

Wawayanda Town Board Meeting 05/15/07

May 15, 2007

A regular monthly workshop meeting of the Town Board of the Town of Wawayanda was called to order at 7:30 P.M., on Tuesday, May 15, 2007, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

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

Also Present: Mary Markiewicz - Planning Board Member; Gladys Hall - Historian; and 4 other individuals.

PLEDGE TO THE FLAG

Councilwoman Soro addressed **Supervisor Razzano** and stated that prior to the adjournment of the last meeting, she requested that two separate issues be placed on the agenda for this meeting, and it was not done.

Supervisor Razzano said that they did not appear on the agenda because his intention was to address those issues in an Executive Session.

Councilwoman Soro did not wish to speak of them in Executive Session, and after further discussion, it was determined that the issues in question would be addressed at the end of this meeting.

LIBRARY COMMITTEE:

Guy VanRossum, introduced himself as the newly appointed Chairman of the Library Committee. For personal reasons, the former chairman, Valerie Gold, had resigned from the position.

Mr. VanRossum reported that the committee has had four meetings to date. He then discussed the possibilities of how library services could be reinstated to the residents of the Town, as follows: 1) Build our own Library, 2) Contract with an existing Library either on our own or through the school, and 3) Contract on a yearly basis with an existing Library.

He then stated that the third option appears to be the best because if we were to contract with a library for one year, it could be done quickly, and it would be the most inexpensive way to go. He informed the Board that the committee has met with representatives from the Thrall Library System, and the meeting proved to be very informative and helpful. They have also been in contact with other libraries such as Port Jervis, Warwick, Florida and Goshen. They have spoken with the directors of these facilities, and these directors have agreed to speak to their boards, to see if they would be interested in working with us.

He then provided each Town Board member with a copy of a survey that the committee would like to see incorporated in the next town newsletter, and said that the committee is hoping that the feed back would provide them with the information they need to decide on which path they would pursue. At this time the Committee's main concern is how they are going to finance this project. It appears that it may have to be placed on the tax roll, and this would mean that it would have to be put to a vote at the next election. Added that they would need to be very careful with the decision because, if it goes to a vote, they would have to do their homework to make sure that it would pass.

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Supervisor Razzano commented that he would like to see the services restored back into the town, and agreed that cost was the major factor. Asked if there seemed to be any hope to reinstate the system that we had already had in place, and was informed that the Thrall Library would like to have us join them as a district.

Mr. VanRossum stated that he was in contact with the director from the Port Jervis Library today and they are very eager to have us join them, but a major concern is, "Would the people be willing to go to Port Jervis?"

Mary Markiewicz asked "If we contracted with Port Jervis, wouldn't we still be part of the Catskill Ramapo Library System?"

Mr. VanRossum responded, "Yes, we would be part of the Ramapo Catskill Library System. They have requested that if we were to contract, it should be with the Library that our residents are actually going to be using".

Further discussion took place regarding other possibilities, as well as a means of funding. The next Library meeting will be held at Town Hall on June 5th.

BID RESULTS / CRUSHED ROCK SALT:

In response to the 'Notice to Bidders' which appeared in 'The Times Herald Record' on April 20, 2007, there were two companies that had submitted bids which were opened at 12:00 P.M. (Noon) on Thursday, May 10, 2007. Both companies included properly executed 'Non-Collusive Bidding forms, as required.

Bids were, as follows:

| BIDDER | ITEM | BID AMOUNT |
|--|---|-------------------|
| Cargill Deicing Technology Suite 450 24950 Country Club Blvd. North Olmsted, OH 44070 | Delivery by truck to Highway Garage - April thru Sept | \$43.13 per ton |
| | Delivery by truck to Highway Garage - Oct. Thru March | \$48.13 per ton |
| International Salt Co. 655 Northern Blvd. Clarks Summit, PA 18411 | Delivery by truck to Highway Garage - April thru Sept. | \$64.89 per ton |
| | Delivery by truck to Highway Garage - Oct. thru March | \$64.89 per ton |

No bids were submitted in regards to **delivery by Rail**

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to accept the salt bid from Cargill, Incorporated-Deicing Technology.

