

March 11, 2010

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, March 11, 2010 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
Councilman Leonard DeBuck
Councilman James Gerstner
Councilman Mickey Shuback – Absent

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

ACCEPTANCE OF MINUTES:

1. Regular Meeting, 02/18/10

Motion Councilman DeAngelo, seconded Councilman Gerstner to accept the minutes as written from the regular meeting held on February 18, 2010. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Shuback absent)

Supervisor Sweeton – Tonight we have an applicant before the Planning Board, not before the Town Board, but there are some actions the applicant has asked the Town to consider. I asked the applicants' representative to come tonight just to explain to the Town Board what it is they're asking of the Town Board. If the Town Board wishes it can make public comment through the Draft Environmental Impact Statement process that is currently ongoing before the Planning Board. That I believe was extended until the 17th to give the Town Board an opportunity to make some comments if it chose. I will have the applicant present to the Board and then the Board can ask any questions that they would like.

John Cappello – Attorney, Jacobowitz and Gubits, 158 Orange Avenue, P.O. Box 367, Walden, NY 12586 – I am here on behalf of the applicants for the Warwick Views subdivision. The Warwick Views subdivision submitted this application in late 2005. In August 2006 the Town of Warwick Planning Board as a lead agency on a SEQRA adopted a positive declaration requiring that a Draft Environmental Impact Statement be prepared for that action. The Board held a public scoping session that was dually noticed where all the involved agencies, the Town Board which is one, and the public were asked to identify all of the issues they wanted examined in this environmental impact statement. We spent the next three years with the Planning Board at a fairly significant cost doing all the studies and doing the analysis in order to have this Draft Environmental Impact Statement be accepted as complete. Now the Town Board doesn't deal as much with SEQRA as the Planning Board, but when a Draft Environmental Impact Statement is accepted as complete. In draft form what that really says is all the others that are identified on the scope to be addressed have been addressed to the extent that it is now adequate to accept

public comment on the document. It doesn't mean that the project is approved. It doesn't mean the Planning Board and any of the other agencies agree with every single conclusion, but what this is, is the applicants and it's consultants with significant review from the Planning Board best case to say this is what the development is proposing, this is how it meets your code and this is how we attempt to address all of the potential environmental impacts identified with the project and how we propose to mitigate them. This was distributed in November of 2009 as complete. The Planning Board held a public hearing back in January. The public hearing has been kept open to accept written comments as the Supervisor said through March 17th. We had put on a public hearing to make sure all of the public comments were taken verbatim. We have that transcript and a transcript was also given to the Planning Board and we also have several letters that we've received from the public and we're waiting for the Planning Boards consultant's letters to try and take the whole package on March 18th and start addressing each and every one of those comments in a Final Environmental Impact Statement. Once the Final Environmental Impact Statement is accepted as complete by the Planning Board as lead agency it will then be made available for the public to comment on if they so wish to what items they believe should be addressed in the final determination on the application and what culminates on a filing statement under SEQRA that will list all the mitigation measures required. That Final Environmental Impact Statement will be the lead agency's document. Once that is accepted, once the Planning Board acts, then all the other involved agencies will then begin to make their decisions on their various parts of the application they have jurisdiction over. For instance, the Department of Environmental Conservation has jurisdiction over the community septic that we will decide and discuss in a few minutes as to which is permitted. They have to wait until the Planning Board acts until they can issue their permits. There will also be three items we will be coming to the Town Board for approval on and that is what we're here for to discuss tonight. To make sure we've identify those issues, to make sure we've allowed you the opportunity to review the EIS, to make you're comments, so we can address your comments then context that final environmental impact statement so when you make your decision you'll have all the information you need to make that decision. The three items for the Town Board to discuss is:

1. Relates to a community septic system. You're Zoning Code and your Comprehensive Plan encourages applicants to explore central services or central sewer or community septics. This will be one of the first in the County. It's been used in other areas of the State. It's been promoted by the County Planning Department and several planning entities over the last seven or eight years. We're finally starting to see approval by the County Health Department of community septics. Really what it is you take the best areas in the site and instead of having individual septic systems on each individual lot you have one community septic system. Each individual home will have a septic tank and the septic tank will be pumped out just like regular septic tanks would be, but the ethanol will be pumped into a communal area. By doing it in this manner it allows you to cluster more. It allows you to make the lot smaller and increase the open space. Now this project here we're proposing 49 lots plus the 4 required affordable lots under your code for a total of 53 lots on 249 plus acres, I think its 249.9. By using the community septic and the septic yield will be located in front here off of Blooms Corners Road and then in another area on the other side of the wetlands toward the back of the development probably more likely in the middle of the development. Those two areas will be encompassed within the 170 plus acres

of open space that will be put under the conservation easement, which is one or the other. I'll be talking to the Board about that when I talk about the community septic. All that area which includes all the wetlands, includes the steep slopes and all the unique features of property plus an additional approximate of 88 acres of agricultural land and uplands and the buffers to the wetlands, which are technically upland also will all be preserved for perpetuity. By using a central community septic we're able to tighten up the lots and I think they're about 3/4 of an acre and some are a little bigger, but I think they mostly run about 3/4 of an acre which will be owned by the single family. You will have 53 homes on about a 1/4 of an acre and you'll have 170 or so acres preserved under conservation easements. In order to accept a community septic system the County Health Department has indicated they want municipalities to control and maintain those. The way we were supposed to do it was to create a sewer district, which is similar to any sewer district. The only people who would be within that sewer district would be the 53 homeowners within this subdivision and the Town thereafter would maintain it. I have our engineer here if you have any questions. The maintenance is basically cleaning out the septic tanks every one to three years and maintaining the septic fields, which really is not much at all. The financial aide that would loan the common space and open the space would own the underline septic area, so there may be grass mowing, but whatever cost the Town incurred to maintain that area the cost would be assessed to and for only the 53 lot owners in this subdivision. Unless the Town took more as years go on you may decide to combine them all or you may have an individual sewer district. The component is the only people who will pay for it is the people who will be served by the community septic and in this instance it will be those 53 lot owners. 2. The other issue is a community water system. We were asked by the Planning Board at the very initial stages of this due to some concerns regarding water quality and quantity in the area to design this subdivision to be certified with a community water system as well that will allow for more water and better storage. We have 53 homes proposed that would consume about 14.7 gallons per minute of water. The Health Department mentioned a design based on twice the daily use, so the design would have to be for 29.7 or 29.8 gallons per minute to design for these 53 homes. The wells we tested with the worst of the testing which is all in the EIS shows there's over 70 gallons per minute in the wells we tested on this property, so there's plenty of water here, but by doing the central water system you can ensure more control over the water quality and quantity. By the Town taking this over and maintaining it as a central water system will create a water district and will assess these lot owners for any cost, but will also give you control over their water and give you a potential access that you could do whatever you want. You as a Town may want or need that water, but you would control what is a fairly good water resource on this parcel. 3. Control of the open space. Your code has several options that would relay to the control or use of the 170 acres of open space. One would be ownership by the Town if there were something here you thought was desirable for the Town to own it and keep. The second one would be placing it under conservation easement where the Town would have rights of enforcement under the conservation easement and an entity. We haven't been able to identify one yet that would be willing to take it, but there are entities such as Orange County Land Trust and various that could come in if there's a unique opportunity for public participation, but the most common one I believe would be a formation of a homeowners association that would own it, so all 53 lots owners would be members of the homeowners association. We would provide the regulations to the Town

