

December 27, 2011

A Special Meeting of the Town Board of the Town of Warwick was held at the Town Hall, 132 Kings Highway, Town of Warwick, for the purpose to discuss issues related to Buttermilk Falls Road. Supervisor Sweeton called the special meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Leonard DeBuck – Absent
Councilman James Gerstner
Councilman Mickey Shuback

Town Attorney, John Hicks

Supervisor Sweeton – We set this up as a meeting because we wanted the whole Board to be here and it's not a regular Town Board meeting but that's the way we set it up so we noted it to the public and the press is here. The intent of the meeting tonight is to lay out what options we see to help do some improvements either to the bridge, to the road, or neither. We are going to lay out the options as we see them that allows us to do it to be involved in this process. It is a private road, it is a private piece of property and whether you're on the side that thinks it's right or wrong, it's irrelevant. The law tells us what we can do and what we can't do, so we're here to lay out the options. At the end of the evening you'll know at least where you have to go from here and you'll know what process you'll have to pursue. I'll explain a little bit about where we are and I do apologize for having this meeting this week. I had intended to do it in November but with the budget and tax cap it just got away from me. You will all have an opportunity to speak and I only ask that's it's one at a time because the Clerk is trying to get your comments down. Please come to the podium, give us your name, make your comment and I'm trying to keep it to three or four minutes so that everybody has a chance. It looks like with the crowd it should not be an issue. We would like to get you all home by 9:00 p.m. if we can do that. I will also give you some information and updates where the mythical federal dollars are and where they are in the process because I'm sure you've heard lots of things about that. As you know, this is nothing new to all of you this has been an ongoing problem since way before me and it's just an unfortunate result of how the subdivision was formed in the first place, how the lots got built out and no formal homeownership established for the road for the maintenance of the road and the structures. That's the situation, that's the way it is. Sometime back in 2003 we convinced our congresswoman at the time to get a federal highway transportation earmark which is now a dirty word; you can't get those anymore, but she secured I think the original earmark was \$175,000 federal dollars and \$35,000 local match. As these things work in the federal process those numbers get whittled down over the years because each new federal year congress actually authorizes the dollars to go into the highway fund. At the moment there stands allocated to this project \$116,000 for construction dollars a match of \$16,000 from a local source, \$10,000 for construction inspection and \$1,400 for a local

match for the construction inspection. The federal highway dollars are controlled on a county or regional basis by the New York State Department of Transportation. It's on what's called a five year transportation plan and is currently situated on the 2014-2015 calendar year time table. Now at the whole end of the process if it looks like that money needs to be used, if some agreement from all the residents is formulated, maybe we could move that up, we don't know. It stands a better chance because it was an earmark which means the DOT can't really move it anywhere else and it's not a lot of money so it's conceivable that it could move and we could work to do that if in the end that's something that the majority of the people on the road would like to see happen. It still requires probably one other step to happen which is one of the choices you are going to have to consider tonight. The research we've done is New York State has a section of law called Town Law and in that section 200 is a procedure by which a private road can be brought up to standard, conveyed to the town and become a public road, so that's one process. I will explain the process because it's the same process that we will follow to do a little different and probably a little less costly alternative which is the formation of a drainage district. It's the same procedure to do it and a drainage district would not touch the road and the road wouldn't become a public town road, it would stay a private road, but there would be a district like a water district or sewer district. It would be a drainage district to make certain drainage improvements to structures on the road including the structure that conveys Longhouse Creek along its path. That's an avenue that could be pursued and both of these require a series of steps to occur for this to happen. The Town Board needs to be presented with a petition of 51% of the benefited properties on the road. To our recollection there are about 65 parcels that abut Buttermilk Falls Road so 51% of those would need to submit a petition in the affirmative to the Town to expend up to a certain number to make these improvements in a drainage district. Those improvements would then go through an engineering account process and as long as the cost of those when you put out a contract didn't exceed what the number was in the petition the Town Board could go ahead and accept bids, have the work done and it would get charged back to each benefited property on their taxes. That's the process whether you do it in terms of just the drainage district or a process to bring your road up to a town road at which point the town takes it, maintains it etc. The million dollar question on all of that is what's the cost? Well at this point, part of the process is if the Town Board gets a petition it has to do an engineering analysis of what the cost would be and present that in a public hearing for the residents to say what the cost is and at that point the Town could then move forward. We've had various estimates, just the engineering firm that was secured under the federal grant did several designs and it ranged from \$180,000 to \$225,000. We've heard different numbers and those are for concrete box culverts, proper foundations, road covering etc just for what's known as the bridge. If we were to get a petition that says 51% of the people want to move forward with this process it doesn't commit us to moving forward but it commits us to getting a harder number. We would have to refine that number and could look at various options. To do the federal process it's probably going to be in this range of numbers the \$180,000 to \$250,000 because that's what the federal process requires; it's a stacked book this thick of everything you have to do to present and the DOT has to approve it and the federal highway agency has to approve it, so it's a more expensive process there's no question. If we just formed a drainage district and the Town went out on a bid to private contractors

my guess is it would be less, it wouldn't be quite as much as this but it's not going to be as cheap as if you folks all got together tonight and hired somebody to do it which is your third option. This has been done several times in the past by the residents, if they can get together and talk to Mr. Silverman or his attorney and do what you need to do to fix it, that's still an option that remains with you. That is the process as we see it and at this point I'll let whoever wants to talk come up to the podium and state your name. I just want again to try and make this constructive so we appreciate your comments on the process and where you think it can be going forward. It's not really about whose responsibility it is, who's wrong, who's right but this is what our attorneys are telling us we have the ability to do here.

Maureen Cuddeback – Just going back a little bit Mike, I can't find you mentioned something about a subdivision.

Supervisor Sweeton – I call it a subdivision it's however...

Maureen Cuddeback – That's what I've been trying to find out how did that come about? looking at maps I don't see Buttermilk Falls Road at all times.

Supervisor Sweeton – A very nice elderly lady Mrs. Vicki Olmedo, who I met probably the first year I was in office, was one of my first appointments she came up to tell me how she had gotten Mr. Gilman to help her get some funds to fix the bridge. She gave me some maps and there are some what I call subdivision plot maps. There was no zoning code for the Town until the mid 60's; 1964 I think.

Attorney John Hicks –Yes.

Supervisor Sweeton – What the process was at that point I think somebody wanted to develop lots and came before the Planning Board.

Maureen Cuddeback – What I'm trying to find is the name Buttermilk Falls Road. How did that come about and who put the bridge up originally? I know it's in front of Mr. Silverman's home but I don't see any documentation that I can trace so far to literally tell me the story. Does that go back, do you know? As far as the Town, if you have that information, who should I ask for it?

Supervisor Sweeton – I only have the maps she gave me. We could research the planning files to see. Back then they recorded I call them subdivisions on index cards so whether that information is in the file or not I could try and find out. The map I've seen had the gentleman's name; is it Fisk, I think it was.

Maureen Cuddeback – Fisk is the lawyer for...

Supervisor Sweeton – I see his name a lot.

Maureen Cuddeback – They found her incompetent when she was 80 years old. Fisk was the person who dispersed the properties.

Supervisor Sweeton – It could have been. We can certainly look in the files to see if there's any other relevant maps.

Maureen Cuddeback - Mr. Silverman will not return our phone calls so for us to even discuss anything with him.

Supervisor Sweeton – How about his attorney, because I think we gave you his attorneys phone number?

Maureen Cuddeback – I don't know if that's really his attorney; a mayor in New Jersey?

Supervisor Sweeton – Well he is an attorney.

Maureen Cuddeback – And he does practice law.

Supervisor Sweeton – I have his letterhead and his name so we do have that.

Maureen Cuddeback – I figured that was a mistake. I didn't know a village attorney is a mayor.

Supervisor Sweeton – He's a mayor in another town in New Jersey.

Maureen Cuddeback – OK so maybe we'll do it that way. If I could understand that better I think I might be able to find something. I thought he told me he put up his own bridge. This is class A water we have and this is very rare and it's feeding into your Warwick Town. We know what happened to the water in Bellvale and I hate like hell you could hire every engineer and do all your tests and somehow pollution can occur still.

Supervisor Sweeton – OK.

