

TOWN BOARD MEETING MINUTES

**January 12, 2017
Organizational Meeting**

Town Board Meeting of the Town of Owasco was held on January 12, 2017 at 5:00 PM in the Owasco Town Hall with the following members present:

PRESENT: Supervisor Edward Wagner,
Councilperson Richard Knaul
Councilperson, Tim Kerstetter
Councilperson Tony Gucciardi
Councilperson, Ashley Melendez

OTHERS PRESENT: Pat Massina, Judy & John Cummings, Nancy Taylor, Bob Bruno, Fred & Doris Lindsay, Gary Colella, Chris Lawton, Matt Zarbo

CALL TO ORDER: 5:01PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 17-001 approval of Town Board Agenda for January 12, 2017

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

APPROVAL OF MINUTES:

RESOLUTION 17-002 approval of Town Board Minutes for December 8, 2016.

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

PUBLIC PARTICIPATION:

- Mr. John Cummings would like to address the board regarding street parking concern:

John & Judy Cummings addressed the board regarding off street parking especially on the narrow avenues in the town. They live on French Ave and have a neighbor that continually has guest that park directly behind their driveway making it difficult to back out of their residents. The difficulty led to their son hitting a car on the road behind their driveway. They asked the town to adjust the off street parking rules.

Resolved: Supervisor Wagner will call the resident mentioned above whose guest park behind the drive way to ask that they be considerate to neighbors. The town board will also look into the towns parking ordinance to see if adjustments can be reasonably made.

- Doris & Fred Lindsay address the board with Sewer District #3 Concerns:

Mr. & Mrs. Lindsay address the board regarding the town's new sewer district, they feel as they have a septic system that is great and away from the lake along with the fact that they voted against the sewer expansion they should be excluded from the project. They are asking the board to reconsider them from the district.

Resolved: Supervisor Wagner explained the Mr. & Mrs. Lindsay that once a district is defined then all parcels in that district must be included. Supervisor Wagner also stated that it is their choice to not connect to the system, however if they are to ever sell the property or request a building permit it must be connected within 180 days at their own expense. Supervisor Wagner also told the Lindsay's that there are approximately 180 residents in the district and they are the only ones choosing not to connect.

Town Attorney Riccardo Galbato also added that this was a public vote, and there is no way to unbind a parcel.

COMMUNICATIONS: Letter of appointment of Deputy Town Clerk and Deputy Tax Collector, Letter of recommendation from Town Justices consenting to appointment of Clerk to Town Justices, Letter of supervisor re appointment of Town Historian and Bookkeeper / Budget Officer. Letter from Tax Collector requesting designation of depository for funds, Dog Control Service Agreement.

NEW BUSINESS:

Resolution 17-003 to group and approve Resolutions 17-004 through 17-020.

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

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

Resolution 17-004 re-appoint the Auburn Citizen as the official newspaper for 2017.

Resolution 17-005 re-appoint Tompkins Trust Company as the depository for Town funds for the Town Clerk, Tax Collector and the Supervisor for 2017.

Resolution 17-006 authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure, in United States Treasury bills, savings accounts, time deposit or time certificates of deposit through Tompkins Trust Company; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided.

Resolution 17-007 establishing reimbursement of expenditures incurred in 2017 as follows:

\$53.5 cents per mile as mileage allowance for job-related travel per Internal Revenue Service for 2017.

Resolution 17-008 designating the second Thursday of each month as Town Board meeting night to be held at 5:00 P.M. at the Town Hall:

Resolution 17-009 requiring all itemized vouchers to be submitted to the Town Clerk's office before 12:00 P.M. of the Tuesday prior to the Board Meeting each month to qualify for audit and payment at the next regular Town Board Meeting.

Resolution 17-010 establishing salaries and compensation for all elected and appointed officials and employees as set forth in the 2017 budget.

Resolution 17-011 establishing rates of pay for Board of Assessment Review, Zoning Board of Appeals, Planning Board 2016.

