

Wawayanda Town Board Meeting 04/17/2007

April 17, 2007

A Monthly Meeting/Worksession of the Town Board of the Town of Wawayanda was called to order at 7:32 P.M., on Tuesday, April 17, 2007, at the Town Hall, Ridgebury Hill Road, Slate Hill, NY.

Those present were:

John R. Razzano	Supervisor
David S. Cole	Councilman
Edward Krajewski	Councilman (Arrived @ 8:13 P.M.)
Gail M. Soro	Councilwoman
Richard Penaluna III	Councilman
Richard Guertin	Attorney for the Town
Teresa Pierce	Town Clerk

Also Present: Michael Green - Superintendent of Highways; Mary Markiewicz & Barbara Parsons - Planning Board Members; Gladys Hall - Historian; and 10 other individuals.

PLEDGE TO THE FLAG

MOMENT OF SILENCE: Councilman Cole called for a moment of silence to reflect on the tragedy that took place on April 16th at Virginia Tech, and the shooting that resulted in the loss of 32 individuals, including the loss of one of our own, Caitlin Hammaren, a 2005 Graduate of Minisink Valley Central School.

BID PROPOSALS / CHEMICALS & SERVICES FOR WATER/SEWER DISTRICTS:
In response to the 'Request for Proposals' which appeared in 'The Times Herald Record' on March 28, 2007, the following submissions were publicly opened and read aloud on April 11, 2007:

CHEMICALS:

<u>Name of Bidder</u>	<u>Item</u>	<u>Bid</u>
E.S.C. Environmental 6 Redwood Drive Glenville, NY 12302 (518) 384-1103	Cationic Polymer (In 5 gallon pails). Sodium Hypochlorite (Bulk Delivery)	\$ 100.00 per pail 2.10 gal.delv.
SNF Polydyne Inc. PO Box 279 Riceboro, GA 31323 (800) 848-7659	Polydyne Inc. (NE-1206)	\$ 22.61 per gal.
Wechsler Pool & Supply Co. PO Box 333 Thompsonville, NY 12784 (845) 794-9600	Chlorine Sodium Hypo Chlorite Solution (50 gal. min. for bulk rate) Sodium Hypo Chlorite Solution (Carboy rate - 50 gal. min)	\$ 2.22 per gal. 3.12 per gal

Each delivery includes the following charges:
\$1.90 fuel surcharge, as well as a \$3.40 regulatory compliance charge per delivery.
Both charges are subject to change at any time without prior notice.

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SLUDGE REMOVAL:

TAM Enterprises, Inc.
A Plus Mechanical Services
384 Onion Avenue
New Hampton, NY 10958
(845) 374-1161

High Pressure Sewer Jetting:

1. \$.50 per ft (minimum 10,000 ft.) or \$1,500 per day
2. Vacuum services - \$187.50 per hr. or \$1,500 per day
3. One hour response time - 24 hrs. a day, 365 days per year.
4. Licensed by NYSDEC to haul waste
5. Able to clean up to a 500 ft. long distance from truck.
6. Own two 6" bypass pumps and two 4" diesel pumps

Camera Inspection of Sewer Mains

\$0.75 per foot (minimum 10,000 ft.) or \$1,500 per day for camera inspection and recording on VHS tape

Fred A. Cook, Jr. Inc.
PO Box 71
Montrose, NY 10548
(914)739-3300

Sewer Sludge Removal:

\$ 125/hr., Cleaning & Stand By.
\$.133/gal. Sludge Removal
\$.133/gal., Sewage & Grease Removal
\$.06/gal, Hauling Without Dump Fees

High Pressure Sewer Jetting:

\$1,425/day
\$ 178/hr., 3 hr. minimum
\$ 97.50/ton, Disposal, if not provided
Cost + 10% Traffic Control

Camera Inspection of Sewer Mains:

\$1,350/day
\$.65/LF, Televising 8" - 12"
Cost + 10% Traffic Control
* All video Inspection can be performed with WinCan Software with Data Storage on DVD.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to accept the bid for **Cationic Polymer** and **Chlorine** which was submitted by E.S.C. Environmental.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna** to accept the bid for **Chemicals & Services for Sewer Sludge Removal, High Pressure Sewer Jetting; and Camera Inspection of Sewer Mains** which was submitted by Fred A. Cook, Jr. Inc.

