

## Wawayanda Town Board Meeting 5/04/2006

May 4, 2006

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:32 P.M., on Thursday, May 4, 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 Green - Highway Superintendent; Penny Tuohey - Deputy Highway Superintendent; Mary Markiewicz & Barbara Parsons - Planning Board Members; Gladys Hall - Historian; and approximately 25 other individuals.

### PLEDGE TO THE FLAG

### PUBLIC HEARING ON PROPOSED LOCAL LAW TO EXTEND THE MORATORIUM ON CERTAIN NEW RESIDENTIAL SUBDIVISIONS:

**Supervisor Razzano** read the "Notice of Public Hearing" as it appeared in The Times Herald Record on April 22, 2006.

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

**ALL IN FAVOR - CARRIED**

**Supervisor Razzano** stated that our current Moratorium is slated to end on May 12, 2006. Our consultant, Saratoga Associates, has provided a copy of the draft Comprehensive Plan, and now they are working on the Zoning. Overall, they are making progress, but will need additional time beyond the deadline of the moratorium.

### Questions/Comments:

**Renee Ozier**, a Real Estate Broker with Coldwell Banker, asked how many extensions are expected before the comprehensive plan and zoning is completed. She then asked for the definition of "certain subdivisions".

**Supervisor Razzano** explained that the Moratorium is on subdivisions of five lots or more, and that a three month extension should be adequate time to complete the work.

**Jim Ulrich** asked if three months will be sufficient time.

**Supervisor Razzano** responded that Saratoga Associates has assured him that it would be

enough time to complete the work.

**Councilwoman Soro** asked how much more money would the town have to pay Saratoga Associates to continue working beyond the deadline.

**Supervisor Razzano** stated that he put a call into them today for the answer to that question, but they have not yet gotten back to him. Although our contract with them is set to expire on June 30, 2006, Supervisor Razzano said that, by the terms of the contract, he feels that they have an obligation to deliver a Master Plan and Zoning document to us.

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**Renee Ozier** asked if the Town planned to go with lots larger than two acres.

**Supervisor Razzano** said that he believes that the committee is not discussing larger lot sizes, and added that the only area this may be considered is when it pertains to Cluster Developments.

No other comments and no other questions.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to close the Public Hearing.

**VOTE**

4 Ayes - Cole, Krajewski, Penaluna, Razzano

1 Nay - Soro \*

**MOTION CARRIED**

\* **Councilwoman Soro** stated that she does not have enough information to make a decision. Wanted to know if it will cost additional money for Saratoga Associates to finish the work.

**David LeBlanc**, acknowledged Councilwoman Soro's concerns about extra costs, and then asked, "How much money was budgeted for Saratoga Associates, and was there additional money added to cover any unanticipated expenses?"

**Supervisor Razzano** responded that there was no line item appropriation for this expense.

**Mr. LeBlanc** then asked, "How much money did Saratoga Associates contract for?"

**Supervisor Razzano** stated that the contract was in the amount of \$172,000, plus expenses, and that this could conceivably end up to be around \$180,000.

**Councilwoman Soro** asked Howard Goldstein, Bookkeeper for the Town, if there was money in the budget to cover costs.

**Mr. Goldstein** advised that there was not much money left in the budget.

**Supervisor Razzano** stated that they would have to use some of the surplus money to cover the cost.

**Ms. Soro** then asked how much money was left in the surplus, and was advised around \$400,000.

**Robert Grossman**, a property owner in the Town for over 20 years, advised the Board that he had planned to subdivide his property due to a financial hardship, and added that he is opposed to the extension.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to adopt the Proposed Local Law which would extend the Moratorium for an additional three months.

**VOTE**

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

**MOTION CARRIED****TOWN OF WAWAYANDA LOCAL LAW #1 OF 2006, IS AS FOLLOWS:**

A LOCAL LAW TO EXTEND THE MORATORIUM ON CERTAIN NEW RESIDENTIAL SUBDIVISIONS IN THE TOWN OF WAWAYANDA

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WAWAYANDA, NEW YORK, AS FOLLOWS

**Wawayanda Town Board Meeting 5/04/2006**Section 1. Title

This Local Law shall be referred to as the “Local Law Extending the Moratorium on Certain New Residential Subdivisions in the Town of Wawayanda.”

