

# **TOWN BOARD MEETING MINUTES**

**November 12, 2015**

**Town Board Meeting of the Town of Owasco was held on October 8, 2015 at 5:00 PM in the Owasco Town Hall with the following members present:**

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

**ABSENT:** Councilperson, Michael Aldrich

**OTHERS:** Bob Bruno, Patrick Doyle, Ashley Melendez, Pat & Terry Holt, John Carter, Matt Zorbel, Amanda Manzoni, Jack Gilfus, Gerry Gainey, John Smith, Bob Oxford, Nancy Taylor, Gary Colella, Charles Bouley, Joe Demaio of All Media, Phlight Pump representatives.

**CALL TO ORDER: 5:00 PM**

**PLEDGE OF ALLEGIANCE:**

## **APPROVAL OF AGENDA:**

**Resolution 15-229: approval of Town Board Agenda for November 12, 2015.**

**Motion by Councilperson Gucciardi; Second Councilperson Knaul**

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

## **APPROVAL OF MINUTES:**

**Resolution 15- 230 approval of Town Board Minutes for October 28, 2015, November 5, 2015.**

**Motion by Councilperson Kerstetter; Second Councilperson Knaul**

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

## **PUBLIC PARTICIPATION:**

**COMMUNICATIONS: Supervisor Ed Wagner informed the board that he had submitted a letter to The Citizen in regards to his concern of the tentative**

## **OLD BUSINESS.**

**NEW BUSINESS:**

- Charles Bouley would like to discuss the Martin Point Storm Sewer Pond.  
Resolved: The Town Highway Dept will dredge the Martin Point pond.
- Owasco Fire Department would like to discuss fire hydrants.  
Resolved: The Owasco FD is requesting that the town start changing the caps on the hydrants.
- Presentation by Amanda Mazzoni, of the draft Climate Action Plan.
- Supervisor Wagner will explain the Comprehensive Plan survey.

**Resolution 15-231 to recognize the efforts of the Climate Action Plan Committee:**

Ed Wagner- Town Supervisor  
Mark Coleman- Sustainability Author, Town Resident  
Gerard Guiney- Vice Chairman, Town Zoning Board of Appeals  
Patricia Holt- Town Deputy Clerk, Secretary CAP committee  
Tim Kerstetter- Town Council  
Ashley Melendez- Town Resident  
John Mizro- Owasco Lake Advisory Committee, Town Farmer and Resident  
Bill Phillips- Town Resident, Volunteer for Owasco Lake Homeowners Assoc.  
Ron Podolak- Chair, Town Planning Board  
Bill Prosser- Town Resident

**CNY REGIONAL PLANNING AND DEVELOPMENT BOARD**

Chris Carrick, Energy Program Manager  
Amanda Mazzoni, Planner  
Anne Saltman, Principal Planner

Whereas The Town of Owasco is committed to becoming a greener, more sustainable community. Not only have we adopted the Climate Smart Communities pledge, we have also planned and undergone energy efficiency projects that have helped reduce our ecological footprint while saving taxpayer dollars.

Whereas This Climate Action Plan provides a course of action for the town to continue its efforts to improve sustainability and maintain the lowest possible costs.

Whereas This Climate Action Plan provides a benchmark of the town's energy use and emissions and outlines a variety of actions that the town and our community members can take to reduce energy use, emissions, and dollars spent on energy

Be it resolved the Owasco Town Board approves the Climate Action Plan as presented.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**Resolution 15-232 to AUTHORIZING STANDARDIZING ON LOW-PRESSURE  
SEWER SYSTEM GRINDER PUMP STATIONS, for the TOWN OF OWASCO.**

**Motion Tabled**

Motion by Councilperson Kerstetter ; Second Councilperson \_\_\_\_\_,

**Resolution 15-233 to approve SEQR determination for the Amendment to the 89 Letchworth Commercial Planned Development District**

