

**A Town Board Meeting of the Town of Owasco was held on June 13, 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

ABSENT: Councilperson Ashley Melendez

OTHERS PRESENT: Riccardo Galbato, Kathy O'Neil, Michael Vitale, Nancy Taylor, Gerald Kennedy, Sam Schoonmaker, Walt Aikman, Mary Farrell.

CALL TO ORDER: 4:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 19-097 approval of Town Board Agenda for June 13, 2019

Motion by Councilperson Gucciardi; 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>		

APPROVAL OF MINUTES:

RESOLUTION 19-098 approval of Town Board Minutes for May 9, 2019.

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>		

PUBLIC PARTICIPATION:

Resident Mary Farrell of Oakridge Rd, addressed the board regarding their dissatisfaction the restoration to her property & ditch after the water line replacement project.

*** The town will send a representative to address this additionally needed restoration.**

COMMUNICATIONS:

*** New Letter from Kennedy residents Melrose Rd, regarding plumbing bill.**

Mr. Kennedy pleaded his case again regarding reimbursement of his on the plumbing bill.

***Supervisor Wagner stated the board would review and discuss in executive session.**

*** The Town Received a donation from the Emerson Foundation at the request of Emerson Foundation Board Member Sally E. Wagner in the amount of \$4000.00 for use of the playground improvement fund.**

The money will be used to construct a shaded area between the playground and splash pad.

*** Received a request from Cayuga Community College Child Care director to waive the shelter rental fee for their end of the year celebration, to be held on June 21, 2019.**

*** Received request from the Owasco Fire Department Commissioners asking the Highway Department to stay off the fire departments parking lot with their heavy equipment next week as they are having the area sealed and parking spaces restriped.**

NEW BUSINESS:

Proposed sewer meter upgrades from the City of Auburn

***Explanation: Supervisor Wagner shared with the board the reasoning behind the proposed city project, and shared the copy of the plan, this giving the city and the town a more accurate reading of the flows. GHD will come into the town and explain further once they finalize the plans. Estimated cost to the Town of Owasco will be approx. \$168,000.**

***Policies that need to be implemented at the next town board meeting, procurement policy, credit card policy, computer policy, security policy. Supervisor Wagner will be sending out draft policies for your input over the next week.**

***Per NYS Comptrollers the town needs to update its various policies.**

OLD BUSINESS:

Councilmen Kerstetter stated he would like the board to entertain the use/purchase of tablets at the town board meetings, he felt it would be beneficial with both the saving of paper and additional resource to reference previous meeting minutes.

***All board members felt it would be an asset, and Supervisor Wagner will look into it.**

*** Nancy Taylor the Board of Assessment Review Chair, addressed the board to inform them that they have completed their reviews and all minutes are with the Assessor.**

*** Nancy also commented that the Town Assessor will be retiring in September and she is requesting that she be on the search committee and interviews.**

RESOLUTION 19-099 to accept and sign highway agreement form #284, submitted by Highway Superintendent, Robert Bruno.

WHEREAS: Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows: See Attachment

Motion by: Councilperson Kerstetter. Second Councilperson Gucciardi

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>		

RESOLUTION 19-100 Reopen the adjourned Public Hearing from the May 9, 2019 Town Board Meeting on proposed Local Law No. 1 of 2019 Sidewalks.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-101 to close Public Hearing.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-102 to approve SEQR determination for Local Law No. 1 of 2019 Sidewalks

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 1 of 2019.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action;

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 1 of 2019 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations;

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law.

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 1 of 2019 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-103 A Resolution of the Town Board for the adoption and enactment of Local Law No. 1 of 2019 Sidewalks.