ALL IN FAVOR - CARRIED

BID RESULTS/RENTAL OF HEAVY EQUIPMENT:

In response to the 'Notice to Bidders' which appeared in The Times Herald Record on April 20, 2007, three companies picked up specs, but only one company submitted a bid which was opened at 12:00 P.M. (Noon) on Thursday, May 10, 2007 April 27, 2006, as follows:

BIDDER

Boyce Excavating Co., Inc.
88 Monhagen Avenue
Middletown, New York 10940

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| Type of equipment | Machine Only | Machine w/Operator |
|------------------------------|--------------|--------------------|
| Bulldozer | | |
| D7 | \$105.00 | \$135.00 |
| D6 | 77.50 | 102.50 |
| D4 | 60.00 | 85.00 |
| D3 | 60.00 | 85.00 |
| Excavator Cat 315 | 85.00 | 110.00 |
| Excavator Cat 322 | 105.00 | 135.00 |
| 15 Ton - Vibratory Roller | 70.00 | 95.00 |
| Backhoe - 580 Case (4X4) | 55.00 | 80.00 |
| with Extend-A-Hoe | | |
| Mini-Excavator 307B-W/Blade | 60.00 | 85.00 |
| (Rubber Tracks) | | |
| ***Other machines available: | | |
| EXCAVATORS | | |
| CAT 325 | 120.00 | 150.00 |
| CAT 330 | 150.00 | 180.00 |
| CAT 345 | 345.00 | 375.00 |
| TRUCKS | | |
| MOXY 30 Tons Off-Road | 120.00 | 150.00 |
| Triaxle Dumptruck | | |
| CAT 227 Rubber Track | 50.00 | 80.00 |
| Skid Steer | | |

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to accept the Heavy Equipment Rental Bid, as submitted by Boyce Excavating Co., Inc.

VOTE

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

MOTION CARRIED

GREYSTONE STABLES/PERMIT FOR HORSE SHOWS: Jody Moraski, the owner of Greystone Stables, submitted an application for a permit to conduct horse shows on her property. She plans to have three this year, with the first being on May 27th. She has conducted similar events in the past, and according to Code Enforcement Officer Grifo, there have been no complaints with last year's activities.

Both **Councilman Cole** and **Councilman Krajewski**, who live a distance from the farm, stated that they can hear the announcements at 7:00 A.M., and would like to request that Ms. Moraski turn down the volume on the sound system.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize the Town Clerk to issue permits for Greystone Stables on the condition that an acceptable insurance certificate is provided, naming the Town of Wawayanda as an additionally insured entity, and that a letter be sent requesting the volume be turned down on the sound system.

ALL IN FAVOR - CARRIED

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YOZZO LETTER OF CREDIT: Supervisor Razzano stated that this was an oversight, and that the Irrevocable Letter of Credit should have been included in with the motion to accept the Development Agreement that was approved at the May 3rd business meeting.

MOTION by Supervisor Razzano, seconded by **Councilman Penaluna**, to accept an Irrevocable Letter of Credit in the amount of \$300,000 (three hundred thousand dollars), in association with the road construction within this development, as well as other related costs.

ALL IN FAVOR - CARRIED

TEDAMAN BUILDING: Supervisor Razzano informed the Board that **Jack Grifo**, Building Inspector, has requested that the matter regarding the Tedaman Building be brought back to the Town Board for discussion. This case was heard in our court, and they stated that they were in the process of selling the building, and that their intentions are to make the proper applications to the Zoning & Planning Boards for a future site plan variance. Supervisor Razzano added that the follow-up court date is scheduled for June 12th, 2007.

Councilman Cole spoke about a recent site visit that he went on with Tom Lyons and Jack Grifo, and noted that since a prior visit, the situation has gotten worse. Previously, the back room was completely barren, and now it is filled with merchandise. He spoke of major problems observed during the visit, as follows: 1) All of the fire extinguishers were completely blocked with no way of getting to them in the event of an emergency. 2) There were flammable liquids on the shelves, 3) Motorcycles are being repaired on the premise, which was quite disturbing to see, and 4) The basement is completely filled with assorted lumber and furniture which could cause a fire hazard.

Supervisor Razzano suggested that a letter be sent notifying them that the Town is considering taking Supreme Court action if this matter is not resolved. He then spoke of a conversation he had with the owner last week. He posed the question of whether or not they were under contract to sell the building, and his response was that they were. If this is the case the property should be sold in a couple of months.

Further discussion took place amongst the board members with regard to all the action that has been taken to date, and the fact that this matter still has yet to be rectified. It was agreed that a letter will be sent to the owner.

REMEY CONSERVATION EASEMENT: Two Conservation Easements have been received from Attorney Bill Bavoso. He has recommended acceptance by the Board.

Supervisor Razzano stated that the appropriate action would be a Town Board resolution accepting both Conservation Easements and authorizing him (Town Supervisor) to sign them so that they may be sent to the County and recorded.

MOTION by Supervisor Razzano, seconded by **Councilman Krajewski**, to adopt a resolution to accept both Remey Conservation Easements, and to authorize the Supervisor to sign the documents so that they may be sent to the County for recording purposes.

