

## Wawayanda Town Board Meeting 05/03/07

May 3, 2007

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:34 P.M., on Thursday, May 3, 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
Richard Guertin	Attorney for the Town
Teresa Pierce	Town Clerk

Also Present: Michael Green - Highway Superintendent; Mary Markiewicz & Barbara Parsons - Planning Board Members; and 9 other individuals.

### PLEDGE TO THE FLAG

#### CONTINUATION OF PUBLIC HEARING ON WATER CODES LAW:

**Supervisor Razzano** read the ‘ Notice of Continuation of Public Hearing’ on the proposed Water Codes Local Law which was posted on the Bulletin Board at Town Hall, the Town of Wawayanda Website, and the local Cable TV Channel.

**Mary Markiewicz** asked if the comments from the Orange County Planning Department have been received.

**Supervisor Razzano** responded that the comments have been received, and have already been discussed at the Town Board’s April Workshop Meeting.

**Attorney Guertin** said that from a procedural standpoint, the comments from the County were more thoughts and ideas. There was really one main suggestion, and that was about dealing with notice to property owners of single family residences. He then added that it would be safe to say that the town has incorporated the significant comments.

**Supervisor Razzano** said that the biggest debate was on the **Mandatory Hook-Ups**, and that the code has been amended to require that it will be mandatory for commercial users to hook-up into the district, and that it will not be a mandatory requirement for residential users.

**Attorney Guertin** summarized that what this does is allow single family residences, that have existing wells or septic systems that are operating properly, to be exempt from hooking into the system. They will, however, still be required to pay the capital charges.

**Councilwoman Soro** requested that, in the future, after changes have been made to a proposed document, a hard copy with the incorporated changes should be provided to each Board Member.

**Supervisor Razzano** said that Attorney Guertin e-mailed the revised document to each board member.

**Supervisor Razzano** discussed the changes **Attorney Guertin** noted in his cover letter as follows:

- 189-4: Connection To Public Water System Required:** Addressing some of the grammar use in subsection B, the text with regards to the notification to the owner.
- 189-5: Specific Regulations:** Typographical error corrected.
- 189-7: Alternate Sources Of Water:** Typographical error corrected.
- 189-16: Promulgation Of Water Rates And Changes By Resolution of Town Board:** This section addresses the fact that whether or not the water or sewer service is utilized the resident would still be responsible for the capital fee.

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**Councilwoman Soro** commented that if the town is going to continue considering taking over water districts, there needs to be more involvement on the part of the town. When it comes to conducting pump test, the Town needs to take a more active role, in order to ensure that the tests are done properly, as a means of protection for the current homeowners, as well as any future homeowners.

A lengthy discussion took place regarding pump tests, and how they were conducted in the past. Suggestions were given on how they might consider being done in the future.

**Mike Bradford**, of 263 Post Road, questioned if this discussion was regarding the town forming a new water district in the future. Asked if a homeowner would be required to hook into the district, and would they have to pay capital charges. Would they also be required to cover the cost of the installation of the pipe that would be required, and potentially pass through another person's property to get to the water system?

**Supervisor Razzano** referred to the section in the law that pertains to the requirements for a new system, and stated "In regards to the procedure of 'Pump Tests' an amendment was made to §189-15 A, and an additional sentence was added. The amended verbiage is as follows: 'The Town Engineer shall review and witness any pump test and improvement design to insure that an adequate supply of water exists to service existing and prospective uses of water for existing systems and for all new water districts which will be formed in the future, unless such pump tests have already been conducted as of the effective date of this chapter.'"

No other questions or comments. All who wished to speak had been given the opportunity to do so.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to close the public hearing.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt the proposed Water Code Law, with the amendments made to §189.15 A, as Town of Wawayanda, Local Law #1 (One) of 2007.

**ALL IN FAVOR - CARRIED**

**\*\*\*A complete copy of Local Law #1-2007 will appear after these minutes in the official Minute Book, as addendum #1.**

**CONTINUATION OF PUBLIC HEARING OF SEWER CODES:**

**Supervisor Razzano** read the 'Notice of Continuation of Public Hearing' on the proposed Sewer Codes Local Law which was posted on the Bulletin Board at Town Hall, the Town of Wawayanda Website, and the local Cable TV Channel.