Maureen Cuddeback – With this bridge that Al Buckbee did it would just be over what we need to cover so engineers and a whole slue of people wouldn't have to be involved.

Supervisor Sweeton – Again, if the residents want to get together and put a span over the stream I'm not going to tell you that you don't have to get a permit to be in the stream but I'll tell you when we looked at the Cascade Bellvale section of culvert that was ours that washed out we talked to the DEC about not being in the stream, so we didn't need a permit to be in the stream.

Maureen Cuddeback – Exactly. I would rather not be in the stream.

Supervisor Sweeton – So there are clear span prefabricated structures.

Maureen Cuddeback – Even if we were to do it our own way we would not get a penny of support for all the money that was allotted.

Supervisor Sweeton – You’re talking about the federal money.

Maureen Cuddeback – Yeah.

Supervisor Sweeton – The federal money is, like it or not, a process.

Maureen Cuddeback – I know if we took a bridge and just plopped it down would the government give us some of the money then?

Supervisor Sweeton – I’m not sure. The DOT would have to approve your design, your plan; they would have to have engineering...

Maureen Cuddeback – How can we find that out in order to make an educated decision. I’m going to need to know my facts a little better as far as hey, if we know the bottom line is \$170,000 and we’re still going to get \$120,000 so we’ll only have to scrape up \$50,000. Then you can go to Silverman’s attorney and see how much he’ll kick in.

Supervisor Sweeton – The only thing I’m trying to caution you about is the federal process has to be followed a certain way so you can’t say, OK we’re going to go get the bridge, put it in and hopefully the feds are going to give us the money because that’s not happening. They want to approve everything all the way along and it’s excruciatingly slow. We’ve done it on East Shore Road and we’re still arguing with them about some of that project, so you really have to know they’re on board. A question can be put to DOT to say, “What do you think about this?”. I would hate to say you can count on getting the money if you don’t do it exactly like they want you to do it. That’s the downside to the federal dollars. It’s our tax dollars that are going there that they’re sending back but they want to keep it.

Maureen Cuddeback – OK so it may be a long endeavor thank you.

Supervisor Sweeton – You’re welcome.

Maureen Cuddeback - I would like to see those maps when you get them.

Supervisor Sweeton - Yes and I apologize I don’t have them with me they must be in my office I’ll look before you leave.

Rocco Testa – Mr. Sweeton, the more and more I research this road and more and more that I look at the documents it comes to my attention and everybody else’s that the Town owns this bridge. If you prove me wrong I’d love to know it. You had a Planning Board meeting on May 17, 2006; your board told Mr... I’ll give you the packets here. Now, on May 17, 2006 Lou Sabarese put in for a building permit and part of the process on the

building permit was he had to turn that property over to the Town, the bridge, it's in those documents you can read it.

Supervisor Sweeton – Can I clarify something?

Rocco Testa - Go ahead.

Supervisor Sweeton – He didn't put in for a building permit. He put in for a subdivision of his property to the Planning Board. As part of that potential approval he was asked to offer for dedication to the Town the bridge over Longhouse Creek so the Town could proceed with the federal process.

Rocco Testa - Which you did.

Supervisor Sweeton – To replace the structure. Mr. Sabarese never ever perfected his subdivision, so whatever was recorded in the notes he never got an approval on his subdivision, he never perfected it. He got the approval but he never perfected it. He never filed the maps, he never pursued it and he sold the property.

Rocco Testa - According to his attorney Dave Donovan Lou signed it over for a dollar. The Town called him two months later and said we don't want the bridge any more told Dave Donovan. Now you make a man go through that process to get it and you're talking about federal dollars. You knew in 2006 you need that property to get federal dollars. Do you or do you not need that property to get federal dollars? Just answer the question.

Supervisor Sweeton – If you're going to be confrontational we will end the meeting and all the folks can go home and you can take what ever legal action against the Town you'd like. I am not going to listen to accusations from you this evening.

Rocco Testa - It's not accusations.

Supervisor Sweeton – It is. Now if you hold on I will tell you. What we said was to pursue the federal process when we first did this. We talked to New York State DOT and they told us we could acquire a temporary easement on a parcel of property which they do commonly to make improvements. That was our intention trying to be helpful and no good deed goes unpunished apparently. We're trying to be helpful to get a solution to this problem OK so that's why when Mr. Sabarese came we said OK great you're going to do the subdivision. You want to help us get the bridge fixed give us the offer of dedication. An offer of dedication means the Town can take it but it doesn't mean it has to.

Rocco Testa – Do you have those documents that say you didn't take it. All the documents that we have say you did take it and none say that you didn't take it.

Supervisor Sweeton - I'm going to say one more time, Mr. Sabarese's subdivision was never perfected which makes all of this irrelevant.

Rocco Testa – I talked to your Town Engineer, Zen Wojcik, and he said it was Town knowledge up until he worked here in 2009 that the Town owned the bridge.

Supervisor Sweeton – Well then he's wrong.

Rocco Testa – He's wrong?

Supervisor Sweeton – That's probably why he doesn't work here anymore.

Rocco Testa – Talk to David Getz; it's on his plan approved with the subdivision, with the bridge being owned by the Town.

Supervisor Sweeton – You're trying to mislead people. An engineer comes to the planning process and he puts all of these things on a plan with the intention that that's the way it's going to be when they finally get approvals, so Mr. Getz put all that stuff on the plan because that's one of the conditions they wanted in the approval. He never got the plan signed. The maps were never signed, were never filed so all that stuff is just scrap paper. There's nothing legal about any of it.

Rocco Testa – Not according to his attorney at the time.

Supervisor Sweeton – Well I disagree with his attorney.

Rocco Testa – Why would you pursue a federal grant knowing you need to own the property to turn it down. It doesn't make sense.

Supervisor Sweeton – We haven't turned it down we were trying to help.

Rocco Testa – All you had to do was go to Mrs. Sabarese who already turned the property over to you for a dollar, yes we want to do this project you put in for it in 2007 and you signed the papers. Why didn't you follow through then with the application of the deed? You go to your attorney, you go to your engineer, you hire an engineer Lochner Engineer knowing you need to get land acquisition when you already had it or you could have had it for a dollar. Why would you go through all of this expense again? Where are the bills for Lochner Engineering?

Supervisor Sweeton – As it turns out and I'm glad you pointed it out we never paid Lochner for the initial engineering he did.

Rocco Testa – He did all that engineering and you never paid them.

Supervisor Sweeton – That's correct.

Rocco Testa - But you paid Butler \$14,000.

Supervisor Sweeton – We paid Tectonic Engineers who is the Town Engineer.

Rocco Testa – You paid \$14,000 but you didn't pay the engineer who designed the bridge.

Supervisor Sweeton – Apparently not.

Rocco Testa – Really. We talked about this; you folks know we already had this meeting. Remember we talked about it at a town board meeting and you said you would look into it; I'll give you that document. If you look at the second page it says that Mike Sweeton had a meeting with the residents of Buttermilk Falls Road and that they agreed to float a bond. When did this meeting occur?

Supervisor Sweeton – This is the meeting that you folks attended.

Rocco Testa – It's the meeting afterwards, if you read it. It says after the meeting I met with the residents.

Supervisor Sweeton – These are the meeting notes that were presented the meeting after the meeting that you all came correct, because some of you here were at that meeting.

Rocco Testa – That's a different meeting.

Supervisor Sweeton – No, where you all came. You all came because you were mad that the project was moved off of the five year plan. We talked, we talked, we talked out in the lobby about the process. You wanted the project back on the list.

Rocco Testa – Right.

Supervisor Sweeton – Which is what I got done. Either you wanted it on the list or you didn't want it on the list.

Rocco Testa - It was pulled for lack of funding.

Supervisor Sweeton – Please let me answer the question. The reason it was moved off the project is the five year plan gets funded from the State of New York from the federal government. Sometime prior to the meetings where it got moved off the New York State DOT comes down to these meetings which are once a month and said our five year plan in 2012 or whatever the year it was in is under funded so we have to move projects. That's the process. This five year plan, you set it up on one day and three months later, because the state doesn't have the money, things get moved around and at that point in time it got moved off. It was not too long after we got the report from the engineer that we had to get because of the federal process, that said beside our \$68,000 that it's going to take us to design this bridge it's going to be another \$200,000 to construct it. When the federal grant was only \$175,000 to begin with and as I explained at the meeting you came to, if we expend some dollars on the project and then can't complete the project because there's no money we owe the federal government back the money that we spent.

