

Wawayanda Town Board Meeting 12/07/06

December 7, 2006

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:43 P.M., on Thursday, December 7, 2006, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:

	John R. Razzano	Supervisor
	David S. Cole	Councilman
	Gail M. Soro	Councilwoman
	Richard Penaluna III	Councilman
	Richard Guertin	Attorney for the Town
	Kathryn Sherlock	Deputy Town Clerk
Absent:	Edward Krajewski	Councilman
	Teresa Pierce	Town Clerk

Also Present: Barbara Parsons - Planning Board Member; Gladys Hall - Historian; and 5 other individuals.

PLEDGE TO THE FLAG

REGULAR BUSINESS:

PRESENTATION OF BILLS AND DEPARTMENT REPORTS:

Reports from the Town Clerk, Planning Board, Building & Fire Inspector/Code Enforcement Officer and Assessor, 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 Cole**, seconded by **Councilman Penaluna**, to accept the various departmental reports, as submitted.

ALL IN FAVOR - CARRIED

PAYMENT OF BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the payment of bills in the amount of \$3,224.89 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG06-00478	\$450.61
PPWS 06-00307, 06-00477	2,774.28

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize payment of bills from the General Disbursement Account in the amount of \$238,271.78. Breakdown as follows:

General Fund	G06-00309 - 06-00329 & 06-00331- 06-003340	\$133,924.58
	G06-00341 - 06-00340	
Highway Fund	H06-00455 - 06-00476	91,868.67
Water/Sewer Districts	WS06-00418 - 06-00422, 06-00424 - 06-00454	12,452.79

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Robinn Meadows Capital Project	RMCP06-00420	5.50
Ridgebury Lake Sewer Capital Project	RSLCP06-00423	20.24

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$1,303.88
Ridgebury Lake Acres Sewer District	1,425.20
Ridgebury Lake Water District	285.35
Denton Hills Water District	3,908.51
Arluck Water District	306.86
Water/Sewer Dist. #1	<u>5,222.99</u>
Water/Sewer Total =	12,452.79

ALL IN FAVOR - CARRIED

APPROVAL OF MINUTES: The Town Clerk requested that approval be considered for the minutes of October 26, 2006, November 2, 2006, and November 9, 2006.

Supervisor Razzano indicated that **Councilwoman Soro** had questions on the minutes, and since **Teresa Pierce**, the Town Clerk, was not present this evening, no action would be taken at this time. The approval was tabled until the next business meeting.

NEW BUSINESS:

HUDSON VALLEY CHURCH / WAIVER OF RECREATION FEE: The Hudson Valley Church, as well as the Faith Reformed Church have both submitted requests to have the Recreation Fees waived on their projects.

Supervisor Razzano explained that because of the request, the Recreation Fees on Commercial Projects were considered and a revised Building Department fee schedule has been put together which would eliminate the Recreation fees for commercial projects. He then provided a brief explanation as to how the fees are currently being calculated. The current fee schedule has been in effect since 2003 and the town has collected approximately \$8,000.00 in recreation fees from commercial and \$100,000.00 in recreation fees from residential.

Board members were provided with a copy of the proposed revised Building Department Fee Schedule.

Councilwoman Soro replied that other towns have a different tax base than what we have here in a rural community. Added that she does agree that some of the fees are exorbitant, but does not feel that we should totally eliminate the Recreation fee for Commercial projects all together.

Supervisor Razzano said that was a good point, but questioned if this fee was hindering businesses from coming into our town.

Councilman Penaluna asked the Board to consider a reduction in the fee rather than eliminating it, and explained his reasoning for this suggestion.

Councilman Cole responded by stating that we may have an opportunity to attract ratables, and with the elimination of this fee, it just may be the bait.

Councilwoman Soro said that we have an obligation to ask them for a fee, and that there just may be an impact on the town.

Supervisor Razzano stated that Commercial projects do not place a burden on our recreation facilities, unlike a residential home. If this change does not work out, it could always be reverted back.

Further discussion took place amongst the Board Members.

Barbara Parsons stated that when the rate was initially introduced, it was to be a flat rate. However, after discussion, it ended up at \$.50 per square foot of new construction.

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Supervisor Razzano stated that it should be to the discretion of the Board, and that based on the information he has obtained, the fee should be eliminated. He then asked the Board members for their opinions.

Councilman Cole agreed with Supervisor Razzano that based on the outcome of a polling of other towns, the fee should be eliminated. Then if we find that it does not work out, it can always be revisited down the road.

Councilwoman Soro said that she is not comfortable with not charging anything.

Councilman Penaluna spoke about the possibility of maybe placing a cap on the amount to be charged.

Councilwoman Soro said that in all fairness the project on Pine Lane could possibility end up to be a substantial amount of money for the Town.

Supervisor Razzano responded to **Councilwoman Soro's** comment by stating that in all fairness the Pine Lane project is still a few years away, and added that we could put a cap on it, but it still would end up to be more money than any other town.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt the proposed Town of Wawayanda Building Department Fee Schedule effective immediately.

