

Wawayanda Town Board Meeting 6/21/06

June 21, 2006

A Regular monthly workshop meeting of the Town Board of the Town of Wawayanda was called to order at 7:36 P.M., on Wednesday, June 21, 2006 at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

John R. Razzano	Supervisor
Edward Krajewski	Councilman
Gail M. Soro	Councilwoman
Richard Penaluna III	Councilman
Teresa Pierce	Town Clerk
David S. Cole	Councilman (arrived at 8:10 pm)
Richard Guertin	Attorney for the Town (arrived at 9:00 pm)

Also Present: Joseph Catalano - Attorney/Saratoga Associates; Nicolette Wagoner & Tanya Saltzman - Saratoga Associates Planners; Ann Yates - Planning Board Chairperson; Barbara Parsons & James Driscoll - Planning Board Members; Betty Kirby & Gladys Hall - Historians; and approximately 50 other individuals.

PLEDGE TO THE FLAG

CONTINUATION OF PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE PLAN FOR THE TOWN OF WAWAYANDA AND THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT:

Supervisor Razzano introduced Joseph Catalano from Saratoga Associates. Mr. Catalano advised that this meeting is to go over issues of the process of where we are going from here. Continuation of the public hearing is due to the fact that at the last meeting there was a map that had incorrect boundary lines. He indicated that he had attended all Master Plan Committee meetings and that it was not their intention to change district boundaries of the agricultural district to preservation district. Noted that a corrected map was being displayed and once the public hearing is closed, this map will be included in the final impact statement, along with comments that have been made at the meeting and those submitted in writing. The Board will consolidate comments into categories and respond to each. The comments, and the responses will become the final impact statement. That final environmental impact statement will be reviewed, revised and accepted by the Board. Once that is accepted there will be another ten (10) day period where no action is taken, and after that 10 day period is up the Town Board can reconvene and issue a statement of State Environmental Quality Review Act (SEQRA) findings. It is basically the findings of fact which concerns whether the comprehensive plan raises any environmental issues, what those issues are, and how they have been or will be addressed. After that the Board could look at the comprehensive plan and consider doing any of the following:

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1. Decide to adopt the master plan as submitted and circulated for public review.
2. Decide to revise in response to the comments or on its own motion, and revise certain aspects of the plan, or
3. Reject the plan entirely.

These can't be done until after the whole review process is done.

Mr. Catalano then advised that the Town Board will not make any determination at this meeting, and that the purpose of the continuation of this Public Hearing is to accommodate the public for comments on the corrected map. The audience was cautioned not to reiterate comments already submitted in writing, or made at the prior hearing. Mainly the Town Board needs to know any new comments associated with the plan. They will not respond at this meeting, but at another time.

Supervisor Razzano read the "Notice of Public Hearing" as it appeared in The Times Herald Record on June 15, 2006. He then invited public comments by calling on individuals who had signed up to speak, as follows:

Kathy Baker Skafidas, of Warwick, - Executive Director of Orange Environment: Stated that Orange Environment is a 24-year old environmental organization working to preserve and protect Orange County. They have fully reviewed the 2000 Master Plan and was asked to speak before Wawayanda's Master Plan Committee in late July 2005, and has continued to follow the process. (A copy of her presentation is on file in the Town Clerk's Office) for review. She read from a prepared document and made the following points:

1. "With the addition of higher densities permitted by these laws and the need for package plants to support said densities, we believe these laws put Wawayanda's natural features and rural character at great risk. The AR zone Cluster Law, which has the potential to impact up to nearly 45% of Wawayanda land mass, needs to be eliminated and larger lots sizes need to be restored."
2. "One of the recommendations that Orange Environment made to the Town of Wawayanda Master Plan/Zoning Committee was to perform a similar water study to that done by the Town of Goshen, to fully understand your water resource limitations and use that knowledge to perform a full build-out study."
3. "During the moratorium process, it would have been good if sections 4.3, 6.3 and 7.3.1 text from Wawayanda's Draft Master Plan had been examined, more clearly defined, and new companion zoning laws made ready for adoption immediately following the adoption of the Plan. Instead, nothing has been clearly defined, the plan gives mixed growth messages, and does not grapple with the already existing high tax burdens for residents. If one conducted a full build out scenario, some of the open ended wording could be eliminated."

