FOR WARWICK VALLEY PILOT'S ASSOCIATION TO OBTAIN BUILDING PERMIT FOR HANGER

Motion Councilman Kowal, seconded Councilman Gerstner to adopt a resolution to authorize the Warwick Valley Pilot's Association to obtain a building permit for the erection of a 50' by 46' hanger consistent with the Warwick Municipal Airport Master Plan as revised.

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

Discussion: Supervisor Sweeton stated that this is part of the procedure of our agreement with the Pilots Association that manages the airport and it is consistent with the plan. I did double check that.

#R2012-291 ACCEPT RESIGNATION – KELLY RIAT

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Kelly Riat, administrative assistant at Warwick Dial-A-Bus, effective October 29, 2012.

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

Discussion: Supervisor Sweeton thanked her for her service.

#R2012-292 RESCIND #2012-181 – ACCEPT RESIGNATION – JUDENE GIAMBRONE

Motion Councilman Kowal, seconded Councilman Shuback to adopt a resolution to rescind resolution #R2012-181 accepting the resignation of Judene Giambrone to be effective December 31, 2012 as she has requested to withdraw her request to retire at this time.

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

#R2012-293 ACCEPT BID – VIDEO EQUIPMENT

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution to accept the bid for video equipment from The Lerro Corporation, 905 Madison Ave., Norristown, PA 19403 in an amount not to exceed \$33,841.00.

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

#R2012-294 AUTHORIZATION TO SIGN AGREEMENT WITH NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT FOR GRANT TO PREPARE HAZARDOUS MITIGATION PLAN

Motion Councilman Gerstner, seconded Councilman Kowal to adopt a resolution to authorize the Supervisor to sign an agreement with the New York State Office of Emergency Management for a grant of \$82,500.00 to prepare a Hazardous Mitigation Plan for the Town of Warwick and its three incorporated Villages and to engage Tectonic Engineering to administer the grant.

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

Discussion: Supervisor Sweeton stated that this is a grant that we applied for in conjunction with our three villages. FEMA used to have a hazardous mitigation program where any municipality could apply for a grant to put together a plan to mitigate future flooding and disasters. About two years ago FEMA changed their policy and had determined that they would no longer let individual municipalities apply for that; they really wanted it to happen on a larger scale like a County level. The County of Orange did in fact apply, received a grant, and proceeded to put together a plan that excluded its municipalities; it only covered county infrastructure. When I questioned them about that they said, well they didn't want to have to go back to the municipalities if they were going to do a project and submit a grant so they really wanted to focus on their own infrastructure. We went to FEMA and asked if there was any way for us to get it because if you don't have a hazard mitigation plan you're not eligible to apply for other FEMA funding for projects. We were successful in convincing them and submitting a grant to work in conjunction with our three villages to produce a hazardous mitigation plan and we received this grant. We're happy about that and we're looking forward to starting that process early next week.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Rich Murtie – Resident, Town of Warwick, NY - What is the status of that plow truck that was authorized for purchase over a year ago now?

Supervisor Sweeton – We are waiting for it to get retrofitted with the body and we had some discussions with the successful bidder for that project and we now have a delivery date of January, 2013.

Rich Murtie – When did that truck come in?

Supervisor Sweeton – Sometime late spring, early summer, somewhere around there.

Rich Murtie – Was there any addendum to what we had talked about at a previous meeting as far as needing an additional \$84,000 for that truck?

Supervisor Sweeton – I think we clarified what the total was.

Rich Murtie – Mr. Astorino clarified that truck total was \$191,000.

Supervisor Sweeton – Correct.

Rich Murtie – That was after the town looked to get an additional \$84,000 for that truck for the uplift of that truck.

Supervisor Sweeton – No, when he clarified that it was my mistake when you first asked me the question; so his answer was the correct one. That was the total price including the body.

Rich Murtie – One hundred and ninety one was the total cost. You had gotten the bond for \$200,000 for that truck in December and five months later you were looking for an additional \$84,000. I was wondering if there was an addendum to that.

Supervisor Sweeton – I'm going to have to refresh my memory on it and I'll be happy to answer it for you at our next meeting.

Rich Murtie – OK, thank you.

Supervisor Sweeton – You're welcome.

Mary Makofsky – Resident, Town of Warwick, NY - I noticed on the agenda the Conservation Board is requesting a ban on fracking and I know that you all have been working on that and I just wanted an update of where you are and what kind of schedule we are looking at and when this is going to come up?

Supervisor Sweeton – We are still working with Ted Fink who is our planner. He is providing us with some additional data. The more we've gotten into it the more we understand the scope of the issue. Again, we want to make sure, as I mentioned last time, that whatever action we take we're confident we are on firm ground in taking it. I've asked Ted and I'm meeting with him on Monday. He's providing me with additional information, some more mapping so we make sure that if we do something like this where we're changing zoning and eliminating rights and things we want to make sure we're on solid ground before we take any action.

Mary Makofsky – I just wondered what the agenda looks like? Does it look like it might come up in the December meeting?