ALL IN FAVOR - CARRIED

WATER & SEWER CODES: **Supervisor Razzano** stated that the comments have been received from the Orange County Planning Department, and discussed the possibility of closing the Public Hearing at the May 3rd, 2007, Business Meeting.

The Town Board proceeded to review the Orange County Planning Department's recommendations, and compared them to the recommendations which were presented at the April 5, 2007, Public Hearing.

David Whitworth asked if he could discuss his recommendations, and was informed that this was not a continuation of the public hearing. He was told that he would be able to give input at the May 3rd Business Meeting when the Public Hearing would be continued.

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HIGHWAY DEPARTMENT/RENTAL OF HEAVY EQUIPMENT AND SALT BIDS::
MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize an advertisement for bids on Crushed Rock Salt, and for the Rental of Heavy Equipment, with the bid opening to take place at 12:00 P.M. on May 10th, 2007.

ALL IN FAVOR - CARRIED

HIGHWAY SCHOOL: Michael Green our Highway Superintendent advised that he and Penny Tuohey, Deputy Highway Superintendent, will be attending the annual Highway School at Ithaca College on June 4th - June 6th. The registration fee to attend the School is \$85.00, plus there will be lodging costs.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize Michael Green and Penny Tuohey to attend Highway School at Ithaca College on June 4th - June 6th.

ALL IN FAVOR - CARRIED

HIGHWAY DEPARTMENT WORK SCHEDULE: Highway Superintendent Green spoke about the March 20th, 2007 Town Board Workshop minutes. He referred to the discussion on **Highway Department Summer Hours**, and read "Board members felt that the summer work schedule is starting earlier and earlier each year, and is being extended longer and longer. In discussion, it was noted that according to our Personnel Policy, the summer work schedule for the highway department is to start on June 1st, and end on August 31st. Board members questioned if they have any authority over this matter".

Mr. Green referred to a memo that he provided to each Board member. It listed all of the dates for the last five years, which showed that it has been from the end of April to after Columbus Day weekend. In regards to the Board questioning whether or not they had any authority over this matter, he noted that when revisions were being done on the Personnel Policy he suggested that this be addressed. He also noted that State law (McKinney's Consolidated Law of New York, Book 24, Highway Law) gives the authority to the Highway Superintendent, not the Town Board, to set the work schedule for the Highway Department employees. Said that he would like the minutes to be corrected to reflect that the schedule has not been extended.

Supervisor Razzano said that, at the time of the conversation, he was not aware of that section in McKinney's Law book. The minutes would remain as is, because that was the discussion that took place.

ORANGE & ROCKLAND PIPELINE/Dolsontown Road: Highway Superintendent Green discussed the request that he received from Orange & Rockland Utilities regarding a 6"-12" main that is to be placed along Dolsontown Road . They have requested a Road Opening Permit and the Town will have to set a bond amount. The majority of the work will be done on the left side of the road along the shoulder, but there will be some sections that they would have to cut into the road.

Mr. Green said that they Highway Department has never set a bond amount for this type of project.

Supervisor Razzano stated that our engineer, McGoey Houser & Edsall would have to be contacted for assistance with the dollar amount of this matter.

Michael Green expressed gratitude to all of the Board Members and to everyone else for the outpouring of cards and flowers in respect to his father's passing. Said that his father led a full life, was involved in many organizations, and lived to be 91 years old.

