

Wawayanda Town Board Meeting 05/03/2018

May 3, 2018

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:00 P.M., on Thursday, May 3, 2018, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

| | | |
|--------------------------|---------------------|-----------------------|
| Those present were: | John R. Razzano | Supervisor |
| | Denise Quinn | Councilwoman |
| | David Cole | Councilman |
| | Ron Myruski | Councilman |
| | Kathryn A. Sherlock | Town Clerk |
| | Nicolas Chase | Councilman |
| Attendance Not Required: | Scott Bonacic | Attorney for the Town |

Also Present: Thomas J. DeBlock – Highway Superintendent; Melody DeBlock; James Bergen; Susan Hutchings – Secretary to the Supervisor and 19 others.

PLEDGE TO THE FLAG

PUBLIC HEARING ON THE PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW TO AMEND CHAPTER 195-42.1 LARGE SCALE SOLAR ENERGY SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF WAWAYANDA.”

Supervisor Razzano read the Notice of Public Hearing as it appeared in the Times Herald Record on April 18, 2018.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to open the public hearing.

ALL IN FAVOR – CARRIED

PUBLIC COMMENTS & QUESTIONS:

Alan Stephens stated that he would like the town to send out notification to all of the residents when a Large Scale Solar Project is proposed in the town.

Michael Vandervort questioned what the setbacks were for these projects on the side, front, and rear, spoke about the Floating Industrial District with regards to the liability with Planning Board responsibilities, questioned if the wetlands were to be removed from the project area and questioned as to whether or not the town will factor in the stormwater issue resulting from the drain off from the panels.

Supervisor Razzano responded to all his questions and advised that this action is being taken to alleviate the impacts on the residents who neighbor these projects, the wetlands and stormwater matters are handled during the Planning Board process

All who wished to speak were given the opportunity to do so.
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Supervisor Razzano noted that he Orange County Planning Department's comments have yet to be received.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to close the Public Hearing.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to adopt Local Law #2-2018, "A Local Law to Amend Chapter 195.42.1 Large Scale Solar Energy Systems and Equipment within the Town Wawayanda", pending on the approval from the Orange County Department of Planning.

ALL IN FAVOR - CARRIED

***A complete copy of the Local Law will appear at the end of these minutes as Addendum #1.

APPROVAL OF DEPARTMENT REPORTS:

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

ALL IN FAVOR – CARRIED

PAYMENT OF BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to authorize the payment of bills in the amount of \$2,776.65 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

| | |
|---------------|------------|
| PPG 18-00507 | \$ 362.68 |
| PPWS 18-00508 | \$2,413.97 |
| Total = | \$2,776.65 |

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the payment of bills from the General Disbursement Account in the amount of \$164,705.56. Breakdown as follows:

| | | |
|---------------------------|--|--------------|
| General Fund | G18-00559 – G18-00624 G18-00652 – G18-00654 | \$ 61,796.39 |
| Highway Fund | H18-00514 – H18-00558 | \$ 65,668.71 |
| Water/Sewer Districts | WS18-00625 – WS18-00651 | \$ 37,209.02 |
| Lakeridge Street Lighting | SSLK18-00513 | \$ 31.44 |

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WATER/SEWER BREAKDOWN:

| | |
|-------------------------------------|-------------|
| Robinn Meadows Sewer District | 2,360.43 |
| Robinn Meadows Water District | 4,124.02 |
| Ridgebury Lake Acres Sewer District | 2,505.48 |
| Ridgebury Lake Acres Water District | 68.50 |
| Denton Hills Water District | 492.40 |
| Arluck Water District | 421.98 |
| Water Districts #1 | 16,952.50 |
| Sewer Districts #1 | 10,283.71 |
| Water/Sewer Total = | \$37,209.02 |

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to pay the following vendors for services or goods rendered in reference to the following:

McGoey, Hauser and Edsall Engineering - \$14,536.97

- CPV – 001 - \$145.00
- CPV – 003 - \$1,845.14
- CPV – 005 - \$3,249.76
- Millenium Pipeline \$6,713.95
- Nowak Hotel - \$284.90
- 84 Quick Stop - \$962.15
- Johnston Toyota – Site Inspection - \$533.37
- CJAR – Johnston Toyota - \$7.40
- Swanson - \$141.60
- Satter - \$252.20
- Satter - \$72.50
- Field of Dreams - \$166.90
- OC Soil & Water Conservation - \$101.50
- Invoiss – Horan Rd - \$290.60
- Razzano - \$22.20

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 the following account for invoices or expenses in reference to the following Escrow Account:

8020.4A

- Deborah Ball – 2 Lot - \$191.70
- Deborah Ball – 4 Lot - \$150.00
- Jose Loyas - \$150.00
- Field of Dreams - \$885.40
- Affordable Imports - \$465.01

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 **Councilwoman Quinn**, to close out the following Escrow Account and return the remaining funds to the applicant.

