

September 27, 2018

The regular meeting of the Town Board of the Town of Warwick was held on Thursday, September 27, 2018 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton called the meeting to order at 7:30 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Deputy Supervisor James Gerstner  
Councilman Mickey Shuback  
Councilman Floyd DeAngelo  
Councilman Russell Kowal

Attorney for the Town, Jay Myrow  
Deputy DPW Commissioner, William Roe  
Police Lieutenant, John Rader

**ACCEPTANCE OF MINUTES**

1. Special Meeting, August 31, 2018
2. Regular Meeting, September 10, 2018
3. Continued Public Hearing, Proposed Cell Tower Located at WVOCT Water District Complex in Town of Warwick, September 10, 2018

Motion Councilman Gerstner, seconded Councilman DeAngelo to accept the minutes as written from the Special Meeting held on August 31, 2018, the Regular Meeting held on September 10, 2018 and the Continued Public Hearings held September 10, 2018 for the Proposed Cell Tower Located at the WVOCT Water District Complex in the Town of Warwick. Motion Carried (5 ayes, 0 nays)

**CORRESPONDENCE:**

**RAY WOLOSZAK** – Resident, Town of Warwick. Letter dated September 11, 2018 Town Supervisor regarding loud music from Pennings Farm Stand and loud shooting at the reservoir.

**TOWN OF MINISINK** – Annual Rabies Clinic (Sunday, September 30, 2018 1:00-2:30 PM AT Minisink Town Hall located at 20 Roy Smith Drive, Westtown, NY 10998. Pre-Registration is required. FREE to Town of Minisink Residents (\$10.00 fee per animal for out of town residents).

**THOMAS F. MCGOVERN** – Police Chief, Town of Warwick. Memo dated September 10, 2018 to Town Board regarding a budget deposit of a reimbursement from the Police Chiefs Association for training, in the amount of \$7,500.00 to be deposited into the Police full-time/overtime line.

**MICHAEL VILLAROSA, P.E.** – Principal Engineer, Orange County Department of Public Works. E-mail dated September 12, 2018 regarding a copy of the correspondence sent to the Reginal Traffic Engineer for a speed limit reduction request for Little York Road – CR 1 to Chardavoyne Road.

**KATHY TOMCZAK** – Special Event Permit for the Richard Jacob Rudy Memorial Fund. A Cruise in Night Car Show to be held weekly May – September 2019 from 5:30pm – 9:00pm at 580 Glenwood Road, Pine Island. All proceeds are donated to fund local families in need.

**CARRIE SCALI** – Planning Assistant, Orange County Planning Department. Email dated September 18, 2018 to Town Clerk regarding Orange County Planning Federation Fall 2018 Course Series.

**WEIGHT WATCHERS** – Letter to the Town Board dated August 1, 2018 requesting a reimbursement of \$160.00 for September 2018 rental cancellation of large meeting room.

**EILEEN ASTORINO** – Town Clerk, Town of Warwick. Memo dated September 18, 2018 regarding a budget transfer.

**CONNIE SARDO** - Planning Board Secretary, Town of Warwick. Letter dated September 18, 2018 to Town Board regarding a Pre-App Conference Refund for Karen Albert.

**CONNIE SARDO** - Planning Board Secretary, Town of Warwick. Letter dated September 18, 2018 to Town Board regarding a Planning Board Escrow Refund for Michael & Danielle Post.

---

**ORANGE COUNTY DEPARTMENT OF HEALTH** – Free Rabies Clinic. In cooperation with the City of Port Jervis, there will be a free animal rabies vaccination clinic at Howard Wheat Engine 4 located at 31 Owen Street, Port Jervis, NY from 10:00am – 12:00 noon. Pre-registration is recommended. Please call 845-291-2331 ext.4014.

**CALVARY BAPTIST CHURCH** – Abilities Day Open Gym Time. September 29, 2018 from 1-5pm at the Calvary Baptist Church located at 5 Wisner Road, Warwick, NY. A FREE Event where People of all abilities (with special needs, handicapping conditions, disabilities, and just non-athletic) can have fun and connect in a supportive environment.

**MICHAEL GRANT** – Manager-Regional & Community Affairs, Orange & Rockland Utilities, Inc. Email to Supervisor dated September 21, 2018 regarding Warwick- O&R Critical Infrastructure Inventory Update.

**STATE ERECORDS AND LAW BUREAU** – State of NY Department of State. Letter dated September 18, 2018 to Town Clerk regarding the filing of Town of Warwick, Local Law 4 of 2018.

**JOAN AIELLO** - Resident, Town of Warwick. Request to serve Alcohol at Wickham Woodland for a Family Party on October 13, 2018.

**PAULETTE WILK RUDY** - Secretary, Pine Island Fire District. Letter dated September 2018 regarding the proposed budget for the year 2019.

**THOMAS F. MCGOVERN** – Police Chief, Town of Warwick. Receipt dated September 24, 2018 from the Town of Warwick Police Department in regards to a generous donation from the Estate of Robert Ball.

**RICHARD B. GOLDEN** – Attorney, Burke, Miele, Golden & Naughton, LLP. Letter dated September 24, 2018 to Planning Board Attorney regarding NY Hemp Source.

**TODD LOY** – ISSS- POC and Loan Specialist, Rural Development United States Department of Agriculture. Email dated September 25, 2018 to Town Clerk regarding USDA Rural Development Notices.

**MICHAEL VILLEROSA** – Principal Engineer, Orange County Department of Public Works. Email dated September 26, 2018 to Town Clerk regarding a letter sent from Kingsley Onyeche of NYS Department of Transportation regarding Speed Limit reduction at Little York Road – CR 1 to Chardavoyne Road.