Rocco Testa - I understand that.

Supervisor Sweeton – OK, so we were not about to do that and I said at that meeting move the project off until we can figure out how to do this.

Rocco Testa – I understand that.

Supervisor Sweeton – Which they did; which then you got mad about.

Rocco Testa – What I think happened was you got the property from Lou Sabarese in 2006. You signed papers knowing you had the property, you did the engineering work and then found out it was going to cost the Town too much money and you said we aint going to do this, we aint going to lay the extra money out of our pocket and threw it to the side. You took it off the tip calendar and put it back on us; that's what I think happened. Now here's another letter you said there's no problems with ambulances or fire trucks nothing like that ever happens. Well here we go again more documents that you say don't exist. Everything that you said we proved you wrong.

Supervisor Sweeton – First of all, let's get the record straight. Nobody said documents don't exist, you've had access to every document.

Rocco Testa – Almost every document.

Supervisor Sweeton – So I'm going to give you another two minutes to finish what you're doing and then we're going to stop and let someone else talk.

Rocco Testa – Here's a document from you; I know this is a private road but it's the bridge. Jerry how do I dance around this issue, you know it's a public safety issue? The bridge is over a DEC classified stream that needs to be repaired. I don't want to say the wrong thing to this guy, any hints Michael? You knew it was a problem then.

Supervisor Sweeton – Absolutely we've known it's been a problem for 25 years. It's not a secret. It's a private road owned by a single person and the Town can't spend money on it and that maybe fair or unfair but that's the reality.

Rocco Testa – Mr. Hicks, you said certified copy of deeds, here you go. Our right-of-way over the bridge going back to the 1800's. Lochner estimated this bridge on this document to be \$182,000 with 26% contingency, so that's the exact number that you thought it was with the designs.

Supervisor Sweeton – That was one design. He also submitted two alternatives.

Rocco Testa – He said they would be more costly than our bottom line, so it could be less.

Supervisor Sweeton – Hopefully it would be less.

Attorney John Hicks – What you just handed me was copies of deeds one of which is yours.

Rocco Testa – Correct, because you wanted to know if I had a right-of-way over the bridge to Buttermilk Falls Road via Bellvale.

Attorney John Hicks – What these are are deeds from a grantor to certain people and one of the grantees is you.

Rocco Testa – Right.

Attorney John Hicks – I didn't see anything in your deed which I did have a copy of before.

Rocco Testa – In my name?

Attorney John Hicks – Yeah.

Rocco Testa – Yeah it's right there.

Attorney John Hicks – Because I got it from the County Clerk's office, I didn't know you were going to bring it in. I asked for it at the last meeting and you didn't bring it in.

Rocco Testa – I was trying to get it to your office but I found out you don't have an office.

Attorney John Hicks – I don't see anything in this deed that gives you the right to cross any bridge.

Rocco Testa – Over the road out to Bellvale so if I live on the northern end; my only way out is over the bridge.

Attorney John Hicks – Here's the problem; here what this says is a very simple statement. You own this property together with a right of passage over a private right-of-way.

Rocco Testa – Right.

Attorney John Hicks – A private right-of-way known as Buttermilk Falls Road to a public highway known as Cascade Park Road which leads to Bellvale New York. It says you have the right to travel on the road. It's in almost everybody else's deed if not everybody else's deed has the exact same thing.

Rocco Testa - Some do and some don't. There's no section of the road that has no right-of-way over it John because the road wasn't developed and that's why all the deeds go out to Bellvale.

Attorney John Hicks – But there’s nothing in here.

Rocco Testa – So if the road wasn’t existing yet our only way out is through Bellvale it doesn’t say to the Town of Warwick, John.

Attorney John Hicks – I’m not saying the road didn’t exist. The road did exist at the time this deed was filed. It probably existed at the time your predecessor in title owned this property but the question is the bridge, not the road. You can cross that, as I read here, Mr. Silverman’s property to get out that way but you have to go through the creek to do it.

Supervisor Sweeton – Hang on we’re going to have multiple people. If you want to come up and have your say that’s fine but we can’t have multiple people.

Rocco Testa – As far as I’ve documented I have some of the documents at home the bridge was in place in 1906 as a structure attached. Structure attached to me I take it as being a bridge. The road wasn’t even called Buttermilk Falls Road when it was on some of the documents. It was called Road by the Falls and then called and referred to as the Falls Road. The bridge was there and constructed three times. That bridge was there since Houston owned it which was also a Town Supervisor. His great, great grandfather and grandmother owned a huge section of that property and they sold it.

Supervisor Sweeton – OK but we’re not arguing...

Rocco Testa – The bridge was there when the road wasn’t developed and the only way out was through Bellvale.

Supervisor Sweeton – Rocco we’re not arguing when the bridge was there or when it’s not there. The issue is how can we help and the process by which we can help is to form a drainage district.

Rocco Testa – OK and my last comment before I leave; we had the discussion about having John Silverman repair the bridge and you told us that John Silverman has the right to do what he wants, is that correct? If he wanted to remove the bridge he can remove it and if he wanted to repair it it’s his decision to repair it. I don’t have the minutes because they weren’t put into the record yet but I remember that’s exactly what you said. According to your building code which I printed out it says the Building Inspector tells the owner what he wants done and the Town approves it. The Town doesn’t let the owner tell them what he wants to do. This is your code Mike.

Supervisor Sweeton – What you need to read is what the code says he must do. It’s repair safely or remove.

Rocco Testa – Spend tax dollars to do that.

Supervisor Sweeton - How that is done maybe under the control of the building inspector I'm not going to argue that with you. Excuse me, excuse me.

Rocco Testa – It also said in your town code that the letter from the building inspector is supposed to be written by him. I didn't see any letter from the building inspector saying the structure is to be repaired. It also went to the Town Clerk but it's supposed to be filed with Orange County. I didn't see any documents filed there.

Supervisor Sweeton – We have a letter on record to the Town Board which is what is required from the Building Inspector.

Rocco Testa – Your procedure says that the Building Inspector goes out, inspects it and makes a recommendation to the Town which is you to have that repaired or removed. You make the decision, not John Silverman. Then you tell him what to do and if he doesn't want to do it you have the right to repair it, you have the right to do it in an emergency. That's the documents, that's your code, go ahead and look it up you can read the whole thing.

Supervisor Sweeton – Thank you.

Rocco Testa – That's all I have to say.

Christine Kick – The last meeting that we were here there is a little bit of conflict or discrepancy as to what's been said here and what was said last meeting. Last meeting we were told John Silverman has the right to get rid of the bridge and the Town was going to require him to pick up the mess, all the dangerous concrete and rebar and all that type of stuff and that he has the right. We were told if we choose to go over that it would be considered trespassing actually Mike I believe you said that. Now at this meeting we were just told that through our deeds that we have the right if we want to cross the stream to cross the stream because it's deeded.

Supervisor Sweeton – I think the context of that, and we can check the minutes, was someone suggested that when we said we would have him put up a fence or barricades to prevent someone from crossing because of the danger of the situation that it was commented on that you would have to make the fence the length of his property because kids would go around it anyway. We said that would be trespassing, but we can look at the minutes and see what the minutes say but that was my recollection of that.

Christine Kick – If we put barricades down and according to Rocco's deed right there he has the right to exit toward Bellvale wouldn't putting up blockades stop him from exiting that he has deeded rights to.

Supervisor Sweeton – You maybe correct. He hasn't been instructed yet what to do.