- Deborah Ball – 2 Lot - \$289.40
- Deborah & Donald Ball – 4 Lot - \$854.50
- Miedema Auction - \$449.60
- Pistone – Amended - \$80.85
- Jose Loyas - \$206.30
- ADS Amended - \$161.00

Payment will be made through Special Trust and Agency Account.

ALL IN FAVOR – CARRIED

APPROVAL OF MINUTES: I would like to requested approval of the minutes of the December 7, 2017, December 28, 2017 and January 4, 2018, Town Board Meetings.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to approve the minutes of the December 7, 2017, December 28, 2017 and January 4, 2018, Town Board Meetings, as presented by the Town Clerk.

ALL IN FAVOR – CARRIED

APPLICATION FOR SOLICITOR’S PERMIT/ Michael T. Bentivoglio:

Mr. Bentivoglio submitted a request for renewal of a Solicitors Permit to operate an ice cream truck **d/b/a Mr. Ding-A-Ling**. As a reminder he will not be stationary, but will be driving in various locations throughout the town.

Mr. Bentivoglio has provided the Town Clerk’s office with a copy of the Orange County Department of Health Permit or a Certificate of Liability Insurance.

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Mr. Bentivoglio has receiving a permit from the town during the years 2009-2017 with no issues. The application 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 **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the issuance of a solicitor's permit, not to exceed one year, to Michael T. Bentivoglio, d/b/a Mr. Ding-A-Ling Ice Cream.

ALL IN FAVOR – CARRIED

WILLIAM J. AQUINO JR./FIREWORKS DISPLAY: **Mr. Aquino**, of 21 Hillside Road, submitted an application for a professional Fireworks display to be conducted at this residence on July 4, 2018 between the hours of 9:00PM & midnight, with a rain date of July 7, 2018. Mr. Aquino is a licensed certified pyrotechnic technician, License # PR447, expiration date 5/31/2019 issued by the Department of Labor, State of New York. Also, he will provide the Town Clerk with an Insurance Certificate in the amount of \$2,000,000.00 (two million dollars) naming the Town of Wawayanda as the additionally insured once approved. Mr. Aquino has been applying for and has received approval to hold the event since 2010. Also, he will also be required to contact the Slate Hill Fire Department to notify them of the event.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the issuance of an Amusement/Exhibition Permit to William J. Aquino Jr., in regard to the fireworks display on July 4, 2018 between the hours of 9:00PM & midnight, with a rain date of July 7, 2018, to be conducted on his property located at 21 Hillside Road, Slate Hill, NY.

ALL IN FAVOR – CARRIED

NYALGRO SCHOOL / TOWN CLERK:

The annual NYALGRO School is scheduled to take place at the High Peaks Resort, Lake Placid, New York on June 3rd, thru June 6th, 2018.

Kathryn A. Sherlock, Town Clerk is asking for authorization to attend. The total expense, excluding transportation, will run approximately \$668.93. This figure includes three nights lodging, plus meals during the conference.

MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to approve the attendance of Kathryn Sherlock, Town Clerk, at the annual NYALGRO School which will be held in Lake Placid on June 3rd thru June 6th, 2018.

ALL IN FAVOR – CARRIED

SHAPIRO STIPULATION OF SETTLEMENT:

Supervisor Razzano explained that there are five properties owned by Howard Shapiro that he has been grieving over the last few years. After a year of negotiations, a settlement has been

agreed upon by the Town Attorney, John McCarey from Orange County Real Property, the Assessor's office and Mr. Shapiro.

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MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to accept the Stipulation of Settlement for property owned by Howard Shapiro know as SBL 11-1-34.31; SBL 11-1-34.32; SBL 11-1-34.33; SBL 15-1-63.21 and SBL 11-1-34.34 as presented.

ALL IN FAVOR – CARRIED

COURT CONSTABLE TRAINING:

The Court office has requested that approval for all of the Court Constables to attend an eight-hour training class that will take place at the Town of Wallkill on Friday, May 18, 2018. The training class is not mandatory, and it has been requested that whomever chooses to go be paid by the town for their time.

MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to approve the attendance of the Town's Court Constables at the training session being offered at the Town of Wallkill on May 18, 2018 and for the Town to pay the employees who attend the training class.

