

TOWN BOARD MEETING MINUTES

February 9, 2017

Town Board Meeting of the Town of Owasco was held on February 9, 2017 at 5:00 PM in the Owasco Town Hall with the following members present:

PRESENT: Supervisor Edward Wagner,
Councilperson Richard Knaul
Councilperson, Tim Kerstetter
Councilperson, Ashley Melendez

ABSENT: Councilperson Tony Gucciardi

OTHERS PRESENT: Bob Bruno,

CALL TO ORDER: 5:00PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 17-036 approval of Town Board Agenda for February 9, 2017

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

APPROVAL OF MINUTES:

RESOLUTION 17-037 approval of Town Board Minutes for January 12 & 23 2017

Motion by Councilperson Knaul; Second Councilperson Kerstetter

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

PUBLIC PARTICIPATION:

COMMUNICATIONS: Letter from Gerald Kennedy 79 Melrose Rd, regarding water in basement.

NEW BUSINESS:

Resolution 17-038 to authorize the supervisor to lower the amount of money being borrowed for the Water Improvement project by approximately \$240,800.

WHEREAS, from 2014-16 the water district paid approximately \$240,800 in expenses for the Water Improvement Project.

WHEREAS, in 2016 the Town Board transferred \$200,000 from the water reserve account to the unrestricted water account for this project.

WHEREAS, The Town has an available cash fund balance of approximately \$675,000

WHEREAS, The Town approved a \$3,688,000.00 improvement project.

Be resolved, that the \$200,000 that was pulled from the reserve account was used to help supplement the \$240,800 in expenditures. This will lower the total financed amount needed for the improvement project

Motion by Councilperson Kerstetter; Second Councilperson Knaul

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

Resolution 17-039 to schedule a public hearing regarding the adoption of the Town of Owasco Local Law No. 1 of 2017 To increase the term of the Town Supervisor, Town Clerk and Town Highway Superintendent from two (2) to four (4) years.

WHEREAS, Town Law § 24 Terms of office states, in part:

“All elective officers other than town councilmen, town justices, receivers of taxes and assessors shall hold their respective offices for two years.”

WHEREAS, Town Law § 24-A Terms of office of elective officers, states that:

“24-a. Terms of office of elective officers. 1. Notwithstanding the provisions of section twenty-four of this chapter or any other general law, and at least one hundred fifty days prior to any biennial town election, the town board of any town may adopt a resolution to provide that the term of office of each and any elective town official thereafter elected shall be four years, and such resolution shall be submitted to the qualified electors of the town for their approval or disapproval at the next biennial town election. No such resolution shall become effective until approved by the affirmative vote of the majority of the qualified electors of the town voting on such proposition. The submission of such proposition shall be as provided in article seven of this chapter for a referendum thereunder in like manner as if a petition therefor had been filed in accordance with the provisions of this chapter, except that such proposition shall be submitted only at a biennial town election as hereinbefore provided. If the town board shall have adopted such a resolution and if a majority of the votes cast on any such proposition when submitted as herein provided shall be in the affirmative, the terms of office of those town officers included in such proposition and thereafter elected shall be for a period of four years.

2. In those towns where the term of office of elected officials has been set at four years pursuant to subdivision one of this section, and at least one hundred fifty days prior to any biennial town election, the town board may adopt a resolution to provide that the term of office of each and any elective town official, whose term of office was changed to four years as provided in subdivision one of this section, thereafter elected shall be two years, and such resolution shall be submitted to the qualified electors of the town for their approval or disapproval at the next biennial town election. No such resolution shall become effective until approved by the affirmative vote of the majority of the qualified electors of the town voting on such proposition. The submission of such proposition shall be as provided in article seven of this chapter for a referendum thereunder in like manner as if a petition therefor had been filed in accordance with the provisions of this chapter, except that such proposition shall be submitted only at a biennial town election as hereinbefore provided. If the town board shall have adopted such a resolution and if a majority of the votes cast on any such proposition when submitted as herein provided shall be in the

affirmative, the terms of office of those town officers included in such proposition and thereafter elected shall be for a period of two years.”

WHEREAS, Town of Owasco Local Law No. 1 of 2017 is proposed to state:

“The term of office of Town Supervisor, Town Clerk and Town Highway Superintendent of the Town of Owasco shall be four official years, commencing with the 2019 election, with the terms of office commencing on January 1, 2020.

Authority. This section is adopted pursuant to Municipal Home Rule Law § 10[1][ii][a][1] that provides that local governments, including towns, are authorized to enact local laws regulating the terms of office of their officers and employees so long as those laws are consistent with the Constitution and general state law; and Municipal Home Rule Law § 10[1][ii][d][3], which provides that a town generally may amend or supersede in its application to the town any provision of the Town Law relating to matters that may be the subject of a local law under the authority of Municipal Home Rule Law § 10.

Supersession. This section shall supersede Town Law § 24 in its application to the offices of Town Supervisor, Town Clerk and Town Highway Superintendent for the Town of Owasco.

This Local Law, if adopted, will be subject to a mandatory referendum to be held at the November 2017 general election.”

RESOLVED, that the Town Clerk is directed to schedule a Public Hearing regarding the adoption of the Town of Owasco Local Law No. 1 of 2017 To increase the term of the Town Supervisor, Town Clerk and Town Highway Superintendent from two (2) to four (4) years.

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

Resolution 17-040 to schedule a public hearing regarding the adoption of the Town of Owasco Local Law No. 2 of 2017 to amend Town Code Chapter 122 Streets, Article III Parking Section 122-14 All-night parking prohibited.

WHEREAS, Town Code Section 122-14 currently reads:

“§ 122-14. All-night parking prohibited.

The parking of vehicles is hereby prohibited on all highways within the Town between 1:00 a.m. and 7:00 a.m. from November 1 to April 1.”

WHEREAS, Proposed Local Law No. 2 of 2017 will amend Section 122-14 to read:

§ 122-14. All-night parking prohibited.

“The parking of vehicles is hereby prohibited on all highways within the Town between 7:00 p.m. and 7:00 a.m. from November 1 to April 1.”

RESOLVED, that the Town Clerk is directed to schedule a Public Hearing regarding the adoption of the Town of Owasco Local Law No. 2 of 2017 to amend Town Code Chapter 122 Streets, Article III Parking Section 122-14 All-night parking prohibited.

Motion by Councilperson Melendez; Second Councilperson Knaul

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

Resolution 17-041 to authorize the Town Clerk to sign and accept the New York State and Local Retirement System Form RS 2417-A, 2417B, and 2418 Standard Work Day and Reporting Resolution. The State is requesting hours for the appointed employees as well as the elected officials to be included. (RS 2417-A – included on last page).

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

Resolution 17-042 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 #02 2017 Vouchers # 90-171 in the amount of \$1,028,638.10
Trust & Agency Voucher # 5270-5279 in the amount of \$25,183.10
for a grand total of \$1,053,821.20**

Motion by Councilperson Knaul; Second Councilperson Kerstetter

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

Resolution 17-042B- to request that We Care provide the town with certified payroll for February 2016-December 31 2017.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

Roll call vote:	Councilperson Knaul	<u>No</u>	Councilperson Gucciardi	<u>Absent</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Yes</u>
	Supervisor Wagner	<u>No</u>		

ADJOURNMENT:

Resolution 17- 043 to adjourn to executive session at 6:08 to discuss personnel issues.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Resolution 17-044 to return from executive session at 6:15 PM.

ADJOURNMENT:

Resolution 17- 045 to adjourn the meeting:

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

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

Meeting adjourned at 6:16 PM