ALL IN FAVOR - CARRIED

****** Town of Wawayanda Building Department Fee Schedule will follow the official minutes as addendum #1.**

Councilwoman Soro asked **Supervisor Razzano** if this change would effect his projects.

Supervisor Razzano stated that changes to Building Department fees would save him money on Commercial Recreation fees, but will cost him more with some increased Residential Building fees.

John Groenestyn a representative from the **Faith Reformed Church** asked if his project would be subject to paying the Commercial Fee, and was advised by **Supervisor Razzano** that his organization would not have to pay the Commercial Recreation fee.

STEWART INTERNATIONAL AIRPORT: Edward Diana, Orange County Executive had sent correspondence requesting the Town Board's support for his request to the Port Authority of New York and New Jersey to assume operation of Stewart International Airport.

A Resolution was presented, as follows:

TOWN OF WAWAYANDA
RESOLUTION #15 OF 2006

WHEREAS, Stewart International Airport is not only the economic engine of Orange County, but the economic engine of the entire Mid-Hudson Valley region; and

WHEREAS, over recent months significant progress has been made laying the foundation for Stewart to truly take off as a major player in commercial aviation, including announcements within the past month that Jet Blue and Air Tran are servicing Stewart, offering direct flights to many destinations; and

WHEREAS, more destinations are making it easier and more attractive to do business in Orange County by improving our accessibility for business travelers and residents traveling to and from Orange County for pleasure and tourism related activities; and

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WHEREAS, Stewart is the home to U.S. Foreign Trade Zone Substation, a new Federal Inspection Station and U.S. Customs center located on site at the airport; and

WHEREAS, the Drury Lane Interchange project will soon be completed providing direct access from I-84 and the New York State Thruway, complimenting our great infrastructure of three interstate highways, a strong rail-system and an open-sea port along the Hudson; and

WHEREAS, the Port Authority is presently discussing the potential acquisition of Stewart International Airport; and

WHEREAS, a strong showing of support by the local municipalities in Orange County will demonstrate that our community believes a bright future for Stewart is possible under the Port Authority's auspices.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the Port Authority of New York and New Jersey clearly has unparalleled experience in successfully operating a major airport;
2. That the Board of Town of Wawayanda endorses and supports County Executive Edward A. Diana's proposal that the Port Authority of New York and New Jersey assume operation of Stewart International Airport.

Upon a motion by **Supervisor John Razzano**, seconded by **Councilman Richard Penaluna**, the foregoing resolution was duly adopted by the Town Board of the Town of Wawayanda on November 7, 2006. Roll call vote as follows:

VOTE

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

MOTION CARRIED

JOHN O'CONNOR / RESIGNATION AS TOWN JUSTICE: After 36 years of dedicated and faithful service to the Town, Justice John O'Connor submitted a letter of resignation. Due to re-occurring medical problems he is no longer able to serve as Town Justice for the Town of Wawayanda.

Councilman Cole stated that **Justice O'Connor** will be greatly missed in the Town. From his personal experience as a Court Officer working with Judge O'Connor, he will be sorely missed. Added that this is a very sad moment for the Town of Wawayanda.

Supervisor Razzano commented that he has also known Justice O'Connor for a number of years, and that he is a fine man. Said that he has never heard a bad word about this man which is tough to say these days. Added that he wishes him and his family the best at this difficult time.

Councilwoman Soro stated that Justice O'Connor has served this town with a distinguished record as a Civil Servant and will be sorely missed.

A round of applause was given in Judge O'Connor's honor.

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Attorney Guertin asked Supervisor Razzano if he wished to make Justice O'Connor's resignation effective as of a certain date.

Supervisor Razzano said that **Justice Gromacki** has notified the Deputy Council for the Unified Court System and was told that his resignation comes effective immediately from the bench once the resignation is submitted.

EARL WEYMER / RESIGNATION FROM BOARD OF ASSESSMENT REVIEW: Earl Weymer submitted a request to have his name removed from the Board of Assessment Review, effective December 1, 2006.

Dennis R. Ketcham, Assessor for the Town, submitted a letter to the Board stating that the resignation of Earl Weymer from the Board of Assessment Review is certainly a loss for the Town, and that Mr. Weymer has been serving within the Assessment Department of this town for over 33 years, beginning as an elected Assessor in 1977. Mr. Weymer always brought a wealth of information to the table, and that he hopes the Board recognizes the commitment and service that was made in a thankless job.

Added that well over a year ago the Town Board voted to make a five-person board, instead of a three person board, and now we have a two person board and are in violation of Real Property Tax Law. Added that in the event that the town does not appoint and train at least one person, all duties and powers are transferred to the County of Orange to hear complaints.

Mr. Ketcham noted that he anticipates another vacancy in September 2007.

Barbara Parsons commented that she is also on the Board of Assessment Review and has worked with Mr. Weymer for the last three years. He has acted as their chairperson, and he will be missed.

A round of applause was given in Mr. Weymer's honor.

Further discussion took place amongst the Board members on the matter of filling the vacant positions for the Board of Assessment review.

