

## Wawayanda Town Board Meeting 03/08/2018

**March 8, 2018**

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:04 P.M., on Thursday, March 3, 2018, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:	Denise Quinn	Deputy Supervisor
	Nicolas Chase	Councilman
	Ron Myruski	Councilman
	Kathryn A. Sherlock	Town Clerk
	David Bavoso	Attorney for the Planning Board
	William Bavoso	Attorney for the Planning Board
	Patrick Hines	Engineer for the Town
Attendance Not Required:	Scott Bonacic	Attorney for the Town
Absent:	John R. Razzano	Supervisor

Also Present: Susan Hutchings – Secretary to the Supervisor; Penny Tuohey – Deputy Highway Superintendent; Howard Goldstein – Bookkeeper for the Town and approximately 80 others.

### PLEDGE TO THE FLAG

#### **PUBLIC COMMENT / CPV ENERGY CENTER / MILLENIUM PIPELINE:**

**Richard Hardy**, a resident of Ridgebury Rd, stated that his house is vibrating every day from the construction of the pipeline and said it sounds like a 747 taking off all day long. The noise and vibration start at 7:00 AM – 11: PM and asked who was going to pay for the repairs to his home.

**Ray Jarosz**, a resident of Creeden Hill Road, said that he unfortunately has a clear view of the Power Plant from his home and referred to the day of February 17, 2018, and said that it was a beautiful clear day, the plant was running and they had a tremendous haze around his house. He continued on to say the smell of oil gave him a headache and had trouble breathing. He provided the board with the definition of the work poison and said as far as he was concerned he was poisoned that day.

**Jocelyn Figueroa**, a resident of Middletown, questioned the Board about the Emergency Management Plan for this facility. Continued on to say that her concern lies with the Ammonia that will be released into the air in the event of an incident on site. She expressed her concerns with the plant supposedly running on low sulfur diesel and asked who was going to compensate her family for the distress this plant is causing them.

**Joan Tirrell**, a resident of Warwick, spoke about the effects of the plant and how it will poison her overtime. She wants the plant shut down and asked that the Wawayanda Town Board make it happen.

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**Alicia Weissman**, a resident of Goshen, said that she lives just 6 miles away from the plant and watched the cloud migrating down Route 17M, and expressed her concerns with letting her dog out. She questioned the Board as to how they could prevent this from happening again in the future.

**Madeline Shaw**, a resident on Ridgebury Road, referred to the meeting she attended at the Town of Wallkill regarding a woman questioning that Town Board on how she will she know if it safe for her children to play out in their yard. She also discussed her concerns for the Bald Eagle whose nest was in a tree located 80 feet from the pipeline.

**Greg Winner**, a resident of Heselton Drive, referred to a meeting held in the City of Middletown where he stated that he has been against this project from the beginning. He continued on to say the he grew up in the City of Middletown and also served out Country in the Military. He believes that the Town of Wawayanda did him a disservice allowing this sort of project in our town. He complained about the amount of money the Town was receiving in the PILOT and said that it definitely is not enough money and said that he believes the Town of Wawayanda will be facing a law suit in the near future.

**Scott Martens**, a resident of the Town of Minisink, drives past the Pipeline and the Power Plant everyday and expressed his concerns with the emissions he will be breathing in every day. It is his understanding that the Town Board served as Lead Agency in this project and asked why they choose to do so. He continued on to questioned the Board as to why they did not change the zoning so that this project would not be allowed and asked why the Town Board chose to remove the Cultural Resources Management Law. He then questioned the Board as to why they did nothing to protect the Eagles nest.

**Pramilla Malik**, a resident of the Town of Minisink, said that she represents Protect Orange County and wants to know why the Town has ignored their concerns. The pipeline that is being run through our Towns is going to admit Radioactive material into our air. She then questioned the Board asking why Ann Yates was fired from the Planning Board and why was the Engineer at the time also fired.

**Adrienne Butoinik**, a resident of Goshen, said the air testing was inadequate and that when the plant is up and running the fumes are going to stay in the valley.

