

# **TOWN BOARD MEETING MINUTES**

**June 8, 2017**

**Town Board Meeting of the Town of Owasco was held on June 8, 2017 at 5:00 PM in the Owasco Town Hall with the following members present:**

**PRESENT:** Supervisor Edward Wagner,  
Councilperson Ashley Melendez  
Councilperson Tony Gucciardi

**ABSENT:** Councilperson Richard Knaul  
Councilperson, Tim Kerstetter

**OTHERS PRESENT:** Gary Colella, Kathy O'Neil, Nancy Taylor

**CALL TO ORDER: 5:04 PM**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**RESOLUTION 17-099 approval of Town Board Agenda for June 8, 2017**

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**APPROVAL OF MINUTES:**

**RESOLUTION 17-100 approval of Town Board Minutes for May 11, 2017**

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**PUBLIC PARTICIPATION:** Nancy Taylor stated that she & her friends are not happy with with the men at the recycling center regarding the book & donation table, they are told, "no" Often on items they would like to leave.

**Resolved:** Supervisor Wagner will talk to Ron with We Care regarding this manner.

**COMMUNICATIONS:**

**OLD BUSINESS:** Gary Colella presented an update on the Water upgrade progress: Highlander has about 8 items left on completing the project. The Fence around the new water tank should be coming in the next couple of weeks, and land restoration was delayed due to the rainy weather this spring.

Gary also gave updated the SD3 project, North Country continues the land restoration as well and the Odor control station needs to be up and going soon. Bob Bruno stated that the odor control station should be online next week.

**NEW BUSINESS:** Bid date extended to June 13, 2017 for 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.

\* Owasco fire dept requesting the town to install sign and utilitles for new sign they will be purchasing. **Resolved below on Resoltution 17- 110**

**Resolution 17-101** Establishing a Capital Reserve Fund to Finance a “Type” of Capital Improvement or Equipment; Sewer **District No. 3 Grinder Pump and other Sewer Equipment Reserve Fund**

RESOLVED, that pursuant to section 6-c [6-g] of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “**Sewer District No. 3 Grinder Pump and other Sewer Equipment Reserve Fund**” (also hereinafter referred to as “Equipment Reserve Fund”). The purpose of this Equipment Reserve Fund is to accumulate moneys to finance the cost of Equipment for the Town. The type of equipment to be financed from the Equipment Reserve Fund is the acquisition of **Sewer District No. 3 Grinder Pump and other Sewer Equipment Reserve Fund** for the Town.

FURTHER RESOLVED, that the chief fiscal officer or Town Supervisor is hereby directed to deposit and secure the moneys of this Equipment Reserve Fund in the manner provided by section 10 of the General Municipal Law. The Town Board may invest the moneys in the Equipment Reserve Fund in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Owasco. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Equipment Reserve Fund. The chief financial officer or Town Supervisor shall account for the Equipment Reserve Fund in a manner, which maintains the separate identity of the Equipment Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and total assets of the fund, showing cash balance and a schedule of investments and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Equipment Reserve Fund.

FURTHER RESOLVED, that except as otherwise provided by section 6-c [6-g] of the General Municipal Law, expenditures from this Equipment Reserve Fund shall be made only for the purpose for which the Equipment Reserve Fund is established. No expenditure shall be made from this Equipment Reserve Fund without the approval of the Town Board and without such additional actions or proceedings as may be required by section 6-c [6-g] of the General Municipal Law, including a permissive referendum if required by subdivision 4 of Section 6-c [subdivision 7 of Section 6-g].

Motion by **Councilperson Gucciardi**; Second **Councilperson Melendez**

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

**RESOLUTION 17-102** Motion to approve and accept the 2016 Town Court Audit that was previously accepted and presented in the town audit by Mary Beth Leeson with Cuddy & Ward, LLP on March 09, 2017, by Resolution 17-057B.

Motion by **Councilperson Gucciardi**; Second **Councilperson Melendez**

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

**RESOLUTION 17-103 to endorse the process to update the Owasco Lake Watershed Rules and Regulations, and**

WHEREAS, The Town of Owasco and the city of Auburn are owners of water treatment plants on Owasco Lake; and

WHEREAS, the Owasco Lake Watershed Management Council, Inc. (OLWMC) has been asked to engage the public in updating and revising the 1984 Owasco Lake Watershed Rules and Regulations (officially titled the Rules and Regulations Pertaining to the City of Auburn and Town of Owasco, Cayuga County, RE: Public Water Safety) for submission to and consideration by, the Commissioner of the New York State Department of Health (the Project); and

WHEREAS, the Town of Owasco’s public water supply is dependent upon a clean and healthy Owasco Lake as its only source for our water supply; and

WHEREAS, the Cayuga County Planning Department has outlined a Public Participation Process for the revision and update of the 1984 Owasco Lake Watershed Rules and Regulations; and,

WHEREAS, the proposed Public Participation Process for the Project includes a steering committee which will have as one of its members a representative of the Town of Owasco.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Owasco, Auburn, New York endorses the Cayuga County Planning Department’s proposed Public Participation Process for the updating and revising of the 1984 Owasco Lake Watershed Rules and Regulations; and

BE IT FURTHER RESOLVED, that Supervisor Wagner is designated to serve as the Town of Owasco’s representative on this Project’s steering committee; and

BE IT FURTHER RESOLVED that the Town Clerk is to send a certified copy of this Resolution to the Owasco Lake Watershed Management Council.