Christine Kick – I guess there's a little bit of confusion when it comes to that. Another thought; we all talked about the stream, how it's a class A stream and I believe we had a

fire truck incident down there at which point a Town fire truck spilt all of their fuel into that triple A stream. Since both ends where that bridge was there is no emergency fire truck turnaround so what happens if there's a fire at Mr. Hansen's house and the firemen have to go down there. Are we going to have another incident now where the entire fuel is going to be put into that stream? We are talking about the DEC and they have to approve all of these things I believe that would be a big problem and this has already happened once. We've been told multiple times that we don't have any issues with emergency services getting down to whatever areas. I know a couple different times when we had issues and there yet is still confusion where people live and what side to go down and things like that. We're being told there's no safety issues, there's no issues with children getting to school and some residents don't care whether their children are getting hurt in the stream. I don't believe we're a group of people...yes we might have differences but we all care about one another and we all care about each others children and we wouldn't want that to occur. All in all, regardless of what the outcome is, we truly do need to make sure that it is a safe environment and that we're able to do everything that our deed says. If the deed does say and mine does too that you can have rights to the thoroughfare to Bellvale we should be able to have that right and if Mr. Silverman's structure that is no longer existing is making it so we're not able to have that right that it's even in there then the Town has the authority to say this needs to be corrected.

Supervisor Sweeton – We disagree with that interpretation. That's what our attorneys have told us and we disagree with that. I'm sorry.

Christine Kick – The attorney here just said yes...

Supervisor Sweeton – He said you have the right of passage over the private road known as Buttermilk Falls Road, that's correct.

Christine Kick – Your going to be putting up blockades so that wouldn't be the case and if we were to go around the blockades that would be trespassing so I think that's a little bit confusing.

Supervisor Sweeton – We would have to look at the blockade issue in light of what the attorney stated tonight.

Christine Kick – OK.

Supervisor Sweeton – We have not instructed Mr. Silverman what to do yet.

Christine Kick – OK then if we don't put the blockades down I see a dangerous situation so it results in a whole other thing that we have to come to a different conclusion. The Town with the funding and everything has been saying for years and years and it's constantly according to even what Rocco read to us that we have to figure out a way to put this to the side. This issue has constantly been pushed off and we are very fortunate that no one has been hurt. I almost got hurt myself like I explained to you in the past.

Things have happened where the Town has come in. The washout on the one side the Town came in to repair the washout from the culvert that overflowed. There's the issue on our side with another washout the Town came in and did something about that. We pay taxes and a lot of taxes. I mean my taxes are extremely high and some of our other people's taxes are high and I feel that there really isn't that much benefit from the Town to help us and we're pushed off time and time again. We've taken our time to come to all these different meetings and nothing is ever resolved and it's just pushed off yet again. I was required in my property to put an emergency fire truck turnaround. I did everything that I was told to do within what the Town wanted. I even paved my section to the private road because it was a Town requirement. I had to put out a driveway bond to go over a curb that doesn't exist because the Town asked for that to happen. I don't understand how the Town can require these different things to happen but then don't do anything about the road.

Supervisor Sweeton – Well I explained that the last time but I'd be happy to do it for everybody else if you want. It's in the minutes, people can read it. That was part of a subdivision where you were building a house. You went before the Planning Board and the Planning Board has the ability in that process to ask you to do certain things and on a private road you need a 280a variance from the ZBA and they also have the right to ask you to do certain things like put a turnaround for fire equipment, pave the road in front of your house and get the driveway bond. If that process was in place in 1950 and 60 when all the houses were built originally we wouldn't be here tonight but it wasn't, so fair or unfair it is what it is. You bought a lot, built a house, now rules are in place so you had to do those things but that's part of what can be done in that process. We're not in that process with this bridge issue. We're not in that process we have to work within in what legal framework we can work here.

Christine Kick – According to those men Mr. Silverman it did say in the minutes that the Town was buying the property for a dollar. It does say it in the minutes.

Supervisor Sweeton – But again, see the planning process is never finalized until the Chairman of the Planning Board signs his name on the map and the map is taken to the County and filed. That did not happen with Lou Sabarese's property, it didn't and if you can provide that sue the Town and you're going to win, but you can not because it is not it was never done so they can say whatever they want to say that the Town was going to do this and he was going to do that, but it was never perfected.

Christine Kick – What it comes down to Mr. Sweeton, is we have all this help that the Town actually tells us that they've been doing for us. That they were doing this to help us we've solved nothing, we've overcome nothing, the same danger issues are there, we still have the same bond that's been sitting out there for years and years and years that seem to never work and nothing is accomplished. What is the Town willing to do to be able to help us move forward?

Supervisor Sweeton – We're going to help you form a drainage district if you get 51% of the landowners to sign a petition.

Christine Kick – And you don't know how much that's going to cost to do so.

Supervisor Sweeton – I'm going to give you an estimate OK and part of the process would be to perfect that estimate. That estimate, just to do drainage improvements, would be somewhere between \$150,000 and \$220,000, so what does that mean? It means if the Town floated a 20 year note to make those improvements and do it, it would mean the average homeowner is probably going to pay somewhere between \$125 to \$200 and some dollars depending on their evaluations a year for twenty years. That's what it means.

Christine Kick – And drainage consists of what?

Supervisor Sweeton – Drainage improvements consists of a box culvert over Longhouse Creek which funnels water off of the sides of the roads. OK that's what the Town is willing to help you do.

Christine Kick – The drainage would consist of all the way from one side of Buttermilk all the way to the other for drainage.

Supervisor Sweeton – A drainage district would be formed for the parcels abutting Buttermilk Falls Road. A project costs for whatever improvements are going to be made whether it's just the culvert over the Longhouse, whether it's swales along each side of the road, an estimate would have to be done for all of that. That number would be put out at a public hearing of the residents affected and they would have at that point time to chime in and say, yeah that makes sense we need to make those improvements and then the process either moves forward or it doesn't.

Christine Kick – So it might be multiple improvements.

Supervisor Sweeton - It could be but it doesn't have to be.

Christine Kick – How would we be assessed verses one property let's say my property verses another property, like Rocco's?

Supervisor Sweeton – It could be done in several ways, it could be assessed on the land value which is the underlying assessment that the Assessor's office does and that's probably fair because some people have really big houses. If you do it on the full value assessment it includes the improvements so maybe just do it on the land because then everybody is equal, so you could do it on that basis. You could do it on a unit basis. You could say that the whole project costs \$250,000 for 65 parcels divided out the cost of the interest it comes to \$200 a parcel and everybody pays \$200 a parcel, which ever way seems fair it could be done and that's assessed on your annual town tax and if you sell your house it goes to the next guy.

Christine Kick – OK and...

Supervisor Sweeton – Theoretically it improves, theoretically if the drainage improves and the road doesn't deteriorate as often because of water running down it and whittling through it technically and hopefully your values go up.

Christine Kick - It wouldn't consist of taking any square footage away from the different homeowner's property because I know there's one closing.

Supervisor Sweeton – In a drainage district scenario the road remains private.

Christine Kick – OK I think that sounds fair.

Supervisor Sweeton – OK.

Carol Testa – Missed due to tape turn-over.

Supervisor Sweeton – I don't know how that works but you can challenge your assessment. There's a process where you can go to the Assessor and challenge your assessment.

Carol Testa – Right I know you can challenge it, but the whole thing you have to agree that our property is less valuable now. You can't get homeowners insurance now back there if you're purchasing a house you're not going to get it with the bridge down. There's no turnaround or nothing like that, so you can't have it both ways. The town it's like looking for a solution to help one another maybe you could look at the assessments, maybe you could do something with the tax roll. There are people paying \$15,000 in taxes or \$11,000 in taxes. There's a lot of money back there or maybe the other alternative is putting our money in escrow.

Supervisor Sweeton – First of all 80% of your taxes are going to the school.

Carol Testa – Right I know.

Supervisor Sweeton – They're not going to us.

Carol Testa – It's not going to the Town but it's still based on the values of our property.

Supervisor Sweeton – It is.

Carol Testa – You can't even sell the property.

Supervisor Sweeton – There's a process to challenge your taxes.

Carol Testa – I'm well aware of that but it's just something I thought about and I think it's kind of fair to look at.

Supervisor Sweeton – Thank you.

Jerry Tafuro - We have a broken community you know that people are afraid their taxes are going up and they're not going to pay for everything. Can we get, since we're going through this process, estimates of what it's going to cost so everybody can really look at this; some really rock solid estimates.

Supervisor Sweeton – Part of the process is.....

Jerry Tafuro – Without the process.

Supervisor Sweeton – No, part of the process is you take the petition name, address, section, block and lot and the question at the top of the petition are you in favor of creating a drainage district at a cost not to exceed and that number gets defined. The next step of the process is an engineering analysis of what can be done there has to be done.