**A Resolution to Issue a Determination of Environmental Significance for the Amendment to the 89 Letchworth Commercial Planned Development District.**

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

**WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of the Amendment to the 89 Letchworth Commercial Planned Development District is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and**

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

**WHEREAS, the applicant has completed the Full Environmental Assessment Form Part 1; and**

**BE IT RESOLVED, that the Owasco Town Board has completed Parts 2 and 3 of the Full Environmental Assessment Form and has determined that the adoption of the proposed Amendment to the 89 Letchworth Commercial Planned Development District 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 Kerstetter; Second Councilperson Gucciardi.**

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

**Resolution 15-234 A Resolution of the Town Board for the adoption and enactment of an Amendment to the 89 Letchworth Commercial Planned Development District**

**WHEREAS, by Resolution from January 8, 2015 the Town Board approved the adoption and enactment of 89 Letchworth Commercial Planned Development District and Local Law No. 1 of 2015;**

**WHEREAS, All Media 1, LLC submitted the application for the Amendment to the 89 Letchworth Commercial Planned Development District filed on or about September 10, 2015 and introduced at the Town Board Meeting on September 10, 2015 wherein the Town Board referred the application to the Town of Owasco Planning Board;**

**WHEREAS, per the application “The intent of this amendment is to construct a garage addition to the existing one story masonry building, which is currently used as a mixed-use office building pursuant to the previously enacted PDD. The garage would house passenger and light commercial vehicles. The project further intends to construct a six (6) foot high Chain-link fence around the perimeter of the real property for security purposes.”**

**WHEREAS, on October 8, 2015 by Resolution 15-204 the Town Board scheduled a Public Hearing for the proposed Planned Development strict (PDD) for 89 Letchworth Submitted by All Media 1, LLC for Thursday, October 28, 2015, at 4 pm; and**

**WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on October 20, 2015, and proof of such publication has been filed with the Town Clerk, and**

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

**WHEREAS, on October 7, 2015 the Owasco Planning Board reviewed the application recommended to the Owasco Town Board to approve the amendment of the Planned Development District.**

**WHEREAS, the application was referred to the Cayuga County Planning Department pursuant to General Municipal Law 239 and by email from John B. Zepko, staff, indicated the full County Planning Department could review informally if the Town chose or proceed without input as the project is exempted for referral; The Town Board is choosing to proceed without informal review as the original project received a Cayuga County GML 239-l, m & n Review Committee Referral Report Form Final Determination dated December 18, 2014 which stated that the Committee “determined that the action appears to have no intermunicipal concerns and to be of local concern only”; and**

**WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on October 28, 2015, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed PDD; and**

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

**WHEREAS, the Town Board has carefully considered the proposed Amendment to 89 Letchworth Commercial Planned Development District; and after due deliberation, finds the proposed PDD is consistent with Article III of the Planned Development Districts in the Owasco Zoning Code and it is in the best interest of the Town of Owasco to adopt said PDD and Local Law 3 of 2015;**

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

**RESOLVED**, that the Town Board of the Town of Owasco hereby approves and enacts the Amendment to the **89 Letchworth Commercial Planned Development District** set forth below:

Attached hereto

**Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.**

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

## **TOWN OF OWASCO**

### **LOCAL LAW NO. 3 OF 2015**

#### **SECTION 1**

##### **STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as a “Local Law Amending the Town of Owasco Zoning Law and Map and Creating the **Amendment to the 89 Letchworth Commercial Planning Development District** submitted by **All Media 1, LLC and amending Local Law No. 1 of 2015.**

