

TOWN BOARD MEETING MINUTES

January 4, 2016

Town Board Special Meeting of the Town of Owasco was held on January 4, 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:

CALL TO ORDER: 5:05 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 16-001 approval of Town Board Agenda for January 4, 2016.

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>		

APPROVAL OF MINUTES:

Resolution 16-002 approval of Town Board Minutes for December 10, 2015,

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:

COMMUNICATIONS: Letter from Raymond Dean of 5244 Broadway Rd, in regards to ditch cleaning.

OLD BUSINESS.

NEW BUSINESS:

Resolution 16-003 to group and approve resolutions 16-004 through 16-020

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 16-004 re-appoint the Auburn Citizen as the official newspaper for 2016.

Resolution 16-005 re-appoint Tompkins Trust Company as the depository for Town funds for the Town Clerk, Tax Collector and the Supervisor for 2016.

Resolution 16-006 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 16-007 establishing reimbursement of expenditures incurred in 2016 as follows:

\$.54 cents per mile as mileage allowance for job-related travel per Internal Revenue Service for 2015.

Resolution 16-008 designating the second Thursday & fourth Wednesday of each month as Town Board meeting night to be held at 5:00 P.M. at the Town Hall:

Resolution 16-009 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 16-010 establishing 2016 hourly rates of pay for Town Employees covered by the C.S.E.A Contract as per the January 1, 2014 – December 31, 2016 C.S.E.A and the Town of Owasco Contract.

Resolution 16-011 establishing salaries and compensation for all elected and appointed officials and employees as set forth in the 2016 budget.

Resolution 16-012 establishing rates of pay for Board of Assessment Review, Zoning Board of Appeals, Planning Board 2016.

Board of Assessment Review:

Member:	<u>\$25.00 per hour</u>
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Zoning Board of Appeals

Chairman:	<u>\$3118.80 per year</u>
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Member: \$79.56 per Meeting

Planning Board

Chairman: \$3760.56 per year

Member: \$79.56 per Meeting

Resolution 16-013 appointing the following persons to the designated positions for 2016

- 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 Gary Colella to the Planning Board term ending December 31, 2022
- Chairperson of the Planning Board: Ronald Podolak
- Chairperson of the Zoning Board of Appeals: Dave Kalabanka
- To re-appoint Jim Nolan to the Zoning Board term ending December 31, 2022
- 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 \$1000.00 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
- Registrar of Vital Statistics to a term of office concurrent with Town Board: Tammy Flaherty and Deputy Registrar of Vital Statistics: Lori Reed
- Town Historian upon the advice and consent of the Town Supervisor: Laurel Auchampaugh
- Deputy Supervisor upon the advice and consent of the Town Supervisor: Tony Gucciardi per budget.
- Bookkeeper / Budget Officer upon the advice and consent of the Town Supervisor: Darcelle Foster.
- To re-appoint Nancy Taylor as Chairman of the Board of Assessment Review (BAR).
- To re-appoint Debbie Donnelly as Crossing Guard Supervisor.

Resolution 16- 014 authorizing Supervisor to submit to the Town Clerk by February 28, 2016, 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 16-015 authorizing the payment of utility bills, town real property tax bills, Justice Court Funds and postage prior to audit pursuant to Town Law section 8(2).

Resolution 16-016 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 February 10, 1993.

Resolution 16-017 to designate Councilperson Tim Kerstetter and Councilperson Tony Gucciardi as Audit Committee for 2015.

Resolution 16-018 to authorizing the Supervisor to sign an agreement with Cuddy & Ward, LLP to complete an Audit for the 2015 year.

Resolution 16-019 to reaffirm the December 11, 2014 appointing Suzie Nalley as Animal Control Officer and County Acres Pet Services for Kennel Services for the year 2016.

Resolution 16-020 to appoint David Kalabanka, James Moochler, and Arthur Richardson to serve, at no pay, on the Board of Ethics until December 31, 2016.

To approve Resolutions 16-004-16-020.

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 16-021 In the matter of the proposed Extension of Town of Owasco Sewer District No. 3 in the Town of Owasco, County of Cayuga, New York, Pursuant to the Town Law to include 4786 Rockefeller Road, Tax Map No. 145.06-1-60.

WHEREAS, the owners’ of the property at 4786 Rockefeller Road, Bernard G. Oyer, Helen W. Oyer, Jennifer Norton and Susan Fairbanks, have requested to be included within Owasco Sewer District No. 3;

WHEREAS, the Town has received a Petition from Bernard G. Oyer, Helen W. Oyer, Jennifer Norton and Susan Fairbanks to be included within Owasco Sewer District No. 3;

WHEREAS, based upon the approved Map, Plan and Report and General Construction Plans the Sewer Main is planned to be constructed across the street from 4786 Rockefeller Road.