Board of Assessment Review:

Member:

\$25.00 per hour

Zoning Board of Appeals

Chairman:	<u>\$3181.20 per year</u>
Member:	<u>\$81.15 per Meeting</u>

Planning Board

Chairman:	<u>\$3835.80 per year</u>
Member:	<u>\$81.15 per Meeting</u>

Resolution 17-012 appointing the following persons to the designated positions for 2017

- Clerk to the Town Justices, upon advice and consent of the Town Justices: Donna “Vicky” Coraci.
- Deputy Town Clerks upon the advice and consent of the Town Clerk: Lori Reed, Pat Holt.
- Building and Code Inspector: J. Patrick Doyle
- To re-appoint Andy Feocco to the Planning Board term ending December 31, 2023
- Chairperson of the Planning Board: Ronald Podolak
- Chairperson of the Zoning Board of Appeals: Dave Kalabanka
- Secretary to the Planning Board and Zoning Board of Appeals: Lori Reed

- Town Attorney Part Time to a term of office concurrent with Town Board: Riccardo Galbato retainer of \$1100.00 per month plus hourly rate of \$130.00 for Litigation /Special projects.
- Town Engineer Part Time to a term of office concurrent with Town Board: Barton & Loguidice
- To re-appoint Registrar of Vital Statistics to a term of office concurrent with Town Board: Tammy Flaherty and Deputy Registrar of Vital Statistics: Lori Reed
- To re-appoint Town Historian upon the advice and consent of the Town Supervisor: Laurel Auchampaugh
- To re-appoint Deputy Supervisor upon the advice and consent of the Town Supervisor: Tony Gucciardi per budget.
- To re-appoint Bookkeeper / Budget Officer upon the advice and consent of the Town Supervisor: Darcelle Foster.
- To re-appoint Nancy Taylor to the Board of Assessment Review (BAR).
- To re-appoint Debbie Donnelly as Crossing Guard Supervisor.

- **To re-appoint Steve Simmons as Chairperson of the Recreation Board for 1 Year ending December 31, 2017**

Resolution 17- 013 authorizing Supervisor to submit to the Town Clerk by February 28, 2017, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper of the Town that a copy of such report is on file and available for inspection in the Town Clerks Office.

Resolution 17-014 authorizing the payment of utility bills, town real property tax bills, Justice Court Funds and Pitney Bowes postage prior to audit pursuant to Town Law section 8(2).

Resolution 17-015 reaffirming and re-adopting resolutions establishing the Procurement Policy adopted February 14, 2013 as Local Law No. 2 of 2013, and the investment policy adopted August 19, 2016.

Resolution 17-016 to designate Councilperson Tim Kerstetter and Councilperson Tony Gucciardi as Audit Committee for 2017.

Resolution 17-017 to authorizing the Supervisor to sign an agreement with Cuddy & Ward, LLP to complete an Audit for the 2017year.

Resolution 17-018 to reaffirm the December 11, 2014 appointing Suzie Nalley as Animal Control Officer and County Acres Pet Services for Kennel Services for the year 2017.

Resolution 17-019 to appoint David Kalabanka, James Moochler, and Arthur Richardson to serve, at no pay, on the Board of Ethics until December 31, 2017.

Resolution 17-020 authorize Supervisor Ed Wagner to sign a three year contract with Cayuga County Highway Department for an inter-municipal snowplowing agreement.

Resolution 17-021 to approve Resolutions 17-004-17-020

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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

Resolution 17-022 to authorize the Town Supervisor to sign Change Order No. 7 for the Owasco Sewer System Improvements Project Contract No. 1.

WHEREAS, this Change Order includes the following additional work items:

Additional electrical services performed by the utility company, NYSEG, was necessary for the Oakridge Pump Station upgrades. NYSEG experienced several delays in completing their portion of the electrical work, which resulted in delay of the sewer project.

Change Order Cost: This is a No Cost Change Order

Time Extension: A 53 day time extension will be provided through the execution of this Change Order. All work of the Contract shall be substantially completed by February 10, 2017.

Revised Contract Amount:

Original Contract No. 1 Amount:	\$3,845,000.00
Contract No. 1 – Change Order No. 1:	\$19,877.00
Contract No. 1 – Change Order No. 2:	-\$13,500.00
Contract No. 1 – Change Order No. 3:	\$9,500.00
Contract No. 1 – Change Order No. 4:	\$22,314.60
Contract No. 1 – Change Order No. 5:	\$99,450.00
Contract No. 1 – Change Order No. 6a:	\$14,000.00
Contract No. 1 – Change Order No. 6b:	\$25,000.00
Contract No. 1 – Change Order No. 7: (this Change Order):	<u>\$0.00</u>

Revised Contract No. 1 Amount: ***\$4,021,641.60***

WHEREAS, upon recommendation of the Town Engineer, Clerk of the Works and the Town Board Liaison

NOW THEREFORE BE IT RESOLVED that the Town Supervisor is hereby authorized to sign Change Order No. 7 for the Owasco Sewer System Improvements Project Contract No. 1 and hereby consents to the Town Engineer signing same Change Order No. 7.