Section 2. Purpose of this Enactment

The Town Board of the Town of Wawayanda previously enacted Local Law No. 2 of the year 2005, which was entitled “Local Law Imposing a 12-Month Moratorium on Certain New Residential Subdivisions in the Town of Wawayanda.” That law imposed a moratorium on all subdivisions of five or more residential dwelling lots while the Town’s Master Plan and Zoning Committee, together with the Town’s consultant, Saratoga Associates, drafted a new Comprehensive Plan and changes to the Town’s Zoning Code without the pressure of pending applications for large residential development.

The Master Plan and Zoning Committee and Saratoga Associates have been working on a draft Comprehensive Plan but need more time to complete the work on the Comprehensive Plan and the changes to the Town’s Zoning Code. They also need additional time to craft a Generic Environmental Impact Statement (“GEIS”) that can serve as a guide for environment assessment of future developments in the Town.

The current moratorium is set to expire on May 12, 2006. The purpose of this Local Law is to extend the moratorium for a limited period, to August 15, 2006, to enable the Master Plan and Zoning Committee, Saratoga Associates and the Town Board of the Town of Wawayanda to complete the work necessary in order to adopt a new Comprehensive Plan, changes to the Zoning Code and GEIS. The extension of the moratorium represents a continued balancing of the rights of landowners and the public interest to avoid a volume of land use applications that might negate the positive results to be derived from the adoption of a new Comprehensive Plan, changes to the Zoning Code and a GEIS.

Section 3. Extension of the Terms and Effect of Local Law No. 2 of the Year 2005 for a three month period.

Local Law No. 2 of the year 2005, which was entitled “Local Law Imposing a 12-Month Moratorium on Certain New Residential Subdivisions in the Town of Wawayanda,” is hereby amended so that the termination date of the moratorium previously adopted under said Local Law with respect to all subdivisions of five or more residential dwelling lots is extended in full force and effect until August 15, 2006.

Section 4. State Environmental Quality Review Act (SEQRA)

The adoption of this Local Law is “Type II” action under SEQRA, requiring no environmental impact review (6 N.Y.C.R.R. Section 617.5 (c) (30).

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

### **Wawayanda Town Board Meeting 5/04/2006**

#### **REGULAR BUSINESS:**

#### **PRESENTATION OF BILLS AND DEPARTMENT REPORTS:**

Reports from the Supervisor, Town Clerk, 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 **Supervisor Razzano**, 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 Krajewski**, to authorize the payment of bills in the amount of \$2,941.09 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG530-531	\$ 351.12
PPWS532	2,588.97

**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 \$359,941.24 Breakdown as follows:

General Fund	G506-587, 533-577	\$125,576.12
Highway Fund	H578-609	164,639.08
Water/Sewer Districts.	WS611-639	8,626.04
Ridgebury Lake Sewer Capital Project	RLSCP610	61,100.00

**WATER/SEWER BREAKDOWN:**

Robinn Meadows Sewer District	\$3,148.15
Ridgebury Lake Acres Sewer District	1,043.10
Ridgebury Lake Water District	1,391.13
Denton Hills Water District	867.67
Arluck Water District	473.47
Water/Sewer Dist. #1	1,702.52
Water/Sewer Total =	\$ 8,626.04

**ALL IN FAVOR - CARRIED**

**APPROVAL OF MINUTES:**

The Town Clerk asked the Board to consider approving seven (7) sets of minutes that had been prepared since the beginning of the year. She noted that two of the sets required amendments which had already been done to the text in the official Town Board Minute Book, as follows:

**Amendment to February 2, 2006 - Business Meeting:**

On page 3, under the title '**Insurance Policy for the Town**', the wording was amended to read, as follows:

**Supervisor Razzano** advised that this policy is due to automatically renew on February 6, 2006, and this year the cost is \$90,000.00. The major part of the premium increase (\$10,000) is designated to Public Officials Liability and the umbrella policy. He then added that \$43,000.00 was paid out regarding the Red Falcon Industries litigation. The 2006 premium is up \$11,400 over the 2005 premium.

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**Amendment to February 21, 2006 - Workshop Meeting:**

On page 6, in regard to the topic listed as '**McVeigh Road/Ryerson Road**', the wording, starting on the fourth line from the bottom of the page, has been amended to read, as follows:

**Superintendent Green** stated that the town has a \$400,000 grant for the reconstruction of that road, and speed control devices or traffic calming devices could be built in when the road is reconstructed.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to approved the minutes of the January 9<sup>th</sup>, January 17<sup>th</sup>, March 2<sup>nd</sup>, 2006 Town Board meetings as prepared, and the minutes of February 2<sup>nd</sup> and February 21<sup>st</sup> meetings with amendments as recommended.