NOW, THEREFORE, BE IT RESOLVED,

The Town Board agrees to schedule a Public Hearing for consideration of the proposed Sewer District No. 3 Extension to include 4786 Rockefeller Road and the Town Board will also begin the process of SEQRA review and all necessary governmental approvals for said Extension.

Motion by Councilperson Kerstetter Second Councilperson Gucciardi

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

Resolution 16-022 to approve and authorize the Town Supervisor to sign the Grant of Rights of Way and Easements (Sewer)

WHEREAS, on June 22, 2015 by Resolution 15-132 the Town Board approved and authorized the Town Supervisor to sign Easement Agreements with property owners in Owasco Sewer District No. 3 (commonly referred to as grinder pump easements).

WHEREAS, On October 28, 2015, by Resolution 15-219 the Town Board approved the Grant of Right of Way and Easement (Sewer) for the Towns sanitary mains, pipes, manholes, pumps, sewer laterals and appurtenances and authorized the Town Supervisor to sign the easements for Sewer Districts Nos. 1, 2 and 3 (Grant of Right of Way and Easement (Sewer) Mainline or Grant of Rights of Way and Easements (Sewer) Mainline);

RESOLVED that the Town Board re-adopts Resolution 15-219 and hereby approves and authorizes the Town Supervisor to sign the Grant of Rights of Way and Easements (Sewer) Mainline for Owasco Sewer Districts Nos. 1, 2 and 3 substantially similar to the attached form;

FURTHER RESOLVED that the Town Board approves and authorizes the Town Supervisor to sign Grant of Rights of Way and Easements (Sewer) for properties at Gleason Drive, Sunset Beach Drive, Denman Cove, Cliffside Drive, Firelane 12A, Firelane 14, Lakeview Drive, Koenig Point Drive, Owasco Drive for Owasco Sewer District No. 3 and for any other private drive where the Owasco Sewer District No. 3 Sewer Main is crossing substantially similar to the attached form.

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

**GRANT OF RIGHT-OF-WAY
AND EASEMENT (SEWER)**

Property Address: _____, **Town of Owasco, County of Cayuga,**
State of New York
(TAX MAP NO. _____)

THIS INDENTURE, made as of the ____ day of January, 2016, by and between
_____**NAME AND ADDRESS OF PROPERTY OWNER**
(Book ____ of Deeds, Page ____), (hereinafter called the “Grantor or Grantors”), and the
TOWN OF OWASCO, a municipality having an office at 2 Bristol Avenue, Auburn, New York 13021 (hereinafter called the “Grantee”).

WITNESSETH:

That the Grantors, in consideration of One Dollar and 00/100 (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, sell and convey to the Grantee, its successors and assigns, a permanent right-of-way and easement upon, along, above, over, through, in, across, and under a portion of the Grantors’ property located in the Town of Owasco, County of Cayuga, and State of New York and being more particularly described as seven feet and six inches (7.5) feet either side of the centerline, which centerline is the location of the Town’s Sanitary Sewer Mains or pipes, manholes, pumps, sewer laterals and appurtenances thereto.

It being intended to describe a strip of land ten (15) feet wide for said right-of-way and easement which shall be seven feet and six inches (7.5) feet either side of the Town’s Sanitary Sewer Mains or pipes, manholes, pumps, sewer laterals and appurtenances thereto installed or to be installed by Grantee.

Said right-of-way and easement for the passage of people, vehicles and equipment are for

the purpose of constructing, reconstructing, operating, repairing, and maintaining upon, along, above, over, through, in, across, and under said parcel of land the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer laterals and appurtenances thereto, and to make such construction and excavation and to perform such work as may be necessary or proper to accomplish the aforesaid.

The Grantor, his/her/its successors and assigns, will not erect any structure on the aforesaid easement and right-of-way, and agrees not to do any act which would interfere with or hinder the construction, reconstruction, or maintenance of the proposed improvements to be made therein. The Grantor, his/her/its successors and assigns, shall continue to have free and absolute access to and over the said easement and right-of-way, provided the improvements to be constructed by Grantee shall not be damaged or interfered with.

This is a covenant running with the land hereby, and the Grantor, his/her/its successors and assigns, release Grantee from any and all claims of damages to the property or lands within the bounds of said easements. The Grantee agrees that after the installation or repair of the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer laterals and appurtenances thereto, it will restore the surface of the ground to a similar condition as it was before the construction.

