

Wawayanda Town Board Meeting 12/06/07

December 6, 2007

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:32 P.M., on Thursday, December 6, 2007, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

	John R. Razzano	Supervisor
	David S. Cole	Councilman
	Gail M. Soro	Councilwoman
	Richard Penaluna III	Councilman
	Richard Guertin	Attorney for the Town
	Teresa Pierce	Town Clerk
Absent:	Edward Krajewski	Councilman

Also Present: Mary Markiewicz and Barbara Parsons -Planning Board Members; Gladys Hall - Historian; Denise Quinn - Councilwoman Elect; and approximately 12 other individuals.

PLEDGE TO THE FLAG

COUNTY ROUTE 50/GOLF LINKS ROAD/REDUCTION OF SPEED LIMIT:

Supervisor Razzano explained that a decision to request a lower speed limit on Golf Links Road was tabled at the last Board meeting in order to allow for clarification on proper procedures. Since that meeting, he has been in contact with Caesar Rotundo (Engineer for the County Department of Public Works). As per Mr. Rotundo, a TE-9 form would need to be submitted to the County, and in turn, they would send the form to the State for review and a decision. For the benefit of those who were not familiar with the stretch of road that would be affected, Supervisor Razzano explained the exact location.

John Adamo, who submitted the original request and a petition for a lower speed limit, asked **Josh Cassell** to read the verbiage on the top of the petition, which detailed the reasoning for the need of the reduced speed limit.

As he had done at the last meeting, **Charles Adamo** spoke about the close calls that his wife and daughter experience on a daily basis when attempting to pull out of their driveway, or in crossing the road to get their newspaper or mail, and about his dog being killed by a speeding vehicle. Not only did he ask for a lower speed limit, he expressed the need to eliminate the commercial traffic from County Route 50 (Golf Links Road). He maintained that the trucks are using this road as a short-cut, or to avoid the check-point on Route 84.

Supervisor Razzano spoke about a letter to the editor which was written by a resident who had attended last month's meeting. This person suggested that a safer place to jog or walk a dog, would be our town park, and not a County Road. **Mr. Razzano** then reminded Mr. Adamo that there was a 45 mph speed limit on the road when Mr. Adamo moved there, and then added that personally, he would not jog on a county road. He then polled Board members for their opinion. **Councilwoman Soro** agreed that the trucks do travel at an excessive speed, and that if action is not taken, eventually there may be a fatal accident.

Councilman Penaluna stated that he is in support of the lower speed limit.

Councilman Cole stated that Mr. Adamo presents a valid issue, and that he is in support of the submission of the TE-9 form for a reduced speed limit, but he does not believe that the removal of commercial traffic should be incorporated into the request.

Mr. Adamo responded that as far as the removal of commercial traffic goes, he believes that is something that Mr. Harwood (NYS-Department of Transportation) will eliminate.

Councilwoman Soro asked the Supervisor just exactly how many speed limits are on that particular road, and he informed her that there are quite a few.

Further discussion took place.

Wawayanda Town Board Meeting 12/06/07

Board members agreed that there should be a uniform speed limit on the entire stretch of Golf Links (County Route 50).

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt a resolution authorizing the submission of a TE-9 Form to request a lower speed limit of 35mph on County Route #50 (Golf Links Road), from the intersection of Route 17M, going in a northerly direction to the boundary line of the Town of Wallkill.

ALL IN FAVOR - CARRIED

REGULAR BUSINESS:

PRESENTATION OF BILLS AND DEPARTMENT REPORTS:

Reports from the Supervisor, Town Clerk, Planning Board, and the Building & Fire Inspector/Code Enforcement Officer, and the bills from the General Fund, Highway Fund, and Water & Sewer Districts were presented to the Board for review.

APPROVAL OF DEPARTMENT REPORTS:

MOTION by **Councilwoman Soro**, seconded by **Councilman Cole**, to accept the various departmental reports, as submitted.

