

# **TOWN BOARD MEETING MINUTES**

**March 9, 2017**

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

**PRESENT:** Supervisor Edward Wagner,  
Councilperson, Tim Kerstetter  
Councilperson, Ashley Melendez

**ABSENT:** Councilperson Tony Gucciardi  
Councilperson Richard Knaul

**OTHERS PRESENT:** Mary Beth Leeson, Gary Colella, Bob Bruno, Nancy Taylor

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

**PLEDGE OF ALLEGIANCE:**

## **APPROVAL OF AGENDA:**

**RESOLUTION 17-046 approval of Town Board Agenda for February 9, 2017**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

Roll call vote:	Councilperson Knaul	<u>Absent</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 17-047 approval of Town Board Minutes for February 9, 2017**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**PUBLIC PARTICIPATION:**

**COMMUNICATIONS:**

**NEW BUSINESS:** Copy Machine proposal

**OLD BUSINESS:** Mary Beth Leeson with Cuddy & Ward, LLP will present the findings for the 2016 Town Audit.

**RESOLUTION 17- 048** to open the public hearing for Local Law No.1.

Motion by **Councilperson Kerstetter**; Second **Councilperson Melendez**

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

**RESOLUTION 17-049** to close public hearing for Local Law No 1.

Motion by **Councilperson Kerstetter**; Second **Councilperson Melendez**

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

**RESOLUTION 17-050** to approve SEQR determination for Local Law No. 1 of 2017

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 1 of 2017.

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 Local Law No. 1 of 2017 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and**

**WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law; 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 Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and**

**BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 1 of 2017 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 Melendez; Second Councilperson Kerstetter**

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

**RESOLUTION 17-051 A Resolution of the Town Board for the adoption and enactment of Local Law No. 1 of 2017**

**WHEREAS, a Resolution 17-039 was adopted by the Town Board on February 9, 2017 introducing proposed Local Law No. 1 of 2017 and said Resolution established a public hearing relating thereto; 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 February 23, 2017, 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, 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 this date, 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 local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law; and**

**WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 1 of 2017.**

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

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

**RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 1 of 2017 set forth below:**

**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 (1) 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.

**RESOLVED, that Town of Owasco Local Law No. 1 of 2017 states:**

**“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 and is enacted pursuant to Town Law § 24-A (1).

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

**Effective Date:** This local law will take effect immediately on filing with the New York State Secretary of State.

**Motion by Councilperson Melendez; Second Councilperson Kerstetter**

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

**RESOLUTION 17- 052 to open the public hearing for Local Law No.2.**

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

**RESOLUTION 17-053** to close public hearing for Local Law No 2.

Motion by Councilperson Melendez; Second Councilperson Kerstetter

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

**RESOLUTION 17-054** to approve SEQR determination for Local Law No. 2 of 2017

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 2 of 2017.

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 Local Law No. 2 of 2017 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l,m & n Review Committee as it is not a zoning law; 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 Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 2 of 2017 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 Melendez**

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

**RESOLUTION 17-055** A Resolution of the Town Board for the adoption and enactment of Local Law No. 2 of 2017

**WHEREAS**, a Resolution 17-040 was adopted by the Town Board on February 9, 2017 introducing proposed Local Law No. 2 of 2017 and said Resolution established a public hearing relating thereto; 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 February 23, 2017, 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**, 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 this date, 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 local law does not require review by the Cayuga County General Municipal Law 239-l,m & n Review Committee as it is not a zoning law; and

**WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 2 of 2017.**

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

**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, 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.”**

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

**RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 2 of 2017 set forth below:**

**Local Law No. 2 of 2017 to amend Town Code Chapter 122 Streets, Article III Parking Section 122-14 All-night parking prohibited.**

**Section 122-14 of the Owasco Town Code is amended, in its entirety, as follows:**

**§ 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.”**

**Effective Date: This local law will take effect immediately on filing with the New York State Secretary of State.**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

Supervisor Wagner      Yes

**RESOLUTION 17-056 to authorize the Town Supervisor to sign Change Order No. 8 for the Owasco Sewer System Improvements Project Contract No. 1.**

**WHEREAS**, this Change Order includes the following additional work items:

During construction and bypass pumping of the Owasco Interceptor sewer, it was discovered that the plug valve used at the Van Duyne Pump Station to bypass the interceptor sewer is not working properly and needs to be replaced. This change order includes all the necessary work and material to replace the plug valve.

**Change Order Cost:** The cost of this change order is \$3,500 and will be subject to the split (70% SD1, 19% SD2, and 11% SD3) as it benefits all the sewer districts.

