

TOWN BOARD MEETING MINUTES

February 11, 2016

Town Board Special Meeting of the Town of Owasco was held on February 11, 2016 at 5:00 PM in the Owasco Town Hall with the following members present:

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

OTHERS PRESENT: Bob Bruno, Nancy Taylor, Samantha Miller, Mila Miller, Patrick Doyle,

CALL TO ORDER: 5:03 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 16-046: approval of Town Board Agenda for February 11, 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>		

APPROVAL OF MINUTES:

Resolution 16-047 approval of Town Board Minutes for January 14, 2016, January 27, 2016.

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

PUBLIC PARTICIPATION:

Nancy Taylor inquired on when the bid for the Sewer District would occur.

Mrs. Taylor also had a concern with a registered sex offender in a town neighborhood.

As well as the status of the contaminated wells on Melrose Rd.

Response: Supervisor Wagner the Bids are due into the Town on 2/16/16

The register offender has moved as the house was condemned, he also stated that the Auburn School District has a link on their web site so residents can get notifications on the residents of offenders.

The residents with contaminated wells are still waiting for test results.

COMMUNICATIONS: Tom & Christine Izzo, of 4535 Rockefeller Rd. has requested to be included in the Sewer District #3 project.

OLD BUSINESS. Matt Zarbo gave the board an update on the status of the easements for the Sewer upgrade project.

NEW BUSINESS:

Resolution 16-048 to open the Public Hearing for Local Law #2 2016.

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>		

Resolution 16-049 to close the Public Hearing for Local Law #2 2016

Motion by; Councilperson Gucciardi. 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>		

Resolution 16- 050 to adjourn to executive session at 5:30 PM to discuss legal matters and personnel issues.

Resolution 16-051 to return from executive session at 5:41 PM.

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>		

Resolution 16-052 to purchase an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of \$35,000.00 for the construction of a new Water Tank for the Town of Owasco Water District for the “Owasco Water District Improvements”

WHEREAS, the Town of Owasco (Town) owns and operates a water system to meet the water demands within the Town and surrounding areas; and

WHEREAS, various water system infrastructure is showing deficiencies and/or the infrastructure is approaching the end of its useful life; and

WHEREAS, the Town of Owasco (Town) is progressing the Owasco Water District Improvements Project (Project) to address the deficiencies in the Town water system; and

WHEREAS, the Town Board is in receipt of the Owasco Water System Improvements Preliminary Engineering Report May 2015 prepared by Town Engineer Barton & Loguidice; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, on June 11, 2015, the Town Board by Resolution 15-126 declared its' intent to act as Lead Agency and the Town Supervisor was authorized to sign Part 1 of the Full Environmental Assessment Form; and

WHEREAS, on June 11, 2015 by Resolution 15-126 the Supervisor of the Town of Owasco was authorized to sign Part 1 of the Full Environmental Assessment Form (page 13) and that the Town of Owasco Supervisor and the Town Board will circulate said Part 1 of the Full Environmental Assessment Form to the attached list of "Interested and Involved Agencies" under cover of the "Notice of Intent to Establish Lead Agency" letter for purposes of establishing the Town Board of the Town of Owasco as Lead Agency under the SEQRA/SERP; and

WHEREAS, on June 16, 2015 the Town sent letters indicating its' intent to act as Lead Agency to the interested and involved agencies identified, namely, New York State Environmental Facilities Corporation, New York State Department of Health, New York State Department of Environmental Conservation, New York State SHPO, New York State Natural Heritage Program, Cayuga County Soil and Water Conservation District, United States Army Corp of Engineers, Cayuga County Health Department, Cayuga County Highway Department, Cayuga County Planning Department, Town of Owasco Town Board, J. Patrick Doyle, CEO of the Town of Owasco, Owasco Planning Board, Town of Sennett and City of Auburn; and

WHEREAS, on July 22, 2016 the Town Board completed SEQRA Part 2 of the Full Environmental Assessment form and Riccardo T. Galbato and Chris Lawton explained the SEQRA process and began the questions for Part 2 with the Town Board Members; and

WHEREAS, by Resolution 15-158 from July 22, 2016 the Town Board Members completed and reviewed Part 2 and Part 3 (including the Part 3 – Supporting Information prepared by the Town Engineers, Barton & Loguidice) of the Full Environmental Assessment Form and have issued a **Negative Declaration** under SEQRA that the project "Owasco Water District Improvements" will result in no significant adverse impacts on the environment; and further that the Town Supervisor was authorized to sign and all necessary forms consistent with this Resolution; and

WHEREAS, a Notice of Public Hearing was duly published in the The Citizen on July 11, 2015 which stated:

"PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Owasco on Wednesday July 22, 2015 at 4:00 p.m. at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021 to consider adoption of the Owasco Water District Improvements, Map and Plan dated June 2015 in accordance with Town Law Section 202-b Increase or Improvements of Facilities.

