

Wawayanda Town Board Meeting 11/08/2007

November 8, 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, November 8, 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 (Arrived 9:10 PM)
Teresa Pierce	Town Clerk

Also Present: Kathryn Sherlock - Deputy Town Clerk; Michael Green - Highway Superintendent; Penny Tuohey - Deputy Highway Superintendent; Howard Goldstein - Bookkeeper for the Town; Susan Hutchings - Assistant Budget Officer; Mary Markiewicz and Barbara Parsons - Planning Board Members; Gladys Hall - Historian; Denise Quinn - Councilwoman Elect; and approximately 40 other individuals.

PLEDGE TO THE FLAG

CHARLES ADAMO/COUNTY ROUTE 50 SPEED LIMIT: Charles Adamo of 623 County Route 50 (Golf Links Road) came before the Board with a petition to request that the speed limit on County Route 50 be reduced to 30 mph from the intersection of Route 17M. He spoke about the close calls that his wife and daughter experience every time they attempt to pull out of their driveway, and maintained that it is a life threatening experience. He attributes the traffic increase to the trucks avoiding the DOT (Department of Transportation) checkpoint on Interstate 84, and the work being done on New York State Route 17. Added that the new hospital, proposed to be built in the vicinity of East Main Street and Crystal Run road, will also attribute to the increase in traffic because County Route 50 will serve as a short cut to the new hospital facility.

Mr. Adamo is aware that he lives on a County Road and that there is nothing that can be done on a town level, and explained that he was instructed by Cesare Rotundo, Principal Engineer, of the Orange County Department of Public Works, to come before the town board and formally request that they submit a TE-9 form to the state. Added that Mr. Rotundo came to his home, and with what he had witnessed he is in agreement that the speed limit should be reduced to 30 mph. He suggested the possibility of Radar signs that record vehicle speed and issue tickets.

Supervisor Razzano informed Mr. Adamo that the board has not had enough time to look into this matter, suggested that he leave the petition with the Town Clerk, and advised him to submit a letter to the Board requesting that authorization be given so that the T-E9 form can be submitted. Added that if all information has been received before the next town board meeting he will take the necessary action at that time.

Melissa Bonacic County Legislator/Constituent Day: Councilman Cole stated that our County Legislator, Melissa Bonacic, will be conducting constituent hours at Town Hall on Saturday, November 10th, between the hours of 10AM-12PM..

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Councilman Penaluna addressed **Gladys Hall**, our Town Historian, and said that it was nice to see her back in the audience. Ms. Hall had been recovering from a fractured hip resulting from a fall in September.

PUBLIC HEARING ON THE ASSESSMENT ROLLS FOR ARLUCK WATER DISTRICT, DENTON HILLS WATER DISTRICT, RIDGEBURY LAKE WATER AND SEWER DISTRICTS, ROBINN MEADOWS SEWER DISTRICT, AND TOWN OF WAWAYANDA WATER AND SEWER DISTRICTS #1, LAKERIDGE LIGHTING, LANDSCAPING, AND DRAINAGE DISTRICTS:

Supervisor Razzano read the Notice of Public Hearing as it appeared in the Times Herald Record on October 30, 2007.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to open the hearing. .
ALL IN FAVOR - CARRIED

*****Let the record show that the Wawayanda Water & Sewer Districts #1 Map, showing the district boundaries, was on display for public view.**

Supervisor Razzano informed the board of a few changes that had occurred since last year's Public Hearing, as follows;

Arluck Water District: A commercial property located on 17M has been added as an out-of-district user.

Robinn Meadows Sewer District: The Water & Sewer Codes have been recently re-written, and major changes have been made. Previously, the code had been worded to the affect that only parcels with improvements were to be assessed with capital fees in this district which, in reality, is not a standard practice in other municipalities, as well as our other districts. The revision has been made to the wording for Robinn Meadows so that the district is in line with the other districts and municipalities. It now reads that even if you have unimproved property you are still obligated to pay capital costs. By doing this, it brings the forty-four additional lots in as a taxing entity to the district.

Water & Sewer District #1: At current time, there are five pieces of property that are squarely in the district, but have not been paying capital charges. Upon research, it appears that at the time of a subdivision of one of the original parcels, for one reason or another, the newly created lots slipped through the cracks and were never added to the roll. All five parcels have now been added. and will be paying capital charges.