WHEREAS, Resolution **19-071** was adopted by the Town Board on 4.11.19 introducing proposed Local Law No. 1 of 2019 and said Resolution established a public hearing relating thereto;

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town, on 4/27/19, and proof of such publication has been filed with the Town Clerk;

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall;

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, 5.9.19, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law, which public hearing was continued to 6.13.19;

WHEREAS, on 6.13.19 the Town Board closed the public hearing;

WHEREAS, on or about 5.3.19 pursuant to Town Law Section 264 the Town sent notices to the adjoining municipalities asking for comments regarding proposed Local Law No. 1 of 2019 Sidewalks;

WHEREAS, the proposed local law was referred to the Cayuga County Planning and Economic Development pursuant to the Cayuga County General Municipal Law 239-1, m & n Review Committee;

WHEREAS, by Referral Report Form Final Determination dated 5.16.19 the Cayuga County GML 239-1, m & n Review Committee determined that the action appears to have no intermunicipal concerns and to be of local concern only;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 1 of 2019; and

WHEREAS, the Town Board has carefully considered the proposed Local Law, and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law.

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 1 of 2019 Sidewalks set forth below:

**LOCAL LAW NO. 1 OF 2019 TO ADOPT OWASCO TOWN CODE CHAPTER 122
ARTICLE IV SIDEWALKS.**

The Owasco Town Code is amended as follows:

Chapter 122 STREETS

Article IV SIDEWALKS

WHEREAS, the Town Board has expressed a desire to provide a safe walkable access to Owasco Elementary School, Town Hall, the Michael J. O’Leary Playground and the seasonal farmers’ market;

WHEREAS, the Town of Owasco has received a Grant from the New York State DEC Climate Smart Communities Grant for a project entitled “Walkable Owasco” in the amount of approximately \$263,700.00;

WHEREAS, the Town is expected to construct sidewalks near Owasco Elementary School at the following locations: the south side of Bristol Avenue; immediately north of Owasco Elementary School on the east side of Letchworth Street to the intersection with First Avenue; immediately south of Owasco Elementary School on the east side of Letchworth Street to the intersection with Vanduyne Avenue; and install a walking trail that connects Meadow Lane of the Oakridge Heights subdivision to Shearin Street which leads to Owasco Elementary School. The cost of the construction and installation will be paid by the Town of Owasco;

WHEREAS, the total estimated construction cost for the project is approximately \$527,400.00; and

WHEREAS, it is the intention of the current Town Board to purchase a tractor or four (4) wheeler with a plow or blower and have a Town Highway employee remove snow and ice on the sidewalks. However, there is no guarantee that future Town Boards will continue to remove snow and ice on the sidewalks. In addition, there may be times due to staffing or equipment failure that the Town may not be able to plow the sidewalks. As such, the Town is not assuming this legal obligation.

§ 122-16 Excavations.

A.

No person shall excavate or dig in or through any pavement or street in the Town, or part of such pavement or street, or other pavement or terrace or sidewalk or any part thereof, nor shall any person relay or dig up or construct any sidewalk in the Town, except upon notice to, and except with the consent of, the Town Highway Superintendent.

B.

Any such excavation or digging or construction in any street of said Town, or relaying or constructing or repairing of any such sidewalk, shall be done under the supervision of said Town Highway Superintendent, who shall take personal charge of said work, in order that no danger shall result to the traveling public and that the same shall be properly protected and speedily restored to a safe and proper condition.

§ 122-17 Damaging pavement or drain; obstructing repair work.

It shall be unlawful for any person to injure or tear up any pavement, sidewalk or crosswalk, drain or sewer, or any part thereof, or to dig any hole, ditch or drain in any street, pavement or sidewalk, without authority from the Owasco Highway Superintendent or Town Board, or to hinder or obstruct the making or repairing of any pavement or sidewalk or crosswalk under any law or resolution of the Town Board, or to hinder or obstruct any persons employed by the Town Board or the person employed by them in making or repairing any public improvement or work ordered by the Town.

§ 122-18 Duty to maintain sidewalks in good state of repair.

Unless caused by the owner of property abutting upon a public sidewalk, it shall be the duty of the Town of Owasco to maintain said sidewalk in a good state of repair and to repair any and all defects therein.

§ 122-19 Duty to keep sidewalk clear of snow, dirt and obstructions.

A.