**Supervisor Razzano** stated that the Sewer Code entailed the same issues as the Water Code, and the revisions were handled in the same manner. The only revision to the Sewer Code was that Single Family residences would not be mandated to hook-up into the system, but they would still have to pay capital charges.

**Mike Bradford** asked if the Town would designate certain residences to be included in the district, and if the sewer main had to go past the properties, would those homeowners have to cover the cost of hooking into the district, if they were required to be a part of the district.

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**Attorney Guertin** responded that, according to the code, the property would have to be located within 100 feet of the public sewer system. If a single family dwelling had a properly working septic system, it would not be required to hook in, but would still be required to pay capital charges.

**Barbara Parsons** asked if pipe that runs through Carol Moore's property was a feed pipe back to the system, and **Supervisor Razzano** said that he believed it was.

**Ms. Parsons** then asked "If someone were to come in and develop on that property, would they be required to hook in?", and clarified that she is asking this question to prevent another situation as the one with Mr. Bradford.

**Supervisor Razzano** responded that there may be a lot of factors involved, but it just may be a suitable place for someone to potentially tap in.

No other questions or comments. All who wished to speak were given the opportunity to do so.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to close the public hearing.  
**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt the proposed Sewer Code Law, with the amendments made to §307, §309, and §1203, as Town of Wawayanda Local Law #2 (Two) of 2007.

**ALL IN FAVOR - CARRIED**

**\*\*\*A complete copy of Local Law #2-2007 will appear after these minutes in the official Minute Book, as addendum #2.**

**PUBLIC HEARING:**

**A LOCAL LAW TO AMEND THE STREET SPECIFICATIONS CODE OF THE TOWN OF WAWAYANDA:**

**Supervisor Razzano** read the Notice of Public Hearing as it appeared in the Times Herald Record on April 20, 2007.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to open the Public Hearing.

**ALL IN FAVOR - CARRIED**

**Supervisor Razzano** stated that at current time there are two pending subdivisions, (Lakeridge & Ryerson Court), which cannot move forward until the revisions to the Street Specifications are completed and adopted.

He spoke about a lengthy conversation, earlier in the day, which included the Building Inspector, Highway Superintendent, Bill Bavoso, the Planning Board Attorney, Attorney Guertin, and himself. The conversation focused on the issues of how and when the town will issue a Certificate of Occupancy, and when the town will take over the roads. At this time, there is a conflict between the Building Code and the Street Specifications. They need to be made more uniform before either of the projects are able to move forward.

**Attorney Guertin** said that at today's meeting they discussed the provisions in the Subdivision Code, which talks about performance security; maintenance security that refers to performance bonds; and letters of credit which is a variation of what's in the Street Specifications Code. Also, there is one section in the Subdivision Ordinance that says there is to be no Certificate of Occupancy issued until a road is completed and accepted by the Town. In another sections, it states that a Certificate of Occupancy can be issued if everything has been completed, except the top coat.

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**Attorney Guertin** explained that since amendments were to be made to the two separate codes, his intention was to introduce two separate local laws, but on suggestion from Bill Bavoso, the changes are being addressed in one local law that will remove the conflicts and inconsistencies from the Street Specifications and the Subdivision Code.

He continued to explain specific changes and the wording that appears in **§158-5 Performance Security (A)**, and in **§158-5 (A) (1)** which make the law more consistent and definitive with specific requirements in regard to ‘Performance Security’, and with the setting of a two year time limitations on the road construction and associated apurtenances prior to acceptance for dedication to the town.

**Supervisor Razzano** requested that a few words be added to this section so that it will read “and all house connection **stub outs** for each lot in accordance with the approved plans and specifications”.

**Attorney Guertin** noted that subsection (2) will remain the same, and that subsections (3) & (4) are new to the code, and continued to review other sections of the law.

**Barbara Parsons** asked if these Street Specifications were only going to apply to the roads that the town intended on taking over, and if so, what will happen in regard to the new Zoning and with future private roads.