PUBLIC COMMENTS & QUESTIONS:

Attorney Jim Sweeney, stated that he is appearing on behalf of Cloverleaf Realty and Sunrise Park Realty, property owners in the Wawayanda Water & Sewer District's #1. He referred to the method of assessment which he believes to be a problem, and stated that this was his complaint last year. As done in the past, he submitted a letter to the Supervisors' office which addresses all of his objections.

Deevey Greitzer, of Caskey Lane, spoke about her objections to being included in the Wawayanda Water/Sewer Districts #1. Added that, at the current time, she is not hooked into the system even though the lines run through her property. Stated that according to the code on her tax bill, she is paying for usage, and that is not an acceptable tax deduction. Since she actually is only paying for capital charges, she asked the Supervisor to assist her in having the bill coded correctly to indicate that she pays for capital fees, and not usage fees.

Supervisor Razzano assured Ms. Greitzer that he will look into her request and will let her know the outcome.

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Perry Guardianos, of 28 Dolsontown Road, questioned if there are plans to have the water and sewer lines extended to the bottom of the hill.

Supervisor Razzano informed him that at this time there are no plans to do so.

Ms. Simon asked why the lines were not extended, and added that the decision not to extend the lines had greatly depreciated her property value.

Councilman Cole explained that at the time the talks were taking place on the formation of the district, he was just a spectator in the audience. As he recalls, the project went out to bid and after all was said and done, the cost was approximately \$2.5 million dollars. When construction began Calpine was already on the horizon and there was some hope that this company would be willing to cover the cost to extend the lines down past Mr. Guardianos's house. Because there were no commercial establishments in that area, there was nothing to support the extension.

Supervisor Razzano spoke of a discussion that he had with former Supervisor DeBlock who explained that the idea was that because this area was zoned commercial it would be the location where most development would take place, and it was agreed that the water and sewer should touch all of those properties.

Ms. Simon stated that the lines do not touch her property and because of this prospective buyers shy away and that it is too costly to hook into the district.

Ms. Simon also questioned how the rate was determined, and she was informed that the calculation is based on the assessed value.

Supervisor Razzano explained that, at one time, the lines did touch her property, but that was before the subdivision took place. Now, after the subdivision, the lines do not touch certain parcels. He then added that because her property is in the district, that is a big benefit, and explained how a district is formed by referring to the boundaries indicated on the map which was on display. Added that Pannatoni has inquired about being added to the system, and if so, they are willing to cover the cost to extend the lines.

Councilman Cole stated that it is his understanding that Orange County has prioritized the property on Dolsontown Road, and now the property may become eligible for funding to cover the cost to have the lines extended down the hill. Commented that Mr. Guardianos's property does have the potential for a lot of commercial activity.

Perry Guardianos asked how many people were in the district and was provided with a run down of the number of current users, and the dollar amounts of what the town considers the biggest users paying toward capital costs.

Supervisor Razzano spoke about the Horizon Project that is being constructed next to Orange County Paint on US Route 6, and the proposed Hotel & Restaurant going in across the street, and said that we should keep in mind that with every additional user added to the district, it increases the value of the district, as well as it lowers costs for the already existing users.

Mr. Guardianos asked "How many of the properties in the district have the ability to hook in?"

Supervisor Razzano stated that they all are entitled to hook in, and that each situation is different.

Ms. Simon asked what the costs would be to have the pipes extended?

Supervisor Razzano informed her that he is unable to provide her with that number and that it would have to come from an Engineer.

William Arlequeuw, 31 Shore Blvd, questioned the board on whether or not changes were made to the Ridgebury Lake Water District.

Supervisor Razzano explained that, at this time, the district will remain as is, and explained that there was an inquiry several years ago to have additional homes tied into the district but there has been no activity to date. He went on to explain some of the cost saving measures that have been taken.

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Mr. Arlequeeuw asked for clarification regarding Capital Costs. He surmised that the amount will remain the same until the bond is paid in full, and the Supervisor informed him that he was correct.

Donna Myer, 58 View Point Drive, questioned whether or not the town plans on constructing a sound and visual barrier around the plant. Stated that she has lived there over 18 years and that the system is a lot larger than it was years ago, as well as running 24/7.