**Linda & Steve Vrydaghs**, a resident of Pocatello Road, informed the Board that they suffer from persistent asthma and said that the smell of diesel fuel had affected her so bad she had to use all five of her medications. They continued to say that their dog is very sick and has very bad skin issues and that they are very hesitant in deciding as to whether or not to go outside of their home. She asked the Board who was going to pay her medical bills when this plant is up and running.

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**MaryAnn McDough**, a resident of Otisville, addressed the Board and said “Shame on You” and referred to the medical forms that everyone is filling out on the Protect Orange County site. She continued on to that the Planning Board members new back in 2009 that the DEIS was incomplete and still allowed the project to be approved.

**Michael Strimiska**, a resident of the City of Middletown, stated that he was a teacher at a local college and read aloud a prepared statement regarding Climate Change. He then addressed the Board and said that Town is going to turn our community into an industrial wasteland.

**Paul Capobianco**, a resident of Ridgebury Road, addressed the Board and said that the Tractor Trailer traffic going up and down his road is excessive. He continued on to say that our town is turning into a junkyard and we are not getting reciprocated for anything, and the noise and vibration from the pipeline construction is unbearable.

**Jessica Gocke**, a resident of Goshen, began by asking where Mr. Razzano was this evening, and then said that she is very concerned that the Town does not have an emergency evacuation plan and that she wants one put in place. She then spoke abo the crimes against the American Bald Eagle and the installation of the pipeline through its habitat is a Federal offense. She insisted that a moratorium be placed on the construction of the pipeline and said that the Town should reinstate the Cultural Resources Management Law.

**Erika Myers**, a resident of Mt Orange Road, read aloud a letter she had submitted to the Planning Board during a Public Hearing. She then spoke about the PILOT and said that the town is only set to received 11 million dollars and CPV will not be paying taxes for over 20 years. She addressed the Board and said that she wants the Town to use the PILOT money to buy all of their houses so that they could get out of here.

**Melissa Lax**, a resident of Kirbytown Road, said that she owns two homes on Kirbytown and that her bedroom windows face the Power Plant. She continued on to say that she worries about her kids playing outside and that the sounds coming from the plant sound like jet engines and her children are having a problem getting to sleep at night. Added that she finds it very strange that in the last snow the county had it did not snow in Wawayanda. Added that she moved to this Town because of the School district and hopes that everyone remembers her comments on election day.

**Dorothy Winner**, a resident of Heselton Drive, said that she had heard a roaring noise in her home the other night coming from the plant and believes that this will continue. She does not want to believe that we should pay any more taxes and said that the Board just does not care about their health. Ended by saying “No Taxation without Representation”

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**Joe Karpienia**, a resident of Jogee Road, said that he has been a resident in this town for the last 30 years. Prior to last February he never needed to wear a gas mask in his home. He has been experiencing excessive coughing and his eyes are constantly watering. He continued on to say that his wife has been getting bloody noses and that she works by the compressor station in the Town of Minisink. Added that they may have to consider moving because now they are living in a fish bowl.

**Ovid Figeroua**, a resident of Middletown, stated that there are 2.1 million tons of emissions into the air per year and that just one plant can emit 2X's that amount. Stated that he did not believe the evacuation plant was good enough and that the Ammonia along can travel up to 26 miles.

**Michael Vandervort**, a resident of the Town of Minisink, stated that he could smell the diesel at this house at 8:30PM. Back in the 1700's we all were part of the Town of Minisink said that the pipeline is running through an ancient burial ground. He addressed Councilman Cole and said that he should be ashamed of himself for allowing this project to come into our town.

**Natalia Dasraj**, a resident of Greeves Road, addressed the Board and asked if they were listing to the comments being voiced here this evening. She continued on to say that the day the plant was up and running she had just gotten home from work and there was a haze in the air, and she had a hard time breathing, her eyes were watering and she was having a hard time thinking straight. She claimed that the Board was poisoning her.