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SEASONAL EMPLOYEE/SHANNEN PARK:

MOTION by **Councilman Krajewski**, seconded by **Councilwoman Soro**, to authorize Park Superintendent Bryce Flynn to hire **Evan Scott** as a seasonal employee for the park, with the starting salary of \$10.00 per hour.

ALL IN FAVOR - CARRIED

TEDAMAN: Supervisor Razzano spoke about the circumstances surrounding the Tedaman property which is the old Pilar Building. Back in December, 2006, there was a court appearance and they were fined a certain amount of money, and they were to evict the Flea Market tenants. We have been told that the original owner is buying back the building and they are asking for more time. There is a court date set for May, 2007.

Councilwoman Soro asked what kind of violations they are being sited for.

Supervisor Razzano informed Ms. Soro that he, along with Jack Grifo and Bill Bavoso, have toured the facility. He gave her a run down of the violations, and then added that the question is whether or not the current use of the building is within the current zoning of the property.

After a lengthy discussion, it was determined that the Board would hold off on any action until the May, 2007, court appearance.

i9 SPORTS: Correspondence was received from Ed Killenberger, Program Director, i9 Sports of Orange County, requesting consideration for them to utilize any town fields available and suitable for a flag football league.

Attorney Guertin questioned who would be responsible for the repair of the fields if they were to be damaged from the games.

Councilman Krajewski suggested that it may be covered under an insurance policy. Further discussion took place.

EXECUTIVE SESSION:

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to interrupt the meeting so that the Board may convene in Executive Session to discuss **Contractual Negotiations regarding Regan Development**.

ALL IN FAVOR - CARRIED

EXECUTIVE SESSION: The Town Board, Attorney Guertin, and associates from Regan Development convened behind closed doors.

No action taken.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to close Executive Session and re-open the regular meeting.

ALL IN FAVOR - CARRIED

REGAN DEVELOPMENT/PILOT PROGRAM:

A resolution was introduced by **Supervisor Razzano**, seconded by **Councilman Cole**, as follows:

**Resolution #5-2007
HORIZONS AT WAWAYANDA, LLC**

WHEREAS, the Town Board of the Town of Wawayanda (the "Board") has received a request from Horizons at Wawayanda, LLC, for consent to form a Redevelopment Company to be organized pursuant to Article V of the Private Housing Finance Law of the State of New York to facilitate the redevelopment of 8.89+/- acres for approximately 107 affordable rental

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housing units (the “Project”) to be located upon certain property situated at Route 6 in the Town of Wawayanda, such lands being more particularly shown on the Town of Wawayanda Tax Map as tax map parcel Section 4, Block 1, Lot 38.31 and further shown on a map entitled “Layout Plan” prepared by Leonard Jackson Associated dated July 13, 2006 and last revised on February 13, 2006 incorporated herein by reference, hereinafter referred to as the “Project Area”; and

WHEREAS, Horizons at Wawayanda, LLC, has submitted to this Board a proposed Consent to be executed by the Town Supervisor as supervising agency consenting to the formation of the Redevelopment Corporation which Consent is annexed hereto as Schedule “A”; and

WHEREAS, Horizons at Wawayanda, LLC, has submitted to the Board a copy of the proposed Certificate of Formation of Horizons at Wawayanda, LLC, Redevelopment Company, attached hereto as Schedule “B”, which declares the purpose of the company shall be, “to acquire real property located in the Town of Wawayanda, New York and to construct, own, maintain, operate, sell and convey an approximated 107 unit affordable workforce housing project pursuant to the terms and provisions of Article 5 of the Private Housing Finance Law. All real and personal property acquired by the Company and all structures erected by the Company shall be deemed to be acquired or created for the promotion of the purposes of “Article 5 of the Private Housing Finance Law” and which sets forth all terms and requirements of the Redevelopment Company; and

WHEREAS, once the Redevelopment Company is formed, Horizons at Wawayanda, LLC, Redevelopment Company, will complete processing of the redevelopment plan, accompanying maps and documentation before this Board and the Planning Board to obtain all necessary land use and municipal approvals necessary to complete the Project ; and

WHEREAS, the Board has considered the request of Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the Board makes the following findings and determinations:

1. That the redevelopment of the Project Area for approximately 107 affordable rental housing units in the Town will benefit the public.
2. That the terms and conditions of the proposed certificate of formation of the Redevelopment Company attached hereto as Schedule “B” are in the best interest of the Town of Wawayanda.

