

A Town Board Meeting of the Town of Owasco was held on February 11, 2010 at 7:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

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

ABSENT:

OTHERS PRESENT: Robert Westover, Laurel Auchampaugh, John Smith, Wanda Zach, John Gilfus, Art Richardson, William Dunster, Michelle Borton from Barton & Loguidice and Rick Galbato Town Attorney.

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 10-033 approval of Town Board Agenda for February 11, 2010.

Motion by Councilperson Gucciardi Second Councilperson Lattimore

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

APPROVAL OF MINUTES:

Resolution 10-034 approval of Town Board Minutes for January 27, 2009.

Motion by Councilperson Gucciardi Second Councilperson Wagner

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

PUBLIC PARTICIPATION:

PUBLIC HEARING: Proposed Sewer District No. 1 Extension for 6012 Oakridge Road in the Town of Owasco Tax Map No. 123.04-1-71 owned by Mark R. Anderson and Susan Anderson.

OPEN: 7:05 PM

Resolution 10-035 to close the Public Hearing at 7:10 PM

Motion by Councilperson Alberici Second Councilperson Wagner

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

PUBLIC HEARING:

For a bond resolution of the town of Owasco, New York, authorizing the issuance of additional \$231,000 serial bonds to finance the cost of improvement for sewer district no. 1, at an estimated maximum cost of 1.8 million dollars.

OPEN: 7:12 PM

Resolution 10-036 to close the Public Hearing at 7:12 PM

Motion by Councilperson Wagner Second Councilperson Alberici

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

- **COMMUNICATIONS: 1. Owasco Lake Watershed Inspection Proposal to the Town of Owasco to increase the Owasco Lake Watershed Inspection Program budget by \$30,000.00**
- **Safety alert bulletin on Electrical Fires in Commercial Vehicles “Snow Plow Trucks”.**
- **Letter from NYS DEC Division of Water.**
- **Letter form Cayuga County Parks and Trails.**
- **Letter from Kevin Bruton**

Letter from Patricia Lincoln, Owasco Parent Teachers Association President.

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:

Resolution 10-037 to approve the following Bond Resolution

BOND RESOLUTION DATED FEBRUARY 11, 2010

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK,
AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$231,000
SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENT FOR
SEWER DISTRICT NO. 1.

WHEREAS, the Town Board of the Town of Owasco, New York, on November 13, 2008 adopted a Bond Resolution entitled "BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,569,000 SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENT FOR SEWER DISTRICT NO. 1" (the "Original Resolution"); and

WHEREAS, the Town Board wishes (i) to authorize the expenditure and appropriation of additional funds in connection with reconstruction of the Town's sewer system authorized in the Original Resolution, and (ii) the issuance of additional serial bonds of the Town to finance such additional appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Owasco, New York as follows:

Section 1. The Town of Owasco, New York (the "Town") is hereby authorized to undertake the reconstruction of the sewer system of Sewer District No. 1, including a new pump station and force main, replacement of gravity sewers and the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus, at an estimated maximum cost of \$1,800,000, constituting an increase of \$231,000.

Section 2. The plan for financing such new maximum authorized cost of \$1,800,000 shall be as follows:

(a) by the issuance of \$1,569,000 of serial bonds of the Town heretofore authorized to be issued pursuant to the Original Resolution; and

(b) by the issuance of an additional \$231,000 serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this Resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law; provided that the maximum maturity of the Bonds authorized shall be computed from the date of the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to the Original Resolution, whichever date is earlier. The maximum maturity of the Bonds shall be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(3)(1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this Resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Sewer District No. 1, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of this resolution, an amount sufficient to pay the principal of and interest on the

Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation at to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this Resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this Resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This Resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this Resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this Resolution, no moneys are reasonably expected to be received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The Supervisor is hereby further authorized, at his sole discretion, to executed a loan agreement, a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond issue of the Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Supervisor, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or hereafter adopted by the Town Board for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town.

Section 11. The Supervisor, as Chief Fiscal Officer of the Town, is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Town.

Section 12. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 13. The Supervisor, as Chief Fiscal Officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 14. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 15. This resolution is not subject to a mandatory or permissive referendum pursuant to Section 35.00(b)(2) of the Local Finance Law.

Section 16. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 17. This resolution shall take effect immediately upon its adoption.

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Motion by Councilperson Alberici Second Councilperson Gucciardi

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

Resolution 10-038 to accept the 2010 Budget for the Owasco Lake Watershed Inspection Program to 4.5 cents per 100 cubic feet or 6 cents per 1,000 gallons which will be effective July 1, 2010.

Motion by Councilperson Alberici Second Councilperson Lattimore

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

Resolution 10-039 to approve a 2 Year Solid Waste Disposal Agreement between the City of Auburn and the Town of Owasco from March 1, 2010 through February 29, 2011

The cost per ton under the Agreement shall be \$39.00 per ton for the first year and \$40.00 per year for the second year.