**VOTE**

Supervisor Razzano - Aye  
 Councilman Cole - Aye  
 Councilman Krajewski - Aye  
 Councilwoman Soro - Nay \*  
 Councilman Penaluna - Aye

**CARRIED**

\* **Councilwoman Soro** stated that she did not realize that the minutes would be addressed at this meeting. She did not bring her notes on them.

**NEW BUSINESS:**

**SONNY-ZITO SITE PLAN:**

**Richard Guertin**, Attorney for the Town, said he would recuse himself because his partner, Attorney Jeffrey Sherwin, represents Mr. Zito. He then left the room while the matter was being discussed.

**Jim Ulrich**, of Alpine Environmental, provided a brief history of the Zito Site Plan proposal. He explained that in the year 2000, Mr. Zito registered a portion of his property as a New York State Recycling Center, with the Department of Environmental Conservation. The Town took exception with the expansion of that business on the site. A court action was started, and was concluded in May of 2003 when Mr. Zito and the Town Board entered into a Stipulation of Settlement which would permit him to use five acres between his mother's property and his own property, for this purpose.

Mr. Ulrich acknowledged that, at that time, he worked for the Town and prepared the maps, (part of the Stipulation of Settlement), to determine how the site was to be used. He noted that a clause in the Stipulation stated that Mr. Zito was to come before the Planning Board and pursue a site plan approval. This he did, but since then he has changed consultants, as well as the site plan. Last month, Mr. Zito re-appeared before the Planning Board with a revised plan.

Mr. Ulrich said that he believes that Mr. Zito has a greater awareness of what needs to be done on the site in order to manage his business, and he now realizes that he can get by with a few smaller buildings, rather than what was originally proposed.

The Planning Board has referred Mr. Zito back to the Town Board, to obtain reaffirmation that the new plan is in keeping with the stipulation.

**Supervisor Razzano** stated that he has read through the Stipulation and, in his opinion, the revised site plan is in accordance with it. He spoke about the changes that had been made to the original plan, and said that he is happy to see this project moving forward.

**Mr. Ulrich** stated that Mr. Zito's main goal is to stay within the area, identify the same uses, and make sure all of the issues are addressed.

**Supervisor Razzano** spoke about the Stipulation, in that it identified a specific land for the **Wawayanda Town Board Meeting 5/04/2006**

business, and asked if this has changed. He then added that he had spoken with Mr. Zito and was assured that there were no plans to use the railroad behind his property.

**Mr. Ulrich** answered that it has not changed, and the land is still identified as a New York State Recycling facility, which is the extent of the business right now. Added that in no way can Mr. Zito accept solid wastes on the site.

**Councilwoman Soro** asked if there has been a lot line change?

**Mr. Ulrich** advised that there has not been, and that it is included in the application.

**Ms. Soro** spoke about a site visit that took place in 2004, and recalled that some issues needed to be addressed. Said that she is unaware if they have been corrected, and added that she wishes to be assured that the corrections have been made.

**Mr. Ulrich** responded that he would look into the matter, and asked if he could be provided with the town's paperwork associated with that site visit.

**Councilwoman Soro** questioned the number of trucks that would be going in and out per day, and was advised that it would be approximately thirty trucks per day. She also had questions about the number of employees, and bathroom facilities. Responses were provided by Mr. Ulrich, but overall, these questions had no relevance at this time. They will be addressed at the Planning Board proceedings.

**Carol Hurst**, a resident, questioned the authority of the person who would be responsible for the enforcement of the codes.

**Mr. Ulrich** answered that the Department of Environmental Conservation will be conducting regular inspections.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to reaffirm that Zito's revised site plan is in accordance with the 'Stipulation of Settlement', and to agree that the proposal be sent back to the Planning Board.

**ALL IN FAVOR - CARRIED**

**Councilwoman Soro** stated that it was her understanding that Mr. Zito had outstanding fees that are due to the town.

**Supervisor Razzano** called upon Mr. Zito to explain the situation.

**Richard Zito** explained that he had agreed to provide services in exchange for the outstanding fees. One item was a job at the Pines Museum, and former Councilman, James Skinner, was the individual who oversaw the work. Said that he will check his records and get back to the Board, as a means of determining if he still owes any money to the town.

**Councilman Cole** stated that according to his recollection, Mr. Zito was to pay the Town \$10,000, but a deal was made whereby Mr. Zito agreed to demolish a section of 'The Pines' and to take away the debris for \$7,000. He could not recall what Mr. Zito did in regard to the remaining \$3,000.

Some further discussion took place. - The matter will be researched.

**MASTER PLAN COMMITTEE/DRAFT COMPREHENSIVE PLAN:** **Supervisor Razzano** stated that the Master Plan Committee has completed the draft Comprehensive Plan and has forwarded it to the Town Board for their review.

**BOND RESOLUTION/NEW DUMP TRUCK:** **Supervisor Razzano** explained that he is looking to bond \$100,000. for the new dump truck, and that the bond would be for a period of four years.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize a bond resolution, in the amount of \$100,000.00, for a period of four years, to cover part of the cost of a 2006 dump truck for the Highway Department.

**ALL IN FAVOR - CARRIED**

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\*\*\*A complete copy of the **Bond Resolution** appears as an addendum to these minutes of the May 4, 2006 Town Board Meeting.

**BID RESULTS/RENTAL OF HEAVY EQUIPMENT:**

In response to the 'Notice to Bidders' which appeared in The Times Herald Record on April 11, 2006, only one company picked up the specs and submitted a bid which was opened at 12:00 P.M. (Noon) on Thursday, April 27, 2006, as follows:

**BIDDER**

Boyce Excavating Co., Inc.  
88 Monhagen Avenue  
Middletown, New York 10940

Type of equipment	Machine Only	Machine w/Operator
Bulldozer		
D7	\$105.00	\$135.00
D6	77.50	102.50
D4	60.00	85.00
D3	60.00	85.00
Excavator Cat 315	85.00	110.00
Excavator Cat 322	105.00	135.00
15 Ton - Vibratory Roller	70.00	95.50
Backhoe - 580 Case (4X4) with Extend-A-Hoe	55.00	80.00
Mini-Excavator 307B-W/Blade (Rubber Tracks)	60.00	85.00
***Other machines available:		
EXCAVATORS		
CAT 325	120.00	150.00
CAT 330	150.00	180.00
CAT 345	345.00	375.00
TRUCKS		
MOXY 30 Tons Off-Road Triaxle Dumptruck	120.00	150.00
CAT 227 Rubber Track Skid Steer	50.00	80.00

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to accept the Heavy Equipment Rental Bid, as submitted by Boyce Excavating Co., Inc.

**ALL IN FAVOR - CARRIED**

**BID RESULTS / CRUSHED ROCK SALT:**

In response to the 'Notice to Bidders' which appeared in 'The Times Herald Record' on April 11, 2006, there were two companies that had submitted bids which were opened at 12:00 P.M. (Noon) on Thursday, April 27, 2006. Both companies included properly executed 'Non-Collusive Bidding forms, as required.

Bids were, as follows:

BIDDER	ITEM	BID AMOUNT
Cargill Deicing Technology Suite 450 24950 Country Club Blvd.	Delivery by truck to Highway Garage - April thru Sept	\$39.94 per ton
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North Olmsted, OH	Delivery by truck to Highway Garage - Oct. Thru March	\$45.47 per ton
International Salt Co. 655 Northern Blvd. Clarks Summit, PA 18411	Delivery by truck to Highway Garage - April thru Sept.	\$56.87 per ton
	Delivery by truck to Highway Garage - Oct. thru March	\$56.87

**No bids** were submitted in regards to **delivery by Rail**

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to accept the salt bid from Cargill, Incorporated-Deicing Technology.

**ALL IN FAVOR - CARRIED**

**TOWN CLERK'S CHECKING ACCOUNT:** When Provident Bank took over the Florida National Bank, and most Town departments decided to transfer their accounts to M&T Bank, the Town Clerk, Teresa Pierce, chose not to do so. She remained with Provident Bank.

It has recently been brought to her attention that in order for the bank to waive any service charges, costs for checks, etc., the Town Board needs to adopt a Resolution to authorize her to transact business with this financial institution. Once this is done, she will need to sign papers and submit them to the bank so that her account can be designated a Municipal Checking Account, and effectively all fees applicable to checking accounts will be waived.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to authorize Teresa E. Pierce, Town Clerk, to make deposits and to transact financial business of the Town of Wawayanda with Provident Municipal Bank.

**ALL IN FAVOR - CARRIED**

**SARATOGA ASSOCIATES / EXTENSION OF CONTRACT:** **Supervisor Razzano** noted that our contract with Saratoga Associates expires on June 30, 2006, and the he would like the Board to authorize him to sign the appropriate paper work to extend the contract.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize Supervisor Razzano to extend the contract between the Town of Wawayanda and Saratoga Associates.

