

**A Town Board Meeting of the Town of Owasco was held on July 11, 2019
At 4:00 PM in the Owasco Town Hall with the following members present:**

PRESENT: Supervisor Edward Wagner
Councilperson Tony Gucciardi
Councilperson Richard Knaul
Councilperson, Tim Kerstetter
Councilperson Ashley Melendez- left at 4:50

OTHERS PRESENT: Riccardo Galbato, Kathy O'Neil, Dave Kalabanka, Amie Bisignano, Mike Vitale, Barbara Rooker, John Leonard, Linda Leonard, Pat & Norm Dudden, Dave Stechuchak, Karen & Mark Zamniak, Dominic Giancona, David Waby, Brian Griffin, Patrick McQueeney, Mike & Rose Heffernan, Peter & Kathryn Masotto, Scott Parkman, Laurie Rigby, Mike & Kathleen Holm, Patricia Bozek, John Socci, Amy Pine, Tracy Murphy, Nancy Connery, Marilyn Guiney

CALL TO ORDER: 4:01 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 19-116 approval of Town Board Agenda for July 11, 2019

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

APPROVAL OF MINUTES:

RESOLUTION 19-117 approval of Town Board Minutes for June 13, 2019 & June 20, 2019.

Motion by: Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

PUBLIC PARTICIPATION:

Pat Dudden – Eastwood Ave resident inquiring as to when they will restore yards that were left with a trench after the avenue was repaved.

*Supervisor Wagner told her that the town will be using the topsoil they removed from the new walking path that the town is installed around the perimeter of the town's playground area to fill in the voids.

Many residents living in the Bench Development of Fairway Drive, & Meadow Lane addressed the board as they are questions & comments regarding a potential home sale of 5 Meadow Lane. A local women Kathleen Holm that has a NYS Licensed Home Day Care-KayCare currently in her Owasco home on Eastwood Ave, is considering purchasing the property in question.

***Supervisor Wagner began the public participation by letting the residents know that before they spoke that he saw the flyers that were being circulated and what to set the record straight as they fliers had misleading information. The fliers stated that the town was doing nothing with their concerns, this is false as the town reached out to special council Andy Leja with Barclay & Damon, LLP. At this time Mr. Leja sites the following.**

The Town recognizes that Social Services Law Section 390 (12) and subsequent New York court decisions interpreting that section effectively constrain the Town's regulation of the Holms' proposed facility to compliance inspections in the areas of sanitation, health, fire safety and building construction.

Karen & Mark Zamniak residing next to 5 Meadow Lane are against the purchase of the property by the interested party as they plan to use the home as both their residents and Home Child Care. They feel the town code states otherwise as it is a profit business with more than 500 Sq. feet per town code, and should not be allowable in a residential neighborhood. The Zamniak's also have concerns as the development has covenant and feel the town should enforce this as well. Supervisor Wagner stated the town does not oversee covenants, neighborhoods have internal enforcement with issues. They are also concerned with the additional noise and traffic with parents coming and going and or to many vehicles in the road.

Dave Waby of 8 Fairway Drive, spoke against the day care in question, he stated he moved into the neighborhood and enjoys the peace and quiet and feels a child day care will bring more people into the neighborhood and increase traffic and noise. Mr. Waby also addressed the board regarding large 2 pot holes in the development.

*** Highway Superintendent Bob Bruno was at the meeting and stated he would make the repairs. Note: Bob did the repairs the next day.**

Amie Bisignano 14 Fairway feels a neighborhood daycare will decrease the value of her home. Along with the noise of cars coming and going and doors slamming.

Patricia Bozak- resident at the Fairway Dr. & Meadow Lane intersection had concerns with a neighborhood day care as she states "no one stops at the stop sign, whizzing thru with an accident waiting to happen".

Neighbors and Parents also came in support of the Day Care.

John Socci longtime resident of Eastwood Ave, addressed the board in support of the Day Care. John is a neighbor of – KayCare Day Care, Inc. owner Kathleen Holm, on Eastwood Ave, John wanted to board and those in attendance to know that he has had no issues with the daycare in his neighborhood. John also stated how fortunate his family is to have a safe and sound place in the neighborhood as KayCare watches their granddaughter.

Amy Pine & Tracy Murphey both spoke in favor of the Day Care as their children attend KayCare's. Both women stated how great it is to have a neighborhood day care and they would not be able to work without Kathleen & her staff. Amy pointed out that in previous years there were two other women living in the Fairway & Meadow Lane that also did home day care and no one ever objected.

Ashley Bertrand lives next door to KayCare current location Eastwood Ave and stated she has no issues living next to daycare, she has no issues with hearing the sound of children playing.

Attorney Dom Giacona is representing KayCare, Kathleen Holm and stated he has been in contact with the town and its legal counsel Andy Leja and they have carefully looked at the facts and agree with the law stating you cannot discriminate against home day cares. He also spoke to allegations by neighbors that the home would be unsightly with camping trailers left in the front yard, chain-link fences, he stated this is not the family's intend. As for the children arriving and departing at all hours of the day, this is not true as her hours are from 7:00AM-5:00PM pick up and drop off are sporadic with a 2 hours window, parents to not hang around. The home is question also has a large driveway that can accommodate 4 cars.