This easement and right of way shall run with the land and shall be binding on the Grantor's successors and assigns and the Grantee's successors and assigns.

TO HAVE AND TO HOLD the rights hereby unto the said Grantee, its successors and assigns, forever.

And said Grantor covenants as follows: First, that the Grantee shall quietly enjoy the said premises; and second, that the said Grantor will forever warrant title to the said premises.

IN WITNESS WHEREOF, the Grantors have caused this indenture to be signed the day and year first above written.

GRANT OF RIGHT-OF-WAY AND EASEMENT (SEWER)

Property Address: NAME OF PRIVATE DRIVE, Town of Owasco, County of Cayuga, State of New York

THIS INDENTURE, made the ____ day of _____, 2016, by and between NAMES AND ADDRESSES OF PROPOERTY OWNERRS AND BOOK AND PAGE OF DEEDS (hereinafter called the "Grantor or Grantors"), and the **TOWN OF OWASCO**, a municipality having an office at 2 Bristol Avenue, Auburn, New York 13021 (hereinafter called the "Grantee").

WITNESSETH:

WHEREAS, on or about January 8, 2015 by Resolution No. 15-009 and May 14, 2015 by Resolution No. 15-101, the Town approved the establishment of Town of Owasco Sewer District No. 3 and approved the Order and Proposition voted on and approved at the December 17, 2014 Special Election by owners of taxable real property situated in the proposed Sewer District No. 3;

WHEREAS, the Grantee, Town of Owasco, intends to construct and install Sanitary Sewer Mains or pipes, manholes, pumps, sewer lines, sewer laterals and appurtenances thereto for the Town of Owasco Sewer District No. 3 along the _____' strip of land or right of way shown on Map _____ of SUBDIVISION MAP now commonly known as _____ Drive ("_____ Drive");

WHEREAS, the Grantors are property owners with a right of way over NAME OF PRIVATE DRIVE.

That the Grantors, in consideration of One Dollar and 00/100 (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, to the extent permitted by law does hereby remise, release and quitclaim unto to the Grantee and does hereby grant, sell and convey to the Grantee, its successors and assigns, a permanent right-of-way and easement upon, along, above, over, though, in, across, and under a portion of the Grantors' right of way adjoining Grantors' parcel on _____ **Drive** and the right of way extending to the public highway(s) located in the Town of Owasco, County of Cayuga, and State of New York for the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer lines, sewer laterals and appurtenances thereto.

It being intended to describe a _____' strip of land or right of way shown on **Map _____ of _____ SUBDIVISION MAP _____ now commonly known as _____ Drive ("_____ Drive")** for the installation of the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer lines, sewer laterals and appurtenances thereto installed or to be installed by Grantee.

Said right-of-way and easement for the passage of people, vehicles and equipment are for the purpose of constructing, reconstructing, operating, repairing, and maintaining upon, along, above, over, through, in, across, and under said parcel of land the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer lines, sewer laterals and appurtenances thereto, and to make such construction and excavation and to perform such work as may be necessary or proper to accomplish the aforesaid.

The Grantor, his/her/its successors and assigns, will not erect any structure on the aforesaid easement and right-of-way, and agrees not to do any act which would interfere with or hinder the construction, reconstruction, or maintenance of the proposed improvements to be made therein. The Grantor, his/her/its successors and assigns, shall continue to have free and absolute access to and over the said easement and right-of-way, provided the improvements to be constructed by Grantee shall not be damaged or interfered with.

This is a covenant running with the land hereby, and the Grantor, his/her/its successors and assigns, release Grantee from any and all claims of damages to the property or lands within the bounds of said easements. The Grantee agrees that after the installation or repair of the Town's Sanitary Sewer Mains or pipes, manholes, pumps, sewer laterals and appurtenances thereto, it will restore the surface of the ground to a similar condition as it was before the construction, including any paved surface that may be disturbed.

This easement and right of way shall run with the land and shall be binding on the Grantors' successors and assigns and the Grantee's successors and assigns.

TO HAVE AND TO HOLD the rights hereby unto the said Grantee, its successors and assigns, forever.

And said Grantor covenants as follows: First, that the Grantee shall quietly enjoy the said premises.

This Grant of Right-of-Way and Easement (SEWER) can be signed in counterparts.

IN WITNESS WHEREOF, the Grantors have caused this indenture to be signed the day and year first above written.

Resolution 16-023 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 5:53 PM.

The next Town Board Meeting will be held January 14, 2015 @ 5PM