Motion by Councilperson Gucciardi; Second Councilperson Melendez

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

**RESOLUTION 17- 104 Recommend budget modifications for June 2017.**

Budget Modifications Recommendations			
After Closing:		May	2017
Acct #	Account Description	( - ) Debit	( + ) Credit
A1420.421	Attorney - Legal Fees Special Projects	\$ 371.00	

A1355.430	Assessors - Legal Fees		\$ 371.00	
Totals:		\$ 371.00	\$ 371.00	\$ -

		( - )	(+)	
Acct #	Account Description	Debit	Credit	
DA5112.415	Improvements - Hot Mix	\$ 3,055.00		
<i>DA599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>		
DA1420.421	Attorney - Legal Fees Special Projects		\$ 3,055.00	
Totals:		\$ 3,055.00	\$ 3,055.00	\$ -

		( - )	(+)	
Acct #	Account Description	Debit	Credit	
SS1-8120.200	Sewage Collection - Equipment	\$ 1,669.50		
SS1-8120.458	Repair		\$ 655.00	
SS1-8197.200	Equipment & Capital Outlay		\$ 1,014.50	
Totals:		\$ 1,669.50	\$ 1,669.50	\$ -

		( - )	(+)	
Acct #	Account Description	Debit	Credit	
SS2-8120.200	Sewage Collection - Equipment	\$ 242.50		
SS2-8197-200	Equipment & Capital Outlay		\$ 242.50	
Totals:		\$ 242.50	\$ 242.50	\$ -

		( - )	(+)	
Acct #	Account Description	Debit	Credit	
SS3-8120.410	Sewage Collection - Misc	\$ 171.00		
SS3-8197.200	Equipment & Capital Outlay		\$ 171.00	
Totals:		\$ 171.00	\$ 171.00	\$ -

		( - )	(+)	
Acct #	Account Description	Debit	Credit	
SW8397.200	Water Equipment & Capital Outlay	\$ 691.00		

SW1420.421	Legal - Special Projects		\$ 546.00	
SW8310.200	Administration - Equipment		\$ 145.00	
Totals:		\$ 691.00	\$ 691.00	\$ -

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**RESOLUTION 17-105 to approve Budget modifications for Reserve Accounts.**

**See separate page.**

**As modified with adjustments to the playground reserve account.**

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**RESOLUTION 17-106 Town of Owasco Water Quality Improvement Project - Authorizing the Town Supervisor and Deputy Town Supervisor to be designated and the authorized representatives to sign grant documents for the New York State Environmental Facilities Corporation in the amount of \$800,000 to fund the Granular Activated Carbon System 2017 Demonstration Project.**

**WHEREAS**, the Town of Owasco has been awarded a grant from the New York State Environmental Facilities Corporation in the amount of approximately \$800,000 to fund the Granular Activated Carbon System 2017 Demonstration Project;

**NOW THEREFORE BE IT RESOLVED**, that the **Town of Owasco Town Supervisor and Deputy Supervisor** are authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation and execute any and all other contracts, documents and instruments necessary to bring about the Demonstration Project and to fulfill the Town of Owasco’s obligations under the Grant Agreement.

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**RESLOUTION 17-107 to approve the SEQR determination that the Town of Owasco Water Quality Improvement Project 2017 for the Granular Activated Carbon System 2017 Demonstration Project is a Type II Action under SEQRA.**

**A Resolution to Issue a Determination of Environmental Significance for Town of Owasco Water Improvement Project 2017;**

**WHEREAS, the Town of Owasco has been awarded a grant from the New York State Environmental Facilities Corporation in the amount of approximately \$800,000 to fund the Granular Activated Carbon System 2017 Demonstration Project;**

**WHEREAS, the Project is described as follows: The Town of Owasco is proposing to install a temporary treatment system at the existing Town of Owasco Water Treatment Plant located on 5676 East Lake Road, Auburn, New York 13021. The purpose of the treatment system is to address public health concerns regarding the presence of harmful bacteria in the drinking water and remove microcystin toxin from the water supply. The project involves the installation of a temporary skid mounted treatment system until such time as the Town determines a more permanent solution and completes appropriate improvements. The proposed treatment system will be located in a paved parking area adjacent to existing buildings and does not involve any ground disturbance. The proposed system will utilize above ground piping to connect with existing facilities and requires ancillary electrical improvements in order to power the equipment;**

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

**WHEREAS, the Owasco Town Board has determined that the proposed action for the Town of Owasco Water Quality Improvement Project 2017 for the Granular Activated Carbon System 2017 Demonstration Project is a Type II Action under the State Environmental Quality Review (SEQR) Regulations;**