The proposed improvements include a new water storage tank to replace the Melrose Road water tank, new high lift pumps that deliver finished water to the northern portion of the system including the Melrose tank, upgrades to the existing sodium hypochlorite chemical feed system at the WTP, and upgrades to the low lift intake pump station. The locations of the proposed improvements are proposed to construct a new glass coated, bolted steel ground storage tank near the intersection of Town Hall Road and Melrose Road or on Melrose Road east of Byrne Road. The new storage tank would have a top of water level of 918 feet, a capacity of 500,000 gallons, and would be approximately 30 foot high (dependent on the actual ground elevation of the tank site). Approximately 10,200 feet of 10-inch water main would be installed along Melrose Road to connect the new storage tank to the existing 8-inch water main. After the new tank is constructed and fully operational, the existing Melrose tank would be decommissioned.

The maximum amount to be expended by Owasco Water District would be \$3,668,000.00. The estimated increases in annual user costs for the typical property in the Owasco Water District based on the proposed improvements is \$185.56 per year for 20 years or \$137.51 per year for 30 years."; and

WHEREAS, a Public Hearing was held on July 22, 2015; and

WHEREAS, by **Resolution 15-159** the Town Board approved the Owasco Water District Improvements Map and Plan dated June 2015 pursuant to Town Law Section 202-b and acquire and construct Water Improvements as set forth therein at a maximum amount to be expended of \$3,668,000.00 which stated in part:

“RESOLVED, the proposed and approved improvements include a new water storage tank to replace the Melrose Road water tank, new high lift pumps that deliver finished water to the northern portion of the system including the Melrose tank, upgrades to the existing sodium hypochlorite chemical feed system at the WTP, and upgrades to the low lift intake pump station. The locations of the proposed improvements are proposed to construct a new glass coated, bolted steel ground storage tank near the intersection of Town Hall Road and Melrose Road or on Melrose Road east of Byrne Road. The new storage tank would have a top of water level of 918 feet, a capacity of 500,000 gallons, and would be approximately 30 foot high (dependent on the actual ground elevation of the tank site). Approximately 10,200 feet of 10-inch water main would be installed along Melrose Road to connect the new storage tank to the existing 8-inch water main. After the new tank is constructed and fully operational, the existing Melrose tank would be decommissioned.

The maximum amount to be expended by Owasco Water District would be \$3,668,000.00. The estimated increases in annual user costs for the typical property in the Owasco Water District based on the proposed improvements is \$185.56 per year for 20 years or \$137.51 per year for 30 years.

FURTHER RESOLVED, that the Town Board approves the Owasco Water District Improvements Map and Plan dated June 2015 pursuant to Town Law Section 202-b to acquire and construct Water Improvements as set forth therein.

FURTHER RESOLVED, that the Town Board determines that it is in the public interest to acquire or construct the proposed Water District Improvements.”; and

WHEREAS, by on December 12, 2015 by Resolution 15-241 the Town authorized the Town Supervisor to enter into a contract with John M. Ceresnak for an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of **\$35,000.00**; and

WHEREAS, the Town and John M. Ceresnak entered into a Purchase Offer and Sale Contract and Addendum to Contract dated December 2 and 8, 2015; and

WHEREAS, a public hearing was held by the Town Board of the Town of Owasco on **Thursday January 14, 2016** to consider the purchase and development of an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of **\$35,000.00** for the construction of a new Water Tank for the Town of Owasco Water District.; and

WHEREAS, the Town is in receipt of a survey from Warren Ramie Surveying dated December 15, 2015 and a Draft Preliminary Site Plan dated January 2016 from Barton & Loguidice, D.P.C.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board has duly considered and weighed the following factors:

1. The nature and scope of the instrumentality seeking immunity;
2. The encroaching government’s legislative grant of authority;
3. The kind of function or land use involve;
4. The effect local land use regulation would have upon the enterprise concerned;
5. Alternative locations for the facility in less restrictive zoning areas;
6. The impact upon legitimate local interests;
7. Alternative methods of providing the proposed improvement;
8. The extent of the public interest to be served by the improvements; and

9. Intergovernmental participation in the project development process and an opportunity to be heard.

FURTHER RESOLVED, that the Town's desire to purchase this parcel are in accordance with and in furtherance of addressing the concerns raised in the Preliminary Engineering Report dated May 2015 and the Owasco Water District Improvements Map and Plan dated June 2015 which identified several areas in the northern portions of the existing water systems that have reported insufficient pressures during normal daily demands and some residents have installed individual booster pumps to increase their water pressure. It was found that this is a direct result of the existing water tank having an insufficient operating range, combined with the inability of the low lift pump station and water treatment filtration units to compensate for the operating range.

