

**TOWN BOARD AGENDA**  
**June 14, 2018**

**CALL TO ORDER: 4:00 PM**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**RESOLUTION 18-080 approval of Town Board Agenda for June 14, 2018.**

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**APPROVAL OF MINUTES:**

**RESOLUTION 18-081 approval of Town Board Minutes for May 10, 2018**

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

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

**RESOLUTION 18-082 to authorize Supervisor to sign a consent order with the DEC.**

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**RESOLUTION 18-083 to authorize Supervisor Wagner to sign a 63 month lease agreement with Ed & ED, Business Technology, for Neopost Model IN 600 Postage machine, at a cost of \$123.13 per month.**

**WHEREAS, the town currently has a lease with Pitney Bowes that will expire on July 31, 2018.**

**WHEREAS, the town clerk reached out for quotes from the four authorized vendors, with two responding, Pitney Bowes & Ed & Ed.**

**WHEREAS, the Neopost lease quote came in at a cost less than Pitney Bowes. The clerk is recommending the Neopost lease, as the cost is less & the sales rep also provided a inhouse demonstration.**

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

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

**RESOLUTION 18-084 To Authorize the Town Supervisor to execute a Grant of Right of Way and Easement (Sewer) between the Town of Owasco (“Grantor”) and Sebastian R. Galbato and Riccardo T. Galbato (“Grantees”) for property at 345 Highland Beach.**

**WHEREAS**, as a result of a recent survey from Donald J. Watkins, PLS dated 4.19.18, it was discovered that the existing garage constructed by Robert Penafeather and Sharon Penafeather on property located at 345 Highland Beach is located partially over and on the existing sewer easement area described in an August 31, 2001 Existing Easement to the Town (Book 1070 of Deeds at Page 162) which is stated as “20 feet in width over the easterly 20 feet of Lot No. 7 (including the 12’ right-of-way known as Fire Lane 7)...”;

**WHEREAS**, as a result of this discovery, Town personnel have reviewed the matter and reasonably believe that the actual sewer main is approximately 10’ away from the garage;

**WHEREAS**, an amended Grant of Right-Of-Way and Easement has been proposed to change the metes and bounds description to the Grantor’s now standard easement of seven feet and six inches (7.5 feet) on either side of the believed location of the sewer main and pipes;

**WHEREAS**, if the actual sewer main is ultimately found to be wholly or partially located underneath the garage, Grantor and Grantees agree that Grantor reserves the right to: (a) amend the easement description to conform to the actual sewer main location; and (b) exercise all rights granted under that easement.

**WHEREAS**, Town Special Counsel Barclay Damon LLP reviewed the Grant-Of-Way and Easement and determined that it is in proper form for acceptance by the Grantor.

**RESOLVED**, that the Town Supervisor is authorized to execute the Grant of Right of Way and Easement (Sewer) with Grantees Sebastian R. Galbato and Riccardo T. Galbato at 345 Highland Beach.

**Motion by Councilperson Knaul; Second Councilperson Gucciardi,**

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

**RESOLUTION 18-085 Per the office of Cayuga County Civil Service the Owasco town Board hereby creates the position of underground facilities locator.**

**WHEREAS**, Gary Lamberton will be appointed to this position, effective immediately.

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

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

**RESOLUTION 18-086** to approve the hourly rate for the position of underground facilities locator at \$45.00 per hour, effective June 13, 2018.

Motion by **Councilperson Knaul**; Second **Councilperson Gucciardi**,

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

**RESOLUTION 18-087** to amend Resolution **18-070** adopted on 5.10.18 and to establish a fee to contractors hired by Owasco Town resident(s) or Owasco property owner(s) to use the Recycling Center for disposing of brush, tree cuttings, grass, leaves and metal.

WHEREAS, pursuant to Local Law No. 1 of 2018 adopted on 5.10.18 Section 119-3 B (a) of the Owasco Code stating, in part, that: “A fee to a contractor hired by an Owasco Town resident or Owasco property owner may be established and adjusted by resolution of the Town Board.”

RESOLVED, that the Owasco Town Board imposes a fee to contractors hired by Owasco Town resident(s) or Owasco property owner(s) to use the Recycling Center for disposing of brush, tree cuttings, grass, leaves and metal to be \$500.00 for the remainder of 2018;

FURTHER RESOLVED, that the Owasco Town Board imposes a fee to contractors hired by Owasco Town resident(s) or Owasco property owner(s) to use the Recycling Center for disposing of brush, tree cuttings, grass, leaves and metal beginning in 2019 for the annual fee of \$600.00;

FURTHER RESOLVED, this Resolution supersedes **Resolution 18-070**; and

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Motion by **Councilperson Gucciardi**; Second **Councilperson Knaul**

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

**RESOLUTION 18-088** Authorize Supervisor to write a letter on behalf of the Town Board in support for a potential USGS-NASA project that would use satellite imaging, to develop

A system to more quickly detect and respond to HAB's.