Every owner or occupant of any house or other building, and every owner or person entitled to the possession of any vacant lot, and any person having the charge of any church or other public building in the Town, during the winter season and during the time the snow shall continue on the ground, within 12 hours after a snowfall, shall keep the sidewalk in front of such house, building or lot free from obstruction by snow, and shall also at all times keep such sidewalks clean and free from all dirt, filth and other obstructions or encumbrances.

B.

No sidewalk shall be closed to pedestrian traffic or obstructed by repair and/or maintenance equipment. If repair and/or maintenance of a structure adjoining a sidewalk is necessary, the owner shall make provision to maintain the flow of pedestrian traffic on the adjoining sidewalk and shall protect the safety of those using the sidewalk by erecting a safety barrier and maintaining an enclosed passageway through the work area. A permit for the erection of a safety barrier and enclosed passageway shall be obtained from the Code Enforcement Officer upon presentation of an application and a suitable plan reflecting such detail as may be requested by the Code Enforcement Officer. An approved safety barrier and enclosed passageway shall not extend into or obstruct an adjoining public street.

C.

Any violation of this section shall be enforceable in accordance with the provisions of Chapter 111 of the Town Code of the Town of Owasco.

§ 122-20 Coasting on sidewalks.

All persons shall be and are hereby prohibited from sled riding or coasting on any sidewalk in the Town.

§ 122-21 Sidewalks.

Concrete sidewalks: All sidewalks which are installed to replace existing sidewalks or installed as new sidewalks along street frontages in alignment with adjacent sidewalks, or between the property line and the pavement or curbline if there is no adjacent sidewalk, shall be four feet in width and constructed of concrete.

Prior Written Notice of Defects

§ 122-22 Written notice of defective condition required for injuries on Town sidewalks.

No civil action shall be maintained against the Town or any Town employee or official for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 122-23 Content of written notice.

The written notice required hereunder shall contain at least the following information:

A.

The name and mailing address of the person giving notice.

B.

A precise statement as to the nature and extent of any defective, unsafe, dangerous or obstructed condition or the existence of snow or ice upon any street, bridge, crosswalk, culvert, park, parking lot, sewer, reservoir, water tower, electrical distribution equipment or other Town property.

C.

The approximate date that such condition first became known to the person giving notice.
D.

The exact location of such condition, giving wherever possible reference to street address or addresses, utility pole number or other geographic reference as will aid the Town in properly locating and correcting such condition.

Effective Date: This local law will take effect immediately on filing with the New York State Secretary of State.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>NO</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 19-104 Open the adjourned Public Hearing from the May 9, 2019 Town Board Meeting on proposed No. 2 of 2019 Tree Ordinance.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-105 to close Public Hearing.

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>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 19-106 to approve SEQR determination for Local Law No. 2 of 2019 Trees

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 2 of 2019.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action;

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 2 of 2019 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations;

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 2 of 2019 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

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>		

RESOLUTION 19-107 A Resolution of the Town Board for the adoption and enactment of Local Law No. 2 of 2019 Trees.

WHEREAS, Resolution **19-062** was adopted by the Town Board on 4.11.19 introducing proposed Local Law No. 2 of 2019 and said Resolution established a public hearing relating thereto;

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town, on 4/29/19, and proof of such publication has been filed with the Town Clerk;

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall;

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, 5.9.19, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law, which public hearing was continued to 6.13.19;

WHEREAS, on 6.13.19 the Town Board closed the public hearing;

WHEREAS, on or about 5.3.19 pursuant to Town Law Section 264 the Town sent notices to the adjoining municipalities asking for comments regarding proposed Local Law No. 2 of 2019 Trees;

WHEREAS, the proposed local law was referred to the Cayuga County Planning and Economic Development pursuant to the Cayuga County General Municipal Law 239-l, m & n Review Committee;

WHEREAS, by Referral Report Form Final Determination dated 5.16.19 the Cayuga County GML 239-l, m & n Review Committee determined that the action appears to have no intermunicipal concerns and to be of local concern only;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 2 of 2019; and

WHEREAS, the Town Board has carefully considered the proposed Local Law, and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law.