ALL IN FAVOR – CARRIED

FIRE INSPECTOR FEES:

Supervisor Razzano polled the Board regarding the request received from a business owner regarding the fee charged for a Building Inspection.

The matter was tabled until a future business meeting due to the Board members not having enough information.

PUBLIC COMMENTS & QUESTIONS:

Alan Stephens spoke and commended the Town of Wawayanda Highway Department for keeping the roads passable during this long winter.

Deborah Slattery read aloud a letter from Pramilla Malick. Ms. Malick's letter will follow these minutes as Addendum #1.

Ms. Slattery addressed **Councilman Myruski** and said that at the last meeting CPV would not be using any ground water and said that she has both **Supervisor Razzano** and **Councilman Myruski** on video making that statement.

Councilman Myruski replied that he did not make that statement.

Supervisor Razzano said that he did misspeak but has since found out that they do in fact have test wells on the property for the purpose of monitoring the water. They do not extract any water to use on site which is all part of their DEC permit.

Ms. Slattery questioned what they were using the water for that was coming from the fire hydrants and said that they were aware of CPV using 3.9 million gallons until the Town covered it up with a box.

Supervisor Razzano explained that the box has been there for a period of time because it is a very expensive meeting and it was protecting it from the elements. Added, that CPV is not the only business that is taking water from this hydrant and that it was a very common practice.

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Anyone who hooks in pays for the water they take and said that no one here is trying to hide anything. As far as the noise is concerned, we completely agree that the noise coming from the plant is unacceptable. The Town is in constant contact with CPV and we are doing everything we can to get this matter resolved.

Madeline Shaw spoke said that this power plant will never operate safely and believes that they are always going to try and get away with what ever they want. The only thing that we want from the Town is to shut this plant down. She requested that the Town Board go to Albany and speak to the Governor and demand that he shut this plant down and said that would be the only way that we would be able to live in this community. She is begging the Board as our representatives to fight for us because that is our jobs.

Kim Williams spoke and said that she has some concerns. With regards to the Emergency Plan it looks like a 2-year-old took a crayon and drew circles. She explained that her husband works in the refrigeration business and said that he refuses to touch ammonia because of how deadly it is.

This is how she knows that this just crazy. Believes that having an appropriate Emergency Plan would be the responsible thing to do. She believes that the County should be offering classes on what to do in the event that something happens there.

Councilwoman Quinn explained that she has been in contact with Orange County Emergency Management and they have said that the grade of ammonia that is in the tanks you could purchase a higher grade than that on Amazon. CPV has had multiple meetings with CPV and said that she has also met with CPV multiple times and that they do have a response plan in the event of an emergency.

Ms. Williams stated that she does not believe anything that CPV has to say and asked that Town Board to do what ever they have to do to find out what is going on over there.

Melissa Laks said that last Tuesday the sound coming from the plant was horrible. Normally she would not get the smells at her house but this day she did and she knew it was diesel but it smelled like formaldehyde. She did test the noise and it was definitely over the 65 decibels 800 feet away and in the house with brand new windows it was over 50 decibels in the house. She tried to call the hot line but the voice mail was full and was unable to leave a message on the machine.

Councilwoman Quinn said that she had given the hotline number to another individual who did call and leave a message and said that they did receive a return phone call.

Ms. Laks questioned the Board as to what they believe could be done about the noise issue and commented that its apparent that when it comes to CPV there is no recourse.

Ms. Laks said that her children are taking their state tests at school and they are barely getting any sleep.

Supervisor Razzano informed **Ms. Laks** that the Town has hired an Engineering Firm to assist with the noise mitigation and advised her that they will be on site next week.

Ms. Laks asked if the Town could insist that the plan run during the daylight hours and said that they would like to open their windows at night while they sleep.

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Supervisor Razzano stated that the Board hears her loud and clear and assured her that we will do what ever needs to be done to resolve this problem.

Rosemary Solimando asked the Board if there was any possibility of getting this plant shut down.

Supervisor Razzano replied that CPV is done dealing with the Town and that the only the State or the Department of Environment Conservation would be the only entities who could possibly shut them down. Added that the Town is doing what we can within our confines.

Ms. Solimando spoke about TAM cleaning the roads and had questions as to what they were using and also had concerns with the flaggers for the pipeline.

An unidentified woman asked the Board if they would consider a way for the Town to communicate this information to the public.

Councilwoman Quinn assured her that we will put the information on the town's website as we get it.