BE IT FURTHER RESOLVED, that the Town Supervisor be, and he is, hereby authorized and directed to execute a Consent in the same form as annexed hereto as Schedule “A” on behalf of the Town of Wawayanda.

VOTE

Supervisor Razzano	- Aye
Councilperson Cole	- Aye
Councilperson Krajewski	- Aye
Councilperson Soro	- Aye
Councilperson Penaluna	- Aye

****** Schedule A & Schedule B will be attached in the official minute book as Addendum #1 and Addendum #2.**

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CORRESPONDENCE & COMMUNICATIONS:

Village of Unionville: Notification was received from the Village of Unionville that their Memorial Day Parade will take place on May 28th, 2007. The line up will be at 10:15 AM on Pine Hill Road with step-off at 10:30AM. All are welcome to attend.

New York State Town Clerks Association: Kathryn Sherlock, Deputy Town Clerk, has been selected by the New York State Town Clerks Association, to receive a \$250.00 Scholarship for attendance at the 2007 Annual Conference which will be held in Rochester.

Recreation Committee: The first meeting for the Recreation Committee will take place at the Town Hall on Thursday, April 26th, 2007, at 7:00PM. All are welcome to attend.

Library Committee: The next meeting will be held at Town Hall on May 2nd, 2007. **Councilwoman Soro** questioned **Councilman Cole** about the progress that the Library Committee is making, and was given an account of where they are at this time.

No other comments or questions.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adjourn the meeting.

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:34 P.M.
PREPARED BY KATHRYN SHERLOCK

RESPECTFULLY SUBMITTED,

Teresa E. Pierce, RMC
Town Clerk

SCHEDULE A

**CONSENT AND APPROVAL
OF THE SUPERVISING AGENCY
(FORMATION)**

I, John Razzano, the Town Supervisor of the Town of Wawayanda, Orange County, New York, for purposes of Section 104 of the Private Housing Finance Law of the State of New York, hereby (i) consent to the formation of Horizons at Wawayanda, LLC, the redevelopment company designated in the attached Certificate of Formation, which Certificate of Formation is hereby accepted for filing with me in my capacity as supervising agency of the Town of Wawayanda, and (ii) accept for filing with me the Statement of Intent In Lieu of Operating Agreement of Horizons at Wawayanda, LLC, a copy of which is attached and the terms and conditions of which are approved.

John Razzano, Town Supervisor, Town of Wawayanda

Dated: -----, 2007

SCHEDULE B

**CERTIFICATE OF FORMATION
OF
HORIZONS AT WAWAYANDA, LLC
A REDEVELOPMENT COMPANY**

Pursuant to Section 103 of Article V of the New York Private Housing Finance Law

For the purposes of creating a Redevelopment Company as a Limited Liability Company pursuant to Section 103 of the Private Housing Finance Law of the State of New York, the undersigned, constituting all the Members of the Limited Liability Company, declare as follows:

