

Wawayanda Town Board Meeting 08/02/2007

August 2, 2007

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:33 P.M., on Thursday, August 2, 2007, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

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

Absent: David S. Cole Councilman

Also Present: Michael Green - Highway Superintendent; Mary Markiewicz and Barbara Parsons - Planning Board Members; Gladys Hall - Historian; and 8 other individuals.

Supervisor Razzano said that he was unable to attend the unveiling ceremony, and took a moment to commend the **Quilting Committee** on the hard work and dedication that went into the **'Our Town' Quilt**. Added that it absolutely exceeds his expectations.

Supervisor Razzano informed the Board that **Councilman Cole** is not in attendance this evening because he is away on vacation.

PLEDGE TO THE FLAG

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

ALL IN FAVOR - CARRIED

PAYMENT OF BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the payment of bills in the amount of \$4,926.24 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 07-01127 thru 01128	\$2,046.41
PPWS 07-01126	\$2,879.83

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 \$220,855.18 Breakdown as follows:

General Fund	G07-01173 thru 1262	\$ 79,324.56
	G07-01287	

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Highway Fund	H07-1131 thru 01172	68,501.39
Water/Sewer Districts	WS07-01263 thru 01286	7,829.23
Robinn Meadows	RMC07-01288	65,200.00
Capital Project		

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$ 813.67
Ridgebury Lake Acres Sewer District	1,440.00
Ridgebury Lake Water District	532.09
Denton Hills Water District	3,215.51
Arluck Water District	639.41
Water/Sewer Dist. #1	1,188.55
Water/Sewer Total =	\$ 7,829.23

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to pay **Garling Associates** for services rendered in reference to:

- Panattoni - \$736.50

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

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to pay **Richard Guertin**, Attorney at Law, for services rendered in reference to the following:

- Greens/Woodbury/Telgheder - \$215.50
- Lakeridge - \$148.50
- Yozzo - \$33.00
- Hallmark Homes/Robinn Meadows (Sewer) - \$66.00

Payment will be made through the Special Trust and Agency account and charged to the escrow account of each project, as listed above.

ALL IN FAVOR - CARRIED

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

- Goodness Garden - \$104.50
- Bradleys Corner - \$313.00
- Shapiro - \$557.60
- Simon Business Park - \$182.10

- Lower Road Associates - \$1035.30
- Grandview - \$349.20
- Mildred Ball - Lot Line Escrow - \$113.30
- Post Child Care - \$142.80
- Remy/Vreeland - \$104.50
- Ridgebury Hill/Razzano - \$1132.52
- Ridgebury Hills/Razzano - \$178.26
- Lakeridge - \$620.78
- Robinn Meadows Sewer - \$760.86
- Robinn Meadows Sewer - \$402.50
- Robinn Meadows Sewer - \$195.52
- Yozzo - \$75.00

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

ALL IN FAVOR - CARRIED

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MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski z**, to reimburse the General Fund for bills that were paid prior to escrow accounts being established. Payments will be made from the following escrow accounts:

- Post Child Care - \$35.00 for Karen Arent Landscape Architect Invoice #07-185
- Panattoni/Tetz - \$535.50 for McGoey, Hauser and Edsall Consulting Engineers Invoice #07-818 and 07-1055

Payment will be made through the Special Trust and Agency account and charged to the escrow account of each project, as listed above.

ALL IN FAVOR - CARRIED

APPROVAL OF MINUTES:

No minutes approved at this time.

LAKE SHORE SUBDIVISION/WATER & SEWER HOOK UP:

Supervisor Razzano said that with us this evening is **John Nosek**, representing Roger J. Ferris, and **Mr. Alan Wolpert**. He explained that they were seeking authorization to hook up ten homes in the Lake Shore Subdivision into the Ridgebury Lake Acres Water & Sewer districts. He then noted that this matter had been brought before the Board last spring, and at that time the Board conceptually agreed to allow them to tap into the districts.

Supervisor Razzano referred to correspondence from **Roger Ferris** which petitioned the Town Board to consider modifying the Ridgebury Lake Acres Water and Sewer Districts to include the Lake Shore Subdivision project. Currently, this project is before the Planning Board for review and approval. It borders the Ridgebury Lake Acres subdivision. The developer intends to extend Shore Drive to Guinea Hill Road, which he believes would be beneficial to both the town and other involved parties.