**WHEREAS, the proposed project does not require review by the Cayuga County Planning Board pursuant to General Municipal Law 239-l, m & n;**

**WHEREAS, the Owasco Town Board hereby determines that the action under SEQRA does not involve any other agencies apart from the Owasco Town Board itself; and**

**BE IT RESOLVED, that the project falls under one or more of the following Type II actions listed in 6 CRR-NY 617.5:**

**“(c) The following actions are not subject to review under this Part:**

- (1) Maintenance or repair involving no substantial changes in an existing structure or facility;**
- (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;**
- (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;**
- (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;**
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;**

(33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;”

**BE IT RESOLVED**, that the Owasco Town Board has determined that the proposed action for the Town of Owasco Water Quality Improvement Project 2017 for the Granular Activated Carbon System 2017 Demonstration Project is a Type II action under SEQRA and as such is not subject to review pursuant to 6 CRR-NY 617.5 and does/will not have a significant adverse impact on the environment and issues a Negative Declaration.

**BE IT FURTHER RESOLVED**, that the Town Supervisor be and is hereby directed to sign any SEQRA documentation in furtherance of this Resolution.

Motion by Councilperson Gucciardi; Second Councilperson Melendez

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

**RESOLUTION 17-108** To Declare that the Town of Owasco Water Quality Improvement Project 2017 for the Granular Activated Carbon System 2017 Demonstration Project is an Emergency.

**WHEREAS**, the Town of Owasco has been awarded a grant from the New York State Environmental Facilities Corporation in the amount of approximately \$800,000 to fund the Granular Activated Carbon System 2017 Demonstration Project;

**WHEREAS**, the Project is described as follows: The Town of Owasco is proposing to install a temporary treatment system at the existing Town of Owasco Water Treatment Plant located on 5676 East Lake Road, Auburn, New York 13021. The purpose of the treatment system is to address public health concerns regarding the presence of harmful bacteria in the drinking water and remove microcystin toxin from the water supply. The project involves the installation of a temporary skid mounted treatment system until such time as the Town determines a more permanent solution and completes appropriate improvements. The proposed treatment system will be located in a paved parking area adjacent to existing buildings and does not involve any ground disturbance. The proposed system will utilize above ground piping to connect with existing facilities and requires ancillary electrical improvements in order to power the equipment;

**WHEREAS**, General Municipal Law Section 103 (4) states:

“Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.”;

WHEREAS, General Municipal Law Section 6-e (1) (i) defines a Public emergency as:

“Public emergency’ means an epidemic, conflagration, riot, storm, flood or other sudden, unforeseen or unexpected occurrence or condition which requires the immediate expenditure of moneys to protect the public health, safety or welfare of the inhabitants of the municipal corporation.”;

WHEREAS, Owasco Code Section 22-5 (B) states:

“Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety and welfare of the residents. This subsection does not preclude alternate proposals if time permits.”

WHEREAS, the Town’s Consulting Engineer, GHD has recommended that the Town of Owasco declare this project an emergency due to potential microcystin toxin contamination of the drinking water supply as was observed in 2016; and

WHEREAS, after soliciting proposals from multiple firms the Town of Owasco entered into an Agreement with Calgon Carbon Corporation as of May 4, 2017 to supply products and services for the treatment of algal toxins (microcystins) at the Town of Owasco Water Treatment Plant at 5676 East Lake Road, Auburn, New York 13021.

BE IT RESOLVED, that the Owasco Town Board has determined that the proposed action for the Town of Owasco Water Quality Improvement Project 2017 for the Granular Activated Carbon System 2017 Demonstration Project is an emergency under General Municipal Law and Town Code 22-5.

Motion by Councilperson Gucciardi; Second Councilperson Melendez

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

**RESOLUTION: 17-109** to approve a lease agreement with Five Star Equipment for a lease on a new 2017 John Deer Front End Loader. The town will be trading our loader in on trade. Entering into this agreement makes it much more feasible as the new loader will come with a warranty and the old loader is no longer under warranty and need of repairs & tires.

Motion by Councilperson Gucciardi; Second Councilperson Melendez

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

**RESOLUTION 17- 110** the Owasco fire dept. would like to purchase an electronic sign and are requesting the town to install sign and utilities as the town may also share the use of the sign.

Motion by Councilperson Gucciardi; Second Councilperson Melendez

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



**RESOLUTION 17-111 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 #6 2017 Vouchers #411-491 in the amount of \$672,883.49**

**Trust & Agency Voucher #5308-5316 in the amount of \$24,043.91**

**for a grand total of \$696,927.40**

**Motion by Councilperson Melendez; Second Councilperson Gucciardi,**

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

**RESOLUTION 17-112 to adjourn to executive session at 5:45 to discuss possible litigation, contract negotiations and personnel issues.**

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**RESOLUTION 17-113 to return from executive session at 5:57 PM.**

**ADJOURNMENT:**

**RESOLUTION 17-114 to adjourn the meeting**

**Motion by Councilperson Gucciardi; Second Councilperson Melendez**

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

**Meeting adjourned at 5:57 PM**