

Wawayanda Town Board Meeting 09/07/2006

September 7, 2006

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:35 P.M., on Thursday, September 7, 2006, 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
Gail M. Soro	Councilwoman
Richard Penaluna III	Councilman
Richard Guertin	Attorney for the Town
Teresa Pierce	Town Clerk

Also Present: Michael K. Green - Highway Superintendent; Ann Yates - Planning Board Chairperson; Mary Markiewicz & Barbara Parsons - Planning Board Members; Gladys Hall - Historian; and approximately 20 other individuals.

PLEDGE TO THE FLAG

REGULAR BUSINESS:

PRESENTATION OF BILLS AND DEPARTMENT REPORTS:

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

APPROVAL OF DEPARTMENT REPORTS:

MOTION by **Councilman Krajewski**, 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 Krajewski**, to authorize the payment of bills in the amount of \$7,770.79 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 1323, 1325	2,713.54
PPWS 1324	5,057.25

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize payment of bills from the General Disbursement Account in the amount of \$125,052.14 Breakdown as

follows:

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General Fund	G1153-1185, 1269-1322	\$112,859.31
Highway Fund	H1186-1234	53,851.74
Water/Sewer Districts.	WS1236-1268,1326	9,551.33
Robinn Meadows	RMCP1235	613.18
Capital Project		

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$3,117.15
Ridgebury Lake Acres Sewer District	619.72
Ridgebury Lake Water District	2,334.98
Denton Hills Water District	800.96
Arluck Water District	919.88
Water/Sewer Dist. #1	1,758.64

Water/Sewer Total = \$9,551.33

PAYMENT TO MCGOEY, HAUSER & ENDSALL CONSULTING ENGINEERS, P.C.:
MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize payment in the amount of \$3,099.36 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to Ryerson Court, with payment being made from a Special Trust & Agency Account and charged to the Ryerson Court Escrow Account. (Balance in said account before payment is \$10,452.06).

ALL IN FAVOR - CARRIED

PAYMENT TO MCGOEY, HAUSER & ENDSALL CONSULTING ENGINEERS, P.C.:
MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment in the amount of \$3,777.40 to McGoey, Hauser and Edsall Consulting Engineers, P.C. for engineering services rendered in reference to Ryerson Court, with payment being made from a Special Trust & Agency Account and charged to the Ryerson Court Escrow Account. (Balance in said account before payment is \$7,352.70).

ALL IN FAVOR - CARRIED

BUDGET TRANSFERS: **Supervisor Razzano** presented a list of budget transfers, as prepared by the town bookkeeper.

Suggested Budget transfers were, as follows:

Transfer From Contingency	Amount	Transfer To
1990.9A	1,015.97	1010.4A Town Board
1990.4A	4,392.77	1220.4A Supervisor
1990.4A	2,192.46	1220.401A Supervisor Sec.
1990.4A	4,081.90	1315.4A Bookkeeper

1990.4A	29.40	1340.4A	Budget
1990.4A	148.66	1950.4A	Taxes & Assess.
1990.4A	354.12	7020.4A	Recreation Adm.
1990.4A	11,612.73	9040.8A	Workers' Comp.
8020.4A Planning Board	34,242.88	8025.401A	Saratoga Assoc.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the Supervisor to make the necessary budget transfers as presented to the following accounts.

ALL IN FAVOR - CARRIED

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APPROVAL OF MINUTES:

MOTION by **Councilman Krajewski**, seconded by **Councilman Penaluna**, to approve the minutes of the June 8th, June 21st, July 6th, and July 18th, 2006 Town Board meetings as prepared.

VOTE

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

MOTION CARRIED

NEW BUSINESS:

GRANDVIEW ESTATES: Bonnie Franson, of Tim Miller Associates, appeared before the Board along with Sabri Barisser of Bibbo Associates, and Jeff Gershen on behalf of Grandview Estates, LLC, to discuss the future ownership/maintenance of the proposed water supply system for the Grandview Estates cluster subdivision. The Wawayanda Planning Board has accepted the Draft Environmental Impact Statement as complete and has held and closed a public hearing on the DEIS and the preliminary plan. At this time they are in the process of finalizing a draft Final Environmental Impact Statement (FEIS) which addresses substantive comments received by the various agencies regarding the Grandview Estates development.

The Planning Board had requested that they meet with the Town Board to discuss the water supply system, and report back so that they may incorporate the recommendations of the Town Board into the FEIS and subsequent findings.