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4. “In order to preserve future water quality and quantity, Orange Environment also recommends a mandatory septic management pump-out ordinance for all septic homeowners every 3 years, and to create a well head protection ordinance for town and privately owned community wells to help preserve water quality from contamination and protect necessary recharge areas. Any plans for new sewerage facilities need to be strongly discouraged!”
5. “Your State Environmental Quality Review Act (SEQR) obligations are not in any way met by the document submitted. There appears to be a confusion here between the concept of a generic environmental impact statement built into a plan—something that we support particularly if it addresses sustainability issues—and the obligation to do State Environmental Quality Review Act (SEQR) on the impacts of the plan itself. Your Draft Environmental Impact Statement (DEIS) does neither. As a Draft Environmental Impact Statement (DEIS) on the impact of the plan changes, this document fails completely. In fact, it offers virtually no guidance as to what the potentially significant effects of growth under the new plan are against the baseline or no action alternatives. It does not address the issues raised here of water and waste water. It fails to examine impacts on farms and farming, on livable villages, on traffic and on taxes and municipal services. It even fails to address the character of community issues that were central to the rationale for a moratorium and new plan. We warn you bluntly that, should someone wish to challenge Wawayanda on the adequacy for this Draft Environmental Impact Statement (DEIS) in fulfilling State Environmental Quality Review Act (SEQR), you will be on shaky ground. Cumulative, long term, irreversible, energy or other impacts mandated for examination, all are unmet. If you proceed to an FEIS at this time, you will need to start State Environmental Quality Review Act (SEQR) from scratch and actually do it. A better approach would be to go back to the plan itself and make the Draft Environmental Impact Statement (DEIS) function of the plan work, and then do State Environmental Quality Review Act (SEQR) on the plan. It would be unfortunate to instead do State Environmental Quality Review Act (SEQR) well on a bad planning effort. Although, if done well, at least State Environmental Quality Review Act (SEQR) would highlight the problems here and provide a platform or decision makers to be informed in their choices.”
6. “The public involvement aspects of competent planning have not been met. The views of residents of the town, so essential to forging a broad agreement about a future course of action, are clearly being overlooked here.”

David Whitworth, Ridgebury Road: Presented a document that is on file in the Town Clerk’s office. It basically stated that he felt that the process by which we reached this point in the Draft Comprehensive Plan is flawed. He cautioned the Board that they have the right, indeed the legal

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duty, to give full and proper consideration to all issues, and not be pressured by the moratorium.

He then commented about sections of the Draft Comprehensive Plan (DCP), specifically page 4.4, paragraph 12.2.1 and the Generic Environmental Impact Statement paragraph 14.3.3. He urged the members of the Town Board to restore the wording at 4.4 and 12.2.1 and to request the Master Plan Zoning Committee (MPZC) to seek more input on the Draft Environmental Impact Statement (DEIS), and to deal with its inadequacies, before formally adopting the Draft Comprehensive Plan (DCP). He commented that the map is still wrong. He felt that the Board had ignored letters about inaccuracies of the plan and was disappointed that they had failed to appoint attorney Guertin to review the Plan. He further stated that when things are wrong and pointed out, but not corrected, there seems to be something wrong with the process.

Supervisor Razzano: Commented that in accordance with the process, all letters are received by his office and copies are distributed to all Board members and the professional consultants. There are no decisions made outside of this meeting room and things have not been added outside of this room. Said he takes offense on comments that things are going on unanswered.

Deey Greitzer: Spoke about the public survey that the original master Plan/Zoning Committee had taken. There was a 25% response (550 people), and of that 81% owned less than one acre or up to five acre parcels. She advised the Board that these are the property owners that they are representing. You are also representing the other 8% with more than twenty acres. She advised that the Board would be devaluating property owners when they allow building of smaller homes on one acre parcels. She felt that this plan should be on the website. She voiced concern about the ethics of both David Cole and John Razzano as developers in the town. Supervisor Razzano took offense to that statement since he is not a developer but just a builder. She does not feel that they should be allowed to vote on the Master Plan if they are developing in the Town. Deey Greitzer did not feel that commercial and industrial was included. She noted that the Plan needs to include a description of what is included in the Mixed Commercial area.

