

Wawayanda Town Board Meeting 04/05/2018

April 8, 2018

A Regular monthly business meeting of the Town Board of the Town of Wawayanda was called to order at 7:01 P.M., on Thursday, April 8, 2018, at the Town Hall, Ridgebury Hill Road, Slate Hill, New York.

Those present were:	John R. Razzano	Supervisor
	Denise Quinn	Councilwoman
	David Cole	Councilman
	Nicolas Chase	Councilman
	Ron Myruski	Councilman
	Kathryn A. Sherlock	Town Clerk
Attendance Not Required:	Scott Bonacic	Attorney for the Town

Also Present: Susan Hutchings – Secretary to the Supervisor; Howard Goldstein – Bookkeeper for the Town and approximately 80 others.

PLEDGE TO THE FLAG:

The official transcript of the public comment session regarding Competitive Power Ventures is attached to the official minutes as Addendum #1

RESOLUTION TO THE GOVERNOR & THE DEC TO REVIEW STATE PERMITS ISSUED TO CPV:

MOTION by **Supervisor John Razzano**, seconded by **Councilman Ronald Myruski**, to adopt a resolution as follows

TOWN OF WAWAYANDA RESOLUTION #3-2018

RESOLUTION OF THE WAWAYANDA TOWN BOARD URGING THE GOVERNOR OF NEW YORK STATE AND THE DEC TO REVIEW ALL STATE PERMITS TO ANY PROJECT IN WHICH CRIMINAL CONDUCT BY PUBLIC OFFICIALS OCCURRED AND OR THE APPLICANT OR AGENT OF THE APPLICANT IS CONSIDERED "UNSUITABLE" FOR WHICH PERMITS WERE ISSUED. SUCH ACTION MUST APPLY RETROACTIVELY TO THE CPV PROJECT IN ORANGE COUNTY.

WHEREAS, on March 6, 2018, the Governor's former executive deputy secretary, Joseph Percoco was convicted for soliciting and accepting more than \$300,000 in bribes from executives working for two companies doing business with New York State;

WHEREAS, after a trial by jury in Federal District Court, it was found that the bulk of the \$300,000 in bribes came from Competitive Power Ventures ("CPV"), for its power generation plant in Orange County, New York; and

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WHEREAS, after a trial by jury in Federal District Court, it was found that the former CPV Vice President of External Affairs and Government Relations for CPV, has been indicted on bribery charges, and

WHEREAS, this Town Board finds that state projects that have been directly tied to criminal conduct by public officials should not be allowed to benefit from their actions, and therefore all permits issued by the state agencies must be investigated and potentially revoked if determined to be issued as a result of criminal conduct, and in the case of CPV, such permits must be revoked retroactively.

NOW, THEREFORE, be it hereby

RESOLVED, that We, the Town Board of the Town of Wawayanda, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to instruct the Director of the New York State Department of Environmental Conservation to invoke the Environmental Conservation Law's Uniform Procedures Act which authorizes the DEC to suspend, revoke or modify an existing regulatory permit and apply retroactively to therefore revoke all permits issued to the CPV project in Orange County upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

RESOLVED, that we, the Town Board of the Town of Wawayanda, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to direct the Director of the New York State Department of Environmental Conservation to invoke the DEC's DEE-16 Policy. Its guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable" " i.e., a bad actor. See DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted ... activity." *Id.* at 111., and apply to and revoke all permits issued to the CPV project in Orange County upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

RESOLVED, that the Clerk of the Town of Wawayanda forward a certified copy of this resolution to the Honorable Andrew Cuomo, Governor of the State of New York, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate and all Senators and Assembly Members whose Legislative Districts are in Orange County and to U.S. Senators Charles E. Schumer and Kristen E. Gillibrand, U.S. Congressman Sean Patrick Maloney and to the Commissioners of the Federal Energy Regulatory Commission.

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VOTE –

Supervisor John Razzano	- Aye
Councilman David Cole	- Aye
Councilwoman Denise Quinn	- Aye
Councilman Nicolas Chase	- Abstain
Councilman Ronald Myruski	- Aye

MOTION CARRIED

EXECUTIVE SESSION:

MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to go into Executive Session to discuss the employment of a particular person.

ALL IN FAVOR – CARRIED

EXECUTIVE SESSION: No action taken.

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to close executive session and re-open the regular meeting.

ALL IN FAVOR – CARRIED

APPROVAL OF DEPARTMENT REPORTS:

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to accept the various departmental reports, as submitted.

ALL IN FAVOR – CARRIED

PAYMENT OF BILLS:

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to authorize the payment of bills in the amount of \$4,789.53 from the General Disbursement Account, representing bills that were payable upon receipt. Breakdown as follows:

PPG 18-00369, PPG 18-00371	\$ 499.50
PPWS 18-00369, PPWS 18-00372	\$4,290.03
Total =	\$4,789.53

ALL IN FAVOR - CARRIED

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MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski**, to authorize the payment of bills from the General Disbursement Account in the amount of \$168,352.47. Breakdown as follows:

General Fund	G18-00425 – G18-00498	\$ 68,185.85
Highway Fund	H18-00378 – H18-00415	\$ 49,056.59
Water/Sewer Districts	WS18-00416 – WS18-00424 WS18-00499 – WS18-00500	\$ 51,077.62
Lakeridge Street Lighting	SSLK18-00360	\$ 32.41

WATER/SEWER BREAKDOWN:

Robinn Meadows Sewer District	53.20
Robinn Meadows Water District	20.74
Ridgebury Lake Acres Sewer District	53.21
Ridgebury Lake Acres Water District	163.14
Denton Hills Water District	616.03
Arluck Water District	130.66
Water Districts #1	25,015.52
Sewer Districts #1	25,025.12
Water/Sewer Total =	\$51,077.62

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to pay the following vendors for services or goods rendered in reference to the following:

McGoey, Hauser and Edsall Engineering - \$6,369.74

- CPV – 001 - \$84.70
- CPV – 003 - \$1,626.04
- CPV – 005 - \$2,962.00
- Equity Homes – Reiss Rd. - \$656.00
- 84 Quick Stop - \$333.00
- Nexamp Solar - \$334.40
- Thermo King - \$373.60

Payment will be made through the Special Trust and Agency and charged to the individual Escrow Account listed above.