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

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

Resolution 17-023 to approve an inter-municipal relationship with the between the Town of Owasco and the City of Auburn to use the Town of Owasco's GPS server for use with Trac Star systems.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Resolution 17-024 to approve a proposal with Virtual Towns & Schools for Website Design, Development, and Hosting. The initial design and development cost is \$3995.00, and can paid over a 3 year period at \$1331.67, the annual cost for hosting is \$1845.00 per year. Equaling a 3 year total payment of \$3176.67.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Resolution 17-025 to authorize Supervisor Wagner to sign to a MOU with the towns of Springport & Fleming for the purpose inter- municipal agreement for selling water to Springport through Fleming.

Whereas: Supervisor Wagner and Council Knaul has had 4 meetings with reps from the Towns of Springport & Fleming, along with our engineers B & L.

Whereas: Springport has requested to purchase water from the Town of Owasco though the Town of Fleming in order to reduce their rate, they currently purchase water through the Cayuga County Water & Sewer authority.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

Motion to Table 17-026

Resolution 17-026 to authorize Supervisor Wagner to sign a scope of services contract for Engineering Service for treatment of microcystin and for water quality improvements.

Whereas: the town received 2 proposals from Barton & Loguidice and GHD.

Let it be resolve the town authorizes _____, in the amount of _____ as the accepted contract water quality improvements.

Motion by: Councilperson Gucciardi. Second Councilperson Kerstetter

Resolution 17-027 to re-affirm the following Water Sewer Rates for 2017 effective 12/1/2016

2017 TOWN OF OWASCO CUSTOMER

Effective 12/1/2016

WATER / SEWER RATES

WATER (GALLONS)

0 – 7500 gallons	\$25.11
7501 – 75000 gallons	\$3.35 / 1000 gallons
Over 75000 gallons	\$2.58 / 1000 gallons

SEWER (GALLONS)

SEWER DISTRICT 1

0 – 7500 gallons	\$50.25
Over 7500 gal.	\$6.70 / 1000 gal.

SEWER DISTRICT 2

0-7500 gallons	\$48.75
Over 7500 gal.	\$6.50 / 1000 gal.

SEWER DISTRICT 3

0- 7500 gallons	\$32.85
Over 7500 gal	\$4.38 / 1000 gal

TOWN OF NILES CUSTOMERS

0 – 7500 gallons	\$34.73
Over 7500 gallons	\$4.63 / 1000 gallons

TOWN OF FLEMING WATER RATE

\$2.4455 / 1000 gallons

BULK WATER

Water Plant \$0.25 / 54 gallons

Melrose Rd. Hydrant \$4.33 / 1000 gallons

WATER STEWARD

0 – 7500 gallons \$1.00 Minimum bill

Over 7500 gallons \$0.10 / 1000 gallons

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Resolution 17-028 recommended budget modifications. (See attached)

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

OLD BUSINESS.

Discussion on Town Hall Expansion-

Supervisor Wagner will invite Amy Bloss with 2 B Architecture & Design to attend the next meeting with their preliminary design.

Term limit Extensions-

Town Attorney Rick Galbato will look into the requirements of holding a referendum to extend the elected official with a 2 year term.

Resolution 17-029 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 #01 2017 Vouchers # 1-89 in the amount of \$584,274.71

Trust & Agency Voucher # 5260-5269 in the amount of \$25,204.47

for a grand total of \$609,479.18

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

Resolution 17-030

**TOWN OF OWASCO RESOLUTION SUPPORTING INCREASED
EFFORTS TO ELIMINATE HARMFUL ALGAL BLOOMS AND
ACCELERATE WATERSHED RESTORATION EFFORTS WITHIN
OWASCO LAKE, ITS WATERSHED AND OTHER COUNTY WATER
RESOURCES**

WHEREAS, the Town of Owasco provides drinking water to approximately 3,000 residents in the Town of Owasco and an additional 1,800 residents in the Town of Fleming; and

WHEREAS, the City of Auburn provides drinking water to approximately 27,000 residents in the City of Auburn and approximately 16,000 additional residents in the Towns of Sennett, Fleming, Throop, Brutus, Mentz, Montezuma, Springport and Aurelius and the Villages of Cayuga, Port Byron and Weedsport, serving an approximate total population of 43,000 residents in Cayuga County; and