Motion by **Councilperson Knaul**; Second **Councilperson Gucciardi**,

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

**RESOLUTION 18-089 To Authorize the Town Supervisor to sign an Agreement with the Town of Fleming for Owasco to utilize our equipment, specifically a sewer inspection camera, and employee(s), specifically an operator or operators of the said camera, to perform sewer inspection(s) in Fleming for \$9,999,99.**

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

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

**RESOLUTION 18-090 To Declare that the Town of Owasco Water Quality Improvement Project 2018 for the 2018 Temporary Granular Activated Carbon Treatment for Microcystin Project is an Emergency.**

**WHEREAS**, the Town of Owasco has been awarded a grant from the New York State Environmental Facilities Corporation in the amount of approximately **\$1,098,463.00** to fund the 2017 and 2018 Temporary Granular Activated Carbon Treatment for Microcystin Project;

**WHEREAS**, the Project is described on page 1 of the Contract Documents dated 5.25.18 of GHD, Town Engineer, as follows:

**“The Town of Owasco (Town or OWNER), located in Cayuga County, NY provides potable water to approximately 3,850 residents and businesses. The Town’s Water Treatment Plant (WTP), located at 5588 East Lake Road, Owasco, NY, and has an approximate rated capacity of 1.5 mgd and an allowable reported withdrawal of 1.5 mgd by permit. The Town’s source of raw water is Owasco Lake which is classified as a Class-AA Special water body under 6 NYCRR Part 702. On a maximum flow day, the WTP currently produces approximately 800,000 gallons per day (gpd) and treats water for approximately 15 hours per day.**

**In response to the detections of the microcystin toxin in Owasco’s drinking water during 2016, a temporary treatment system (Microcystin Demonstration Project) was installed for the 2017 harmful algae bloom (HAB) season. To facilitate this process, the Town declared an emergency situation as defined under NYS GML 103 Section 4. This declaration allowed for an expedited procurement and installation process that circumvents many of the conventional public bidding requirements and procedures.**

**The Microcystin Demonstration Project was a temporary measure for providing the Town with safe drinking water and was consistent with a NYSDOH recommendation to complete a demonstration study to gather critical information and data such that the Town can validate and optimize any changes to its current water treatment systems.**

**After researching and evaluating multiple treatment technologies, it was determined that leasing and installing a temporary Granular Activated Carbon (GAC) system at the Town’s WTP was a cost-effective and reliable short term alternative. The GAC system was leased by the Town and was supplied by Calgon Carbon Corporation (CCC). A temporary pump system was also rented and set up to pump filtered water through the GAC system. The pumps were supplied and installed by Godwin Pumps under a separate agreement with the Town. Once the 2017 harmful algal bloom season had elapsed, the temporary pumping system was demobilized. The Town opted to purchase the GAC vessel system, which remains on site in the same location as it was installed under the 2017 Microcystin Demonstration Project.**

The Town is currently developing a permanent plant upgrade for the long-term removal of microcystin. As such, temporary measures for providing safe drinking water for the upcoming 2018 HAB season must be reinstated. The previously announced emergency declaration remains in effect and shall apply to the reinstatement of temporary measures for 2018. The overall approach to the 2018 Temporary Granular Activated Carbon Treatment System Project (2018 Project) is similar to the 2017 Microcystin Demonstration Project, with a few exceptions. These exceptions, many of which are scope reductions, are described herein.”

WHEREAS, General Municipal Law Section 103 (4) states:

“Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.”;

WHEREAS, General Municipal Law Section 6-e (1) (i) defines a Public emergency as:

“Public emergency’ means an epidemic, conflagration, riot, storm, flood or other sudden, unforeseen or unexpected occurrence or condition which requires the immediate expenditure of moneys to protect the public health, safety or welfare of the inhabitants of the municipal corporation.”;

WHEREAS, Owasco Code Section 22-5 (B) states:

“Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety and welfare of the residents. This subsection does not preclude alternate proposals if time permits.”;

WHEREAS, the Town’s Consulting Engineer, GHD has recommended that the Town of Owasco declare this project an emergency due to potential microcystin toxin contamination of the drinking water supply; and

BE IT RESOLVED, that the Town of Owasco Water Quality Improvement Project 2018 for the 2018 Temporary Granular Activated Carbon Treatment for Microcystin Project is an Emergency under General Municipal Law and Owasco Town Code 22-5.