Supervisor Razzano stated that he has had a discussion with Jeff Mills (Water/Sewer Plant Operator) about installing a fence, and that he will follow up with him to see what can be done.

Supervisor Razzano explained that as far as the bills go, **Robinn Meadows** is down from \$869 to \$825; **Denton Hills Water & Ridgebury Lake Water** are down from \$135 to \$110, and the minimum usage is down from 15,000 to 10,000 gallons; and for the **Arluck Water District** the billing has been changed to a quarterly billing cycle for usage, so that it is in line with the other districts.

The **Supervisor** then noted that a letter has been sent to the user in the **Arluck Water District** advising that the new tank has arrived and the installation should be completed in 3-4 weeks. He then provided a brief explanation as to how the project was financed.

No other questions/comments. Everyone who wished to speak was given an 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 accept the Assessment Rolls for the Special Benefit Districts, as prepared.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to introduce a resolution authorizing an amended rate schedule for Special Benefit Districts in the Town of Wawayanda, as follows:

**Resolution # 10-2007
TOWN OF WAWAYANDA
WATER AND SEWER RATES FOR 2008**

**ARLUCK WATER DISTRICT
RIDGEBURY WATER DISTRICT
DENTON HILLS WATER DISTRICT
ROBINN MEADOWS SEWER DISTRICT
RIDGEBURY LAKE SEWER DISTRICT**

BE IT RESOLVED, by the Town Board of the Town of Wawayanda, sitting as Water District Commissioners, hereby amends the rate schedules for the said districts pursuant to Town Law section 198 as follows:

A. For the Arluck Water District:

1. The flat fee charge for usage shall be \$222.97 quarterly per individual lot that is connected to the system:

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- 2. Charge for **Capital Cost** shall be \$406.05 billed annually per individual lot in the district. **This amount will be placed on the Property Tax bill for the year 2008;**

B. For the Ridgebury Water District:

- 1. Minimum charge for each lot in the district that is connected to the system shall be \$80.00 per quarter up to 10,000 gallons; plus \$6.00 per thousand for the next 5,000 gallons up to 15,000 gallons; \$12.00 per thousand gallons for the next 5,000 gallons up to 20,000 gallons; and \$18.00 per thousand gallons for additional usage exceeding 20,000 gallons;
- 2. Charge for **Capital Costs** shall be \$298.70 billed annually per individual lot in the district. **This amount will be placed on the Property Tax bill for the year 2008;**

C. For the Denton Hills Water District:

- 1. Minimum charge for usage for each lot in the district that is connected to the systems shall be \$110.00 per quarter up to 10,000 gallons; plus \$6.00 per thousand for the next 5,000 gallons up to \$15,000 gallons; \$12.00 per thousand gallons for the next 5,000 up to 20,000 gallons; and \$18.00 per thousand gallons for additional usage exceeding 20,000 gallons;
- 2. Charge for **Capital Costs** shall be \$262.32 billed annually per individual lot in the district. **This amount will be placed on the Property Tax bill for the year 2008;**

D. For the Robinn Meadows Sewer District:

- 1. **\$825.90 billed annually per individual lot connected to the system. This amount will be placed on the Property Tax bill for the year 2008;**
- 2. Charge for **Capital Costs** shall be \$144.00 billed annually per individual vacant or non-connected lot within the district. **This amount will be placed on the Property Tax bill for the year 2008;**

E. For the Ridgebury Lake Sewer District:

\$1877.59 billed annually for each lot in the district. This amount will be placed on the Property Tax bill for the year 2008

VOTE

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

MOTION CARRIED

CAPITAL RESERVE ACCOUNTS: Supervisor Razzano explained that, as discussed at a previous meeting, the two new **Capital Reserve Funds** are as follows:

- One is for the acquisition of **Highway Equipment**, and \$50,000 has been set aside for the replacement of trucks and other major equipment.
- The second is a **Buildings Fund** due to Town Hall office space becoming limited, and there being a need for improvement to other town facilities. \$25,000 has been set aside for a **Capital Reserve Buildings Fund**.