**Time Extension:** No time extension will be given as a result of this change order.

**Revised Contract Amount:**

Original Contract No. 1 Amount:	\$3,845,000.00
Contract No. 1 – Change Order No. 1:	\$19,877.00
Contract No. 1 – Change Order No. 2:	-\$13,500.00
Contract No. 1 – Change Order No. 3:	\$9,500.00
Contract No. 1 – Change Order No. 4:	\$22,314.60
Contract No. 1 – Change Order No. 5:	\$99,450.00
Contract No. 1 – Change Order No. 6a:	\$14,000.00
Contract No. 1 – Change Order No. 6b:	\$25,000.00
Contract No. 1 – Change Order No. 7:	\$0.00
Contract No. 1 – Change Order No. 8: (this Change Order):	<u>\$3,500.00</u>
<b><i>Revised Contract No. 1 Amount:</i></b>	<b><i>\$4,025,141.60</i></b>

**WHEREAS**, upon recommendation of the Town Engineer, Clerk of the Works and the Town Board Liaison

**NOW THEREFORE BE IT RESOLVED** that the Town Supervisor is hereby authorized to sign Change Order No. 8 for the Owasco Sewer System Improvements Project Contract No. 1 and hereby consents to the Town Engineer signing same Change Order No. 8.

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**RESOLUTION 17-057 to authorize the Town Supervisor to sign Change Order No. 9 for the Owasco Sewer System Improvements Project Contract No. 1.**

**WHEREAS,** this Change Order includes the following additional work items:

Due to concerns of construction budget, several spare parts and equipment to be provided by the contractor were left out of the contract documents. For these particular spare part and equipment, it will be most beneficial for the Town to purchase these through the general contractor. Spare parts and equipment included under this change order generally include pipe, pipe couplings, compression fittings, a pipe crimping tool, and an electro-fusion machine. These spare parts and equipment are a necessity for Sewer District 3.

**Change Order Cost:** The cost of this change order is \$6,624 and will be paid by Sewer District 3. All materials and equipment are being purchased for and should be used on SD3 only.

**Time Extension:** No time extension will be given as a result of this change order.

**Revised Contract Amount:**

Original Contract No. 1 Amount:	\$3,845,000.00
Contract No. 1 – Change Order No. 1:	\$19,877.00
Contract No. 1 – Change Order No. 2:	-\$13,500.00
Contract No. 1 – Change Order No. 3:	\$9,500.00
Contract No. 1 – Change Order No. 4:	\$22,314.60
Contract No. 1 – Change Order No. 5:	\$99,450.00
Contract No. 1 – Change Order No. 6a:	\$14,000.00
Contract No. 1 – Change Order No. 6b:	\$25,000.00
Contract No. 1 – Change Order No. 7:	\$0.00
Contract No. 1 – Change Order No. 8:	\$3,500.00
Contract No. 1 – Change Order No. 9: (this Change Order):	<u>\$6,624.00</u>

**Revised Contract No. 1 Amount:**

**\$4,031,765.60**

**WHEREAS**, upon recommendation of the Town Engineer, Clerk of the Works and the Town Board Liaison

**NOW THEREFORE BE IT RESOLVED** that the Town Supervisor is hereby authorized to sign Change Order No. **9** for the Owasco Sewer System Improvements Project Contract No. 1 and hereby consents to the Town Engineer signing same Change Order No. **9**.

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**RESOLUTION 17-057 B:** Motion to approve and accept the 2016 Town Audit presented by Mary Beth Leeson with Cuddy & Ward, LLP.

**Motion by Councilperson Melendez; Second Councilperson Kerstetter**

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

**RESOLUTION 17-057 C:** To authorize Town Clerk, Tammy Flaherty to sign a new lease agreement with Eastern Management for a new copier.

**Motion by Councilperson Melendez; Second Councilperson Kerstetter**

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

**RESOLUTION 17-058 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 #03 2017 Vouchers # 172-241 in the amount of \$266,025.26**

**Trust & Agency Voucher # 5280-5288 in the amount of \$24,427.48**

**for a grand total of \$290,452.74**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**ADJOURNMENT:**

**RESOLUTION 17- 059 to adjourn to executive session at 5:30 to discuss personnel issues.**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**RESOLUTION 17-060 to return from executive session at 6:00 PM.**

**ADJOURNMENT:**

**RESOLUTION 17- 061 to adjourn the meeting:**

**Motion by Councilperson Kerstetter; Second Councilperson Melendez**

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

**Meeting Adjourned 6:01 PM**