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 2 of 2019 Trees set forth below:

LOCAL LAW NO. 2 OF 2019 TO ADOPT OWASCO TOWN CODE CHAPTER 94

The Owasco Town Code is amended as follows:

CHAPTER 94

Town of Owasco Tree Ordinance

Part I, General Legislation

Ch 000 Trees

- § 000-1 Legislative intent.
- § 000-2 Creation of Tree Board; membership.
- § 000-3 Tree Board organization, meetings and records.
- § 000-4 General powers and duties of Tree Board.
- § 000-5 Community forestry management planning.
- § 000-6 Tree Board annual work plan.
- § 000-7 Tree maintenance, removal and preservation.
- § 000-8 Coordination with other departments.
- § 000-9 Review of proposed developments.
- § 000-10 Public information.
- § 000-11 Reports.
- § 000-12 Compensation; expenses.
- § 000-13 Annual appropriations.
- § 000-14 Penalties for offenses.
- § 000-15 Powers of Town.

000 Trees

§ 000-1 Legislative intent.

The Town Council of the Town of Owasco finds that trees provide shade, green space, reduction in noise and visual pollution, improve air quality and reduce the effects of global warming, impede soil erosion, reduce heat island effects, and increase property values. It is in the best interests of the community to establish a program for planning, maintenance and removal of trees, the sustainable composting and disposal of brush, and to establish a Tree Board in order to maximize the benefits afforded by trees within the Town and

provide an orderly framework for such activities. This law is designed to protect the health, safety and welfare of Town residents.

§ 000-2 Creation of Tree Board; membership.

A. The Town Council of the Town of Owasco hereby creates a board to be known as the "Owasco Town Tree Conservation Board," hereinafter called the "Tree Board."

B. The Tree Board shall consist of seven members who shall be appointed by the Supervisor of the Town Council, subject to the approval of the Town Council. Members of the Tree Board shall serve terms of two years, with initial terms staggered so that the terms of not more than three members expire each year. Vacancies on the Tree Board shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term. Persons residing within the Town of Owasco shall be eligible for appointment as members of the Tree Board. Members shall be persons who have knowledge of trees and shrubs and their planting and maintenance, but professional forester or arborist experience shall not be required. Members of the Tree Board may be members of the Town Council.

§ 000-3 Tree Board organization, meetings and records.

The Town Council shall designate a member of the Tree Board to act as Chair thereof, and may designate staffing as appropriate. The Tree Board shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in this chapter.

§ 000-4 General powers and duties of Tree Board.

A. The Tree Board shall advise the Town Council on matters affecting the conservation and planting of trees so as to enhance the long-range value of the environment to the people of the Town of Owasco.

B. The last Friday in April is hereby designated as Arbor Day in the Town of Owasco. At the request of the Supervisor, the Tree Board may coordinate an annual Arbor Day observance.

§ 000-5 Community forestry management planning.

A. The Tree Board shall develop and implement a Community Forestry Management Plan, which shall take into account the most current available tree inventory and reflect the range of land uses within the Town. The Community Forestry Management Plan shall be subject to approval by the Town Council.

B. The Community Forestry Plan shall include a statement of current arboricultural practices such as ANSI A300 or other standards recommended by the New York State Department of Environmental Conservation ("DEC") for Region 7, and reflect new information from the DEC pertaining to the management and control of invasive organisms.

C. The Tree Board shall develop and maintain an inventory. Such inventory will be spatially referenced to permit easy integration to geographic information system technology, and may include significant park trees, street trees, forested areas, or other significant trees as determined by the Tree Board with the approval of the Town Council. Data in the tree inventory will be derived from a census of street trees along Town and Lakeshore Residential Zones, and statistical sampling along roads in the Agricultural/Residential Zone.

