

# **TOWN BOARD MEETING MINUTES**

**November 10, 2016**

**Town Board Meeting of the Town of Owasco was held on November 10, 2016 at 5:01 PM in the Owasco Town Hall with the following members present:**

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

**ABSENT:** Councilperson, Ashley Melendez

**OTHERS PRESENT:** Mickey Belosi

**CALL TO ORDER: 5:01PM**

**PLEDGE OF ALLEGIANCE:**

## **APPROVAL OF AGENDA:**

**Resolution 16-226 approval of Town Board Agenda for November 10, 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>		

## **APPROVAL OF MINUTES:**

**Resolution 16- 227 approval of Town Board Minutes for October 13, 2016, & October 19, 2016.**

**Motion by Councilperson Melendez; 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>		

## **COMMUNICATIONS:**

### **OLD BUSINESS.**

### **NEW BUSINESS:**

#### **Sale surplus property:**

**Resolved:** The town owns a parcel of land and a paper street on Letchworth & Third Ave, there has been inquiries from a couple people regarding selling of the property. Attorney Rick Galbato stated that the town must follow its Disposition Rule, the land must be appraised and cannot be sold below fair market value unless no one wants the property.

**Storage Shed**

Storage shed for new water tower- Clerk of the works Gary Colella for the new water tower located on Town Hall Rd stated there is a need for a storage shed to hold supplies and extra parts.

Resolved: The Town Board all are in agreement that there is a need for a 10x14 storage shed on the location.

**Cancel remaining Wednesday’s Town Board meeting:**

Resolved: The Town Board are all in agreement to cancel the November & December, fourth Wednesday meetings. The Wednesday meetings were first put into place to accommodate the Sewer District # 3 project. As the project is nearing completing there is no longer a need for the meetings.

**PUBLIC PARTICIPATION:**

**Resolution 16-228 to open- Public Hearing: on the Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2017 including general Town funds, Highway, Water and Sewer Districts started at 5:14 PM**

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>		

**Resolution16-229 to close the Public Hearing Preliminary Budget of the Town of Owasco for the fiscal year beginning January 1, 2017 including general Town funds, Highway, Water and Sewer Districts, closing at 5:15 PM**

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>		

**Resolution 15-230 to approve the Final Budget (as amended) for the Town of Owasco for the fiscal year beginning January 1, 2017 including general Town Funds, Highway and Water and Sewer Districts.**

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>		

**Resolution 16-231 TO APPROVE SEQRA DETERMINATION FOR THE TOWN OF OWASCO COMPREHENSIVE PLAN**

A Resolution to Issue a Determination of Environmental Significance FOR THE TOWN OF OWASCO COMPREHENSIVE PLAN.

**WHEREAS**, by Resolution 16-166 adopted on 7.14.16 the Town Board determined that the proposed action is a Type 1 Action under the State Environmental Quality Review (SEQRA) Regulations; and

**WHEREAS**, by Resolution 16-166 adopted on 7.14.16 the Town Board declared it is the intent of the Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA review of the Project; and

**WHEREAS**, the Town of Owasco circulated said Part 1 of the Full Environmental Assessment Form to the following list of “Interested and Involved Agencies” (Cayuga County Planning Department, County of Cayuga, City of Auburn, Town of Sennett, Town of Niles, Town of Fleming, Cayuga County Health Department) under cover of the “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA; and

**WHEREAS**, the Town Board caused Part 2 of the Full Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law.

**BE IT RESOLVED**, that the Owasco Town Board has determined that the adoption of the Town of Owasco Comprehensive Plan 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 Gucciardi; Second Councilperson Kerstetter**

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

**Resolution 16-232 TO ADOPT AND APPROVE THE TOWN OF OWASCO  
COMPREHENSIVE PLAN**

**WHEREAS**, a Resolution 16-164 was adopted by the Town Board on July 14, 2016 introducing the proposed Town of Owasco Comprehensive Plan and said Resolution established a public hearing relating thereto; and

**WHEREAS**, a Notice of Public Hearing with respect to said proposed Town of Owasco Comprehensive Plan was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on July 2016, and proof of such publication has been filed with the Town Clerk, and

**WHEREAS**, a Notice of Public Hearing with respect to such Town of Owasco Comprehensive Plan was duly posted on the sign board of the Owasco Town Hall, and

**WHEREAS**, a Public Hearing upon said proposed Town of Owasco Comprehensive Plan was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on 7.14.16, 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 Town of Owasco Comprehensive Plan was referred to the Cayuga County General Municipal Law 239-1, m & n Review Committee; and

**WHEREAS**, the proposed Town of Owasco Comprehensive Plan was referred to the Town of Owasco Planning Board and Zoning Board of Appeals; and

**WHEREAS**, by letter dated 9.15.16 the Cayuga County Planning Board recommended approving the proposed action without change; and

**WHEREAS**, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Town of Owasco Comprehensive Plan; and

**WHEREAS**, the Town Board has carefully considered the proposed Town of Owasco Comprehensive Plan, and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Town of Owasco Comprehensive Plan.

**NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY**

**RESOLVED**, that the Town Board of the Town of Owasco hereby approves and adopts Town of Owasco Comprehensive Plan.

**Motion by Councilperson Melendez; 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 16-233 to approve discontinuance of the white Owasco recycling stickers that had been previously purchased by residents prior to February 10, 2016, the discontinuance will take effective on January 1, 2017.**

**Whereas:** We -Care has been managing the Owasco Recycling Center since February 10, 2016 and has continued to accept the white stickers sold before February 10, 2016.

**Whereas:** The Town of Owasco has reimbursed We- Care for the stickers they have collected on site, since February 10, 2016.

**Whereas:** Residents have had ample time to use the previously purchase stickers.  
The Town will not reimburse any unused stickers.

**Whereas:** The town will post notice at the recycling center, immediately notifying residents of the discontinuance of use of the sticker's effective date of January 1, 2017. Residents will continue to purchase the recycling center sticker from We -Care directly at the Recycling Center.

**Resolved:** effective January 1 2017 the Town of Owasco will not sell the We- Care recycling stickers at the town hall. Effective January 1, 2017 the town board approves a rate increase for the We-Care stickers from \$2.75 to \$3.00. We care will reimburse the Town of Owasco .10 cents per sticker for rental of facility and related expenses.

**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 16-234 to approve revised EDU list for Sewer District #3 based on up-to-date information for the 2017 County/Town Tax.**

**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- 235 to approve effective December 1, 2016 increasing the sewer rate for Sewer district # 2 : Minimum charge for 0 – 7500 gallons from \$45.00 to \$48.75 and for over 7500 gallons from \$6.00 per 1000 gallons to \$6.50 per 1000 gallon;**

**To approve setting the rates for Sewer District # 3: Minimum charge for 0 – 7500 gallons \$32.85 and for over 7500 gallons \$4.38 per 1000 gallons. All calculations above are based on the city rate of \$2.98 per 100 cu.ft. or \$3.98 per 1000 gallons.  
Sewer District #1 will not have an increase.**

**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 16-236 to Authorize the settlement of the Assessment Cases of Rozwood fka Ward v. Owasco et al. Index No. 15-0733 and Rozwood fka Ward v. Owasco Index No. 16-0620**

**TOWN BOARD – TOWN OF OWASCO  
RESOLUTION AUTHORIZING SETTLEMENT**

Rozwood/Ward Assessment Litigation (2015, 2016 Years)

WHEREAS, in July 2015 and 2016 Petitioner Elizabeth Rozwood (now Elizabeth Ward) commenced proceedings challenging the assessment on property she owns within the Town, namely **Rozwood fka Ward v. Owasco et al. Index No. 15-0733 and Rozwood fka Ward v. Owasco Index No. 16-0620**; and

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

WHEREAS, Petitioner has proposed a settlement offer which would discontinue the 2015 proceeding and reduce the property’s assessment to \$300,447 for 2016 contingent upon Petitioner receiving a reduced 2017 Town and County tax bill and refunds from the School District for the overpayment of its second School tax installment payment only; and

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

WHEREAS, the County Attorney has advised that the proposed settlement is 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 discontinuing the 2015 year and reducing the property’s assessment to \$300,447 for 2016 only.

Section 2. The Town/County tax bill shall be reduced to \$300,447 and there shall be no refunds 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 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 16-237 to approve suggested budget modifications ending October 2016.  
(See attached page at back.)**

**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>		

**Resolution 16- 238AUDIT 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 #11 2016 Vouchers # 1719-1808 in the amount of \$1,294,858.78.**

**Trust & Agency Voucher # 5241-5248 in the amount of \$21,856.39.**

**for a grand total of \$1,316,715.17.**

**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>		

**ADJOURNMENT:**

**Resolution 16- 239 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 6:35 PM**