

TOWN BOARD MEETING MINUTES

May 11, 2017

Town Board Meeting of the Town of Owasco was held on May 11, 2017 at 5:00 PM in the Owasco Town Hall with the following members present:

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

ABSENT: Councilperson Ashley Melendez

OTHERS PRESENT: Gary Colella, Kristina Sherman, Kathy O'Neil,

CALL TO ORDER: 5:00PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 17-084 approval of Town Board Agenda for May 11, 2017

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

APPROVAL OF MINUTES:

RESOLUTION 17-085 approval of Town Board Minutes for April 13, 2017 & April 28, 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>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

PUBLIC PARTICIPATION: Gary Collella – the clerk of the works for the water tower upgrade voiced his concerns with Highlander Construction (the contractor for the project), Highlander is to install a fence around the project and has not given Gary a date as the when they will do the install of the fence. Gary also has concerens with the ladder up the water tower being unsecured, Gary has installed a lock of his own on the ladder. Gary also feels that with the lack of fencing on the project creates a liability and if any damage occurs the liability should fall on Highlander.

COMMUNICATIONS: Earth Justice –Ed wanted the board to know that he and the board members had been invited by Earth Justice to join in on a amicus brief regarding a law suit against the DEC over the area CAFO'S.

NEW BUSINESS: Presentation by Amy Bloss, 2B Architecture + Design PLLC
Amy presented 2 schemes to the board for a possible addition to the town hall,
Court room expansion.
The board members & supervisor choose scheme #3, as it has less square footage and
will still meet the needs of the court and storage.
Amy will go back and return with a conceptual design in approx. 1 month.

OLD BUSINESS:

Resolution 17-086 to Authorize the settlement of the Assessment Cases Carbonaro v. Owasco et al. Index No. 2016-0622 and Daniel Casler v. Owasco et al. Index No. 2016-0621

RESOLUTION AUTHORIZING SETTLEMENT
Casler, Carbonaro Assessment Litigation (2016 Year)

WHEREAS, in July of 2016 Petitioners Daniel Casler (Index No. 2016-0621) and, separately, Patrick and Ali Carbonaro (Index No. 2016-0622) commenced proceedings challenging the assessments on residential properties each owns within the Town, namely **Carbonaro v. Owasco et al. Index No. 2016-0622 and Casler v. Owasco Index No. 16-0621**; and

WHEREAS, the County intervened in these proceedings but the School District did not; and

WHEREAS, Petitioners Carbonaro and Petitioner Casler have proposed settlement offers which would reduce the 2016 assessment on the Casler property to \$398,000, and the 2016 assessment on the Carbonaro property to \$341,000, provided refunds (without interest) are paid by the School District for petitioners’ overpayment of their property taxes for the 2016/17 School District fiscal year only (no refunds from or on the 2017 County and Town tax bill); and

WHEREAS, the Town’s special counsel and Town Attorney believe that settlements in accordance with the terms stated are preferable to the risk and expense of a trial in these cases; and

WHEREAS, the County Attorney has advised that the proposed settlements are acceptable to the County Legislature as well.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- Section 1. The Board authorizes its Special Counsel to settle these tax assessment proceedings by reducing the 2016 assessment on the Casler property 6 to \$398,000, and reducing the 2016 assessment on the Carbonaro property to \$341,000. RPTL 727is to apply to these settlements.
- Section 2. No Town or County 2017 refunds shall be paid.
- Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote and which passed the Town Board. The resolution was thereupon declared duly adopted.

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

Resolution 17-087 A RESOLUTION FOR AUTHORIZATION FOR THE ADVERTISEMENT AND SOLICITATION OF BIDS FOR THE TOWN OF OWASCO, OWASCO WATER DISTRICT IMPROVEMENTS PHASE II: LOW LIFT AND HIGH LIFT IMPROVEMENTS, CONTRACT No. 2A – GENERAL CONSTRUCTION AND CONTRACT 2B – ELECTRICAL CONSTRUCTION FOR THE OWASCO WATER DISTRICT.

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 the 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 all necessary forms consistent with this Resolution; and

WHEREAS, a Notice of Public Hearing was duly published in 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, on July 1, 2016 by Resolution 16-154 the Town Board passed a Bond Resolution authorizing the issuance of \$3,668,000.00 Serial Bonds to finance the cost of the Town of Owasco Water District Improvements;

WHEREAS, on August 18, 2016 by Resolution 16-190 the Town of Owasco Town Board awarded Contract 1 for the Owasco Water District Improvements Phase I: Water Mains and Storage Tank Project to Highlander Construction, Inc. in the amount of \$1,266,333.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Owasco Town Board hereby directs the Advertisement For Bids for the Town of Owasco **“Owasco Water District Improvements Phase II: Low Lift and High Lift Improvements, Contract No. 2A – General Construction and Contract 2B – Electrical Construction”** and the issuance of bid documents for response to said bids, with a bidder return date of **June 6, 2017 at 11:00 am** and bid opening on **June 6, 2017 at 11:00 am** at which time any responsive bids shall be publically opened and read aloud; and it is further

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

Resolution 17-088 to Authorize the Town Supervisor to sign the Third Addendum with the Town of Fleming which relates to the additional \$0.10 or 10 cents per 1000 gallons of water for Fleming’s contribution toward the cost of the Watershed Inspector for Owasco Lake. Pending both attorneys approval.

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

Resolution 17-089 to appoint Patrick Doyle as Chair and Dave Kalabanca, and Ron Podolak as member of the Code Review Committee.

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

Resolution 17-090 to authorize supervisor to sign monthly service agreement with Calgon Carbon Corporation.