Attorney and the Planning Board Attorney to ensure that the homeowners association is funded and really what they would do is hold the land in fee ownership subject to a conservation easement. There wouldn't be much maintenance because really you want it to stay in its natural state, so there wouldn't be much maintenance. The only area I think in this area we would attach a portion of this to this lot because there's an existing barn here and then maybe options to continue this as an agricultural operation, so any conservation easement that's proposed may carve out this portion from the HOA and give it to this lot subject to the same rules and restrictions of the conservation easement with the only caveat that it could be farmed if there were a liable agricultural operation to continue the agricultural character of the lot. The other last issue would be with the drainage. On the site there will be some storm water detention associated with the road. We would be willing to meet with the Town, I don't know how you handle your subdivisions, but we would also form a drainage district also so those detention areas were maintained by the Town and that would also be charged back only to these 53 lot owners, so those are the four areas within this subdivision where the Town Board would have control. We're not asking for a decision tonight, but we would like some kind of indication if the Town has changed its position? If you weren't in favor of community septic anymore we could do these at 53 individual septic systems. I believe the design is in the EIS. The perk tests have been done and it works.

Supervisor Sweeton – You're not getting additional houses by virtue if the Town forms a community septic.

Attorney Cappello – We're not asking for it. We would put the restrictions on it so you couldn't do anymore lots, but technically we could have applied for more, we're not choosing to. We won't and by virtue of approval of this we will put the conservation easement on open land.

Supervisor Sweeton – But if the Town were to agree to form this community septic it's not changing the number that you were originally trying to justify.

Attorney Cappello – No it's not.

Supervisor Sweeton – My understanding of community septic, which I believe the Town Comprehensive Plan and the Zoning does prefer or occur as you mentioned simply because it does allow you to get tighter lots preserving more open space and more features. My question is the Health Department and the DEC has to sign off on before the Town can create that district. That's my understanding. They would have to prove that it was viable that it did work.

Attorney Cappello – Yes, because it's over 1,000 gallons this would not only be the Health Department, but the DEC also.

Supervisor Sweeton – The way that I understood it again, once you set this district up the Town would contract with someone a licensed septic cleaner for a periodic cleaning of these individual tanks that are on the site of each home on a routine

basis. That charge would go to that district, which would be those homeowners not the Town in general.

Councilman DeBuck – The tanks that are on the private lots are they also part of the community septic system?

Attorney Cappello - They would be because you would want to make sure you control them.

Supervisor Sweeton – It's like the Wickham Village residents who have an actual sewer plant that's out on State School Road that serves Wickham Village and we have the ability to fix that in that district. That would be the same here I would assume and the charge going back only to those homeowners.

Councilman DeBuck – How to manage going forward; is it mandated then that those tanks depending on whether it's a three bedroom home, four bedroom home or two bedroom home have a mandated cleaning?

Attorney Cappello – You would control the cleaning. There would be easements placed on a property and restrictions that would give you the ability to come in there and say, you want to change individual water meters to outside, so you can read them with a wand instead of down in the basement. You could say we're going in the homes and change these meters or assessing the district you could say new septic tanks have come out that are better quality or more environmentally sound we're going to replace these 15 years from now and replace these 53 septic tanks. You have the ability to replace those 53 septic tanks and charge only those property owners and it would be a district expense.

Supervisor Sweeton – Do you understand the community septic issue?

Councilman Gerstner – Yes.

Supervisor Sweeton – I guess my goal tonight is to try to get a sense from the Board on what we would like to transmit to the Planning Board. The consensus on the septic would be something that the Town would support.

Councilman DeAngelo – Absolutely.

Councilman DeBuck – On a simple home fluid comes out of a tank and runs by gravity into a leech field. Is that true here or do you need certain pumps?

Attorney Cappello – There would be one pump I believe that would be located in the septic field as in some homes. There are some instances where you have the pump, but the pump maintenance would be part of the fees.

Councilman DeBuck – The fluid would reach this common field.

Attorney Cappello – Yes.

Supervisor Sweeton – I’m assuming there would be some redundancy. All those details would have to be worked out to the satisfactions of the engineers, Planning Board and the Town, the DEC and the Health Department before it came back to us to form a district.

Attorney Cappello – Just like a pump going in a sewer plant the DEC has requirements for the pump, the generator and for emergency situations just to make sure it continues to run. They will do the same thing they will look at the details of this plan. We will submit this plan to both the Health Department and the DEC as well as the Towns’ planning consultants and engineers and they will all put in their comments to sign off on the planning design.

Supervisor Sweeton – The water system; you guys have questions? I’m not convinced about the water system per say, I mean I understand. I read all of the letters; the Board has been given all of the letters of residents concerns and I’ve heard some of it at the Planning Board. I think the issue for me I would want the Planning Board through the process of the environmental impact statement clearly demonstrate the benefit environmentally and to the community of having this. I think that would be something I would want to make sure the Planning Board understood from our perspective.

Councilman Gerstner - Other wise it would all be on their own wells, right? The only other alternative is to have everybody on their own wells.

Attorney Cappello – There is plenty of water here and I would say by putting it in the Towns control in a water district, in times of drought if you’re in a water district the Town can create rules and regulations as you do in any water district. You could say you can’t water your grass only on certain days. Where if you’re on individual wells and you’re not in any district those people can water until their well goes dry and they’ll come in here complaining to the Town Board. This would give you some control and you would have redundancies in storage buildings, so it would be more efficient use of the water and it would put it in control of the Town. Even it isn’t an emergency; it’s just been dry; let’s have some conservation measures regardless whether it’s a drought or not because it’s the right thing to do and the Town could issue rules regarding the water district and requirements regarding the conservation measures.