ALL IN FAVOR - CARRIED

INTERSTATE WASTE SERVICES:

Supervisor Razzano informed the Board that he has received a one year renewal contract with Interstate Waste Services for services related to the dumpsters at Town Hall, the Highway Garage, Robinn Meadows Sewer District, and Shannen Park.

Supervisor Razzano stated they he received a proposal from another trash hauling company, and as a result of a discussion that took place with Interstate Waste, they have agreed to lower their pricing by approximately \$1,000.00 (one thousand dollars) a year, so that they would not lose our business.

MOTION by Supervisor Razzano, seconded by **Councilman Penaluna**, to authorize a one year renewal contract with Interstate Waste Services.

ALL IN FAVOR - CARRIED

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COLLATERAL SOURCE BILL: **Barry Schwartz**, Assistant Chief in the Appeals Division of the New York City Law Department, forwarded an e-mail to the Supervisor's office urging support of the Collateral Source Bill. When sued by their employees in personal injury actions, the bill would provide public employers with the same protections already granted to private employers and everyone else by having jury awards against them for lost future earnings offset by any accident disability pension or other source of compensation that the public employee will receive to replace those very same lost earnings.

Supervisor Razzano said that since this information was just provided to the Board members there would be no action taken this evening, and that he just wanted to make them aware of the bill. This matter will be addressed again at the June Business meeting.

POST ROAD SEWER PUMPS/QUESTION OF OWNERSHIP:

Supervisor Razzano said that they have been going round and round with the question of ownership of the pumps on Post Road. There are two issues that need to be addressed, and the first one is the fact that there are three individual pumps that serve three individual properties, and then we have the situation with the lines being located in the backyards rather than in the street as the original maps indicated.

Supervisor Razzano asked the Board if they would consider, as a compromise, that the town agree to take over just the sewer lines.

Councilman Krajewski said that it does not seem fair that the taxpayers would have to fund an error that was not the town's creation.

Councilman Cole said that a precedence has already been set with the previous administrations.

Councilman Krajewski added that just because someone has received a benefit that they were not entitled to, does not mean that you're on the hook, and that the benefit should be provided forever. If anything, the district itself should be taking over the financial responsibility, and not all property owners in the town.

Supervisor Razzano clarified that it would be the district taking it over, and not the town.

Councilwoman Soro asked if the fees that these individuals were paying were capital charges, and if so, just what was this money actually used for.

Supervisor Razzano responded that, "Yes, they were paying capital charges just like everyone else pays, and the money is used for the general upkeep of the sewer plant". He then referred to the recently adopted sewer code that states that each homeowner is responsible for the equipment from the house to the main.

Councilwoman Soro said that what really concerns her is that if ever a piece of equipment were to break down, and causes a leak in the pipes, this could have the potential to allow contaminants to get into the stream, as well as the lake. She then expressed an opinion that she believes that not one of these homeowners would have the financial means to correct the situation. Their only option may be to abandon the property.

Councilman Cole stated that as far as he is concerned, the individual pumps are definitely the responsibility of the homeowner. He then added that this situation just may be a give and take in regards to both aspects. Considering the lines that run underneath the backyards, and considering the fourth property owner who may not be aware that the line runs through his/her backyard, and since they all pay capital charges, Councilman Cole suggested that the town enter into an Easement agreement that would address just the lines. The pump stations would remain the homeowner's responsibility. Regardless of who made the error, he believed the pipes should be the district's responsibility.

Councilman Penaluna added "Then the only concern of each homeowner would be the maintenance of the pump".

Supervisor Razzano stated that we could conceivably send out a letter stating that the town will compromise and agree to assume the responsibility for the lines. However, they may come back and say that they want all or nothing.

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After further discussion the board agreed that as long as it was the district that assumed the financial responsibility, they would agree to an easement that would designate that the town would be responsible for maintaining all of the underground pipe that currently runs through the properties. Further action will be taken at a future Town Board meeting.

COUNCILWOMAN SORO COMMENTS & QUESTIONS:

Middletown/New Jersey Railroad: Councilwoman Soro asked the Supervisor if he had any updates on the status of the Middletown/New Jersey Railroad.

Supervisor Razzano said that a draft agreement has been sent to Russell Budd, Attorney Guertin and Gary Bowitch, as well as the two entities of Chartwell. In all honesty, Chartwell was unhappy with some of its content, and they have been in contact with Gary Bowitch.

Supervisor Razzano noted that he had spoken with Mr. Bowitch a couple of days ago, and he said something to the effect that when he completed the agreement for the City of Middletown he would forward a copy to us so that we could use it as a guide.

