

## Warwick Town Clerk

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**From:** Desiree Potvin <DPotvin@woodburyny.us>  
**Sent:** Monday, April 16, 2018 12:19 PM  
**To:** Warwick Town Clerk  
**Subject:** NYALGRO - Scholarship Winner  
**Attachments:** 2018 Conference Registration.pdf; High Peaks Hotel Res.pdf

Hon. Eileen Astorino  
Town of Warwick  
via email - clerk@townofwarwick.org

**RECEIVED**  
**APR 17 2018**  
Town of Warwick  
Town Clerk

Dear Eileen:

Congratulations!! You have been awarded a scholarship by the NYALGRO Board of Directors to attend our 30th Annual Conference being held June 3-5, 2018 at the High Peaks Resort in Lake Placid, New York.

Attached please find a conference registration form and a hotel registration form. Please follow these directions:

**Conference Registration Form** - Please complete the form and fax it to 845-928-9278. You have already paid your membership fee and the \$30 conference registration fee is waived. Please write "Scholarship" on the line for "total submitted".

**Hotel Registration Form** - Please complete the form and send it to the hotel as directed on the bottom right corner of the document. Your scholarship includes the cost for Package 3 (\$539.93). If you bring a guest and/or decide to book additional nights you will be responsible for that cost. There is no need to fill in your credit card information but please write "Scholarship Winner" in this section so the hotel can clearly identify you. When you check in the hotel will require a credit card for incidentals.

Please reach out to me if you have any questions. Congratulations again and I look forward to seeing you in Lake Placid.

Desiree Potvin, Woodbury's Town Clerk  
President, New York Association of Local Government Records Officers (NYALGRO)  
(845) 928-6829 x7

## Warwick Town Clerk

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**From:** Catherine Morris <cmorris@cbi.org>  
**Sent:** Tuesday, April 24, 2018 1:27 PM  
**To:** Michael Sweeton  
**Cc:** Warwick Town Clerk  
**Subject:** Request for an interview on solar energy development and agricultural land in NY

Dear Supervisor Sweeton,

I am working with NYSERDA to assess the best practices, policies, and stakeholder concerns around responsible development of ground-mounted solar projects on agricultural land in NY.

CBI is conducting independent interviews with a wide range of stakeholders, including community leaders, state agencies, farmer and agriculture advocates, land conservation advocates, and solar developers. Through these conversations we hope to learn more about what stakeholders think is needed to guide best practices in the siting, design, construction, operation and decommissioning of solar projects in agricultural regions of the state.

I understand that there have been solar project proposals in your county. I would be particularly interested in hearing whether the community and town leaders see these projects as a positive opportunity, what concerns you and members of the community have raised or experienced first hand, and what type of guidance would be helpful for municipalities like yours. Any information you share with me is not for attribution (off the record), but will help inform our report to NYSERDA about next steps.

Please let me know if there are a couple of days and times that you are available to speak by phone and the best phone number to reach you.

I'm looking forward to hearing from you.

Catherine Morris, Senior Mediator  
Consensus Building Institute  
1875 Connecticut Ave., NW, 10th Floor  
Washington, DC 20008  
410-371-3687 (mobile)  
[www.cbi.org](http://www.cbi.org)

**RECEIVED**  
**APR 24 2018**  
Town of Warwick  
Town Clerk

Visit our new website: [cbi.org](http://cbi.org). Please also note that my email address has changed to [cmorris@cbi.org](mailto:cmorris@cbi.org).

**Warwick Town Clerk**

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**From:** joan tirrell <jtirrell@optonline.net>  
**Sent:** Saturday, April 21, 2018 9:38 PM  
**To:** Warwick Town Clerk  
**Subject:** Vote outcome of Resolution Submission Re: CPV  
**Attachments:** Town of Warwick Apr 2018 CPV Legislative Resolution.docx

Greetings. I am inquiring about the vote on the CPV resolution that I submitted to the Town of Warwick Board last month and which I have now discovered, was taken up at your Warwick Town Board meeting on April 12, 2018.

Unfortunately, I was not aware that the resolution had been placed on your agenda for the meeting of April 12. I would have most certainly made schedule adjustments in order to attend the meeting and to speak on behalf of the resolution. I am regretful that I missed this opportunity to speak on this issue of grave concern.

Nonetheless, I do greatly appreciate the attention and consideration of the Board. Could you please let me know the outcome of the Board's vote on the draft resolution?

Thank you very much for your attention and for your action on the resolution.

I look forward to hearing from you soon to know if indeed, the Board voted to pass the resolution..

Cordially,  
Joan Tirrell

**RECEIVED**  
**APR 23 2018**  
Town of Warwick  
Town Clerk

*\* Speaking about the Village of Warwick meeting  
as of April 23, 2018 the Town has not adopted any resolution*

**Warwick Town Clerk**

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**From:** NATALIA DASRAJ <ndasraj@hotmail.com>  
**Sent:** Tuesday, April 24, 2018 12:46 PM  
**To:** kathys@townofwawayanda.com; brescia@frontiernet.net;  
ceoffice@orangecountygov.com; districtattorney@orangecountygov.com;  
bonacic@nysenate.gov; PGersbeck@Townofgoshen.org; dohweb@health.ny.gov;  
occrabbit@orangecountygov.com; boardofethics@orangecountygov.com; dep.r3  
@dec.ny.gov; dep.r4@dec.ny.gov; NYAG.Pressoffice@ag.ny.gov; gary.brown@ag.ny.gov;  
eric.schneiderman@ag.ny.gov; Lzappala@thetownofchester.org;  
townclerk@townofwallkill.com; Warwick Town Clerk; clerk@villageofwarwick.org;  
PGersbeck@Townofgoshen.org; skoufisj@nyassembly.gov; kevin.sumner@ocsoil.org;  
chris.hopmayer@ocsoil.org; Menard, Katrina (Sanders); Pramilla Malick  
**Subject:** Re: Subject: Inappropriate use of Fire Hydrant  
**Attachments:** IMG\_2488.JPG

**RECEIVED**

**APR 24 2018**

**Town of Warwick  
Town Clerk**

I would like to follow up with you regarding the email I previously sent addressing the misuse and tampering of a fire hydrant supplying water to the CPV fracked gas plant in the Town of Wawayanda.

On Friday the 20th of April, I noticed the connections to the hydrant were removed. We protest every Saturday at the plant. Gubernatorial Candidate Cynthia Nixon and actor James Cromwell came to the protest in support of the protest, Saturday April 21. On Monday April 23rd, CPV reconnected to the fire hydrant.

This action is confirming this act is suspicious, unlawful and is deceiving.

~~Subject:~~

I contacted the town via phone and email with my concerns and have no reply to date.

I again, ask your help in looking into this and protecting our water supply.

In addition, CPV has a hose discharging into the creek as well. What exactly are they discharging and is it being monitored? Are there permits for the use of the hydrant and the discharging hose at the creek?

I would appreciate a response.

~~Subject:~~

Thank you,  
Natalia Dasraj

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**From:** NATALIA DASRAJ <ndasraj@hotmail.com>  
**Sent:** Wednesday, April 18, 2018 9:06:11 PM  
**To:** kevin.sumner@ocsoil.org; chris.hopmayer@ocsoil.org  
**Subject:** Subject: Inappropriate use of Fire Hydrant

I would like to share with you an email I recently sent to the following people. This issue may also be of concern to you.

Thank you.  
Natalia

**From:** NATALIA DASRAJ <ndasraj@hotmail.com>

**Sent:** Wednesday, April 18, 2018 8:21 PM

**To:** kathys@townofwawayanda.com

**Cc:** skoufisj@nyassembly.gov; brescia@frontiernet.net; ceoffice@orangecountygov.com; Orange County Soil and Water Conservation District; districtattorney@orangecountygov.com; bonacic@nysenate.gov; PGersbeck@Townofgoshen.org; dohweb@health.ny.gov; occrabbitt@orangecountygov.com; boardofethics@orangecountygov.com; dep.r3@dec.ny.gov; dep.r4@dec.ny.gov; NYAG.Pressoffice@ag.ny.gov; gary.brown@ag.ny.gov; eric.schneiderman@ag.ny.gov; Eric T. Schneiderman; Blaise Gomez; Lzappala@thetownofchester.org; townclerk@townofwallkill.com; Pramilla Malick; clerk@townofwarwick.org; clerk@villageofwarwick.org; PGersbeck@Townofgoshen.org

**Subject:** Inappropriate use of Fire Hydrant

Town Of Wawayanda;

I am writing to express my deep concern over the use of the fire hydrant supplying fresh water to the CPV plant located directly in front of the plant.

This is a gross misuse of our water! Fire hydrants are intended for emergency use only, and therefore leaves the plant vulnerable in the event an emergency were to take place, as responders would need to source water from further hydrant locations. The tampering of fire hydrants is illegal! This action also puts the fresh water supply in jeopardy if any backflow were to occur.

The Resolution adopted by the Town of Wawayanda to support the rescinding of permits given to CPV by the State of NY was a step forward. However, permitting CPV to have access to our water supply in such an inappropriate manner leaves me very confused as to where your true intentions lie. Are you in support of the residents of the Town of Wawayanda or do you favor the CPV plant? To give CPV permission to use our water supply in this manner appears you are in favor of the latter.

It is my intention, to ask the Board of Wawayanda to advise CPV to immediately restore the fire hydrant to its original state, and intended emergency use. I urge you to protect our fresh water supply! To initiate any other action would not stand in alignment with keeping the resident's best interest first!

Allowing CPV access to our water supply and the manner in which CPV has come to our Town via the Town of Wawayanda elected officials, I realize as a resident, the Town in itself requires constant monitoring of its decision makers. In light of this action, I no longer feel the current members have the resident's best intentions in mind, whereas their actions would confirm my belief!

I would also like to note I spoke to Susan in the Water Department who advised me Mr. Razzano would call me. I am sorry to say there was no communication from Mr. Razzano. Perhaps this email might be more effective.

Very Truly,  
Natalia Dasraj

## Warwick Town Clerk

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**From:** Hana Westerfield <hana.westerfield@gmail.com>  
**Sent:** Friday, April 20, 2018 2:10 PM  
**To:** kathys@townofwawayanda.com; skoufisj@nyassembly.gov; PGersbeck@townofgoshen.org; clerk@villageofwarwick.org; Warwick Town Clerk; townclerk@townofwallkill.com; Lzappala@thetownofchester.org; eric.schneiderman@ag.ny.gov; gary.brown@ag.ny.gov; districtattorney@orangecountygov.com; bonacic@nysenate.gov; dohweb@health.ny.gov; occrabbitt@orangecountygov.com; boardofethics@orangecountygov.com; dep.r3@dec.ny.gov; dep.r4@dec.ny.gov; NYAG.Pressoffice@ag.ny.gov; brescia@frontiernet.net; ceoffice@orangecountygov.com  
**Subject:** Inappropriate use of Fire Hydrant at CPV  
**Attachments:** Resolution 3 2018 CPV Review State Permits0001.pdf

**RECEIVED**  
**APR 23 2018**  
**Town of Warwick**  
**Town Clerk**

Town Of Wawayanda;

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This is a gross misuse of our water! Fire hydrants are intended for emergency use only, and therefore leaves the plant vulnerable in the event an emergency were to take place, as responders would need to source water from further hydrant locations. The tampering of fire hydrants is illegal! This action also puts the fresh water supply in jeopardy if any backflow were to occur.

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It is my intention, to ask the Board of Wawayanda to advise CPV to immediately restore the fire hydrant to its original state, and intended emergency use. I urge you to protect our fresh water supply! To initiate any other action would not stand in alignment with keeping the resident's best interest first!