Councilman DeAngelo – And you have the water quality also.

Supervisor Sweeton – Before I would commit myself and I’m just speaking for myself, to the formation of the Town taking on another district. Fifty some odd homes is about the smallest you want to be with one of these districts. You don’t want little small districts anymore, but I’d like to see if there’s some way through

the process the applicant can demonstrate those benefits and articulate those benefits and perhaps if there are residents in the area that have had their wells tested and there's an issue that those residents have some ability to be able to if this system was formed to benefit them. That's what I would like to see, so I think I'd like to transmit that kind of information to the Planning Board.

Councilman DeBuck – I don't know with individual wells, I assume there's wetlands there. Is your requirement then as an engineer's point of view much less per house in order to put in an individual well?

Chris Rainato – Engineer, Kirk Rother PE, 5 St. Stephens Lane, Warwick, NY 10990 - It's the same requirement.

Supervisor Sweeton – I'm sorry.

Councilman DeBuck – You have to show that it produces 29.7 gallons per minute per home?

Chris Rainato – The 30 gallons per minute would be a peak average demand that would have to go daily all day and that's the combined 53 homes.

Councilman DeBuck – Ok. I thought it was per home.

Chris Rainato – As the wells go down.

Councilman DeBuck – Its gallons per day not per household.

Chris Rainato – The five gallons per minute is the individual home.

Attorney Cappello – You're getting conservation from these by combining them and using them in a central system you're really conserving and having better use of water then on individual wells. The test had indicated there's plenty of water there and I think the Planning Board had directed at the beginning that there would be a better use of water to go with a community system. In this instance I know there have been several smaller developments and part of the reason is because it was private at the beginning and now by meeting health department standards, going through the review, doing it as a community water system a municipal water system from the beginning it would be designed to municipal water standards you will control it and continue to maintain it. That's what part of the problem is some of these folks left you have a homeowners association with 29 people they don't necessarily know how to operate. If you have an operator who is doing maintenance on it and is to municipal standards the likelihood is that it's going to continue to operate and it will always be these 53 homes unless you decide you want to expand it or provide water to someone. You would have control over it and the Town as a whole would not be charged for it. It would just be these 53 homes.

Councilman DeAngelo – Those test wells that you’ve done will they support additional homes?

Chris Rainato – The two wells that are proposed to supply the 53 homes could supply another 70 homes at the 30 gallons per minute rate.

Supervisor Sweeton – The Health Department just experiencing with our existing water districts wants you to have ample water on hand for just what you have. It’s taken us three years to get an additional well permitted for Wickham, which was a district in distress actually because of the incident in 1999, so they’re very reluctant to give away capacity that you have in a system, but they want to make sure you have more capacity than you would need to serve it if you go forward with it. Do you guys have any comments on that? I mean you have the same kind of mix feelings about that. We would really like to see in the final documents that they produce clear benefits articulated not just to this community, but to that property and to the surrounding neighbors I think. That’s what I would like to articulate.

Councilman DeBuck – I’m really more comfortable with the private wells then I am with the community water system just because of the anticipated problems. I can kind of understand the community septic in the delivery. I think it makes more sense with lots that are an average of $\frac{3}{4}$ of an acre. I don’t see extensive usage of water that you might see on an extremely large lot. Do we have any lots in the township now that are $\frac{3}{4}$ of an acre large and have several individual subdivisions or private lots?

Supervisor Sweeton – There’s some older areas.

Attorney Cappello – The other issue now is we may in order to get the separations for private wells an it’s another reason when you don’t have each individual well you once again cluster smaller, so you may have to go with a well field or wells for individual lots and you may have to make the lot bigger to meet all the appropriate separation distance you have to make sure there’s no interference.

Councilman DeBuck - I assume the separation has to be from the leech field.

Attorney Cappello – From the leech field, but from each other, because you don’t want two wells in close proximity drawing from the same main. We may have to spread it out. We don’t have the answer. We can certainly address it in the FEIS in more detail. There is a full water study here. We have a water expert retained on behalf of the applicant Tom Cusack and we could have him provide you more information and if the Board wanted we could have him come in and speak to you.

Supervisor Sweeton – Ok, Is that fair Leonard? We could put your reservation in as well to our comments. The third issue would be the open space. Just from reading the resident’s letters of concerns there seems to be some unique features on the property in the open space. Certainly in our new updates to our zoning code

which your application is required to meet our preferences for conservation easement and we prefer that it somehow involve a certified land trust of some sort, Orange County Land Trust or the Warwick Conservancy, that we have here in Town. I think my personal feeling on it would be that we certainly would want an agency like that involved in the protection of the open space and those features as opposed to just simply a homeowners association. Even though the way we form those and we have the Town as the enforcing agent it gives a lot more protection than some. Clearly in our update we've preferred the conservation easement. That would be my feeling that I'd like the stress with the Planning Board.

Attorney Cappello – Does the Warwick Conservation Conservancy do they hold easements?

Supervisor Sweeton – They've expressed holding easements, yes. It is a local citizenry.

Attorney Cappello – I'll have to contact them.

Councilman DeBuck – I'm looking at the housing lots, is the open space part of the lot now or is it separated?

Attorney Cappello – It will be separated. It's proposed right now and shown separately entirely. The only lot it may be attached to eventually will be the lot here with an existing barn. This agriculture is still subject to a conservation easement that restricts its development, but you may want to attach it to the lot with the barn that has the facilities to promote its continuing use as agriculture, but it will still be subject to, but we can work on that. It could either be part of the whole or this portion could be...

Councilman DeBuck – What's on this side?

Attorney Cappello – Outside these lines that's all one open space lot.

Councilman DeBuck – This home down here, isn't that included with all that open space?

Attorney Cappello – No, you see the little dotted line here that's to be controlled by that lot, I believe.

Councilman DeBuck – I was just hoping that house would have a...

Attorney Cappello – That's shown right now is 20 plus acres.

Councilman DeBuck - what's outside the dotted line would have a conservation easement and what's inside the dotted line is where they would have an out shed.

Supervisor Sweeton – Right.