Attorney Guertin referred to Section 199 of the New York State Town Law and discussed in great detail the strict formal requirements and the lengthy process that would have to be followed, as well as the need of a public hearing.

Councilwoman Soro spoke about grants that were received in the past for the upgrade of our existing plant and that the town had to provide the number of homes that would be involved. Questioned that if the district was extended, would that have any adverse affect on those grants.

Supervisor Razzano responded that the addition of the new homes would not adversely effect the financial standing of the district.

Councilwoman Soro suggested that Russell Budd be contacted for more information on this matter, considering that he knows the ins and outs of the grant process.

Supervisor Razzano said that when Bippin Gandhi provided the services for the plant upgrade that took place a year ago, he was comfortable in saying that the plant was capable of servicing another 10-12 homes without any adverse affect.

Councilwoman Soro questioned if the additional homes proposed on the other side of Guinea Hill Road would also be hooked into the plant.

She was advised that they would not be connected into the Ridgebury Lake Acres Districts, but into an entirely new sewer plant which will be constructed.

Mr. Wolpert referred to the discussion that took place at a Planning Board meeting pertaining to the need for sidewalks in this subdivision, as well as the other subdivisions, and said that usually if the Planning Board is excited about a project he will go out of his way to accommodate any and all of their request. However, with regard to this subdivision, he does not feel that sidewalks would be required considering that the location is extremely rural and heavily wooded.

Discussion took place amongst the Board members and they were in agreement that this was a Planning Board issue.

PANATTONI/WATER HOOK UP: **Supervisor Razzano** said that to date he has not received a formal request from Panattoni, but he has received correspondence from the DEC regarding

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Panationi hooking into Water District #1.

This request indicated that it would just be the water district and not the sewer district. Added that when this takes place, Panationi would be covering all costs involved with the hook up, and that the town would most likely treat them as an out-of-district user.

Councilwoman Soro stated that she had received calls from some of the residents that are in close proximity to this property, and they have expressed concerns about recent activities. She then inquired on the status of the mining permit for that parcel, and commented that she was under the impression that the permit had been taken care of, and that the reclamation of the land is being done by Panattoni. Added that when she went to the Planning Department, no one had copies of the mining permit, and she does not understand why.

ROBINN MEADOWS WATER COMPANY: **Supervisor Razzano** discussed correspondence that was received from **Roy Myers**, the owner of the **Robinn Meadows Water Company**, which indicates his intentions on selling the company.

Supervisor Razzano discussed the fact that this water company had been sold once before, but for unknown reasons Mr. Myers had to take it back. He then provided a brief history of the company and the land that it sits on, as well as information on the recent rate increase. Explained that the Engineers have already been out to inspect the property, and said that he believes that it would be in the best interest of the residents of Robinn Meadows if the town were to take over this system, because the plant would be maintained more efficiently, and costs would be kept down.

Said he has discussed some of the financials with Howard Goldstein, Bookkeeper for the Town, and Mr. Goldstein confirmed that there would definitely be some expenses that the town would have to acquire. **Jeffrey Mills**, our Water/ Sewer Operator has also been consulted, and it is his opinion that if the town were to take over the system, it would take a minimal amount of time to maintain.

Supervisor Razzano said that the Board of Health has already conducted an evaluation of the

maintenance facility, and it has received a favorable review. In addition, our engineers have already been out to inspect the property. The next step would be to bring in an appraiser
Councilwoman Soro said that we all agree that whatever action is taken has to be in the best interest of the residents in Robinn Meadows. Suggested that a survey be sent to those individuals, and the questions should be geared to identify what kind of problems they are experiencing, if any. She provided examples of what she was referring to, such as discolored water, evidence of iron in the water, and experiences with water pressure.

Supervisor Razzano noted that the asking price is \$250,000.00 (two hundred fifty thousand). Some further discussion took place, but no action taken.