Along with informing the board that the maximum children allowed is 16 with many being siblings and possibly 12 cars. As far as residents stating that it will decrease property values, it's the opposite he stated. Mr. Giacona also noted there is a shortage of day care with he and his wife had to wait over 7 months on a wait list for their child.

Kathleen Holms owner of the day care spoke on behalf of herself and her day care, she has been in business for 9 years, and anyone and all are welcome to come and talk, question and/or view her daycare. She is required to take the children out in proper weather for 1-1/2 hours a day and cannot do so in the winter. Mrs. Holm has three children of her own that will have friends over and she welcomes any and all, she loves children and her home will always have children around.

COMMUNICATIONS:

NEW BUSINESS: Kelly Anderson with Cayuga County Real Property Office.

* Kelly Anderson with Cayuga County Real Property, she addressed the town board as she feels it is time for the town to consider doing a town wide reevaluation of property. The equalization rate for the town has dropped to 75.5%. Kelly also explained

RESOLUTION 19-118 To schedule a public hearing on a proposed amendment by All Media LLC (Magic Circle Entertainment) to the Planned Development District (PDD) for its facility located at 89 Letchworth Street

Motion by: **Councilperson Gucciardi.** Second **Councilperson Kerstetter**

Roll call vote: Councilperson Knaul **Yes** Councilperson Gucciardi **Yes**
 Councilperson Kerstetter **Yes** Councilperson Melendez **Absent**
 Supervisor Wagner **Yes**

RESOLUTION 19-119

Recommended Budget Modifications -
To Transfer to Consolidated Savings from Reserve Accounts/Holding Accounts
per 2019 Budget Intentions
7/11/2019

		(+)	(-)
Acct #	Account Description	Debit	Credit
A202	Consolidated Savings	\$ 8,000.00	
A231	Town Hall Roof & Bldg Maint/Repair		\$ -
A231.001	Playground Maint. Reserve Acct		\$ 8,000.00
A232	Refuse and Garbage Reserve		\$ -
A233	New Server (Computer)		\$ -
Totals:		\$ 8,000.00	\$ 8,000.00

		(+)	(-)
Acct #	Account Description	Debit	Credit
DA202	Consolidated Savings	\$ -	

RESOLUTION 19-120 Recommended Budget Modification for June 2019

Budget Modifications Recommendations			
After Closing:		June	2019
Notes		(-)	(+)
	Acct #	Debit	Credit
	A1010.400	Town Board - Contractual	\$ 600.00
	A1220.403	Supervisor - Training	\$ 750.00
	A1355.430	Assessor - Legal Fees	\$ 875.00
	A1420.421	Attorney - Legal Fees Special Projects	\$ 1,775.00
	A1620.230	Buildings - Repair	\$ 930.00
	A1990.400	Contingent Account	\$ 14,500.00
	A3010.100	Public Safety - Sidewalk Project Personel	\$ 43,500.00
	A3010.201	Public Safety Admin - Sidewalk Project	\$ 61,200.00
	A3120.100	Crossings Guards	\$ 1,762.00
	A5132.200	Garage - Equipment	\$ 1,000.00
	A8020.110	Planning - Personal Services	\$ 431.00
	A599	Appropriated Fund Balance	\$ 87,383.00
	A1220.130	Supervisor - Clerk	\$ 8,352.00
	A1620.200	Buildings - Equipment	\$ 9,408.00
	A1620.205	Buildings - Furniture	\$ 5,500.00
	A1620.241	Buildings - Computer/Server	\$ 18,810.00
	A1940.400	Purchase of Land/Right of Way	\$ 2,600.00
	A3120.110	Crossing Guards - Subs	\$ 1,762.00
	A5010.130	Supt of Highways - Clerk	\$ 1,775.00
	A5010.400	Highway Superintendent - Contractual	\$ 287.00
	A7140.130	Playground Maintenance	\$ 3,272.00
	A7140.132	Playgrounds - ADA Playground Build	\$ 6,190.00
	A7140.200	Playgrounds Equipment	\$ 30,970.00
	A7140.201	Shelter & Bathrooms Equipment	\$ 93.00
	A7140.401	Supplies Shelther & Bathrooms	\$ 9.00
	A7140.430	Improvements & Maint Playground	\$ 107,890.00
	A7140.431	Playgrounds ADA Improvement Project	\$ 3,290.00
	A8020.422	Planning - Training	\$ 431.00
	A8090.200	Environmental Control - Equipment	\$ 6,000.00
	A8160.132	Refuse & Garbage - Recycling Driver	\$ 551.00
	A8160.413	Refuse & Garbage - Diesel Fule	\$ 184.00
	A8510.400	Community Beautification	\$ 2,882.00
	A8560.400	Shade Trees - Contractual	\$ 4,450.00
	Totals:	\$ 214,706.00	\$ 214,706.00