Supervisor Sweeton – The next meeting would be December 27th and I know that's in the holiday season but unfortunately we have to have a meeting as late in December as we can so we can wrap up year-end stuff so that's the earliest it can come up. I will know more after I meet with Ted on Monday.

Mary Makofsky – Fortunately the deadline of November 29th was not an issue; it was postponed three more months but then that might be when it's decided. We are still looking at a deadline and we are very concerned about it and we would like to see it expedited as quickly as possible. Also, if anybody has any further questions about it I was just wondering where it was? Does this environmental consultants report have anything to do with that?

Supervisor Sweeton – No that's our contract firm that takes care of our water and sewer systems.

Mary Makofsky – After you talk to Ted Fink there's going to be more discussions about it.

Supervisor Sweeton – Absolutely, and we did receive the Conservation Boards report and it's been distributed to the Board for their information. They had some additional questions so I'm trying to make sure Ted can get us everything that we need.

Brian Baird – Resident, Town of Warwick, NY – I have been very pleased with the Conservation Board so much in fact supporting the concept of banning fracking in the Town of Warwick. I want to point out a few things some of the common questions that might come up eluded to the fact that there are property and mineral rights discussions that people might be concerned about affecting in a result of issuing a ban like this. I just wanted to give a couple of additional thoughts about what might be at stake than what you said. I'm going to be using industry data, that is oil and gas data, 7% of wells fail at the start and that means the water in fracking is not contained and it results in dumping and flooding millions and millions of gallons of water into the local land and aquifers. This water is infused with bio-kill chemicals which is part of what they infuse the water with to keep plant life, animal life and insect life whatever it is biology from interfering with the fracking process deep down underneath and it's a great risk of contamination. Using also the industries data a minimum of 5 billion gallons of water will be used for each well pad. The well pad consists of 10 or more wells so when you look at the life of such wells along that pad a minimum of 5 billion gallons will be used or continued to be fracked and over time and there's expected based on what's happening in other places in the country to be an excess of 50,000 well pads in the State of New York. Looking at that the staggering calculation is 250 trillion gallons of water. Now I'm not suggesting all the water is coming from Warwick but more than half of that water comes back and its got all of these bio-kills and other things that acts like a lubricant to get the water down there and support the fracking compression of the water to make the shale fracture for natural gas to come back up. It comes back up

with uranium and toxins from underground because the water is super saline and you can kill all life because there's some much salt in the water and not to mention the things we put in the water to do the fracking. The challenge comes down to 250 trillion gallons of water in New York that are going into the ground; that means 125 trillion are coming back up and they are going to put it some place. In addition to concerning ourselves over the view shed issue and the compatibility of the Warwick way of life and the Comprehensive Plan is somebody may be trying to dispose of that water on our doorstep, so I think in the process of making fracking and supporting activities we protect ourselves from even the ancillary activities even if we think fracking isn't going to come to Warwick the ancillary activities could come to Warwick. They're not compatible in the Comprehensive Plan in my view at least. If anybody needs this information to clarify questions or doubts about why banning is the better choice rather than choosing mineral rights I'm certainly happy to provide all the information. I started this journey in May regarding fracking as a very neutral place and to put it into perspective I'm a registered Republican. I kind of thought that the party line for being Republican is pro-fracking, pro-business and pro the activities that support the economy and things like that. The closer I've gotten to this issue over the last several months the more I've realized that this is not about politics. Breaking ranks with Republican parties or Conservative parties that are out there that are pro-business or pro-fracking is essential to supporting the way of life we have here in Warwick. The more I peel back the layers of this onion it's not like I find job activities outweigh this or the tax dollars to the local community, it far outweighs the damage that this does from any benefit you can get from economic or job factors from this industry. It's not like I've done a shallow exploration; it's been pretty complex, pretty interrogative, I've looked at all the industry data because I like to look at what was supported by the government and also by the industry in terms of their own view. I realize although they represent themselves as safe there are clear challenges that they really haven't tackled and in other parts of the country where fracking is allowed there are some challenges in certain communities that have been risked to environment, risk to water, risk to health and so on. That's part of what's been explored with the Department of Environmental Conservation and Health Board but I'm not convinced that they are not trying to figure out a way to enable or disable fracking they are just trying to figure out how it's going to get done. Fracking is inevitable; you're sitting on top of the Utica and Marcellus shale and in other parts of the country where this has been allowed both shale's are being penetrated for the exploration and extraction of natural gas and it's been a lot of difficulty in the wake of that industry. I don't think it's compatible with our way of life. So using just the water and this is just on piece of the entire dollar. We presented our entire program from Sustainable Warwick and shared with the Conservation Board who did their presentation. Just aspects that are specific to our community in terms of the view and the pristine nature of Warwick Community as well as the fact that we have an agricultural base in our community that those can be damaged just from the industrial activity but it goes well beyond that based on what I said. I'm asking you to if you have any doubts please let us or me or whatever know because I see this as a time of the

essences type of thing and I really would like to make sure that we keep in contact for the protection of the town. I'd rather say no now then wish we said no later.

Paula Cornine – Resident, Town of Warwick, NY - I was wondering if I could get a copy of the conservation report, is that available?

Supervisor Sweeton – You mean what the Conservation Board submitted?