**Alan Stephens**, a resident of Guinea Hill Road, spoke about the fencing Millennium Pipeline erected on Ridgebury Hill Road and said that it is much higher than what the Town allows for and that he had wanted to installed a high fence on his own property and was told that he could not.

**John Patane**, a resident of Ridgebury Road, spoke and said that he is pleased that the Town hired an outside consultant to monitor the air and said that we also need to hire an Attorney to represent us when the law suits start pouring in.

**Randy Hurst**, a resident of Post Road, spoke and said that back in 2009 he had attended the Planning Board hearings for this project and that he had submitted a three-page comment letter warning the Town at the time of why this project should never have been approved. He insisted that the Town continue to monitor the air emissions once the plant is up and running and with the Department of Environmental Conservation and the Department of Health. Added, that CPV should be paying the bill for the air emissions.

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**Deborah Glover**, a resident of Greeves Road, stated that she has been a resident of this town for over 40 years. Continued on to explain that she was the Chairwoman for Wawayanda Citizens Advisory Committee during the time Calpine was looking to come into the Town. She then addressed Councilman Cole and Deputy Supervisor Quinn and said that at that time neither one of them had the Town or the residents best interest in mind and believes that to be the case when it comes to this power plant.

**Mary Bauer**, a resident of Shore Blvd, said that she has just recently purchased her home and said that she had choose this Town because of it rural beauty. Questioned the Board as to why they would allow such a project to come into this town. She continued on to say that the noise coming from the plant was horrible and it sounded like she was living at LaGuardia Airport.

**Karen Struble**, a resident of US Route 6, said that she is hear this evening to stand up for her family. Her family owned two houses in Middletown on Smith Road that used to be Crystal Springs Farms. Because of the contamination in the air they could not eat the food that they were growing nor could they drink the water. Stated that the Board should have learned from the mistakes made in the past and make the changes for a better future.

**David Solimando**, a resident of County Route 12, accused the Town Board of taking bribes and demanded that the Board do whatever they had to, to shut CPV down.

**Rosemarie Solimando**, a resident of County Route 12, addressed the Board and said that if they had made the wrong decision about allowing this plant come into the Town that now is the time to make it right and do what every they have to, to shut it down.

**Laura Peragine**, a resident of Bergen Circle, stated that she wants the ground water tested and wants to know when the Board is going to do it. She does not believe that CPV has any transparency and cannot be trusted.

**Chris Kehoe**, a resident of Greeves Road, stated that he could see the haze coming from the plant from New Jersey and does not understand how the Town allowed this to come into our community. He also spoke about the Emergency Management Plan believed that it was inadequate. The plant does not have much security on site and gave a scenario with a vehicle running into the plant off of I-84 and demanded that a better plan be put into place.

**Kathy Frahme** believed the Plant to be a perfect terrorist target and wants it shut down.

**Bob Deitrich** addressed the Board and said that the women who spoke here tonight know what they are talking about and the Board needs to listen to them.

**Elizabeth Gotlieb**, a resident of Jogue Rd, stated that she had to purchase a gas mask because she is having a hard time breathing due to the power plant. Questioned the Board as to why the DEC was not doing anything about the pollution coming from the plant.

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**Michael Green Jr.**, a resident of County Route 284, spoke and said that he is aware of a recent home sale that fell through because of the power plant and that this monstrosity will bring down all of the values of our home. He continued on to say that Scott Bonacic was hired as the Town's Attorney and said that was a conflict of interest considering they represented CPV. He continued on to say that he was a former Councilman for the Town and in the last election he ran for Town Supervisor and only lost by approx. 30 votes. He continued on to say that he had also served on the Town's LDC and had recently been removed by **Supervisor Razzano**.

**Mike Pettit**, of Robbin Drive, said that three Saturday's ago the smell was horrible in his neighborhood. He has lived here over 40 years and more important he works to stay in his home.

