

**Wawayanda Town Board Meeting 09/20/07**

September 20, 2007

A regular monthly workshop meeting of the Town Board of the Town of Wawayanda was called to order at 7:34 P.M., on Thursday, September 20, 2007, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

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

Also Present: Barbara Parsons & Mary Markiewicz - Planning Board Members; and 21 other individuals.

**PLEDGE TO THE FLAG**

**Supervisor Razzano** read the **Public Notice** as it appeared on September 12, 2007 in the Times Herald Record to advise about the re-scheduling of the monthly workshop meeting from Tuesday, September 18<sup>th</sup> to Thursday, September 20<sup>th</sup>.

**Supervisor Razzano** spoke about the Town picnic which was held at Shannen Park on September 8<sup>th</sup>, 2007. He stated that there had been approximately 600 to 800 people in attendance, and all appeared to be having a good time. Many expressed anticipation about next year's event. Several 'Thank You' notes had been received.

The Supervisor then referred to some of the comments that had been left in the suggestion box, and read some of them, as follows:

- Excellent food and entertainment. Everything went smoothly.
- We had an excellent time. Cannot think of one thing to change.
- Enjoyed meeting our neighbors.
- Best part of the event was that it was free.
- Could not think of anything to improve. Had a great time.
- The games could have been better organized. Need a louder PA system for the number of people in attendance.

**Supervisor Razzano** thanked everyone who took the time to come out and enjoy the day. He also expressed gratitude to all who volunteered their time to make the event a success.

**PUBLIC HEARING TO CONSIDER THE POTENTIAL PURCHASE OF THE ROBINN MEADOWS WATER COMPANY, AND ALL REAL PROPERTY OWNED BY THE COMPANY.**

**Supervisor Razzano** read the 'Notice of Public Hearing' as it appeared in The Times Herald Record on September 5, 2007.

**MOTION** by **Councilman Cole**, seconded by **Councilman Krajewski**, to open the Public Hearing.

**ALL IN FAVOR - CARRIED**

**Supervisor Razzano** stated the he had expected Roy Myers to be in attendance this evening, and that he believed he may running late.

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**Supervisor Razzano** said that he would like to begin by providing all of the information he has regarding the purchase. He stated that notification of this Public Hearing had been sent to all property owners within the Robinn Meadows Development, so they had ample opportunity to forward comments and questions to the Supervisor's office.

He then explained that the town has been approached by Roy Myers, the owner of the Robinn Meadows Water Company, with an offer to purchase the water system, because Mr. Myers believes that this would be in the best interest of the residents. "Generally, when you take over such a system you take it over in a state that you wish it just was not in, but in any event the district will be sold, whether or not the town buys it. There are companies located in our area who are interested in the purchase, and in keeping that in mind, this sort of company is guaranteed to make a profit, so it probably would be in the best interest of the residents if the town were to take it over. The board understands that after 20 plus years in operation, there are a few issues that need to be considered, which is why we are here this evening". He then explained that the town has recently adopted new Water & Sewer codes which will affect the residents in this district because the wording was changed from "Only those who were connected to both the water and sewer are subject to pay capital charges" to "All lots that have the ability to hook into the water & sewer would have to pay capital". This means that the 44 new lots would be paying capital charges regardless of whether or not there is a house on the lot.

The asking price is \$250,000.00 which includes the complete water system, as well as the 7 original acres, plus the additional 15 acres that are located behind Roger Drive, with frontage on Pocatello Road. There are six wells of which one of them is not currently on line. There is real estate involved in this transaction that has a value, and right now the Water Company is currently debt free. Therefore, the rates would be based on the system running debt free. At this time, the district does not have any extra money to make improvements, and as a result of the survey of the land, if the town were to purchase, we would have the ability to subdivide the property and sell it off to help pay down the debt of the purchase, if the residents of Robinn Meadows wish to do so. Mr. Myers is willing to accept \$58,000 down, with the \$192,000 balance payable without interest over an 8 year period.