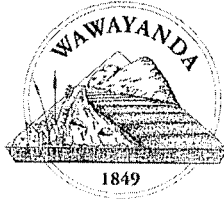
Allowing CPV access to our water supply and the manner in which CPV has come to our town via the Town of Wawayanda elected officials, I realize as a resident, the Town in itself requires constant monitoring of its decision makers. In light of this action, I no longer feel the current members have the resident's best intentions in mind, whereas their actions would confirm my belief!

Sincerely,  
Hana Westerfield  
Town of Wawayanda resident

# TOWN OF WAWAYANDA

SLATE HILL, NEW YORK 10973

KATHRYN A. SHERLOCK, RMC  
Town Clerk - Tax Collector  
Town of Wawayanda  
80 Ridgebury Hill Road  
SLATE HILL, NEW YORK 10973



**MOTION** by Supervisor John Razzano, seconded by Councilman Ronald Myruski, to adopt a resolution as follows

## TOWN OF WAWAYANDA RESOLUTION #3-2018

**RESOLUTION OF THE WAWAYANDA TOWN BOARD URGING THE GOVERNOR OF NEW YORK STATE AND THE DEC TO REVIEW ALL STATE PERMITS TO ANY PROJECT IN WHICH CRIMINAL CONDUCT BY PUBLIC OFFICIALS OCCURRED AND OR THE APPLICANT OR AGENT OF THE APPLICANT IS CONSIDERED "UNSUITABLE" FOR WHICH PERMITS WERE ISSUED. SUCH ACTION MUST APPLY RETROACTIVELY TO THE CPV PROJECT IN ORANGE COUNTY.**

**WHEREAS**, on March 6, 2018, the Governor's former executive deputy secretary, Joseph Percoco was convicted for soliciting and accepting more than \$300,000 in bribes from executives working for two companies doing business with New York State:

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the bulk of the \$300,000 in bribes came from Competitive Power Ventures ("CPV"), for its power generation plant in Orange County, New York; and

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the former CPV Vice President of External Affairs and Government Relations for CPV, has been indicted on bribery charges, and

**WHEREAS**, this Town Board finds that state projects that have been directly tied to criminal conduct by public officials should not be allowed to benefit from their actions, and therefore all permits issued by the state agencies must be investigated and potentially revoked if determined to be issued as a result of criminal conduct, and in the case of CPV, such permits must be revoked retroactively.

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that We, the Town Board of the Town of Wawayanda, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to instruct the Director of the New York State Department of Environmental Conservation to invoke the Environmental Conservation Law's Uniform Procedures Act which authorizes the DEC to suspend, revoke or modify an existing regulatory permit and apply retroactively to therefore revoke all permits issued to the CPV project in Orange County upon investigation and determination that they were issued as a result of criminal misconduct, and be it further





Tank Truck and Truck Body Equipment Specialists  
T/O Warwick High-Way Dept.

04-04-18

Ben Astorino

132 Kings Highway

Warwick NY 10990

Phone 986-3358/ Fax 987-1442

Ref: Tailgate Chutes

RECEIVED  
APR 12 2018  
Town of Warwick  
Town Clerk

Amthor's

Shall install three (3) **Steel** tailgate chutes into a **Stainless Steel** Tailgate

With T/U Paint on the chutes

Price is \$475.00 per chute

Total for the (3) chutes \$1,425.00

Todd Widmark

Director of Operations



Ben Astorino &lt;bdastorino@gmail.com&gt;

**Gate chutes**

2 messages

**showauto@warwick.net** <showauto@warwick.net>  
To: bdastorino@gmail.com

Thu, Apr 12, 2018 at 9:47 AM

Ben  
3 stainless steel coal chutes installed in your stainless body  
\$900 each parts and labor = \$2700.00 total  
please text me a photo of the gate if possible  
Thanks  
Roger

**RECEIVED**  
**APR 12 2018**  
**Town of Warwick**  
**Town Clerk**

**showauto@warwick.net** <showauto@warwick.net>  
To: bdastorino@gmail.com

Thu, Apr 12, 2018 at 10:46 AM

Ben  
Regular steel chutes installed in your stainless body  
\$700 each parts and labor = \$2100.00 total  
[Quoted text hidden]

## Warwick Town Clerk

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**From:** joan tirrell <jtirrell@optonline.net>  
**Sent:** Sunday, April 15, 2018 11:44 PM  
**Cc:** Michael Sweeton; Warwick Town Clerk  
**Subject:** RE: Proposed Resolution Re: CPV Permitting  
**Attachments:** Final April 16 Resolution Warwick Town Board CPV.docx

Dear Supervisor Sweeten and Ms. Astorino:

As promised, I am resubmitting an amended draft resolution on CPV for your immediate consideration. I respectfully request that you expedite your consideration of this resolution and, if at all possible, bring it to a vote at your meeting on April 26, 2018, or at your very earliest convenience.

As you well know, the CPV gas plant has been mired in questions and controversy since its inception. The recent federal conviction of Governor Cuomo's aide Joseph Percoco on three counts, including solicitation of bribes from CPV executives, confirms what many citizens have suspected for years: that CPV's permitting process was corrupted by bribery and cronyism.

Given the impactful nature of the project and its chemical emissions; its potential to inflict serious public health consequences; drive down property values; harm our local agricultural and natural resources; present an urgent homeland security threat with the presence of a lethal ammonia tank on site, within feet of a major interstate, for which there is no publicly available disaster management plan, it is the hope and the expectation of thousands of concerned local citizens that our town and village leaders will take another long, hard look at the permitting of this project and join with the OC Legislature and other Orange County towns in calling for a suspension of permits for CPV.

I thank you for your attention to this matter of grave importance, to those who not only presently reside in the Town of Warwick, but to those who will make this lovely place their home in the next 40 years of the planned operation of the CPV gas plant.

Cordially,

Joan Tirrell

25 Lakeview Drive

Warwick, NY 10990

845-986-2822

**RECEIVED**  
**APR 16 2018**  
Town of Warwick  
Town Clerk

## Warwick Town Clerk

---

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Town of Warwick  
Town Clerk

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Cordially,

Joan Tirrell

25 Lakeview Drive

Warwick, NY 10990

845-986-2822

Town of Warwick, Orange County, New York  
Draft Resolution on the CPV Power Plant  
April 16, 2018

Whereas, Joseph Percoco is guilty of 3 felony counts of 'Conspiracy to Commit Honest Services Wire Fraud' and 'Solicitation of Bribes and Gratuity', confirming that the permitting process for the CPV Power Plant was corrupted.

Whereas, a compromised permitting process for a project such as CPV places an undue burden, and both immediate, and cumulative negative health impacts on the local citizens.

Whereas, it is the duty of the Town of Warwick Board to represent and promote the best interests of the citizens of the Town of Warwick, chief among them being public health and safety.

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Be It Resolved, on behalf of the citizens of the Town of Warwick, the Town Board supports the immediate rescinding of all State and Federal permits for the construction and operation of the CPV Power Plant.

Therefore, signed copies of this resolution will be sent to the offices of the New York State Attorney General, the New York State Department of Environmental Protection, the New York State Department of Health, and Governor Andrew Cuomo.



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. Church, AICP  
Commissioner

[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)  
[planning@orangecountygov.com](mailto:planning@orangecountygov.com)

cc T/CLERK X  
TBD  
PL BD

### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

**Local Referring Board:** Town of Warwick Board

**Applicant:** Town of Warwick

**Project Name:** Local Law to Amend the Zoning Law

**Proposed Action:** Local Law amending the zoning code to address a variety of issues

**Reason for County Review:** Local law affecting zoning or land use

**Date of Full Statement:** March 30, 2018

**Referral ID #:** WRT 05-18M

**Tax Map #:** townwide

**Local File #:** none provided

#### Comments:

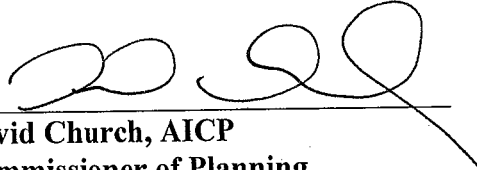
The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Large-Scale Solar Installations: The proposed language articulates excellent ideas and best practices for large-scale solar installations. The Town may also wish to include provisions for reducing fire hazards and other risks of large-scale installations; otherwise, we have no issues with the proposed language.

#### County Recommendation: Local Determination

**Date:** April 9, 2018

**Prepared by:** Megan Tennermann, AICP, Planner

  
David Church, AICP  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).

**RECEIVED**  
APR 13 2018  
Town of Warwick  
Town Clerk

# **NEIGHBORS OPPOSED TO A DOG KENNEL** **AT 54 JESSUP ROAD**

copy

We, the undersigned, live in and around the vicinity of 54 Jessup Road in the Town of Warwick. We take great pride in our community and care about the well-being of our neighbors and neighborhood. Moreover, many of us have cherished pets and are animal-rights activists. However, we are universal in our belief that a quiet rural community is no place for a dog kennel for the reasons set forth below including but not limited to:

**The proposed kennel does not meet the required setbacks to neighboring properties**

**Retail traffic and operational concerns:**

- Added traffic/congestion on Jessup Road
- Congestion around the already dangerous blind curve
- Worsens with snow on roadway
- Noise from additional traffic
- Signage on Jessup Road
- Barking dogs noise
- Electric light pollution
- Smell
- Waste
- Water usage
- Increased commercial truck traffic for deliveries, waste pickup, etc
- Commercial truck roadway added wear
- Security
- Escaped/runaway dogs
- Attract other animals posing danger to residents (bear, rodent, etc)

RECEIVED

APR 12 2018

Town of Warwick  
Town Clerk

7:00 pm  
@ Town Board  
meeting

**Overall impact to homeowners:**

- Property value
- Environment
- Quality of life
- Neighborhood/community profile negative change

**We respectfully request that the Town of Warwick Zoning Board of Appeals and Community Planning Board reject any variances in the distances to property lines and to disapprove this project in any form.**

For identification purposes, the Committee for Neighbors Opposed to a Dog Kennel at 54 Jessup Road is chaired by Justin Sussner, who can be reached at [nojessupkennel@gmail.com](mailto:nojessupkennel@gmail.com) and is represented by the counsel of Fabricant, Lipman & Frishberg, PLLC, Goshen, NY.

X  
Marco Pedone

15 Weldon Way  
Warwick, NY 10990

RECEIVED  
APR 11 2018  
Town of Warwick  
Town Clerk

4/7/2018

Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

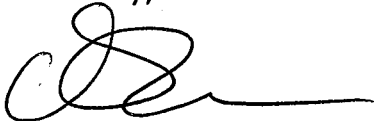
Attn: Eileen Astorino, Town Clerk

Dear Mrs. Astorino,

In response to your letter dated 4/2/2018, referencing reappointment to the Town Architectural Review Board, please accept this correspondence as my request for reappointment.

Please convey to the Town Board my interest and commitment to continue serving as a member of the ARB. Thank you for your consideration.

Sincerely,



Marco Pedone



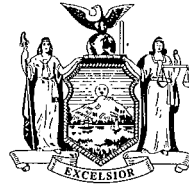
**JOHN J. BONACIC**  
SENATOR, 42ND DISTRICT

**CHAIR**  
**COMMITTEES ON**

JUDICIARY

RACING, GAMING & WAGERING

DEPUTY REPUBLICAN CONFERENCE LEADER  
FOR STATE/FEDERAL RELATIONS



**THE SENATE**  
**STATE OF NEW YORK**

*T. Clerk - for*  
*te*  
*second*  
*Carver*  
**COMMITTEES**  
ALCOHOLISM  
BANKS  
CHILDREN & FAMILIES  
FINANCE  
HOUSING, CONSTRUCTION  
& COMMUNITY DEVELOPMENT  
RULES

March 28, 2018

Hon. Michael Sweeton  
Supervisor  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

**RECEIVED**  
**APR 11 2018**  
Town of Warwick  
Town Clerk

Dear Michael:

Thank you for your correspondence regarding your concerns relating to the Governor's budget proposal regulating cell towers.