Councilwoman Soro stated that she has spoke with Mayor Marlinda Dunkinson and she informed her that they were close to completion.

Supervisor Razzano said that was the last time he had received any information, and that we certainly cannot force them into agreeing to anything, but there are a few items in the agreement that are certainly negotiable.

Councilwoman Soro spoke about the meeting that was attended by the Supervisor Razzano, Councilman Cole, and Councilman Krajewski, and asked that since there was a quorum in attendance was there any agreements made?

Supervisor Razzano said that there were no agreements made, and that he can assure everyone that the consensus of those in attendance, no activity was going to take place in the Town of Wawayanda. They would be required to come in front of our Planning Board, and obtain the proper site plan approvals, as well as any necessary approvals from the Town Board. With regards to the 'Transportation Act' which states that they would not be required to obtain any local approvals, we can safely say that the representative of Chartwell agreed with us on that. They would follow the proper procedure.

Councilwoman Soro said that it was her understanding that the offices have moved back to the state of Virginia.

Supervisor Razzano added that the Secretary has been laid off, which could be an indication that the project may not be turning out as expected.

Solid Waste Laws: Councilwoman Soro said that she was here at Town Hall and was approached by a resident who asked her opinion on certain aspects of the Solid Waste Law, which prompted her to go to the Supervisor's office and request some information. After reviewing the information there were some items that she just did not agree with. Stated that she was not opposed to having the train, if it ever gets up and running, bringing goods and commodities that would be of service to our community. It is the box cars bringing garbage and the other junk through the town, that she is opposed to.

Supervisor Razzano said that they have gone round and round with the word 'transfer', which is a very difficult word, and encompasses a lot of products. Believes that the Town has been quite clear on exactly what we do and do not want.

Councilwoman Soro agreed that the wording can get somewhat confusing, when reading through the documents. She commented on the map that she had seen, and said that with regard to the Transfer Station that is proposed to be located in our town, it is quite large, and she is afraid that we would end up being referred to as the 'Garbage Capital' on the east coast.

Councilman Cole added that they assured us that they were not going to be dealing in trash.

Supervisor Razzano offered **Councilwoman Soro** a copy of the agreement, and she informed him that she was already in possession of one, and that she is aware that it is a confidential agreement.

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Councilwoman Soro added that the Town Board should have been brought on board with the negotiations from the beginning, instead of where they are now. Reiterated that she is against transfer stations, and she does not believe that anybody who has a house along that rail line, within a quarter or half mile, is going to want any kind of nonsense coming down those rail tracks.

Councilman Cole spoke again about the word 'Transfer Stations' and that it could quite possibly have many different meanings.

Councilwoman Soro said that she is unaware of the legal definition, and what is going to be allowed. She asked if they are going to be allowed to have 'Transfer Station' or a 'Trans Loading Station', and if so, where are we tied in with what the law says what we want in our town.

Supervisor Razzano responded to **Councilwoman Soro** by saying that she keeps referring to a 'Transfer Station', and that word has gained a lot of popularity over the last year. The essence of the railroad is a 'Trans Load Facility'.

Further discussion took place regarding other concerns such as the potential odor which could quite possibly be contained within these box cars.

Union Negotiations: Councilwoman Soro asked where the Town was with the Union Negotiations, and Supervisor Razzano informed her that they are on-going, and that at this time they are currently stuck on one issue.

Highway Truck Accident on US Route 6: One of our highway trucks was involved in an accident in front of Janie's Sunoco on Route 6. Another driver cut in front of Edwin Remy and side swiped him. He injured his shoulder, but otherwise is okay. The Insurance company is now handling this.

Discussion took place on the procedure of having the truck repaired, and that Green's Auto Body will be submitting an estimate.

Councilman Cole suggested that a second estimate be obtained.

Solicitors Permits: Councilwoman Soro asked Teresa Pierce, Town Clerk, approximately how many Solicitor Permits have been issued since the town passed the Law.

Ms. Pierce responded that Mr. Franz, a/k/a Mr. Ding A Ling, is the only one to date who has completed the paperwork and has been finger printed. We did have another inquiry from a woman who was looking to have a small hot dog stand.

Further discussion took place on the importance of enforcing this local law.

Mrs. Pierce asked the Board for clarification on whether or not she is required to have Town Board approval on any future applications. It was determined that as long as the Building Inspector was consulted, and no complaints have been issued, it would be fine for the Town Clerk to issue the Peddler & Solicitor permits without the necessity of coming before the Board.

NO OTHER BUSINESS OR COMMENTS.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 8:48 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk