

Wawayanda Town Board Meeting 12/28/06

December 28, 2006

A Special Meeting of the Town Board of the Town of Wawayanda for was called to order at 7:34P.M., on Thursday, December 28, 2006, at the Town Hall, Ridgebury Hill Road, Slate Hill, NY. The purpose of this meeting was to pay outstanding bills and to close all business for Fiscal Year 2006.

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: Howard Goldstein - Bookkeeper for the Town; Barbara Parsons & Mary Markiewicz - Planning Board Members; Gladys Hall - Historian; and approximately 18 other individuals.

PLEDGE TO THE FLAG

MOMENT OF SILENCE IN MEMORY OF JUSTICE JOHN O’CONNOR

Supervisor Razzano stated that for those who are not aware that Justice John O’Connor who has served the Town of Wawayanda for 36 years passed away a couple of days ago and the Funeral Service took place toady. Justice O’Connor was a good man and will be sorely missed.

PUBLIC HEARING:

A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE:

Supervisor Razzano read the Notice of Public Hearing as it appeared in the Times Herald Record on December 16, 2006.

As discussed at the December 7, 2006 Town Board meeting this proposed Local Law was drafted by Jack Grifo and Bill Bavoso as a proposed Local Law for administration for the Building Department and Building Permits consistent with requirements imposed by New York State for the uniform Building Code and Fire Code.

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to open the Public Hearing.

ALL IN FAVOR - CARRIED

COMMENTS & QUESTIONS:

Supervisor Razzano invited public comments and questions. There were no questions from the public.

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

ALL IN FAVOR - CARRIED

Wawayanda Town Board Meeting 12/28/06

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to adopt the Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code effective January 1, 2007.

ALL IN FAVOR - CARRIED

****A complete copy of the Local Law will follow the official minutes as addendum #1.**

NEW BUSINESS:**HIGHWAY DEPARTMENT SOFTWARE PURCHASE:**

Supervisor Razzano explained that Mike Green, Highway Superintendent and Penny Tuohey, Deputy Highway Superintendent have been discussing with him over the last few months the purchase of Highway Superintendent Software. The software is available through Williams Law Book at a cost of \$2,300.00. Since the software they are currently using is antiquated the upgrade is something that needs to be done. Williams Law Book was going to charge \$350.00 for the first year support, and a phone call was made and they were willing to waive the fee and provide the support for one year.

Councilman Cole questioned the cost of the \$85.00 per hour for Installation & Training, and was informed by the Supervisor that they anticipate this to take no more than an hour for both the installation and training.

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize the purchase of Highway Department Software at a cost of \$2,300.00 from Williams Law Book.

ALL IN FAVOR - CARRIED

REGULAR BUSINESS:**PAYMENT OF BILLS:**

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize the payment of bills in the amount of \$5,467.56 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG06-00484 - 06-00485, 06-00487 - 00488	
PPG 06-00494 - 0600495	\$1,355.22
PPWS 06-00482 - 06-00483, 06-00479 - 06-00481	
PPWS 06-00486, 06-00489 - 00492	\$4,113.34

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize payment of bills from the General Disbursement Account in the amount of \$113,092.83. Breakdown as follows:

General Fund	G06-00537 - 06-00628	\$71,320.82
Highway Fund	H06-00496 - 06-00516	38,005.58
Water/Sewer Districts	WS06-00517 - 06-00523, 06-00525 - 06-00536	3,766.43

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	\$ 767.14
Ridgebury Lake Acres Sewer District	136.00
Ridgebury Lake Water District	1,266.27

Wawayanda Town Board Meeting 12/28/06

Denton Hills Water District	480.14
Arluck Water District	154.67
Water/Sewer Dist. #1	961.56

Water/Sewer Total = 3,766.43

ALL IN FAVOR - CARRIED**NEW BUSINESS:****BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS:**

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize Howard Goldstein to make the various end of the year transfers of funds in the amount of \$70,615.00.

ALL IN FAVOR - CARRIED**Transfers are as follows:****BUDGET TRANSFERS FOR DECEMBER 2006****GENERAL FUND**

FROM	AMOUNT	TO	AMOUNT
ACCT		ACCT	
A1990.4	18,316.99	A1010.4	75.00
A1220.101	10,923.01	A1110.4	525.00
A1330.4	5,000.00	A1220.1	505.00
A1420.1	16,000.00	A1220.4	1,675.00
		A1220.401	975.00
		A1315.4	300.00
		A1355.4	1,380.00
		A1410.1	3,200.00
		A1490.1	8,800.00
		A5010.1	1.00
		A5182.4	200.00
		A7020.4	410.00
		A7520101	394.00
		A8010.1	350.00
		A8025.401	28,125.00
		A8540.1	3,325.00
	50,240.00		50,240.00

HIGHWAY FUNDS

FROM	AMOUNT	TO	AMOUNT
ACCT		ACCT	
DR9010.8	16,800.00	DR9060.8	16,800.00
DS5140.1	10.00	DS5140.4	10.00
	16,810.00		16,810.00

DENTON WATER FUND

FROM	AMOUNT	TO	AMOUNT
ACCT		ACCT	
FDH8320.4	600.00	FDH9730.7	600.00

Wawayanda Town Board Meeting 12/28/06**WATER & SEWER #1 FUND**

FROM ACCT	AMOUNT	TO ACCT	AMOUNT
SD8130.4	1,705.00	SD8120.4	455.00
SD8320.4	1,250.00	SD9730.6	2,500.00
	2,955.00		2,955.00

RIDGEBURY LAKE SEWER DISTRICT

FROM ACCT	AMOUNT	TO ACCT	AMOUNT
SS8120.4	10.00	SS8130.4	10.00

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize **encumbrances** from the 2006 Town Budget, as per the list that had been presented to the Board.
ALL IN FAVOR - CARRIED

GENERAL FUND ENCUMBERED FUNDS FROM 2006 BUDGET**As follows:**

<u>AMOUNT</u>	<u>VENDOR</u>	<u>ACCT. #</u>
\$ 41.87	Strober Building Supply, Inc.	7110.4A (Park)
24.57	Torrissi's Agway	7110.4A (Park)
258.00	Kandel Brothers, Inc.	7110.4A (Park)
45.98	AW Direct, Inc.	7110.4A (Park)
320.00	First Impressions (forms)	1440.4A (Bldg.Insp.)
60.07	Staples (Printer Cartridges)	5010.4A (Highway)
873.77	Staples (Printer, cartridges, misc.)	1410.4A (Town Clk)
19.80	Staples (Fax cartridges)	1110.4A (Court)
274.59	Staples (Misc. Supplies)	1440.4A (Bldg.Insp)
154.14	Staples (Misc. Supplies)	1620.4A (General)
104.65	Staples (Print cartridge, misc.)	1355.4A (Assessor)
35.84	Staples (Misc. Items)	8020.4A (Pl. Bd.)
3.70	Staples (Binder)	1330.4A (Tax Col)
9.06	Staples (Labels)	All 7 Water/Sewer

Wawayanda Town Board Meeting 12/28/06

282.40	Staples (Ink Cartridges, misc.)	8010.4A (ZBA)
49.77	Staples (Binders)	1220.4A (Supervisor)
49.77	Staples (Binders)	1220.401A (Sup.Sec)
33.18	Staples (Binders)	1315.1A (Bookkeep)
689.17	Dell (3 monitors- 3 way split)	1220.4A; 1220401A; & 1315.1A

Total:	\$3330.33	

MOTION by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize Howard Goldstein to make any additional transfers necessary to balance the ledgers for the 2006 year.

ALL IN FAVOR - CARRIED

ROBINN MEADOWS / WOODMONT AT WAWAYANDA - STREET NAME CHANGE:
Supervisor Razzano stated that due to a 911 issue the street name needs to be changed from Ledge Drive to Arbor Way.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Soro**, to authorize the road name change from Ledge Drive to Arbor Way due to 911 requirements.

ALL IN FAVOR - CARRIED

RIDGEBURY HILLS / STREET NAME STILLWATER DRIVE:

Supervisor Razzano spoke about property that he owns, and that there is a proposed road that has yet to be named, and added that it was approved a couple of years ago through 911.

He then recused himself from the conversation and turned the meeting over to **Deputy Supervisor Cole**.

MOTION by **Deputy Supervisor Cole**, seconded by **Councilman Krajewski**, to authorize the road name of Stillwater Drive which is located in Ridgebury Hills.

VOTE

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

MOTION CARRIED

RAJA RT 17M - GAS STATION & CONVENIENCE STORE:

Supervisor Razzano explained that prior to last month's meeting the Town Board received correspondence from a Ishtiaq Raja requesting to be connected into the Arluck Water District. Informed that Board that he has forwarded a list of terms and conditions that Mr. Raja would have to follow if this request is considered. Mr. Raja has since replied and has agreed to all of the conditions if approval is received. He then addressed the correspondence that has been received from a fair amount the residents in the Arluck Water District which voices their concerns about the district supporting another user and the possibility of contamination due to the nature of Mr. Raja's business.

Wawayanda Town Board Meeting 12/28/06

Supervisor Razzano spoke about the financial situation of the district in that it is currently in debt for about \$100,000. and the fact that it does not have a capital reserve. At the beginning of the year there was talk about the possibility of installing a new water storage tank that was going to cost some where in the area of \$50,000 - \$60,000, and with there only being 42 - 44 capital users in the district they did not want to place this burden on their shoulders. He has consulted with the Engineers and Jeff Mills, the Water & Sewer Operator, and they agree that an additional user would not have an adverse effect on the district. They also discussed how much more use we could get out of the old existing system. Added that Jeff Mills has commented that with the additional money we could purchase a new filter for the system.

An unidentified man from the Arluck Water District stood up and presented a sample of his water from his outside water spout which was cloudy before he filtered it, and also displayed two months worth of filters. Stated that his water is drinkable, and added the he is concerned because he was not notified of any of these projects, and spoke of other issues that he has.

Supervisor Razzano stated that the Board is only entertaining this request because he feels that it is advantageous to the users in the Arluck Water District. For clarification purposes he stated that the Town did not solicit this request, and that it was Mr. Raja who approached the Town Board, and **Richard Guertni**, Attorney for the Town referred to Sec. 199. of the Town Law which reads that any request from out of district users is solely to the discretion to the Town Board.

Further discussion took place regarding the water restrictions placed on the district, MTBE Contamination in the area, the possibility of a gasoline spill and concerns with the traffic problems that may occur from this establishment.

Supervisor Razzano said that he would investigate further and get back to the residents with more information on this district.

KEN REGAN / USE OF TOWN HALL: **Supervisor Razzano** explained that Ken Regan has submitted a request for the use of the Town Hall to hold a Public Hearing at the direction of the New York State Housing and Finance Agency who will be holding the bond for his project which will be located on US Route 6 adjacent to the Pine Hill Cemetery.

MOTION by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize Ken Regan the use of Town Hall to hold a Pubic Hearing for the bonding of his project on US Route on January 23, 2007, along with providing the Town with a Certificate of Insurance.

ALL IN FAVOR - CARRIED

CORRESPONDENCE AND COMMUNICATIONS:

Orange County Arts Council: Sandy Leonard, Orange County Arts Council Member, has sent correspondence requesting that the Town identify a person in our organization to act as a liaison to The Arts Council.

Cross Creek Farm: Mary Koenig, an individual who owns property next to the Cross Creek Farm that is owned by Lisa Boyle, submitted a letter of complaint to the Supervisor Office regarding the problems she is having with the animals.

Councilwoman Soro commented that there are personal issues that are taking place regarding this situation.

Supervisor Razzano and **Councilman Cole** have both visited the site, and discussed this situation with the Animal Control Officer.

Councilman Cole suggested that the Town Clerk forward a copy of a proposed Kennel Law from 2005 to Attorney Guertin for his review.

Wawayanda Town Board Meeting 12/28/06

Conservation Easement / Telgheder Subdivision: **Attorney Guertin** said that a proposal has been received regarding the Telgheder Subdivision that apparently they have received Planning Board approval, and that it is subject to certain requirements which one of them is the Conservation Easement. The applicants Attorney has sent him a copy of it and also had it reviewed by Bill Bavoso the Planning Board's Attorney who has reviewed the document and stated they it is consistent with the Conservation Easement they have approved in the past and requested that the Board give the Supervisor Authorization to sign it.