Paula Cornine – Yeah.

Supervisor Sweeton – Yeah, you can get it through the Clerks office.

Paula Cornine – Just a comment about the fracking. I don't have a strong opinion one way or the other but I'm assuming that if there wasn't such an assault on oil, gas and coal production maybe this wouldn't even be an issue. Maybe people are searching for other means of financial gain and/or other resources of energy because there's such an attack on oil, gas and coal.

Brian Baird- It's a complicated issue and it can be an emotional issue when it comes to the money side of this.

Supervisor Sweeton – So the Clerk can get you a copy of that.

Bill Makofsky – Resident, Town of Warwick, NY – Is Ted Finks report going to be made public?

Supervisor Sweeton – I don't know if he's going to give a formal report. I'm going to meet with him to go over some of the data that he's going to provide and if he provides it and it's for the Board it's absolutely public so we're not going to not share it. I just don't know if he's going to do a formal report per say. I haven't decided yet because I don't want to pay him tons of money so I'm just trying to glean what I can from him first.

Bill Makofsky – If it is public how would we get a hold of it? How do we access it?

Supervisor Sweeton – We just ask everyone to come in and file a foil report with the Clerk just so that we have the record that we provided it.

Bill Makofsky - Are we on track here for a hearing on the 27th?

Supervisor Sweeton - I can't answer that tonight. After I meet with Ted I'll know a little bit more.

Tara Khaleed – Resident, Town of Warwick, NY – We missed the initial meeting on fracking.

Supervisor Sweeton – Those minutes are on our website so if you have access to that you can read the commentary.

Tara Khaleed – See stuff in the paper, I'm just curious to see what the process is going to be? You're going to get a report from this gentleman, you're talking about having a hearing the ultimate decision to allow it or not allow how do we handle that? Are you going to discuss this at the hearing and then the Board takes a vote or is this going to be open to a public commentary period, is there going to be a public vote on it? I'm just curious; I don't know?

Supervisor Sweeton – The process is if we were to entertain a ban we would have to change our zoning, we've already determined that. We're not sure which path of doing that we would have to take in doing that and that's one of the things we're looking at. We have some precedent in the way they handled the uranium back in the 70's where there was actually two different local law changes. One was a zoning one and one was another creation of a local law, both of those by stature we have to have a public hearing before we can adopt those, so those get published so people can see what they are, then you have a hearing where people can come and express their opinions, the hearing gets closed and then the Town Board will have a decision to make as to whether they want to adopt those changes or not. If they don't adopt them they don't adopt them and then whatever happens, happens after that. If they adopt them it goes into effect, so that's the public process. There will be a notification once a hearing is set if there's a hearing to be held so that's the process.

Tara Khaleed – I thought I saw something where Cuomo had actually told New York State he wasn't satisfied with the reports he had received.

Supervisor Sweeton - There's an issue that the DEC has to issue permits and the DEC had provided, I guess put forth some revisions and regulations they were going to put in place to issue these permits. There was a comment period which ended on November 29th and there was some concern if they enacted the changes it would somehow preempt local control of that process. In New York State we're a Home Rule state so generally zoning regulations are controlled on the local level. Now there's instances where the state passes laws and regulations that supersede local control, but generally in zoning issues they don't normally preempt those things, but there's that concern. What's happened at the state now is the DEC was not in a position to adopt its regulations and also the state wanted a health report. They wanted to have a report on the health consequences of fracking, so they created a panel that's now been seated to investigate and report on the potential health effects of allowing fracking in New York State. That's the process that's going on right now, so we don't know what the state is going to do yet, but there's a three month extension kind of window thing that they've done which means it will December, January, February they would have to enact new regulations if they are going to do so. We don't know what they are going to do. It seems like the Governor who has been doing some good stuff and maybe not some good stuff, determines the course he wants to follow and then simply follows it and gets everybody to go along with

him. Whether he could do that tomorrow at the end of this three month period and decide he's going to permit it only in one county in New York that seems to want to have it happen which is upstate, we don't know. We're looking at it from our perspective and what it means for our community, how it relates to our Comprehensive Plan, and to our zoning already and that's what we're trying to do. We're trying to be diligent about it and we're trying to get educated about both sides of it as we can so we make the right decision and then whatever happens we want to make sure that we're on solid ground as to whether we enact something or don't enact something. We want to make sure we're doing the right thing and that's what we're trying to do. If you look at our website you'll see what our agendas are that are coming up. There will be public notices published. We have Facebook now so we try to put stuff out there as much as we can to try and get the information out. We have municipal channel 21 if you have cable television you can check that too.

Councilman Gerstner – As you mentioned Mr. Supervisor the Village of Florida is doing a tree lighting tomorrow at 4:00 p.m. and next Friday, December 14th the Pine Island Fire Department will be starting at 5:00 p.m. for Santa and I believe he is supposed to show up at 7:00 p.m. They will start with refreshments at 5:00 p.m. at the Pine Island Fire House.

ADJOURN: Motion Councilman Shuback, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman DeAngelo absent) 8:10 p.m.
12-06-12 CP.

Marjorie Quackenbush, Town Clerk