ARLUCK WATER DISTRICT/TANK REPLACEMENT:

Supervisor Razzano spoke about the bid proposals that were received by May 5, 2007, in response to the 'Request for Quotation' for a 3,000 gallon steel hydropneumatic tank with all materials and appurtenances, as advertised in the 'Times Herald Record' on April 24, 2007.

Three proposals were received as follows:

USA BLUEBOOK -	\$14,084.27
Schmidts Wholesale, Inc. -	\$17,228.00
Yorgey Supply Corp. -	\$17,493.00

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to accept the proposal from USA BLUEBOOK for the amount of \$14,084.27.

ALL IN FAVOR - CARRIED

NYS ASSOCIATION OF TOWNS SUPERINTENDENTS OF HIGHWAYS ANNUAL CONFERENCE: **Michael Green**, Highway Superintendent, will be attending the NYS Association of Town Superintendent of Highways annual conference. The conference will take place the week of September 25th -28th, 2007, and the registration fee is \$90.00 plus meals and lodging.

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MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize the attendance of Michael Green at the annual NYS Association of Towns Superintendent of Highways annual conference.

ALL IN FAVOR - CARRIED

MICHAELGREEN//MARRIAGE OFFICER: Two town residents have asked Highway Superintendent Green to perform their marriage ceremony. In order for Mr. Green to do so, he must be appointed a Marriage Officer by the Town Board.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to appoint Michael Green a Town of Wawayanda Marriage Officer.

ALL IN FAVOR - CARRIED

ARTICLE X RESOLUTION: The Association of Towns sent a letter to the Supervisor's office encouraging the town to contact the Governor, the State Senator, Assembly Member, and members of the Joint Legislative Conference on Energy to express concerns regarding the Article X power plant siting policy.

Supervisor Razzano read a section of the letter as follows: 'The New York State Legislature is

currently negotiating a renewal of Article X of the Public Service Law which will put in place a new State Permit for the siting of power plants. Towns have the authority to site power plants off and on over the years. Most recently with the expiration of the State power siting legislation on December 31, 2002, towns have spent considerable time and expense developing and implementing local laws to site large-scale wind turbine power generation facilities (wind farms). The legislation currently under consideration by the Legislature will pre-empt local authority over the siting of wind-farms in favor of the ‘stream-lined’ state siting policy.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the Supervisor’s office to forward a letter advising that the Town of Wawayanda opposes the new State Legislation.

ALL IN FAVOR - CARRIED

THOMAS MOONEY/SOLICITOR’S PERMIT: **Teresa Pierce**, Town Clerk, submitted a memo advising that **Thomas Mooney**, who operates the **Hot Dog Wagon** on the Soons’ property in the Denton Hill area has submitted a request for a renewal of his permit for the upcoming year. Ms. Pierce has check with our Code Enforcement Officer, Jack Grifo, and he advised that he has had no complaints about Mr. Mooney’s operation. The Town Clerk’s office has received a current Orange County Food Handling Permit and an Insurance Certificate is on file.

Supervisor Razzano advised that the permit was approved last year, and at that time there was a discussion on the matter of a permanent structure being placed on the site. Added that the previous hot dog vendor had come to the town board with plans for a permanent structure, and that Mr. Soons had also appeared before the board. After that, it became apparent that there would be no movement on plans for a permanent structure.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize the renewal of a solicitor’s permit, not to exceed 1 year, to Thomas Mooney to operate a hot dog vending unit on the Soon’s property which is located adjacent to County Route 12.

ALL IN FAVOR - CARRIED

Councilwoman Soro questioned the number of solicitor permits that have been issued in the town, and expressed her concerns with such companies as Schawns who operate in the town without a permit. Spoke of a situation that took place a few months ago with representatives from Frontier going from home to home inquiring about phone services.

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JEFF MILLS JR./RESIGNATION: **Supervisor Razzano** read a resignation letter from Jeff Mills Jr. from his position in the Water & Sewer Department.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to accept Jeff Mills Jr.’s resignation from his position in the Water & Sewer Department.

ALL IN FAVOR - CARRIED

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 specific personnel issues.

ALL IN FAVOR - CARRIED

EXECUTIVE SESSION: No action taken.