ALL IN FAVOR - CARRIED

PAYMENT OF BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the payment of bills in the amount of \$6,371.50 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 07-01850 & G07-1855 thru 01857	\$3,607.47
PPWS 07-1851	\$2,764.03

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment of bills from the General Disbursement Account in the amount of \$190,334.16 Breakdown as follows:

General Fund	G07-1858 thru 1943 G07-1944 thru 1948	\$ 96,514.48
Highway Fund	H07-1949 thru 1972 H07-2000 thru 2003	69,764.94
Water/Sewer Districts	WS07-1973 thru 1999 WS07-2004 thru 2009	24,054.74

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$ 907.51
Ridgebury Lake Acres Sewer District	954.66
Ridgebury Lake Water District	2,029.38
Denton Hills Water District	1,220.96
Arluck Water District	17,546.59
Water/Sewer Dist. #1	1,395.64
Water/Sewer Total =	\$ 24,054.74

ALL IN FAVOR - CARRIED

Wawayanda Town Board Meeting 12/06/07

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole** to reimburse **Karen Arent, Landscape Architect**, for services rendered in reference to:

- PR&M Pre-Owned Car Dealership - \$87.50

Payment will be made through the Special Trust and Agency account and charged to the escrow account listed above.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to pay **McGoey, Hauser and Edsall Consulting Engineers** for services rendered in reference to:

- Calco-Senese - INV 07-2878 - \$ 182.10
- Tetz/Panattoni - INV 07-2878 - \$1,727.00
- Smoke Shop - INV 07-2878 - \$ 182.10

Payments will be made through the Special Trust and Agency Account and charged to each of the individual escrow accounts listed above.

ALL IN FAVOR - CARRIED

APPROVAL OF MINUTES:

In a memo to the Town Board, the Town Clerk requested that the minutes for **September 20th, 2007** be approved. At the November 8th meeting, there was hesitation to approve due to confusion as to what Councilman Cole stated about the new homes in Robinn Meadows being exempt from capital fees.

After researching the agreement related to the expansion of the development, page 4 of the minutes has been amended.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to approve the September 20, 2007 minutes with an amendment to page 4, (top of page) which corrects a misstatement by Councilman Cole. The correction reads: Councilman Cole explained the results of the lawsuit brought against the town, and advised that according to the stipulation of settlement, the additional 44 homes will not have to pay **sewer hook-up fees**.

VOTE

- Supervisor Razzano - Aye
- Deputy Supervisor Cole - Aye
- Councilman Krajewski - Absent
- Councilwoman Soro - Abstained
- Councilman Penaluna - Aye

MOTION CARRIED

NEW BUSINESS:

DENTON HILLS WATER DISTRICT/LOAN:

Supervisor Razzano stated that Howard Goldstein, Bookkeeper for the Town, has informed him that the bond for the Denton Hills Water District is coming due in the amount of \$10,650. During the year there had been an few unexpected breaks in the water system. The repairs for each break had cost approximately \$5,000, thereby leaving the district in need of a loan from the general fund in order to make the bond payment. At the beginning of the new year, the General Fund will be reimbursed, with interest, once the taxes are collected for the year 2008.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize the General Fund to loan the Denton Hills Water District \$10,650 (ten thousand six hundred and fifty dollars) for a Bond payment.

ALL IN FAVOR - CARRIED

Wawayanda Town Board Meeting 12/06/07

ROBINN MEADOWS MAP, PLAN AND REPORT FOR WATER DISTRICT:

Supervisor Razzano noted that all Board members have been provided with a copy of the map, plan, and report regarding the potential purchase of the Robinn Meadows Water Company. He proceeded to explained all of the documents incorporated into the packet, and then turned to Attorney Guertin for comments.