**Councilwoman Soro** expressed concerns about water pressure and water quality, and questioned if there was sufficient water to serve the additional homes that will be built. She inquired about taxes on the water system and was told they are currently at \$2,651, but the system would become tax exempt if the town was to take it over.

**Supervisor Razzano** advised that our engineer looked at the system and gave the opinion that it appears to be in good shape.

In response to a previous statement by Supervisor Razzano, **Leslie Kirby** stated that when Mr. Myers purchased the property from his father, one of the conditions was that the land could not be developed, and that is why Mr. Myers acquired the land at a lesser cost.

**Barbara Parsons** stated that she was on the Planning Board when Mr. Myers purchased the water company, but she does not recall any agreement that the land could not be developed.

**Councilman Cole** thanked all who took the time to come out for this hearing, and said that their opinions will make the decision process a lot easier.

**PUBLIC COMMENTS & QUESTIONS:**

**Steven Walsh**, Roger Avenue: Said that he is comfortable in stating that he is in support of this purchase. His only concern would be for the town to not develop on the additional acreage, but instead turn it into a park, so that the children can have a safe place to play.

**Councilman Cole** stated that there are laws in New York State that prohibit municipalities from making a profit such as this one, and as the Supervisor stated earlier, if a private company were to come in and take this over they would inflate the rates so that they could make profit. It is at Mr. Myers request that the town take it over so that the residents in this district would benefit from the advantages of the town running it and maintaining lower water rates.

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**Supervisor Razzano** reiterated that this would definitely be a decision of the people, and then spoke about the improvements that are going to be taking place with the sewer plant. He noted that a few years ago the previous board approved an \$850,000 bond for the improvements. Added that the Engineers have been going around and around and we may just be looking at a cost of somewhere in the vicinity of \$1.3 million, but there is no question that a new plant has to be built. The current one is over 34 years old. The new system will have to be able to support the additional 44 homes that are going to be built. He then explained that a 30 year bond will be required because for one reason or another we do not qualify for a grant or low interest loan.

**Kathy Capezioso**, Pocatello Road: Questioned how long will it be before a decision is made and will the Board be voting on it.

**Supervisor Razzano** responded that the Town Board will be voting on this, but does not anticipate it being this evening because more research needs to be done, Added that he does expect the water company to changes hands in the very near future.

**Ms Capezioso** commented that she would personally like to see the town purchase the company because it would be better managed.

**Gerry Hamlin**, Roger Avenue: Stated that he is excited about the town taking over the water system, and questioned if the capital expenses for the purchase could be considered as a special assessment, and if so, could the rate decrease after the initial cost is paid off?

**Supervisor Razzano** explained all the factors that come into play, and it could be quite possible that somewhere down the road the capital charges could decrease.

**Mr. Hamlin** wanted reassurance that in the event that the Town took over the company, the revenue that was generated and held in a capital reserve account would be held exclusively for this water company and not used for anything unrelated to it.

**Supervisor Razzano** provided the example that just recently the town paid off the bond for the Robinn Meadows Capital Fund Project that came due as of August 23, 2007 with the principal in the amount of \$110,000, plus interest. The General Fund loaned the Robinn Meadow Sewer District some of the funds to pay off this bond, and in a few months, when the money is bonded for the sewer plant upgrade, both amounts will be incorporated together. It is then that the Robinn Meadows Sewer District will pay the General Fund back, with interest.

**Vincent Mauro**, Maureen Drive: Stated that his only concerns was that if this water company were to be purchased, would it appear on all of the deeds for the residents in the district. He also asked for an explanation as to how the asking price was determined, and if it was a fair market price. He also questioned if the water system was up to code.

**Supervisor Razzano** stated that determining the value of the water district was very difficult, because from a commercial aspect it is worth what it makes, and the land is also a very tangible asset. He explained in great detail the breakdown of the property value that was provided by the appraiser.