Laurel J. Eveleigh: Represents E. Tetz and Sons Inc. and Concrete Properties. She commented that as of 3pm today she printed out copies of the maps from our website and found it confusing as to what map was being addressed tonight. Under Town Law 272A, to enact a public hearing plan you are required to give public notice 10 days prior to that scheduled event and you are suppose to make available what is to be under consideration. She did feel that as of 3pm today it was unclear as to what was being under consideration tonight. She did not feel that the statement read prior was properly posted in the newspaper 10 days prior to tonight. "What was under consideration on June 8 was significantly different from what is being considered tonight. Therefore, it should not be a continuation of that public hearing. The notice read tonight was June 18 and not 10 days prior to tonight. On the original map (June 8) there were three districts that address industrial uses and on the map here tonight there is no district that addresses

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industrial uses. Evidently those districts are combined into mixed districts. There is nothing in the Plan either that explains what mixed commercial districts are or what combined uses are considered in the mixed commercial districts. There should have been an amendment in the plan

to describe what is considered in these mixed areas. Ms. Eveleigh recommended that we re-notice the public hearing and advise them what is under consideration ten days before that public hearing. Also, an amended Plan should be available showing what is considered under the mixed commercial district. It talks about industrial uses and Tetz is the owner of significant property within the town in industrial use since the 1980's. His properties are located on corridors close to and accessible to major transportation infra structures in areas that ought to be industrial areas, yet there is no accommodation for those properties. In fact this mixed commercial designation which would be apparently assigned to both of Tetz's Pine Lane and Slate Hill sites would render them nonconforming uses. This would impact their interest in investing in the Town of Wawayanda since their rights have been compromised. The only industry addressed in the Plan is agriculture. Agriculture industry is not going to lessen the impact on the tax base. The Plan needs to address industry (light industry, heavy industry); what is it; what kind of uses we are going to encourage; what kind of incentives are we going to give to developers of commercial/industrial/retail to developing the Town of Wawayanda according to the design standards; guidelines that the Plan seeks to promote. The only industry that is discussed in detail in the Plan is agriculture. One of the Tetz sites is a "New York build now/shovel ready site." The Plan does recognize that those sites ought to be identified and looked at. It does not say what they are going to do with them and this new map apparently eliminates any interest in them. There should be incentives for development on those shovel ready sites to make industrial property, or formerly industrial property, into sustainable modern development, and that hasn't been properly addressed. They commented in the past on certain conservation issues and there were some changes made to the Plan, but there is still a proposal in the Plan to identify all stream corridors within the Town and having a 100' buffer along them. There was a word change in the most recent version that changed it from all stream corridors to critical stream corridors, but there is no identification of what constitutes a critical stream corridor, or in the absence of an inventory of what critical stream corridors are; there should be some standards of what constitutes critical stream corridors. Similarly nonjurisdictional wetlands in the Town suggests that there should be a buffer or critical environmental area designation surrounding any wetlands in the Town that do not constitute DEC regulations or Army Corp of Engineers regulated, and as they pointed out to the Master Plan Zoning Committee that places a significant burden on the property since nonjurisdictional wetlands are not particularly valuable wetlands, and if they are valuable they should be judged on a case by case basis as opposed to a broad basis. The minute you identify something as a critical environmental area, the Town has lost its ability to regulate that property and you are subject to State regulations for that property. It is an important distinction and an important decision to make, and you need to look at it very carefully."

Councilman David Cole arrived at this time 8:07 pm.

Supervisor Razzano: Commented that Saratoga Associates inadvertently made a mistake in the zoning map and then put it back to the way it was. We are keeping commercial the way it always

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was. He requested Saratoga Associates to explain the Mixed Commercial so that people know what the Town is doing. He then added that the Town doesn't want to take away any uses. They want to broaden the uses allowed in that zone.

Nicholette Wagoner from Saratoga Associates: Commented that they are not taking industrial uses out of the area "Mixed Commercial Zone" indicated on the map by the red area. "The zoning tables are still in Committee. You will have the opportunity to comment on that. The uses were expanded not restricted."