Attorney Guertin stated that he does have a few items that he would like to address, and began with the clarification of the spelling of the district. In the documents the word 'Robin' is spelled with one 'n'. He informed the board that if this needs to be corrected to 'Robinn' a technical correction would have to take place. The second item is that a 'Public Notice' must be published 10 days prior to, and not more than 20 days before a public hearing. Also, the map, plan and report would have to be in final format before the notice is published. Additionally, notice must be mailed to every property owner in the district.

Both **Teresa Pierce**, Town Clerk, and **Councilman Cole** concurred that the correct spelling for 'Robin' is "Robinn" Meadows.

Attorney Guertin commented that he will make the appropriate adjustments.

Attorney Guertin questioned Supervisor Razzano as to whether or not there are to be any hook up fees involved, because the statute requires that a hook up fee appear in the order calling for the public hearing.

Councilman Cole suggested that they look to the Stipulation of Settlement for the answer.

Attorney Guertin noted Councilman Cole's suggestion, and added that, at this point, the board needs to set a date for the public hearing.

Supervisor Razzano suggested that the Workshop Session scheduled for December 18th, 2007, be cancelled, and re-scheduled as the end of the year meeting, and for it to take place on Thursday, December 27th, 2007. Also, if everyone is in agreement, the public hearing could be held at that time.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to cancel the Workshop Meeting of December 18th, 2007, and re-schedule it as the end of the year meeting on Thursday, December 27th, 2007.

ALL IN FAVOR - CARRIED

Attorney Guertin explained that since the map, plan and report has been presented, we have to start the SEQRA process and/or environmental review. In this case, it would be simple because it could be considered a Type II Action, which is an unlisted action and would only require a short form environmental assessment form submitted by Pat Hines, of McGoey, Hauser & Edsall. He then referred to a resolution that was distributed to the Board Members which simply acknowledges that the project is an unlisted action and there are no other involved agencies, and to declare the Town Board as Lead Agency. Added that no subsequent resolution would be adopted at this time, and at least the Town Board is starting the SEQRA process.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to adopt the following resolution:

TOWN OF WAWAYANDA Resolution #14-2007

Robinn Meadows Water District/Unlisted Action for Purposes of SEQR

WHEREAS, a map, plan and study has been filed with the Town Clerk of the Town of Wawayanda and presented to the Town Board seeking the creation of the Robinn Meadow Water District, and

WHEREAS, together with the map, plan and study there was submitted an Environmental Assessment Form, and

Wawayanda Town Board Meeting 12/06/07

WHEREAS, the Town Board is the sole Involved Agency in connection with the proposal for the creation of the Robinn Meadow Water District.

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby declare the proposed creation of the Robinn Meadow Water District to be an Unlisted Action for purposes of SEQRA and does hereby assume Lead Agency status in connection with the SEQRA review of the proposal to create the Robinn Meadow Water District.

VOTE

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Absent
Councilwoman Soro	-	Aye
Councilman Penaluna	-	Aye

MOTION CARRIED

Attorney Guertin advised the Board that they would have to adopt the resolution that would order the Public Hearing, with the following modifications:

- 1) Changing the word 'Robin Meadow' to the correct spelling 'Robinn Meadows'
- 2) The purchase price is listed as \$250,000. It needs to be changed to \$260,000
- 3) Inserting an additional 'WHEREAS' referring to hook-up fees regarding the 44 vacant parcels.
- 4) Inserting the actual date of the public hearing

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to adopt the order setting the public hearing regarding the proposed creation of the Robinn Meadows Water District in the Town of Wawayanda, with the four modifications as noted, and to set the Public Hearing for December 27th, 2007.

ALL IN FAVOR - CARRIED

CELL TOWER LEASE: Supervisor Razzano provided each Board member with a copy of a lease from Verizon. The lease is being negotiated for a cell tower to be located on the Ridgebury Lake water tank property. He explained that the chain of events that need to take place is to first sign the lease, and then Verizon will seek the approvals. He then referred to page 3, subsection #7, entitled 'Governmental Approvals', which reads that 'Verizon still needs all pertinent approvals including Planning Board', and that the lease does not grant any approvals whatsoever. Added that there will be a public hearing when they are ready.