**Supervisor Razzano** explained that private roads are addressed in the Local Law under §158-8. A lengthy discussion took place regarding the road width, as well as the width of the shoulder.

No other questions or comments. All who wished to speak were given the opportunity to do so.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to close the public hearing.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Councilman Cole**, seconded by **Councilman Penaluna**, to adopt the proposed Street Specifications Code, with the incorporated amendments that were discussed at this meeting, as Town of Wawayanda Local Law #3 of 2007.

**VOTE**

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

**MOTION CARRIED**

\*\* **Supervisor Razzano** abstained from voting because he owns some land in the Town.

\*\*\***A complete copy of the Local Law #3-2007 will appear after these minutes in the official Minute Book as addendum #3.**

**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.

**Wawayanda Town Board Meeting 05/03/07****APPROVAL OF DEPARTMENT REPORTS:**

**MOTION** by **Councilman Cole**, seconded by **Supervisor Razzano**, 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 \$5,550.47 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 07-00540 thru 00541	\$1,290.40
PPWS 07-00542 thru 00543	\$4,210.07

**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 \$86,261.66 Breakdown as follows:

General Fund	G07-589 thru 675, & G07-700 thru 701	\$52,929.66
Highway Fund	H07-547 thru 588	25,639.39
Water/Sewer Districts	WS07-676 thru 699	7,692.61

**WATER/SEWER BREAKDOWN:**

Robinn Meadows Sewer District	\$ 655.05
Ridgebury Lake Acres Sewer District	1,306.97
Ridgebury Lake Water District	792.20
Denton Hills Water District	1,045.39
Arluck Water District	2,847.97
Water/Sewer Dist. #1	1,045.03
Water/Sewer Total =	\$ 7,692.61

**ALL IN FAVOR - CARRIED**

**APPROVAL OF MINUTES:**

The Town Clerk requested approval of the minutes of the March 20th, March 28<sup>th</sup>, April 5<sup>th</sup>, and April 17<sup>th</sup> Town Board meetings, as presented.

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Cole**, to approve the minutes of the March 20th, March 28<sup>th</sup>, April 5<sup>th</sup>, and April 17<sup>th</sup> Town Board meetings, as presented by the Town Clerk.

**ALL IN FAVOR - CARRIED**

**B&S MATERIALS ESCROW/PAYMENT TO KAREN ARENT LANDSCAPE ARCHITECT:**

**MOTION** by **Councilman Penaluna**, seconded by **Councilman Cole**, to authorize payment in the amount of \$122.50 to Karen Arent Landscape Architect for site visit and plan review in reference to **B&S Materials**, with payment being made from a Special Trust & Agency Account and charged to the B&S Materials Planning Board Escrow Account. ( Balance in said account before payment is \$800.00).

**ALL IN FAVOR - CARRIED**

**Wawayanda Town Board Meeting 05/03/07****B&S MATERIALS ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment in the amount of \$194.00 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **B&S Materials**, with payment being made from a Special Trust & Agency Account and charged to the B&S Materials Planning Board Escrow Account. (Balance in said account before payment is \$677.50).

**ALL IN FAVOR - CARRIED**

**DOLCE FERRERA ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment in the amount of \$59.50 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Dolce Ferrera**, with payment being made from a Special Trust & Agency Account and charged to the Dolce Ferrera Escrow Account. (Balance in said account before payment is \$535.00).

**ALL IN FAVOR - CARRIED**

**LOYAS ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment in the amount of \$119.00 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Loyas**, with payment being made from a Special Trust & Agency Account and charged to the Loyas Planning Board Escrow Account. (Balance in said account before payment is \$1,450.00).

**ALL IN FAVOR - CARRIED**

**SLATE HILL ORCHARDS-GREENS AT WOODBURY/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment in the amount of \$532.30 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Slate Hill Orchards/Greens at Woodbury**, with payment being made from a Special Trust & Agency Account and charged to the Slate Hill Orchards/Greens at Woodbury Escrow Account. (Balance in said account before payment is \$1,000.00).