**ALL IN FAVOR - CARRIED**

**TORRISI PRODUCE CO. / LIQUOR LICENSE:** On April 28<sup>th</sup> the Town Clerk received written notification, by certified mail, that Joseph Torrisi, d/b/a Torrisi Produce Co. at 2921 Route 6, Slate Hill, NY, has applied for renewal of his liquor license to sell alcoholic beverages.

His letter was referred to our Code Enforcement Officer, Jack Grifo. The response from Mr. Grifo was that he has not received any complaints in regard to this business.

**No Action required or taken by the Board.**

**ORANGE HERITAGE TRAIL RESOLUTION: Supervisor Razzano** spoke about a request to allow the Orange Heritage Trail to pass through the Town of Wawayanda, and to express our support of this project.

Supervisor Razzano presented a resolution, as follows:

**TOWN OF WAWAYANDA  
RESOLUTION #6 -2006  
SUPPORT FOR EXTENSION OF HERITAGE TRAIL**

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**WHEREAS**, Orange Pathways has proposed to extend the Orange Heritage Trail from Hartley Road in the Town of Goshen over lands owned by the City of Middletown in the Towns of Wawayanda and Wallkill and thence through the City of Middletown to the boundary line at Francher Davidge Park, and

**WHEREAS**, The Heritage Trail has provided recreational, aesthetic and economic benefits to the municipalities in which it is now located, and

**WHEREAS**, the residents of the Town of Wawayanda could benefit from the proposed extensions of the Heritage Trail through the Towns of Wawayanda and Wallkill and the City of Middletown.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Wawayanda hereby expresses its support for the extension of the Heritage Trail over lands owned by the City of Middletown in the Towns of Wawayanda and Wallkill, and through the City to Francher Davidge Park, and it is further

**RESOLVED** that the Town Board of the Town of Wawayanda supports the efforts of the City of Middletown and Orange County to obtain grants for the extension of the Heritage Trail as described above.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Cole**, to adopt the resolution which would allow the Orange Heritage Trail to pass through the Town of Wawayanda.

**ALL IN FAVOR - CARRIED**

**Mary Markiewicz** questioned if the town would be liable if anything were to happen on the trail.

**Supervisor Razzano** stated that the City of Middletown is the owner of the property, not the Town of Wawayanda.

**John VanBenschoten**, the Highway Department Foreman, stated that the Goshen police currently patrol the path, and asked, "If Middletown owns the property, would they be providing

a police presence?"

Some further discussion took place.

**SEASONAL EMPLOYEE/SHANNEN PARK:**

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Cole**, to authorize Park Superintendent Bryce Flynn to hire **Michael Decker** as a seasonal employee for the park, with the starting salary of \$10.00 per hour.

**ALL IN FAVOR - CARRIED**

**SURPLUS EQUIPMENT / DUMP TRUCKS:** **Supervisor Razzano** spoke about the two dump trucks that were just replaced, and now have been deemed as surplus. Believed that it is time to get rid of them, and would like to proceed by advertising for sealed bids.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Krajewski**, to authorize the Supervisor to advertise in the Times Herald Record for sealed bids for the sale of the two highway department surplus dump trucks.

**ALL IN FAVOR - CARRIED**

**OLD BUSINESS:**

**PEDDLING & SOLICITING CODES:** As previously directed by the Supervisor, **Councilman Cole** and **Councilman Penaluna** have met to discuss our existing law which regulates peddling and soliciting in the Town of Wawayanda. They compared both the Town of Goshen and the Town of Warwick codes which are almost identical, and have come back to the Board with a

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recommended amendment to our fee schedule. They proposed new fees, as follows:

- 1) \$1,000 per year for a vendor operating on a full time basis
- 2) \$100 for a 30 days permit
- 3) \$50 per weekend.

Added that the fee schedule may be adjusted by the Town Board for any reason that they see fit.

**Supervisor Razzano** asked the Attorney if the amendment could be adopted.

**Attorney Guertin** referred to the code book and it just indicates that the codes were adopted by the Town Board on June 5, 1975, but it does not indicate that it was adopted by a local law.

Advised that he would need verification because if it was adopted by local law the Board would then have to amend by a local law.

Some further discussion took place on the handling of any noise that may be created, and the hours of operation.