Explained that the purpose of this meeting is to get a perspective of whether these systems should be set up initially with the anticipation that the Town would take them over right away or if they should form a Homeowners Association, and establish that as one of their responsibilities, and have a back up district for long term maintenance of the system.

Supervisor Razzano stated that this Town Board hopes that the new local law will address some of the issues that have been plaguing some of our older systems. It is in his opinion that if the Town were to take over the system it should be done sooner rather than later, and that he would like to see an outside entity operate the system for the first year to get all of the kinks out.

Suggested that, hypothetically, if the system cost \$100.00 a month to run \$125.00- \$150.00

should be charged to build up a cash reserve so when the inevitable maintenance repairs need to be done there will be money available to cover the costs.

Councilwoman Soro said that she would not agree with this action, unless the water & sewer codes were adopted.

Councilman Krajewski agreed with Supervisor Razzano's rationale of building up a Capital Reserve Account, as well as having a separate entity to run the plant for the first year in order to get the kinks out.

Councilwoman Soro asked what the problem was with the water supply?

Jeffery Gershen responded that there was no specific problem with the water supply, but when they were investigating the possibility of drilling the individual wells on each lot, they did a series of test wells and came up with a higher than acceptable nitrate content. There are two ways of handling this problem, and one would be to install a reverse osmosis system into each home which would be cost prohibitive to the sale price, or a central system water treatment plant which would be more cost effective.

Councilman Cole asked what provisions would be made if a nitrate system was not put in, and a
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problem occurred after the Town took over the system

Mr. Gershen responded that they have not yet eliminated the possibility of a system.

Ms. Franson asked if they should set up a homeowners association or would the Town be receptive to take over after a specific period of time.

Supervisor Razzano recommended that a proposal be submitted to the Town. He also suggested that they initially set up a Homeowners Association.

Councilwoman Soro stated that she would like to speak to Jeff Mills and the Town's Engineers because if the system is not built properly, we may have problems.

Some further discussion took place.

CORRESPONDENCE:

ORANGE COUNTY MUTUAL AID AGREEMENT: **Supervisor Razzano** referred to a letter from Edward Diana, County Executive regarding the National Incident Management System (NIMS). The letter states that at this time he is required to report to New York State, by September 15 on the state of compliance with the National Incident Management System by each municipality, fire district, and ambulance corps in Orange County.

Attorney Guertin explained that this agreement, in the event there is an emergency, allows for the County to ask for assistance from the Town, or the Town to ask for assistance from the County. For instance, if the Town uses County materials or employees, the Town would be expected to reimburse the County for expenses, and vice versa. Either party could decline to assist. There is no absolute obligation to help one another, but the agreement does provide a mechanism to recoup costs that are incurred. .

Further discussion took place.

MOTION by **Councilman Cole**, seconded by **Councilman Krajewski**, to authorize Supervisor Razzano to sign the mutual aide agreement, and to designate Supervisor Razzano as the authorized representative of the Town.

ALL IN FAVOR - CARRIED

HIGHWAY DEPARTMENT UPDATES:

STUMP REMOVAL BID: **Michael Green, Highway Superintendent**, discussed the quotes

that were received regarding the removal of stumps from Lynch Avenue. Bids were received from Surburban Excavating for \$6,500.00, Material Processors, Inc. For \$6,000.00, and from Ewald's Logging for \$5,400.00.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to accept the proposal from Ewald's Logging, in the amount of \$5,400.00, to provided the service of removal of stumps from Lynch Avenue.

ALL IN FAVOR - CARRIED

COMPUTER SOFTWARE: Michael Green, Highway Superintendent, submitted a proposal to purchase a Computer and Software from William Law at a cost of \$2,300.00. Due to the ever changing operations, his current software has become outdated, and has become to costly to operate. The Highway Superintendent Software is both easy to use and fits the Highway Department's needs at a reasonable price. The Town of Minisink has used it and they highly recommend it. There is money in this year's budget to cover the cost of the purchase.

Supervisor Razzano suggested that Highway Superintendent Green negotiate for training and maintenance.

This matter was tabled until additional information is received.

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McVeigh Road /Speed Control Device: Superintendent Green stated that the Town of Wallkill Police Department set the speed control device into place on McVeigh road for approximately five days. There is no record of the activity because it was not a recording device.

Councilman Cole stated that he received numerous phone calls from residents in that area expressing their thanks to the Highway Department, as well as the Town Board for the shock value of the device. Added that as people cleared the hill they realized that they were in fact exceeding the speed limit.