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MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt a resolution to establish a **Highway Equipment Capital Reserve Account** as follows:

**TOWN OF WAWAYANDA
Resolution #11-2007**

**RESOLUTION ESTABLISHING A HIGHWAY EQUIPMENT CAPITAL RESERVE
FUND ACCOUNT TO FINANCE THE PURCHASE OF EQUIPMENT FOR THE TOWN
OF WAWAYANDA HIGHWAY DEPARTMENT**

WHEREAS, the Town of Wawayanda Highway department operates a fleet of heavy equipment in order to properly maintain and care for streets, roads and highways under its jurisdiction; and

WHEREAS, such heavy equipment includes dump trucks, earth movers, graders, backhoes, loaders, and other self-propelled wheeled and tracked vehicles together with their accessories and attachments; and

WHEREAS, it will become necessary to replace such equipment from time to time.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the New York General Municipal Law, the Town Board of the Town of Wawayanda does hereby establish a Capital Reserve Fund to be know as the Highway Equipment Capital Reserve Fund to finance the cost of procuring, purchasing and replacing equipment for the Town Highway Department's fleet of heavy equipment; and be it further

RESOLVED, that the Supervisor of the Town of Wawayanda is hereby directed to deposit moneys of and for this fund into a separate bank account to be know as the Highway Equipment Capital Reserve Fund in accordance with Section 10 of the New York General Municipal Law, as amended from time to time; and be it further

RESOLVED, that the Supervisor of the Town of Wawayanda is hereby authorized to invest the moneys of and for this fund in the manner provided by Section 11 of the New York General Municipal Law, as amended from time to time, and consistent with the investment policy of the Town of Wawayanda to the extent the same does not conflict with Section 11 of the General Municipal Law. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Highway Equipment Capital Reserve Fund; and be it further

RESOLVED, that no expenditure shall be made from this fund except upon authorization of the Town Board of the Town of Wawayanda and pursuant to Section 6-c (8) of the New York General Municipal Law, as amended from time to time; and be it further

RESOLVED, that this resolution is subject to permissive referendum pursuant to statute made and provided.

VOTE

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

MOTION CARRIED

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MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to adopt a resolution to establish a **Capital Improvement Reserve Account** as follows:

TOWN OF WAWAYANDA

Resolution #12-2007

RESOLUTION ESTABLISHING A BUILDING IMPROVEMENT CAPITAL RESERVE FUND ACCOUNT TO FINANCE CAPITAL IMPROVEMENTS TO THE OFFICE/COURT COMPLEX AND HIGHWAY DEPARTMENT BUILDINGS FOR THE TOWN OF WAWAYANDA

WHEREAS, the Town of Wawayanda's Office/Court complex and the Highway Department buildings need improvements from time to time; and

WHEREAS, the Town Board of the Town of Wawayanda remains committed to complying with the various provisions of the New York Judiciary Law and applicable rules and regulations to insure that suitable and sufficient municipal justice facilities are provided to the residents of the Town of Wawayanda; and

WHEREAS, the Town Board of the Town of Wawayanda remains committed to complying with the various provisions of law and applicable rules and regulations to insure that suitable and sufficient office space in the Town Office Building and facilities in the Highway Department Buildings are available to meet the Town's current needs and are maintained in a safe and secure condition, while at the same time planning for future town development so as to better serve the community.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the New York General Municipal Law, the Town Board of the Town of Wawayanda does hereby establish a Capital Reserve Fund to be know as the Building Improvement Capital Reserve Fund to finance the cost of capital improvements to the Office/Court Complex and Highway Department Buildings; and be it further

RESOLVED, that the Supervisor of the Town of Wawayanda is hereby directed to deposit moneys of and for this fund into a separate bank account to be know as the Building Improvement Capital Reserve Fund in accordance with Section 10 of the New York General Municipal Law, as amended from time to time; and be it further

RESOLVED, that the Supervisor of the Town of Wawayanda is hereby authorized to invest the moneys of and for this fund in the manner provided by Section 11 of the New York General Municipal Law, as amended from time to time, and consistent with the investment policy of the Town of Wawayanda to the extent the same does not conflict with Section 11 of the General Municipal Law. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to an become part of the Building Improvement Capital Reserve Fund; and be it further

RESOLVED, that no expenditure shall be made from this fund except upon authorization of the Town Board of the Town of Wawayanda and pursuant to Section 6-c (8) of the New York General Municipal Law, as amended from time to time; and be it further

RESOLVED, that this resolution is subject to permissive referendum pursuant to statute made and provided.