**ALL IN FAVOR - CARRIED**

**REMEY VREELAND II/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment in the amount of \$86.90 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Remey Vreeland II**, with payment being made from a Special Trust & Agency Account and charged to the Remey Vreeland II Escrow Account. (Balance in said account before payment is \$500.00).

**ALL IN FAVOR - CARRIED**

**BERGEN ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment in the amount of \$245.20 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Bergen**, with payment being made from a Special Trust & Agency Account and charged to the Bergen Escrow Account. (Balance in said account before payment is \$3,050.00).

**ALL IN FAVOR - CARRIED**

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**SIMON PARK ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize payment in the amount of \$253.50 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Simon Park**, with payment being made from a Special Trust & Agency Account and charged to the Simon Park Escrow Account. (Balance in said account before payment is \$2,500.00).

**ALL IN FAVOR - CARRIED**

**RYERSON COURT ESCROW/PAYMENT TO MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS, P.C.:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment in the amount of \$384.98 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to **Ryerson Court**, with payment being made from a Special Trust & Agency Account and charged to the Ryerson Court Escrow Account. (Balance in said account before payment is \$2,300.94).

**ALL IN FAVOR - CARRIED**

**SLATE HILL ORCHARDS ESCROW/PAYMENT TO KAREN ARENT LANDCAPE ARCHITECH:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize payment in the amount of \$192.50 to Karen Arent Landscape Architech for site visit and plan review in reference to **Slate Hill Orchards**, with payment being made from a Special Trust & Agency Account and charged to the Slate Hill Orchards Planning Board Escrow Account. (Balance in said account before payment is \$1,000.00).

**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 **Contractual Negotiations regarding Regan Development**.

**ALL IN FAVOR - CARRIED**

**EXECUTIVE SESSION:** 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**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize the Supervisor to sign the **development agreement** with **Horizons at Wawayanda LLC**.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to grant **project approval for Horizons at Wawayanda LLC**, and to approve and authorize the Town Supervisor to sign the proposed Pilot Agreement associated with this project.

**ALL IN FAVOR - CARRIED**

**MICHAEL BRADFORD/263 POST ROAD:**

**Supervisor Razzano** informed the Board that his office, as well as the Town Clerk's office, has provided Mr. Bradford with certified letters informing him of all the steps taken in the investigation of the matter concerning the sewer pump on his property.

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**Supervisor Razzano** explained all of the research that has been done with regard to the question of who is responsible for the care, repair and maintenance of Sewer Pumps which are located on the properties on Post Road, Slate Hill, N.Y. (Identified as Section 30, Block 1, Lots 1,2,3 , & 4). The original plan indicates that the sewer lines stop on Lakeview Avenue. According to the deeds that we do have, the language appears to have been written by Viewpoint Realty, LLC, and to date there is no indication in our records that the town ever acknowledged or agreed to assume responsibility.

**Mr. Bradford** said that he has provided the town with five documents that indicate that the town will be responsible for maintaining the pump station, along with a plan showing the sewer line on Post Road. He recalled that when his neighbor visited their home with the real estate agent prior to the purchase, the neighbor did question the agent about who would be responsible for taking care of the system. The agent informed him that it would be the responsibility of the town. At that time, as a prospective buyer, the neighbor wanted to confirm this information with the Town before he made his decision. When he contacted former Supervisor Deblock, he was assured that the town handled the maintenance.

**Mr. Bradford** asked the Board to reconsider the matter, and continue as they have in the past. **Attorney Guertin** said that in regards to the deed, it is primarily a self serving document, and explained that just because a private individual wants the town, or any municipality, to do something, it does not mean that the municipality takes on that duty. That is just not the law. A municipality has the right to correct, by law, what it does not have the right to do in the first place. A municipality does not have the right to spend public money for the benefit of specific individuals.

**Mr. Bradford** asked that if the Town was able to correct that error, would the Town be able to correct the error of the sewer and water lines being placed on private property, and that according to the documents filed with the County Clerk's office, those lines should have been placed in the street.

