

**A Town Board Meeting of the Town of Owasco was held on November 10, 2022
At 4:00 PM in the Owasco Town Hall with the following members present:**

**PRESENT: Supervisor Edward Wagner
Councilperson Fred Cornelius
Councilperson Gucciardi
Councilperson, Jeremy VeVone
Councilperson Mike Vitale**

ABSENT:

OTHERS PRESENT: Riccardo Galbato, Patrick McQueeney, Walt Aikman

CALL TO ORDER: 4:00 PM 0 PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 22-128 to approval of Town Board Agenda for November 10, 2022

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

APPROVAL OF MINUTES:

**RESOLUTION 22- 129 approval of Town Board Minutes for Town Board Meeting on
October 13, 2022 & Budget Workshops:
October 24, 2022, October 25, 2022, November 1, 2022.**

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

PUBLIC PARTICIPATION:

Resident Pat McQueeney addressed the board with water concerns onto his yard and the lack of attention the town has given to the issue. Mr. McQueeney property boarder's town owned property and a town drainage easement, he is requesting the town to remove the culvert that the water flows through.

Mr. McQueeney also expressed concerns with town own trees that boarder his property as he feels they could potentially be a hazard.

- The Highway Supervisor, Bob Bruno & Councilmen Vitale will go and assess the water issue, and Town arborist Walt Aikman will assess the tree issues.**

OLD BUSINESS: Walt Aikman address the board on the tree restoration project.

During the spring and fall residents that have lost trees in the town right away may request the town to plant a replacement tree. This fall the Boy Scouts will assist in the planting. Walt also shared his concerns of a few town & country trees that are in need of removal. He will be drafting a letter to Cayuga County with the trees in question.

NEW BUSINESS:

Assessor Jeff Lowe will address the board on the needs of his office. The Town properties are due for an assessment re-evaluation, however the inventory of property’s needs to be updated by photo. The Assessor Mr. Lowe only works part time for the town and the updated inventory is a huge project.

Solutions: The town can hire a professional company, however the cost is significant. It was suggested to hire a couple college students to go around and take the photos this saving the town a lot of expenses.

The Board approved the hiring of students with the Assessor Supervising the project.

Solar Law Moratorium – The board scheduled 11/22 to conduct a workshop with the Town Special Council Tom Blair and Town Architects Barton & Loguidice will also join in on composing a draft plan.

COMMUNICATIONS:

RESOLUTION 22 -130 to open- Public Hearing: on the Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2023 including general Town funds, Highway, Water and Sewer Districts started at **5:08**.

Motion by: **Councilor Gucciardi.** Second **Councilor VeVone**

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-131 to open the Public Hearing on the Town of Owasco Tax Override for the fiscal year of 2023.

Motion by **Councilor Gucciardi;** Second **Councilor Vitale**

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-132 to authorize the assessor to hire a part time seasonal employee to assist with the data & inventory collection at a rate of \$20.00 per hour. For approximetly 4 to 6 weeks not to exceed 10 to 15 hours per week.

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-133 To authorize the supervisor to pay an invoice from the NYSLRS in the amount of \$69,411 prior to the December 8, 2022 board meeting. The invoice was received on November 9, 2022 after November deadline for payment. The bill is due December 15, 2022.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-134 to introduce LOCAL LAW NO. 4 OF 2022 for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation and Construction Code and to schedule a Public Hearing.

RESOLVED to schedule a public hearing for December 8, 2022 at 4:00 pm on proposed Local Law No. 4 of 2022.

Motion by Councilor Cornelius; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-135 to accept and approve the 2021 Annual Town & Justice Audit as presented by Duane Shoen with Inserno CPA.

Motion by Councilor Cornelius; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-136 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 #11 2022 Vouchers # 847-937 in the amount of \$250,989.56
Trust & Agency Voucher #6112-6122 in the amount of \$23,088.06
for a grand total of \$274,077.60.**

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 22-137 to close the Public Hearing Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2023 including general Town funds, Highway, Water and Sewer Districts, closing at 5:15pm.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 22-138 to approve the Final Budget for the Town of Owasco for the fiscal year beginning January 1, 2023 including general Town Funds, Highway and Water and Sewer Districts.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 22-139 to close the Public Hearing for the Town of Owasco Tax Override for the fiscal year of 2023.

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor VeVone Yes Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 22-140 to approve SEQR determination for Local Law No. 3 of 2022

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 3 of 2022.

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. 3 of 2022** is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations;

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law;

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

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. 3 of 2022** 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 Councilor Cornelius; Second Councilor Vitale

Roll call vote:	Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
	Councilor VeVone	<u>Yes</u>	Councilor Vitale	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

Resolution 22-141 A Resolution of the Town Board for the adoption and enactment of Local Law No. 3 of 2022 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

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 **October 23, 2022**, 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, **November 10, 2022**, 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;

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law;

WHEREAS, the Owasco Town Board by Resolution on this date issued a Negative Declaration under SEQRA for **Local Law No. 3 of 2022**; 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. 3 of 2022 set forth below:

Local Law No. 3 of 2022 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, the State of New York enacted General Municipal Law §3-c which limits the ability of the Town Board to raise necessary revenue in the form of property taxes; and

WHEREAS, the Town Board of the Town of Owasco has determined that it may be necessary to increase the tax levy for the Town of Owasco real property tax levy, Water District, Sewer District No. 1, Sewer District No. 2 and/or Sewer District No. 3 beyond the amount allowed in General Municipal Law §3-c; and

NOW, THEREFORE, BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF OWASCO as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Owasco, County of Cayuga pursuant to General Municipal Law §3-c, and to allow the Town of Owasco, County of Cayuga to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. AUTHORITY

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Owasco, County of Cayuga, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. EFFECTIVE DATE

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

Motion by Councilor VeVone; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-142 to re-appoint Kate (Catherine) Coretti to the BAR, Board of Assessment Review for a term effective 10/1/22-9/30/2027.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

ADJOURNMENT:

RESOLUTION 22-143 to adjourn to executive session at 5:20pm to discuss personnel issues.

Motion by Councilor Vitale; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-144 to return from executive session at 5:49PM.

Motion by Councilor Vitale; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-145 to schedule a Public Hearing fro proposed Local Law #5 to amend section 11-14 of the Code of Ethics.

Motion by Councilor Cornelius; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 22-146 To approve the findings and reccommendations of the Town of Owasco Ethics Board in response to a complaint filed with the Town on June 2, 2022.

Whereas; the Town board will form a committee to draft new policy changes for final approval from Ethics Board recommendations.

The Ethics Board also is suggesting the town create a town vehicle use policy.

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor VeVone <u>Yes</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

ADJOURNMENT:

RESOLUTION 22-147 to adjourn the meeting:

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
	Councilor VeVone	<u>Yes</u>	Councilor Vitale	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

Meeting adjourned at 5:53PM