**Mike Osher**, a resident of Westtown, said that he is very concerned with the fact that there is no mechanism in place to get the information out to the residence in the event of an emergency with the plant. Added, that with regards to the pipeline being installed that 100% of them fail and are only repaired when a failure is found.

During the meeting members of the Board attempted to respond to the comments and questioned being posed by the members of the audience but were met with heckling and criticism.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to take a 10-minute recess.

### APPROVAL OF DEPARTMENT REPORTS:

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase**, to accept the various departmental reports, as submitted.

**ALL IN FAVOR – CARRIED**

### PAYMENT OF BILLS:

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Myruski**, to authorize the payment of bills in the amount of \$6,509.39 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 18-00230	\$2,282.39
PPWS 18-00229	\$4,227.00
Total =	\$6,509.39

**ALL IN FAVOR - CARRIED**

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**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to authorize the payment of bills from the General Disbursement Account in the amount of \$203,714.55. Breakdown as follows:

General Fund	G18-00304 – G18-00359	\$112,289.43
Highway Fund	H18-00237 – H18-0000271	\$ 39,478.48
Water/Sewer Districts	WS18-00272 – WS18-00303	\$ 51,911.18
Lakeridge Street Lighting	SSLK18-00360	\$ 35.46

### WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	1,996.39
Robinn Meadows Water District	4,138.55
Ridgebury Lake Acres Sewer District	1,023.08
Ridgebury Lake Acres Water District	344.83
Denton Hills Water District	1,019.83
Arluck Water District	1,423.98
Water Districts #1	26,085.22
Sewer Districts #1	15,879.30
Water/Sewer Total =	\$51,911.18

**ALL IN FAVOR – CARRIED**

**APPROVAL OF MINUTES: Kathryn A. Sherlock**, Town Clerk, requested approval of the minutes of the October 5, 2017, October 17, 2017, November 2, 2017 and November 21, 2017, Town Board Meetings.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase**, to approve the minutes of the October 5, 2017, October 17, 2017, November 2, 2017 and November 21, 2017, Town Board Meetings, as presented by the Town Clerk.

**ALL IN FAVOR – CARRIED**

### JODY MORASKI / HORSE SHOW:

**Jodi Moraski**, d/b/a Greystone Stables, Inc., 112 Ridgebury Road, New Hampton, has applied for a permit to conduct Horse Shows on March 11, May 12, June 16, and August 26, 2018. She has conducted similar events in the past. As always, a PA system will be used during the course of the day. At this time a “Certificate of Liability Insurance” has been provided.

The request had been referred to our Code Enforcement Officer, and the response was that there were no complaints from prior activities in the town.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase**, to authorize the issuance of a permit to Jody Moraski d/b/a Greystone Stables, with the events to take place on March 11, May 12, June 16, and August 26, 2018.

**ALL IN FAVOR – CARRIED**

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**CAROL RYAN/APPLICATION FOR A SOLICITORS PERMIT:** Carol Ryan has submitted a request for the renewal of a one-year Solicitors Permit for her Hot Dog Wagon located on the Soon's property along County Route 12.

Upon approval Ms. Ryan will provided me with an updated Orange County Mobile Food Vending Permit and current Certificate of Insurance.

This matter has been referred to Charles White, our Code Enforcement Officer who has responded that he has not received any complaints regarding this business.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase**, to approve the renewal of a Solicitors permit for Carol Ryan for one year to operate a Hot Dog Food Vending Service on the Soon's Property which is adjacent to County Route 12 in New Hampton.

**ALL IN FAVOR – CARRIED**

### **SENIOR CENTER GENERATOR:**

**Deputy Supervisor Quinn** reviewed the three quotes obtain for the purchase of a **Generator** for the Senior Center. After a brief discussion the Board agreed that Peak Power was the appropriate choice.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase**, to authorize the Highway Superintendent to purchase One **Generac 22 KW 120/240 1 Phase Air cooled Generator** from Peak Power Systems at a total cost of \$8,000.00.