Attorney Cappello – If the conservancy for instance wanted to hold the conservation easement we could put this all in a lot that they would actually own or subject to an easement just attach it to one lot and the conservancy could hold an easement. There's a lot of leeway, but these areas in here could be exquisitely in control.

Councilman DeBuck – I guess I'm looking at it from a point of view of I would rather have an individual own the land subject to the easement.

Attorney Cappello – That's what we're here for. This person should have control of this land here or this lot owner have control of this as a big lot subject to conservation easement they can't do anything if you're not going to have public access to it. We can do that. We can show that one person for a certain large area has the ability to say you can't trespass on my land and post the land. Nobody can come on it, I control it, I can walk it, I can enjoy it, but I just can't cut down trees or touch anything on it, but I can keep other people off of it if that's what you want.

Councilman DeBuck – I don't know if those should be the restrictions. I don't know if it's a retired horse farm, I assume part of it is and it's a graduation from when it used to be a dairy. I assume someone might have an obligation to cut hay or return horses and put a farm on that side. I still see that as being conserved and yet utilized and yet not offense to the other people provided that's subdivided and you leave it in a conservation easement with the restrictions.

Attorney Cappello – We'll look at that area and make sure we address it; give a couple of options, but that also looks like it could be potentially preserved as a farm subject to easements. You have a lot of leeway we'll give you in the FEIS we'll propose a couple of things and give you a few options based on this conversation and based on any further comments. You could choose option A, B, C or D.

Councilman DeAngelo – I definitely want to see a conservation easement.

Supervisor Sweeton – Jimmy?

Councilman Gerstner – Yeah, I agree.

Supervisor Sweeton – Any other questions for the applicant? Ok, we'll put this together based on the minutes that the Clerk has recalled and we'll get that information to the Planning Board.

Attorney Cappello – Thank you for your time and I just want to say for the record we appreciate it. We have been working with the Planning Board and I'm sure everybody may not agree with the manner or believe this may be too much subdivision, but I have to say from looking at some of the website postings and some of the flyers and letters the majority of comments we have are rational, realistic;

good comments that we want to do our best to address. I don't know if we can address them to everybody's satisfaction, but there is some misinformation here. When people say things are being ran through and my clients has been writing checks to his consultant and every expert in the world to try and come up with the best design and spending four years. To see an article that's being ran through kind of reminds of the death panels or this rhetoric that comes up as let's start a war.

Supervisor Sweeton – That's not relevant.

Attorney Cappello – That's not relevant, but I just wanted the Board to know that stuff is out there, we'll be here, we'll be reasonable and we'll address those issues, but we will not respond to fear and misinformation.

Supervisor Sweeton – You will address as I understand SEQRA, all of the issues that have been raised, not just by us tonight, but all of the letters that I have seen that have been submitted as a record, they will be addressed. Is that correct?

Attorney Cappello – Yes.

Supervisor Sweeton – The Planning Board who is in charge and I think for the most part they've done a decent job over the course of the year in making sure that those issues are addressed. The rest of it I don't have any complaints on, so I thank you for your time tonight.

Attorney Cappello – Thank you very much also.

CORRESPONDENCE:

JO-ANN ROME – Clerk, Village of Warwick, 77 Main Street, Warwick, NY 10990 – Notice that the Board of Trustees of the Village of Warwick will hold a public hearing on Monday, March 15, 2010 at 7:30 p.m. in the Village of Warwick at 77 Main Street, Warwick, NY to discuss a proposed Local Law to amend the Village of Warwick Zoning Law requirements for a Change of Use Site Plan.

ANTOINETTE BATTAGLIA, RMC – Township Clerk, Township of West Milford, 1480 Union Valley Road, West Milford, NJ 07480-1303 – Letter to the Town Clerk enclosed with a copy of resolution #2010-081 Resolution of the Township of West Milford County of Passaic and State of New Jersey Supporting the Concept of Ample Harvest. This resolution was adopted by the Township Council of the Township of West Milford on February 17, 2010.

VILLAGE OF FLORIDA – P.O. Box 505, Florida, NY 10921 – Letter of notification of a proposed lake management program for Glenmere Lake. The Village of Florida is planning a Pilot Lake Management Program for Glenmere Lake in 2010. This program is intended to control Eurasian water milfoil, invasive aquatic plant species, thus improving water quality conditions as well as the recreational and aesthetic value of the lake. This program is being carried out by a

lake management firm, Allied Biological Inc., registered with the NYSDEC. We anticipate the treatment to occur between April 1 and August 31, 2010 and will proceed only after the Village of Florida obtains a permit for the treatment from the DEC. If you wish for further information about the treatments or wish information on the exact dates of the pesticide application, please contact: Gloria McAndrews, Village Clerk, at 845-651-7815 or Glenn Sullivan, Allied Biological, Inc. at 908-850-0303, Monday thru Friday from 9-4.

CAROLE LIANTONIO – 57 Onderdonk Road, Warwick, NY 10990 – Letter to the Supervisor and the Town of Warwick Planning Board regarding the environmental impact statement for the Warwick Views.

TONY CIALLELLA – BCM Development Company, 134 Farview Road, Rockaway, NJ 07866 – Letter to the Supervisor regarding amending the Bellvale Water District Expansion Agreement.

CHRISTINE A. ARNER – Warwick Valley High School Crew Club, One Cedar Hill Drive, Warwick, NY 10990 – Letter to the Supervisor requesting approval to use the Thomas P. Morahan Waterfront Park for their annual Crew Regatta on Tuesday, May 11th from 2:00 p.m. until 8:00 p.m.

THOMAS F. MCGOVERN, JR. – Police Chief, Town of Warwick Police Department – Memo to the Town Board requesting a budget transfer in the amount of \$150.00 from Jerzy and Ewa Wiatrzyk into the Police Budget Line B02-3120.201.

CONNIE SARDO – Secretary, Town of Warwick Planning and Zoning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$605.90 to Jeff Sapanaro.

CONNIE SARDO – Secretary, Town of Warwick Planning and Zoning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$500.00 to Christopher Daubert.

CONNIE SARDO – Secretary, Town of Warwick Planning and Zoning Board – Letter to the Supervisor and Town Board requesting a refund on the balance of an escrow in the amount of \$315.00 to Olivia Sobiech.

CONNIE SARDO – Secretary, Town of Warwick Planning and Zoning Board – Letter to the Supervisor and Town Board requesting a refund of a ZBA application in the amount of \$150.00 to William Lynch.