**Mr. Mauro** spoke about the water tanks that have been located in the area of where they are building the additional homes, and stated that tanker trucks have been coming in to fill them because Mr. Myers has denied them from hooking into the water company. Added that it is his belief that once those homes are connected, the individuals who live on Eric Drive are going to have problems with their water.

**Kevin Conde**, Rebecca Drive: Questioned how it is determined that a water system could support additional users, and stated that he ran out of water this past spring, and believes that the water company does not have the capacity to service the proposed additional 44 homes.

**Councilman Cole** responded that the Orange County Department of Health has reviewed the information about the water system, and maintains that there is sufficient water to supply the existing 126 plus the additional 44 homes.

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**Mr. Conde** questioned how much it would cost to bring the additional wells on line.

**Councilman Cole** explained 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 sewer hook up fees.

**Vincent Soukup**, Birchwood Lane: Stated that his main concern is for the security of the water district, and spoke of instances when teenagers in the development have tried to gain access to the building, and that in the past the State Troopers have been called. He also spoke about a work road that has been cut in behind his house that has compromised the existing wall in back and has affected his drainage. Wanted to know who could help him with this situation.

**Councilman Cole** informed him to leave his information with the Town Clerk so that his request can be followed up with.

**Councilman Cole** addressed Mr. & Mrs Reed, who were in the audience, and asked them if they were still experiencing the drainage problem that they were having two years ago, and if the area along the road that was blacktopped to fix the problem had worked.

**Mrs. Reed** stated that because the land has been compromised so much, it has sunken down and now the boulders have become unstable, and need to be removed.

**Mr. Conte** whose residence is the last home on Rebecca Drive, spoke about the drainage problem that he has been experiencing for the last two years. Added that the building inspector has been out to look at his driveway.

**Mr. Conte** was also asked to leave his contact information with the Town Clerk.

**Deborah Glover** commented that it is her belief that the additional homes that are being constructed would still have to comply with the storm water standards, even though they were grandfathered in.

**Kathy Capezioso** questioned the method that the town would be using for the water billing. She was advised by **Supervisor Razzano** that it would be done by means of meter billing.

**Supervisor Razzano** commented that if the town were to take over the water district, the capital charges would be placed on the tax bill. He then informed the board that letters have been received from residents who were unable to attend tonight's meeting, and he reviewed them as follows:

- James & Rose Schaller** indicated that their concerns were about whether or not the capital costs were going to be placed on the tax levy. Also questioned if the new development that was going in would affect water pressure, and if the town currently had the manpower to take over this system.

- Frances Dunker's** concerns were regarding whether or not her taxes would be going up; problems with water pressure; and vandalism that has taken place in the past.

- Michelle Quinn** asked if there would be any increase by the Public Service Commission, and **Supervisor Razzano** commented that the town would not be governed by this commission.

**Supervisor Razzano** discussed the Engineer's Report and that it is their recommendation that Roy Myers stay on for a period of one year to act as a consultant.

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**Deborah Glover** posed the question of who would be responsible if one of the older underground pipes were to become damaged and had to be replaced, and it was determined that this was a result of the heavy traffic from the work going on with the new construction.

**Attorney Guertin** replied that if it was determined that was in fact the cause of the damage, we would have to look to the developer's insurance company, as well as any performance and maintenance bonds, and presumably that would be enough to cover the repairs.

**Barbara Parson** suggested that there must be plans indicating the original layout somewhere in the town hall.

**Chris Jonitis**, Birchwood Lane: Stated that since it was stated that "Water is a natural resource", he hopes that the people in this district will be allowed to use it without constant restrictions.

**Councilman Cole** commented that in relation to the restrictions, the town is mandated to abide by the restrictions set in place by Orange County.

**Nick Jacubis**, Rebecca Drive: Commented that he has a pump in his basement that constantly runs to keep the water pressure up. He questioned that when the new pumping station, located right off Rebecca Drive, goes on line, could it quite possibly improve his pressure.