**THOMAS F. MCGOVERN** – Police Chief, Town of Warwick. Memo dated September 26, 2018 regarding a Budget deposit for training in the amount of \$100.00 to be deposited into the Police Training Line 480 line.

**MICHAEL GRANT** – Manager & Community Affairs, Orange & Rockland Utilities. Email dated September 26, 2018 regarding O&R Notification of scheduled Power Outage on Pine Island Turnpike/County Route 1, Monday October 1, 2018.

**WARWICK PLAYGROUND OF DREAMS** – Special Event application to host a 5K walk, run and roll fun run for kids at Wickham Woodland Park

**TED J. FINK** – Town Planner, Town of Warwick. SEQR Negative Declaration Notice of Determination of Non-Significance for Homeland Tower: State School Road – Warwick.

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

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

Name of Action: Homeland Tower: State School Road - Warwick

SEQR Status:	Type I	<input checked="" type="checkbox"/>
	Unlisted	<input type="checkbox"/>

Conditioned Negative Declaration:	<input type="checkbox"/>	YES
	<input checked="" type="checkbox"/>	NO

**Description of Action:** Homeland Towers, LLC has proposed to construct a 195-foot-tall Wireless Telecommunications Tower on a Town owned site at State School Road. The 0.13-acre site proposed for the Tower is located on the former Mid-Orange Correctional Facility, which was closed by New York State in 2011 and later acquired by the Town of Warwick. The Town has sought to redevelop much of the previously developed portions of the site in accordance with a 2012 Final Report prepared by the Mid-Orange Advisory Committee and to manage environmentally sensitive lands like wetlands as part of the Town parklands at Wickham Lake. The proposed Tower will support multi-use by wireless telecommunications users as well as Town of Warwick emergency service antennas and equipment. The proposed Tower is subject to a balancing of interests test as well as Site Plan review by the Town Board of the Town of Warwick.

**Location:** State School Road, Town of Warwick, Orange County, NY  
Section 46, Block 1, Lot 39.2

**Reasons Supporting This Determination:**

1. The Town of Warwick Town Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the project dated August 13, 2018 and revised September 25, 2018, as well as other relevant environmental assessment documents including a July 10, 2018 Visual Resource Assessment prepared by Saratoga Associates, a Monroe balancing of interests test prepared by Snyder & Snyder, LLP dated August 10, 2018, a Part 2 EAF prepared by the Town Planner dated September 6, 2018, a Part 3 EAF prepared in draft form for the Town Board by Saratoga Associates dated September 25, 2018, a Balloon Test Legal Notice dated July 4, 2018, a letter dated August 20, 2018 from the Town of Warwick to Homeland Towers LLC, a Stealth Monopine Tower visual simulation dated May 2, 2018 prepared by Saratoga Associates, correspondence from the New York State Office of Parks, Recreation, and Historic Preservation dated July 13, 2018, a FCC Wireless Telecommunications Bureau New Tower filing addressing cultural resources prepared by EBI Consulting and dated September 19, 2018, the Town Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The site is located in the Town's Aquifer Protection Overlay Zoning District. Most of the 0.13-acre area to be developed for the Tower and equipment needs will be covered with gravel. New impervious surfaces will consist of the equipment shed, which will be placed on a concrete pad and together with the monopole, will create slightly more than 300 square feet of impervious surface. This can be considered *de*

- minimus* and is not expected to have a significant impact on the aquifer. No fertilizers, pesticides or herbicides are expected to be used at the facility.
4. The proposed 0.13-acre tower site immediately adjoins two existing water towers used by the former prison and such lands were previously disturbed when the water towers were constructed. The site disturbance activities needed for construction of the proposed Tower involve a 4,875 square foot lease area. A soil erosion and sediment control plan has been prepared to minimize or avoid environmental impacts on surface water features in the area.
  5. The site is not located within the Town's Ridgeline Overlay Zoning District nor the Biodiversity Conservation Overlay District. The site is located within the Town's Office and Industrial Park Zoning District and the proposed Tower is an allowed use in such District. Based upon the Monroe balancing of interests analysis prepared by Snyder & Snyder LLC, the proposed Tower was determined to promote the health, safety and welfare of the Town's residents. The Town Board has considered the proposed Tower on Town lands, in light of the Zoning Law rules, and determined that consistency with the Zoning Law has been demonstrated to the extent practicable in this specific instance and for the reasons outlined herein and in the supporting SEQR documents prepared for this Negative Declaration. These include the SEQR documents prepared for the Town transfer of lands from New York State as well as for the Mid-Orange Advisory Committee's Final Report.
  6. The primary environmental impact can be expected to be visual. A balloon visibility test was conducted on July 14, 2018. The balloon test was publicly advertised in the Warwick Valley Dispatch on July 4, 2018. One  $\pm$  six-foot diameter red balloon was raised to an elevation of 195 feet above grade at the proposed tower location. The balloon was launched at 9:00 AM and remained aloft until 12:00 PM. Balloon visibility was consistent with the findings of a Visual Resource Assessment (VRA) dated July 10, 2018 and prepared by Saratoga Associates.

The VRA and revisions to the VRA prepared on September 25, 2018 indicate that the proposed project will be visible from structures listed on the National Register of Historic Places located within the former Mid-Orange Correctional Facility, as well as a municipal park currently located within the facility grounds. When visible, the proposed Tower will be viewed within the context of the existing immediately adjacent 180 foot-tall and 190-foot tall water towers.