**Barbara Parson** feels that it is not fair to the individuals who maintain permanent structures and pay property taxes.

**Councilman Krajewski** would like to see something in the law to say that movement would be necessary.

**Attorney Guertin** provided examples of how the law could be written.

Further discussion took place.

Attorney Guertin will draft a law based on specific guidelines that were discussed.

**MC VEIGH ROAD/PROBLEM WITH SPEED:** **Councilman Cole** provided background

information on prior requests for a way to control the speeding on McVeigh Road. The Highway Department has recently installed “We Love Our Children” signs, but speed is still an issue, as well as a safety concern. State Troopers have been actively patrolling the area and issuing tickets.

Councilman Cole then read aloud a letter which he wrote to show support for the need of Traffic Control Devices at the intersection of Ryerson and McVeigh Roads.

**Mary Bennis**, a resident of McVeigh Road, spoke about a petition that she and Pam Pierce circulated in their area. She stated that every person that they had approached had been more than willing to sign, and voiced opinions about the unsafe condition created by speeding vehicles. The petition, which contained 26 signatures, asked for an ‘All Way Stop at the Intersection of Ryerson and McVeigh Roads’. It was presented to the Board, along with a letters from the Transportation Department of the Goshen Central School, and Marc Greco expressing the urgency of this issue and acknowledging the support of the New York State Troopers.

**John Fixsen**, a resident since September, voiced concern for the safety of his 12 year old autistic child, as well as other children in the area. He also spoke about some of the close calls that he himself had experienced since moving to McVeigh Road.

**John VanBenschoten** spoke about the intersection of Golf Links Road and 17M, and said that most drivers wait until the last minute to slow down for that traffic light.

**Councilman Cole** stated that some type of traffic control device is, by no means, a solution. It is just a very important first step, and perhaps some day a blinking light may be installed.

**Councilman Krajewski** stated that he has spoken with the State Troopers, and they advised him that speeding is an issue, no matter what part of town you’re in. Added that he has lived in this area for over 51 years and feels that the problem is not an issue of the town but with the state because the roads do not accommodate the traffic, and drivers circumvent and use secondary roads.

**Ms. Bennis** stated that she agrees with Councilman Krajewski, but unfortunately that is not resolving the issue. Added that we need to do something on our own level because there is nothing that the state can do.

**Supervisor Razzano** stated that the signs were recently installed, and he feels that it is too early to tell if they will be effective. Said he would like to give it additional time, to see what happens. Some further discussion took place.

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### **CORRESPONDENCE:**

**HUDSON VALLEY GREENWAY GRANT:** We have received notification that we have been approved for a seven thousand, five hundred dollar (\$7,500) matching grant. This money is to provide assistance in the updating of the Town of Wawayanda Comprehensive Plan & Zoning Code.

**MASTER PLAN & ZONING COMMITTEE/MINUTES FROM THE PUBLIC HEARING ON THE DRAFT MASTER PLAN:** **Supervisor Razzano** noted that in reviewing the minutes from the Master Plan and Zoning Committee’s Public Hearing on the Draft Master Plan, there was an inaccurate comment made by Daniel Myers. Mr. Myers stated that he was dismissed from the committee in January 2006, without prior consultation. This is untrue. In fact, his name was submitted for re-appointment, but at the meeting when the committee was being re-established, Mr. Myers specifically requested that his name be removed since all of the former members were

not being re-appointed. Also, Charles Nuara was also named to the new committee, but he subsequently sent a letter of resignation indicating that the meetings would conflict with his schedule, and he would not be able to meet the obligation.

**MEMORIAL DAY SERVICE AT SHANNEN PARK:** **Supervisor Razzano** read a letter from the Recreation Committee advising that a Memorial Day Service will take place at Shannen Park on Monday, May 29, 2006, 3:30 P.M., rain or shine. Refreshments will be served.

**RECREATION COMMITTEE ACTIVITIES:** **Supervisor Razzano** stated that the Committee would like to get the Log Cabin constructed. Ways of pursuing that project are being discussed, and any ideas on how this can be accomplished are more than welcome.

In addition, the committee is looking into the possibility of a skate park, and input from residents would be appreciated.

**Mr. Myers** stated that he teaches at BOCES, and some of the students were complaining that they could not skate anymore at some municipal facilities. He believes that the Town of Crawford closed their skate park due to a numbers of injuries and liabilities.

**Supervisor Razzano** informed him that he has been in contact with the insurance company and was quoted an annual premium of \$1,500, along with a list of requirements such as the need for safety equipment and a hold harmless agreement.