The Town reviewed possible locations of a new water tank and had discussions with prospective sellers with the assistance with the Town Engineer.

FURTHER RESOLVED, in the opinion of the Town Board it is in the best interest of the Town of Owasco and Town Water District to purchase an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of \$35,000.00.

Motion by Councilperson Kerstetter; Second Councilperson Knaul

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 16-053 Authorize Supervisor to sign checks prior to the next board meeting in the amount of \$97,169.00 & \$38,050.38 for 2016 freightliner 108SD Truck and for Hitch, Plow & Hydraulics. In the event that the vehicle is ready prior to the next board 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>		

Resolution 16-054 to approve SEQR determination for Local Law No. 2 of 2016

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 2 of 2016.

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 2016 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

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; 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 2016 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 Melendez Second Councilperson Gucciardi

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

Resolution 16-055 A Resolution of the Town Board for the adoption and enactment of Local Law No. 2 of 2016

WHEREAS, a Resolution was adopted by the Town Board on January 14, 2016 introducing proposed Local Law No. 2 of 2016 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 January 28, 2016, 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, 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 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; and

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 2 of 2016.

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 2016 set forth below:

Local Law No. 2 of 2016 To Appoint a Town Board Member as a Liaison of the Town of Owasco Sewer Districts Nos. 1, 2 and 3 and the Town of Owasco Water District.

WHEREAS, the Town of Owasco is in the process of going out to bid for what is known as the “Owasco Sewer System Improvements” to construct Sewer District No. 3 with upgrades to existing Sewer Districts Nos. 1 and 2;

WHEREAS, the Town of Owasco is in the process of going out to bid for what is known as the “Owasco Water District Improvements”;

WHEREAS, in an effort to reduce costs for the Owasco Sewer System Improvements project and the Owasco Water District Improvements project and at the discretion of the Town Board, continuing thereafter after the completion of the projects, the Town Board has determined that a Liaison be appointed for Owasco Sewer Districts Nos. 1, 2 and 3 and to act as a liaison to the Town Board;

WHEREAS, pursuant to Opinion of the New York State Comptroller 91-53 a Town Board can appoint a Town Board Member as a liaison and pay a higher salary due to the additional duties.

Be It Enacted:

Section 1. There is hereby created the position of “Owasco Town Board Liaison” for the Projects known as “Owasco Sewer System Improvements” to construct Town of Owasco Sewer District No. 3 with upgrades to existing Town of Owasco Sewer Districts Nos. 1 and 2 and the “Owasco Water District Improvements” for the Town of Owasco Water District.

Section 2. The salary established for such position is \$12,000.00 per annum paid monthly by voucher. That position and compensation shall continue until further Resolution of the Town Board.

Section 3. Authority is hereby delegated to the Town Supervisor to make an appointment subject to the confirmation by simple majority of the Town Board.

Section 4. This Local Law is subject to permissive referendum.

Section 5. This local law will take effect immediately on filing with the New York State Secretary of State.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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

Resolution 16- 056 to authorize the Supervisor to sign an amended easements with the Hayes property located at 353 Sunset Beach Drive.

Motion by Councilperson Knaul ; 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 16-057 to authorize the Supervisor to sign an amended easement with the Emmi property located at 4661 Rockefeller Road.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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

Resolution 16-058 to authorize the Supervisor to sign the engineering proposal with Barton & Loguidice for the Vitale site plan review located at 75 Brook Hollow Drive. The expense is on a time plus expense basis with the initial fee not to exceed \$3,000. All expenses will be paid by the Vitales.

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 16- 059 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 14-011 adopted January 9, 2014, all in accordance with the attached abstract of claims.

ABSTRACT #2 2016 Vouchers #959-1037 in the amount of \$798,233.79 & Trust & Agency Voucher # 5139-5147 in the amount of \$19,680.64 for a total of \$818,013.22

Motion by Councilperson Kerstetter; Second Councilperson Knaul

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

Resolution 16-060 Supervisor Wagner to sign amendment #1 with Barton & Loguidice for Sewer District 1, 2 & 3.

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

ADJOURNMENT:

Resolution 16- 061to adjourn the meeting:

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

Meeting adjourned at 6:10 PM.