WHEREAS, the relative water quality or condition of lakes are largely dictated by the quantity of critical nutrients delivered to them by the surrounding watershed, and within the 205 square mile Owasco Lake Watershed, human activities have resulted in increased nutrient loads resulting in cultural eutrophication and significant declines in Owasco Lake water quality, contributing to the increased occurrence of algal blooms; and

WHEREAS, a research report titled 2008 COMPUTER-BASED SIMULATION OF LOADS AND WATER QUALITY RESPONSES WITHIN THE OWASCO LAKE WATERSHED by Barry M. Evans, Ph.D. of Penn State University ("Evans Study") researched the nutrient (phosphorus) loads delivered to Owasco Lake from multiple sources estimated that over seventy percent (70%) of nutrient loads to Owasco Lake are from agricultural sources, clearly highlighting the need to deploy appropriate and proactive responses to address the source loading from agriculture as well as all other sources of nutrient loading; and

WHEREAS, immediate short-term efforts to protect the health and safety of community residents, as well as the economic fabric of the shoreline and watershed towns and sustained long-term efforts to address the underlying water quality problems in Owasco Lake and its 205 square mile watershed are essential to address this public health concern; and

WHEREAS, in 1974 Congress passed the Safe Drinking Water Act, which requires the United State Environmental Protection Agency (EPA) to determine the level of contaminants in drinking water at which no adverse health effects are likely to occur; and

WHEREAS, in 1998 New York State has classified Owasco Lake as a Class AA(T) impaired waterbody; and

WHEREAS, pursuant to section 303(d) of the Clean Water Act, states must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect Impaired Waterbodies; and

WHEREAS, a TMDL has not been developed, adopted, nor implemented for Owasco Lake to date; and

WHEREAS, in late September and early October 2016 cyanotoxins from blue- green algae or cyanobacteria have been detected in the treated drinking water drawn from Owasco Lake and supplied to the public; and

WHEREAS, the Town of Owasco along with the city of Auburn and Cayuga County Legislators is eager for the New York State Department of Health (DOH) to undertake a study in order to determine how drinking water drawn from Owasco Lake can be treated using the Best Available Technology (BAT) in order to minimize the presence of toxins associated with cyanotoxins; and

WHEREAS, the Town of Owasco along with the city of Auburn and Cayuga County Legislators is eager for New York State and the US EPA to make a conclusive determination of the genesis of the blue-green algae and cyanobacteria; and

WHEREAS, scientific research of Owasco Lake's impairment has linked the presence of harmful algal blooms to excessive levels of the nutrients; and

WHEREAS, the EPA concluded excess nutrients are thought to be a primary driver of cyanobacterial blooms and long-term prevention of cyanobacterial blooms likely requires reductions in nutrient pollution; and

WHEREAS, the EPA suggests Public Water Supplies (PWS) consider land use information in the source watershed as part of the system-specific evaluation. Certain land

uses are more closely linked to cyanotoxin occurrence, particularly those that result in excess nutrient discharges; and

WHEREAS, in 2015 the EPA cited another study that found strong associations between agricultural land cover and microcystins occurrence in three ecoregions; and

NOW THEREFORE BE IT RESOLVED, that the Owasco Town Board does hereby request that the Governor develop, adopt, and implement a TMDL for Owasco Lake; and

BE IT FURTHER RESOLVED, while the TMDL is being created, improved water treatment for both the Owasco and City of Auburn's water system be implemented as soon as practicable at no cost to the public since ratepayers should not bear the financial burden of treating their water to eliminate pollution hazards that they did not generate and which New York State long failed to resolve as required by law; and

BE IT FURTHER RESOLVED the Owasco Town Board requests that the New York State Department of Conservation (DEC) and Department of Health (DOH) cooperate fully with EPA to fulfill the right of local residents to receive safe, clean drinking water free of cyanotoxins and all other contaminants that threaten public health by reducing nutrient loading into Owasco Lake.

BE IT FURTHER RESOLVED that the Owasco Town Clerk forward certified copies of this Resolution to the Governor, the Commissioner of the DOH, and the Commissioner of the DEC.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

ADJOURNMENT:

Resolution 17- 031 to adjourn the meeting:

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Meeting adjourned at 7:11 PM