As you know, under the NYS Constitution, it is the Governor who proposes the budget. However, be advised that the Senate Budget Resolution rejected this provision. As a strong advocate of home rule, you may be assured that I will vigorously oppose the Governor's proposal during the budget process.

As always, if I can be of any further assistance, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in dark ink, appearing to read "JJB".

JOHN J. BONACIC  
State Senator

JJB/bac

**RECEIVED**  
**APR 02 2018**  
TOWN OF WARWICK  
SUPERVISOR'S OFFICE

## Warwick Town Clerk

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**From:** Loretta Lenihan\ <lorettalenihan@optonline.net>  
**Sent:** Monday, April 16, 2018 8:10 AM  
**To:** Aggie And John Wolosczcak  
**Subject:** PD SUPPORT GROUP APRIL MEETING REMINDER  
**Attachments:** POSTER\_2018.pdf

Hello All:

We finally have spring-like weather. We will enjoy a presentation by an elder care lawyer at our regularly scheduled meeting on Thursday. Please the attached flyer for meeting details and to share with folks that may want to join us.

Sent from my iPad  
Loretta Hutchinson-Lenihan MS, CCC-SLP,TSHH  
Speech Language Pathologist

**RECEIVED**  
**APR 16 2018**  
Town of Warwick  
Town Clerk

# **PARKINSONS DISEASE & MOVEMENT DISORDERS SUPPORT GROUP OF WARWICK**

## *When:*

*THIRD Thursday of each Month  
1:30 to 3:00*

## *Where:*

*American Legion Hall  
71 Forester Avenue  
Warwick, New York 10990  
Next to Memorial Park  
Handicap Accessible  
Parking Available on Site  
Please use the side door on the left side  
rear of the building*

## *Topic:*

*Call the number below for more information  
New Topics each month*

## *RSVP / Contact:*

*Loretta Hutchinson-Lenihan, MS,CCC-SLP  
845-986-4980*

People with Movement Disorders and their caregivers are invited to "join us" for scheduled educational programs designed to help both affected people and their caregivers with support and information for improving their quality of life.

**Facts**

**Understanding**

**Needed solutions**

## Warwick Town Clerk

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**From:** joan tirrell <jtirrell@optonline.net>  
**Sent:** Thursday, April 05, 2018 4:00 PM  
**To:** Warwick Town Clerk  
**Subject:** Resolution Submission Re: CPV  
**Attachments:** Town of Warwick Apr 2018 CPV Legislative Resolution.docx

Greetings. I am responding to your request for a copy of the proposed resolution calling for an investigation of the corrupted permitting process of the CPV Valley gas power plant.

Protect Orange County and hundreds of citizens residing in Orange County are asking their respective Town and Village Boards to pass this resolution in solidarity with residents' concerns and to apply political pressure to our county and state legislators to take all action that they can to impose a suspension of operations at CPV while the legality of permitting is reviewed.

Please advise me on when I might hear of your decision to place this on the Warwick Town Board's agenda for their upcoming meeting.

Thank you for your consideration.

Joan Tirrell  
Protect Orange County

**RECEIVED**  
**APR 06 2018**  
Town of Warwick  
Town Clerk

# Legislative Resolution

**Whereas**, Joseph Percoco is guilty of 3 felony counts of 'Conspiracy to Commit Honest Services Wire Fraud' and 'Solicitation of Bribes and Gratuity', confirming that the permitting process for the CPV Power Plant was corrupted.

**Whereas**, Former CPV Vice President of External Affairs and Government Relations for CPV, Peter Galbraith Kelly, has been indicted on bribery charges, and credible evidence has come out at trial which indicates that CPV's CEO, Doug Egan also had knowledge of, and, at minimum, removed internal barriers to Kelly's bribery scheme.

**Whereas**, it is the duty of the Warwick Township Supervisor and Warwick Township Board to represent and promote the best interests of the citizens of The Township of Warwick, New York.

**Therefore, be it RESOLVED**, on behalf of the citizens of The Township of Warwick, New York, the Township of Warwick Supervisor, and Township of Warwick Board, and each of its Members: Supervisor Michael Sweeton; Mr. Floyd DeAngelo; Mr. James Gerstner; Ms. Eileen Astorino; Mr. Mickey Shuback urgently request that NYSDEC, and NY Department of Public Service find that CPV is an unsuitable permittee in the State of New York and revoke ALL STATE PERMITS for the CPV Valley Energy Center.

Since the public deserves both transparent government and full disclosure of how the permitting process was compromised, resulting in a tainted permitting process, The Township of Warwick Supervisor and Township of Warwick Board SUPPORT AND DEMAND the convening of legislative oversight hearings to uncover the full depth of this conspiracy at every level.

Therefore, signed copies of this resolution will be sent to the offices of:

Basil Seggos, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway, 14th Floor  
Albany, NY 12233-1010

Steve Flint, Division of Air Resources Director  
New York State Department of Environmental Conservation  
625 Broadway, 9th Floor  
Albany, NY 12233-3250

John B. Rhodes, Chair of the Public Service Commission, and Chief Executive officer of the  
Department of Public Service  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

Roger Parrino, Commissioner NYS Division of Homeland Security and Emergency Services  
1220 Washington Avenue  
State Office Campus  
Building 7A Suite 710  
Albany, NY 12242

Signed copies will also be sent to: The Orange County Supervisor, Steven M. Neuhaus; Chair of the Orange County Legislature, Steven Brescia; Chairs of the following Orange County Committees: Public Safety and Emergency Services; Rules, Enactments and Intergovernmental Relations; Ways and Means; Green, and Human Services; New York State Attorney General, Eric Schneiderman; New York State Department of Environmental Protection; New York State Department of Health; Commissioner of State Operations; Public Service Commissioner; Commissioner of Homeland Security and Governor Andrew M. Cuomo.

Supporting Documentation:

Taken directly from the Riverkeepers' letter to the DEC, dated /9/2018:

"The Environmental Conservation Law's Uniform Procedures Act authorizes the DEC to suspend, revoke or modify an existing regulatory permit."

"This regulation, 6 NYCRR 621.13(a), also discusses DEC's broad authority to suspend or modify such permits."

DEC's DEE-16 Policy guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable," i.e., a bad actor. DEE-16 Policy *Id. at I.* further explains that DEC is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id. at III.* To that end, the policy creates uniform guidance to address "whether the Department should issue permits . . . to persons who have acted in violation of the laws of New York State." *Id. at II.* This guidance enumerates factors to consider as a basis for exercising DEC's discretion in revoking a permit. *Id. at IV.* These factors include, *inter alia*, whether, in the last 10 years, the permittee or applicant has "been convicted of a crime related to the permitted activity under any federal or state law," "engaged in conduct that constitutes fraud or deceit . . . in the permit application or supporting papers or in the conduct of the permitted activity," or "been convicted of the crime of filling a false

instrument or making a false statement to the Department or any other agency regarding compliance with the laws of any state or the United States." *Id.*

The DEE-16 Policy also discusses when an individual's bad acts may be imputed to the employer company or organization applying for a permit. The policy explains that the factors discussed above are "applicable not only to the immediate entity but to any other corporation, partnership, association or organization in which the permittee or applicant holds or has held a substantial interest, or in which it has acted as a high managerial agent or director or any other individual, corporation, partnership or organization which holds a substantial interest, or the position of high managerial agent or director in the permittee or applicant." DEE-16 Policy at IV.

A copy of the letter from Riverkeepers Legal Program Director Richard Webster, to Commissioner Seggos, and Division of Air Resources Director Steve Flint, is attached below for reference :

*Re: Grounds for modification, suspension or revocation of CPV Valley Energy Center air permit (Permit ID: 3-3356-00136/00001)*

March 9, 2018

*Via electronic mail:*

Basil Seggos, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway, 14th Floor  
Albany, NY 12233-1010  
Steve Flint, Division of Air Resources Director  
New York State Department of Environmental Conservation  
625 Broadway, 9th Floor  
Albany, NY 12233-3250

Re: Grounds for modification, suspension or revocation of CPV Valley Energy Center air permit (Permit ID: 3-3356-00136/00001)

Dear Commissioner Seggos and Mr. Flint:

I am writing on behalf of Riverkeeper, Inc.—a nonprofit public interest environmental membership organization dedicated to protecting the commercial, recreational, ecological and aesthetic qualities of the Hudson River estuary, its fishery, and the entire Hudson River ecosystem, including its watershed and tributaries—to bring your attention to facts which we believe render Competitive Power Ventures ("CPV") unsuitable to hold permits in the State of New York. We urge the Department to consider whether to revoke or suspend the existing air state facility permit for the CPV Valley Energy Center (Permit ID: 3-3356-00136/00001), which was issued on July 25, 2013 and will expire on July 31, 2018.

**I. DEC has broad authority to revoke, suspend or modify permits.**

The Environmental Conservation Law's Uniform Procedures Act authorizes the DEC to suspend, revoke or modify an existing regulatory permit. N.Y. Env'tl. Conserv. Law § 70-0115; see also DEC's Record of Compliance Enforcement Policy [hereinafter "DEE-16 Policy"] at 2 (rev. March 5, 1993) available at <http://www.dec.ny.gov/regulations/25244.html> (describing the legal basis underlying DEC's broad authority to revoke permits).(1) The Department's regulations enumerate factors to consider in deciding whether to suspend, revoke or modify a permit. 6 NYCRR 621.13(a).

This regulation, 6 NYCRR 621.13(a), also discusses DEC's broad authority to suspend or modify such permits.

DEC's DEE-16 Policy guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable," i.e., a bad actor. See DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id.* at III. To that end, the policy creates uniform guidance to address "whether the Department should issue permits . . . to persons who have acted in violation of the laws of New York State." *Id.* at II. This guidance enumerates factors to consider as a basis for exercising DEC's discretion in revoking a permit. *Id.* at IV. These factors include, *inter alia*, whether, in the last 10 years, the permittee or applicant has "been convicted of a crime related to the permitted activity under any federal or state law," "engaged in conduct that constitutes fraud or deceit . . . in the permit application or supporting papers or in the conduct of the permitted activity," or "been convicted of the crime of filling a false instrument or making a false statement to the Department or any other agency regarding compliance with the laws of any state or the United States." *Id.*

The DEE-16 Policy also discusses when an individual's bad acts may be imputed to the employer company or organization applying for a permit. The policy explains that the factors discussed above are "applicable not only to the immediate entity but to any other corporation, partnership, association or organization in which the permittee or applicant holds or has held a substantial interest or in which it has acted as a high managerial agent or director or any other individual, corporation, partnership or organization which holds a substantial interest or the position of high managerial agent or director in the permittee or applicant." DEE-16 Policy at IV.

**II. Riverkeeper believes CPV is an "unsuitable" permittee, and requests that the Department review whether its air permit should be revoked or suspended.**

Former CPV's Vice President of External Affairs and Government Relations for CPV, Peter Galbraith Kelly, has been indicted on bribery charges. See Certified Complaint at 4, 5.(2) Specifically, the government alleges that Kelly bribed a state official, Joe Percoco, to take official state action to benefit CPV, and that the money for the bribe originated from CPV. *Id.*



Allegedly, in response to Kelly's requests for official assistance, Percoco requested that CPV hire his wife. *Id.* Kelly then caused CPV to create a "low-show" position for Percoco's wife under which she was paid approximately \$90,000 per year by CPV. *Id.* In return, Percoco used his official position and influence to help CPV with specific state matters "as the opportunities arose." *Id.* at 24. According to the indictment, these bribes allegedly occurred between 2012 and 2016. The air permit for the proposed CPV Valley Energy Center was issued by the DEC, during the time that the alleged bribery scheme was in progress.