ALL IN FAVOR – CARRIED

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MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to reimburse the following account for invoices or expenses in reference to the following escrow accounts:

8020.4A

- **Servpro / Splut - \$151.20**
- **Healy (Dolsontown Road) - \$516.00**
- **Ray Spiak - \$150.00**
- **Valuable Ideal Property - \$150.00**
- **Friendly Acura - \$1,482.25**
- **Evans - \$150.00**
- **Kessler - \$150.00**
- **Faber / Gurda - \$150.00**
- **Filaly - \$22.00**
- **Nexamp Solar - \$920.40**
- **Equity Homes – Reiss Road - \$656.00**

Payment will be made through the Special Trust and Agency Account and charged to the individual Escrow Account listed above.

ALL IN FAVOR - CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to close out the following Escrow Account and return the remaining funds to the applicant:

- **Pine Lane – Panattoni - \$11351.72**
- **Bakes - \$104.60**
- **Simon - \$299.80**
- **Faber / Gurda - \$108.60**
- **Walker - \$1,073.50**
- **Filaly - \$587.80**

Payment will be made through the special trust and agency account.

ALL IN FAVOR – CARRIED

HIGHWAY DEPARTMENT / COMPUTER FUEL MANAGEMENT SYSTEM:

Thomas J. DeBlock, Highway Superintendent, submitted a request to the Town Board for the consideration of the purchase for a new Fuel Management System. Three quotes were provided to the Town Board with the lowest being American Petroleum at a total cost of \$12,010.00. The fuel management program and computer that operates our system is a 25-year-old DOS system. They can no longer get updates or support for a DOS system. The wiring and computer they have is not compatible with any new fuel management system. Also, they would like to have American petroleum install the new fuel management system.

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MOTION by **Supervisor Quinn**, seconded by **Councilman Chase**, to authorize the Highway Superintendent to purchase a replacement fuel management system from American Petroleum at a cost \$12,010.00.

ALL IN FAVOR – CARRIED

TOWN HALL SOLAR SYSTEM:

Supervisor Razzano said that they are mailing some real progress out back with the installation of the Solar panel installation and that Orange & Rockland has been very difficult to work with. At this time Solar City has provided us with an amendment to the original contract.

Councilman Chase explained that this pertains to the finance purposes for outside commercial operation and extend the operation dates from April 1st thru October 6th and explained that if the project were to terminate prematurely the town would get a 5% discount, and as you can see they are installing everything now and all of the solar panels should be in this week.

Supervisor Razzano noted that the Attorney for the Town has reviewed the document and found it to be in an acceptable order.

MOTION by **Supervisor Razzano**, seconded by **Councilman Chase**, to adopt the third amendment to the Solar City solar power purchase agreement which extends the outside commercial operation date to October 6, 2018 and also changes the rate to 5%, and to authorize the Supervisor to sign any paperwork associated with this transaction.

ALL IN FAVOR – CARRIED

PROPOSED LOCAL LAW / A LOCAL LAW TO AMEND Chapter 195-42.1 E, LARGE SCALE SOLAR ENERGY SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF WAWAYANDA:

Supervisor Razzano referred to the document for the proposed Local Law to Amend Chapter 195-42.1 E, Large Scale Solar Energy Systems and Equipment with the Town of Wawayanda. Due to advances in Large Scale Solar Technologies and an increase in inquiries to site Large Scale Solar Systems in our Town, we are amending our Solar Energy Systems and Equipment law to balance the potential impacts on neighbors where Large Scale Solar Collectors may be installed near their property, while preserving the rights of property owners to install Large Scale Solar Energy Systems without excess regulation. The Town is looking minimize the visual effect from the solar panels as well as prohibiting the panels from being placed on good farmland.

Randy Hurst spoke and said that the document is in line with NYSERTA. Added, that the initiative is to reduce electric bills for residents of Orange County.

MOTION by **Supervisor Razzano**, seconded by **Councilman Myruski** to introduce a Local Law to Amend Chapter 195.42.1 E, Large Scale Solar Energy Systems and Equipment within the Town of Wawayanda.

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MOTION by **Supervisor Razzano**, seconded by **Councilman Cole**, to set Public Hearing's for May 3, 2018, at 7:00P.M., or soon thereafter, on the proposed Local Law to Amend Chapter 195.42.1 E, Large Scale Solar Energy Systems and Equipment within the Town of Wawayanda, and to authorize the Town Clerk to place a legal notice in the Times Herald Record.

ALL IN FAVOR – CARRIED

MOTION by **Supervisor Razzano**, seconded by **Councilwoman Quinn**, to adjourn the meeting.

ALL IN FAVOR – CARRIED

MEETING ADJOURNED: 10:50 P.M.

RESPECTFULLY SUBMITTED,

Kathryn A. Sherlock
Town Clerk