D. The Community Forestry Management Plan shall include recommendations regarding standards applicable to planting and maintenance of street trees and park trees located on Town-owned property or within Town rights-of-way. Such recommendations shall take into account the expenses involved with installation and maintenance. The plan may address species diversity, planting needs, hazardous trees, insect and disease problems, invasive tree and shrub species, the need for regular maintenance, and standards for protection of existing mature trees during construction. Such plan may also include recommendations regarding further forestry management planning needs, pruning and

tree care, risk assessment, tree removal, pest and health issues, and volunteer recruitment and training.

E. The Community Forestry Management Plan shall include recommendations for guidelines applicable to subdivision and new development subject to review under § 000-9 of this chapter. Such guidelines shall be applicable to trees designated by size, location, significance and/or inclusion within a significant forested area and shall be consistent with Arboricultural Practices to the extent applicable.

F. The Community Forestry Management Plan shall include a recommended program for the oversight and care of all street trees and trees located in public parks and Town rights-of-way, including recommendations regarding the management and use of tree brush at the Town Recycling Center. Such program shall be based on recommended maintenance, care and removal practices consistent with proper Arboricultural Practices.

G. The Tree Board shall provide a recommendation to the Town Council regarding the annual budgetary requirements for tree planning, planting and maintenance in accordance with the Community Forestry Management Plan.

H. The Tree Board may conduct such other studies, site visits and surveys, and consult any such regional experts and speakers as may be necessary to carry out the general purposes of this chapter. The Tree Board shall make use of the Town's Climate Action Plan, Comprehensive Plan with Conservation Lands and Trails Plan, and all relevant documents prepared by or on behalf of the Town or the Town's Planning Board.

I. The Tree Board, working in cooperation with the Planning Board, may recommend from time to time to the Town Council features, plans and programs relating to tree conservation and planting for inclusion in the Comprehensive Plan of the Town of Owasco and, similarly, recommend to the Town Council appropriate and desirable changes in existing local laws and ordinances relating to tree conservation and planting or recommend new local laws and ordinances.

§ 000-6 Tree Board annual work plan.

A. The Tree Board shall develop an annual work plan with the goal of maintaining or increasing the percentage of forest canopy cover over time. The annual work plan is to be consistent with the Community Forestry Management Plan and shall include an annual plan for maintenance and planting of public trees. The Tree Board shall encourage the use of volunteers in its planning, maintenance and planting activities.

B. The Tree Board shall develop and maintain a list of trees which are desirable as street trees and for other public areas, and a list of trees neither suitable nor desirable for such purposes. Such lists may include classes based on size and recommended use. Such list shall include specific guidelines for street trees in consultation with the Highway Superintendent and applicable electric utilities regarding safety considerations applicable to public streets and utilities.

C. The Tree Board shall develop and maintain a list of invasive species based on recommendations of the Invasive Species Council of New York, National Invasive Species Council, the Finger Lakes- Partnership for Regional Invasive Species Management, and any applicable DEC recommendation or requirement for the region.

D. The Tree Board may retain the services of licensed professionals to assist in planning, planting and maintenance of trees located in the public right-of-way, recreational park, or other public spaces. All contracts shall be subject to appropriations for such purpose by the Town Council, and approved by the Town Council in accordance with the Town's procurement policies.

§ 000-7 Tree maintenance, removal and preservation.

A. No person shall remove or otherwise destroy or commit any act which will lead to the eventual destruction of trees located in public parks, street trees and other trees located in Town rights-of-way identified by size and/or location and/or significance in the Community Forestry Management Plan without first procuring a removal permit from the Supervisor or his or her designee. With respect to such trees, the Community Forestry Management Plan may identify pruning practices which can be expected to lead to destruction of such trees. Any such pruning practices would also require a removal permit.

B. This section shall not apply to any tree which is diseased or damaged by storm, or which is of a type identified in the Community Forestry Management Plan as an undesirable or invasive species.