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

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

**RESOLUTION 18-091 Route 81 Impact.**

WHEREAS, with the prosperity and quality of life of the town, the lake and the region at stake, The Town Board officially resolved in 2013 and 2016 its determination that the existing Interstate 81 route must be maintained through Syracuse and Central New York; and

**WHEREAS, we commend Governor Andrew M. Cuomo for his principled and decisive statement opposing the proposed trash incinerator in Romulus over obvious environmental concerns; and**

**WHEREAS, many of the same considerations must also be weighed when it comes to the future of Interstate 81 and of the Finger Lakes region. The same environmental standards must be applied to this decision-making process as well; and**

**WHEREAS, even without an incinerator looming, dirty trash- and hazardous waste-hauling trucks would still surge en masse through the Finger Lakes area if I-81 were to be downgraded to a street-level routing, otherwise known as the “community grid;” and**

**WHEREAS, an environmental study by the New York State Department of Transportation regarding the future of this vital north-south artery is being completed, necessitating an updated and renewed focus on protecting the environment and preserving vital access to and through Syracuse and Central New York; now therefore it is**

**RESOLVED, that the Town Board of Owasco reaffirms in the strongest possible terms its support for maintaining the existing Interstate 81 route through Syracuse and Central New York and opposition to the downgrading of Interstate 81 to a street-level routing; and it is further**

**BE IT RESOLVED, that the Supervisor of the Town of Owasco, is hereby directed to cause a copy of this resolution to be transmitted to the New York State Department of Transportation, the Syracuse Metropolitan Transportation Council, and to the to the various state legislative and congressional members representing Central New York.**

**Motion by Councilperson Knaul; Second Councilperson Gucciardi,**

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

**RESOLUTION 18-092 Opposition to Proposed Trash Incinerator in Seneca County**

**WHEREAS, a limited liability company called Circular EnerG LLG has proposed to build a trash incinerator in the Town of Romulus located in Seneca County and in the Seneca Lake Watershed; and**

**WHEREAS, this trash incinerator facility will import waste and trash from outside of the Town of Romulus area, including the likelihood from hundreds of miles away, to the extent of 3,302 tons per day, delivered initially by about 240 trucks per day traveling along Routes 96, 414 and 5 & 20, 286 days per year; and will likely exacerbate travel along Finger Lakes Routes such**

as 41 and 41A; and that will later be supplanted in part by rail cards traveling local rails Monday through Saturday throughout the year, but trucks will still deliver trash and refuse to the rail cars and will likely continue to deliver regional trash to the incinerator; and

WHEREAS, the incinerator proposes to draw 445,000 gallons of water per day from Seneca Lake, and will also discharge many thousands of gallons per day into Reeder Creek, which empties into Seneca Lake; and the incinerator will also generate 126,000 gallons of leachate daily, which is water contaminated by the process that has been treated and likely will eventually be returned in some form to Seneca Lake; and

WHEREAS, the Town of Owasco already witnesses hundreds of trucks carrying garbage weekly traveling through our Town, from the south and southeast, to the current landfills, and the Town supports the regional interests of the Finger Lakes Cities, Villages and Towns, including the Town and City of Geneva, which are situated between the largest and second largest landfills in New York State (Seneca Meadows and Ontario County) which together import almost 10,000 tons of trash each day and are responsible for hundreds of heavy trash trucks traveling on Town of Owasco and surrounding roads, and account for offensive odors that often drive people indoors; and

WHEREAS, for decades the Town of Owasco has argued against trash truck use of Town and County roads which are not designed to receive heavy truck traffic; and, due to the potential for spills that could destroy land quality that is essential to the regional economy and pollute Owasco Lake water that provides drinking water for residents; and

WHEREAS, the Finger Lakes wine industry has expressed their concern that facility will not only hinder economic development, but would dangerously impact the air, land, and water quality that is essential to the health of their industry; and

WHEREAS, the Finger Lakes area is recognized as a world-class destination for visitors as a home to the vibrant wine, tourism, food, and farm community, which have received millions of dollars in state and regional funding to provide such economic opportunities, such that a waste import destination of this magnitude would threaten this progress

WHEREAS, the Town Board understands the importance of protecting areas such as Owasco Seneca Lake and Owasco Lake, which not only provide clean drinking water, but are also attractions for tourists and residents alike for the recreational activities and natural beauty that they provide; and

WHEREAS, the Town Board is deeply concerned with the potential for dramatic and catastrophic environmental impacts from this proposed project at Seneca Lake which could set a dangerous precedent for other companies to propose similar projects for the rest of the Finger Lakes area and throughout New York State; and must cease as soon as possible, and certainly not be increased; now there, be it

RESOLVED, that the Town of Owasco opposes the trash incinerator proposed by Circular EnerG LLC, and urges all of its neighbors in the Central New York Finger Lakes community to reject this proposal and work with us to foster sustainable practices and industry that will preserve the Finger Lakes as a wonderful place to live and work now and into the future.