Castle High Road/Weight Limit Request: Superintendent Green spoke about a request that he received for a weight limit change on Castle High Road. He said that if the Board is going to look into this matter, perhaps all of the roads in the town should be reviewed

Additionally, he believed that in order to change existing limits, or set new weight limits on specific roads, we would have to go through the process of adopting a new Local Law.

This is a matter that will have to be looked into.

Tire Collection: The tire collection that was conducted by the Town, generated approximately 6.25 tons that were taken to the County. There were some individuals from other towns who felt they should be able to dump their tires in our town, but all in all, it went pretty well. Stated that at this time he is not sure if the County will conduct a tire collection next year because they were not expecting the quantity of tires that were generated by the collection.

Salt Contract: At this time the town is out of space to store additional salt. Mr. Green advised that since the town is always looking to save money, there is a pre-season rate at which salt could be purchased for \$5.50 a ton cheaper than what it will be later in the season. In order to receive the discounted price, we would have to receive the salt order before the end of September. Added

that with the 3,000 tons of salt we use per season this would be a \$16,500.00 a year savings. Suggested that the Town look into the construction of another salt barn. He then acknowledged that even though we solicited bids last year, there was no money appropriated in this years budget for that purpose.

Supervisor Razzano commented that the Highway Department has been working on cleaning up the salt shed. At this time they are filled to capacity, which according to Superintendent Green is 2,500 tons. Some further discussion took place regarding the amount of salt and salt/ sand that is used, based on weather conditions.

Highway Department Employee Step Raises: Highway Superintendent Green informed the Board that a few of the highway men were present at this meeting. They questioned if those who will be reaching their five years of service, will be receiving step raises.

Roland O'Dell stated that he is very happy with his job. He then referred to the Towns of Greenville and Minisink and said that they are working on a four to five year step raise, compared to our Town's seven year plan.

Supervisor Razzano responded that the Personnel Policy has been circulated to all Town Board members, and hopefully it will be adopted in the next month or two. This issue is definitely something that they will be looking at.

Dee Vavricka commented that the Town of Wawayanda has the best roads in the area.

Supervisor Razzano stated that he would like to reach out to other towns to see what they are doing, and form a consensus from that.

NIMS (National Incident Management System): Superintendent Green advised the Board that the Town is under the gun to have everything in place by September 30, 2006. At this time all the Highway men have qualified, as well as the majority of Town Hall employees.

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Superintendent Green commended **Penny Tuohey, Deputy Highway Superintendent** for all of the hard work that she has put into this. He has spoken with Dominick Green with the Orange County Emergency Management, and he told him that if all requirements have been met by the end of September, the town should be able to qualify for assistance.

Supervisor Razzano questioned who actually is required to take the test, because some of the paperwork is conflicting.

Superintendent Green stated that the Town Supervisor, as well as the Deputy Supervisor, are required to take the test, and added that it wouldn't hurt anyone else to have it.

Further discussion took place.

STENOGRAPHER FOR PLANNING BOARD/ ANN YATES:

Ann Yates informed the Board that she would like to continue discussing the hiring of a Stenographer for the Planning Board meetings.

Supervisor Razzano said the he has seen the first invoice for the Stenographer which was in the amount of \$840.00, and commented that it was an exorbitant amount of money. In concept, it certainly seems like a good idea, but the money certainly concerns him.

The Supervisor asked if any other Board members had any comments regarding this matter.

Councilwoman Soro questioned the cost to have our own person do the minutes.

Supervisor Razzano said there is really no apple to apple comparison because if we had a stenographer, Patt Battiatto (Planning Board Secretary) would not have to attend the meetings.

Ms. Yates said that it would free her time so that she could spend more time in the office, and keep it open longer to get the billing and the files more current, and they are also looking at hiring a part time person for next year.

Supervisor Razzano stated that he has done some research and the Town of Wallkill has a stenographer for the Town Board and Zoning Board meetings and she charges \$100.00 per Town Board meeting and \$1.00 per page over 25 pages, and for the Zoning Board it is \$83.00 per meeting and \$1.00 per page after 25 pages. Said that in the analysis of the cost for doing Planning Board minutes, it would probably amount to \$220.00 compared to the \$840.00 that we were charged.

Ms. Yates commented that the purpose is to have the office running efficiently and save the tax payers money. She did not believe that the cost for a stenographer would cause a hardship for those coming in front of the Planning Board. She then asked the Board for a decision. Some further discussion took place.

MOTION by **Councilman Cole**, seconded by **Supervisor Razzano**, to table the matter in regard to hiring a Stenographer for the Planning Board meetings, until further information is received.

ALL IN FAVOR - CARRIED

CORRESPONDENCE:

NYS Magistrates Court Clerks Annual Conference: Town Justices Peter Gromacki & John O'Connor submitted a follow up request that approval be received for the Court Clerks to attend the conference which will take place on October 8 - 11, 2006 at the Nevele in Ellenville, N. Y.

Supervisor Razzano explained that the issue was with the overnight stay.

Councilman Cole has spoken with the court clerks and they explained that by them staying overnight, it gives them the opportunity to network in respect to improving their job performance, and so forth.

MOTION by **Councilman Cole**, seconded by **Councilman Penaluna**, to authorize a two night stay for Sharon Melvin and Elizabeth Seabright so that they may attend the annual New York Magistrates Court Clerks Conference.

ALL IN FAVOR - CARRIED

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Escrow Account for Planning Board:

Supervisor Razzano questioned **Attorney Guertin** on where the town stood regarding the Escrow Account.

Attorney Guertin responded that he anticipates on having the information regarding the escrow procedure for the next Workshop meeting, and that there are a couple of state laws that he would like to look at. If the town wishes to adopt an escrow procedure for Planning Board Consultants, it may not have to be by local law. If so, all that would be required is a simple resolution because the Planning Board fees were adopted by resolution.

Water & Sewer District Capital Costs/Billing Procedure::

Supervisor Razzano would like to change the method of billing the capital costs of our various water and sewer districts. Rather than bill on a quarterly basis, he would like the charges to be placed on the annual County/Town tax bills. A brief discussion took place, and **Attorney Guertin** was instructed to prepare the necessary paperwork for presentation at the September 19, 2006

worksession, at which time a public hearing will be scheduled

Assessment Rolls: Assessment Rolls for the Special Benefit Districts have been prepared by the Assessor and presented to the Town Clerk. A public hearing will need to be set at the Town Board's monthly worksession on September 19, 2006.

MISCELLANEOUS:

September 11, 2001 Patriot Day Services: The fifth annual September 11, 2001 Patriot Day Services will be held at the Orange County Arboretum on September 11, 2006 at 5 p.m.

Recreation Committee: Their next meeting is scheduled for September 20th, 2006. We are still seeking individuals to serve as members of this committee

Water Meters: Supervisor Razzano spoke about the letters that the Supervisor's office had sent out to the remaining people who have not contacted the Town in reference to replacing their water meters. It is imperative that we get them installed as soon as possible. In the letter it mentions a fine of \$250.00 if they do not contact the Town by September 10, 2006. Mr. Razzano would like authorization to enforce the penalty if a resident fails to respond.

MOTION by Supervisor Razzano, seconded by **Councilman Krajewski**, to impose a \$250.00 penalty to any resident who does not contact the Town prior to September 10, 2006, to have the new water meter installed.

ALL IN FAVOR - CARRIED

Robinn Meadows Capital Project: Supervisor Razzano mentioned that we recently renewed the bond for the Robinn Meadows Capital Project. The renewal amount was \$110,000.00.

Marie Vavricka: Councilwoman Soro announced that Marie Vavricka had turned 104 years old on Monday. This prompted several other individuals to voice complimentary statements about Mrs. Vavricka's abilities.

PUBLIC COMMENTS & QUESTIONS:

Gladys Hall, Town Historian, stated that she is very upset because a barn (Ridgebury Road) that was constructed in the 1800's, was demolished last week. It had belonged to Denis Mauro's great grandfather, and Mr. Mauro was not happy about the demolition because he had sold the property with the understanding the barn would remain and be put to good use.

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Mary Markiewicz inquired about the maximum number of hours a part-time employee could work without receiving benefits.

She was told that anyone who works less than 30 hours per week does not receive benefits.

Deborah Glover felt that clarification should be provided on the Grandview Estates, and the nitrate problem for children means cancer. Given the fact that there is serious problems with the water in this particular area, she suggested that the Board think long and hard about how long a grace period will be given for the water and sewer system.

Ms. Glover also spoke about the importance of protecting historical sites in the town, and that an

inventory list needs to be compiled of all valuable sites.

Daniel Myers agreed with Ms. Glover, in that one of the items mentioned in the Master Plan process was to inventory all of the historic sites in the town. Added that if the town feels it is a priority to preserve a barn, then perhaps they should consider some sort of maintenance program. Added the he owns a 120 year old barn, and it is very costly to maintain.

