

TOWN BOARD MEETING MINUTES

April 14, 2016

Town Board Special Meeting of the Town of Owasco was held on April 14, 2016 at 5:00 PM in the Owasco Town Hall with the following members present:

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

OTHERS PRESENT: Gary Colella, Pat & Terry Holt, Patrick Doyle, Chet Crosby, Amy Daley, Jack Gilfus, Chris Morabito, Nancy Taylor, Chris Carrick.

CALL TO ORDER: 5:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 16-090 approval of Town Board Agenda for April 14, 2016.

Motion by Councilperson Knaul; 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 16-091 approval of Town Board Minutes for March 10, 2016 & April 6, 2016

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>		

PUBLIC PARTICIPATION:

COMMUNICATIONS: Dickmans Farms Sewer Credit

- Resolved, Dickman Farms will receive a credit on the sewer portion of their sewer and water bill resulting from a frozen pipe in the green house that did not use the sewer.

Skaneateles Library

- The Skaneateles Library will be going to a public referendum to raise 350,000 to augment support for the Library. This will impact the Owasco Residents

Request from Saint Joseph School requesting use of the Shelter

June 13, 2016 at no charge for school picnic.

OLD BUSINESS.

NEW BUSINESS: 1: Presentation: Chris Carrick –Solarize CNY- Municipal Solar Program
2: Town Hall expansion project.
3. Town shelter update.

Resolution 16-092 authorize supervisor to sign inter-municipal agreement for Solarize CNY Initiative. Intermunicipal Cooperation Agreement for Solarize CNY Initiative

This Intermunicipal Cooperation Agreement (this “Agreement”) is made as of _____, 2016, by and among the following municipalities: the County of Cayuga, the County of Cortland, the County of Madison, the County of Onondaga, the County of Oswego, the City of Auburn, the City of Oswego, the City of Syracuse, the Village of Cazenovia, the Town of Brutus, the Town of Cicero, the Town of Clay, the Town of Conquest, the Town of DeWitt, the Town of Ira, the Town of Minetto, the Town of Montezuma, the Town of Niles, the Town of Owasco, the Town of Salina, the Town of Scipio, the Town of Skaneateles and the Town of Van Buren (each a “Party”, and collectively, the “Parties”).

WITNESSETH

WHEREAS, the Central New York Regional Planning and Development Board (“CNY RPDB”) is a public planning agency established in 1966 by Cayuga, Cortland, Madison, Onondaga, and Oswego Counties under the provisions of Article 12-B of the New York State General Municipal Law, which currently manages a comprehensive range of programs associated with the growth and development of communities in Central New York including economic development, energy management, environmental management, land use and transportation planning and intergovernmental cooperation; and

WHEREAS, the CNY RPDB has established a program designed to provide municipal entities and certain other public partners with information, tools, and resources to make solar electric energy more accessible to their facilities and thereby reduce their energy costs through a regional solar initiative (the “Solarize CNY Initiative”); and

WHEREAS, the CNY RPDB has secured certain professional engineering, legal, and management services to facilitate implementation of the Solarize CNY Initiative; and

WHEREAS, pursuant to Article 5-G, Section 119-o, of the General Municipal Law of the State of New York, each of the Parties are authorized to enter into an intermunicipal cooperation agreement for the performance among themselves of their respective functions, power and duties on a cooperative or contract basis; and

WHEREAS, the Legislature for Cayuga County, the Legislature for Cortland County, the Legislature for Madison County, the Legislature for Onondaga County, the Legislature of Oswego County, the Legislature for the City Council for the City of Auburn, the Common Council for the City of Oswego, the Common Council for the City of Syracuse, the Board of Trustees for the Village of Cazenovia, and each of the Town Boards for the Towns of Brutus, Cicero, Clay, Conquest, DeWitt, Ira, Minetto, Montezuma, Niles, Owasco, Salina, Scipio, Skaneateles and Van Buren, all located in the Central New York region of the State of New York, have deemed it in the best interest of the residents of each of their respective governments to enter into this Agreement for purposes of participating in the CNY Solar Initiative, including authorizing the CNY RPDB to (1) study particular sites identified as potentially viable for installation of a solar photovoltaic facility, including sites owned by each Party, for each site’s solar capacity and the resulting potential annual savings from producing solar energy, and (2) on behalf of the Parties on a joint basis, to prepare and disseminate, in accordance with all applicable laws, including any applicable procurement laws and policies, a joint solicitation package, including template agreements, and make recommendations, for the selection of one or more solar provider(s) to develop, design, finance, construct, operate and maintain small to mid-sized commercial solar PV systems on a defined portfolio of project sites in Central New York and to sell the solar energy produced by such systems to each of the Parties at a defined price; and