Whereas, GHD the towns engineer completed a comparison of GAC unit proposals & determined Calogon Carbon Corporation as the preferred vendor.

Upon legal approval.

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

Resolution 17-091 to authorize Town Clerk to schedule a public hearing for Sewer District #2 extension once the DEC approves project.

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

Resolution 17-092 TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN A CONSENT ORDER WITH THE New York STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGARDING OWASCO WATER DISTRICT IMPROVEMENTS PHASE I - WATER MAINS AND STORAGE TANK CONTRACT NO. 1.

WHEREAS, the DEC issued two letter to the Town of Owasco dated 1.18.17 and 1.19.17;

WHEREAS, the Town of Owasco expects to be reimbursed in full by the Contractor and/or the Town Engineer for the amount of the fine of \$10,000.00.

WHERAS, The town will hold back \$10,000.00 from both Barton & Loguidice and Highlander until the town is reimbursed by one or the other of the mentioned parties.

RESOLVED that the Town Supervisor is authorized to sign the Consent Order with the New York State Department of Environmental Conservation (DEC) regarding Owasco Water District Improvements Phase I – Water Mains and Storage Tank Contract No. 1.

Motion by Councilperson Gucciardi; Second Councilperson Kerstetter

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

Resolution 17-093 to approve recommended budget modification for May 2017.

Budget Modifications Recommendations			
After Closing:		April	2017
Acct #	Account Description	(-) Debit	(+) Credit
A1010.400	Town Board - Contractual	\$ 500.00	
A1220.403	Supervisor - Training	\$ 500.00	
A1420.421	Attorney - Legal Fees Special Projects	\$ 920.00	
A1620.230	Buildings - Repair	\$ 500.00	
A1910.400	Unallocated Insurance	\$ 1,500.00	
A8160.132	Refuse & Garbage - Recycling Driver	\$ 2,500.00	\$ -
A1620.200	Buildings - Equipment		\$ 550.00
A1620.231	Buildings - Expansion & Construction		\$ 1,500.00
A5132.200	Garage - Equipment		\$ 2,750.00
A7140.430	Playgrounds - Improvements		\$ 1,500.00
A8160.210	Refuse & Gargage - Equipment		\$ 120.00
Totals:		\$ 6,420.00	\$ 6,420.00
			\$ -

		(-)	(+)	
Acct #	Account Description	Debit	Credit	
DA5130.213	Machinery - 3/4 Ton Truck	\$ 6,550.00		
DA5112.415	Improvements - Hot Mix	\$ 10,250.00		
DA5130.220	Lawn Mower		\$ 10,250.00	
DA5140.400	Brush Pickup - Contractual		\$ 2,050.00	
DA5142.400	Snow Removal - Sand & Salt		\$ 4,500.00	
Totals:		\$ 16,800.00	\$ 16,800.00	\$ -

		(-)	(+)	
Acct #	Account Description	Debit	Credit	
SS1-8120.200	Sewage Collection - Equipment	\$ 1,435.00		
SS1-8197.200	Equipment & Capital Outlay		\$ 1,435.00	
Totals:		\$ 1,435.00	\$ 1,435.00	\$ -

		(-)	(+)	
Acct #	Account Description	Debit	Credit	
SS2-8120.200	Sewage Collection - Equipment	\$ 480.00		
SS2-8130.410	Sewage Treatment & Disposal - Negotiate		\$ 136.00	
SS2-8197.200	Equipment & Capital Outlay		\$ 344.00	
Totals:		\$ 480.00	\$ 480.00	\$ -

		(-)	(+)	
Acct #	Account Description	Debit	Credit	
SS3-8120.410	Sewage Collection - Misc	\$ 243.00		
SS3-8197.200	Equipment & Capital Outlay		\$ 243.00	
Totals:		\$ 243.00	\$ 243.00	\$ -

		(-)	(+)	
Acct #	Account Description	Debit	Credit	
SW8310.130	Personal Services - Water Break Repair	\$ 300.00		
SW8310.125	Personal Services - Special Projects		\$ 300.00	
Totals:		\$ 300.00	\$ 300.00	\$ -

NOTES:

1 Would be helpful to get an estimate of what will be needed for Salt & Sand at the end of the year | Budget Mod will leave balance of \$4,180.00

Discussion: Supervisor stated that we need to set up reserve accounts for the Playground Maintenance and Sewer District #3 for Grinder Pump replacements. Resolved Rick Galbato and Bookkeeper to the Supervisor Darcelle Foster will work together to set up the mentioned reserve accounts.

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

RESOLUTION 17-094 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 #5 2017 Vouchers #326-410 in the amount of \$350,087.16

Trust & Agency Voucher #5298-5307 in the amount of \$22,321.78

for a grand total of \$372,408.94.

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

RESOLUTION: 17-095 to approve the removal of the sewer charge from the quarterly water/sewer billing for town residents filling their swimming pool.

WHEREAS, the resident will need prior written approval before filling their pools, with documentation regarding the size-capacity of the pool.

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

Discussion: Rich Knaul brought to discussion that a property on Burtis Point has not been charge for sewer for several years now. Rich would like the resident to be billed ASAP and requested that Town Attorney Rick Galbato look into how far back the town could back charge. The town board all agreed and

RESOLUTION 17-096 to adjourn to executive session at 6:09 PM to discuss possible litigation, contract negotiations and personnel issues.

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

Resolution 17-097 to return from executive session at **6:22 PM**.

ADJOURNMENT:

Resolution 17-098 to adjourn the meeting:

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

Meeting adjourned at **6:22 PM**