Section 1.2 *Legislative findings, intent and purpose.* It is the purpose of this Local Law to promote the public health, safety and welfare of the citizens of the Town of Owasco (the “Town”). The Town Board is permitted to establish zoning districts known as Planned Development Districts (“PDD”) to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. The Town Board hereby finds and determines that the application submitted by All Media 1, LLC, contract vendees of all that tract or parcel of land identified as **89 Letchworth Street in the Town of Owasco, New York, and designated as tax map number 123.11-1-70 and containing approximately 2.8 acres (the “Premises”)**, has undergone the applicable process and meets the requirements for a PDD as set forth in Section 150-3 of the Town Zoning Law; **and hereby Amended to construct a garage addition to the existing one story masonry building, which is currently used as a mixed-use office building pursuant to the previously enacted PDD. The garage would house passenger and light commercial vehicles. The project further intends to construct a six (6) foot high Chain-link fence around the perimeter of the real property for security purposes. Said improvements are shown on the Site Plan entitled Garage Addition & New 6’ Fence from Michael J. Palmieri Architect dated August 3, 2015.**

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with Town Law § 261 et seq., Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(iii), Municipal Home Rule Law § 22, General Municipal Law Article 12-B and Owasco Town Code Section 150, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

#### **SECTION 2**

##### **AMENDMENT OF ZONING LAW**

Section 2.1 *Zoning Change.* The zoning classification of the Premises is hereby amended and reclassified to a Commercial PDD as that term is defined in the Town of Owasco Zoning Law. The PDD shall be operated in accordance with the terms of the application of All Media 1, LLC seeking approval of the PDD, which are expressly incorporated herein by reference and specifically for the following permitted uses: **Mixed Use Office Building containing Office, Recording Studio Space contained entirely within the structure(s) on the premises, light commercial storage/warehousing space and two**

**single-occupancy ancillary residential spaces.** The zoning map of the Town of Owasco shall be and hereby is amended to reflect this change in classification.

**SECTION 3**  
**MISCELLANEOUS**

Section 3.1     *Separability.*     If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Owasco, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 3.2     *Headings.*         Section headings are used only for convenience and have no meaning or effect.

Section 3.3     *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Section 3.4     *Effective Date.* This Local Law shall become effective upon the filing of same with the Secretary of State.

**Resolution 15-235 recommended budget modifications for the month of November.**

Budget Modifications Recommendations			
After Closing:		October	2015
Notes	Acct #	Account Description	
		( - )	( + )
		Debit	Credit
	A1110.400	Justices - Contractual	\$ 750.00
	A1220.400	Supervisor - Contractual	\$ 300.00
	A1220.403	Supervisor - Training	\$ 100.00
	A1355.410	Assessors - Contractual	\$ 150.00
	A1355.430	Assessors - Legal Fees	\$ 500.00
	A1410.411	Town Clerk - Training	\$ 200.00
	A1620.453	Buildings - Telephone	\$ 1,000.00
	A1990.400	Contingent Account	\$ 500.00
	A3120.110	Crossing Guards - Substitute	\$ 20.00
	A3310.400	Traffic Control - Contractual	\$ 50.00
	A3510.400	Dog Control	\$ 400.00
	A3620.420	Safety Inspection - Legal	\$ 143.00
	A5132.452	Garage - Electric & Gas	\$ 574.00
	A5182.400	Street Lighting - Contractual	\$ 1,000.00
	A7140.200	Playgrounds - Equipment	\$ 100.00
	A8020.100	Planning - Planning Board Secretary	\$ 700.00
	A7510.400	Town Historian - Contractual	\$ 75.00
	A8160.413	Refuse & Garbage - Diesel Fuel	\$ 350.00
	A9010.800	State Retirement	\$ 4,500.00