Mr. Catalana, Saratoga Associates: Commented "it was the committee's decision that you had underutilized industrial zones and the idea was to expand the allowed uses that would be included in those industrial zones. That is why it was called the "Mixed Use Zone," because it would allow the uses you currently allow now, plus a mixture of retail, office or anything else that would be compatible in that zone, and it is mostly done thru a site plan or special use permit process. The uses were expanded in that zone rather than restricted. The Committee had identified that there was a certain competing interest with respect to preserving rural character, as well as expanding the commercial tax base and encouraging commercial uses. That is why the Committee identified the corridor you see in red on the map."

Belinda Meere, Burnt Corner Road: Spoke regarding a noise ordinance complaint she had hand delivered to the Supervisor's Secretary. She has spoken with County Waste about picking up garbage between the hours 3am and 4am, and they will not change pick up times unless the Town has a noise ordinance passed. She submitted a signed petition to the Board and urged them to pass an ordinance that would control the noise of businesses in the town, and also garbage trucks collecting in the town during the early morning hours.

Supervisor John Razzano: Advised that he would look into the noise complaint and also submit her concerns to the Master Plan/Zoning Committee.

Barbara Parsons: Advised that allowable noise level is written in the Zoning Book, and if someone has a problem with the noise level in their area, they could file a complaint with the building inspector.

Randolph Hurst from Post Road: Indicated that he had spoken at the last public hearing. However, he wanted to urge the Board to include any vested interests in property that may have an effect on their right to vote on the Master Plan. He feels that people with vested interests are asserting those interests and asserting pressure on our Town officials and these have to do with the process where our Master Plan is being developed. Asked the Board to be sure that there be disclosure of any conflict of interest on matters concerning the Master Plan.

Marguerite R. Lowry, Hamlet of Denton resident: Advised that when she reviewed the map tonight she noticed that the Hamlet of Denton, which is one of the oldest hamlets in the Town (150 acres originally), is marked Mixed Commercial. When she moved to that area, it was

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agriculture/residential. In 2002 it was changed to exurban/residential, and now it is mixed commercial. She noted that she doesn't want retail stores next to the church. Also, there is a cemetery behind the church that date back into the 1700s. She doesn't want stores/commercial on Route 56. She is concerned about the character of the Town, and the history of the Town.

Supervisor John Razzano: Asked Nicholette Wagoner (Saratoga Associates) if anything has come up in the past about changes to the Denton area. This is the first he had heard about changes to the Denton area. Said he would look into why it changed.

Daniel Meyers: Commented that he had previously served on the previous Master Plan Committee and reviewed the process used by them. He discussed the survey that was a very important element in bringing the community into the planning process. He urged the Board to get the Town paid-for-survey out on the town website for the public to review. The recommendation report from Green Plan, (former Planner) was last October. He commented that the survey shows what the residents want this town to look like. He also urged the board and present master plan committee to review all the maps used by the previous master plan committee. Added that the Democratic Committee have placed the results of the survey, recommendations, and letter from Orange Environment on their website.

Marguerite Lowry: Commented that there are people who do not have computers and do not desire to purchase one just to understand the whole process. She wanted to know why the map is still incorrect, and why the other hamlets in the Town are not included on the map.

Mr. Catalano, Saratoga Associates: Commented, "This map is based on the Master Plan as it stands. Comments that have been received on that document have allowed us to discover the error. The next phase of this process, the error in the map, if the Town Board agrees, will be noted, and the Town Board will make their decision accordingly. The document that was submitted and made available originally is what this process started with. The process is an evolution. That is why we have these meetings, so we can hear your comments and can make the changes accordingly. Your comments will be considered and the Town Board will decide what will be the next step. The Town Board must determine whether to close the public hearing. If the Board decides to close the comment period, the town's consultants will gather all the comments and the minutes of both public hearings. The Town Board will then be in a process of responding to those comments. That would be the next step. When the Board is satisfied with the comments that have been made, then a Final Generic Environmental Impact Statement will be made available to the public for its review. The final document will include the document that you have seen and all the public comments and the responses to those comments."

John Decker: Suggested that the Board consider televising Town Board Meetings. He felt that televised meetings would keep people more informed.