C. An application for removal permit shall be on a form designated by the Supervisor with the advice of the Tree Board. The Supervisor and/or his designee shall issue the permit provided for herein if, in his or her judgment, the proposed work is consistent with the Community Forestry Management Plan or otherwise necessary and desirable. The permit may include conditions consistent with the Community Forestry Plan. Application forms and current permits shall be maintained in the office of the Town Clerk. All applications shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Council.

D. An applicant may appeal the denial of a removal permit to the Town Council within 30 days of notice of the denial.

§ 000-8 Coordination with other departments.

A. The Tree Board may incorporate in the Community Forestry Management Plan recommendations regarding conservation and planting of trees along Town highways and within the Town's recreational parks. Such recommendations are subject to the Superintendent of Highway's determination as to the need to trim or remove trees the Superintendent determines to be a danger to users of a Town highway pursuant to the Superintendent's powers and duties under the New York State Highway Law.

B. The Tree Board shall maintain liaison and communications with the Town Council, the Town Planning Board, the Town Highway Superintendent, and public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the care and planting of trees in the Town who can be of assistance to the Tree Board.

§ 000-9 Review of proposed developments.

Any development subject to subdivision or site plan approval involving the proposed removal of any trees on said property shall include in its application a description of any trees proposed to be removed which meet applicable thresholds as to size, species, and/or location as part of a forested area as set forth in the Community Forestry Management Plan. Upon request by the Planning Board, the Tree Board shall review a proposal for a mitigation plan, cluster subdivision, landscape plan or other site plan element in connection with such subdivision or site plan. Such review shall include comments and recommendations consistent with the approved Community Forestry Management Plan regarding location and species of new plantings of street trees, preservation of existing trees during construction, and preservation and maintenance of existing plantings for streetscapes, buffer areas, parking areas, parks and other public areas.

§ 000-10 Public information.

A. The Tree Board may develop and, after receiving approval by resolution of the Town Council, conduct a program of public information in the community for such purpose.

B. The Tree Board may obtain and maintain, in orderly fashion, data, maps, reports, books and other publications to support the necessary researches of the Tree Board into matters

which are the subject of this chapter. The Tree Board may prepare, print and distribute data, books, maps, charts and pamphlets in accord with the purposes of this chapter.

§ 000-11 Reports.

The Tree Board shall submit an annual report to the Town Council concerning the activities and work of the Tree Board and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 000-12 Compensation; expenses.

The members of the Tree Board shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 000-13 Annual appropriations.

The Town Council may annually appropriate and cause to be raised by taxation in such Town a sum sufficient to carry out the provisions of this chapter.

§ 000-14 Penalties for offenses.

Any person violating or failing to comply with the provision of this chapter shall be subject to a civil penalty not to exceed \$1,000. For the purpose of this chapter, each tree affected by noncompliance with the provisions of this chapter shall constitute a separate violation. Such civil penalty shall be in addition to and not in lieu of any damages incurred by the Town with respect to street and park trees including expense of removal and replacement of damaged or removed street and park trees. The Town Zoning Enforcement Office shall administer and enforce all provisions of this chapter.

§ 000-15 Powers of Town.

This chapter shall be deemed an exercise of the powers of the Town of Owasco to preserve and improve the quality of the natural and artificial environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair powers of any other public corporation.

Effective Date: This local law will take effect immediately on filing with the New York State Secretary of State.

Motion by Councilperson Knaul; Second Councilperson Kerstetter

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>		

RESOLUTION 19-108 to authorize the Town Supervisor to sign an agreement with Highway Superintendent Bob Bruno regarding the towns use of certain personal equipment and machinery owned by Bob Bruno. This will be made an annual decision at the yearly town organizational meeting.

Agreement

The Agreement as of _6.13.19_ is made by and between the Town of Owasco, a municipality having its principal place of business at 2 Bristol Avenue, Auburn, New York 13021 (“Owasco”) and Robert A. Bruno, residing at 5 Morningside Drive, Auburn, New York 13021 (“Bruno”).