**Deborah Glover** commented that the Economic Development Committee is looking into incorporating a recreation plan in their work.

**HIGHWAY SCHOOL:** **Michael Green** our Highway Superintendent advised that he and Penny Tuohey, Deputy Highway Superintendent, will be attending the annual Highway School at Ithaca College on June 5<sup>th</sup> - June 7<sup>th</sup>. Registration fee to attend the School is \$85.00, plus there will be costs for lodging.

**MOTION** by **Supervisor Razzano**, seconded by **Councilman Penaluna**, to authorize Michael Green and Penny Tuohey to attend Highway School at Ithaca College on June 5<sup>th</sup> - June 7<sup>th</sup>.

**ALL IN FAVOR - CARRIED**

**USE OF TOWN HALL/KATRINA RELIEF:** **Luther Glover** submitted a request for the use of the Town Hall on Sunday May 21, 2006, between the hours of 1:00 PM and 3:00 PM. The purpose of this request is to honor all the residents and businesses in Wawayanda and Orange County who worked extensively, as well as contributed so generously to the 2005 Katrina Relief effort.

**MOTION** by **Councilman Cole**, seconded by **Supervisor Razzano**, to authorize Luther Glover the use of Town Hall on Sunday, May 21.2006.

**ALL IN FAVOR - CARRIED**

### **Wawayanda Town Board Meeting 5/04/2006**

**LETTER OF COMPLAINT/BARBARA PARSONS:** **Supervisor Razzano** read a letter which was sent from Barbara Parsons, in regard to an incident which happened on April 25<sup>th</sup>, while she was temporarily filling in at the Town Clerk's office when the Town Clerk and the Deputy Town Clerk were attending the New York State Town Clerk's Conference. In detail, she recounted how she was treated and called a liar by Councilwoman Soro.

Ms. Parsons wrote that she is concerned about Councilwoman Soro's attitude, and that she should not be harassing town employees. Said that her behavior is a disgrace and embarrassment to the town, its citizens, and the many dedicated town employees. Requested that Councilwoman Soro be advised to act and speak in a more professional manner.

**Councilwoman Soro** responded negatively to Supervisor Razzano's reading of the letter, and a heated argument took place.

**Supervisor Razzano** concluded the conversation by stating that elected officials should be held to higher standards.

**FINANCIAL SOFTWARE: Howard Goldstein**, Bookkeeper for the Town, submitted a request to purchase new financial software. Working with the Towns of Monroe, Blooming Grove, Warwick and Goshen, and the Villages of Warwick and Washingtonville, he has managed to get the price of the software down from the mid 50's to \$20,000. In addition, he has been advised that we can pay the expense over a two-year period, with no finance charges, and with a large discount on the annual maintenance fee. Mr. Goldstein said he chose the Edmunds package because it was the best we could do for the price, as well as providing a unique program that meets the accounting needs of the Town. Our current program is over 15 years old and provides us with nothing but problems and is non GASB 34 compliant.

**Supervisor Razzano** stated that has no doubt that the Town is in need of such a software upgrade, but feels that the question is whether or not such a purchase would have to go out for bid.

**Attorney Guertin** stated that he read the letter briefly and referenced the cost of \$20,000. He is not sure if this would be available on State Bid, and if it is, we would not have to go through the bidding process. Alternatively, if it is \$20,000, but payable only \$10,000 per year, that takes it out of the formal bidding requirement because the current procurement policy talks about purchases of equipment over \$10,000 in one year. Added that we would still have to go through the process of soliciting three proposals.

**Supervisor Razzano** noted that seven municipalities have purchased this software in the last several weeks.

**Attorney Guertin** responded that he would like to know if they followed their own procurement policies.

**Mr. Goldstein** comment on the fact that this software is very unique.

**Attorney Guertin** stated that if the supplier is a sole source supplier, there would be no need to follow the procurement policy, and added that the resolution should indicate this fact.

**Mr. Goldstein** added that last year the Town received a grant to purchase new water meters and the only software that is compatible with those meters is the Edmunds package, which indicates that this should be considered a sole source supplier.

**Supervisor Razzano** requested that the decision be tabled because he would like to contact the other Town's to see what procedure they followed in regard to this purchase.

#### **QUESTIONS/COMMENTS:**

**Master Plan/Zoning Committee: Councilwoman Soro** questioned Supervisor Razzano if he reviewed the results of the Master Plan Survey and the recommendations.