Supervisor Razzano: Indicated that it is being looked into. He then asked if there was anyone else who had not signed up to speak, but would like to address this public hearing.

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Peter Murray, Bailey Road: “What does the Town Board want to see in cluster development? Does the Board want to see 1/4 acre lots, 1 acre lots, 3 acre lots?”

Supervisor Razzano: Responded that is an issue in front of the Master Plan Committee. Mr. Murray noted that he did not want to see cluster development with 1/4 acre lots, as they have done in other counties.

Mr. Catalano: Noted that it is important for residents to advise the master plan committee just what they desire for the town regarding cluster development.

Mr. Murray: Felt that one or two acres would keep the price reasonable for the person purchasing the land and permit open space between the homes. You do not have 400 homes that would tax the resources of water and sewer.

Supervisor Razzano: Stated that it is basically how small the lots are in the clustering and he felt that the majority of the Board has similar feelings for all above 1/4 acre lots. This is presently being considered by the master plan committee.

Councilwoman Soro: Noted that it was a decision of four members of this Board in the Draft Comprehensive Plan to change in the AR zone 2 acre lots to 1 acre lots. Then when you go into the clustering effect it reduces it even smaller. Supervisor Razzano noted that this was not adopted by the Board, however, it was a recommendation to the Committee and suggested that they get back to the Board. Councilwoman Soro noted that she felt that now some of the Board members are looking back at that recommendation and are concerned about the limited water and sewer resources in the Town that need to be taken into consideration.

Mr. Murray: Asked “if the voters indicated that they want one or two acre lots in a cluster, is that what the Board would take into consideration?”

Supervisor Razzano: Noted that there will be another Public Hearing on the zoning and that is when that will be addressed.

Councilman Cole: Stated that the other thing that needs to be remembered is that details that you are talking about will not be forgotten when you walk out the door. Those details will be discussed by the Master Plan Committee. Added, “We take into consideration all public comment.”

Eileen Nyland: Asked the Board how many acres (1 Acre or 1/4 Acre) is in cluster development. She further stated that 1 Acre is what she would like to see. There is limited water resources in our town and she felt that the Board is not considering this. This issue was included in the survey taken by the previous Master Plan/Zoning Committee.

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Valarie Gold, Ridgebury Road: Said she grew up in Rockland County where she had library

services, and asked the Board what will happen with the library services here in the future.

Supervisor Razzano: Advised that he has a meeting scheduled for Friday with a representative of the Goshen Library. The Board concurred that the sale of the library cards should be on the Town's website to promote the sale of our present card supply.

A question arose concerning the 10 day period for public comment following the closure of this public hearing. Mr. Catalana advised that, according to the law, following the closure of the hearing, the public will be allowed to submit written comments.

John Decker: Asked how close the Board is working with Orange Environment.

Randy Hurst: Responded that "They were invited, as were other consultants in the County to assist the Master Plan Committee by giving guidance to what the committee was doing, and to review the documents that the committee had been reviewing, and listen to what the committee comments were and give the committee guidance as they continued the process of reviewing the plan. They were here at the Town's invitation originally. As you heard earlier, the whole Master Plan Committee was replaced by new people, and to my knowledge Orange Environment, or any other consultants, have not been invited back by the committee."

Mr. Decker: Urged the Board to look down the road when they pass the Master Plan and do not let it happen as it is now happening in Greenville where they are now looking for approval of a possible truck stop, restaurant and open door for hotel/motel. Mr. Decker did not know if this is addressed in the Master Plan. However, many of the houses that are being built are within 25 or 50 feet of the road, and he feels that it takes away from the rural look. He further stated that he felt that this was a safety issue for children in the area.

Belinda Meere, Burnt Corners Road: Asked about the minutes from the last public hearing.

Supervisor Razzano: Advised that the minutes should be received in our office by this Friday or next Monday at the latest.

Belinda Meere: Recommended that all minutes should be available and read at the next scheduled meeting.

Supervisor Razzano: Responded that minutes of the meetings are too lengthy to read at the meetings.

Ms. Meere: noted that the Town is paying for two staff in the Town Clerk's office and wanted to know why one person is not assigned to do the minutes.

Town Clerk, Teresa Pierce: noted that her office has many other duties that must be performed in a timely manner in accordance with State Laws, and work is performed in accordance with state mandates.