OLD BUSINESS:

Orange & Rockland Certiorari: Supervisor Razzano stated that information was received from Jacobowitz and Guibits asking that a motion be made to authorize them to represent the town in the tax certiorari proceedings with Orange & Rockland.

Supervisor Razzano along with the rest of the Board were all under the impression that this motion was already made at a previous meeting this year.

Attorney Guertin commented that this was done back in April, and all that would have to be done is to send them a copy of that resolution.

Huberth Subdivision: Supervisor Razzano asked Attorney Guertin if this matter has been handled.

Attorney Guertin responded that the Huberth Subdivision has been approved and all that needs to be done is for the Supervisor to sign the paperwork.

Felicia Meadows: Attorney Guertin said that if the **Felicia Meadows** subdivision has not yet been approved he has been informed that it is ready for approval. He also requested information be provided on whether or not the Conservation Easement has been completed.

Councilman Cole said that the subdivision was approved last year but is not sure of the Conservation Easement.

Councilwoman Soro said that she recalls the Supervisor commenting that he signed a Conservation Easement for Gardnerville Road a couple of months ago.

Town Newsletter: Supervisor Razzano had prepared a newsletter to update residents on what had transpired in the last year. He discussed the contents of the newsletter, and explained

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that it was to be mailed by means of a mass mailing. The company that the town is using to handle the mailing has given a very reasonable price which is less than a \$1,000 (one thousand dollars). **MOTION** by **Councilman Cole**, seconded by **Councilman Penaluna**, to approve the format of the newsletter, as presented, and to authorize that it be sent to Wawayanda residents..

ALL IN FAVOR - CARRIED

**** The Supervisor's Newsletter will be copied into the official Town Board minute book.**

Proposed Local Law Providing For The Administration And Enforcement of the New York State Uniform Fire Prevention And Building Code:

Attorney Guertin stated that Jack Grifo and Bill Bavoso have drafted a proposed Local Law for the administration of the Uniform Building and Fire Codes, consistent with requirements imposed by New York State.

This proposed Local Law must be adopted, as prepared, or with revisions, by January 1, 2007.

Attorney Guertin requested that the proposed Local Law be introduced this evening and a public hearing be set. He will provide all Board members with a copy of the Local Law via email this evening and that it is quite lengthy

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to introduce the proposed Local Law Providing For The Administration And Enforcement of the New York State Uniform Fire Prevention And Building Code.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to set the Public Hearing for December 28, 2006, for the Proposed Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

ALL IN FAVOR - CARRIED

LIQUOR LICENSE / TOM'S DARK HORSE INN: On November 20th the Town Clerk received notification, by Certified Mail, from Thomas J. Ricciardi, the owner and operator of Toms's Dark Horse Inn. He is filing for renewal of his license to sell alcoholic beverages on the premise which is located at 1725 Route 284, Slate Hill, NY. There were no objections from the Board, therefore no action is required.

PUBLIC COMMENTS & QUESTIONS:

Barbara Parson asked the Board if they have received any information from the Orange County Planning Board because there were issues with them asking for **sidewalks** in some cases with regards to projects on **Dolsontown Road** . In other instances, they are not asking for sidewalks.

Ms. Parsons added that there have been suggestions that a note be made on the map that would indicate that in the future the town may require sidewalks in that area. Added that maybe this may solve the problem.

Discussion took place amongst the Board members.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to adopt a resolution that **sidewalks** are not required at this time on Dolsontown Road.

ALL IN FAVOR - CARRIED

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Vacant Justice Position: Shawn O'Connor asked the Board about the process they will be following to fill the vacant position of Town Justice which was created by the resignation of his father.

Supervisor Razzano responded that they will wait until the beginning of 2007 to fill the position. The person who is appointed will hold the seat for the remainder of the term which expires on December 31, 2007.

David LeBlanc spoke about 'A thru Z', a business on U. S. Route 6. Said that it has been in violation of the Town Code for a very long time, and to date none of the issues have been addressed.

Supervisor Razzano said that he will look into this matter.

PENDING LITIGATION:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to interrupt the regular meeting so that the Board may convene in Executive Session in regard to pending litigations.

ALL IN FAVOR - CARRIED

EXECUTIVE SESSION: No action taken.

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

ALL IN FAVOR - CARRIED

KROSS SAFE LITIGATION:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to approve the settlement of the Kross Safe/Mayburn Corporation lawsuit in the amount of \$2,500.00 (two thousand five hundred dollars).

ALL IN FAVOR - CARRIED

PENDING LITIGATIONS INVOLVING ALL THE MUNICIPALITIES IN ORANGE COUNTY & THE ORANGE COUNTY LANDFILL:

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to approve the municipal settlement allocation for the Town of Wawayanda in the amount of \$13,638.32 payable in two payments of \$6,819.16 each with one being made in 2007, and the second in 2008.

ALL IN FAVOR - CARRIED

No Other Comments, and No Other Business.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:00 P.M.

PREPARED BY KATHRYN SHERLOCK

RESPECTFULLY SUBMITTED,

Teresa E. Pierce, Town Clerk/RMC
Town Clerk