<i>A599</i>	<i>Appropriated Fund Balance</i>	<i>\$ 1,974.25</i>	
A1010.400	Town Board - Contractual		\$ 65.00
A1410.410	Town Clerk - Contractual		\$ 10.00
A1620.230	Buildings - Repair		\$ 2,920.00
A1940.400	Purchase of Land / Right of Way		\$ 1,188.00
A3120.100	Crossing Guards		\$ 20.00
A3620.410	Safety Inspection - Contractual		\$ 143.00
A5132.400	Garage - Contractual		\$ 574.00
A7140.130	Playground - Maintenance		\$ 504.00
A7140.400	Playground - Supplies		\$ 49.00
A7140.411	Playgrounds - Misc Summer Program		\$ 71.25
A7140.430	Plyagrounds - Improvements		\$ 68.00
A7510.110	Town Historian		\$ 356.00
A7989.410	Public Market Contractual		\$ 36.00
A8010.100	Zoning - ZBA Secretary		\$ 700.00
A8010.420	Zoning - Miscellaneous Expense		\$ 325.00
A8020.115	Planning - Comprehensive Plan Sec		\$ 63.00
A8020.420	Planning - Misc Expense		\$ 630.00
A8160.130	Refuse & Garbage - Recycling Attendant		\$ 1,845.00
A8160.210	Refuse & Garbage - Equipment		\$ 1,614.00
A8160.430	Refuse & Garbage - Misc		\$ 228.00
A8810.430	Cemeteries - North Road Van Etan		\$ 150.00
A9050.800	Unemployment Insurance		\$ 1,659.00
A9030.800	Social Security		\$ 168.00
<b>Totals:</b>		<b>\$ 13,386.25</b>	<b>\$ 13,386.25</b>
			\$ -

		( - )	( + )
<b>Acct #</b>	<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>
DA5130211	Machinery - 1 Ton Truck	\$ 25,220.00	
DA9010.800	State Retirement	\$ 5,000.00	
DA9785.001	Installment Purchase - 1 Ton Truck	\$ 4,078.00	
DA5112.416	Improvments - Pipe		\$ 891.00
DA5130.200	Machinery - Equipment		\$ 2,018.00
DA5130.212	Machinery - Dump Truck		\$ 25,220.00
DA5130.414	Equipment - Parts		\$ 3,636.00
DA5130.415	Equipment Repairs		\$ 2,141.00
DA9050.800	Unemployment Insurance		\$ 392.00
<b>Totals:</b>		<b>\$ 34,298.00</b>	<b>\$ 34,298.00</b>
			\$ -

		( - )	( + )
<b>Acct #</b>	<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>
SS1-8120.410	Sewage Collection - Misc	\$ 1,625.00	
SS1-8197.200	Sewage Collection - Equip & Capital Outlay	\$ 1,625.00	
SS1-8120.110	Sewage Collection - Personal Services		\$ 2,500.00
SS1-9030.800	Social Security		\$ 750.00
<b>Totals:</b>		<b>\$ 3,250.00</b>	<b>\$ 3,250.00</b>
			\$ -

		( - )	( + )
<b>Acct #</b>	<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>

SW8340.420	Trans & Distribution - Storage Tanks	\$ 21,234.00		
SW8310.120	Personal Services		\$ 17,580.00	
SW8310.403	Water Admin - Water Shed Inspector		\$ 982.00	
SW8340.458	Water Line Repairs		\$ 792.00	
SW9010.80	State Retirement		\$ 500.00	
SW9030.80	Social Security		\$ 1,380.00	
Totals:		\$ 21,234.00	\$ 21,234.00	\$ -

NOTES  
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NOTE: No budget modifications have been made for any expenses related to the new Sewer District 3 Project (including costs in SS1 & SS2) or the New Water Tower Project.

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

**Resolution 15- 236 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 14-011 adopted January 9, 2014, all in accordance with the attached abstract of claims.

**ABSTRACT #11, 2015 Vouchers # 739-813 total \$357,325.10-**  
**Trust & Agency Voucher # 5130-5138 total 19,826.25**  
**for the total amount of \$377,151.35**

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

**ADJOURNMENT:**

**Resolution 15-237 to adjourn meeting**

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

**Resolution 15-238 Meeting adjourned at 6:30 PM.**

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.



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

Next Town Board Meeting: December 10, 2015 5:00 PM

The Wednesday, November 25 meeting is cancelled due to the holiday.