The criminal trial for both Percoco and Kelly is currently ongoing. Credible evidence has come out at trial which indicates that CPV's CEO also had knowledge of, and, at minimum, removed internal barriers to Kelly's bribery scheme. Most relevant here is CPV executive Sean Finnerty's February 1, 2018 testimony detailing his concerns with the company's employment arrangement with Percoco's wife.<sup>(3)</sup> Finnerty testified that at one point he was curious about an invoice to a contractor (through which Percoco's wife was being paid). *Id.* Upon following up with Kelly, Finnerty became concerned about the arrangement and asked to see the ethics opinion Kelly proffered as sanctioning the situation. *Id.* After explaining he was initially denied access to the ethics opinion, Finnerty stated: "That is typically not the way we did work at CPV. We were very transparent. I said I wasn't going to approve the invoice. I wasn't comfortable with it." *Id.* Ultimately, when Finnerty would not approve the invoice, CPV CEO Doug Egan stated, "This is obviously an issue for you. I will take it out of your budget and put it into Braith's [i.e., Kelly's] budget. We have bigger fish to fry." *Id.* After this, Finnerty was so concerned that he later met with the CPV president to discuss the matter, and emailed his notes from that meeting and the suspicious invoice to his personal email account. *Id.* This testimony establishes that CPV high-level executives in addition to Kelly were aware of potentially illegal activity by Kelly, and removed internal barriers that could have curtailed it.<sup>(4)</sup>

In addition, testimony from a consultant to CPV showed that in teaching materials, pamphlets, photos and tweets, CPV went out of its way to avoid indicating that Percoco's wife, was employed by the company's educational program.<sup>(5)</sup> This indicates that within CPV there was an awareness that the employment of Percoco's wife was not in the normal course of business. This testimony and a considerable amount of other evidence regarding Kelly's scheme demonstrates that high management officials of CPV have been involved in illegal conduct, which can be imputed to CPV itself under the DEE-16 policy. We therefore request that the Department evaluate carefully whether CPV is a suitable entity to hold permits in the State of New York and whether to revoke, suspend or modify the regulatory permits for the Valley Energy Center.

## **Conclusion**

We request that DEC find that CPV is an unsuitable permittee in the State of New York and evaluate whether the appropriate response is to revoke or suspend the air permit for the CPV Valley Energy Center. We appreciate your rigorous review of this matter and request that you advise me of the outcome. Please feel free to contact me with any questions regarding this request.

Sincerely,

Richard Webster

Legal Program Director

Riverkeeper, Inc.

cc: Thomas Berkman, NYSDEC General Counsel

- 
1. While not explicitly discussed for air permits, the portions of the Environmental Conservation Law addressing the DEC's hazardous and medical waste permitting explicitly consider crimes such as bribery in considering whether to revoke a permit. *See* N.Y. Env'tl. Conserv. Law § 27-0913(3)(d) (hazardous waste permits); *id.* at 27-1517(1)(d) (medical waste permits); *see also id.* at 27-1407 (explaining DEC can consider, among other factors, convictions such as for bribery in denying a request for participation in New York State's Brownfield Cleanup Program).
  2. The government's Certified Complaint—laying out the offenses and evidence—is available here, <https://www.justice.gov/usao-sdny/file/895131/download>; and the grand jury's Indictment is available here, <https://s3.amazonaws.com/bncore/wp-content/uploads/2016/11/US-v.-Percoco-et-al-Indictment.pdf>.
  3. *See* <https://www.politico.com/states/new-york/albany/story/2018/02/01/energy-executive-tried-to-keep-job-for-percocos-wife-a-secret-former-co-worker-testifies-233167>; <http://www.timesunion.com/news/article/Payment-to-Percoco-s-wife-raised-ethical-issues-12544989.php>.
  4. The arrangement to pay Percoco's wife was brokered by Kelly—who alone at CPV has thus far been charged with wrongdoing—and was paid for by CPV over at least a five-year period. Furthermore, it is clear from the written court filings made thus far that Kelly was acting to benefit CPV when he engaged in these illegal activities.
  5. *See* <https://www.wsj.com/articles/company-hid-ties-to-former-cuomo-aides-wife-consultant-says-in-new-york-corruption-trial-1518829628>

## Warwick Town Clerk

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**From:** joan tirrell <jtirrell@optonline.net>  
**Sent:** Friday, April 06, 2018 11:44 AM  
**To:** Warwick Town Clerk  
**Subject:** Withdrawing resolution proposal  
**Attachments:** Town of Warwick Apr 2018 CPV Legislative Resolution.docx

Greetings Ms. Astorino. Please pull my recent CPV resolution from consideration by the Warwick Town Board consideration.

Protect Orange County, of which I am a member, is looking to consolidate and fine tune a few versions of this resolution in the name of consistency, brevity and ease. I will re-submit an edited, finalized version of this resolution, which will likely be simpler, at a later date, as soon as our edit is completed.

I apologize to you, Mr. Sweeton and the Board for any inconvenience this request might have caused.

I will re-submit as soon as a finalized version is ready.

Many thanks.  
Joan Tirrell  
Protect Orange County

**RECEIVED**  
**APR 06 2018**  
Town of Warwick  
Town Clerk

Greetings. I am responding to your request for a copy of the proposed resolution calling for an investigation of the corrupted permitting process of the CPV Valley gas power plant.

Protect Orange County and hundreds of citizens residing in Orange County are asking their respective Town and Village Boards to pass this resolution in solidarity with residents' concerns and to apply political pressure to our county and state legislators to take all action that they can to impose a suspension of operations at CPV while the legality of permitting is reviewed.

Please advise me on when I might hear of your decision to place this on the Warwick Town Board's agenda for their upcoming meeting.

Thank you for your consideration.

Joan Tirrell  
Protect Orange County

X

## Warwick Town Clerk

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**From:** NATALIA DASRAJ <ndasraj@hotmail.com>  
**Sent:** Tuesday, April 03, 2018 8:45 PM  
**To:** Warwick Town Clerk; clerk@villageofwarwick.org; townclerk@townofwallkill.com; minisinktownclerk@gmail.com; kathys@townofwawayanda.com; skoufisj@nyassembly.gov  
**Subject:** support for the resolutions  
**Attachments:** CPV Resolution Goshen.pdf

**RECEIVED**  
**APR 04 2018**  
Town of Warwick  
Town Clerk

Dear Sir(s)/Madame(s);

I am asking for your support for the resolutions passed and or being submitted to your Towns, Municipalities.

CPV, has brought upon us many collective serious concerns that need to be identified in greater detail than has been presented to us in our small town meetings.

CPV has been involved and convicted in bribery in exchange for NYS permits and therefore needs review of all permits.

I think it is important to note as a result, anyone or entity against this review should also be subjected to review.

CPV is not a small issue! It is a profound one in which will affect us for many generations to come.

I am requesting the Towns, Municipalities enjoin together for the residents and the communities best interests and against CPV, Energy Center, and support rescinding of any and all permits issued to CPV.

Attached is the Resolution adopted by our neighbors in Goshen, March 26, 2018.

Thank you for your urgent attention to this matter.

Sincerely,

Natalia Dasraj

## Warwick Town Clerk

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**From:** Hana Westerfield <hana.westerfield@gmail.com>  
**Sent:** Wednesday, April 04, 2018 2:13 PM  
**To:** skoufisj@nyassembly.gov; kathys@townofwawayanda.com;  
minisinktownclerk@gmail.com; townclerk@townofwallkill.com; Warwick Town Clerk;  
clerk@villageofwarwick.org  
**Subject:** CPV Resolution  
**Attachments:** ATT00001.htm; CPV Resolution Goshen.pdf

**RECEIVED**

**APR 04 2018**

**Town of Warwick  
Town Clerk**

Dear Sir(s),Madame(s);

I am asking for your support for the resolutions passed and or being submitted to your Towns, Municipalities.

CPV, has brought upon us many collective serious concerns that need to be identified in greater detail than has been presented to us in our small town meetings.

CPV has been involved and convicted in bribery in exchange for NYS permits and therefore needs review of all permits.

I think it is important to note as a result, anyone or entity against this review should also be subjected to review.

CPV is not a small issue! It is a profound one in which will affect us for many generations to come!

I am requesting the Towns, Municipalities enjoin together for the residents and the communities best interests and against CPV, Energy Center, and support rescinding of any and all permits issued to CPV.

Attached is the Resolution adopted by our neighbors in Goshen, March 26, 2018.

Thank you for your urgent attention to this matter.

Sincerely,  
Hana Westerfield, Wawayanda resident

## Warwick Town Clerk

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**From:** Catherine Bonnell <cab\_pma@yahoo.com>  
**Sent:** Wednesday, April 04, 2018 7:55 PM  
**To:** Warwick Town Clerk; clerk@villageofwarwick.org; townclerk@townofwallkill.com; minisinktownclerk@gmail.com; kathys@townofwawayanda.com; skoufisj@nyassembly.gov  
**Subject:** resolution needed for Thursday's meeting

Dear Sir(s),Madame(s);

I am asking for your support for the resolutions passed and or being submitted to your Towns/Municipalities. CPV, has brought upon us many collective serious concerns that need to be identified in greater detail than has been presented to us in our small town meetings.

CPV has been involved and convicted in bribery in exchange for NYS permits and therefore needs review of all permits.

I think it is important to note as a result, anyone or entity against this review should also be subjected to review.

CPV is not a small issue! It is a profound one which will affect us for many generations to come! I am requesting the Towns/Municipalities enjoin together for the residents and the communities best interests and against CPV, Energy Center, and support rescinding of any and all permits issued to CPV.

Attached is the March 26, 2018 resolution adopted by our neighbors in Goshen.

Thank you for your urgent attention to this matter.

Sincerely,  
Catherine Bonnell  
Camp Stadie Rd  
Middletown (Town of Wawayanda)

**RECEIVED**  
**APR 05 2018**  
Town of Warwick  
Town Clerk

**Warwick Town Clerk**

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**From:** Chris Kehoe <chriskehoe81@gmail.com>  
**Sent:** Tuesday, April 03, 2018 2:04 PM  
**To:** Warwick Town Clerk; clerk@villageofwarwick.org; townclerk@townofwallkill.com; minisinktownclerk@gmail.com; kathys@townofwawayanda.com; skoufisj@nyassembly.gov  
**Subject:** CPV Resolutions  
**Attachments:** CPV Resolution (1).pdf

**RECEIVED**  
**APR 03 2018**  
Town of Warwick  
Town Clerk

Dear Sir(s)/Madame(s);

I am asking for your support for the resolutions presented and or being submitted to your towns, Municipalities.

CPV, brought upon us many collective serious concerns that need to be identified in greater detail than has been presented to us in our small town meetings.

CPV, has been involved in convictions of bribery in exchange for NYS permits and therefore needs review of all permits issued.

I think it is important to note anyone or entity against this review should also be subjected to review!

CPV, is not a small issue! It is a profound one which will affect us for many generations to come.

I am requesting the towns, Municipalities enjoin together for the residents best interests and against the CPV, Energy Center, and support the rescinding of any and all permits.

Attached is the Resolution adopted by the Town of Goshen, March 26, 2018.

Thank you for your urgent attention to this matter.

Sincerely,

Chris Kehoe



March 26, 2018

## **RESOLUTION**

The following was moved by Trustee Char, and seconded by Trustee Gurda:

**RESOLUTION OF THE VILLAGE BOARD URGING THE GOVERNER OF NEW YORK STATE AND THE DEC TO EXPLORE WITHIN ALL CURRENT LAW AND ALL OPTIONS TO REVOKE ANY AND ALL STATE PERMITS TO ANY PROJECT IN WHICH CRIMINAL CONDUCT BY PUBLIC OFFICIALS OCCURRED AND OR THE APPLICANT OR AGENT OF THE APPLICANT IS CONSIDERED "UNSUITABLE" OR A BAD ACTOR FOR WHICH PERMITS WERE ISSUED. SUCH ACTION MUST APPLY RETROACTIVELY TO THE CPV PROJECT IN ORANGE COUNTY.**

**WHEREAS**, on March 6, 2018, the Governor's former executive deputy secretary, Joseph Percoco was convicted for soliciting and accepting more than \$300,000 in bribes from executives working for two companies doing business with New York State;

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the bulk of the \$300,000 in bribes came from Competitive Power Ventures ("CPV"), for its power generation plant in Orange County, New York; and

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the former CPV Vice President of External Affairs and Government Relations for CPV, has been indicted on bribery charges, and credible evidence has come out at trial which indicates that CPV's CEO, also had knowledge of, and, at minimum, removed internal barriers to the bribery scheme: and

**WHEREAS**, this Village Board finds that state projects that have been directly tied to criminal conduct by public officials should not be allowed to benefit from their actions, and therefore all permits issued by the state agencies must be revoked, and in the case of CPV, such permits must be revoked retroactively.