Jerry Tafuro – Got yah.

Supervisor Sweeton – Then you get a chance again to say, wait a minute this is out of control we can't do this.

Jerry Tafuro – What we are looking at right now is \$200 on each home over a period of 20 years so we say that's kind of like an old record.

Supervisor Sweeton – That's rough numbers based on \$250,000 being raised on a 20 year bond at 4% interest. Now it could be lower interest depending on what the Town can get. We usually get pretty good interest rates, but that's a conservative number just to give you an idea of what the outside number is looking like here.

Jerry Tafuro – It seems like the town is always looking for an excuse to get away from us. You just said something about deeds and that's not true about the deeds and about the code. The Town had discretion about enforcing that code on Mr. Silverman's behalf who I've been in contact with. Can he build on that piece of property? I mean Louis did have an engineer and had a septic design for that piece of property before the stream banks were so wide. Now it has become a wetland because there's a dam up there that's creating a huge creek over there. Mr. Silverman doesn't want to hang on to a piece of property that he can't eventually build on and he also needs to know if he does have to replace that bridge or not. The Towns in discretion it refines also the building inspector this is not an unsafe structure this is a thoroughfare and you have to use your discretion when you read that you know that's one of your responsibilities. There is a liability there because our response times for emergency situations are limited. Have they happened, yes, it's a matter of record; we have the paperwork which you said you didn't have before which I think we do have as well. It's unfortunate that we all can't get on the same page. The money is there; what are you guys here for? Don't let it go. I know Mr. Silverman wants to resolve this and the costs don't have to be that high. Working together I know

you said we could all sit down with Mr. Silverman and come up with a cost effective way to do this. There's a few of us in here that know we can get this done in 8 hours dropping a culvert in. We need definites that we're not going to be hit with permits, that we're not going to be hit with fines ,that's what Mr. Silverman needs to know. We also don't need to let go of this \$170,000.

Supervisor Sweeton – Again you've always had the ability as private citizens on a private piece of property on a private road to do what you need to do. We can't tell you that you don't have this regulation or that regulation to abide by.

Jerry Tafuro – You have the perfect situation; we had this hurricane. In an emergency circumstance even the DOT everybody bypasses a lot of things. There is a lot of opportunity to get this done and even push up for the repair of the bridge and then funding some of those rules and regulations were cause of it not being there now. I don't want to point fingers; nobody wants to point fingers, I just want to see something get done.

Supervisor Sweeton – We've offered you tonight how we can help.

Jerry Tafuro – That's a great solution but I think there's some people in this room that are concerned with \$200 a year we would like to know definite numbers. We do pay the same amount of taxes as other people. You know realtors, I've sat on the board to argue with them about my tax bill and one or two of them at the time were realtors. I said well here's my property you told me it's this much and you won't lower my assessment, well here take it and sell it for that much and they won't touch us back there. The Town contradicts itself with its policies and certain agencies. I understand what she's asking for and it's ironic how somebody can tell you your house is worth a million but we're not going to touch it; there's no bridge back and the road is a dirt road that's basically what we've got. It doesn't have to be this way. Your solution is good, it's great but I think there are some people in this room that need final numbers and they don't need to be that high. You have gotten less expensive ways to get this completed. I know Mr. Silverman is interested in resolving it where it's not going to cost him a ton of money. On Rocco's behalf, Mr. Donovan did say those things, the engineer that did the original division for Louis their intention was to try and get the subdivision the paper said they were told by the Town they were only going to get the building permits for the one side and when he did they said they gave you everything and they never heard anything back. That's Mr. Donovan and that's also the engineer. That's what they said.

Supervisor Sweeton – That maybe what they said and that's fine.

Jerry Tafuro – He's not blowing smoke.

Supervisor Sweeton – I have no basis to think that what you're saying is not correct but I'm telling you from our side.

Jerry Tafuro – I understand things were moving forward everything went in place and then it stopped. It doesn't have to. It doesn't have to be crazy.

Councilman DeAngelo – We have no authority to loosen any regulations, we can't do that.

Jerry Tafuro - In an emergency situation?

Councilman DeAngelo - We can not do that.

Jerry Tafuro – But you do.

Councilman DeAngelo – The DEC has control of that. We have no control of that and you have to understand that.

Jerry Tafuro – I understand that but I've also watched the fixes around Town and every rule for the DEC was being broken when a lot of these culverts were being repaired. We had equipment in the streams; there were no silt fences put up.

Supervisor Sweeton – That's correct because the DEC suspended the permitting process during the storm for municipalities to do the work on municipal owned property.

Jerry Tafuro – But there are circumstances where you said there weren't. Just now there are and right now you do you have a response time to cut tremendously. Now you're creating two cul-de-sacs and the engineering is different for something like that for emergency response time so then you have another issue if this bridge doesn't get put in. Do we have a right-of-way over that to Bellvale that's what it says in all the old deeds? So if anybody is concerned if that bridge should be there or not it's always been there you know the history of it. We even found some of the old timers who redid the second part of the bridge with concrete and we know who paid for that.

Supervisor Sweeton – My understanding is in the past when the bridge needed repairs the citizens got together and repaired the bridge.

Jerry Tafuro – I'm willing to do that 100% as long as I live and I understand that's part of the responsibility. We just need the Town more on the ball to be behind us as a community instead of just saying we've come up against the fence here. There's the money that was issued for this and it would be a shame to stop this issue.

Supervisor Sweeton – Thank you.

Donald Berry – A question about the drainage district; if we go for the drainage district can we still apply for the federal money to fix the bridge or does the Town have to do it?

Supervisor Sweeton – The Town is the recipient of the money.

Donald Berry – OK yes.

Supervisor Sweeton – But the Town would be the responsible entity for contracting with improvements to the drainage district anyway. You wouldn't as a private citizen be doing that. It's like if we have a water district that needs repairs we hire a contractor and they repair it so it would be the same scenario. I don't think it precludes the federal money but I haven't actually talked to anybody in DOT about it but a drainage district allows us the ability to have the match and to pursue the money.

Donald Berry – The drainage district would be for the improvements and it would be \$150,000 to \$250,000 if the federal money kicked into that would that lower the price?

Supervisor Sweeton – The trick though would be to see if we couldn't get the federal money moved up in the process and when I started out I said because it's an earmark it maybe easier to do. It's not a lot of money and it is an earmark which means DOT can't take it for something else so it's possible we could try to shift it if the drainage district was going forward.

Donald Berry – The drainage district would be better leverage toward that?

Supervisor Sweeton – Correct.

Donald Berry – That's what I was wondering because I was thinking because you were saying so much then there is the federal.

Supervisor Sweeton – So for instance if it was \$250,000 and we could tap into the \$126,000 then it cuts the \$200 down to maybe \$125.

Donald Berry – Yes and that would be a little better. Thank you very much.

Mike DiMola – As we all know there's three sides to every story and we've pretty only heard one so far. Then there's the other side and I believe you all have a petition of residents who prefer the bridge not be replaced. Then there's the third side which I kind of lean towards. I would prefer the bridge not to go in but I respect my neighbors enough that I would not want to do something that would be a disadvantage to them OK. My concern is the change of the character of Buttermilk Falls Road. Everyone in this room knew what they were getting when they bought on Buttermilk Falls Road.

Jerry Tarfuro - A bridge.

Mike DiMola – A dirt road and I bought on Buttermilk Falls Road because I wanted to live on a dirt road. Yes the bridge is an advantage and there's pros and cons to every side. I have a lot less traffic in front of my house on the north end without the bridge but I respect my neighbors and it would be a secondary access in case of an emergency. I just don't want to see this be snowballed into becoming a Town road. I love the drainage district idea and I would like to see more information on that. Personally in the last year

I've spent probably just under a thousand dollars of my own money, I use my own tractor and spend a lot of time working on that road so really anything under a thousand dollars to me is a benefit in the drainage district. I know for other people it may not be but someone has to do this and I've taken it upon myself and many other neighbors to take our time away from our wives and families spending the money and doing what had to be done but to keep it Buttermilk Falls Road. That's my concern.

Supervisor Sweeton – I don't know, I'm just guessing but the idea of the Town road formation thing when we talk about construction of a Town road we're talking about a million and a half dollars. Do the math in your head; it's probably not happening.

