

**A SPECIAL TOWN BOARD MEETING
PUBLIC HEARING Draft MINUTES
OCTOBER 30, 2018**

**A Town Board Meeting of the Town of Owasco was held on October 30, 2018
7:00 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, Elizabeth Emig-Rosekrans, Judy Cummings, Daryl Hymes, Marti Milliman, Linda & Phil Brambley, Chris & Mike Moore, Lori Ferlenda, Al Doan, Brad Doan, Gerry Guiney, Kelly Greene, Mike Clifford, John & Suzanne Klink, Bob Bruno, Gary & Regina Fedigan, Jerry VeVone, Sherry Genkos, Joe Dimora, Ken Rescott, Steve Smith.

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 18-154.1 to approval of Town Board Agenda for October 30, 2018

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>		

COMMUNICATIONS:

NEW BUSINESS:

OLD BUSINESS:

SUPERVISOR WAGNER COMMENTS:

*Supervisor Wagner presented to the attendees a slide show as to how the proposed sidewalk project “Walkable Owasco, to include Adams Ave, Bristol Ave, & a portion of Letchworth Ave, project was proposed, (initiated by the 2002 & 2016 Town Comprehensive Plan & town surveys the time line of past board meetings working on the proposed project along with how the board decided to contract for preliminary engineering. This meeting is to discuss the proposed sidewalks, and listen to the residents comments and concerns, no decisions will be made tonight,

PRESENTATION BY:

GYMO Architecture, Engineering, Environmental & Land Surveying, DPC.

Brian Madigan and Jim Laird with GYMO presented a slide show and explained the proposed design, including reasons why they choose one side of each street over the other, along the impact it would have on the landscape.

RESOLUTION 18-155.1 to open Public Hearing for the Town of Owasco Local Law No 2, of 2018 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>		

PUBLIC PARTICIPATION:

John Klink- 23 Adams Ave resident addressed the board with his concerns as Adams Ave has older homes that are closer to the road this causing a sidewalk to be very close to his home. Other concerns from Mr. Klink was with the mailbox, hydrants, utility poles in a direct path of the sidewalk as well as 4 red maple trees on his property that would have a large/long root system. –Not in favor of sidewalk

Linda Brambley –3 Adams Ave lives on the North Side of the Street where the sidewalk is proposed and only sees 2 children walking to school, she does not see how that can justify removal of residents landscaping on Town right of way.

Mike Moore-27 Adams Ave Mike and his wife raised two children that attended Owasco School and they always made their way to school with no issues or sidewalks. Mike feels the sidewalk is a waste of money and leads to nowhere on Adams Ave.

Judy Cummings - 8 French Ave resident and Head School Crossing Guard , Judy had a child that was hit by a car, and feels there is a need for sidewalks all the way down Letchworth Street, but not Adams Ave. Judy also felt there is a need for cross walks leading to the Avenues off Lethworth. However Judy also stated it starts with the parents and they need to communicate and teach their children the proper sides of the street to walk on, and safety.

Elizabeth Emig-Rosekrans- 3 Letchworth St, stated that when entering the meeting she felt the sidewalks were a good idea, then hearing there could possibly be crosswalks at the avenues off Letchworth she worried children would think they could cross anytime, and the way people run thru the stop signs and speed thru Letchworth this would cause a dangerous situation. Her other concern was the way the proposed local law was written as it is misleading as to who will maintain the sidewalks and who is really liable. Elizabeth would like better clarification as to how the local law reads, feels there is a contradiction of statements in the law.

Marty Milliman- 58 Letchworth Street, Marty owns 2 properties on Letchworth St and is worried about having to shovel and maintain 2 sidewalks; she also stated that most of the children do not walk on this end of Letchworth. Marty also stated that she does not like the look of sidewalks, and that most people live in Owasco and not the City due to this fact. Marty also stated that the speeding or and drivers are going the wrong way near the school along Letchworth is also a problem and it is mainly the teachers at fault. Marty would like to see speed bumps in place. Marty also had a complaint regarding the town's right of

way, as when she had a tree with a dead branch that was a hazard and she was told it was her responsibility and not the towns right away thus causing her to pay for the removal.

Donna Robalard -37 Adams Ave, agreed with what Mike Moore previously state and she can count on one hand the number of children that walk to school, . Donna stated that many parents drive their children to school and as they do they blow right thru the stop sign. The other issue she stated that she and her husband are getting older and is not going to shovel sidewalks, she already had a problem as she lives on the corner and when the snowplow passes in packs the snow around their mailbox.

Susan Klink -23 Adams Ave, Susan was concerned with the restoration of the properties after the sidewalks are installed; she stated that she has little confidence that the town would restore the property correctly. Susan noted that she has had to look at dirt piles, old playground equipment, and a large stone pile from her back yard that the town has left over a long period.

Joe Dimora- 2 Green links Turn, had concerns as to how the cost would increase our taxes? Supervisor Wagner told Joe that the town had received a matching grant and the town's portion would be from in-kind serves, as the plan is to have the town's highway department install the sidewalks. Joe stated that free money is not always good money; He also stated the residents should have a vote as taxes will go up, as we still have to pay for this and is it worth it.

Lori Ferlanda – 12 Adams Ave, When will the questions that residents asked be answered? When will the next meeting regarding the sidewalks be held?

RESOLUTION 18- 156 to close Public Hearing for Local Law #2 2018.

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>		

**PROPOSED: LOCAL LAW NO. 2 OF 2018 TO ADOPT OWASCO TOWN CODE
CHAPTER 122 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 north side of Adams Avenue; south side of Bristol Avenue; immediately north of Owasco Elementary School on the east side of Letchworth to the intersection with First 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 Town 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 obligation.

The Owasco Town Code is amended, in its entirety, as follows:

Chapter 122 STREETS

Article IV SIDEWALKS

§ 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.

- Effective until September 1, 2027

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

It shall be the duty of the owner of property abutting upon a public sidewalk to maintain said sidewalk in a good state of repair and to repair any and all defects therein. If said owner shall fail, neglect or refuse to so maintain such sidewalk, the Town shall be authorized and empowered to do whatever work is necessary to place the sidewalk in satisfactory condition and to charge said abutting owner for the cost of such work which shall be a lien on the real property.

** Effective on September 1, 2027

§ 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 curblin 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.

Next meeting will be held November 8th at 4:00pm

ADJOURNMENT:

RESOLUTION 18-157 adjourn the meeting:

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>		

Meeting adjourned at 8:01 PM