SUZYN BARRON – President, Warwick Valley Humane Society, 48 Public Works Drive, Warwick, NY 10990 – Letter to Councilman DeAngelo requesting permission from the Town Board to construct a 12’x24’ carport to replace a collapsed overhand due to the recent snow storm.

RICHARD SIMPSON – Foreman, Town of Warwick Department of Public Works, Warwick, NY 10990 – Letter to the Town Board announcing his resignation effective May 31, 2010.

JEFF FEAGLES – Commissioner, Town of Warwick Department of Public Works, Warwick, NY 10990 - Memo to the Town Board requesting a budget transfer in the amount of \$1,300.00 from DA2-5130-438, equipment rental to DA2-5130-200 machinery equipment.

JEFF BABCOCK – President, Florida Fire Department and Rescue Squad, P.O. Box 600, Florida, NY 10921 – Letter to the Supervisor requesting permission to display fireworks as a grand finale for the Florida Fire Department and Rescue Squad’s 125th Anniversary Parade on Saturday, June 5, 2010.

VISITING ELECTED OFFICIALS

Supervisor Sweeton introduced Hon. Orange County Legislator Al Buckbee from District 10.

Hon. Al Buckbee – Orange County Legislator, District 10 – We’ve had several meetings. In regards to Warwick we have some very good news. A young lady from Pine Island, Katie Brosnan, is serving as the Orange County Dairy Princess and she’s been recently elected to become the State Princess. She will go around the County and State speaking and promoting dairy and agricultural. This is only the second time Orange County has held this honor and the first time in Warwick. I will be serving on two major committees; Economic Development and Education, Health and Mental Health, Labor Relations and I’m still sitting on the Agricultural Farmland Preservation Board. As we go forward one of my projects is to work on the perhaps removal or amendment to the B&B hotel tax, which I believe falls very squarely into the economic development committee. This is the tax that was implemented under the last legislature and it’s roughly about 15% and it really hammers the Village of Warwick, but particularly Greenwood Lake. We look forward to working with companies in regard to this and I would like to get the Town Board involved with this as well as the Village. This is my first meeting with you here officially and I am acting as a liaison between you and Goshen and Goshen to you, so if you have any questions or comments you can go to Goshen.

REPORTS OF BOARDS AND COMMISSIONS

Penny Steyer – Chairperson, Town of Warwick Architectural Review Board – We held our first meeting Monday night to look at the second building that should go on the new fairgrounds. We will be submitting a report and suggestions to the Board about how we are going to approach that going forward. John Starks who is part of our Board is in the midst of drafting some design standards for commercial development as well as some revisions to the ARB code and how that type of development should be monitored. We’ll be presenting that to you hopefully within the next two weeks.

Supervisor Sweeton – That’s great. We’re looking forward to that.

COMMITTEE REPORTS

DEPARTMENT OF PUBLIC WORKS REPORT

WORK BEING

DONE

LOCATION

REASON FOR WORK

TREE WORK

Town wide.

Storm 2/25/10-2/26/10, trees blocking roads.

SNOW

PLOWING

Town wide.

Storms 2/23/2010 and 2/25-2/28/2010: plowed all town roads.

Kings Estates

Hauled snow out to widen roads.

Storms 2/23/2010 and 2/25-2/28/2010: sanded all Town roads.

SANDING

Town wide.

VEHICLE MAINT.

Town barns.

As needed.

ROAD SIGNS

Town wide.

As needed.

HAUL

MATERIAL

Sand pile.

Hauled road grit to stock pile.

COUNCILMAN DE ANGELO REPORT

1. For the month of January the Post Report is as follows: Greenwood Lake had 273 calls, the Town outside the Village we had 1,173 calls, Pine Island 348 calls and the Village of Warwick had 889 calls for a total of 2,683 calls for the month of January.

2. I received an e-mail from Kathy Glover who is a member of the East Arm Rowing Club in Greenwood Lake. There is a site called “The Rowers Almanac” it’s a worldwide publication which lists every boathouse in the world by country. Greenwood Lake is listed as the 10th place to retire and row and it’s a very interesting article and it explains how nice it is to row on the lake and how it’s surrounded by the hills and so forth. Being a resident in the Village of Greenwood Lake I’m very proud of this.

Supervisor Sweeton – It’s a nice honor.

COUNCILMAN DE BUCK REPORT

1. I would like to announce that on Saturday, May 8th the Florida Girl Scout Troop will be holding a dog walk fundraiser at the Union Corners Park. This is part of several girls, I think 8 or 9 of them that are working to receive their silver award in Girl Scouting. It is of a greater effort in order to raise funds for the Town to put an actual dog park in at Union Corners Park. They are going to have a dog walk that day and a fundraiser and because it’s their project I would hope that you would see their press releases in the local paper and on May 8th come out and support their efforts to have this dog park at Union Corners Park.

Councilman DeAngelo – Any particular time?

Councilman DeBuck – No, I’m sure it will start early in the morning by 9 or 10 o’clock depending on how far you want to walk your dog and how much money you

want to raise you could probably stay there most of the day. I think they want to bring in other supporters. The Humane Society I'm sure will be a supporter. I'm sure local veterinary hospitals will be supporters. They are going on anyone in the community and the Town Board said they would support their project to receive their silver award basically in concept and like kind services because we have park personnel there, but being it was their project we were not going to incur funds that they have to take on the fundraising effort. They are going to relay on the public and each one of us to try and raise those funds publically to add this what I think would be a very nice amenity to one of our parks. Look for their news release and mark your calendar for May 8th.

COUNCILMAN GERSTNER REPORT

1. I have some Cablevision news here and they are still in negotiations with Disney Corporation over the ABC channel 7. Cablevision has been informed by WPIX that their affiliation with LATV will end on March 23, 2010. LATV is on channel 198 and it won't be long it won't be available on the Cablevision lineup. Effective April 5, 2010 Cablevision will no longer be offering the Analog Family cable package to new customers. They will be subscribing to the family cable package on April 5th that will require to take digital equipment. For all of this information you can go to their website at www.optimum.com.

2. The Warwick Fire Department this Saturday, March 13th at our Warwick Station 1 our Chief Gregg Snigur has cancer and we are doing a benefit for one of our brothers to raise funds for medical bills that came with the treatment. Everybody is welcome to come it is at Warwick Fire Station 1 on Forester Avenue at 7:00 p.m. We wish Gregg success and wellness in his battle.

COUNCILMAN SHUBACK REPORT – Absent.