Motion by Councilperson Alberici Second Councilperson Gucciardi

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

Resolution 10-040 In the matter of the Extension of Sewer District No. 1 in the Town of Owasco, County of Cayuga, New York, Pursuant to the Town Law to include 6012 Oakridge Road, Tax Map No. 123.04-1-71 – SEQRA Determination and Extension

WHEREAS, a written petition dated 7/6/2009 has been submitted in due form by Mark R. Anderson and Susan Anderson, containing the required signatures, which has been presented and filed with the Town Board of the Town of Owasco, Cayuga County, New York, for the establishment of an extension to the Town of Owasco Sewer District No. 1, which is bounded and described on Exhibit A attached hereto and made a part hereof which is the legal description for 6012 Oakridge Road in the Town of Owasco, Tax Map No. 123.04-1-71; and

WHEREAS, the improvements proposed consist of the construction and maintenance of sanitary sewer system to serve said extension in the district in accordance with certain plans to be submitted to the Town, and

WHEREAS, it is the intention of the petitioner to construct or the petitioner has constructed said sanitary sewer and has connected with the Town sewer main or line at their own expense and said sanitary sewer to remain the property of the petitioners and not transferred to the Town, at an annual charge to be determined by the Town Board as well as quarterly sewer bills as other property and property owners and users of Sewer District No. 1; and

WHEREAS, after consultation with the DEC, the Town desires to move forward with the extension without the need for a map, plan and report as the sanitary sewer line installed was at the expense of the petitioners/property owner and is to remain the property of the petitioners/property owner and not transferred to the Town; and

WHEREAS, on January 14, 2010 the Town Board duly adopted a Resolution directing that the Town Clerk call a Public Hearing for Thursday, February 11, 2010 at 7 pm on the proposed Sewer District No. 1 Extension for 6012 Oakridge Road in the Town of Owasco, Tax Map No. 123.04-1-71 owned Mark R. Anderson and Susan Anderson; and

WHEREAS, a Public Hearing Notice reciting a description of the boundaries of the proposed extension was duly published in The Citizen on January 23, 2010; and

WHEREAS, on January 14, 2010 the Town Board declared itself lead agency and that said action is an Unlisted Action under SEQRA and directed the Town Clerk to provide a copy of the Short Environmental Assessment Form to the Cayuga County Health Department and the New York State Department of Environmental Conservation for any comments; and

WHEREAS, the Town send letters dated January 21, 2010 to Eileen O'Connor at the Cayuga County Health Department and Joanne March of the New York State Department of Environmental Conservation providing Notice of Intent to Establish Lead Agency under SEQRA and a copy of the Short Environmental Assessment Form; and

WHEREAS, the Town has received a letter dated February 9, 2010 from Elizabeth A. Tracy of the New York State Department of Environmental Conservation that the DEC has no objection to the Town assuming Lead Agency status for this action; and

WHEREAS, the Town has received an email from Eileen O'Connor of the Cayuga County Health and Human Services Department indicating that the Cayuga County Health Department has no objection to the Town of Owasco assuming lead agency relative to the extension of the Town of Owasco Sewer District No. 1 to include 6012 Oakridge Road; and

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Owasco as lead agency hereby determines that the proposed action will not result in any significant environmental impacts and issues a Negative Declaration under SEQRA and the Town Supervisor is authorized to sign Part III of the Short Environmental Assessment Form dated January 21, 2010; and

FURTHER RESOLVED, by the Town Board of the Town of Owasco that it be and hereby is determined as follows:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. That all of the property and property owners, within the proposed sewer district extension are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed sewer district extension.
4. It is in the public interest to extend the sewer district, as described in the Petition, Public Hearing Notice and this Resolution; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of Sewer District No. 1, as described in Schedule "A" which is attached hereto and made a part hereof, and be it further

RESOLVED, that the sewer improvements in said extension have been constructed at the expense of the petitioner. The user costs for the residents of the new sewer district extension shall be comprised first of the annual operation and maintenance costs charged by the Town of Owasco to all Sewer District No. 1 residents. Secondly, each sewer district extension resident will also be required to pay a sewer debt service payment annually, also the same as the other Sewer District No. 1 residents.

Schedule "A"

(Sewer District No. 1 Extension Description)

The existing boundaries of Sewer District No. 1 are proposed to be extended to include the Tax Map No. 123.04-1-71, Address: 6012 Oakridge Road, Owner: Mark R. Anderson and Susan Anderson, as follows:

Beginning at the southwest corner of Tax Map No. 123.12-3-24, said point being at the intersection of the record centerline of Oakridge Road , and thence Southeasterly along the south line of Tax Map No. 123.12-3-24, a distance of 397.17 feet to the lands of the Owasco Country Club which is in the center of Sucker Brook, and Thence along the lands of said Owasco Country Club, Southerly a distance of 39.94 feet to a point in said brook, and continuing Southerly a distance of 27.67 feet to a point in said brook, and continuing Southerly a distance of 40.74 feet to a point near the edge of said brook, and Southwesterly a distance of 227.90 feet to a corner point, and Northerly a distance of 257.08 feet to the record centerline of Oakridge Road, and thence Northerly along said centerline, a distance of 298.11 feet to the point of beginning.

The entire Sewer District No. 1 Description, including the proposed extension, has been filed in the office of the Town Clerk

Motion by Councilperson Wagner Second Councilperson Alberici

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

OTHER:

AUDIT AND PAYMENT OF CLAIMS:

Resolution 10-041 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 10-016 adopted January 14, 2010, all in accordance with the attached abstract of claims.

ABSTRACT # 2. 2010 Vouchers 68 – 141 for a total of \$104,773.89

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

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

Resolution 10-042 to adjourn to executive session at 8:17 PM to discuss personnel issues. Contract negotiations and possible litigation.

Motion by Councilperson Gucciardi Second Councilperson Lattimore

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

Resolution 10-043 to return from executive session at 9:30 PM.

Motion by Councilperson Alberici Second Councilperson Wagner

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

Resolution 10-044 to give Linda Coretti a .50Cent raise to bring it to \$13.15 Per Hour.

Motion by **Councilperson Alberici** Second **Councilperson Wagner**

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

ADJOURNMENT:

Resolution 10-045 to adjourn the meeting:

Motion by **Councilperson Gucciardi** Second **Councilperson Lattimore**

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

Meeting adjourned at 9:32 P.M.

Robert A. Shaw Town Clerk