NOW THEREFORE BE IT RESOLVED, that the Town of Owasco opposes the trash incinerator proposed by Circular EnerG LLC, and urges all of its neighbors in the Central New York Finger Lakes community to reject this proposal and work with to foster sustainable practices

and industry that will preserve the Finger Lakes as a wonderful place to live and work now and into the future.

Motion by Councilperson Gucciardi;    Second Councilperson Knaul

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

**RESOLUTION 18-093 to approve budget modificaton for June 2018.**

Budget Modifications Recommendations			
After Closing:                      May                      2018			
Acct #	Account Description	( - ) Debit	( + ) Credit
A1410.410	Town Clerk - Contractual	\$ 130.00	
A1620.240	Buildings - Computer	\$ 65.00	
A3120.100	Crossing Guards	\$ 250.00	
A1440.451	Engineer - Personal Services	\$ 22,940.00	
A8010.422	Zoning - Training	\$ 50.00	
A8020.110	Planning - Personal Services	\$ 452.00	
A8160.403	Refuse & Garbage - Utilities	\$ 80.00	
A1330.400	Tax Collection - Contractual		\$ 130.00
A1620.241	Buildings - Computer/Server		\$ 65.00
A3120.110	Crossing Guards - Subs		\$ 250.00
A7140.201	Shelter & Bathroom Equipment		\$ 180.00
A7140.432	Shelter & Bathroom - Improvements		\$ 22,760.00
A8010.421	Zoning - Legal Fees		\$ 50.00
A8020.421	Planning - Legal Fees		\$ 244.00
A8020.422	Planning - Training		\$ 208.00
A8160.413	Refuse & Garbage - Diesel Fuel		\$ 80.00
Totals:		\$ 23,967.00	\$ 23,967.00
			\$ -

Acct #	Account Description	( - ) Debit	( + ) Credit
DA5130.110	Machinery - Personal Services	\$ 3,015.00	
DA599	Appropriated Fund Balance	\$ -	



DA5130.200	Machinery - Equipment		\$ 3,015.00	
Totals:		\$ 3,015.00	\$ 3,015.00	\$ -

		( - )	( + )	
Acct #	Account Description	Debit	Credit	
SS2-8120.458	Sewage Collection - Repair/Cleaning	\$ 1,000.00		
SS2-8120.458	Sewage Collection - Grinder Pump REPAIR	\$ 1,000.00		
SS2-8120.461	Sewage Collection - Grinder Pump NEW INSTALL	\$ 1,000.00		
SS2-8130.400	Sewage Treatment & Disposal - Contractual	\$ 5,202.00		
SS2-8110.151	Sewer Admin - Clerk Special Project		\$ 360.00	
1 SS2-8120.460	Sewage Collection - Grinder Pump Replace		\$ 7,842.00	
Totals:		\$ 8,202.00	\$ 8,202.00	\$ -

		( - )	( + )	
Acct #	Account Description	Debit	Credit	
SS3-8120.411	Sewage Collection - Energy Costs	\$ 400.00		
SS3-8110.151	Sewer Admin - Clerk Special Projects		\$ 400.00	
Totals:		\$ 400.00	\$ 400.00	\$ -

		( - )	( + )	
Acct #	Account Description	Debit	Credit	
SW8310.200	Admin - Equipment	\$ 97.00		
SW8310.120	Personal Services	\$ 1,278.00		
SW1930.400	Judgement & Claims		\$ 97.00	
SW8310.125	Personal Services - Special Projects		\$ 1,064.00	
SW8310.130	Personal Services - Water Break Repair		\$ 214.00	
Totals:		\$ 1,375.00	\$ 1,375.00	\$ -

NOTES:

1    Should money be pulled from Reserve Account for Grinder Pump Replacement Costs?

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

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

**RESOLUTION 18- 094** 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 16-006 adopted January 4, 2016, all in accordance with the attached abstract of claims.

**ABSTRACT #06 2018 Vouchers #394-499** in the amount of \$739,148.67

Trust & Agency Voucher # 5426-5436 in the amount of \$19,493.25

for a grand total of \$758,641.92

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**ADJOURNMENT:**

**RESOLUTION 18-095** to adjourn to executive session at 4:22 to discuss personnel issues.

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

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

**RESOLUTION 18-096** to return from executive session at 4:44 PM.

**RESOLUTION 18-097** to authorize supervisor to sign agreement with municipal Solutions to do continued disclosures for proposals.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**ADJOURNMENT:**

**RESOLUTION 18-098 to adjourn the meeting:**

**Motion by Councilperson Knaul; Second Councilperson Gucciardi,**

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

**Meeting adjourned at 5:01 PM**

Respectfully Submitted

Tammy M. Flaherty  
Town Clerk