**Supervisor Razzano** said that the only way we will know is that once the pumping station becomes operational, disconnect the pump and test the pressure.

**Deborah Glover** asked why would the County have such stringent restrictions 365 days a year if indeed there is sufficient water to service not only the existing homes, but the proposed new homes, as well. Added that, "Apparently there is something very wrong". Suggested that the question should be asked if Mr Myers is just trying to conserve the water or is it really a requirement of the Department of Health.

**Dan Vasti**, Maureen Drive: Asked if an agreement could be written that would require Mr. Myers to be responsible if an extensive problem were to develop?

**Supervisor Razzano** replied that the system is currently functioning properly, and that Mr. Myers himself is a resident in the area.

**Barbara Parsons** does not live in the development, but feels that the individuals in this water district need to decide whether or not they want the town to take it over, or if they want a private entity to own it.

**An unidentified** man asked if a generator would have to be purchased, and was informed by the Supervisor that only the sewer plants are required to have back-up generator.

**Supervisor Razzano** polled the audience for a show of hands as to how many residence in attendance would like the town to take over the water company, and with the show of hand it appeared that all were in favor of the town taking over the water district. When asked if anyone was opposed to the takeover there was no one in opposition.

**Councilwoman Soro** said that she would like to see all of the questions of this Public Hearing answered with a report from our Town Engineer.

**Supervisor Razzano** replied that the Engineering report that we have, indicated that this system was in relatively good shape.

**Councilman Cole** added that if you were to compare this water company to any other district that the town has taken over, Robinn Meadows is pristine.

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**Councilwoman Soro** expressed her concerns with the questions regarding whether or not there is enough water to service the additional 44 homes, as well as the questions regarding the water restrictions. Recommended that the required test should be done to make sure there is adequate water .

**Supervisor Razzano** stated that he will need some time to obtain the answers to the questions that were asked this evening, and once the board makes the decision whether or not to buy, notification will be sent to the homeowners.

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**

**A short recess was taken..**

**RIDGEBURY ROAD GRANT:** In order to receive a grant for the work done on Ridgebury Road, adoption of a resolution was required, as follows:

**TOWN OF WAWAYANDA  
RIDGEBURY ROAD GRANT RESOLUTION  
Resolution 8-2007**

Authorizing the implementation, and funding in the first instance of the State Multi-Modal Program-aid (and State administered federal program-aid) eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, a Project for the **RIDGEBURY ROAD PAVING PROJECT**, P.I.N. **8MS272.30A** (the Project?) is eligible for funding (under Title 23 U.S. Code, as amended, and) New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the **TOWN OF WAWAYANDA** desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project: and

NOW, THEREFORE, the **WAWAYANDA TOWN** Board, duly convened does hereby

RESOLVED, that the **WAWAYANDA TOWN** Board hereby authorizes the **TOWN OF WAWAYANDA** to pay in the first instance 100% of the federal and non-federal share of the cost of **CONSTRUCTION** work for the Project or portions thereof, and it is further

RESOLVED, that the sum of **\$50,000** is hereby appropriated from 5110.4DR and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the **SUPERVISOR** of the **TOWN OF WAWAYANDA** is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the **TOWN OF WAWAYANDA** with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs, and it is further

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RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between **TOWN OF WAWAYANDA** and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Upon **MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Soro**, the foregoing resolution was duly adopted by a roll call vote, as follows:

### VOTE

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

### MOTION CARRIED

### ZITO:

**Councilwoman Soro** stated that it is her opinion that having Attorney Guerin and Mr. Ulrich participating in this discussion regarding Mr. Zito is improper due to the fact that Mr. Guertin is a former employee of the law firm that represented Mr. Zito against the town, and that even though he is no longer with that firm a conflict still exists. As far as Mr. Ulrich is concerned he was a town employee at the time actively involved with Mr. Zito's project. It is her belief that the town should hire special counsel to represent it regarding this situation.