TOWN CLERK'S REPORT

1. **Fees Collected: Month of February, 2010** – Copy of Map, \$5.00; Code Book Updates, \$35.00; Certified Marriages, \$40.00; Photocopies, \$2.25; Returned Check Fee, \$20.00; Interest in Checking Account for Month of January, \$0.49; Dog Impoundments, \$595.00; Town Park Pavilion Fees, \$125.00; Marriage License Fees, \$70.00; Road Maps, \$3.00; Conservation Licenses, \$12.19; Dog Licenses Issued/Renewed, \$995.48; Use of Room Fees, \$220.00; Registrar Fees, \$60.00; Town Park Deposits, \$50.00; Little League Field Deposits, \$200.00. **Total Fees Collected: \$4,032.24**
2. **Fees Paid: Month of February, 2010** - Orange County Commissioner of Finance for Dog Licenses, \$268.02; NYS Dept. of Health for Marriage Licenses, \$90.00; NYS Dept. of Ag & Markets for Spay/Neuter Program, \$72.00; NYS Dept. of Environmental Conservation, \$208.81; Village of Florida for Registrar Fees, \$280.00; Village of Warwick for Registrar Fees, \$680.00. **Total Fees Paid to the Supervisor: \$2,433.41**

SUPERVISOR'S REPORT

1. I have a public service announcement. There's a lot of companies and it always happens around now sending out flyers especially senior citizens are getting them telling them they will get them an assessment reduction. If you sign up and they're successful most times you split more than 50% with the company. That's fine, but you should know as the public that you can do that yourself. You could

come into the Assessors office. There is a process that you can challenge your assessment. There is a grievance day and if you're successful you keep all of the returns. Just be aware and if you know of a senior citizen that has gotten this and asked the question, just pass on that information for them.

2. The Rt. 94 Draft Environmental Impact Statement is available online, it is available at the Albert Wisner Library, it's completed and there will be a public Hearing on it on March 18th, which is next Thursday here at 7:00 p.m. Hopefully we'll get a lot of folks out and get their comments in. The process of that Environmental Impact Statement is when the draft comes out it simply tries to identify the potential impacts environmental, fiscal, traffic and then it solicits public comment to things that it might have missed or questions about it that then get addressed. We are hoping we get good comment on it because that will help us try to come up with something that makes sense for our community to take that zone that was designed to kind of strip build out and change it into something else. We're hoping we'll get comment on that.

3. It's been a long process, but we were successful in securing stimulus funds, the ARRA money for a long needed drainage project on East Shore Road, which is the narrow section of East Shore as it goes along Greenwood Lake. We've set up a preconstruction meeting with our selected construction company. That will happen on March 25th with the New York State DOT who is the agency supervising the funds. We expect that project will start sometime in the beginning of April and will take about a month or perhaps two months and hopefully correct a very dangerous drainage issue as the water comes off the hill onto the road and freezes during the winter months and has no place else to go, but send you into the lake.

4. This week through the efforts of the postmaster in Bellvale there was a seminar on identity theft. It was put on by various people Bob Baier who is a resident here in Warwick is an identity theft expert as well as the Police, the US Postal Service Police who's job is to investigate these kind of crimes. They did a great seminar. On our Channel 21 on Cablevision will be running some of the videos that they had on that.

5. Supervisors Corner is published in the in the Warwick Dispatch.

PRIVILEGE OF THE FLOOR (AGENDA ITEMS)

There were no comments or questions on the agenda items.

NEW BUSINESS:

#R2010-84 SETTling OF TAX CERTIORARI CLAIM

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

WHEREAS, Hudson United Bank, has commenced a tax certiorari proceedings against the Town of Warwick in the Supreme Court, State of New York, County of Orange, Index Nos. 5193/05, 5754/06, 6856/07, 7665/08 and 8022/09 for the 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 tax year; and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's appraiser, and John H. Thomas, Jr., Esq., of Jacobowitz and Gubits, counsel for the

Town of Warwick in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, Hudson United Bank is willing to settle these proceedings without interest, costs or disbursement, in the following manner;

- (1) That the proceeding for the 2005-06 tax year be compromised and settled by the assessment being reduced to a total amount of \$78,000;**
- (2) That the proceeding for the 2006-07 tax year be compromised and settled by the assessment being reduced to a total amount of \$78,000;**
- (3) That the proceeding for the 2007-08 tax year be compromised and settled by the assessment being reduced to a total amount of \$78,000;**
- (4) That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced to a total amount of \$78,000;**
- (5) That the proceeding for the 2009-10 tax year be confirmed at an assessment of \$78,000 and that there be no change in the assessment; and**
- (6) That petitioner(s) real property taxes for the 2005-06, 2006-07, 2007-08 and 2008-09 School taxes and the 2006, 2007, 2008 and 2009 County and Town tax bills be adjusted accordingly and that petitioner(s) be reimbursed for any overpayment without interest, if paid within sixty (60) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be;**

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

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

Upon Roll Call Vote:

Supervisor Sweeton	aye	Councilman Gerstner	aye
Councilman DeBuck	aye	Councilman DeAngelo	aye
Councilman Shuback	absent		

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

#R2010-85 SETTLING OF TAX CERTIORARI CLAIM

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

WHEREAS, HP Warwick, LLC., has commenced a tax certiorari proceeding against the Town of Warwick in the Supreme Court, State of New York, County of Orange, Index No. 7667/08 for the 2008-09 tax year; and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's

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

WHEREAS, HP Warwick, LLC is willing to settle these proceedings without interest, costs or disbursement, in the following manner;

- (1) That the proceeding for the 2008-09 tax year be compromised and settled by the assessment being reduced to a total amount of \$55,000;
- (2) That petitioner(s) real property taxes for the 2008-09 School taxes and the 2009 County and Town tax bills be adjusted accordingly and that petitioner(s) be reimbursed for any overpayment without interest, if paid within sixty (60) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be;

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

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

Upon Roll Call Vote:

Supervisor Sweeton	aye	Councilman Gerstner	aye
Councilman DeBuck	aye	Councilman DeAngelo	aye
Councilman Shuback	absent		

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

#R2010-86 AUTHORIZATION TO USE THE THOMAS P. MORAHAN PARK – WARWICK VALLEY HIGH SCHOOL CREW CLUB

Motion Councilman DeBuck, seconded Councilman Gerstner to adopt a resolution to authorize the use of the Thomas P. Morahan Park from 2 p.m. – 8 p.m. on Tuesday, May 11, 2010 to the Warwick Valley High School Crew Club for their annual Crew Club Regatta where they will be hosting the Orange/Ulster Championships subject to proper insurance, adequate port-a-johns, traffic control, overflow parking plans, certified lifeguards, safety launch boats and trash removal.