Mike DiMola – I just don't want to see the drainage district being a stepping stone so to speak.

Supervisor Sweeton – It would be a whole different entity. The process is similar.

Mike DiMola – That's why I want to find out more information on the drainage district, I do like the idea.

Rocco Testa – If the Town didn't own the bridge why would they give Lou Sabarese a building permit?

Supervisor Sweeton – I don't know what building permit you're referring to. My recollection of Lou Sabareses is he applied to the Planning Board and went through the planning process.

Rocco Testa – He has an open permit for a septic system.

Supervisor Sweeton – Well that's different because you have to prove, he went in there because he was going to subdivide and show that he could he had two buildable lots. You can get a permit to see where you can have a septic system.

Rocco Testa – Don't you have to have a septic design included with that.

Supervisor Sweeton – That goes to the engineer to get reviewed; there's a whole process.

Rocco Testa – It's very vague to me, it just doesn't make sense. Lou went through steps of everything you asked him to get done. He had the environmental study done, he checked for rattlesnakes he did all of this and that was all for the Towns benefit. You wouldn't even have to use that money because it was already done if you were using federal dollars. The study was done, you had the dedication, you didn't have to make it a right-of-way, you had the 25' easement that you asked for so that was all paid for, free then you only have that \$140,000 or \$175,000 to use. The studies were done, he had his engineer, he had his survey, he had his environmental study done you could have used all of that. It just doesn't make sense to me why you would do this over again. If Mr.

Silverman walked in here today and he offered to take the road and dedicate that section of road and wanted to use the federal money would you say yes or no?

Supervisor Sweeton – I have no idea.

Rocco Testa – What do you mean you have no idea?

Supervisor Sweeton – I have no idea whether we would. Why would the Town want to take ownership to a section of road that we have no right to get to? Put a toll bridge on it.

Rocco Testa – That's the only way you can use the federal dollars Mike and you won't admit that. You talk about the federal dollars but you won't admit to the fact that it's in your documents, it's in the documents you signed that you need to own that section of property before you can use the federal dollars.

Supervisor Sweeton – That's not the process by which...

Rocco Testa – You signed documents that says it in it.

Supervisor Sweeton – Alright what's your next question?

Nicholas Volpe – Resident, Jersey City, New Jersey – I almost was in a serious accident because the Town did not post anything to indicate that the bridge was not there.

Supervisor Sweeton – I'm sorry say the question again.

Nicholas Volpe – I almost had a very serious accident because there was nothing to advise me that there was no bridge there.

Supervisor Sweeton – OK.

Nicholas Volpe – I'm familiar with a navigation system which many people have and you have a road going to nowhere. For the record you said \$126,000 in federal funds and according to your initial numbers you gave at the beginning of this meeting the total is \$143,500, not one hundred and twenty something. Does the Town have any interest?

Supervisor Sweeton – I'll tell you what we have, I'll repeat it again in case you didn't get it. There's \$116,000 in federal dollars for construction, \$16,000 local share, \$10,000 for construction inspection and \$1,400 for construction inspection local share and right-of-way acquisition \$5,000.

Nicholas Volpe – So that's far more then one twenty something.

Supervisor Sweeton – When we were talking about the 126 we were talking about the actual physical construction dollars and I said 126 subtracted from the 250.

Nicholas Volpe – Your talking about this as the whole project.

Supervisor Sweeton – Again, I'm just going to explain again the federal process. There's steps and they allocate x number of dollars to each one.

Nicholas Volpe – Is it true that the allocated funds the New York State federal dollars for this project does the Town have to own that for those to be used?

Attorney John Hicks – I don't know the answer to that question I've never researched that.

Nicholas Volpe – Can you please research that. To be honest I find it disappointing because they are tax paying residents of Warwick and they love Warwick and for some reason it seems like your treating them like some outsiders who aren't a part of your community which is not the case. They are tax paying people who live in Warwick and love Warwick.

Supervisor Sweeton – Thank you for your comment.

Nicholas Volpe – The Town Attorney did also say pursuant to the deeds they have the right to drive right through the stream and the Town has no problem with that.

Supervisor Sweeton – That is what he announced this evening, yes.

Nicholas Volpe – You as the Town Council have no problem with that and you would not take any action against anybody in the room to get in their vehicle and drive right through the stream.

Supervisor Sweeton – If you have a legal right to do that you have a legal right to do it. That's apparently what the Attorney has advised this evening.

Attorney John Hicks – My comment was made tonight that I didn't know when the bridge had been built and that right-of-way was granted in those deeds may have existed prior to a bridge being built or after the bridge had been built and then destroyed in one of the other building processes. Based on my review of the deeds that road exists irrespective of whether there's a bridge over it or not.

Nicholas Volpe – That's what you said, OK.

Supervisor Sweeton – If the DEC has regulations on the stream and you violate those you're subject to DEC rules and regulations.

Nicholas Volpe – The engineer that wasn't paid why did the Town feel it was not necessary to pay for services rendered?

Supervisor Sweeton - He never billed us. Apparently he never billed us. We found that out thanks to Mr. Testa he asked about how much we paid that engineer. That engineer is also working technically on another federal project for the Town but that project is also stalled.

Nicholas Volpe – He was a very kind and generous engineer.

Supervisor Sweeton – Yup he was a very generous engineer. Thank you for your comments.

Andrew Stone – The reason why we feel we have one Buttermilk Falls Road and not two if we don't replace this bridge you really divide our community in half and historically 72 Buttermilk Falls Road we went out on the Bellvale side, so my family for all those years maintained the same section of road that you're now maintaining. That bridge was built in 1955 after Hurricane Hazel came through in 1954 and washed out the bridge that was there previously. The people got together and built that bridge and it was always considered that bridge belonged to the people of the road it didn't belong to Mr. Silverman. I would like to make sure in the deeds that come in the future that it be put in writing that right-of-way exists so that it's included on the deed to that property that, that is one Buttermilk Falls Road that goes to the through road. On that property Mr. Silverman's there's a trail that used to lead up to Bellvale that's about three or four hundred years old and as a child I use to play and go up on that trail. I would like to make sure also on that property that the ability of the residents on Buttermilk Falls to go and bath and swim and play along that creek be stipulated in writing as a right-of-way.

Supervisor Sweeton – Thank you.

Christine Kick – I just want to make sure that we define clear the next steps. I don't want this meeting to be the end all now that we've had our meeting. We have had some really great things and great brainstorming that has gone on here and I know there were a lot of questions in regards to the water district if we would being able to use that funding that is reserved and what is the next steps for the Board to find out whether we can or can not? I really think it's important to make sure that everything that we spoke about is all great but we don't want to end it here. What are we going to do? What is the Board going to do to find out the information about all the questions that were asked? When is the next meeting as to when the Board is going to respond to all of these things?

Supervisor Sweeton – What I'm going to inquire to the DOT is whether the funding for the project can be secured and used by a drainage district. That I will get an answer to and I will send it to whoever you want me to send it to. I will email it if you want to leave your email addresses, whatever you'd like to do. The step after that is a petition by the residents for 51% to move the process to the next step which is to do a detailed engineering analysis of what you have to do to put a structure in there. Knowing one of two things if everybody kind of says, we want to use the federal dollars to keep our cost down there has to be an understanding that, that's a federal process. It may be a little more costly then forming the district, getting three estimates putting a structure in the

stream including the DEC permit and moving forward with the project. There's two ways the drainage district can go once it's formed.

Christine Kick - Is there a way to get an estimate for both the federal way and for the water district way just the residents paying for it? That way residents fully understand.

Supervisor Sweeton – All we can do without a detailed engineering study is to get some ballpark number to put a structure on the stream, OK outside of the federal process. The federal process you have an idea what it's going to cost, it's going to cost about \$60,000 in engineering and \$180,000 in the structure proposed to meet the federal project. It doesn't mean that maybe you can convince the feds or the DOT to scale down the \$180,000 but at the time they gave us this it did not appear to be a way to reduce that cost any further. The federal process we know might have an outside cost of \$180,000 to \$225,000 we said that and that was the number we talked about originally. In that process the \$225,000 there's \$116,000 that theoretically will come from the feds to offset that so that bottom line cost could be \$140,000 for the drainage district. If we can get up, we've worked with several contractors we could say what kind of structure can you put in. We had a culvert put in on Ryerson Road that cost us \$140,000. If we estimate that it's the same kind of width maybe \$140,000 is the number so now the two processes are kind of the same in dollars.