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Lisa Murray, New Hampton: Commented that traffic is so bad here. She does not want to see any additional traffic.

Everyone who wished to speak was given the opportunity to do so.

MOTION made by Councilman Krajewski, and seconded by Councilwoman Soro, to close the public hearing, and to extend the receipt of written public comments concerning this Plan for a period of ten (10) days from the day of this meeting.

ALL IN FAVOR - CARRIED

Written comments should be addressed to Supervisor Razzano.

MOTION made by Supervisor Razzano, and seconded by Councilman Krajewski, for a five (5) minutes recess.

ALL IN FAVOR - CARRIED

Richard Guertin, Attorney for the Town, arrived at this time, 9:00 p.m.
Meeting reconvened at 9:15pm.

REGULARS BUSINESS:

Exhibition Permit/Andrew Barron:

Supervisor Razzano: Advised that he had a request from Andrew Barron for approval to hold glider meet on July 1 & 2, 2006 at Barron Field. Jack Grifo, Building Inspector had no complaints regarding prior activities.

MOTION made by Councilman Cole, seconded by Councilman Krajewski, to authorize the issuance of a permit for the Gilder Meet on July 1 & 2, 2006 at Barron Field.

ALL IN FAVOR - CARRIED

Pay Phone at Town Hall:

Supervisor Razzano: Advised the Board that our pay phone located in the hall of the Town Hall is presently costing the Town \$600/year. If the pay phone is moved to outside the building, there should be no cost to the Town.

MOTION made by Supervisor Razzano, seconded by Councilman Krajewski, to move the payphone outside the building, as long as there is no cost to the town. Otherwise, if not feasible, we will discontinue the service to that phone.

ALL IN FAVOR - CARRIED

Interstate Waste Services:

Supervisor Razzano: Advised the Board that he has received a one year renewal contract with Interstate Waste Services for services related to dumpsters at Town Hall, the Highway Garage, Robinn Meadows Sewer District, and Shannen Park. The monthly charge has not increased from **Wawayanda Town Board Meeting 6/21/06**

what we are currently paying.

MOTION made by Councilman Krajewski and seconded by Councilman Penaluna III to approve a new contract for one year at no increase in rate.

ALL IN FAVOR - CARRIED**Tire Collection Day/West Nile Virus:**

Supervisor Razzano, Advised the Board that Orange County Department of Public Works Division of Environmental Facilities & Services will hold a West Nile Tire Collection from August 1, 2006 until August 31, 2006. He had spoken with Mike Green, Highway Superintendent regarding the tire collection, to see if our Town could accept a limit of five (5) tires per resident; tires limited to 17" or smaller in size/off rim here and have our Town Highway Department transport them to the landfill. Mr. Green did not see where this would be a problem for his department. Supervisor Razzano asked the Board for their input toward providing this public service for residents. The Board agreed that this would be a good public service for the residents of our Town and asked Supervisor Razzano to request Mike Green to coordinate this collection/transfer, provided there will be no cost incurred by the Town.

Dee Vavricka: Asked the Board if something could be done to eliminate the debris accumulation at the house next to the State Highway Garage on Route 6. The Board suggested that she discuss this issue with the Building Inspector.

Dennis Ketcham/Assessor Training:

Supervisor Razzano presented a memo from the Town Assessor, Dennis Ketcham, in regard to attendance at the NYSAA seminar on assessment administration to be held at Lake Placid during the week of September 17, 2006.

MOTION made by Councilman Krajewski and seconded by Councilman Cole, to authorize Dennis Ketcham to attend the Assessor Seminar.

ALL IN FAVOR - CARRIED

Solid Waste Law: Supervisor Razzano advised that he had received correspondence from Matty Stanislaus with his recommendations concerning solid waste laws, asked that his suggestions be seriously considered .

Workers Compensation: Supervisor Razzano advised the Board that the Town workers compensation costs are \$62,000 per year with our plan through the County of Orange. He has obtained a quote from PERMA (Group 497), through the State Insurance Fund, that would be \$10,000 less per year. There would be no extrication fee if we opt out of the plan in the future. Marshall & Sterling, our current insurance agency, can provide us with this PERMA coverage for the same price.

