

**Wawayanda Town Board Meeting 9/03/2009**

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:03 P.M., on Thursday, September 3, 2009, 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  
 Richard Penaluna III Councilman  
 Denise Quinn Councilwoman  
 Teresa Pierce Town Clerk  
 Richard Guertin Attorney for the Town (Late Arrival)

Also Present: Michael Green - Highway Superintendent; Barbara Parsons & Mary Markiewicz - Planning Board Members; Gladys Hall - Historian; Russell Budd - Town Consultant; and 5 other individuals.

**PLEDGE TO THE FLAG**

**REGULAR BUSINESS:**

**PRESENTATION OF BILLS AND DEPARTMENT REPORTS:**

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

**PAYMENT OF BILLS:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the payment of bills in the amount of **\$3,570.07** from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 09-01307	\$ 691.46
PPG 09-01312 - PPG 09-1313	
PPWS 09-01304, PPWS 09-01306,	2,878.61
PPWS 09-01311	

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize payment of bills from the General Disbursement Account in the amount of **\$95,243.38** Breakdown as follows:

General Fund	G09-01345 thru 01420	\$40,232.03
	G09-01452 thru 01455	
Highway Fund	H09-01314 thru 01344	37,742.11
Water/Sewer Districts	WS09-01421 thru 01449	13,250.84

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Robin Meadows Capital Project	RMC09-01450 thru 01451	4,018.40
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**WATER/SEWER BREAKDOWN:**

Robinn Meadows Sewer District	2,056.44
Robinn Meadows Water District	1,153.07
Ridgebury Lake Acres Sewer District	632.98
Ridgebury Lake Acres Water District	416.01
Denton Hills Water District	637.12
Arluck Water District	3,447.52
Water/Sewer Districts #1	4,907.50
Water/Sewer Total =	\$13,250.84

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to pay **George M. James & Associates** for invoices or expenses in reference to the following escrow accounts:

- CPV Valley - \$1,920.00

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

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to pay **C.T. Male Associates, P.C.** for services rendered in reference to the following:

- CPV Valley - \$7,761.47

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

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to pay reimburse the **Planning Board (Account 8020.4A)** for invoices or expenses in reference to the following escrow accounts:

- Dworetzky - \$202.19
- CPV Valley - \$12,879.90

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

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to reimburse **Budget Account 1420.101A** for invoices or expenses in reference to the following escrow accounts:

- Grandview Estates - \$748.00

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

**ALL IN FAVOR - CARRIED**

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**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to pay **McGoey, Hauser and Edsall** for services rendered in reference to the following:

- Grandview Estates - \$326.10
- Brookfield - \$1,586.70
- CPV Energy - \$516.00
- CPV - \$55.00
- Brookfield - \$55.00
- Lands of Dul - \$119.70

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

**ALL IN FAVOR - CARRIED**

At the August 5, 2009 meeting a motion was made to pay Greenplan for services rendered in reference to CPV and Brookfield. At that time the Board voted to deny payment.

**Supervisor Razzano** again presented the resolution for the board to consider. It was seconded by Councilman Krajewski, but when put to vote, it was again denied by a vote 2 - Ayes versus 3 -Nays.

**Councilwoman Quinn** asked the Supervisor if the requested information had been received, and added that she is opposed to paying this bill.

**Supervisor Razzano** stated that he had spoken to Greenplan, but still is unsure of what exactly needed clarification.

In the discussion that followed, **Steve Remillard** of CPV stated that they do not have a problem with the invoice and believes that it should be paid.

After additional discussion, the Board put the motion out for a second vote as follows:

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to pay **Greenplan** for services rendered in reference to the following:

- CPV Valley - \$18,997.37
- Brookfield - \$ 2,833.45

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

**VOTE**

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

**MOTION CARRIED**

**APPROVAL OF DEPARTMENT REPORTS:**

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Cole**, to accept the departmental reports from the Supervisor, Town Clerk, Planning Board and Building & Fire Inspector/Code Enforcement Officer, as submitted.

**ALL IN FAVOR - CARRIED**

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**APPROVAL OF MINUTES:**

**MOTION** by **Councilman Cole**, seconded by **Councilman Penaluna**, to approve the minutes of the **July 2, 2009**, and **July 22, 2009** Town Board meetings, as presented by the Town Clerk.

**VOTE**

Supervisor Razzano - Abstained  
Councilman Cole - Aye  
Councilman Krajewski - Aye  
Councilman Penaluna - Aye  
Councilwoman Quinn - Aye

**MOTION CARRIED**

**\*\* Supervisor Razzano** abstained from the vote due to the fact that he has not had an opportunity to review them.

**COMPETITIVE POWER VENTURES, POWER ENERGY CENTER. (CPV):**

**Steve Remillard** the Director/Development for CPV Valley along with colleague **John Hood**, appeared before the Board to conduct a presentation/slide show for the proposed project which is currently in front of the Planning Board. The proposal is for a 630MV, highly efficient combined-cycle facility which will be located on 122 acres in Wawayanda. The Board members were provided with information outlining the Environmental Benefits and facts, Community and Economic Benefit Opportunities, and information on Economic Stimulus.