Randy Hurst spoke and said that it is obvious that people are upset along with a lot of concern and a lot of frustration. He believes that it would be prudent for the Town to place information regarding CPV on the website so they do not have to wait for Town Board meetings to get an update. Continued on to say that he believes that CPV is operating randomly and they do not know it is on until they start getting headaches. He would like to be able to check our website to make sure that his illness is caused by the plant running.

Madeline Shaw asked the Board again as to what the Town is going to do to get this plant closed.

Melissa Laks asked the Board when the monitoring company would be on site and added that she hopes it's during the evening hours. She also asked if CPV is in violation and a violation is issued would it be an immediate cease and assist.

Alan Stephens asked as to what the power plant has done to try and reduce the sound.

Supervisor Razzano replied that the plant has purchased some sound proof panels to try to reduce the noise.

Deborah Slattery asked if the Town Board would write and follow up with the DEC to make sure they did not renew their air permit. Believes that his action would shut the plant down.

Catherine Bonnell stated that she was very concerned about the health of her students. She believes that sending the letter to the DEC would be the answer to shut the plant down. **Ms.**

Bonnell then addressed the Board and asked if they have done their homework and are they on board with getting the plant shut down.

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Dottie Winner addressed the Board and said that she believes that the Town has absolutely no intention on shutting the plant down nor does the Town on spending any of the money given to them by CPV to the residents to make restoration for all that they are suffering. She continued on to say the noise coming from the plant sounds like many jet engines.

Ms. Winner stated that the money given to the Town should be spent on face masks, air conditioners and air purifiers for all the resident's homes so that they will be able to breath. Wanted to know how the residents were supposed to pay for their health care costs; and added that the Town should purchase their homes so that they could get the hell out of here.

Michael Vandervort believes that if the Town should shut the water off to the plant because that will shut them down. He then spoke about the 850,000 gallons of water that they will need a day to operate once the natural gas is hooked up.

Mr. Vandervort questioned all of the water that had been taken from the fire hydrant and believes that the water is being used to drill for the Millennium Pipeline and said that he believes it is being illegally dump back on the CPV site. He then questioned the agreement between the City of Middletown and the County of Orange with regards to redirecting the water from the Indigot Creek in order to provide it to the CPV project.

Natalia Dasraj stated that she believes that she is being terrorized and gassed by this power plant. Continued on to say that the Boards actions in not supporting the rescinding of the DEC permit only proves that the Town is not willing to protect its residents. Added, that if the Town chose to send a letter to the DEC requesting that the permit not be issued would prove that the Town Board had the best interest of the residents.

Ms. Dasraj spoke about the comments made at the March 8, 2018 with regards to the discussion regarding a Noise Ordinance and the Emergency Management Plan Also, a discussion took place with regard to the fire hydrants.

Supervisor Razzano and **Councilwoman Quinn** responded to the questions regarding these two topics.

Alan Stephens asked the Board that he is aware the plant will not be shut down at this point but asked the Board if they would get more involved with the noise mitigation.

Additional discussion took place with regards to the members of the audience asking the Town Board to provide an answer as to whether or not they are committed to shutting the plant down.

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EXECUTIVE SESSION:

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

ALL IN FAVOR – CARRIED

EXECUTIVE SESSION: No action taken.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to close executive session and re-open the regular meeting.

ALL IN FAVOR – CARRIED

RESIGNATION PART TIME COURT CLERK / JACQUELINE ALFANO:

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to regretfully accept the resignation of **Jacqueline Alfano** as a part-time Court Clerk n Park effective May 3, 2018.

ALL IN FAVOR - CARRIED

The Town Board wished **Ms. Alfano** well in her future endeavours.

Supervisor Razzano noted that our Court is getting busier and we have requested a list from the County to start canvassing to fill a Full-Time position.

NOISE ORDINANCE:

Supervisor Razzano noted that the Board is looking into adopting a Noise Ordinance and that we are researching what other municipalities have on their books.

Supervisor Razzano stated that we hope to have a proposed local law for adopted in the near future.

Councilman Chase commented there certainly is a difference between Residential noise versus Commercial Noise.

COMPREHENSIVE PLAN / SETTING OF PUBLIC HEARING:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to set a public hearing on the **Town of Wawayanda's Comprehensive Plan** for June 7th, 2018 at 7:00 PM and to authorize the Town Clerk to place the legal notice in the Times Herald Record.

ALL IN FAVOR – CARRIED

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

ALL IN FAVOR – CARRIED

MEETING ADJOURNED: 9:41 P.M.

RESPECTFULLY SUBMITTED,

Kathryn A. Sherlock
Town Clerk