WHEREAS, the Town of Owasco operates a Highway Department and Town Sewer Districts which require from time to time equipment that may only be needed on a temporary limited basis;

WHEREAS, Bruno is currently the Town of Owasco Highway Superintendent and Sewer Superintendent;

WHEREAS, rather the Town purchasing certain equipment only needed temporarily, Bruno has offered to the Town of Owasco the use of some of his personal

equipment for use by the Town of Owasco Highway Department, Water Department and Sewer Department;

WHEREAS, the Town's use of Bruno's personal equipment in the past was recognized by the Town Board by Resolution 12-2013 on December 13, 2012; and

WHEREAS, the Town of Owasco believes it is in the interest of the taxpayers to memorialize this arrangement.

The Town of Owasco and Bruno in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, agree as follows:

1. **Scope of Agreement:** Upon the approval of the Town Supervisor and Bruno the Town may utilize Bruno's personal equipment on a limited basis for Town work for no charge. Bruno shall deliver said personal equipment to the Town Highway Garage and then remove it when completed. Only Town employees shall utilize the equipment provided under this Agreement. The Town shall return the equipment in a similar condition as it arrived except for ordinary wear and tear. If repairs are needed as a result of the Town's use of said equipment, the Town shall be responsible for the cost of the repairs not to exceed \$750.00 subject to review and approval by the Town Board of an invoice(s).
2. **Recordkeeping:** The Town Supervisor and Town Highway Superintendent of the Town shall keep a record of all time and equipment used in performance of this Agreement.
3. **Compensation for Services:** Services and equipment provided under this Agreement shall not be compensated.
4. **Liability:** Neither the Town of Owasco nor Bruno shall be liable nor responsible to the other party for any loss or damage to person or property suffered during performance of services described herein.
5. **Independent Contractor:** All parties agree that the relationship created by this Agreement is that of an independent contractor and not of employer and employee or principal-agent. No special or temporary employment is created by this Agreement by the Town requesting assistance. Each party is responsible for payment of any taxes, including without limitation all federal, state and local taxes, and tax withholdings, arising out of the activities of this Agreement.
6. The Town of Owasco shall maintain at all times during the term of this Agreement statutory Workers' Compensation insurance and liability insurance. Bruno shall maintain and provide proof to the Town of liability insurance for all equipment used by the Town under this Agreement.
7. **Compliance:** Both parties shall be responsible for any and all statutory and/ or regulatory requirements or prerequisites, needed for performance of any services requested under this Agreement.
8. **Termination:** This Agreement is intended to be an annual agreement to be reviewed and approved at the Town Board's January reorganization meeting and in addition, may be terminated by any party with seven (7) days' advance written notice sent personally, by email or by certified mail to the other party with a copy of same to the Town Clerk.

Town of Owasco

By: Ed Wagner, Town Supervisor

Dated: _____, 2019

Robert Bruno

Dated: _____, 2019

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>NO</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 19-109 to amend employment start day for medical insurance for new hires in the Employee Handbook.

WHEREAS: The current policy employee states medical insurance coverage begins on the day of hire.

WHEREAS: The Towns new insurance provider Tompkins Consortuim allows employess to be covered on the first of each month only.

BE IT RESOLVED: effective immeetatly any new hires prior to the 15th of each calender month will be covered by health insurance beginning the first of that month.

Any employee hired after the 15th will be covered starting on the first of the following month.

Motion by Councilperson Gucciardi; 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>		

RESOLUTION 19- 110 AUDIT 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 18-014 adopted January 10, 2019, all in accordance with the attached abstract of claims.

ABSTRACT #06 2019 Vouchers # 428-537 in the amount of **\$307,148.55**

Trust & Agency Voucher # 5045-5055 in the amount of **\$21,896.56**

for a grand total of **\$329,045.11**

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-111 to adjourn to executive session at **5:16** to discuss personnel issues.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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>		

RESOLUTION 19-112 to return from executive session at 5:41 PM.

ADJOURNMENT:

RESOLUTION 19-113 to adjourn the meeting:

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>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

Meeting adjourned at 5:41 PM

Respectfully submitted,
Tammy Flaherty
Town Clerk