**Donald Paris**, of 257 Post Road, said that everyone seems to be hanging their hat on the fact that there is no documents, or indications of conversation that the Town would be responsible for this system. Added that the town trucks did not show up for the past twenty years without there being some form of conversation, and the buzzers on the side of the house would not have been put there as a precautionary measure to alert someone if the system failed. These things work as a safe guard so that if I'm away for a month, and something should happen to those pipes, the lake would not end up polluted. Someone went through a lot of work to make this all happen. He then asked the Board, "Doesn't the statement that there is no documentation that exists, seem preposterous?"

**Supervisor Razzano** said that the reality of the twenty years is somewhere in the vicinity of eight visits, and since he has been in office, he is aware of one visit.

**Mr. Paris** said that since he has lived in the house it has been one visit for him.

**Attorney Guertin** said the he will investigate to see why the lines ended up in the backyards, rather than in the street, as the original plans indicate.

Both **Mr. Bradford** and **Mr. Paris** asked the Board to reconsider the decision about the town's non-responsibility for the pipes, at least until further information could be received.

**Attorney Guertin** said that he will conduct a further investigation, but if the Town Board agrees or disagrees at this time to take on the responsibility, according to law, it will remain that the town does not have the right to do so. If further research turns up documents indicating that the town is responsible for maintenance and repair, that would be to the advantage of the property owners. Without substantiating documentation, the general rule is that the town cannot expend taxpayer money to benefit a private property owner.

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**HIGHWAY DEPARTMENT/ HYDRAULIC CYLINDER PURCHASE:** **Supervisor Razzano** explained that two individual cylinders went on two individual trucks, and that this request is coming after the fact because authorization has already been given. Three estimates were obtained and the lowest estimate was received from Showalter.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the purchase of two Hydraulic Cylinders @ \$2,000.00 (two thousand dollars) each, from Showalter.

**ALL IN FAVOR - CARRIED**

**PEAK POWER CONTRACTS:**

Our three contracts with Peak Power are due for renewal. New contracts would be effective from June 1, 2007 thru May 31, 2008. Renewal rates are: 1) Ridgebury Lake Sewer Plant @ \$482.00, 2) Robinn Meadows Sewer Plant @ \$507.10, and 3) Dolsontown Road @ \$411.95.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize the renewal of the annual contracts with Peak Power for maintenance of the generators at Ridgebury Lake Sewer Plant, Robinn Meadows Sewer Plant, and Dolsontown Road, with the effective dates of the contracts being June 1, 2007 thru May 31, 2008.

**ALL IN FAVOR - CARRIED**

**YOZZO DEVELOPMENT AGREEMENT:** The Development Agreement has been received from Bavoso & Plotsky. **Supervisor Razzano** noted that one change needed to be made, which was to extend the completion date from 12 months to 24 months.

**Attorney Guertin** noted that the new Street Specification Code already indicates a 24 month completion date.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the Supervisor to sign the Yozzo Development Agreement.

**ALL IN FAVOR - CARRIED**

**BUDGET TRANSFER FOR HIGHWAY TRUCK PAYOFF:** **Supervisor Razzano** informed the Board that there is a Bond coming due in the amount of \$200,000. This is a combination Bond for the Dump Truck that was purchased last year, and the balance of another Highway Truck that was purchased a year before.

Considering that the town did really well last year, and we were able to add \$695,000 to the surplus, Supervisor Razzano said that it would make sense to take the monies out of the General Fund Surplus and pay off the truck bond. The Highway budget includes an appropriation of \$75,000 for a bond payment, so we would only require an additional \$125,000.

**Councilman Krajewski** asked if there was any money left in the Highway Surplus, and was informed by the Supervisor that there was not.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to appropriate \$125,000.00 (one hundred twenty five thousand dollars) from the General Fund Surplus to the DM Highway Fund to pay off the truck bond.

**ALL IN FAVOR - CARRIED**

**HUDSON ENERGY SERVICES/NATURAL GAS CONTRACT:** In an effort to cut costs, **Supervisor Razzano** explained that his office has done some research in regard to switching our gas supplier. He has received an offer from Hudson Energy Services LLC that would save the town some money for the year.