Mr. Myers also spoke about the log cabin which has been sitting on the ground for the last two years and is valued at \$20,000. Explained that three years ago he was asked by his employer to find homes for three structures and the Town of Wawayanda is the only recipient who has not yet erected this structure. Informed the Board that the Town of Minisink utilized volunteers to build their log cabin, and then he further explained details of the construction.

He also questioned the Board about a statement in the minutes of the August 15th, 2006 Town Board meeting. Said that in the section which refers to the log cabin, it indicates that Supervisor Razzano said that the deed was received last year. Feels that this is incorrect information.

Lucy Kunkel asked why the Town is willing to take over the water treatment plant for Grandview Estates, given the past 25 year history of problems with water and sewer districts, and the taxpayer money that has been expended, starting with Robinn Meadows and Ridgebury Lake.

Supervisor Razzano stated that it is not costing the Town money. The district, if and when we take over, will be supported solely by the property owners within that district, and not by the general population.

Barbara Parsons said that as far as the water districts are concerned, if the Town does not take over these system we are going to have the same problem in twenty years that we have had the last few years. Added that, if the Town takes them over, they should be taken over right by making sure that there is enough money in an escrow account to put a filtration system in if it is needed sometime in the future.

Connie Litchenberger of 4 Bigert Drive, asked for clarification in regard to grandfathering, without being specific. Said that there are lawyers representing them, and there are two issues of concern. One is before the Planning Board, and one is before the Zoning Board.

Ms. Litchenberger then complained about her recent attempt to videotape a Zoning Board meeting, but was told by the Chairperson that she could not do so. She asked the Supervisor who would she need to ask for permission to use a video camera at a future Planning Board or Zoning Board meeting.

Attorney Guertin replied that each Board has established it's own rules and procedures, but quite frankly if someone came before the town board with a camera, they are entitled to use it.

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NO OTHER BUSINESS OR COMMENTS.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adjourn.

ALL IN FAVOR - CARRIED**MEETING ADJOURNED: 9:30 P.M.****PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, Town Clerk****** DEEDS:**

The following deeds have been received and filed in the Town Clerk's office:

Sec. 25, Block 1, Lot 1.22 - Newport Developers, Ltd. (Lauren's View Subdivision) - Road Dedication on Gardnerville Road - Recorded by County Clerk on 10/12/2004 - File # 20040119480 - Deed C/ Bk 11639 Pg 1897**Sec. 13, Block 1, Lot 11.8 - Fini Custom Homes - Road dedication on Mt. Orange Road** - Recorded by County Clerk on 7/08/2005 - File # 20050075036 - Deed C/ Bk 11890 Pg 0937**Sec. 22, Block 1, Lot 32 - Biondi - Road Dedication on S. Centerville Road** - Recorded by County Clerk on 1/9/2006 - File # 20060002656 - Deed C/ Bk 12045 Pg 0649**Sec. 22, Block 1, Lot 3 - Sautter - Road Dedication on Reiss Road** - Recorded by County Clerk on 1/09/2006 - File # 20060002657 - Deed C/ Bk12045 Pg.0653**Sec. 13, Block 1, Lot 21.2 - Mt. Orange Estates Corp. - Road Dedication for Mt. Orange and Kirbytown Roads** - Recorded by County Clerk on 2/28/2006 - File #20060023401 - Deed C/ Bk 12090 Pg. 1634**Conservation Easement - Mt. Orange Estates Corp.** - Recorded by County Clerk on 2/28/2006 File #20060023402 - RT WY/ BK 12090 Pg 1640**Sec. 15, Block 1, Lot 59, 60, 61 - Lakeridge Associates - Conservation Easement** - Recorded by County Clerk on 3/08/2006 - File # 20060026650 - Deed C - Bk 12097 Pg. 1979**Wawayanda Town Board Meeting 09/07/2006**

Sec. 25, Block 5, Lot 67 - Felicia Inc. - Conservation Easement - Recorded by County Clerk on 10/12/2004 - File # 20040119481 - Deed C / Bk 11639 Pg 1901

Sec. 13, Block 1, Lot 34 - Terpstra - Conservation Easement - Recorded by County Clerk on 2/15/2006 - File # 20060019855 - Misc / Bk 12084 Pg 0689

Sec. 18, Block 1, Lot 8 (P/O) - Selby, etc. - Conservation Easement - Recorded by County Clerk on 12/30/2005 - File #20050138781 - RT WY / Bk 12038 Pg. 0216

Title Insurance Policy - regarding **JK Development Corp.** Road dedication property - Issued by Fidelity National Title Insurance Company of NY - Policy #5312-1200581