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

#R2010-87 SPECIAL EVENT PERMIT – WARWICK LIONS CLUB

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to authorize the use of the DePaulis field from 6 a.m. – 8 p.m. on Monday, June 14, 2010 to the Greenwood Lake Lions Club for the Kelly-Miller Circus subject to review and

approval by the Chief of Police. The required Certificate of Insurance is on file in the Clerk's office.

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

#R2010-88 ACCEPT RESIGNATION – RICHARD SIMPSON

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to accept the resignation of Richard Simpson for the purpose of retirement, effective May 31, 2010.

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

Discussion: Councilman Gerstner thanked him for his services and wished him well on his retirement.

#R2010-89 AUTHORIZATION TO SIGN SIDE LETTER AGREEMENT

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign a side letter agreement to CSEA, Town of Warwick, Orange County Local 836 concerning retirement notification time period as it relates to Richard Simpson.

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

Discussion: Supervisor Sweeton stated in the contract with CSEA there is a six month notification period, which this is allowing us to waive without setting any precedent. It was an inadvertent error by Mr. Simpson and we saw no need to hold up his retirement.

#R2010-90 REFUND ZBA APPLICATION FEE – LYNCH

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to refund the ZBA application fee in the amount of \$150.00 to William Lynch, 368 Mount Eve Road, Goshen, NY 10924 as per the recommendation of the ZBA Secretary, letter dated February 19, 2010. Application has been withdrawn.

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

#R2010-91 BUDGET TRANSFER – POLICE DEPARTMENT

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve the following Police Department budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Donation from Jerzy and Ewa Wiatrzyk (Check #222)	Computer Budget Line (B02.00.3120.201)	\$150.00

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

#R2010-92 BUDGET TRANSFER – DEPARTMENT OF PUBLIC WORKS

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to approve the following DPW budget transfer:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Equipment Rental (DA2.5130.438)	Machinery Equipment (DA2.5130.200)	\$1,300.00

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

#R2010-93 APPROVAL TO CONSTRUCT ATTACHED CAR PORT - WARWICK VALLEY HUMANE SOCIETY

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to approve the request from the Warwick Valley Humane Society to construct a 12' by 24' carport with metal roof permanently attached to the garage. The recent snowstorm caused the collapse of the overhang on the shelter garage.
Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2010-94 AUTHORIZATION OF ESCROW REFUND – JEFF SAPANARO

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to authorize a refund in the amount of \$605.90, the balance of the escrow SBL# 33-1-9.22, to Building Department applicant Jeff Sapanaro as per the recommendation of the Building Department Secretary, letter dated March 1, 2010.
Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2010-95 AUTHORIZATION OF ESCROW REFUND – CHRISTOPHER DAUBERT

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$500.00, the balance of the escrow SBL#43-1-16, to Building Department applicant Christopher Daubert as per the recommendation of the Building Department Secretary, letter dated March 1, 2010.
Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor declared this resolution duly adopted.

#R2010-96 AUTHORIZATION OF ESCROW REFUND – OLIVIA SOBIECH

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to authorize a refund in the amount of \$315.00, the balance of the escrow SBL#14-2-8, to Building Department applicant Olivia Sobiech as per the recommendation of the Building Department Secretary, letter dated March 5, 2010.
Motion Carried (4 ayes, 0 nays, 1 absent – Councilman Shuback absent) Supervisor

declared this resolution duly adopted.

#R2010-97 SPECIAL EVENT PERMIT – FLORIDA FIRE DEPARTMENT

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Florida Fire Department to hold a fireworks display on Saturday, June 5, 2010 on the Jansen Nursery property in celebration of their 125th Anniversary subject to review and approval by the Chief of Police and submittal of proper Certificate of Insurance.

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

**#R2010-98 AUTHORIZATION TO SIGN AGREEMENT WITH ORANGE COUNTY
– AUTOMATIC VEHICLE LOCATOR DISPATCHING SYSTEM**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to authorize the Supervisor to sign an agreement with Orange County that will provide the town with an Automatic Vehicle Locator Dispatching System (AVL), including all equipment and installation, at no cost to the Town of Warwick.

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

Discussion: Supervisor Sweeton stated that this is a countywide initiative to place vehicle locators in all of the police agency vehicles around the County, so that in the event of a call coming into an emergency dispatch center visually they will see the location of all of the vehicles and they'll know the closest vehicle to dispatch. It will enhance safety and the County is paying for it and we're glad to have it.

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

PRIVILEGE OF THE FLOOR (GENERAL)

Nancy Owen – Resident, Town of Warwick, NY 10990 – I want to find out when the Board was going to make a decision on the community septic application?

Supervisor Sweeton – We are not going to make a decision. What the purpose of the hearing was the Board needed to get more information from the applicant tonight as to what they were requesting potentially from us. What we will now do is craft some comments that we would submit to be considered as part of the record on the environmental impact statement. We will go into that process and the applicant will have to address whatever comments we make to them and you heard many of those this evening, so we would want to see those addressed at the point that the Planning Board deems that the application is complete. The document is complete, it's accepted and it moves forward and they get whatever permits that they need because it's not clear. They need DEC permits, they may need an Army Corp permit, and they will need approval from the Health Department. All of those things are way out there and if they get all of those things as a last step if they've demonstrated to the satisfaction of the Planning Board that a community septic is

the way to go then they would come back to us and ask us to approve such a system. Not approve the system, but approve creating the district, which is the mechanism by which we charge those residents.

Nancy Owen – You have a lot of people in the community who are quite concerned about this because it goes over wetlands. Its gravity coming down, but it's being pumped up over wetlands and it's being pumped up over an aquifer. Where should they be addressing their comments?

Supervisor Sweeton – That should be going into this document; this environmental impact statement. That time to comment on that was extended to next week, so if that's a question because I've seen a lot of different questions in the letters and stuff. All of those questions will have to be answered and so that one, if that one is a concern, should be answered. The Town, just from the Town Boards perspective as the potential administration agent of the district, is not going to accept a district that doesn't work or has potential problems, so we're going to want to be assured by the engineers that this system works. We're going to want to be assured by the Health Department that this system works before we're going to create a district to run it. We're not looking for headaches, I'll tell you that.