VOTE
Supervisor Razzano - Aye

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Councilman Cole - Aye
Councilman Krajewski - Aye
Councilwoman Soro - Aye
Councilman Penaluna - Aye

MOTION CARRIED

***The Board took a short break beginning at 9:00PM and resumed the meeting at 9:30PM.

PUBLIC HEARING ON THE PRELIMINARY BUDGET FOR THE TOWN OF WAWAYANDA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2008:

Supervisor Razzano read aloud the Notice of Public Hearing as it appeared in the Times Herald Record on November 1, 2007.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to open the Public Hearing.
ALL IN FAVOR - CARRIED

PUBLIC COMMENTS & QUESTIONS:

Mary Markiewicz referred to page 10, ‘**Programs for the Aging**’ and questioned what the \$7,000 for **Adult Recreation** was for. She was advised that this is the money the Slate Hill Pacers use for their trips.

After some discussion, the Board agreed to increase the **Adult Recreation** account # A7620.4 to \$7,500 (seven thousand five hundred dollars).

Ms Markiewicz also questioned the line item on page 12, ‘**Fines And Forfeited**’ for \$200,000. **Supervisor Razzano** explained that last year the New York State Troopers were unable to do their own plea bargaining and because of this, the town had to hire a Special Attorney. He explained that the Court department believes that this is a best estimated guess for projected court fees.

Councilwoman Soro asked what page was the **Heath Benefits** for employees on, and what was the percentage of increase for the upcoming year compared to this year.

Susan Hutchings, Assistant Budget Officer referred her to page 12, and stated that the projected increase was based on a percentage range of 8%- 12%, but we will not know for sure until the bill is received in January 2008.

Maryann Labanowski spoke of the **Workmens Compensation** on page 12 and stated that the correct terminology was ‘**Workers Compensation**’.

Barbara Parsons questioned the significant decrease in 2007 from the 2006 amount for line item **DR9040.8 Workmens Compensation** on page 12?

Supervisor Razzano explained that we had switched carriers. We had previously been insured through the County’s self- insurance plan. Now we are insured by the New York State Insurance Fund. Also the 2007 figure went down because we separated the Highway workers from the Town Hall employees. This is reflected in an increase to item #DR9040.6 , on page 15.

Ms. Labanowski asked “Why is the town collecting for the Thrall Library?”

She was informed that this was the amount the town needs to collect from Wawayanda residents who live in the Middletown School District.

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Supervisor Razzano informed the Board that he has incorporated a stipend of \$300 for himself and the Deputy Supervisor to cover the cost of the use of their personal cell phones to conduct town business. Explained that when he came on board, he requested that the Nextel service be canceled on the phones for the Supervisor and Deputy Supervisor. Overall, this saves the town over \$960 a year.

No Other Questions/Comments. Everyone who wished to speak was given an opportunity to do so.

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

**** No action taken in regard to adoption of the Budget.**

RIDGEBURY HILLS CONSERVATION EASEMENT: Attorney Guertin stated that in regard to the easements pertaining to Ridgebury Realty, the subdivision and development, being promigated by John Razzano and Scott Razzano, the Supervisor will have to recuse himself from the discussion.

He proceeded to explain that as part of the Planning Board process, and as required from the Building Inspector, there are certain easements that are required from the developer to the Town. The conservation easement has already been approved by the Town Board, but there is a new entity involved so now the resolution will address the fact that we are just changing the entity name.

Deputy Supervisor Cole commented that both Attorney Guertin and Attorney Bavoso have reviewed the documents and find them to be acceptable, as presented.

MOTION by **Deputy Supervisor Cole**, seconded by **Councilman Krajewski**, to adopt a resolution to accept the proposed Drainage Easements and Conservation Easement from Ridgebury Realty LLC to the Town of Wawayanda , and to authorize **Deputy Supervisor Cole** to sign them on behalf of the Town.