**ALL IN FAVOR – CARRIED**

### **REPLACEMENT GENERATOR / RIDGEBURY LAKE SEWER:**

**Deputy Supervisor Quinn** explained that during one of our most recent storms the generator located at the Ridgebury Lake Sewer district had a power surge that had fried and no longer operates. The Town has obtained quotes for the replacement and Peak Power is the best value.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to authorize the Highway Superintendent to purchase One **Generac 80 KW 120/208 VAC three phase, 60 Hz** from Peak Power Systems at a total cost of \$26,375.00.00.

**ALL IN FAVOR – CARRIED**

### **NYS DOT PHYSICALS:**

**Deputy Supervisor Quinn** explained that the Highway Superintendent requested that the requirement effective January 1, 2018, all Highway Employees who have a CDL License will require that they obtain their DOT Physical from Partners in Safety.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Myruski**, to adopt a resolution to require all Highway Department Employees who possess a CDL License and require a DOT physical obtain the Physical at Partners and Safety effective January 1, 2018.

**ALL IN FAVOR – CARRIED**

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### **PROPOSED LOCAL LAW / COLD WAR VETERAN'S EXEMPTION:**

**Deputy Supervisor Quinn** explained that changes had to be made to the Law that was introduced last month and the document is now ready to set the Public Hearing.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Chase** to re-introduce a Local Law to Amend Chapter 166, Article III (Cold War Veterans) of the Code of the Town of Wawayanda.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to set Public Hearing's for March 20, 2018, at 7:00P.M., or soon thereafter, on the proposed Local Law Amending Chapter 166, Article III (Cold War Veterans) of the Code of the Town of Wawayanda, and to authorize the Town Clerk to place a legal notice in the Times Herald Record.

**ALL IN FAVOR – CARRIED**

### **McGOEY, HAUSER & EDSALL / TOWN HALL MEETING ROOM & BATHROOMS:**

**Councilman Chase** discussed the proposal received from McGoe, Hause and Edsall, Engineers for the Town, for the various building upgrades to the Town Hall meeting room and bathrooms. Added that this is just the first step in what will be a long process. The Town will also be replacing the front doors.

**Pat Hines**, Engineer for the Town, explained that this first step will also be a feasibility stage with bringing the bathrooms up to code with the American Disability Act. Additional discussion took place.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to accept and move forward with the proposal submitted by McGoe, Hause and Edsall for Engineering and Feasibility study for the various building upgrades to the Town Hall meeting room and bathrooms at a cost not to exceed \$8,500.00.

**ALL IN FAVOR – CARRIED**

### **EXECUTIVE SESSION:**

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to go into Executive Session to discuss the employment of a particular person.

**ALL IN FAVOR – CARRIED**

**EXECUTIVE SESSION:** No action taken.

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to close executive session and re-open the regular meeting.

**ALL IN FAVOR – CARRIED**

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**WATER & SEWER OPERATIONS / REDUCTION IN HOURS:**

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Myruski**, to reduce the hours of **Jeff Mills Jr.**, Water & Wastewater Maintenance Worker not to exceed 30 hours per week effective immediately.

**ALL IN FAVOR – CARRIED**

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Myruski**, to authorize the Town Assessors, Maria Pastena and Heather Shields to attend a required training class at a cost of \$110.00 per person.

**ALL IN FAVOR – CARRIED**

**TOWN ENGINEER / SOLICIT PROPOSAL FOR AIR, WATER & NOISE / CPV SITE:**

**MOTION** by **Deputy Supervisor Quinn**, seconded by **Councilman Cole**, to authorize the Town Engineer to solicit proposal for independent third-party consultant to assist with data collection, permit review, and site monitoring for active air, noise and water for the CPV site and to assist with their daily activities from here on out.

**ALL IN FAVOR – CARRIED**

**MOTION** by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to adjourn the meeting.

**ALL IN FAVOR – CARRIED**

**MEETING ADJOURNED: 9:40 P.M.**

**RESPECTFULLY SUBMITTED,**

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**Kathryn A. Sherlock**  
**Town Clerk**