		(-)	(+)
	Acct #	Debit	Credit
	DA5112.414	Improvements - Cold Mix	\$ 5,000.00
	DA5112.415	Improvements - Hot Mix	\$ 5,000.00
	DA5130.213	Machinery - 3/4 Ton Truck	\$ 16,250.00
	DA599	Appropriated Fund Balance	
	DA5112.412	Improvements - Hauling	\$ 1,134.00
	DA5130.415	Equipment Repairs	\$ 11,391.00
	DA5130.416	Motor Oil	\$ 441.00
	DA5140.110	Brush Pickup - Personal Services	\$ 3,592.00
	DA5140.400	Brush & Weeds - Contractual	\$ 9,212.00
	DA9060.840	Medical - Drug Testing	\$ 480.00

Totals:	\$ 26,250.00	\$ 26,250.00
---------	--------------	--------------

		(-)	(+)
Acct #	Account Description	Debit	Credit
SS1-8120.200	Sewage Collection - Equipment	\$ 500.00	
SS1-8197.200	Equipment & Capital Outlay	\$ 1,329.00	
<i>SS1-599</i>	<i>Appropriated Fund Balance</i>		
SS1-8110.151	Sewer Admin - Clerk Special Project		\$ 1,530.00
SS1-8110.413	Sewer Admin - Diesel Fuel		\$ 96.00
SS1-8140.400	Storm Sewers - Contractual		\$ 203.00
Totals:		\$ 1,829.00	\$ 1,829.00

		(-)	(+)
Acct #	Account Description	Debit	Credit
SS2-8197.200	Sewer Equipment & Capital Outlay	\$ 4,875.00	
<i>SS2-599</i>	<i>Appropriated Fund Balance</i>		
SS2-8110.151	Sewer Admin - Clerk Special Project		\$ 4,658.00
SS2-8110.413	Sewer Admin - Diesel Fuel		\$ 172.00
SS2-8140.400	Storm Sewers - Contractual		\$ 45.00
Totals:		\$ 4,875.00	\$ 4,875.00

		(-)	(+)
Acct #	Account Description	Debit	Credit
SS3-8120.110	Sewage Collection - Personal Services	\$ 2,100.00	
SS3-8120.410	Sewage Collection - Misc	\$ 1,250.00	
SS3-8197.200	Sewer Equipment & Capital Outlay	\$ 2,000.00	
<i>SS3-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ 2,166.00</i>	
SS3-8110.151	Sewer Admin - Clerk Special Projects		\$ 5,580.00
SS3-8110.400	Contractual		\$ 194.00
SS3-8110.413	Sewer Admin - Diesel Fuel		\$ 120.00
SS3-8130.405	Sewage Treatment & Disposal - Bioxide		\$ 1,590.00
SS3-8140.400	Storm Sewers - Contractual		\$ 32.00

Totals:	\$ 7,516.00	\$ 7,516.00
---------	-------------	-------------

Acct #	Account Description	(-) Debit	(+) Credit
SW8310.120	Water Admin - Personal Services	\$ 3,811.00	
SW8310.200	Administration - Equipment	\$ 1,250.00	
SW8340.410	Trans & Distribution - Contractual	\$ 2,026.00	
SW8397.200	Water Equipment & Capital Outlay	\$ 314,337.00	
<i>SW599</i>	<i>Appropriated Fund Balance</i>		
SW1930.400	Judgement & Claims		\$ 270.00
SW8310.125	Personal Services - Special Projects		\$ 2,425.00
SW8310.130	Personal Services - Water Break Repair		\$ 1,386.00
SW8310.151	Water Admin - Clerk Special Project		\$ 450.00
SW8310.405	Water Admin - Water Shed Inspector		\$ 327.00
SW8310.405	Water Admin - Field Contractual		\$ 485.00
SW8320.410	Power & Pumping - Misc		\$ 1,341.00
SW8330.405	Microcystins - Demo Project		\$ 3,750.00
SW8330.406	Microcystins - Permanent Project		\$ 286,460.00
SW8340.415	Trans & Distribution - Auburn Direct		\$ 403.00
SW9950.900	Transfers to Capital Projects Fund		\$ 24,127.00
Totals:		\$ 321,424.00	\$ 321,424.00

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes
Councilperson Kerstetter Yes Councilperson Melendez Absent
Supervisor Wagner Yes

RESOLUTION 19- 120AUDIT AND PAYMENT OF CLAIMS: authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 19-015 adopted January 10, 2019 all in accordance with the attached abstract of claims.

ABSTRACT #07 2019 Vouchers # 538-629 in the amount of \$238,064.00

Trust & Agency Voucher # 5056-5064 in the amount of \$21,111.25

for a grand total of \$259,175.25

Motion by; Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes
Councilperson Kerstetter Yes Councilperson Melendez Absent
Supervisor Wagner Yes

ADJOURNMENT:

RESOLUTION 19-122 to adjourn the meeting:

Motion by **Councilperson Kerstetter**; Second **Councilperson Knaul**

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

Meeting adjourned at **5:30 PM**