

TOWN BOARD MEETING TOWN OF OWASCO, November 10th, 2011 Page 1 of 6

A Town Board Meeting of the Town of Owasco was held on November 10, 2011 at 6:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

Councilperson, Gino Alberici
Councilperson, Tony Gucciardi
Councilperson, Edward Wagner
Supervisor, John J. Klink

ABSENT: Councilperson, Terrence Lattimore

OTHERS PRESENT: Mike Aldrich, Nancy Taylor, Laurel Auchampaugh, John Smith, Wanda Zach, Richard Knaul, and Rick Galbato Town Attorney.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 11-135 approval of Town Board Agenda for November 10, 2011.

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

APPROVAL OF MINUTES:

Resolution 11-136 approval of Town Board Minutes for October 13, 2011.

Motion by Councilperson Gucciardi; Second Councilperson Wagner.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

PUBLIC PARTICIPATION:

COMUNICATONS:

JUSTICE COURT: Grant

COMUNICATONS:

CSS Consumer Sales Solutions Electricity Quote

COMMITTEE REPORTS:

Supervisor's monthly financial report	Zoning Board Chairman David Kalabanka	Planning Board Chairman Richard Knaul
Highway Superintendent, Public Works Superintendent Michael Wilson	Assessor Kim Gridley	Code Enforcement Officer Patrick Doyle
Town Historian Laurel Auchampaugh	Truck Traffic John Klink	
Cayuga County Water Quality Management Agency and Owasco Lake Standing Committee Ed Wagner	Recycling Center Ed Wagner	Owasco Lake Watershed Inspection Committee John Klink
Councilperson Meeting Reports	Playground Committee	

OLD BUSINESS:

NEW BUSINESS:

OPEN PUBLIC HEARING: at 6:13 PM

PUBLIC HEARING: Adoption of the Town of Owasco Local Law No. 2 of 2011 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, the State of New York has recently 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, in reviewing the proposed 2012 budget for the Town of Owasco, the Town Board has determined that it may be necessary to increase the tax levy for the Town of Owasco Sewer District No. 1 and Town of Owasco Sewer District No. 2 beyond the amount allowed in General Municipal Law §3-c due to the factors beyond the control of the Town Board; 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 (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2012 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 2012 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.

PLEASE TAKE FURTHER NOTICE that copies of said proposed Local Law are available for review at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021.

An opportunity to be heard in regard to such local law will be given at the hearing to those favoring or opposing the same. Communication in writing in relation thereto may be filed with the Town Clerk or at such hearing.

By Order of the Town Board of the Town of Owasco.

Resolution 11- 137 to close the Public on Local Law No. 2 of 2011 at 6:18 PM

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

OPEN PUBLIC HEARING: at 6: 18 PM

PUBLIC HEARING: on the Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2012 including general Town funds, highway, water, sewer districts and fire protection district funds

Resolution 11- 138 to close the Public Hearing on the Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2012 including general Town Funds, Highway, Water, Sewer Districts and Fire Protection District at 6:31.

Motion by Councilperson Gucciardi: Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 11-139 to approve SEQR determination for Local Law No. 2 of 2011

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 2 of 2011.

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

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 2 of 2011 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

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; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 2 of 2011 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 Alberici: Second Councilperson Gucciardi.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 11-140 a Resolution of the Town Board for the adoption and enactment of Local Law No. 2 of 2011.

WHEREAS, a Resolution was adopted by the Town Board on October 13, 2011 introducing proposed Local Law No. 2 of 2011 and said Resolution established a public hearing relating thereto; and

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 26, 2011, and proof of such publication has been filed with the Town Clerk, and

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

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, 2011, 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; and

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 2 of 2011.

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 2011 set forth below:

Local Law No. 2 of 2011 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, the State of New York has recently 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, in reviewing the proposed 2012 budget for the Town of Owasco, the Town Board has determined that it may be necessary to increase the tax levy for the Town of Owasco Sewer District No. 1 and Town of Owasco Sewer District No. 2 beyond the amount allowed in General Municipal Law §3-c due to the factors beyond the control of the Town Board; and

WHEREAS, the Town Board is desirous of protecting the taxpayers of the Town of Owasco from any penalties associated with increasing the tax levy without this Local Law; and

WHEREAS, General Municipal Law §3-c (5) states that:

“A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only, or in the case of a district or fire district, a resolution, approved by a vote of sixty percent of the total voting power of such body, to override such limit for such coming fiscal year only.”;

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

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Section 5. EFFECTIVE DATE

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

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 11-141 Adoption of the Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2012 including general Town funds, highway, water, sewer districts and fire protection district funds

Motion by Councilperson Gucciardi; Second Councilperson Wagner.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 11-142 Melrose Road and Martin Road Water Storage Tank Improvements Amendment NO.1 – Additional Services for Tank Vent Rebid. In consideration of progress completed to date, we propose to add the following modifications to our June 9, 2011 Scope of Services as follows see attached. For an additional compensation in the total amount of Two Thousand Dollars (\$2,000) to our currently authorized fee.

Motion by Councilperson Wagner; Second Councilperson Gucciardi.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 11-143 of the Town Board, Town of Owasco, County of Cayuga, State of New
WHEREAS, Owasco Town Court has indicated certain needs to network the three Court Computers together for a cost of \$1800.00 dollars, and also a Security Alert System for a cost of \$5000.00 dollars.

WHEREAS, grant funds are available for such software from the Justice Court Assistance Program of the State of New York; and

WHEREAS, the application does not have a negative impact on the Town Budget;

NOW THEREFORE BE IT RESOLVED, that the Town authorizes application to the Justice Court Assistance Program for an \$6,800.00 grant; and

BE IT FURTHER RESOLVED that the Town Supervisor or Deputy Supervisor is hereby authorized and directed to execute such documents as shall be necessary to complete the grant application; and

BE IT FURTHER RESOLVED, that and funds received shall be used only in accord with the rules and regulations of the Justice Court Assistance Program; that any goods or services purchased shall be obtained in accord with requirements for public purchasing, and that no funds received shall be used to compensate justice or staff or reduce or supplant funding provided by the Town,

November 10, 2011

The above is certified to be a true and complete copy of the resolution passed by the Board on November 10, 2011

SEAL

Motion by Councilperson Wagner; Second Councilperson Alberici.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 11-144 to call for a Public Hearing on Local Law No. 3 of 2011 to effect a Moratorium and Prohibition within the Town of Owasco of Natural Gas and Petroleum Exploration and Extraction Activities, underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes on December 8, 2011 at 6:00 PM at the Town of Owasco, 2 Bristol Ave., Auburn, NY.

Motion by Councilperson Wagner; Second Councilperson Gucciardi.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Absent Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 11-145 The Town Board hereby terminates the employment of Edward Church with the Town of Owasco effective immediately..

Motion by Councilperson Gucciardi; Second Councilperson Wagner.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

AUDIT AND PAYMENT OF CLAIMS:

Resolution 11-146 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 11-016 adopted January 14, 2011, all in accordance with the attached abstract of claims. For ABSTRACT # 11 2011 Vouchers 633- 689 for a total of \$97,470.79

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

OTHER:

ADJOURNMENT:

Resolution 11-147 to adjourn the meeting.

Motion by Councilperson Wagner; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Absent</u>
	Councilperson Lattimore <u>Absent</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Meeting adjourned at 7:10 P.M.


Robert A. Shaw Town Clerk