Supervisor Razzano then mentioned that Verizon has agreed to pay the town \$16,800 per year which will go directly to the Ridgebury Lake water district, with the possibility of an additional \$5,000 - \$10,000 per year for additional carriers locating on the tower.

Added that Attorney Guertin has reviewed and approved this lease.

Supervisor Razzano stated that he had discussed this with Planning Board member **Barbara Parsons**, and she informed him that our town code requires that the towers be located 1,000 feet from any residence, and added that the decision will ultimately be made by the residents.

Barbara Parsons commented that most people are under the assumption that these towers pose a health hazard.

Councilman Cole addressed **Supervisor Razzano** and suggested that he recuse himself from the vote because he resides in the district and has the potential to benefit from the agreement.

Councilwoman Soro asked who originated the agreement, and who exactly will end up paying the legal fees. Would it be the town, or the residents in the district?

Attorney Guertin responded that Verizon is responsible for the agreement and that he has taken the time to compare it to another similar agreements that he previously worked on for another

Wawayanda Town Board Meeting 12/06/07

town, as well as obtaining contracts from other communities. All in all, the whole process takes about 5-6 months.

Supervisor Razzano addressed **Councilwoman Soro's** question about the legal fees and said that it could be looked at in several aspects, and that as an example **Attorney Guertin** is currently negotiating litigation for another of our water and sewer districts. The town has been paying all along.

Barbara Parsons suggested that perhaps when they come before the Board and set up the escrow account, they could be asked to reimburse the town for any legal fees. Further discussion took place.

MOTION by **Councilman Cole**, seconded by **Councilman Penaluna**, to adopt a resolution authorizing Supervisor Razzano to sign the contract with Verizon in association with the request for a cell tower to be located on the Ridgebury Lake water tank property, with the lease being subject to approval by the Planning Board, and if necessary, any modifications as required by the Town Board.

VOTE

Supervisor Razzano	-	Abstained
Councilman Cole	-	Aye
Councilman Krajewski	-	Absent
Councilwoman Soro	-	Aye
Councilman Penaluna	-	Aye

MOTION CARRIED

METEORLOGIX CONTRACT: The current computer system utilized by the Highway Department to predict weather is in desperate need of an upgrade. The company, Meteorologix, will be conducting the upgrade of equipment and software for an approximate cost of \$1,800. **Supervisor Razzano** indicated that a Board motion is needed authorizing him to sign the agreement.

MOTION by **Councilman Cole**, seconded by **Councilwoman Soro** to accept the contract as presented, and to authorize the Supervisor to sign the agreement with Meteorologix.

ALL IN FAVOR - CARRIED**PARTNERS IN SAFETY CONTRACT:**

Partners in Safety submitted a renewal contract in respect to drug and alcohol testing services that is conducted throughout the year on employees who drive town vehicles. For the year 2008 there will be no rate increase.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize the signing of the 2008 contract with 'Partners in Safety'.

ALL IN FAVOR - CARRIED**ORANGE COUNTY MUNICIPAL PLANNING GRANT CONTRACT:**

At the November 20th meeting this matter was discussed and tabled so that the Supervisor could confer with our Attorney.

Supervisor Razzano asked for a motion to authorize the signing of the contract.

MOTION by **Councilman Cole**, seconded by **Councilman Penaluna**, to adopt a resolution authorizing Supervisor Razzano to sign the contract with Orange County Planning Department in association with the \$10,000 Municipal Planning Grant awarded to the Town of Wawayanda.

Wawayanda Town Board Meeting 12/06/07**VOTE**

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Absent
Councilwoman Soro	-	Aye
Councilman Penaluna	-	Aye

MOTION CARRIED

TOWN CONSTABLE POSITIONS: **Supervisor Razzano** discussed the fact that the Town Board had recently appointed two new constables as a result of a change in time for court sessions. Due to the change there were a few individuals who were unable to work because of scheduling conflicts. He referred to one individual who has been a constable for over nine years. That individual is **James Hujus**, and **Supervisor Razzano** said that he has not worked as a constable for the past two years. It is the Supervisor's understanding that Mr. Hujus works a primary job which makes him unavailable to work in the court. Due to the fact that he has not worked in over two years, Supervisor Razzano believes that a letter should be sent thanking him for his service with the town.