VOTE

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

MOTION CARRIED

REGULAR BUSINESS:

PRESENTATION OF BILLS AND DEPARTMENT REPORTS:

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

APPROVAL OF DEPARTMENT REPORTS:

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

ALL IN FAVOR - CARRIED

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MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the payment of bills in the amount of \$4,895.13 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 07-1655 & 1656	\$2,135.62
PPWS 07-01657	\$2,759.51
ALL IN FAVOR - CARRIED	

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment of bills from the General Disbursement Account in the amount of \$142,389.80 Breakdown as follows:

General Fund	G07-01662 thru 1755 G07-01844 thru 1847	\$ 48,137.23
Highway Fund	H07-1797 thru 1843	82,242.57
Water/Sewer Districts	WS07-01756 thru 1796	12,010.00

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$ 1,091.89
Ridgebury Lake Acres Sewer District	1,589.34
Ridgebury Lake Water District	2,107.19
Denton Hills Water District	4,082.38
Arluck Water District	1,819.52
Water/Sewer Dist. #1	1,319.68
Water/Sewer Total =	\$ 12,010.00

ALL IN FAVOR - CARRIED

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

- Bradley's Corner Hotel & Restaurant - \$420.00

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

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to close out the following escrow accounts and return the remaining funds to the applicant:

- Nicholas Murphy - \$1,450.00

Payment will be made through the Special Trust and Agency account.

ALL IN FAVOR - CARRIED

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

- Yozzo - INV 07-2879 - \$766.34
- Yozzo - INV 07-2737 - \$1,344.02
- Ridgebury Hills - INV 07-2879 - \$440.98
- Ridgebury Hills - INV 07-2737 - \$1,933.34
- Horizons @ Wawayanda - INV 07-2737 - \$446.54
- Horizons @ Wawayanda - INV 07-2879 - \$214.50
- Robinn Meadows - \$1,027.68 (Woodmont)

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- Lakeridge - \$1,173.40
- Grandview - \$346.10
- Bradley Corner Hotel - \$644.60
- Simon Business Park - \$314.00
- Tetz/Panattoni - \$2487.70
- B&S Materials - \$170.70
- Wawayanda Meadows (Woodmont Pump Station) - \$122.60
- RR&M Used Car Dealership - \$235.00 **
- Felter Superior Homes - \$240.50 **

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

ALL IN FAVOR - CARRIED

** Balance of invoice will be billed to applicant

RESOLUTIONS FOR UNPAID WATER & SEWER BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt a Resolution authorizing that unpaid water and capital charges for the **Arluck Water District**, as of November 8, 2007, in the amount of \$4,759.73, be placed on the 2008 Town and County tax roll.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adopt a Resolution authorizing that unpaid water and capital charges for the **Denton Hills Water District**, as of November 8, 2007, in the amount of \$5,233.75, be placed on the 2008 Town and County tax roll.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to adopt a Resolution authorizing that unpaid water/sewer and capital charges for the **Ridgebury Lake Water & Sewer Districts**, as of November 8, 2007, in the amount of \$7,997.23, be placed on the 2008 Town and County tax roll.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt a Resolution authorizing that unpaid water/sewer and capital charges for the **Town of Wawayanda Water & Sewer Districts #1**, as of November 8, 2007, in the amount of \$21,805.22 be placed on the 2008 Town and County tax roll.

ALL IN FAVOR - CARRIED

APPROVAL OF MINUTES:

In a memo to the Town Board, the Town Clerk requested that the minutes for **September 20th**, **September 25th**, and **October 4th 2007** be approved.

Supervisor Razzano stated that he has not had a chance to review the minutes of September 20th, 2007, and after a brief discussion it was agreed to hold off on this set until the next meeting.

Councilwoman Soro asked that the minutes be approved with separate motions.

Councilman Cole stated that with regard to the September 20th minutes, he made a comment regarding the results of the lawsuit brought against the town, and advised that according to the stipulation of settlement, the additional 44 homes will not have to pay '**capital charges**'. It should be corrected to read '**sewer-hook up fees**'.

MOTION by **Councilman Cole**, seconded by **Councilman Krajewski**, to approve the minutes of the September 25th, 2007 Town Board Meeting, as presented by the Town Clerk.

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

MOTION CARRIED

****Councilwoman Soro** abstained from voting because she did not attend the meeting.

MOTION by **Councilman Cole**, seconded by **Councilman Krajewski**, to approve the minutes of the October 4th, 2007 Town Board Meeting, as presented by the Town Clerk.