**Supervisor Razzano** responded that he did, in fact, read all of the documentation.

**Councilwoman Soro** then asked for the justification on handling the reformation of the committee in the manner that he did. Said that she believes he received misinformation. Felt that he would have handled the situation differently, if he had not been misinformed.

## Wawayanda Town Board Meeting 5/04/2006

**Supervisor Razzano** addressed the fact the Ms. Soro is just referring to him as the sole individual who made the decisions, and that he is not the entire board.

**Councilwoman Soro** stated that the Board voted on the decision but it was never discussed, and added that the new members are putting their own interest into the revision of the master plan.

**Town Clean Up: Mary Markiewicz** talked about the possibility of having a clean-up week. Stated that for the last several years she has requested that the Town Board do something about a clean-up week. Added that the Town of Greenville conducts a clean-up week every year, and that she is gathering information from them as to how it is conducted, and the costs that are involved.

**Supervisor Razzano** stated that he completely agrees with her, but at this time, with all of the outstanding debts, and the amount of surplus left, there is no way the Town is in a position to conduct a clean-up week

**Over Weight Trucks: David LeBlanc** referred to a comment, made at a previous meeting by Dan Myers, about the need for the Town to look into the enforcement of weight restrictions on our Town roads. He then spoke about an incident that took place over the weekend, when an individual who lives in the Town, was pulled over and sited for having an overweight load. Said that it is his understanding that a Councilperson was called to the incident and proceeded to tell the trooper that he should not be picking on this individual, and that he should be looking at such businesses as Dick's Concrete and Zito Sanitation. Added that he believes that a Councilperson should not be putting themselves in such a position.

**Supervisor Razzano** responded that the Trooper should enforce the law regardless of who the individual is.

**Chartwell Issue: Deborah Glover** spoke about an offer from NBC News, for her to do an interview regarding the Chartwell issue. Mayor Duncanson, as well as others officials from the City of Middletown were going to be present. Ms. Glover said that, at this time she did not respond because she feels it would be inappropriate to make public comments, due to her involvement with the Wawayanda Economic Development Committee. She offered the Town Board the contact person's information, if they wished to pursue this matter.

**Supervisor Razzano** is hopeful that there will be some substantial changes, and feels that more time should be allotted to see where this project will actually end up, before any public comments are made.

**Cultural Resources Law: Councilman Krajewski** spoke about the Cultural Resources Law that was passed last year, and stated that at that time he expressed his reservations. One of his concerns was casual subdivisions such as father and son, mother and daughter, who wished to subdivide. As it turned out, it is a more expensive proposition than what was anticipated. He was assured that the local Historians would go in and take a look, thereby saving the applicants the expense of an archeological dig, but it appears that everyone is being held to the same yardstick, and it is not as easy as it was proposed. Said he is having reservations on the need for this law.

**Councilman Cole** stated that, in the same light, the Planning Board Attorney put it in writing that the law was too sensitive, and noted that the law was redundant to the state law.

**Councilman Krajewski** suggested that this law be looked into.

**Councilwoman Soro** said that she had spoken with the Historians, and asked them how many

sites were referred to them. She was informed that 30 plus sites had been referred and 10 of them were recommended for further review.

**Barbara Parsons** advised that the Planning Board has to refer to the Town Historian and then they make the recommendation on whether or not they feel it needs to go further. Added that this is not done on every project.

**Dan Myers** commented that the Town of Minisink went through the same process and the findings indicated that it shortened the process.

Some further discussion took place.

**Wawayanda Town Board Meeting 5/04/2006**

**MOTION** by **Councilman Krajewski**, seconded by **Councilman Penaluna**, to set a Public Hearing for June 8<sup>th</sup>, 2006 to introduce a local law to Repeal the Cultural Resources Management Law.

**VOTE**

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

**MOTION CARRIED**

**Dan Myers** voiced his concern about possible conflict of interest involving certain Board Members, then called upon the Attorney for an opinion.

**Attorney Guertin** referred to the General Municipal Law Sections 801-805, and concluded that, overall, it would be a decision that should be made by each Board member if there is a conflict of interest on their part.

**NO OTHER BUSINESS OR COMMENTS.**

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

**ALL IN FAVOR - CARRIED**

**MEETING ADJOURNED: 9:56 P.M.**

**PREPARED BY KATHRYN SHERLOCK  
 RESPECTFULLY SUBMITTED,**

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**Teresa E. Pierce, Town Clerk**