**Mr. Hood** stated that the project is in the advanced stage of SEQRA (State Environmental Quality Review Act), and reminded everyone that the DEIS public comment period closed May 2009.

The Air Permit has been filed with the NYDEC and US EPA, and both entities have deemed the applications to be complete. The water supply studies have been completed confirming water supply options with the City of Middletown Waste Water Treatment Facility, and the negotiations of water supply and discharge agreement is currently underway. The IDA/ Host Community Benefits Agreements are actively being negotiated and scheduled for completion early in the fourth quarter of 2009.

**Mr. Hood** continued by explaining what the next steps would be, and said that with regard to SEQRA, the FEIS would have to be submitted and receive findings from Lead Agency. The water supply and discharge agreement would have to be finalized with the City of Middletown and a SPEDES permit application still needs to be submitted. Also, he would have to finalize the PILOT Agreement with the Orange County IDA, and complete the negotiations and finalize the Host Community Benefits Agreement with the Town of Wawayanda.

Please note that during Mr. Hood's presentation he responded to a few questions posed by the Board members.

**EXECUTIVE SESSION:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to enter into **Executive Session** to discuss the employment of a particular individual.

**ALL IN FAVOR - CARRIED**

**EXECUTIVE SESSION:** No action taken.

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

**ALL IN FAVOR - CARRIED**

\*\* While the Board was convened in Executive Session, Attorney Guertin arrived and joined the closed session.

**BOOKKEEPER CLASSIFICATION: Howard Goldstein** submitted a request to the Board to switch his method of compensation from independent contractor to a W-2 employee.

**Supervisor Razzano** noted that Mr. Goldstein would be taking a cut in pay if this request is granted.

**Mr. Goldstein** has recently retired from his full time position and has greatly reduced his outside accounting practice to accommodate the Town. At this time the only other work he has is with the Villages of Warwick and Goshen where he is employed as a W-2 employee. If the change were able to be made this would save him a great deal on insurance costs. The change would not cost the Town anything as he would be classified as part-time under the County of Orange job title #1096, and he would not be eligible to receive any benefits through the Town.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, the authorize the change in the status of Howard Goldstein from a independent contractor, and to be classified as a P/T Bookkeeper to the Supervisor, with a salary of \$31,792 effective October 1, 2009 with no possibility to collect benefits.

**ALL IN FAVOR - CARRIED**

**DONATION OF SICK TIME/LAURA SLOWIK:**

A request was received from **Sharon Melvin, Court Clerk**, and **Elizabeth Seabright, Court Clerk**, who are scheduled to retire at the end of this year, requesting approval to donate accumulated sick time of up to ten days each to Laura Slowik. Ms. Slowik's mother recently had a life altering accident, and she will be needing the additional time so that she may tend to her mother's needs.

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to grant the request from Sharon Melvin and Elizabeth Seabright to donate 10 days from their accumulated sick time to Laura Slowik in connection with medical leave.

**ALL IN FAVOR - CARRIED**

**DONATION OF SICK TIME/EDWIN REMEY:**

**Michael Green**, Highway Superintendent, submitted a memo to the Board advising that Edwin Remy is currently out on a sick leave and is expected to be out of work for another two to three months. Due to other illness this year he has exhausted all of his sick time for the year. He has been approached by a few of the highway department employees who would like to donate their sick time to him.

Considering that this request was received this afternoon, the Board felt that they did not enough information to make a decision this evening. This matter was tabled until the next Town Board meeting.

**GRANDVIEW DRAINAGE DISTRICT & WATER DISTRICT:**

**Attorney Guertin** explained that two separate petitions have been presented to the Town Board for the creation of the Grandview Estates Drainage District and the Grandview Estates

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Water District. At this time the Board needs to classify the applications as an unlisted action pursuant to SEQRA, and to and to declare the Town Board as Lead Agency. Also, the Town is required to send notification to all of the property owners within the proposed district's.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt a resolution to approve the order call in the public hearing in the matter of the Creation of the Grandview Estates Drainage District, with the hearing to take place at the regular Town Board monthly meeting on Thursday, October 8, 2009 at 7:00 P.M, as presented.

**ALL IN FAVOR - CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adopt a resolution to approve the order call in the public hearing in the matter of the Creation of the Grandview Estates Water, with the hearing to take place at the regular Town Board monthly meeting on Thursday, October 8, 2009 at 7:00 P.M, as presented.

**ALL IN FAVOR - CARRIED**

**GOSHEN PUBLIC LIBRARY CONTRACT:**

**Supervisor Razzano** said that he has received the proposed contract from the Goshen Library, and that this year the estimated cost per person is up \$20.00 from last year at around \$90.00 per person.

A lengthy discussion took place amongst the board members and members of the audience expressing there concerns as well as how they would like to see Library service provided to all of the unserved resident within the Minisink Valley School District.