Nancy Owen – People were not sure if this was going to be on the agenda as an application that would be responded to this evening or do comments have to be made by letter to the Planning Board?

Supervisor Sweeton – I think the appropriate comment area to ensure that the questions get answered is in the environmental impact statement because that's what we're going to do. We are going to give our comments to that as well. We have some same issues and I'll tell you the plan says that the Town is in favor of community septic for the reasons you heard the applicant state. They tend to allow you to make tighter developments, preserve more of the land and it insures that the systems get taken care of. Just the example is a normal homeowner who has a septic tank in a field, I mean think back when was the last time you had it pumped? You probably can't remember that. In this concept in a district the Town would hire a contractor and every three years the contractor would come in and pump every one of those tanks and check the leech fields, so in a sense it's a better way to ensure that things that are on the site like the wetlands and some of the formations and things are actually protected. As opposed to, now lets not argue about how many houses let's say its 35 houses that all had individual septic and wells unless there's a problem the Town doesn't get into the business of going and knocking on your door and say I want to check your septic tank. We just don't do that. In that sense, if that's a concern, this seems like a mechanism by which at least there's some additional way to check on it and protect the assets. We're not making any decision on creating it. We're not accepting it. We are going to give our concerns, which you heard to that process the Planning Board and the environmental impact statement, so are comments will be available. People will see them and you'll know.

Nancy Owen - They'll be on the website?

Supervisor Sweeton – Right now what is on there is the draft document. When they incorporate the comments and they answer the comments they'll issue what's next a draft of the final document, which again gets comments, so that document will be on there as well. I think all the letters that came from friends and neighbors, so I'm sure you've seen the letters and the concerns. We're all aware of what the concerns are.

Nancy Owen – I think there's more concerns.

Supervisor Sweeton – I want to stress that's what this process is about to get those concerns out and get them documented. Because the applicant by law has to answer them and then the Planning Board has to be comfortable and accept that those are answers that speak to the question. I think the Planning Board in fairness, you've been to so many of the meetings I think in fairness they try to do that. Leaving aside whether you think you should build there or not. I think they try to be diligent in insuring that the process is followed correctly and you try and answer the questions that are raised.

Phyllis Briller – Resident, Town of Warwick, NY 10990 – I'm wondering if the Board in making its decisions has all of the necessary technical criteria at its fingertips to ascertain whether a community septic for x number of houses is appropriate? Mr. DeBuck earlier talked about an economy of scale for a water system and that was in part based on his understanding of what's actually happened in the community, because none of you to the best of my knowledge has dealt with a community septic system. I would ask if you would consider if there also is an economy of scale in designing a community septic system. I ask this because in part I have been court appointed administrator of an engineering firm that dealt in sewage treatment pollution control and I know when designing a septic system you have to look at a girth of flow and an exorbitant amount of flow. Lets say you have a Village that is pumping to a septic system you have a reasonable amount of knowledge of how many homes might have an excess amount of graduations and weddings in the month of June and therefore what your flow might be. You could also assume that in the month of January and February you have x number of snowbirds that fly to Florida, so you don't have much of a flow, but you have a large entity, which you can draw those decisions. When you have a single home on a septic system that single homeowner probably thinks twice about having 150 guests for a wedding party because when everybody flushes, you're going to perhaps have a big problem, but that's only one lot. If you have a relatively small community of 35 homes, 50 homes, 70 homes if the Luft community has weddings and another 10% have graduations parties for June. What does that do technically to the flow that goes down the drain? Particularly because you've got pumps and you also have a great amount that has to go into an absorption field suppose that those homes conversely become, because of the economy, summer residents or second home

developments and suddenly you have a girth of flow and now you have pumps and they are going to burn out because there isn't enough flow to keep them active. What I'm asking the Board to consider in saying yes we think we like community septs for the following reasons those are all valid reasons, but I am asking the Board to consider are all of those valid reasons valid when you're looking at a relatively small population that's going to be using that community septic that's my question.

Supervisor Sweeton – Ok, that's a valid question. Again the system gets engineered and there are countless examples of these, they're used in other places, so we'll get that information the engineers will get it. The Health Department will ensure that this system is engineered to function properly before we are going to before we're going to entertain creating a district and accepting it, so we'll look at those numbers; you've raised some concerns. But this isn't like a sewer plant where it's predicated on certain flows. This is the same as an individual house with an individual tank that then whatever influent goes to the leech field is pumped to the leech field. Now the leech field will be designed to handle the flows and they'll be based on statistical numbers on the number of houses and all of those engineering details. We will want to see those certainly, before we're going to make a decision accepting a system. We want to know a system is going to operate under whatever conditions.

Phyllis Briller – There will be pumps, so I will disagree with you.

Supervisor Sweeton – You related there's a pump to one section because of elevations, I believe. It's certainly a concern. How does that pump operate? How does it handle the situation? Yes it's a good question.

Councilman DeAngelo – Had she submitted her comments in writing?

Supervisor Sweeton – Well we'll have it a part of this record and I would say if that's a concern the place for it is in the environmental impact statement. I'm sure you could throw those thoughts together and shoot off a note to Connie to include.

Jerry Zimmerman – Resident, Town of Warwick, NY 10990 – I'm just interested in the traffic accidents that have been on County Route 1 and Blooms Corners. I can remember some pretty horrific accidents there in the last couple of years and I'm finding it hard to imagine what might happen if we add this sort of population with the increased number of cars at that intersection with another 53 homes.

Supervisor Sweeton – I'm sure that the traffic data is in the impact statement. It would have been required, so I'm sure the data is there. We certainly could look at it. You should look at it. It will give you that information and then that is considered by the Planning Board. Does it require something else? Should the blinking light there be changed to a regular light? Maybe it should have been a regular light anyway, because I think the accidents that occurred there occurred

well before there were potential houses out here. That should be looked at. When they look at that data they can tell whether that intersection is acceptable or not in terms of traffic flow and whether it requires something else. If that's something it requires the applicant can be asked to mitigate that. That's a fair thing to ask of the applicant.

**ADJOURN: Motion Councilman DeAngelo, seconded Councilman Gerstner that the regular meeting be adjourned. Motion Carried (4 ayes, 0 nays & 1 absent Councilman Shuback absent) 8:48 p.m.
02-04-10 cp.**

Marjorie Quackenbush, Town Clerk