According to guidance provided by the NYS Department of Environmental Conservation in "NYS DEC Program Policy for Assessing and Mitigating Visual Impact" [DEP-00-2, July 31, 2000, p. 5.] *"Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place"* Based on limited Project visibility identified within the VRA, it is

reasonable to conclude that the proposed Tower will not create a detrimental effect on the scenic resources of the area, nor will it cause the diminishment of public enjoyment and appreciation of any visually sensitive place. As such, the proposed Project is not expected to result in an adverse visual impact on National Register of Historic Places properties.

The proposed project will be visible from publicly accessible vantage points both seasonally and year-round. When visible, the proposed Tower must be viewed within the context of the existing immediately adjacent 180 foot-tall and 190-foot tall water towers. Based on the project's location adjacent to existing large water towers, the project is not expected to cause a diminishment of the public enjoyment and appreciation of any public place, nor is it expected to impair the character or quality of such a place. The proposed Tower will be visible to viewers engaged in routine travel and recreation and tourism-based activities. When visible, the proposed Tower will be viewed within the context of the existing adjacent 180 foot-tall and 190-foot tall water towers. Based on project's location adjacent to existing large water towers, the project is not expected to cause a diminishment of the public enjoyment and appreciation of any public place, nor is it expected to impair the character or quality of such a place.

Based on the presence of the two existing large water towers immediately adjacent to the proposed project the proposed Tower will not cause the diminishment of public enjoyment and appreciation of any visually sensitive place. As such the proposed Project will not result in an adverse visual impact. There are visually similar projects in the immediate vicinity of the proposed project (the 180 and 190-foot-tall water towers). The proposed monopole Tower will be visually subordinate to these water towers.

Further, Homeland Towers contacted the Town of Warwick to explore the opportunity for co-location of the telecommunications equipment on the existing water towers. Based upon correspondence dated August 20, 2018, the Town is unable to make the water towers available for lease for the purpose of installing telecommunications equipment.

Finally, Homeland Towers investigated the use of a stealth monopine tower design as a possible means to reduce visual contrast. A photo simulation of this alternative was prepared for this SEQR environmental assessment and is attached. The analysis demonstrates that a stealth monopine tower would be more than twice the height of nearby natural vegetation. As such the use of stealth tower design would heighten, rather than reduce the visual contrast of the project as viewed from the surrounding landscape.

7. The New York State Historic Preservation Officer was contacted to determine the status of the potential eligibility of the former Mid-Orange Correctional Facility as a National Register of Historic Places Historic District. The eligibility of the District

was confirmed by SHPO and 51 individual buildings were also deemed eligible. In correspondence dated July 13, 2018 (attached), SHPO confirmed that the entire Historic District is eligible. The SHPO Filing, prepared by EBI Consulting, documenting no effect of the proposed project on this Historic district is also attached.

While the larger parent property contains portions that are archaeologically sensitive based solely on a review of the New York State online Cultural Resource Information System (CRIS) map, the Project Site falls outside of the mapped archaeologically sensitive area. Further, ACME Heritage Consultants completed an archaeological Phase 1A/1B in the area of the Project Site, which included a surface survey and shovel tests. The findings of the shovel test indicated widespread dumping of gravel and construction debris. ACME concluded the present Project Site area is not sensitive for the presence of prehistoric or historic archaeological resources. The Phase 1A/B Archeological Survey dated July 18, 2018 prepared by ACME Heritage Consultants is attached. No significant environmental impacts on historic or pre-historic resources is expected as a result of the project.

**For Further Information:**

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

**A Copy of this Notice Filed With:**

Town Board of the Town of Warwick (Lead Agency)  
132 Kings Highway  
Warwick, NY 10990

NYS-DEC (Notice Only)  
Environmental Notice Bulletin  
625 Broadway  
Albany, NY 12233  
Email: [enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

Michael Sweeton, Supervisor

Homeland Towers, LLC

**TED J. FINK – Town Planner, Town of Warwick. Full Environmental Assessment Form Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.**

***Full Environmental Assessment Form  
Part 3 - Evaluation of the Magnitude and Importance of  
Project Impacts and  
Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please see the attached documents which address comments from the Town Planner in a Memo dated September 6, 2018, and the items on the EAF Forms Part 1, 2, and 3 and supporting documents described in the Negative Declaration "Reason Supporting This Determination" Item 2.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:	✓ Type 1	Unlisted	
Identify portions of EAF completed for this Project:	✓ Part 1	✓ Part 2	✓ Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information  
See attached list of documents used in preparation of the Negative Declaration

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town Board \_\_\_\_\_ as lead agency that:

✓ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued. Declaration document dated 9-27-18.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Homeland Towers: Warwick (NY157)

Name of Lead Agency: Town Board

Name of Responsible Officer in Lead Agency: Michael Sweeton

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

J. Theodore Fink, AICP

Date: September 26, 2018

**For Further Information:**

Contact Person: Michael Sweeton, Supervisor

Address: 132 Kings Highway, Warwick, NY

Telephone Number: 845-986-1120 Ext 240

E-mail: msweeton@town of warwick.org

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

## BOARD'S DISCUSSION ON CORRESPONDENCE

Supervisor Sweeton – The Neg Dec is in that as well for the cell tower project so the public can see all of that. The findings by the Town Planner.