**Attorney Guerin** stated that he has made no secret of the fact of his involvement with the law firm that currently represents Mr. Zito, and that it is a fact that the last meeting when this topic was brought up, he left the room because at that time he was still an associate with the law firm of McVean, Lewis, Sherwin, & McDermott. He maintained that he never had any involvement with this particular project. He added that he is disclosing the fact that he has had no previous involvement either with the town or Mr. Zito, and that it is purely up to the Board if they wish to obtain special counsel.

**Councilwoman Soro** stepped down off of the podium and took a seat in the audience.

**Supervisor Razzano** asked Councilwoman Soro as to why she has removed herself from the podium, and she responded that it was due to her concerns with the conflicts of interest.

**Councilman Cole** asked Councilwoman Soro for an explanation as to what specifically she considers to be a conflict of interest?

**Councilwoman Soro** told him that she was not going to provide him with that information now, and said that he should be talking with Mr. Ulrich and Mr. Guertin.

**Mr. Ulrich** stated that he would like to address the issue of conflict before we proceed. Stated that before he agreed to take this project on with the Planning Board representing this applicant, he took the time to review our town's Ethics Law. He agreed that there is language in it which addresses the situation about someone representing the town, and then representing the applicant, on that same project, in further capacity, as a private consultant or as an individual.

**Mr. Ulrich** said that Ms. Soro is incorrect in saying that he worked for the Planning Board at the time this project went before the town, and added that he also worked for the Town Board, but as a consultant. It was under former Supervisor Deblock's administration that a Stipulation of Settlement was negotiated and, at that time, the town was represented by Jacobowitz & Gubits, and Mr. Zito was represented by Attorney Jeff Sherwin. He then explained that it is a fact that he never participated in any discussions that took place regarding this project, and the only contribution he made was the creation of the map, at the direction of the Board, that indicated how the property might be used for a recycling center, which he did, and it then became part of the Stipulation of Settlement.

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**Mr. Ulrich** stated that in his opinion, the term ‘conflict of interest’, as he views it, does not pertain to this particular instance, and that his reasoning is because his work is something that can be made available to the public through the foil process. Added that Mr. Zito really does not benefit in any way because he drew up that map especially since the approved site map is significantly different from the way it was proposed seven years ago. Added that before he agreed to represent Mr. Zito in front of the Planning Board and Attorney Bavoso he made sure that neither one had any issues. The project has since moved ahead and has been approved by the Planning Board.

**Mr. Ulrich** advised the Board that it is purely their decision as to whether or not they wished to have him proceed, or if they feel that someone else should represent his client.

**Supervisor Razzano** stated that Councilwoman Soro discussed her concern with regards to all of the board members having done business with Mr. Zito, and that money has changed hands.

When asked, **Councilman Cole, Councilman Krajewski, Councilman Penaluna, and Supervisor Razzano** stated that they have used the services of Mr. Zito, but felt that, in no way, would this sway their decision.

When asked, **Councilwoman Soro** stated that she never used Mr. Zito’s services.- An audience member questioned Ms. Soro about the dumpsters Mr. Zito had delivered to her father’s residence. Ms. Soro responded that was for her father and had nothing to do with her personally.

**Supervisor Razzano** believed that the Board should address the issues regarding **Attorney Guertin**, and said that on a personnel level he was confident in stating that Mr. Guertin is an individual who would never engage in anything questionable, and that he does not have any problem with Mr. Guertin representing the town in regard to this matter.

**Councilman Cole, Councilman Krajewski, and Councilman Penaluna** concurred with the Supervisor’s statement.

**Supervisor Razzano** also addressed the conflict with **Jim Ulrich** and believed that there is no conflict of interest that exists, and he is comfortable with having him come before the board representing Mr. Zito.

**Councilman Cole, Councilman Krajewski, and Councilman Penaluna** were all in agreement that there was no conflict where Mr. Ulrich was concerned.

**Attorney Guertin** mentioned that it was his belief that Mr. Bavoso did not feel there was a conflict of interest while this project was in front of the Planning Board.