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that We, the Village Board of the Village of Goshen, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to instruct the Director of the New York State Department of Environmental Conservation to invoke the

Environmental Conservation Law's Uniform Procedures Act which authorizes the DEC to suspend, revoke or modify an existing regulatory permit and apply retroactively to therefore revoke all permits issued to the CPV project in Orange County; and be it further

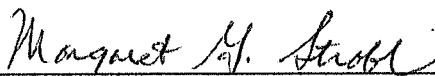
**RESOLVED**, that we, the Village Board of the Village of Goshen, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to direct the Director of the New York State Department of Environmental Conservation to invoke the DEC's DEE-16 Policy. Its guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable" i.e., a bad actor. See DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id.* at III., and apply to and revoke all permits issued to the CPV project in Orange County; and be it further

**RESOLVED**, that the Clerk of the Village of Goshen forward a certified copy of this resolution to the Honorable Andrew Cuomo, Governor of the State of New York, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate and all Senators and Assembly Members whose Legislative Districts are in Orange County and to U.S. Senators Charles E. Schumer and Kristen E. Gillibrand, U.S. Congressman Sean Patrick Maloney and to the Commissioners of the Federal Energy Regulatory Commission.

Trustee Char	aye	Trustee Gurda	aye
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Trustee Nuzzolese	absent	Trustee Smith	aye
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I, Margaret G. Strobl, Village Clerk of the Village of Goshen, Orange County, New York, do hereby certify, that the foregoing is a true and exact copy of a Resolution adopted by the Village Board of the Village of Goshen at a Meeting of said Board held on the 26<sup>th</sup> day of March, 2018.



Margaret G. Strobl

X

## Warwick Town Clerk

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**From:** joan tirrell <jtirrell@optonline.net>  
**Sent:** Thursday, March 29, 2018 11:53 AM  
**To:** Michael Sweeton; Warwick Town Clerk  
**Subject:** Proposed Resolution Re: CPV Permitting  
**Attachments:** Town of Warwick Apr 2018 CPV Legislative Resolution.docx

Dear Supervisor Sweeten and Ms. Astorino: Attached is a draft of a Resolution that I would like to bring before the Town of Warwick Board for consideration.

As you well know, the CPV gas plant has been mired in questions and controversy since its inception. The recent conviction of Governor Cuomo's aide Joseph Percoco on three counts, including solicitation of bribes from CPV executives, confirms what many citizens have suspected for years: that CPV's permitting process was corrupted by bribery and cronyism.

Given the impactful nature of the project and its chemical emissions; given its potential to inflict serious public health consequences; drive down property values; harm our local agricultural and natural resources; and present as urgent homeland security threat with the presence of a lethal ammonia tank on site, within feet of a major interstate for which there is no publicly available disaster management plan, it is the hope and the expectation of thousands of concerned citizens that our local leaders in front line communities, like Warwick, will take another long, hard look at the permitting of this project and declare, that the operations of CPV need to be suspended while a thorough review of its permitting and its operations is completed before it can go online, if ever.

The stakes for public health and safety are high and we cannot risk allowing a project like CPV to operate while legitimate concerns remain as to the integrity of its permits.

I thank you for your attention to this matter of grave importance, not only to those who presently reside in Warwick, but for those who will make this lovely place their home in the next 40 years of the planned operation of the CPV gas plant.

I am prepared to present the resolution to your body at either of your April meetings. I will await word on when you can place this item on your meeting agenda.

Thank you for your consideration.

Cordially,  
Joan Tirrell  
25 Lakeview Drive  
Warwick, NY 10990

845-986-2822

**RECEIVED**  
**MAR 29 2018**  
Town of Warwick  
Town Clerk

# Legislative Resolution

Whereas, Joseph Percoco is guilty of 3 felony counts of 'Conspiracy to Commit Honest Services Wire Fraud' and 'Solicitation of Bribes and Gratuity', confirming that the permitting process for the CPV Power Plant was corrupted.

Whereas, (1) Former CPV Vice President of External Affairs and Government Relations for CPV, Peter Galbraith Kelly, has been indicted on bribery charges, and (2) Credible evidence has come out at trial which indicates that CPV's CEO, Doug Egan also had knowledge of, and, at minimum, removed internal barriers to Kelly's bribery scheme.

Taken directly from the Riverkeepers letter to the DEC, dated /9/2018:

"The Environmental Conservation Law's Uniform Procedures Act authorizes the DEC to suspend, revoke or modify an existing regulatory permit."

"This regulation, 6 NYCRR 621.13(a), also discusses DEC's broad authority to suspend or modify such permits."

DEC's DEE-16 Policy guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable," i.e., a bad actor. DEE-16 Policy *Id. at I.* further explains that DEC is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id. at III.* To that end, the policy creates uniform guidance to address "whether the Department should issue permits . . . to persons who have acted in violation of the laws of New York State." *Id. at II.* This guidance enumerates factors to consider as a basis for exercising DEC's discretion in revoking a permit. *Id. at IV.* These factors include, *inter alia*, whether, in the last 10 years, the permittee or applicant has "been convicted of a crime related to the permitted activity under any federal or state law," "engaged in conduct that constitutes fraud or deceit . . . in the permit application or supporting papers or in the conduct of the permitted activity," or "been convicted of the crime of filling a false instrument or making a false statement to the Department or any other agency regarding compliance with the laws of any state or the United States." *Id.*

The DEE-16 Policy also discusses when an individual's bad acts may be imputed to the employer company or organization applying for a permit. The policy explains that the factors discussed above are "applicable not only to the immediate entity but to any other corporation, partnership, association or organization in which the permittee or applicant holds or has held a substantial interest, or in which it has acted as a high managerial agent or director or any other individual, corporation, partnership or organization which holds a substantial interest, or the position of high managerial agent or director in the permittee or applicant." DEE-16 Policy at IV.

Whereas, it is the duty of the Warwick Township Supervisor and Warwick Township Board to represent and promote the best interests of the citizens of The Township of Warwick, New York.

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Therefore, be it RESOLVED, on behalf of the citizens of The Township of Warwick, New York, the Township of Warwick Supervisor and Township of Warwick Board and each of its Members: Supervisor Michael Sweeton; Mr. Floyd DeAngelo; Mr. James Gerstner; Ms. Eileen Astorino; Mr. Mickey Shuback urgently request that NYSDEC, and NY Department of Public Service find that CPV is an unsuitable permittee in the State of New York and revoke ALL STATE PERMITS for the CPV Valley Energy Center.

Since the public deserves both transparent government and full disclosure of how the permitting process was compromised, resulting in a tainted permitting process, The Township of Warwick Supervisor and Township of Warwick Board SUPPORT AND DEMAND the convening of oversight hearings to uncover the full depth of this conspiracy at every level.

Therefore, signed copies of this resolution will be sent to the offices of:

Basil Seggos, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway, 14th Floor  
Albany, NY 12233-1010

Steve Flint, Division of Air Resources Director  
New York State Department of Environmental Conservation  
625 Broadway, 9th Floor  
Albany, NY 12233-3250

John B. Rhodes, Chair of the Public Service Commission, and Chief Executive officer of the  
Department of Public Service  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

Roger Parrino, Commissioner NYS Division of Homeland Security and Emergency Services  
1220 Washington Avenue  
State Office Campus  
Building 7A Suite 710  
Albany, NY 12242

Signed copies will also be sent to: The Orange County Supervisor, Steven M. Neuhaus; Chair of the Orange County Legislature, Steven Brescia; Chairs of the following Orange County Committees: Public Safety and Emergency Services; Rules, Enactments and Intergovernmental Relations; Ways and Means; Green, and Human Services; New York State Attorney General, Eric Schneiderman; New York State Department of Environmental Protection; New York State Department of Health; Commissioner of State Operations; Public Service Commissioner; Commissioner of Homeland Security and Governor Andrew M. Cuomo.

A copy of the letter from Riverkeepers Legal Program Director Richard Webster, to Commissioner Seggos, and Division of Air Resources Director Steve Flint, is attached below for reference :

*Re: Grounds for modification, suspension or revocation of CPV Valley Energy Center air permit (Permit ID: 3-3356-00136/00001)*

March 9, 2018

*Via electronic mail:*

Basil Seggos, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway, 14th Floor  
Albany, NY 12233-1010  
Steve Flint, Division of Air Resources Director  
New York State Department of Environmental Conservation  
625 Broadway, 9th Floor  
Albany, NY 12233-3250

Re: Grounds for modification, suspension or revocation of CPV Valley Energy Center air permit (Permit ID: 3-3356-00136/00001)

Dear Commissioner Seggos and Mr. Flint:

I am writing on behalf of Riverkeeper, Inc.—a nonprofit public interest environmental membership organization dedicated to protecting the commercial, recreational, ecological and aesthetic qualities of the Hudson River estuary, its fishery, and the entire Hudson River ecosystem, including its watershed and tributaries—to bring your attention to facts which we believe render Competitive Power Ventures (“CPV”) unsuitable to hold permits in the State of New York. We urge the Department to consider whether to revoke or suspend the existing air

state facility permit for the CPV Valley Energy Center (Permit ID: 3-3356-00136/00001), which was issued on July 25, 2013 and will expire on July 31, 2018.

**I. DEC has broad authority to revoke, suspend or modify permits.**

The Environmental Conservation Law's Uniform Procedures Act authorizes the DEC to suspend, revoke or modify an existing regulatory permit. N.Y. Envtl. Conserv. Law § 70-0115; see also DEC's Record of Compliance Enforcement Policy [hereinafter "DEE-16 Policy"] at 2 (rev. March 5, 1993) available at <http://www.dec.ny.gov/regulations/25244.html> (describing the legal basis underlying DEC's broad authority to revoke permits).<sup>(1)</sup> The Department's regulations enumerate factors to consider in deciding whether to suspend, revoke or modify a permit. 6 NYCRR 621.13(a).

This regulation, 6 NYCRR 621.13(a), also discusses DEC's broad authority to suspend or modify such permits.

DEC's DEE-16 Policy guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable," i.e., a bad actor. See DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id.* at III. To that end, the policy creates uniform guidance to address "whether the Department should issue permits . . . to persons who have acted in violation of the laws of New York State." *Id.* at II. This guidance enumerates factors to consider as a basis for exercising DEC's discretion in revoking a permit. *Id.* at IV. These factors include, *inter alia*, whether, in the last 10 years, the permittee or applicant has "been convicted of a crime related to the permitted activity under any federal or state law," "engaged in conduct that constitutes fraud or deceit . . . in the permit application or supporting papers or in the conduct of the permitted activity," or "been convicted of the crime of filling a false instrument or making a false statement to the Department or any other agency regarding compliance with the laws of any state or the United States." *Id.*

The DEE-16 Policy also discusses when an individual's bad acts may be imputed to the employer company or organization applying for a permit. The policy explains that the factors discussed above are "applicable not only to the immediate entity but to any other corporation, partnership, association or organization in which the permittee or applicant holds or has held a substantial interest or in which it has acted as a high managerial agent or director or any other individual, corporation, partnership or organization which holds a substantial interest or the position of high managerial agent or director in the permittee or applicant." DEE-16 Policy at IV.