**Supervisor Razzano** stated that the contract has been turned over to the Town Attorney for his review.

**MOTION** by **Councilman Cole**, seconded by **Councilman Krajewski**, to authorize the Supervisor to sign a one year contract with the Goshen Library subject to the Attorney's approval.

**VOTE**

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

**MOTION CARRIED**

**EXECUTIVE SESSION:**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to enter into **Executive Session** to seek the advice of Counsel on a specific matter.

**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**

**SALT PURCHASE:**

**Highway Superintendent** submitted a memo to the Board explaining that if the Town were to purchase salt before September 30<sup>th</sup> there would be a cost savings of \$5,000. He provided a break down showing that if we were to purchase before September 30<sup>th</sup>, 1,000 tons @ 64.05 a

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ton would cost \$64, 050.000, and if we were to purchase after September 30<sup>th</sup> the cost would be \$69,050.00.

The Board concurred that additional information was required for a decision could be made, and it was determined that this matter would be tabled until the Workshop meeting.

**CANCELLATION/RE SCHEDULING OF THE SEPTEMBER 15<sup>TH</sup> TOWN BOARD WORKSHOP MEETING:**

**Supervisor Razzano** stated that the September 15<sup>th</sup> Town Board Workshop meeting needs to be rescheduled because it falls on Primary Day this year.

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Penaluna**, to cancel the September 15, 2009 Workshop Meeting and reschedule for September 22, 2009 at 7:00 P.M..

**ALL IN FAVOR - CARRIED**

**BLOOD DRIVE:** **Laura Slowik**, Clerk in the Supervisors office, requested authorization to conduct a Blood Drive on Friday, October 9, 2009, at the Wawayanda Town Hall. Ms. Struble is willing to volunteer her time to stay after hours at the Town Hall so the Blood Drive will be able to continue until 7:00 PM. She is also willing to handle the clean up and will secure the building when the drive is over.

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the Laura Slowik the use of Town Hall on October 9, 2009 to conduct a Blood Drive.

**ALL IN FAVOR - CARRIED**

**GENERAL CODE PUBLISHERS UPDATES:**

**Supervisor Razzano** addressed the Board members and explained that there is currently a proposal on the table to update our current Town Code book to a size of 8 ½ x 11. If the town were to stay with the current format and update the code with all of the current revisions the cost would range any where from \$8,400 to \$11,000. If the Board were to decided to update the Code Book to a size of 8 ½ x 11, the cost would range from \$13,500.

**Teresa Pierce**, Town Clerk explained that if we were to go with the new format the cost of \$13,500 would include the 10 new code books, it would include all of our updates and they would review the code to ensure that we do not have any conflicts, and the Town Code would be available through E-Code.

Additional discussion took place.

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the purchase 20 Town Code books in the new format of 8 ½ x11, from General Code Publishers as per the proposal submitted to the Town Clerk.

**ALL IN FAVOR - CARRIED**

**MID HUDSON VALLEY FEDERAL CREDIT UNION:**

**MOTION** by **Councilman Penaluna**, seconded by **Supervisor Razzano**, to designate the Town as a member of the Mid Hudson Credit Union thereby allowing town employees to participate in their service.

**VOTE**

Supervisor Razzano - Aye  
Councilman Cole - Aye  
Councilman Krajewski - Aye  
Councilman Penaluna - Aye  
Councilwoman Quinn - Abstained

**MOTION CARRIED**

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**\*\*\* Councilwoman Quinn** abstained from the vote because she is an employee with the Mid Hudson Valley Federal Credit Union.

**Proposed ATV Law: Supervisor Razzano** stated that he has drafted a proposed ATV Law for the Boards review, and will be discussed at the next Workshop meeting.

**Town of Wawayanda 3<sup>rd</sup> Annual Town Picnic: Councilman Cole** announced that the 3<sup>rd</sup> Annual Town Picnic will take place on Saturday, September 12, 2009 from 1:00 PM - 6:00 PM.. He is pleased to report that the Recreation Committee has raised enough in donations from our local business to cover the entire cost of the picnic.

**PUBLIC COMMENTS & QUESTIONS:**

**Mary Markiewicz** spoke about the decision by the Board to approve the Library contract subject to Attorney approval, and stated that she is very much against such an expenditure considering the recent cut backs that have taken place here at Town Hall. With the economy being in such an unstable state she does not believe the cost should come out of the tax payers pocket.

**Barbara Parsons** concurred with Ms. Markiewicz statement regarding the Library service, and said that from the beginning she felt that we should have looked into participating with the Town of Greenville to be able to utilize their Resource Center. She suggested that the Board look to opening up a dialogue with the Town of Greenville to see if an agreement could be reached.

**No other comments or questions.**

**MOTION** by **Councilman Krajewski**, seconded by **Councilwoman Quinn**, to adjourn the meeting.  
**ALL IN FAVOR - CARRIED**

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**MEETING ADJOURNED: 10:52 P.M.**

**PREPARED BY KATHRYN SHERLOCK  
RESPECTFULLY SUBMITTED,**

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