**Mr. Ulrich** said that he would like to ask the Board to consider refining the Stipulation of Settlement between Mr. Zito and the town regarding the usage on his property. He then referred to correspondence sent by Jack Grifo, Building Inspector, to Mr. Zito after a site visit. The letter advised that he felt such uses of recycling as wood waste, tree stumps, concrete and top soil may not be covered in the stipulation. In review of the Stipulation, those items are not specifically addressed. Mr. Ulrich stated that they should be, so that there is no question as to what the permissible uses are on the site.

**Mr. Ulrich** explained that the concept that was envisioned while in front of the Planning Board was a Recycling Facility that would take in the type of materials that Mr. Zito has been processing. Explained that the State’s definition of what is recyclable is something that is not compressible which means that it will not become putrid when stored.

**Supervisor Razzano** stated that there are still some issues that need to be addressed and that a more clear definition of what recycling is, needs to be provided.

**Attorney Guertin** suggested that additional language be incorporated to indicate a time frame as to how soon the material needs to be removed from the property, and that the revisions that are made should be consistent with our Solid Waste Law.

Further discussion took place, and it was determined that both sides will work on wording, and this matter will be discussed at a later date.

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**Councilwoman Soro** returned to her seat at the podium.

**BLOOD DRIVE:** Laura Slowik, Clerk in the Supervisor's office, requested authorization to conduct a Blood Drive on December 7, 2007, at the Wawayanda Town Hall. Ms. Slowik is willing to volunteer her time to stay after hours at the Town Hall, so that the Blood Drive will be able to continue until 6:30 PM. She is also willing to handle the clean up and will secure the building when the drive is over. - Board members expressed approval of the Blood Drive.

**BRADLEY'S CORNERS DINER AND RESTAURANT/LEAD AGENCY:** A **Notice of Intent for Designation of Lead Agency**, was received from McGoey, Hauser and Edsall on behalf of the Town of Wawayanda Planning Department regarding the **Bradley's Corners Diner and Restaurant**. A letter of support was requested from the Town Board which indicates the Planning Board's intent to act as lead agency in regard to the project. Based upon a unanimous decision, the Town Board takes no exception to the Wawayanda Planning Board acting as lead agency for Bradley's Corners Diner and Restaurant, tax map parcel 5-5-16.1 - A letter indicating this will be provided to the Planning Board.

**PANATTONI RESOLUTION:** **Panattoni**, a proposed project currently before the Planning Board has requested approval to become an out-of-district user of Town of Wawayanda Water District #1. To facilitate this , a resolution was presented, as follows:

**TOWN OF WAWAYANDA  
PANATTONI AGREEMENT  
Resolution #9 - 2007**

WHEREAS, Panattoni Development Company, LLC ("Panattoni") is proposing to subdivide property know on the tax map of the Town of Wawayanda as Section 4, Block 1, Lot 43.2 and Section 11, Block 1, Lot 35.32 into two lots and to develop and operate two warehouse/distribution buildings containing a total of approximately 750,000 square feet among other things ("the Project"), and

WHEREAS, the application for approval of the Project is presently pending before the Planning Board of the Town of Wawayanda, and

WHEREAS, Panattoni has approached the Town Board of the Town of Wawayanda to seek to become an out of district user of approximately 5,000 gallons of water per day for the Project from the Town's Water District #1, and

WHEREAS, Panattoni is willing to install, at its own expense and to the Town's specifications, a twelve inch water line and accompanying fire hydrants from the terminus of the existing water line to the Project and to dedicate those improvements to the Town, at no cost to the Town, and

WHEREAS, Panattoni is willing to pay any and all present and future capital costs or charges and water usage fees as if the properties in the Project were within the geographical confines of Water District #1, and

WHEREAS, Panattoni is willing to sign and agreement with the Town memorializing the above terms.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WAWAYANDA that the Town Board agrees to allow Panattoni to connect to the existing pipe line serving the Town's Water District #1 and to use approximately 5,000 gallons of water per day from Water District #1 for the Project, as described above.