Christine Kick – We are referring to the drainage district I'm assuming it's not only dealing with the bridge issue but dealing with the entire road. Dealing with the north side they've done some great drainage things coming down and making sure that the entire road all the way from the north to the south drains appropriately so we have a true drainage district.

Supervisor Sweeton – It can.

Christine Kick – Are you misunderstanding that?

Supervisor Sweeton – It can.

Councilman Shuback – It will add money to it.

Supervisor Sweeton – It will add money to it but it could be simply riprap the swales but an engineer is going to have to look at that and they're going to have to say, yeah this looks like we should do this on this side of the road and this on this side of the road and using construction documents they can say it's going to be in the ballpark of this number which is what engineers do and then they add the \$26,000 contingency or whatever it is that Rocco found on the one estimate.

Christine Kick – Ideally obviously nobody is going to have their exact but we want to make sure that all the residents are appeased to a certain extent. We all have to give and take here and it's not going to be just anybody's way and I think Mike has some really genuine great intelligent ideas and to explore different options to have a water district

with the possible use of federal dollars or not use the federal dollars. I'd hate to... I don't make any decisions in my personal life as to what I want to do without having the education behind it and knowing where it's going to lead me. You are saying the federal way is going to cost extra dollars or what are those extra dollars. We have a general idea if we were putting in a water district; yes I understand if we were putting in the bridge how much it would cost, what's the rest of it?

Supervisor Sweeton – Understand something the federal process, the federal dollars, has nothing to do with drainage for other places of the road. It is simply the structure across Longhouse Creek so you're not going to get any more dollars from them for anything else. Those would have to be extra dollars onto the drainage district if you wanted to do that work and let's be clear about it. That doesn't have to be done in year one it could be done in year four or five.

Christine Kick – In year four or five OK.

Supervisor Sweeton – I'm talking about the other drainage stuff.

Christine Kick – OK.

Supervisor Sweeton – That's what I'm saying. It's just options if you want it all done at once great it may cost \$350,000. I don't know I'm just throwing numbers out.

Christine Kick – Your next step portion is you're going to find out if we can with the water district use those federal dollars or not so you're going to find that out.

Supervisor Sweeton – Correct.

Christine Kick – Who's going to get these general estimates and how do we find that out for our next meeting so we can decide if the residents feel it's beneficial or not?

Supervisor Sweeton – I'm going to get you some general estimates from contractors that the Town has worked with just pencil to paper stuff OK. You're not going to come back a month later and say to me you told me it was \$115,000. It's going to be some general numbers that you all can get an idea of. I'm going to put that all in a letter and send it to every single resident on the road so they know and the last sentence of the letter is going to be if you would like to continue to move forward you need a petition signed by 51% of the landowners on the road.

Christine Kick – Could we have another meeting to discuss that?

Supervisor Sweeton – There's no point to have another meeting unless we get a sense that you really want to move forward with this.

Christine Kick – Who's going to go around and get this petition?

Supervisor Sweeton – The residents. Somebody on the road has to get the residents to sign the petition.

Resident - With a number not exceeding.

Councilman Shuback – I would suggest you get an attorney.

Supervisor Sweeton – Right with a number not exceeding.

Christine Kick – Who’s going to pay for the attorney?

Councilman Gerstner – The number that Michael just gave are the estimates...

Christine Kick – Is the Town going to front the money for the attorney then?

Councilman Shuback – It will come out each month eventually and you’ll get it successful but you have to have someone that has legal knowledge to have the proper petition or it won’t stand up.

Attorney John Hicks – There’s no specific form for the petition but it has to state we the undersigned the property owners along Buttermilk Falls Road and state your section, block and lot number and your address and so forth. Who constitute 51% or more of the lots on Buttermilk Falls Road hereby petition the Town Board to form a drainage district to correct the drainage in the vicinity of the bridge across Buttermilk Falls Road something like that. If you want it to go further and which it really should as you point out eventually other drainage problems that exist along the road can be corrected by the district. You’re going to be billed annually on your taxes for what ever expenditures are made by that drainage district. If it’s just the bridge that goes in you’re going to be billed over 20 years for the cost of the bond only and what ever it is. If maintenance is needed on the bridge the town drainage district has to spend \$10,000 in one year to correct. Another drainage problem along the road you’re going to be taxed for that in addition to what ever the initial cost is.

Christine Kick – I thought my understanding was the Town was going to float a 20 year bond for x amount of dollars not to exceed whatever that figure might be, let’s just say \$100,000 for the heck of it and that was going to supply whatever the water district was enforced, whether that was from the north side all the way to the south side including the bridge not including the bridge.

Attorney John Hicks – That’s why the Supervisor needs to get you the estimates because if you’re just talking about the bridge you’re talking about one figure. If you’re talking about a drainage district that the Town is going to be obligated through its drainage district to repair other portions of the drainage if it gets washed out somewhere and it’s in the drainage district the Town has to come in and repair it through it’s district hire a contractor to do it. We can’t charge the other tax payers in the Town of Warwick to do it. We have to charge the owners within the drainage district to do that. We don’t want

to mislead you that for the next 20 years the only thing you'll have to pay for is the bridge if we form a district that covers the whole road and there are other drainage issues. Even though we're not theoretically going to touch the road and make it a Town road there may be drainage issues that need to be corrected and you must know of some already.

Christine Kick – Most definitely but who would be the determining factor as to whether those would be corrected or not and the cost involved?

Attorney John Hicks – That's what the Supervisor was saying we're going to have to get you some figures on what that might be.

Christine Kick – Right but then once we have those figures we as the people who decides to move forward and we have another hurricane and there's a big washout someplace else on the road can the Town come in and say, well this is another \$70,000 this year that's going to be assessed to all the residents or how would that be approved?

Councilman Shuback – The same as water and sewer districts in the Town there's a certain amount they pay every year and if there's any maintenance it's added to their tax bill. Am I right Mike?

Supervisor Sweeton – Correct.

Christine Kick – Who approves maintenance?

Supervisor Sweeton – A budget is supplied to the Town or the Town creates its budget in October/November and there are public hearings and there's a hearing on all the special districts. We have a contractor operator that operates our water and sewer facilities and they present a budget to the Town Board and we look over what repairs they say are necessary. If we feel they're necessary we include them in our budget and it goes to a public hearing so at that public hearing if there were repairs needed you would know what the proposed drainage district budget is and you would have to come and say, wait a minute we don't need to make those repairs and the Town Board would have to make a decision. Just like we do with the sewer, the water not the fire because they are independent and the ambulance districts they also do the same thing. That's your opportunity to say yes make the improvements or don't make the improvements.

Christine Kick – So the next step is you're going to get some estimates, your going to find out about the federal thing, we're all going to receive a letter at which point then we either need to do the petition or not do the petition.

Supervisor Sweeton – Right.

Christine Kick – But there's not going to be another meeting where we can decide collectively as a group as to how to move forward.

Supervisor Sweeton – I'm not going to commit to a meeting. If we need a meeting we'll have a meeting but it's going to be clear what has to be done.

Maureen Cuddeback – I think what Christine Kick is suggesting is something that would be very viable because tonight you offered us a couple different options. It would be wonderful if we were able to spread the news through an email letting them know to articulate the way you did and all, we don't have an answer just yet. It would be very helpful to have at least another meeting so we could present it. Our road is 2.5 miles or 3 miles long. Do you know that's how long the road is?

Supervisor Sweeton – Yeah I know how long the road is.

Maureen Cuddeback – That's 60 families and it would be great to be able to send them a message and say, you know what things are moving forward and they did propose some solutions and it gives them an opportunity to come in and have a meeting one more time with you. There are a lot of questions whether it was through the lawyer, engineer, DOC and there's quite a bit. In my mind already I'm saying has there anyone else successfully signed up for this type of situation on a private road?

Supervisor Sweeton – In the State of New York.

Maureen Cuddeback – I mean here in Warwick itself.

Supervisor Sweeton – There's one other community.