## VISITING ELECTED OFFICIALS

## REPORTS OF BOARDS AND COMMISSIONS

## COMMITTEE REPORTS

## DEPARTMENT OF PUBLIC WORKS REPORT

Culvert Pipes	Miriam Drive	Replace Culvert Pipe 60 ft 18 in	Town
	Taylor Road	Replace Culvert Pipe 40 ft 18 in	Town
Catch Basins	Village Wide	Vac out Basins	Village of GWL
	Felter St.	Rebuild Basin	Village of GWL
	Wright St.	Rebuild Basin	Village of GWL
Drainage	Wa Ta Wah	Clean Ditches	Village of GWL
Ditch Work	Cascade Lake Rd	Clean Ditches	Town
Mowing	Town Wide	As needed	Town
Pot Holes	Town Wide	As needed	Town
	Village Wide	As needed	Village of GWL
Vehicle Maint.	DPW Location	Repair vehicles as needed	Town
	DPW Location	As needed	Village of GWL
Emerg. Repair		As needed	Village of GWL
Road Signs	Town wide	As needed	Town
	Village wide	As needed	Village of GWL
Haul Material	Haul road grit	To stockpile	Town
	Haul ¾" stone	To stockpile	Village of GWL
Water Dept.	Linden Ave.	Replace curb box	Village of GWL

## PARKS DEPARTMENT

ALL Town PARKS	Mowing & Maintaining	Town
----------------	----------------------	------

## ENVIRONMENTAL CONSULTANTS REPORT

## COUNCILMAN DE ANGELO REPORT

1. The Warwick Valley Humane Society is celebrating the Warwick Animal Shelter's 50<sup>th</sup> birthday with a special brunch to be held at the Landmark on Sunday, November 4<sup>th</sup> from 12 noon until 3:00 p.m. by reservation only. The cost will be \$50 per person in honor of the 50 years at its current location on Public Works Drive. Proceeds from the event will benefit their much-needed re-build project to expand the facility with proper ventilation

and housing for homeless pets. For reservations, mail checks payable to Warwick Valley Humane Society, P.O. Box 61, Warwick, NY 10990 on or before November 1st, 2018. Currently the shelter has 21 dogs, 78 adult cats, 57 kittens, 8 rabbits, 3 guinea pigs and 5 roosters. They are in dire need of the following: dish detergent, equine pine pellets, canned ground pate cat food, heavy duty garbage bags, wee wee pads, exam gloves size medium, rubbing alcohol, non-automatic shut off heating pads and cotton balls. A note to residents if your feeding outside strays there's a spay/neuter program low cost program for cats is still available. Certificates are \$25 each for use at the Animal Rights Alliance. If you are caring for any stray cats outside you might want to think about providing a waterproof structure like a small dog house for during the winter time.

#### COUNCILMAN KOWAL REPORT

1. Things are pretty quick in the parks here in the fall. I always enjoy this time of year you can go out in the cool weather for a nice walk. The cover is starting to change. We are getting ready in Pine Island for the Pumpkin Fest which happens on Columbus Day. I have been asked by the Chamber to relate to the DPW to please add some more trash cans because it is more and more popular every year. I am submitting that request from President DeBuck from the Chamber.

#### COUNCILMAN GERSTNER REPORT

1. Applefest 2018 is coming upon us and they are looking for parking volunteers and if you are interested stop by the Community Center to help them out and also for students working at the Applefest it counts as community service. If you would like to help out in the community and get some community points come out as well.

2. I would like to congratulate President Rader of the OCFA and the Greenwood Lake Fire Department and the Village of Greenwood Lake for a very successful convention week For the Orange County Volunteer Firemen's Association. They did a great job and John did a great job leading that association for the past year.

#### COUNCILMAN SHUBACK REPORT

1. There's a list of all the repairs that have been done in the Village of Greenwood Lake and Warwick, but they finally fixed the potholes on Mt. Eve Road after 4 years of complaints.

2. Last week I received a certified letter from a resident of the Town complaining that the Highway Department is not removing a tree from electric wires. It is on the property owner's property and the Town cannot do it and they still think we should do it. Mike did you hear back from Orange and Rockland?

Supervisor Sweeton – I have not gotten a response from them yet. I forwarded the letter. The issue is that it's close to the wire.

Councilman Shuback – It is. I went twice and looked at it.

Supervisor Sweeton – O&R visited it and made a decision or at least their tree crew that it was not an imminent peril to the wires, but the homeowner begs to differ and I don't know

why they would take a chance. I will wait to get a response from them and I will report back to you.

Councilman Shuback – I have a tree on my property in the same position and I have a crew coming next week to take it down.

Supervisor Sweeton – If people have been paying attention or not there was an effort to bring to the Town Board an ordinance to get the Town Board to pass on plastic bags. The Town Board did not feel like the community had an overwhelming opinion on that, that seemed to be split and had made a decision that we would let this go to the ballot in November for the residents to weigh in on. Subsequent to that and that decision to do that was predicated on a call I had made to Board of Elections and I was told that was an appropriate step to take. Subsequent to that several members associated with the passage of this legislation had contacted me to say they weren't sure under New York State Law that they thought that was a legal way to proceed. I had asked the Town Attorney to research that a little bit and he preliminary expressed his opinion based on some initial research to the Board that in fact that may be correct. That type of an issue is not one that can be put to a referendum vote and rather should be in the purview of the Town Board. We are waiting for the exact legal definition and opinion of that, but it is unlikely at this point that this will be placed on the November 6<sup>th</sup> ballot, which presents its own set of issues because to do it in a special election it's costly and the turnout isn't as much as a general election. I think at this point the Town Board is going to table the issue until we can get a greater sense from the general public as to whether this is something that is worthwhile for our community. Our law would not have affected the villages which is another issue and we understand that counties are now looking at this issue as well as the State of New York has indicated a renewed interest in looking at it. Although the State took action to prevent it from going into effect because of the affect it would have on people of lesser resources and that's a concern this Board shares, is the impact of charging a fee on the use of a plastic bag has on the populous. Attorney Myrow did I explain that?