**II. Riverkeeper believes CPV is an "unsuitable" permittee, and requests that the Department review whether its air permit should be revoked or suspended.**

Former CPV's Vice President of External Affairs and Government Relations for CPV, Peter Galbraith Kelly, has been indicted on bribery charges. See Certified Complaint at 4, 5.(2) Specifically, the government alleges that Kelly bribed a state official, Joe Percoco, to take official state action to benefit CPV, and that the money for the bribe originated from CPV. *Id.* Allegedly, in response to Kelly's requests for official assistance, Percoco requested that CPV hire his wife. *Id.* Kelly then caused CPV to create a "low-show" position for Percoco's wife under which she was paid approximately \$90,000 per year by CPV. *Id.* In return, Percoco used his official position and influence to help CPV with specific state matters "as the opportunities arose." *Id.* at 24. According to the indictment, these bribes allegedly occurred between 2012 and 2016. The air permit for the proposed CPV Valley Energy Center was issued by the DEC, during the time that the alleged bribery scheme was in progress.

The criminal trial for both Percoco and Kelly is currently ongoing. Credible evidence has come out at trial which indicates that CPV's CEO also had knowledge of, and, at minimum, removed internal barriers to Kelly's bribery scheme. Most relevant here is CPV executive Sean Finnerty's February 1, 2018 testimony detailing his concerns with the company's employment arrangement with Percoco's wife.(3) Finnerty testified that at one point he was curious about an invoice to a contractor (through which Percoco's wife was being paid). *Id.* Upon following up with Kelly, Finnerty became concerned about the arrangement and asked to see the ethics opinion Kelly proffered as sanctioning the situation. *Id.* After explaining he was initially denied access to the ethics opinion, Finnerty stated: "That is typically not the way we did work at CPV. We were very transparent. I said I wasn't going to approve the invoice. I wasn't comfortable with it." *Id.* Ultimately, when Finnerty would not approve the invoice, CPV CEO Doug Egan stated, "This is obviously an issue for you. I will take it out of your budget and put it into Braith's [i.e., Kelly's] budget. We have bigger fish to fry." *Id.* After this, Finnerty was so concerned that he later met with the CPV president to discuss the matter, and emailed his notes from that meeting and the suspicious invoice to his personal email account. *Id.* This testimony establishes that CPV high-level executives in addition to Kelly were aware of potentially illegal activity by Kelly, and removed internal barriers that could have curtailed it.(4)

In addition, testimony from a consultant to CPV showed that in teaching materials, pamphlets, photos and tweets, CPV went out of its way to avoid indicating that Percoco's wife, was employed by the company's educational program.(5) This indicates that within CPV there was an awareness that the employment of Percoco's wife was not in the normal course of business. This testimony and a considerable amount of other evidence regarding Kelly's scheme demonstrates that high management officials of CPV have been involved in illegal conduct, which can be imputed to CPV itself under the DEE-16 policy. We therefore request that the Department evaluate carefully whether CPV is a suitable entity to hold permits in the State of



New York and whether to revoke, suspend or modify the regulatory permits for the Valley Energy Center.

### Conclusion

We request that DEC find that CPV is an unsuitable permittee in the State of New York and evaluate whether the appropriate response is to revoke or suspend the air permit for the CPV Valley Energy Center. We appreciate your rigorous review of this matter and request that you advise me of the outcome. Please feel free to contact me with any questions regarding this request.

Sincerely,

Richard Webster

Legal Program Director

Riverkeeper, Inc.

cc: Thomas Berkman, NYSDEC General Counsel

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1. While not explicitly discussed for air permits, the portions of the Environmental Conservation Law addressing the DEC's hazardous and medical waste permitting explicitly consider crimes such as bribery in considering whether to revoke a permit. *See* N.Y. Env'tl. Conserv. Law § 27-0913(3)(d) (hazardous waste permits); *id.* at 27-1517(1)(d) (medical waste permits); *see also id.* at 27-1407 (explaining DEC can consider, among other factors, convictions such as for bribery in denying a request for participation in New York State's Brownfield Cleanup Program).
  2. The government's Certified Complaint—laying out the offenses and evidence—is available here, <https://www.justice.gov/usao-sdny/file/895131/download>; and the grand jury's Indictment is available here, <https://s3.amazonaws.com/bncore/wp-content/uploads/2016/11/US-v.-Percoco-et-al-Indictment.pdf>.
  3. *See* <https://www.politico.com/states/new-york/albany/story/2018/02/01/energy-executive-tried-to-keep-job-for-percocos-wife-a-secret-former-co-worker-testifies-233167>; <http://www.timesunion.com/news/article/Payment-to-Percoco-s-wife-raised-ethical-issues-12544989.php>.
  4. The arrangement to pay Percoco's wife was brokered by Kelly—who alone at CPV has thus far been charged with wrongdoing—and was paid for by CPV over at least a five-year period. Furthermore, it is clear from the written court filings made thus far that Kelly was acting to benefit CPV when he engaged in these illegal activities.
  5. *See* <https://www.wsj.com/articles/company-hid-ties-to-former-cuomo-aides-wife-consultant-says-in-new-york-corruption-trial-1518829628>

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## Warwick Town Clerk

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**From:** Smith, Mary Pat <MSmith@orangecountygov.com>  
**Sent:** Wednesday, April 18, 2018 10:28 AM  
**To:** Smith, Mary Pat  
**Cc:** Neuhaus, Steven  
**Subject:** NEXT SHARED SERVICES PANEL MEETING, 4-19-18  
**Attachments:** 2018 Shared Services List with municipalities.xlsx

**RECEIVED**  
**APR 18 2018**  
Town of Warwick  
Town Clerk

The Orange County Shared Services Panel will meet on **Thursday, April 19th, at 1:30 p.m.** at the Orange County Emergency Services Center, Classroom 1, 22 Wells Farm Road, Goshen.  
**Note the meetings will now be held at 1:30 pm.**

Input from each municipality is important for the prioritization and development of the plan. *Please complete and send the attached Shared Services worksheet to Nicole Andersen via email at [nandersen@orangecountygov.com](mailto:nandersen@orangecountygov.com) in order to be included in the Shared Services Plan.*

NYS DOS will be holding a Shared Services webinar on Wednesday, April 18 at 2pm. [Click here](#) to register or contact Nicole Andersen for instructions on how to sign on.

*The FY 2018 New York State Budget included a County-wide Shared Services Initiative (CWSSI) designed to generate property tax savings by facilitating collaboration between local governments. The CWSSI established a Shared Services Panel of the mayor of every city and village and supervisor of every town, within the county, chaired by the County Executive. The Panel is developing and will ultimately approve a County-wide Shared Service Property Tax Savings Plan with the **goal saving property taxpayers money by identifying collaborative opportunities for shared services between at least 2 municipalities. The County does not have to be a partner in the costs savings projects.***

***The FY 2019 Budget includes \$225 million to fund the State's one-time match of net savings from new shared services actions implemented and achieved among more than one municipality included in County property tax savings plans. The Budget also continues the county-wide shared services panels for another three years.***

*The Orange County Shared Services Panel, chaired by County Executive Steven Neuhaus, has been meeting monthly since July of 2017 and aims to submit a plan to the Orange County Legislature for their review by July, but no later than August 1, 2018. The Legislature will review the plan and make any recommendations through an advisory report by September 15, 2018. The County Executive will hold 3 public hearings on the plan before September 15. The County Executive and the Panel can modify the plan based on the recommendations. The plan will be finalized by the County Executive and the Panel will vote to approve or disapprove of the plan. The County Executive will submit the plan to the NYS Director of the Division of Budget by September 15 and will disseminate and present the plan to the public by October 15, 2018.*

For more information regarding the NYS Shared Services Initiative, please visit Orange County's Shared Services Webpage: <https://www.orangecountygov.com/1448/Shared-Services> or the Shared Services section of the NYS Dept. of State website: <https://www.ny.gov/programs/shared-services-initiative>

For questions or comments regarding the Orange County Shared Services Plan contact Orange County Director of Grants, Nicole Andersen (845) 291-2795 or [nandersen@orangecountygov.com](mailto:nandersen@orangecountygov.com)

Thank you!

*Mary Pat*

***Mary Pat Smith***  
***Assistant to the County Executive***  
*Orange County Government Center*  
*255-275 Main Street, 3<sup>rd</sup> Floor*  
*Goshen, New York 10924*  
*Main: 845-291-2700*  
*Direct: 845-291-3258*



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This message has been scanned for malware.

# **2018 County of Orange Shared Services Property Tax Savings Plan Worksheet - DRAFT - Municipality:**

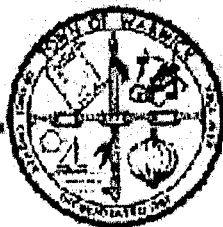
Savings will be based on the estimated new savings from implementation of the individual proposals of the for years 2019, 2020, and annually thereafter. New savings will be assessed based on the current cost of providing the services individually, and then comparing that amount to the service delivery cost of the consolidated or shared proposal. If you would like to discuss the Shared Services Plan, please contact David Church, Orange County Commissioner of Planning at (845) 615-3840 dchurch@orangecountygov.com or Nicole Andersen, Orange County Director of Grants at (845) 291-2795 nandersen@orangecountygov.com

Shared Services Ideas	Are you interested in this idea now and/or within the next 3 years? Yes, No or Possibly?	Are you interested in providing this to other municipalities?	If you are already doing this, please list your partners and if there is an informal or formal agreement.
Emergency Services and Law Enforcement:			
Public Safety Communications/Radio Project			
Pre-arraignment prisoner transport provided by OC Sheriff			
911 Dispatching provided by OC Emergency Services			
Consolidation of fire departments			
Consolidation of police departments			
Shared law enforcement training			
Shared law enforcement systems			
Shared police records management			
Shared and/or joint procurement of security services			
Shared and/or joint procurement of animal control services			
Public Works and Parks:			
Regional fleetwashes			
Shared regional road, highway, and municipal parking lot maintenance and snow plowing			
Shared regional salt and sand storage facilities			
Shared and/or joint procurement of sand and salt			
Shared and/or joint procurement of fuel			
Shared and/or joint procurement of vehicle maintenance			
Shared and/or joint procurement of highway equipment			
Shared and/or joint procurement of road grinder			
Shared and/or joint procurement of paving			
Shared and/or joint procurement of snow plowing and mowing			
County-wide code enforcement and building permit office			
Code enforcement backup			
Water systems operation and maintenance			
Sewer systems operation and maintenance			
Consolidated water and/or sewer billing			
Shared Wastewater Treatment Plants			
Wastewater treatment plant operation backup			
Shared Water/Sewer line construction			
Shared and/or joint procurement of professional engineering services			
Shared parks administration and maintenance			
Shared and/or joint procurement of parks and recreation equipment			
Shared recycling, composting, hazardous waste, and curbside pickup			
Shared and/or joint procurement of Compactor Truck			
Shared auction/sale of surplus items			

Utilities, IT, and Procurement:			
Joint procurement of gas and/or electric			
Joint procurement of oil and/or propane			
Joint procurement of office supplies, equipment, and furniture			
Joint procurement of purchase cards with rebates			
Shared and/or joint procurement of vehicle fleet management/leasing/purchasing			
Joint procurement of IT hardware			
Shared and/or joint procurement of IT services and cyber security			
Joint procurement of software			
Shared and/or joint procurement of website development, hosting, and maintenance			
Shared and/or joint procurement of printing services			
Shared and/or joint procurement of shredding services			
Planning, Transportation, Water/Sewer and Energy:			
Enhanced MS4 Coordination			
Dial-A-Bus Transit Services with Sponsoring Municipalities			
Municipal zoning map maintenance			
Shared and/or joint procurement of grant professional services			
County-wide shared geographic information system services			
Planning assistance for municipalities			
Shared economic development services			
Consolidated of retrofitting street and other lighting to LED			
Development and maintenance of solar arrays			
Real Property:			
Centralized Property Tax Assessment			
Countywide Reassessment			
Efficiency Assessment Data Management Plan for Commercial Database			
Centralized tax collection services			
Countywide zoning officer with a unified ordinance to enforce			
Human Resources, Risk Management, Law, Finance, Records Management:			
Shared purchase of worker's comp insurance			
Health benefits consolidation/cooperative/consortia			
Prescription benefits cooperative			
Collaborative Government Training			
General property casualty and liability insurance consortium			
Shared and/or joint procurement of accounting services			
Shared and/or joint procurement of payroll services			
Shared and/or joint procurement of legal counsel			
Consolidation of town/village/city justice courts			
Shared records management			
ANY OTHER IDEAS:			

# TOWN OF WARWICK

132 KINGS HIGHWAY  
WARWICK, NEW YORK 10990



TOWN HALL TELEPHONE (845) 986-1124  
POLICE DEPT. TELEPHONE (845) 986-3421  
PUBLIC WORKS TELEPHONE (845) 986-3358  
TOWN HALL FAX (845) 986-9988  
SUPERVISOR [supervisor@warwick.net](mailto:supervisor@warwick.net)  
TOWN CLERK [townclerk@warwick.net](mailto:townclerk@warwick.net)

April 18, 2018

Michael Sweeton, Supervisor  
Town Board of the Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

**RECEIVED**  
**APR 19 2018**  
Town of Warwick  
Town Clerk

Re: Proposed Local Law No. 3 of 2018 - Zoning Amendments  
Planning Board Comments

Dear Supervisor Sweeton and Members of the Town Board:

As requested, the Planning Board has completed a review of the above proposed Amendments to the Town Zoning Law. The Planning Board is in agreement that the Zoning text amendments are needed, based upon issues identified by the Planning Board, the Town Board, and the Town's Building, Engineering, and Planning departments. We note that there are no changes proposed to the Town Zoning maps. The Planning Board has no objections to the proposed Zoning Amendments but does have a few suggestions for minor changes, to the text in Local Law No. 3, for the Town Board's consideration.

**Planning Board Review and Analysis.** Following is the Planning Board's analysis and recommendations, with the Zoning Law's requirements for new Zoning amendments found in Section 164-60.A(1) repeated first in **bold**:

- (a) **Whether such change is consistent with the aims and principles embodied in this chapter to the particular districts concerned.** The proposed amendments to the Zoning Law include changes to the regulations for accessory uses, kennels, meeting notices, Wireless Telecommunications, Adult Day Care, farm animals, household pets, Office and Industrial Park District uses, and apartments in the Local Business District. The Planning Board agrees with the proposed changes and believes that they are consistent with the aims and principles of the respective Zoning districts. We have one suggestion for a change to the definition for "Dog Kennel." This suggestion is

presented below after our analysis.

The proposed Amendments to the Special Conditions for large scale solar energy installations will ensure that such installations are properly sized for Warwick's Mountain Zoning District and do not detract from the scenic, rural and agricultural character of the Town. One correction is noted below.

The introduction of accessory apartments in buildings housing a business use (i.e. mixed-use structures), is a welcome addition in the Local Hamlet Business (LB) District. The 2016 Comprehensive Plan Update [Chapter 3.10(B) and (C)] and the 2008 Comprehensive Plan [Chapter 3.3.B] both discuss the need for providing for affordable housing in the community as well as the need to allow residential uses near business uses in a more traditional setting where walkability and reducing vehicle miles traveled is possible. The LB Zoning District is perhaps the Town's ideal location for allowing mixed-uses.

We agree that removal of schools, libraries, and museums from the Office and Industrial Park (OI) Zoning District is called for. These are the types of uses that are closely related to residential land uses and are most compatible with residential neighborhoods, they may be incompatible with the types of industrial uses that could be established in the OI Zone, and they are already permitted in most of the Town's residential Zoning districts.

Permitting a dwelling in conjunction with a Dog Kennel makes sense. The way the Zoning is currently structured, it would be possible to establish a Dog Kennel, where presumably dogs and cats will be kept overnight, but without the presence of a residential use on the site where someone would be available to tend to the animals at night.

We are aware of the Town's desire to permit accommodations for adult day care, which are increasing as the population ages, and find that the addition of this use to the residential zoning districts is justified. We do recommend one change as outlined below.

When the Town provided for "Neighbor Notification" on those applications that involved Site Plans and Special Use Permits, the Planning Board found that implementation of the notice was beneficial. It also makes sense to broaden the notification for subdivision applications. We welcome this outreach to neighbors so

No. 3 where we believe the Town Board should consider modifying the language to address minor issues of consistency and compatibility. We have shown the specific changes we recommend using ~~striketrough~~ for words to be deleted and underline for words or parts thereof to be added to Local Law No. 3 of 2018. Our recommendations for modification are as follows:

**164-22** - "Dog Kennel — A structure or structures used for the harboring of more than six dogs on the premises that are more than six months old or more than two litters of dogs that are under six months of age. Any premises dog owner whose dog(s) exceeding the stated limitations, for the purposes of this chapter, ~~is are~~ considered as maintaining a dog kennel and must adhere to all regulations governing the same."

**164-40M.63** — The special conditions for a Large-Scale Solar Energy Installation in the Agriculture Industry (AI) Zoning District should exclude Special Condition (145). This condition applies to multiple commercial occupancy of buildings and is not applicable to solar energy installations.

**164-46.J(113)(j)** — The threshold for allowing adult day care at only two adults for less than six hours a day without Site Plan and Special Use Permit approval seems too restrictive. We believe that six adults is a more appropriate threshold.

**164-46.J(154)** — We recommend that the fourth sentence in this paragraph should be changed and a new sentence added after the fourth sentence. The remaining sentences should remain unchanged: "Large-scale solar energy systems, in no case shall solar panels, where used independently of a building or parking area, shall not exceed a maximum of 15 acres or a maximum of 60% lot coverage, whichever is less. Commercial large-scale solar energy systems, as defined herein, shall not exceed a maximum of 200 acres or a maximum of 60% lot coverage, whichever is less. Commercial large-scale solar energy systems, as defined herein, are permitted shall be subject to the following additional requirements:"

**164-46.J(154)(b)** — We recommend a one word change to the first sentence of this subparagraph as follows: "Clearcutting of forested areas ~~should~~ shall be avoided and shall be limited to that which is necessary for the construction, operation and maintenance of the commercial large-scale solar energy system."

**164-76 Definitions** — We recommend that the second sentence in the new definition for "Modification, Major" be changed, with all of the other sentences remaining unchanged, as follows: "Major Modifications may include, but are not necessarily limited to: replacement of existing antennas with new models resulting in an increased ~~increase to~~ the number of antennas and/or height of the existing antennas in the array; an increase of the overall tower height by more than ten percent (10%) of the originally approved and/or



constructed tower height (whichever is less); or an increase to the dimensions of the existing ground-based, rooftop, or other equipment area (as determined by existing perimeter fencing, existing heights of equipment shelters, or other markers).

In conclusion, the Planning Board has made a careful inquiry and determination in regards to the proposed Zoning amendments and has reviewed the potential changes that would result if Local Law No. 3 of 2018 was adopted. The Planning Board's consensus is a positive recommendation to the Town Board to consider adoption of the changes to the Zoning Law including consideration of our recommendations herein.

For the Town of Warwick Planning Board,



Benjamin Astorino, Chairman

On a motion by Dennis McConnell, seconded by Bo Kennedy, and a

vote of 4 for, and 0 against, and 1 absent, the Planning Board authorized this

letter of recommendation to the Town Board on April 18, 2018.

## Warwick Town Clerk

---

**From:** NATALIA DASRAJ <ndasraj@hotmail.com>  
**Sent:** Wednesday, April 18, 2018 4:21 PM  
**To:** kathys@townofwawayanda.com  
**Cc:** skoufisj@nyassembly.gov; brescia@frontiernet.net; ceoffice@orangecountygov.com; Orange County Soil and Water Conservation District; districtattorney@orangecountygov.com; bonacic@nysenate.gov; PGersbeck@Townofgoshen.org; dohweb@health.ny.gov; occrabbitt@orangecountygov.com; boardofethics@orangecountygov.com; dep.r3@dec.ny.gov; dep.r4@dec.ny.gov; NYAG.Pressoffice@ag.ny.gov; gary.brown@ag.ny.gov; eric.schneiderman@ag.ny.gov; Eric T. Schneiderman; Blaise Gomez; Lzappala@thetownofchester.org; townclerk@townofwallkill.com; Pramilla Malick; Warwick Town Clerk; clerk@villageofwarwick.org; PGersbeck@Townofgoshen.org  
**Subject:** Inappropriate use of Fire Hydrant  
**Attachments:** Resolution 3 2018 CPV Review State Permits0001.pdf

**RECEIVED**  
**APR 19 2018**  
 Town of Warwick  
 Town Clerk

Town Of Wawayanda;

I am writing to express my deep concern over the use of the fire hydrant supplying fresh water to the CPV plant located directly in front of the plant.

This is a gross misuse of our water! Fire hydrants are intended for emergency use only, and therefore leaves the plant vulnerable in the event an emergency were to take place, as responders would need to source water from further hydrant locations. The tampering of fire hydrants is illegal! This action also puts the fresh water supply in jeopardy if any backflow were to occur.

The Resolution adopted by the Town of Wawayanda to support the rescinding of permits given to CPV by the State of NY was a step forward. However, permitting CPV to have access to our water supply in such an inappropriate manner leaves me very confused as to where your true intentions lie. Are you in support of the residents of the Town of Wawayanda or do you favor the CPV plant? To give CPV permission to use our water supply in this manner appears you are in favor of the latter.

It is my intention, to ask the Board of Wawayanda to advise CPV to immediately restore the fire hydrant to its original state, and intended emergency use. I urge you to protect our fresh water supply! To initiate any other action would not stand in alignment with keeping the resident's best interest first!

Allowing CPV access to our water supply and the manner in which CPV has come to our Town via the Town of Wawayanda elected officials, I realize as a resident, the Town in itself requires constant monitoring of its decision makers. In light of this action, I no longer feel the current members have the resident's best intentions in mind, whereas their actions would confirm my belief!

I would also like to note I spoke to Susan in the Water Department who advised me Mr. Razzano would call me. I am sorry to say there was no communication from Mr. Razzano. Perhaps this email might be more effective.

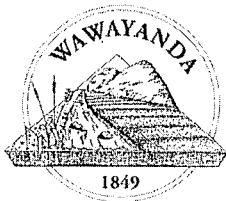
Very Truly,



# **TOWN OF WAWAYANDA**

SLATE HILL, NEW YORK 10973

KATHRYN A. SHERLOCK, RMC  
Town Clerk - Tax Collector  
Town of Wawayanda  
80 Ridgebury Hill Road  
SLATE HILL, NEW YORK 10973



**MOTION** by Supervisor John Razzano, seconded by Councilman Ronald Myruski, to adopt a resolution as follows

## **TOWN OF WAWAYANDA RESOLUTION #3-2018**

**RESOLUTION OF THE WAWAYANDA TOWN BOARD URGING THE GOVERNOR OF NEW YORK STATE AND THE DEC TO REVIEW ALL STATE PERMITS TO ANY PROJECT IN WHICH CRIMINAL CONDUCT BY PUBLIC OFFICIALS OCCURRED AND OR THE APPLICANT OR AGENT OF THE APPLICANT IS CONSIDERED "UNSUITABLE" FOR WHICH PERMITS WERE ISSUED. SUCH ACTION MUST APPLY RETROACTIVELY TO THE CPV PROJECT IN ORANGE COUNTY.**

**WHEREAS**, on March 6, 2018, the Governor's former executive deputy secretary, Joseph Percoco was convicted for soliciting and accepting more than \$300,000 in bribes from executives working for two companies doing business with New York State;

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the bulk of the \$300,000 in bribes came from Competitive Power Ventures ("CPV"), for its power generation plant in Orange County, New York; and

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the former CPV Vice President of External Affairs and Government Relations for CPV, has been indicted on bribery charges, and

**WHEREAS**, this Town Board finds that state projects that have been directly tied to criminal conduct by public officials should not be allowed to benefit from their actions, and therefore all permits issued by the state agencies must be investigated and potentially revoked if determined to be issued as a result of criminal conduct, and in the case of CPV, such permits must be revoked retroactively.

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that We, the Town Board of the Town of Wawayanda, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to instruct the Director of the New York State Department of Environmental Conservation to invoke the Environmental Conservation Law's Uniform Procedures Act which authorizes the DEC to suspend, revoke or modify an existing regulatory permit and apply retroactively to therefore revoke all permits issued to the CPV project in Orange County upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

**RESOLVED**, that we, the Town Board of the Town of Wawayanda, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to direct the Director of the New York State Department of Environmental Conservation to invoke the DEC's DEE-16 Policy. Its guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable" " i.e., a bad actor. *See* DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted ... activity." *Id.* at III., and apply to and revoke all permits issued to the CPV project in Orange County upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

**RESOLVED**, that the Clerk of the Town of Wawayanda forward a certified copy of this resolution to the Honorable Andrew Cuomo, Governor of the State of New York, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate and all Senators and Assembly Members whose Legislative Districts are in Orange County and to U.S. Senators Charles E. Schumer and Kristen E. Gillibrand, U.S. Congressman Sean Patrick Maloney and to the Commissioners of the Federal Energy Regulatory Commission.

**VOTE**

Supervisor John Razzano	- Aye
Councilman David Cole	- Aye
Councilwoman Denise Quinn	- Aye
Councilman Nicolas Chase	- Abstain
Councilman Ronald Myruski	- Aye

**MOTION CARRIED**

**STATE OF NEW YORK:**

**ss.:**

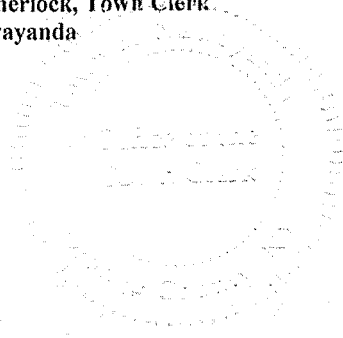
**COUNTY OF ORANGE:**

I, Kathryn A. Sherlock, the duly elected and serving Town Clerk of the Town of Wawayanda, do hereby certify that the foregoing resolution had been duly considered and unanimously approved at a public meeting of the Town Board which was held on Thursday, April 5, 2018.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Town of Wawayanda this 9<sup>th</sup> day of April, 2018.



Kathryn A. Sherlock, Town Clerk  
Town of Wawayanda



Town Supervisor and  
Members of the Board  
of the Town of Warwick  
132 Kings Highway  
Warwick, NY 10990

RECEIVED  
APR 19 2018  
Town of Warwick  
Town Clerk



April 18, 2018

RE: Geronimo Energy Revised Comments on the Town of Warwick's Proposed Local Law No. 3 of 2018

Dear Mr. Sweeton and Members of the Town Board,

Geronimo Energy ("Geronimo") appreciates the opportunity to submit these updated written comments regarding the portions of the Town of Warwick's ("Town") Proposed Local Law No. 3 of 2018 ("Law") affecting regulation of solar projects within the Town.

As we noted in person before the Board on April 12, 2018, we have withdrawn our comments regarding the acreage limitation in the Law because the revised Law is clear that the 15-acre limit only applies to large-scale solar energy systems, whereas a 200-acre limit applies to commercial large-scale solar energy systems. As we noted in our April 9, 2018 comments on the initial Law, the majority of the New York State Energy Research and Development Authority 2017 competitive renewable energy awards were for solar projects approximately 100-200 acres in size. We therefore support a 200-acre limit on commercial-scale solar as sufficient to support state policy trends.

We do ask that the Board consider clarifying that the lot coverage limit applies to inverters and interconnection facilities, but not to surface area under solar panels or to space between rows of solar panels or border/buffer areas around a project. The Town's current code has the following definition in § 164-22:

Lot, Coverage: That percentage of the lot covered by the access drive, building footprint area, and parking areas.

The Code also has the following provision in § 164-41(E)(1)(c):

Lot coverage requirements. Solar collectors do not count as lot coverage if minimum standards are met, including but not limited to height and setback requirements.

The Code is therefore ambiguous as to what parts of a solar energy system are subject to the lot coverage limitation because it is unclear what counts as an "access drive" and what counts as a "building footprint area" if panels are excluded from lot coverage. Standard practice is to exclude space between rows and buffer areas; for example, the Sustainable CUNY New York

State Model Solar Energy Law does not include these areas in its definition of "lot coverage." Geronimo requests that the Town clarify that the area used to calculate lot coverage includes inverters, main paved or graveled access roads, and interconnection facilities, but not solar panels, spacing between rows of panels, or buffer areas around the outside of a project.

We also continue to have concerns with the Law's language on interconnection. As written, the Law appears to prevent solar development in areas where there isn't existing transmission infrastructure. We believe this type of restriction could be unreasonably prohibitive and/or costly, discouraging solar development within the Town in places where it would otherwise serve the Town well.

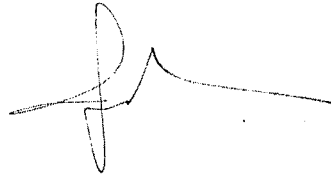
Based on the verbal testimony from the Town Board at its April 12, 2018 meeting, we understand that the Board's main reason for this language is concern over visual impacts from above-ground transmission lines. To address this concern, we propose the following alternative language:

- (a) No commercial large-scale solar energy system shall be constructed until evidence has been provided to the Planning Board that the utility company operating the electrical grid where the system is to be located has been informed of the solar system owner or operator's intent to install an interconnected commercial large-scale solar energy system. ~~Interconnection to existing electric transmission lines shall be available on or adjoining the site of the proposed commercial large-scale solar energy system. Power and communication lines to points of interconnection shall be buried underground.~~ Exemptions may be granted by the Planning Board in the following instances:
  - i. Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
  - ii. When required by the interconnecting utility company.
  - iii. Unless otherwise determined by the Planning Board.

This language should ameliorate any viewshed concerns on the part of the Town, as the language would require any interconnection lines to be buried unless the Planning Board finds that a developer's request to build above-ground is reasonable and prudent given its anticipated visual impacts. It also gives greater flexibility to developers to respond to utility requirements (which are largely outside of a developer's control) than an outright ban on solar some distance away from existing utility infrastructure.

We thank the Supervisor and the Town Board for considering our proposed language and for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Monson-Miller', with a stylized, flowing script.

Jenny Monson-Miller  
Permitting Specialist  
Geronimo Energy  
7650 Edinborough Way, Suite 725  
Minneapolis, MN 55435  
jenny@geronimoenergy.com  
952.988.9000





Steven M. Neuhaus  
County Executive

ORANGE COUNTY  
DEPARTMENT OF PUBLIC WORKS

Erik Denega, P.E., P.M.P.  
Commissioner

P.O. Box 509, 2455-2459 Route 17M  
Goshen, New York 10924-0509

[www.orangecountygov.com](http://www.orangecountygov.com)

TEL (845) 291-2750

FAX (845) 291-2778

ROAD CLOSING NOTICE

HOWE STREET BRIDGE  
AT HOWE STREET & RIVER STREET  
VILLAGE OF WARWICK  
COUNTY OF ORANGE

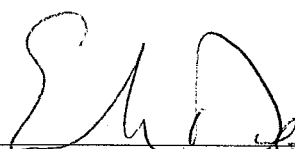
RECEIVED  
APR 19 2018  
Town of Warwick  
Town Clerk

The undersigned Commissioner of Public Works of the County of Orange does hereby close all that portion of Howe Street in the Village of Warwick, Orange County, New York. **BEGINNING** at a point approximately 120 feet south of the intersection of Howe Street, Factory Street and Van Buren Street, said point of beginning also being immediately north of the existing bridge and runs **THENCE** in a southerly direction along Howe Street approximately 100 feet (0.02 miles) to a point on the southerly side of the bridge, for the purpose of allowing the Orange County Department of Public Works, its agents or contractors, to excavate, repair, pave and do all such work as required in connection with the "Rehabilitation of Howe Street Bridge" on said Village Road. Said closing being effective by the conspicuous posting of "Road Closed" signs on or about April 23, 2018.

Said village road will be closed to all through traffic for a period of approximately Sixty (60) days in accordance with the provisions of Section 104 of the Highway Law. Appropriate traffic control devices, in accordance with the provisions of the National Manual of Uniform Traffic Control Devices (MUTCD), and the New York State Supplement, will be in place and detour routes will be prominently marked. In the case of inclement weather or other unforeseen problems, this period of time may be extended as needed.

Normal through traffic using this portion of Howe Street should use alternate routes or signed detour routing that will utilize West Street, N.Y.S. Route 17A, Campbell Road and Hamilton Avenue.

DATED: April 12, 2018

  
Erik Denega, P.E., P.M.P.  
COMMISSIONER

**Detour Directions for Howe Street Bridge, Village of Warwick:**

**Traveling south on N.Y.S. Route 17A:**

1. At the intersection of N.Y.S. Route 17A and West Street, continue straight on Route 17A and proceed south for approximately 0.4 miles to the intersection of Campbell Road
2. Turn right onto Campbell Road and proceed westerly for approximately 0.2 miles (Campbell Road becomes Hamilton Avenue)
3. Bear right onto Hamilton Avenue and proceed north for approximately 0.1 miles to the intersection of Orchard Street
4. Turn left onto Orchard Street and proceed westerly for approximately 0.1 miles to the intersection of River Street.

(End of Detour)

**Traveling north on N.Y.S. Route 17A:**

1. At the intersection of N.Y.S. Route 17A and Campbell Road, turn left onto Campbell Road and proceed westerly for approximately 0.2 miles (Campbell Road becomes Hamilton Avenue)
2. Bear right onto Hamilton Avenue and proceed north for approximately 0.1 miles to the intersection of Orchard Street
3. Turn left onto Orchard Street and proceed westerly for approximately 0.1 miles to the intersection of River Street.

(End of Detour)

**Traveling east on West Street:**

1. At the intersection of West Street and Howe Street continue straight on West Street for approximately 0.3 miles to the intersection of West Street and N.Y.S. Route 17A
2. Turn right onto N.Y.S. Route 17A and proceed south for approximately 0.4 miles to the intersection of Campbell Road
3. Turn right onto Campbell Road and proceed westerly for approximately 0.2 miles (Campbell Road becomes Hamilton Avenue)
4. Bear right onto Hamilton Avenue and proceed north for approximately 0.1 miles to the intersection of Orchard Street
5. Turn left onto Orchard Street and proceed westerly for approximately 0.1 miles to the intersection of River Street.

(End of Detour)

**Detour Directions for Howe Street Bridge, Village of Warwick:**

**Traveling east on River Street:**

1. Continue onto Orchard Street and proceed easterly for approximately 0.1 miles to the intersection of Hamilton Avenue
2. Turn right onto Hamilton Avenue and proceed south for approximately 0.1 miles (Hamilton Avenue becomes Campbell Road)
3. Bear left onto Campbell Road and proceed easterly for approximately 0.2 miles to the intersection of N.Y.S. Route 17A
4. Turn left onto N.Y.S. Route 17A and proceed north for approximately 0.4 miles to the intersection of West Street
5. Turn left onto West Street and proceed westerly for approximately 0.3 miles to the intersection of Howe Street.

(End of Detour)