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MOTION was made by Supervisor Razzano, and seconded by Councilman Cole, to change the workers compensation insurance coverage carrier to PERMA (Group 497) and go through Marshall & Sterling Agency. Councilman Krajewski refrained

VOTE

Supervisor Razzano	- Aye
Councilman Cole	- Aye
	Councilwoman Soro
	- Aye
Councilman Penaluna	- Aye
Councilman Krajewski	- Abstained from the vote

since he is an employee of The State Insurance Fund.

Robert Graeber, town resident: Advised that he had worked in construction and would drop off the name of an insurance company that had provided workers compensation coverage for construction. He suggested that the Board also check the company to see if they provide coverage for a municipality.

Playground Equipment for Shannen Park: Supervisor Razzano advised that he has approximately half a dozen proposals for park playground equipment that will be purchased by grant moneys. He would like to have people stop by his office and review these proposals to give him their suggestions of what should be purchased.

Skateboard Facility: Dan Myers, town resident, advised that the Town of Crawford had a skateboard park and was sued for failure to supervise and control the park. He suggested that if the Town considers a skateboard park in the future, they should first contact the Town of Crawford to discuss the problems associated with their facility and the reasons for closing it.

Soil Test Refund: Supervisor Razzano had a request from Jack Grifo, Building Inspector, to refund a soil test witnessing fee since the soil test was never done. He recommended that we retain a \$100 processing fee from the amount paid by the applicant.

MOTION was made Supervisor Razzano, seconded by Councilman Krajewski, to allow Jack Grifo to retain a \$100 processing fee and return the balance of the fee to the applicant.

ALL IN FAVOR - CARRIED

Hirshberg: Supervisor Razzano advised that Marv Hirshberg requested to be put on the agenda in regard to Water/Sewer Districts (2 districts). He has two parcels and there are two or three more coming in.

PUBLIC COMMENTS:

Councilwoman Soro: Asked the Supervisor if he was going to address the public concerning the meeting she and her husband had with him regarding what happened to her after the last meeting. Supervisor Razzano advised her that he had additional information and thought that he should discuss this with her privately prior to discussing it in public. Councilwoman Soro objected and and spoke of the incident that had occurred following the last board meeting. Specifically, when

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an unacceptable item was glued to the windshield of her vehicle. Councilwoman Soro then read from a prepared statement which basically expressed that this incident and other previous incidents were actions of harassment geared to provoke her to give up her position on the Town Board. She wanted it known that this kind of action would not discourage her and she would not resign as councilwoman.

Supervisor Razzano: Commented that he was shocked and appalled that anyone would stoop so low. What was done was not right and no one has the right to tamper with anyone else's property.

David LaBlanc: Spoke about a comment that had been made earlier by another resident stating that Supervisor Razzano and Councilman Cole were developers in our town and should not be allowed to vote on the Master Plan. He then asked all Board members how much property they owned in our Town and if their property holdings would be affected by passage of the Master Plan. All Board members responded with the amount of acreage owned by them and said the Master Plan would not affect their holdings. There was further discussion.

John Decker, Town resident, requested that the Board get TV service for the meetings.
Supervisor Razzano, Advised that they are looking into it.

Dan Myers, Town resident: Asked if the town has a mandatory harassment training program for all employees. He suggested they consider this for the future.

MOTION made by Supervisor Razzano, seconded by Councilman Krajewski, to go into Executive Session to discuss proposed litigation regarding clean-up costs for Orange County Landfill.

Executive Session: No action taken.

MOTION made by Supervisor Razzano, seconded by Councilman Cole to come out of Executive Session.

Based on discussion in Executive Session, **MOTION** made by Supervisor Razzano, seconded by Councilman Cole, to agree to approve the settlement of the Orange County Landfill litigation in accordance with the settlement agreement reached by the other municipalities in Orange County.

ALL IN FAVOR - CARRIED

NO OTHER BUSINESS OR COMMENTS.

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MOTION made by Councilman Cole, seconded by Councilman Krajewski to adjourn the meeting.

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 10:27 P.M.

PREPARED BY JEAN ROSE

RESPECTFULLY SUBMITTED,

Teresa E. Pierce, RMC
Town Clerk