Attorney Myrow – Yes. The general rule in New York unless a matter is specifically authorized to go to a referendum either the town law, general municipal law or some other section of New York State Law. Such matters are not to be decided by referendum and this particular matter does not fit into any of the enumerated referendum matters that I could find in the Town Law. I took a close look at this a while ago and it's my understanding Mr. Supervisor that subject to a formal resolution to withdraw the prior resolution to place it on the ballot we are pretty much decided that the matter will not be on the November ballot.

Supervisor Sweeton – The issue there is it has to get to Board of Elections by Monday and in light of not knowing whether this is something that will be challenged and lead to litigation. It just doesn't make any sense that we incur those costs or the town taxpayers incur those costs, so as being very cautious I think we would state emphatically it won't go onto the November ballot. It doesn't preclude it from going onto a ballot in the future provided there's other opinions, but at this point it would not appear on the November 6<sup>th</sup> ballot.

Attorney Myrow – Whether or not we are right or wrong on this I'm pretty sure that any further research is not going to disclose, but I will double check it and because of prejudice the Board to pull this from the ballot by resolution at the next meeting because it can always be placed for referendum if in fact I find something that says it can. To enter on the site of caution and not do something we shouldn't be doing I think that's a safer action.

#### ATTORNEY'S REPORT

#### TOWN CLERK'S REPORT

1. Bid Proposal to refurbish engine in DPW Truck #2:

1. Westrans LLC  
4250 NY-94  
Florida, NY 10921  
845- 651-5888  
Bid Proposal: \$9,722.51

2. Orange County Truck Service  
746 County Route 49  
Middletown, NY 10940  
845-344-4915  
Bid Proposal: \$5,982.24

3. Arkel Motors Inc  
70 Windsor Highway  
New Windsor, NY  
845-562-3845  
Bid Proposal: \$24,406.30

2. \*Unofficial Election Results in the Town of Warwick – Districts 17& 30 located at Sanfordville Elementary School and Districts 20,23, & 27 located at the Warwick Middle School polling sites had trouble printing out their totals at the end of the evening so our office was not able to tabulate the election results for the entire town. The unofficial election results for the September 13, 2018, Elections according to the Orange County Board of Elections is as follows:

\*State of NY Governor:

Cynthia Nixon	Democrat	766
Andrew Cuomo	Democrat	1000

\*Lieutenant Governor:

Kathy C. Hochul	Democrat	977
Jumaane Williams	Democrat	660

\*Attorney General:

Sean Patrick Maloney	Democrat	800
Jen Metzger	Democrat	931

**\*Attorney General:**

Nancy B. Sliwa	Reform	42
Mike Diederich	Reform	17
Christopher B. Garvey	Reform	22

**\*NYS Senator District 42:**

Ann G. Rabbitt	Reform	86
----------------	--------	----

**SUPERVISORS REPORT**

1. The Community Preservation Fund receipts for August were \$148,310.60 which brings the current total in the fund to \$2,537,862.43.

2. The Fiscal Stress Report for 2017 is a tool that the Office of the State Controller Division of Local Government has been using for the last four years, but three for sure. It's meant as an early warning system for municipalities to indicate whether they are either not in fiscal stress, susceptible to fiscal stress or in fiscal stress. There is a set of criteria that they look and evaluate everybody can go on the State Controllers website and look at your community versus others. I'm happy to report again we are receiving no designation from the Controller's Office which indicates that we're well below their limits of issues and I think that speaks to fiscal management that we've been able to do here in the Town in conjunction with all of our employees. I wanted to bring the Board that good news.

3. We are in the midst of the Town Board Budget process we will be meeting in the next month to draft a budget that we can present to the public. The tentative budget will be out at the end of the month and we will make sure that's available for the public to take a look at. It is always an issue to try and remain within the tax cap and still provide the services that people have come to expect. The driver of costs certainly are the 9% increase in healthcare costs, retirement contributions which increased about 7% and normal contractual costs that drive up particularly in the Police Department and the Highway Department which are the two biggest. This leaves the Town very little wiggle room for handling things like money for road repairs, snow plowing and all of that, but we do the best we can with it.

4. Burbio.com you may have seen it in some of the local papers and you've seen it on our website Burbio.com is a platform that you load on your phone and it gives you access to all of the school calendars, municipal calendars, village calendars and not-for-profit calendars. You can subscribe to information to whichever one of those is of interest to you, so if you have a son or daughter in the Warwick School District click theirs or town meetings you click that and once a week you get an e-mail with a calendar of events for the week. It's an effort to draw on all those various calendars in one place. It's a great tool at no cost to the Town, no cost to you to get it, just load the ap and put your zip code in and you get the Warwick calendars. I urge everyone to do and join in.

5. Again, Councilman Gerstner mentioned the Greenwood Lake Fire Department hosting the Orange County Fire Parade which was a great event. Lieutenant Rader you guys did a super job. There was a tight little village with a lot of apparatus and people but everybody seemed to have a great and it flowed well and I want to congratulate you and thank all the volunteers.

Lieutenant Rader – I want to thank the Board and the DPW for all their efforts for helping us and ending the Orange County Parade at the beach was an amazing backdrop and everyone pulled together to make that happen and I wanted to thank you for that.

Supervisor Sweeton – Next year the incoming president is Deputy Supervisor Gerstner which means Warwick will hold the parade.

Councilman Gerstner – Next year it will be in the Village of Warwick and that is the first time in the Orange County Firemen's Volunteers history that it will be in the same town two years in a row.

Councilman Gerstner – It will be September 28, 2019.