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

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to hire **Manuel Orellan** as a part-time water and sewer maintenance worker, to work weekends and holidays, four to five hours a day, as well as being on call, at a starting salary of \$18.00 per hour.

ALL IN FAVOR - CARRIED

Councilwoman Soro questioned the starting salary, and was informed that Mr. Orellan currently works for the Village of Goshen's Sewer Plant, and that he is a licensed Water & Sewer Operator, currently holding two licences. Added that he has seven years experience and comes highly recommended from his current employer.

Supervisor Razzano noted that Jeff Mills Sr. currently holds a license to operate, and that Mr. Mills believes that it just might become a state mandate for all water and sewer operators to hold a license.

BIKE TOUR: Robert Daily submitted notification to the Supervisor's office, informing him that a Bike Tour will be taking place on September 9th, 2007. The tour will begin at 8:00AM at the Warwick Valley High School and will be running through our town.

CODE OF ETHICS: Councilwoman Soro spoke about her concerns with the need to appoint individuals to an **Ethics Committee**.

A discussion took place that consisted of specific instances when a committee would have been beneficial.

The other Board Members provided **Councilwoman Soro** with their thoughts on the subject. **Councilwoman Soro** put a motion on the floor that a Committee be named, but it was not seconded.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to table this matter until a future date.

ALL IN FAVOR - CARRIED

PUBLIC COMMENTS & QUESTIONS

Barbara Parsons spoke about the survey that was suggested earlier in the meeting with regard to the acquisition of the **Robinn Meadows Water Company**. Advised that it should be noted in the survey that if the town were to buy the company, the monies would have to be bonded, and the financial obligation would be that of the people within that water district.

Ms. Parsons thanked the Board for supporting the **Article X Resolution**, and provided the Board with her reasoning as to why she felt it is so important. Added that with regard to the revisions taking place with the **Zoning**, a component should be placed in the code that would allow the Planning Board to ask for **Green Technology**, because in another 5 years that is what we will be dealing with.

Ms. Parsons also provided her comments on the need for an **Ethics Committee**.

BUDGET TRANSFER FOR ROBINN MEADOWS SEWER DISTRICT:

Supervisor Razzano stated that Howard Goldstein, Bookkeeper for the Town, has informed him that the bond for the Robinn Meadows Capital Fund Project is coming due, as of August 23, 2007. The principal amount is \$110,000 (one hundred, ten thousand dollars), and with interest it is somewhere in the vicinity of \$114, 000 (one hundred and fourteen thousand dollars).

Supervisor Razzano requested that the General Fund loan the Robinn Meadow Sewer District the funds to pay off this bond, and in a few months, when the money is bonded for the sewer district upgrade, both amounts will be incorporated together. When the time comes to bond the sewer plant upgrade, Robinn Meadows Sewer District will pay the General Fund back, with interest.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the General Fund to loan the Robinn Meadows Capital Project Fund no more than \$120,000.00 (one hundred twenty thousand dollars) to pay off a note due on August 23, 2007, and for this loan to be paid back with interest.

ALL IN FAVOR - CARRIED

David Whitworth commented that since the **Robinn Meadows Water Company** is a private entity, and the Supervisor stated that he is confident that a private entity will come in and take it over, why is the town rushing to be a buyer of the first resort rather than a buyer of the last resort?

Supervisor Razzano responded that the confidence that a private entity would buy the water system comes from the fact that a Water Company is a type of business that makes money, and you are guaranteed to make a profit.

Councilman Krajewski added that if this company were to be taken over by a private entity, once they started seeing a profit, the rates would progressively increase.

Ethics Committee/Formation: A further discussion took place amongst several of the members of the audience and members of the board regarding this subject.

Connie Litchenberger provided her input on the **Ethics Committee**, and expressed her concerns with regard to the negotiations for **Library Service** and the fact that for residents in the Goshen School districts taxes have been increased because an expansion of a school, and the new library. Also, spoke about some of the issues she had with the **Hot Dog Vendor** located on the Soon's property.

Deborah Glover had questions about the proposed **Zoning Code** and the **Street Specifications**, and also inquired about **Pine Lane** and the **Tetz Mining Permit**.

NO OTHER BUSINESS OR COMMENTS.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:26 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk/RMC