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Penaluna**, to authorize Hudson Energy Services LLC to act as the natural gas supplier for the Town of Wawayanda facilities, at a rate of \$1.199 per therm, with the start of a one year contract which will be effective as of June 1<sup>st</sup>, 2007.

**ALL IN FAVOR - CARRIED**

**Wawayanda Town Board Meeting 05/03/07****CORRESPONDENCE & COMMUNICATIONS:**

**Memorial Day Service at Shannen Park:** Supervisor Razzano read a letter from the Recreation Committee advising that a Memorial Day Service will take place at Shannen Park on Monday, May 28, 2007, 3:30 P.M., rain or shine. Refreshments will be served.

**Quilting Committee:** The Town Quilt is being put together. Once it is complete, there will be a public unveiling. This is expected to take place sometime this summer.

**Passing of Frank Giganti:** Supervisor Razzano informed the Board of the recent passing of Frank Giganti, the Past President of the Slate Hill Pacers.

**Raja/Gas Station & Convenience Store on Route 17M:** Attorney Guertin stated that the Board had discussed extending water service to the Raja Project on Route 17M, and that an agreement had been prepared and discussed at a recent Town Board meeting. The agreement states that Raja would be an out-of-district user, and if there were any restrictions imposed on the users in the Arluck Water District, the first to be restricted would be Raja.

The Attorney for Mr. Raja is disputing that stipulation.

Attorney Guertin asked the Board if they wished to maintain that requirement, or is it something that is not that significant.

Councilwoman Soro commented that she supports the position that Mr. Raja should be the first to have the water restriction imposed.

Councilman Cole referred to the opinion from Pat Hines, Planning Board Engineer, that the Arluck Water District had an adequate water supply, and that the total usage from Mr. Raja would be insignificant. Mr. Cole felt that Raja should remain as an out-of-district user, but have the same rights as any other user.

**MOTION** by Supervisor Razzano, seconded by Councilman Cole, to amend the Raja/Gas Station & Convenience Store on Route 17M Agreement to indicate that Raja will be treated equally as any other user in the event that water restrictions are placed on the district.

**VOTE**

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

**MOTION CARRIED****PUBLIC COMMENTS & QUESTIONS:**

Barbara Parsons questioned when the Regan Pilot Agreement would be made available, and was informed it could be sometime next week, because there are some changes that need to be made.

In regard to Mr. Bradford, Ms. Parsons asked if the Town is found not to be responsible for the pump station, who could he turn to for assistance. She also asked if he could be removed from the system, and was informed by Supervisor Razzano that he could not.

Ms. Parsons congratulated the Board on the paying off of the Highway Department Trucks, and said that it was a sound financial decision.

Wendy LoFrese, a resident of Breeze Hill Estates, questioned the Supervisor as to the status of her easement. Claimed that her phone messages have not been returned. She also spoke about a tree cutting service taking down all of the trees on County Route 12, and said that she has called numerous agencies to inquire about this matter, but is not getting any answers.

Supervisor Razzano informed her he did not have any knowledge of the easement she was speaking of, and then a lengthy discussion took place regarding trees being cut in this area, and the possibility of a gas line coming through.

**Wawayanda Town Board Meeting 05/03/07**

**Brian Tremper**, a T-Ball coach, commented on how disappointed he was with the poor condition of the baseball fields in Shannen Park. Said that the are constantly closed due to flooding, and that there is a bare pipe by third base.

**Councilman Cole** spoke of the conversation he had with the Park Superintendent with regard to the flooding on the fields.

**NO OTHER BUSINESS OR COMMENTS.**

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

**ALL IN FAVOR - CARRIED**

**MEETING ADJOURNED: 10:30 P.M.**

**PREPARED BY KATHRYN SHERLOCK  
RESPECTFULLY SUBMITTED,**

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**Teresa E. Pierce, Town Clerk**

**\*\*\*\*Deed Received:** The deed for property on Seth Drive, identified as Section 8, Block 1, Lot 5.2 has been received. It has been recorded in the Orange County Clerks's office on 1-12-2007 and is identified as file #20070004817, Deed C; Book 12342; page 1614 (Purchase approved by Town Board at November 9, 2006 meeting