Councilman Shuback – We are lucky to have volunteer fire departments.

Supervisor Sweeton – You're right, amen.

Councilman Shuback – I've been a Fire Commissioner for 20 years and people have no idea what's involved.

Supervisor Sweeton – I think it's more complicated today with the training that needs to be done.

6. The journal entries were made this month with the Comptroller and we finished up our independent audit and we did pretty good on that. That will be coming out tomorrow on our website so people can take a look at that. I think we did really well in that independent audit.

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

#### **PRIVILEGE OF THE FLOOR (AGENDA ITEMS)**

There were no comments or questions on the agenda items.

#### **NEW BUSINESS:**

#### **#R2018-286 REIMBURSEMENT OF ROOM RENTAL FEE – WEIGHT WATCHERS**

Motion Councilman Gerstner, seconded Councilman Kowal to adopt a resolution to authorize a reimbursement in the amount of \$160.00 for the month of September 2018 to Weight Watchers for the cancellation of room rental at Town Hall.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-287 SCHEDULE PUBLIC HEARING - PROPOSED INTRODUCTORY  
LOCAL LAW No. 10 OF 2018 –A LOCAL LAW AMENDING  
CHAPTER 157 ENTITLED “WATER”**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a Public Hearing for proposed Introductory Local Law No. 10 of 2018 – A Local Law to amend Chapter 157 entitled “Water”. Said public hearing to be held on October 11, 2018 at 7:00 pm at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this is to add in our water code we have sections for each of our water districts. When the Town took over the Pine Island Water District back in the late 90's that was an abandoned system that the PSC mandated the Town take over. It was never added as a chapter so it needs to be in there. The two newest districts which is Fairgrounds Water out at the Price Chopper and the Warwick Tech Park District also needs to have chapters and that's what this hearing will be about.

**#R2018-288 SCHEDULE PUBLIC HEARING - PROPOSED INTRODUCTORY  
LOCAL LAW No. 11 OF 2018 –A LOCAL LAW AMENDING  
CHAPTER 29 PERSONNEL POLICIES ARTICLE I ENTITLED  
“SEXUAL HARASSMENT”**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to schedule a Public Hearing for proposed Introductory Local Law No. 11 of 2018 – A Local Law to amend Chapter 29 Personnel Policies Article I entitled “Sexual Harassment” to comply with the new NYS regulations under NYS Labor Law 201-G Said public hearing to be held on October 11, 2018 at 7:00 pm at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that the Town already has an article I policy on sexual harassment but with the changes in the law it was decided with our Counsel that we should replace that section with the model law that the State is saying we should and we will do that and distribute it to all of the employees.

**#R2018-289 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT – TOWN OF  
TUXEDO**

Motion Councilman Gerstner, seconded Councilman Shuback to adopt a resolution authorizing the Supervisor to sign an agreement for control of snow and ice on certain county roads pursuant to Article 5-G of the General Municipal Law with the Town of Tuxedo, Orange County, New York.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.



**Discussion:** Councilman Shuback asked if this is county roads or town roads. Supervisor Sweeton stated that they are town roads off of Long Meadow on Old Forge Road. It doesn't make sense for us to go there with a truck and do it.

**#R2018-290 APPOINTMENT OF PART-TIME CLERK- FRIENDLY VISITOR PROGRAM**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to appoint Marie Luca as a part-time Clerk for the Friendly Visitor Program at a rate of pay of \$15.00 per hour, effective September 28, 2018.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-291 APPROVE SPECIAL EVENT – RICHARD JACOB RUDY MEMEORIAL FUND (WEEKLY CAR SHOW)**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution authorizing Katie Rudy-Tomczak to host a Cruise in Night Car Show, weekly from May - September 2019 at 580 Glenwood Road in Pine Island NY. Application is on file in the Clerk's Office. Pending proof of insurance.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**Discussion:** Supervisor Sweeton stated that she runs this as a charity and donates this to various causes in memory of her brother and it's been a worthwhile endeavor and we wish her the best.

**#R2018-292 REQUESTS TO SERVE ALCOHOLIC BEVERAGES WICKHAM WOODLAND MANOR – MELISSA & JEFF BROWN**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to grant Melissa & Jeff Brown permission to serve alcoholic beverages at Wickham Woodland Manor on October 28, 2018 for a family party. A Certificate of Liquor Liability Insurance is on file in the Clerk's Office.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-293 BUDGET TRANSFER – RECORDS MANAGEMENT DEPARTMENT**

Motion Supervisor Sweeton, seconded Councilman DeAngelo to adopt a resolution to approve the following budget transfer:

<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
Other Microfilming (A00.00.1989.448)	Contractual (A00.00.1989.412)	\$300.00
Other Microfilming (A00.00.1989.448)	Office Supplies (A00.00.1989.442)	\$600.00

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-294 AUTHORIZATION OF PRE-APPLICATION CONFERENCE REFUND  
KAREN ALBERT**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to refund the remaining balance of \$5.00 back to Karen Albert as per letter dated September 18, 2018 from the Planning Board Secretary, there are no outstanding invoices and the applicant has completed their conference.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-295 AUTHORIZATION OF ESCROW REFUND – MICHAEL & DANIELLE  
POST**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution to refund the remaining balance of \$886.25 back to Michael & Danielle Post as per letter dated September 18, 2018 from the Planning Board Secretary, there are no outstanding invoices and the applicant has completed their Planning Project.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-296 AUTHORIZATION TO USE THOMAS P. MORAHAN PARK**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution granting approval to Long Island Kayak Bass Fishing (LIKBF) for the use of the Thomas P. Morahan Waterfront Park on October 21, 2018 for a Kayak, Canoe and Fishing Tournament pending proof of proper insurance.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-297 ACCEPT BID PROPOSAL – REFURBISH ENGINE**

Motion Shuback, seconded Councilman Gerstner to adopt a resolution to accept a bid proposal from Orange County Truck Service to refurbish engine for DPW Truck #2 in an amount not to exceed \$ 5,982.24.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-298 APPOINT PART-TIME DPW LABORER**

Motion Councilman Shuback, seconded Councilman Gerstner to adopt a resolution to appoint George Tamburino as a part-time DPW laborer at a rate of pay of \$12.25 per hour, effective September 29, 2018.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton stated that this will be for the upcoming snow season.

**#R2018-299 REQUEST TO SERVE ALCOHOLIC BEVERAGES WICKHAM  
WOODLAND MANOR – LINDA AIELLO**

Motion Councilman Kowal, seconded Councilman DeAngelo to adopt a resolution to grant Linda Aiello permission to serve alcoholic beverages at Wickham Woodland Manor on October 13, 2018 for a family party. A Certificate of Liquor Liability Insurance is on file in the Clerk's Office.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-300 ACCEPT DONATION – POLICE DEPARTMENT**

Motion Councilman DeAngelo, seconded Councilman Gerstner to adopt a resolution to accept the donation in "as-is" condition of a 2007 Mercury Grand Marquis Vin#2MEFM75V97X628161 from the Estate of Robert Ball. The estimated value of the aforementioned vehicle is \$3,000.00.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

Discussion: Supervisor Sweeton thanked the family for the donation.

**#R2018-301 SEQR – HOMELAND TOWER STATE SCHOOL ROAD SITE PLAN**

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

Whereas, The Town of Warwick Town Board is the SEQR Lead Agency for conducting the environmental review of a proposed Telecommunications Tower, Town of Warwick, Orange County, New York, and

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

Whereas, the Town Board has reviewed an Environmental Assessment Form (EAF) for the action dated August 13, 2018 and as revised on September 25, 2018, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It A Resolved, that the Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Supervisor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-302 APPROVE CELL TOWER - HOMELAND TOWER STATE SCHOOL ROAD**

Motion Supervisor Sweeton, seconded Councilman Gerstner to adopt a resolution granting Final Approval to Homeland Towers, LLC, for a proposed 195-foot cell tower on a Town owned site of 0.13 acres located on the former Mid-Orange Correctional Facility in the Town of Warwick, County of Orange, State of New York. Approval is granted subject to the following conditions: Satisfactory completion of the Recommendations section of HDR memo dated September 21, 2018, specifically Numbers 2-10, 14, 16 as well as Payment of all fees. Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**#R2018-303 SPECIAL EVENT – WARWICK PLAYGROUND DREAMS**

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to approve a special event for Warwick Playground Dreams to host a 5K Walk, Run and Roll Fundraiser at Wickham Woodland Park on November 10, 2018 pending approval of Police Chief and proof of Insurance.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**BILLS:** Motion Councilman Gerstner, seconded Councilman DeAngelo to pay the bills as audited. Motion Carried (5 ayes, 0 nays)

**PRIVILEGE OF THE FLOOR (GENERAL)**

Alex Kocot – Resident, Big Island Road, Florida, NY 10921 – I haven't spoke to the other Board members but Mike I spoke to you and Russ I spoke to you. Why I'm here is I'm starting to get very bother and upset about the burning practices in Orange County in a farm district area. One farm in particular that's extremely irritating to my farm particular where it's creating employees to get sick on a very regular basis. I see burning is going on at least 3 times a week. One of my employees notified the authorities to check out what's going on because he's prone to migraine headaches and everything else. I'm losing him when the burning is going on. He will come in the morning and the burning starts in the morning and on a damp wet day it is the worst and the geography where I am on Big Island Road it seems like a cove there and everything just sits there and we live with it the entire day. When the fire is burning during the wet period it just smolders. He told me he called the

authorities and they checked it out and the party got summonsed. The officer called my employee and he was told that they are very arrogant people. They said they will find out who reported it and we will just burn more. I don't know what kind of people these people are but that's the way they are. All and all I'm not here to complain about just the one farm. I know this abuse of this Ag exemption if that's what you want to call it from the DEC is being taken advantage of many of the farms in the area. Since 2009 when the burning rules have been stated by the DEC I haven't burned anything. I'm an operating farm, I'm not a two-acre guy we do a lot, and we have 500 acres of soybeans, greens, onions and everything else. We are generating the same type of waste as any of the farms are generating and we don't burn anything. We dispose of everything properly, we recycle as much as we can and whatever is left we take it to the landfill twice a year, so there is no reason to burn anything. The problem is the DEC has given a little bit of a longer leash then they probably should. With the law as it states I could read it to you guys if you're interested.

Supervisor Sweeton – You can give it to the Clerk for the record.