MOTION by **Councilman Cole**, seconded by **Supervisor Razzano**, to accept the conservation easement for the **Telgheder Subdivision** as presented and in agreement with the Planning Board's Attorney, and to authorize the Supervisor to sign the paperwork.

ALL IN FAVOR - CARRIED

Tribute Justice John O'Connor: **Councilman Cole** asked for the opportunity to speak a few words on behalf of Justice John O'Connor, and said that Justice O'Connor was a fine gentle man. It was an honor knowing him for over 35 plus years and also having the dignity of working him for over five years here at the town has as a Constable. As a friend, neighbour, and fellow farmer he will be missed dearly. The Town has lost a great asset and it will be very hard for someone to fill his shoes in the future.

Pending Law Suites: **Councilwoman Soro** asked the how many law suites are there against the Town of Wawayanda.

Attorney Guertin responded by stating that we just received the one lawsuit regarding Local Law #3, and detailed the three other law suites that he has knowledge of.

Town Justice Vacancy: **Councilwoman Soro** then asked how the vacant position to fill Judge O'Connor was going to be handled.

Councilman Cole suggested a procedure to follow in setting up and interviewing all seven applicants.

Councilwoman Soro stated that she found that very hard to believe taking into consideration that she heard it was a decision that had already been made.

Mary Markiewicz spoke about an interview process in which the School Board used when they were faced with filling a vacancy. Explained that all applicants were asked to answer questions in a public forum.

Deborah Glover commented that there are recommendations available from the Chief Justice Judith Kay on finding small town justices.

After a lengthy discussion it was determined that all seven applicants would be invited to speak in a public forum at the next Town Board meeting.

PUBLIC COMMENTS & QUESTIONS:

Grant for Speed Monitor: **Mary Bennis** questioned if a grant was still being looked into for a speed control device.

Councilman Cole commented that he has left a message for Mr. Budd but had not heard from him prior to tonight's meeting. Added that he is aware that Mr. Budd was working on this, as well as looking into the possibility of an inter municipal sharing agreement for the device.

Supervisor Razzano said that there was a grant request that was submitted to the Aileen Gunther's office a while back.

Ms. Bennis spoke more in depth regarding some of the other problems they are having in their area besides the speeding and would like to see more of a police presence.

Councilman Cole said that he would contact the State Troopers barracks to see if the presence could be boosted up.

Wawayanda Town Board Meeting 12/28/06

Larry Maxon asked if the Town of Wawayanda could be re classified as a Town of the first class so that we may have our own police force.

David Whitworth spoke about the need for an Ethics Committee be formed in the Town and provided his reasoning behind his comments.

Deborah Glover said that there will be letters forthcoming from Robert Freeman to certain boards in the town regarding the recordings of open meetings. It states that the Boards cannot refuse an individual to tape or record a meeting

Ms. Glover also commented that there is a lot of discussion or rumors regarding the disbanding of the Planning Board or the possible removal of the Planning Board Chairman. She asked that she be given the opportunity to poll the Board to see if these such rumors are true.

Councilman Penalua said they are just that, rumors, and he would prefer not to discuss this at this time, and that all of these questions would be answered at the re- organization meeting.

Councilwoman Soro said that she did not believe that they were just rumors.

Ora Woods commented that the board does do a good job and she applauds Barbara Parsons and the rest of the Planning Board for a job well done.

Ms. Glover also discussed the audit that was take place in the town, and how it was determined that there was nothing being done improperly.

Supervisor Razzano said they the came into the town they informed us that they were going to be looking at previous years. What they did was look at or current practices and based the decision not to go any further with the audit on what was being done today. They never looked at the previous years.

Teresa Pierce, Town Clerk, stated that the auditors were only interested in 2006, and that they asked her to only put together contracts that we currently had to see if money was kept within that contact, and that they were to come back for this information and they never did.

No further comments or questions.

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

ALL IN FAVOR - CARRIED

MEETING ADJOURNED: 9:26 P.M.

**PREPARED BY KATHRYN SHERLOCK
RESPECTFULLY SUBMITTED,**

Teresa E. Pierce, RMC