Maureen Cuddeback – OK.

Supervisor Sweeton – That's asked the Town to consider forming not a district for drainage but a district to bring their road up to Town spec. I gave them the same information and they are a much smaller group of people.

Maureen Cuddeback – Right.

Supervisor Sweeton - They're doing it all internally on their own and trying to figure out if they want to move forward or not.

Maureen Cuddeback – I can't think about how other people are going to react. I'd rather they be here and of course tonight wasn't possible.

Supervisor Sweeton – Why don't we see after what ever information I get and send out the letters...?

Maureen Cuddeback – You also have to be realistic Buttermilk Falls is especially designed. There's a number of beautiful magnificent falls. Where Mr. Silverman has his property you walk along a trail and climb up to two or three cascade falls and it's breathtaking. I don't understand why a man of his needs buys a property and he's not

responsible. If someone trips in front of my home in the road they're going to sue me and here his bridge came down and he's not responsible but the Town's not going to on behalf of the ambulance, the fire department, the police department try to put pressure on him. Look you better make sure you correct this. In all the years we've been going after this bridge never once did a letter go to Mr. Silverman or his lawyer only recently. All these years no one approached him and said, look this is a very bad problem.

Supervisor Sweeton – OK.

Maureen Cuddeback – I would like very much to see aggressive action taken to the landowner of the property. I know I have a lawsuit 1.2 million and I didn't write to my Town Board to help me out. This is what happens when you own property whether you are living there or you have a tenant or your house is just empty. He should be responsible that's his property. He owns a couple of pieces of property and god bless him I'm happy he must be very successful. He has a wonderful lawyer good and I hope his lawyer is very shrewd to send me a letter keep your mouth shut for \$60,000 \$70,000 we'll pop that bridge on top and you won't have to go through any testing, no engineering and it works. As far as this drainage group it sounds good but the reality is all of Buttermilk Falls Road there's water running underneath it because we fix the holes and the next thing that you know it's filled up with water again. There's a stream that runs right under our road. Am I wrong?

Supervisor Sweeton – OK.

Councilman Shuback – Before you put a bridge there you're going to have to get DEC approval.

Maureen Cuddeback – What kind?

Councilman Shuback – DEC approval to put another bridge with their plans. I have a farm and we lost a bridge which we are never going to get a permit to rebuild it.

Maureen Cuddeback – Is it the bridge that Al Buckbee did and he didn't put it in the water at all?

Mike DiMola – As far as the district I know everyone is asking for numbers and I know we can't get numbers right now but can we get a letter just stating the conditions and then under the part by financial that you would have to agree to x. Just put in x for now because I would like to see all of the conditions. Could we do the district just for the bridge? I just have concern right now with the district because we have spent our own money and actually no one on the other side knows this probably but we have done about \$75,000 worth of work on the other side of the road already since the storm. We've installed box culverts, we've installed catch basins with pipe, and we worked with the phone company to repair the trench on the other side. We did get FEMA funds because we all banded together and everyone here is talking about this all being one road but meanwhile us on the other end we coordinated to get the FEMA funds to get the money to

get the work done. The work is started already on our side so if we create a drainage district now we're going to have to pay for their side but they've never contributed to ours and this is where the problem is.

Supervisor Sweeton – I think if you want to focus on the structure across the Long House that would seem to be the common ground that you could focus on.

Mike DiMola – That's what I'm saying that could be the common ground.

George Brunjes – I would like to start with a little bit of history. I've been on the road since I was 2 years old. I lived at 440 my mom and I bought that when I was two. Fisk had started that road in 1946 -1947 I believe, and he put the road in to about where Christine lives and that was the end of the road. At that point the road was pretty much just a cow path all the way down to the other end. In 1948 he came in and roughed the road out as we knew it just a few years ago. At that time there was never a bridge existing in Long House Creek down at the bottom. Talking about the bridge now the only person that put money up was Vickie Olmedo who put the bridge in to not confuse it at that time that she was gathering money up on a yearly basis to pay John Lee who was our lawyer at that time to keep Long House Creek a triple rated trout stream. That money was not ever taken for the bridge. They 100% gave the money to install the bridge and then she decided to subdivide before because she was on the board at that time and she new the laws were changing and that she made two lots out of hers and sold it to Jon Hansen. He is the one that's the furthest away on this road that is going to be penalized for it. I also feel the same way that Mike does that I don't really want the people to be penalized but my overview is that the road has had this characteristic since the beginning of time that everyone is not getting along on that road don't believe it, it's not happening, it hasn't happened, it's not happening now and there's always a scuffle of what one thinks the other should do and it hasn't successfully worked. Backing up there is two entrances and I opt that the bridge be removed, we make two separate roads, change the name on one side which ever side that is, and make two separate roads. We have it at Cherry Hill you could walk a mile and a half road to homes at the end and you come out the same road.

Supervisor Sweeton – Let him talk please.

George Brunjes – You have on Foley Road similar characteristics. There are many roads in the Town of Warwick that have one entrance way not two. It's not very heavily used from the people on our side of the road.

Jerry Tafuro - What happens when you can't get up the hill?

Supervisor Sweeton – Come on Jerry please.

Jerry Tafuro – That's why people don't get along because of ignorance.

Supervisor Sweeton – Jerry.

Jerry Tafuro - It's terrible.

Supervisor Sweeton – Jerry please, please, please.

George Brunjes – That's exactly what I'm talking about.

Supervisor Sweeton – You're out of order please Jerry, Jerry stop guys.

Officer - We're going to remain calm here now.

Jerry Tafuro - The FEMA money was supposed to be for the whole road.

Supervisor Sweeton – Jerry, guys, Jerry OK thank you all for coming. You want to finish George?

George Brunjes – The other end since the bridge has been down the people have started to improve that side of the road prior to that, why should they. Some contributed and I'm not saying that they didn't. I know some that did, but most of the money came from the other side. I opted that the road be split it would be much more digestible to have communities on both sides and not asking 64 families to agree on something. We have what ever it is on each side and that's all I have to say.

Supervisor Sweeton – Thank you for your comments.

Andrew Stone – When that bridge was built in 1955 people needed that bridge there to get to work in New York and everyone did get together and we did contribute money because you couldn't get out the other way. For the people that are right around that bridge we use that bridge and for many, many decades. Vickie Olmedo would be very unhappy to hear that we were willing to make it into two roads that's really not the spirit of our road. Granted we didn't get along there were two sides to the road but there was coverage.

Supervisor Sweeton – It's not within the purview of the Town to make it two roads anyway. We have what we proposed as a way for us to move forward and help so that's what we know and that's what the next step is and that's what we are going to do and we'll be done.

Rocco Testa – There may be a solution to this whole thing and I brought it up to you once before. There's a company in Elmira New York that has prefab bridges that have done DOT projects before. They have listed them to me, they have given them to me, put them on federal highways and you could put a prefab bridge over that stream without going in it bypassing the EPA regulation because they are not touching the stream. They told me under \$140,000. Why can't we have a meeting with your engineer, a couple of town residents, and ask them the questions. Maybe you could get the federal dollars moved

instead of going from Tectonics to Lochner. Why can't you go from Tectonics right to this company?

Supervisor Sweeton – Because part of the federal process is selecting an engineering firm from an approved DOT list.

Rocco Testa – They claim they're approved DOT.

Supervisor Sweeton – Well they weren't on the list and we interviewed, followed the process, and got the engineer approved.

Rocco Testa – But if they are you're telling me no, no, no, no, no.

Supervisor Sweeton – This is the end of that discussion. We have a way to move forward and help here and that's the way we are going to move forward.

Rocco Testa - You could use a firm that's a DOT approved firm, they're on the list, they could put a bridge in there that goes in under federal funding.

Supervisor Sweeton – It's not as simple as that. You'd have to start the whole process over and interview engineers,

Rocco Testa – You were just talking about the whole process.

Supervisor Sweeton – No I'm not, no I'm not.

Rocco Testa – Yeah you were talking about studies, environment and this.

Supervisor Sweeton – Thank you all for coming.

ADJOURN: Motion Councilman Gerstner, seconded Councilman DeAngelo that the special meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman DeBuck absent) 9:10 p.m.

12-27-11cp.

Marjorie Quackenbush, Town Clerk