1. The name of the proposed redevelopment company is, Horizons at Wawayanda, LLC, a New York limited liability company formed under the laws of the State of New York (the “Company”), a Redevelopment Company.
2. The purpose for which the Company is formed shall be to acquire real property located in the Town of Wawayanda, New York, and to construct, own, maintain, operate, sell and convey and approximate 107 unit affordable rental housing project pursuant to the terms and provisions of Article V of the Private Housing Finance Law. [All real and personal property acquired by the Company and all structures erected by the Company shall be deemed to be acquired or created for the promotion of the purposes of Article V of the Private Housing Finance Law.]
3. The principal business office of the Company is located at 1055 Saw Mill River Road, Suite 204, Ardsley, Westchester County, New York, 10502.
4. The duration of the Company is to be from the date of filing of the Articles of Organization of the Company with the Department of State and continuing in perpetuity.
5. So long as Article V of the Private Housing Finance Law shall remain applicable to the project, the real property of the project shall not be sold, transferred or assigned except as permitted by the terms and provisions of Article V of the Private Housing Finance Law.
6. The Company has been organized to serve a public purpose and it shall be and remains subject to the supervision and control of the Supervisor of the Town of Wawayanda, New York (hereinafter the “Supervising Agency”), except as provided in Article V of the Private Housing Finance Law, so long as Article V of the Private Housing Finance Law remains applicable to any project of the Company. All real and personal property acquired or created for the promotion of the purposes of Article V of the Private Housing Finance Law.
7. The capital of the Company is currently in the amount of \$100.00.
8. Upon dissolution of the Company pursuant to the provisions of the Subdivision 1 of Section 123 of Article V of the Private Housing Finance Law, the property of the Company may be conveyed in fee as provided in said Subdivision.

9. Any mortgage indebtedness, income debenture, certificates and capital of the Company may be retired if, as and when, the funds of the Company shall be available for amortization purposes in the Company's Treasury.

10. In the event of a violation by the Company of any provision of this of this Certificate or of law or any rules and regulations promulgated under authority of Article V of the Private Housing Finance Law, the Supervising Agency may, by written notice as provided by Article V of the Private Housing Finance Law, advise the members of the Company of its desire to appoint a manager or managers of the Company, who shall exclusively exercise all of the powers of such members for the duration of the appointment of such manager or managers. In the event that the Company fails to comply with the requirements Supervising Agency may, with the approval of any mortgagee and without further notice to the Company or to its members, appoint such manager or managers who shall exclusively exercise all of the power of the members. Managers so appointed need not meet qualifications which may be prescribed by the Operating Agreement, or other rules or regulations of the Company. In the absence of fraud or bad faith, managers so appointed shall not be personally liable for debts, obligations or liabilities of the Company. Managers so appointed shall serve only for a period coexistent with the duration of such violation or until Supervising Agency is assured, in a manner satisfactory to it, against violations of a similar nature. Officers or employees of the supervising Agency who are appointed as managers shall serve in such capacity without compensation.

11. The name and post office address of the Member is:

Horizon at Wawayanda Manager, LLC
1055 Saw Mill River Road - Suite 204
Ardsley, New York 10502

The manager of the Member of Company is of full age. The Member of the Company is a New York limited liability company.

12. After providing for all expenses, taxes and assessments, there shall be paid at least annually out of the earnings of the Company a sum for interest on an amortization of any mortgage indebtedness and depreciation charges if, when, and to the extent deemed necessary by the Supervising Agency, plus interest not exceeding six (6) percentum on outstanding income debentures and a distribution to the members not exceeding 6% of the total of the capital of the Company. The obligation in respect of such payments shall be cumulative, and any deficiency in interest, amortization, depreciation and distribution in any year shall be payable either from any cash surplus derived from earnings in the Company in excess of the amount necessary to provide such cumulative annual sums or from the first available earnings in subsequent years. Any cash surplus derived from earnings remaining in the Company in excess of the amount necessary to provide such cumulative annual sums shall upon dissolution of the Company be paid into the general funds of the Town of Wawayanda, New York.

IN WITNESS WHEREOF, the undersigned have duly made, signed, acknowledged and sworn to this Certification of Formation of Horizons at Wawayanda, LLC Redevelopment Company, as of the day of ,2007.

MEMBERS:

HORIZONS AT WAWAYANDA, LLC

BY: HORIZONS AT WAWAYANDA MANAGER, LLC

BY: KENNETH REGAN, MANAGER