Alex Kocot – I know it by heart and basically what's allowed to burn as an agricultural burn is organic waste that's generated and grown on the farm individually, such as brush from clearing land, clearing fence lines and that's it. This is not what's going on. First of all vegetable growers don't clear land or clear fence lines, so I don't know what could be possible that they are generating that would be legal for them to be burning. For some reason the local Town Fire Departments and Village Fire Departments seem to be looking at old law that says burn whatever you want because it's a farm. What does a farm burn, well old pesticide containers, fertilizer bags, onion bags, old oil filters and we will stack it all on top of a pile of pallets and just burn it up oh and we have some furniture and old mattresses from the labor camps and just get rid of everything. I've seen it with my own eyes on other farms, are you kidding me? Is that what you guys are doing in this day and age? What poisons are released when you burn all that kind of stuff. It's not just a benefit for me. I think it's for everyone who lives around the farming community. Mike you said yourself you have orchard guys burning and you don't know what they are burning. You think they are burning branches and stumps and whatever, but hey let's get rid of everything while we have a nice hot fire lets burn up everything. I'm proposing some kind of an ordinance in the Town of Warwick which ok you don't just cut it off, but that would be the best. The Town of Chester did it 20 years ago because all the farmers in Chester use to go down in that island in the black dirt and burn crap to the point where everybody was complaining in the whole village. I think Bill Ward was the mayor at the time and they just stopped all the burning and it didn't matter whether it was a farm or whoever. Think about it suppose every business in the Town of Warwick starts burning whatever they feel like. They can say we have an exemption because we are a business and we bring in jobs. You would think you were in Bangkok and the poisons that are released I can't stress that enough. The other day was so bad and this is what got me and I called Russ about it too, but it was so bad and it was the day it was raining heavy and I don't know how the hell they were burning, but it stunk so bad I got a headache and I'm not one to get them. I was at the farm for an hour and I could smell it, my son felt, my neighbor Christina all experienced the same thing. As

the day grew on my headache got worse and to the point by 4:00 p.m. I was supposed to go to a vegetable growers meeting that night Russ was at the meeting and it was brought up. I don't have any complaints about getting sick, it don't matter but I couldn't wait to go home. My head was hurting so bad I almost wanted to puke that's how bad it hurt. When I went home to the other side of the mountain in the better air it lingered but didn't go away until the next day. My mechanic went home a half day because he couldn't take it anymore. What I'm saying is the stuff that's going on here they're not burning here tree twigs or branches or brush or anything like that.

Supervisor Sweeton – You had called me and brought me the issue and I said I would look into the various regulations and I'm happy to do that. I did mention to the Board that this was an issue that they wanted to look at. We are happy to look into it and we said that.

Alex Kocot – I spoke to Ag and Markets again today and I highly recommend that you speak to Dr. Somers.

Supervisor Sweeton – Ok.

Alex Kocot – They want to hear from you because they understand there's a problem.

Supervisor Sweeton – I said I would and I will.

Alex Kocot – Like I said it's not just about me it's about the health of everybody. Mickey you're laughing too but it's...

Councilman Shuback – You get done and I'll have my say.

Alex Kocot – It's not something to laugh about, people shouldn't have the right to be able to poison someone else, I mean keep it on your property but that's impossible.

Supervisor Sweeton – We appreciate that. Thank you Alex.

Christina Gust – 258 Big Island Road, Florida, NY 10921 – What Alex is talking about the smell it's not like in the winter when people are burning their chimneys it's that certain wood smell. Somehow this is a kind of chemical or burning plastic but some kind of smell like that. Tuesday was horrible I went out at 7:00 a.m. and when I came back they were still burning and this was all day long. Alex thinks its three times a week and I think its way more than three times a week. I've been prone to headaches myself and on Tuesday I should have taken stock in Advil because I must have popped so many of those things. I had ice bags on my head and finally I said maybe I need to go to the hospital because maybe I'm having an aneurism because that's the kind of headache you get from smelling this and your lungs are burning. It is a really obnoxious smell that they are emanating from their property.

Supervisor Sweeton – I appreciate that.

Christina Gust – I just thought I'd add that and my son is getting headaches from it as well. It's right in that concave there.

Supervisor Sweeton – You have the address?

Christian Kozack – 258 Big Island Road, Florida, NY 10921 – Every day when I come home on the bus I sit on the window side toward that certain farm and everyday it's this horrible toxic plastic that congests you up every day, it's terrible.

Supervisor Sweeton – Thank you for that information.

Councilman Shuback – Alex in early 2000 you were clearing off the swamp on Mt. Eve Road for over 3 years. Illegally you were burning brush and cutting trees with no permits and it was ok. I smelled it. Ok, so you take a little smell and I don't know how much it is.

Alex Kocot – Mickey.

Councilman Shuback – Wait, let me finish. I didn't say anything when you were talking. In July and August you were filling and didn't have bales of hay to keep it from going into the creek and on Round Hill Road from going through the Wallkill River there was mud. You talk about pollution that's more than anything else. It's a one way street with you. You've got problems with your relatives so this is why you're bringing this up. I'm talking to you not her.

Supervisor Sweeton – We don't want an argument there.

Councilman Shuback – I'm not saying to you what their saying.

Alex Kocot – Can I comment about what Mr. Shuback is talking about?

Supervisor Sweeton – You can finish the comment.

Alex Kocot – First of all the burning of stumps even if there was a burning law back then Mickey it would be allowed because that was what we were allowed to do stumps and brush to clear land. That's what it says you're allowed to do stumps and brush from clearing land it says that.

Councilman Shuback – You were clearing it illegally.

Alex Kocot – I had permits.

Supervisor Sweeton – ok. Are there any other Board comments?

Alex Kocot – I had a permit I will show you.

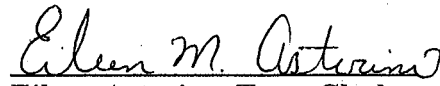
**Supervisor Sweeton – On this issue?**

**Councilman Shuback – After the DEC sited you.**

**Supervisor Sweeton – Mickey that's good. Are there any other comments?**

**ADJOURN: Motion Councilman Gerstner, seconded Councilman Kowal that the regular meeting be adjourned. Motion Carried (5 ayes, 0 nays) 8:20 p.m.**

**09-10-18 CP.**

  
Eileen Astorino, Town Clerk

---