VOTE

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

MOTION CARRIED**NOTEWORTHY ITEM:**

A **CONSERVATION EASEMENT** for **Section 18, Block 1, Lot 15.5 P/O**, which was granted by **1992 Place Associates, Ltd.**, 36 Hudson Drive, Stony Point, New York 10980, was received and filed by the Town Clerk on October 18, 2007. This Conservation Easement was recorded in the office of the Orange County Clerk on 6/28/2007 as file #20070073369 and appears in Book #12477, on page 0401.

ROBINN MEADOWS WATER COMPANY/PROPOSED ACQUISITION: Attorney Richard Guertin explained that with respect to the discussions that have taken place regarding the possibility of the town purchasing the **Robin Meadows Water Company**, he has discussed the matter with Attorneys from both the Association of Towns and the Comptroller's office. He stated that since the Robinn Meadows Water Company is currently a private company, the Town Board would have to establish a separate water district for that area. In order to do so, there are two procedures under town law for approving a special district. One is on petition by property owners under Article 12 of the Town Law or, under Article 12A, the Town Board on its own motion can start the process going and initiate the formation of the district. Under these circumstances it would be appropriate if the Town Board used Article 12A and formed the district by means of a Town Board motion. The Town Board can authorize an Engineer to prepare a map, plan, and report. The map, plan, and report would be necessary to show the district boundaries, and the properties that would be included, as well as the average costs for what the capital charges, and a usage basis would be to the average homeowner. It would also serve as the plan as to how the assessments would be imposed on a yearly basis for those property owners, and the projected costs to the district for the water service. Once the map, plan, and report are prepared, the Town Board would have to adopt an order setting the public hearing on the establishment of the district, and that order itself would then be published in the newspaper ten days prior to the public hearing. Once the public hearing is held, the board can adopt an order that will establish the district. This order would be subject to permissive referendum. According to statute, if within 30 days, a sufficient number of property owners signed a petition asking that it go to a public vote, then a special referendum vote would need to be held. However, as Attorney Guertin stated, in consideration of the reaction that the board received at the informational meeting, it is highly unlikely that a petition would be filed by the potential district users.

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Councilwoman Soro commented that there were only 17 individuals out of over 127 users in that district who attended that meeting.

Attorney Guertin responded that if a petition were to be filed, and it just may happen, it would then go to a public vote, and if it were to be voted down the district would simply not be created. If a petition is passed, and there is a permissive referendum, and the Water District is approved, then the district would be created. Then there would be filing requirements with the state.

Attorney Guertin spoke about the questions regarding the proposed financial arrangement with the owner of the property where there would be a certain percent down, and then payments over eight years. There is a process in the local finance law that talks about bonds that cannot be repaid within five years may be subject to a permissive referendum. In speaking with an Attorney in the Comptroller's office there is a provision that districts can actually go out to bonding longer than that, and it is not subject to a permissive referendum.

Supervisor Razzano asked Attorney Guertin "When does the Board actually purchase the district?"

Attorney Guertin responded that the purchase can be made once the district is created.

Supervisor Razzano stated the district is already there.

Attorney Guertin clarified that the private water company is there, and suggested that maybe Mr. Myers had created a 'Transportation Corporation', which is separate and distinct and has absolutely nothing to do with the town.

Supervisor Razzano commented that there is no use in proceeding unless the Town Board is in favor of the take over.

Councilwoman Soro spoke again about her concerns about a sufficient amount of water to support the system. She believes that due diligence should be served, and a pump test should be done.

Further discussion took place.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the Town Engineer to prepare a map, plan, and report for the proposed Robinn Meadows Water Company acquisition.

ALL IN FAVOR - CARRIED

CORRESPONDENCE & COMMUNICATIONS:

Trick or Trunk: The Recreation Committee received a 'Thank You' note from a Westtown family who attended the 'Trick or Trunk' that took place in Shannen Park on October 31, 2007. They stated that they had a wonderful time.

Both **Barbara Parsons** and **Connie Litchenberger** commented that they both volunteered at the event and received numerous positive comments.

NO OTHER BUSINESS OR COMMENTS.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 11:07 P.M.

PREPARED BY KATHRYN SHERLOCK

RESPECTFULLY SUBMITTED,

Teresa E. Pierce, Town Clerk/RMC