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BE IT FURTHER RESOLVED that the Supervisor is authorized to sign an agreement with Panattoni encompassing the terms set forth in this Resolution, so long as the agreement is satisfactory in form and content to the Attorney for the Town, and the Supervisor is further authorized to sign any and all documents and applications necessary for state and/or county agencies to effectuate such agreement.

BE IT FURTHER RESOLVED that any such agreement is subject to Panattoni obtaining final, unconditional approval for the Project from the Planning Board of the Town of Wawayanda.

On **MOTION** by **Councilman Krajewski**, seconded by **Councilwoman Soro**, and upon a vote of 5 Ayes, and 0 Nays, the foregoing resolution was duly **adopted**.

**PROPOSED LOCAL LAW TO AMEND THE BUILDING CONSTRUCTION, MAINTENANCE AND FIRE PROTECTION CODE OF 2006:**

**Attorney Guertin** informed the Board that Jack Grifo, Building Inspector/Code Enforcement Officer has brought to his attention, as well as to Attorney Bavoso's attention, that corrections need to be made to our existing town code in regard to Building Construction, Maintenance, and Fire Protection. He explained in great detail that Section 381 should have been named Section 382, and that provisions in Chapter 54 had been inadvertently removed from the prior chapter.

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to introduce a proposed Local Law to Amend the Building Construction, Maintenance and Fire Protection Code of 2006.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Councilman Cole**, seconded by **Councilman Penaluna**, to set a Public Hearing for October 4<sup>th</sup>, 2007 at 7:30 P.M. to consider a proposed Local Law which would amend our existing Building Construction, Maintenance and Fire Protection Code of 2006.

**ALL IN FAVOR - CARRIED**

**OLD BUSINESS:**

**TOWN CONSTABLES: Supervisor Razzano** informed the Board that background checks have come back, and both candidates have been cleared.

**MOTION** by **Supervisor Razzano** seconded by **Councilman Penaluna**, to appoint **Ruediger (Rudy) Nehr Korn** as a **Constable** for the Town of Wawayanda, to compensate him with a stipend of \$100 for the remainder of 2007, and to pay him the hourly constable rate when working at court sessions.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole** to appoint **Thomas H. Tuohey** as a **Constable** for the Town of Wawayanda, to compensate him with a stipend of \$100 for the remainder of 2007, and to pay him the hourly constable rate when working at court sessions.

**ALL IN FAVOR - CARRIED**

**Engineer Meetings: Supervisor Razzano** discussed meetings that have been taking place between our Town Engineer, Clients, and Planning Board Chairperson. There has been some questions as to whom is able to attend those meetings. A brief discussion took place, and it was determined that the Supervisor would forward a memo indicating that all Planning Board members would be allowed to attend. However, it must be kept in mind that more than three members in attendance would constitute a special meeting.

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**Proposed Solid Waste Law: Supervisor Razzano** stated that he would like to bring this to a public hearing and asked that if there were any more comments, they should be provided to his office, so that Attorney Guertin could begin his preparation for the meeting .

**Councilwoman Soro** requested that Board members complete their review, so that it can be discussed at the next Workshop meeting.

**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 a candidate to fill the vacant position of **Assessor**.

**ALL IN FAVOR - CARRIED**

**EXECUTIVE SESSION:** No action taken.

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

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to schedule a Special Meeting to take place on September 25, 2007, at 4:00 PM, for the purpose of appointing a Part-Time Assessor.

**ALL IN FAVOR - CARRIED**

**NO OTHER BUSINESS OR COMMENTS.**

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

**ALL IN FAVOR - CARRIED**

**MEETING ADJOURNED: 10:55 P.M.**

**PREPARED BY KATHRYN SHERLOCK**

**RESPECTFULLY SUBMITTED,**

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**Teresa E. Pierce, Town Clerk/RMC**