Councilwoman Soro questioned the Supervisor as to whether or not Mr. Hujus has been contacted regarding this matter?

Teresa Pierce, Town Clerk, commented that Mr. Hujus was in her office recently and stated that he is not called to come in anymore; that he would like to start working again; and that he is going to be retired from his job as of December 31st, 2007.

Councilman Cole, **Councilwoman Soro**, and **Councilman Penaluna** were all in agreement that Mr. Hujus should be contacted and spoken to about this matter before any further action is taken.

ZBA ATTORNEY/RESIGNATION: **Scott Bonacic**, Attorney for the Zoning Board of Appeals, has submitted a letter to the Supervisor's office advising the his law firm will not be seeking reappointment in 2008 to serve as attorney to the Wawayanda Zoning Board of Appeals. They indicated in the letter that they will remain available to provide any necessary counsel through to the end of 2007, and would be happy to serve temporarily in 2008 in the event that the town is unable to secure other counsel.

Supervisor Razzano stated that he has had a discussion with Zoning Board Chairman, **Richard Onorati**, and he suggested that **Bill Bavoso** be contacted to see if he might be interested in filling the vacancy.

Supervisor Razzano stated that his office will forward a letter thanking **Attorney Bonacic** for his service.

The Board agreed that the motion to accept the resignation will be handled at the re-organization meeting in January 2008.

ZBA MEMBER RESIGNATION/DENISE QUINN:

Denise Quinn submitted a letter advising that as of December 14th, 2007, she will be resigning from the Town of Wawayanda Zoning Board of Appeals in order to accept her recently elected position of Town Councilperson. She added that "Its been an honor and a privilege, and I look forward to now serving as a Town Board member."

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to regretfully accept Denise Quinn's resignation from the Zoning Board of Appeals.

ALL IN FAVOR - CARRIED

TREE LIGHTING CEREMONY: The annual Tree Lighting Ceremony will take place on Sunday, December 9th, 7007, at 5:00 P.M., at Shannen Park. All are welcome to attend.

Wawayanda Town Board Meeting 12/06/07

PUBLIC COMMENTS & QUESTIONS:

Councilwoman Soro spoke about a recent article in the paper regarding the developer of Lakeridge Estates, and questioned whether or not the town had any authority to assist the individuals involved.

Supervisor Razzano advised her that there was nothing that we could do, and what the developer has done is pretty much equivalent to theft.

Further discussion took place regarding Certificates of Occupancy being issued for the homes in the development, as well as the status of the road which at this time has yet to be dedicated to the town.

Mary Markiewicz mentioned the passing of **Frank Giza** who served as Town Justice for approximately 20 years.

Supervisor Razzano acknowledged his passing and informed her that the town had sent flowers.

Councilman Cole spoke about the Town Hall being open for a half day on December 24th, the day before Christmas, and suggested that since this is a Monday, the Board should consider closing for the entire day. After a brief discussion it was agreed to close town hall on December 24th, 2007, and that this was a unique situation and would not become a standard practice.

MOTION Councilman Cole, seconded by **Councilwoman Soro**, to close the Town Hall on December 24th, 2007.

ALL IN FAVOR - CARRIED

Councilwoman Soro discussed some comments that she heard with regard to the Tree Lighting, and said that people were concerned with the term 'Christmas Tree Lighting'. She also spoke briefly about the lack of a Menorah displayed in the Town.

NO OTHER BUSINESS OR COMMENTS.

MOTION by **Councilman Cole**, seconded by **Supervisor Razzano**, to adjourn.

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:00 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk