

Wawayanda Town Board Meeting 9/19/06

September 19, 2006

A Regular monthly workshop meeting of the Town Board of the Town of Wawayanda was called to order at 7:35 P.M., on Tuesday, September 19, 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
David S. Cole	Councilman
Richard Guertin	Attorney for the Town
Kathryn Sherlock	Deputy Town Clerk

Absent: Teresa Pierce Town Clerk

Also Present: Ann Yates - Planning Board Chairperson; Mary Markiewicz - Planning Board Member; Gladys Hall - Historian; and approximately 8 other individuals.

PLEDGE TO THE FLAG

BENJAMIN KAY/LETTER OF APOLOGY TO THE TOWN BOARD: Benjamin Kay, a Town resident, identified himself as being the individual who made the statement at the end of the August 3, 2006 Town Board meeting. He then proceeded to read a statement of apology to the Board, generally as follows:

“On August 3, 2006, Local Law #3 was proposed and unfortunately voted down, and I was very frustrated with that outcome. However, I did not express my opinion in the most appropriate manner. I am here this evening to apologize to the Town Council and the public for the offensive language that I used that night, and I am sorry. I do continue to stand by my opinion of that night, but it does not justify the offensive language that I used. So again, I am sorry for the curse word that I unfortunately used.”

Board members acknowledged Mr. Kay’s apology.

NEW BUSINESS:

NYCOMCO CONTRACT: Supervisor Razzano informed the Board that the current contract is due to expire, and that the cost for renewal has been negotiated. The lease rate will be \$1,205.00 per month for 12 month for a period of five (5) years. This amounts to an annual rental of \$14,460.00 for a period of five years from the effective date of the contract..

MOTION by Supervisor Razzano, seconded by Councilman Krajewski, to authorize the Supervisor to sign a five year renewal contract with NYCOMCO at an annual cost of \$14,460.00.

ALL IN FAVOR - CARRIED

ESCROW DEPOSITS/PROPOSED LOCAL LAW:

Richard Guertin, Attorney for the Town, provided Board members with a draft copy of a proposed Local Law which would require escrow deposits to cover fees when the Town uses the services of consultants and professionals in association with the review of applications for subdivisions, site plans, variances and other projects in the Town.

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Although our Town Code currently lists a fee schedule, Attorney Guertin felt that the fee amounts should not be a part of this law because if the fee schedule is ever to be changed, it would have to be done by local law. He pointed out that this proposed law does give a mechanism by which the Town can impose those kinds of fees, but it leaves it to the Board to set the fee structure by resolution.

Supervisor Razzano agreed with Attorney Guertin about leaving the fee schedule out of the law, and added that we should specify exactly who this local law would pertain to.

Town Board members proceeded to review the draft, made recommendations for revisions, and agreed that certain amendments were necessary.

Attorney Guertin was directed to incorporate the amendments into a final copy of the proposed law which would be considered at a Public Hearing..

MOTION by **Councilman Cole**, seconded by **Councilwoman Soro**, to introduce the proposed local law which would provide a mechanism for escrow deposits for consultant fees for certain applications in and to the Town of Wawayanda.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to schedule a Public Hearing on Thursday, October 5th, 2006, in regards to a Proposed Local Law which would provide a mechanism for escrow deposits to cover consultant fees for certain applications in and to the Town of Wawayanda.

ALL IN FAVOR - CARRIED

ASSESSMENT ROLLS/ SPECIAL BENEFIT DISTRICTS: Assessment Rolls for each of the Town's Special Benefit Districts have been filed with the Town Clerk.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to schedule a Public Hearing on the Assessment Rolls of the Special Benefit Districts, and to address the fee schedule for the collection of Capital Costs associated with the improvements to these districts, with the Hearing to take place at the October 5, 2005 Town Board Meeting.

ALL IN FAVOR - CARRIED

ORANGE COUNTY TRUST COMPANY:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to include Orange County Trust Company as one of the official banks for the Town of Wawayanda.

VOTE

Supervisor Razzano	-	Aye
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Abstain
Councilman Penaluna	-	Aye

MOTION CARRIED

ELECTRIC SUPPLIER: In an effort to cut costs, **Supervisor Razzano** explained that his office has done some research in regard to switching our electric supplier. He has received an offer from Strategic Energy LLC that would save the town approximately \$18,880.00 a year.
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MOTION by **Councilman Cole**, seconded by **Supervisor Razzano**, to authorize Strategic Energy LLC to act as the power supplier for the Town of Wawayanda facilities at a rate of \$0.0971 per kilowatt, with the start of a one year contract which will be effective as of October 6th, 2006..

ALL IN FAVOR - CARRIED

YOZZO ROAD BOND: The developer of the Yozzo Subdivision is required to post a bond in association with road construction within this development, as well as other related costs.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to accept an irrevocable letter of credit in the amount of \$304,646.76, subject to our Attorney’s review and approval of the form and content, along with a 4% cash payment of \$12,185.87 for engineering and secretarial fees.

ALL IN FAVOR - CARRIED

RIDGEBURY HILLS CONSERVATION EASEMENT: **Supervisor Razzano** turned the meeting over to **Deputy Supervisor Dave Cole** and recused himself from the discussion because Mr. Razzano is the owner of the property.

Deputy Supervisor Cole provided a brief history of this project which has been before the Planning Board for the last two years. It is now in front of the Town Board for the adoption of the Conservation Easement, as presented.

Attorney Guertin stated that he received a letter from Bill Bavoso, Attorney for the Planning Board, advising that the Planning Board has already approved the form of the Conservation Easement. He recommended that it also be approved by the Town Board.

MOTION by **Deputy Supervisor Cole**, seconded by **Councilman Penaluna**, to accept the Ridgebury Hills Conservation Easement, as presented , and to authorize the Deputy Supervisor to sign the paperwork.

VOTE

Supervisor Razzano	-	Abstain
Councilman Cole	-	Aye
Councilman Krajewski	-	Aye
Councilwoman Soro	-	Abstain
Councilman Penaluna	-	Aye

MOTION CARRIED

OLD BUSINESS:

Library Services: Supervisor Razzano stated that an amended contract had been sent to the Goshen Library. Said that he believed it addressed all of the concerns of the Commissioners of Libraries, but the Goshen Library Board decided not to accept it.

He then read aloud a portion of a letter which stated “The Goshen Board of Trustees has discussed the contract at length on August 14th, 2006. The Board concluded that our concerns are to serve the residents of the Goshen Central School District who make up our chartered service area in our tax base. The solution to providing service for the residents of the Minisink Valley School District is not ours to find. We would be willing to contract for service, but only under terms acceptable to the New York State Education Department. Those terms would require a tax levy to provide service to all residents of the Town.”

Supervisor Razzano added that he is going to contact the Library again, to negotiate further.

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Litigation and Budget Matters: Councilwoman Soro questioned the status of pending litigations associated with the Moratorium, and spoke about access to the proposed budgets, as submitted by the various department heads.

MOTION by **Councilman Cole**, seconded by **Councilman Krajewski**, to interrupt the regular meeting so that the Board may convene in Executive Session to discuss pending litigation.

ALL IN FAVOR - CARRIED

EXECUTIVE SESSION: No action taken.

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

ALL IN FAVOR - CARRIED

Personnel Policy: Supervisor Razzano asked Board members if they would like to go over the personnel policy.

Since some Board members did not have their copy of the proposed policy with them, it was decided to table this matter until a future meeting.

Public Comments & Questions:

David Whitworth spoke about the barn that was recently taken down on Ridgebury Road. He, said that it was demolished because the new owner was notified by his insurance company that the structure was a liability. It was recommended that the barn be either repaired or torn down. Otherwise, the insurance coverage would be canceled.

To prevent any further loss of **historical structures** in the Town, Mr. Whitworth recommended that the Board consider applying for grants to restore these buildings.

Mr. Whitworth then posed questions about the **financial status of the Water & Sewer**

Districts.

James Bergen questioned who in the Town has the authority to classify what is historic and what is not historic, and referenced an article he read regarding a situation in Walden.

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