WHEREAS, the Parties have determined that undertaking a joint solicitation for one or more solar provider(s) as part of the Solarize CNY Initiative is in each of their best interests because such joint solicitation will allow the Parties to benefit from the efficiencies and economies of scale that result from receiving proposals from one or more solar provider(s), including a defined price, that will be based on an aggregate number of installation sites and the amount of solar energy that can be produced from those sites;

WHEREAS, the Parties have determined that it is in each of their best interest to have CNY RPDB prepare and disseminate a joint solicitation package for the Solarize CNY Initiative, including a request for proposals and template agreements, such as a power purchase or similar agreement (the “Solicitation”) because the Parties will each realize a significant savings in administrative costs, consultant costs and legal fees that would otherwise be incurred if each were to undertake its own individual solicitation for such services on an individual basis;

WHEREAS, accordingly, the Parties desire to enter into this Agreement in order to form an intermunicipal group to participate in the Solarize CNY Initiative and to authorize and engage CNY RPDB to prepare and disseminate a joint Solicitation on the behalf of the Parties and to recommend one or more solar provider(s), in connection with the Solarize CNY Initiative.

NOW THEREFORE, pursuant to and in accordance with the provisions of Article 5-G of the General Municipal Law of the State of New York, as such provisions relate to intermunicipal cooperation agreements, and in consideration of the foregoing and other mutual covenants and obligations contained herein, the Parties hereby agree as follows:

AGREEMENT

1. That there be and hereby is established an intermunicipal group, comprising the aforesaid Parties (the “CNY Solar Intermunicipal Group”).

2. The CNY Solar Intermunicipal Group shall be and hereby is organized and constituted in the manner described herein and in the resolutions of each of the Parties authorizing this Agreement.

3. The purpose of the CNY Solar Intermunicipal Group is to obtain the benefits and efficiencies that can accrue to its members by cooperating and participating in a joint solicitation process to identify qualified solar providers, and to realize the various potential economies, including administrative, consultant and legal cost savings for the group’s members, through these cooperative efforts.

4. It is agreed that the CNY Solar Intermunicipal Group shall participate in the Solar CNY Initiative and shall authorize the CNY RPDB to study particular sites, owned by each Party and identified as potentially viable for installation of a solar photovoltaic facility, for each site’s solar capacity and the resulting potential annual savings from producing solar energy.

5. It is further agreed that the CNY Solar Intermunicipal Group shall authorize the CNY RPDB, on behalf of the Parties and other parties on a joint basis, to prepare and disseminate, a joint solicitation package, including template agreements (the “Solicitation”), and to receive and open proposals or bids from, and make a recommendation for the selection of, one or more solar provider(s) to develop, design, finance, construct, operate and maintain small to mid-sized commercial solar PV systems on a defined portfolio of project sites in Central New York, some of which will be owned by the Parties, and to sell the solar energy produced by such systems to the Parties at a defined price. The Solicitation documents shall comply with all applicable laws, including any applicable procurement laws and policies, and provide that, in accordance with applicable law, other political subdivisions and districts within the State of New York shall also be allowed to participate in contracts awarded pursuant to the Solicitation.

6. It is agreed that the CNY Solar Intermunicipal Group is authorized to enter into a Memorandum of Understanding that will govern the relationship between the CNY Solar Intermunicipal Group and the CNY RPDB and the services that the CNY RPDB will provide to the group in connection with the Solarize CNY Initiative.

7. The CNY Solar Intermunicipal Group shall not pay any fee, or reimburse any expenses, to CNY RPDB, for the services that it will provide to the CNY Solar Intermunicipal Group on a joint basis.
8. No Party shall be liable to pay or be responsible for payment for any sum of money to the CNY Solar Intermunicipal Group, to any other Party that is a member of the group, or to any third party by execution of this Agreement. For purposes of clarity, none of the Parties shall be responsible for any costs incurred by any other Party in connection with this Agreement or the Solarize CNY Initiative. Any obligation of a Party that is a member of the CNY Solar Intermunicipal Group to pay any money as a result of this Agreement shall only arise under the terms and provisions of a separate contract, agreement or instrument that has been formally and specifically approved by the governing body of that Party, and which specifically states the purpose, terms, rights and duties of the contracting parties.
9. Upon completion of a joint Solicitation process as part of the Solarize CNY Initiative, each of the Parties may, at their discretion, enter into binding agreements, substantially in the form of the template documents included in the Solicitation, with the Solar Provider(s) recommended by the CNY RPDB for selection, provided that each Solar Initiative Party determines to its satisfaction that the Solar Provider(s) is/are responsible, and complies with each Party's terms, conditions, and requirements. The Parties are under no obligation to enter in to any agreement with the Solar Provider(s) recommended for selection through a joint Solicitation process.
10. Each Party shall be responsible for meeting its individual legal, procedural, and other requirements for the award of any contracts as a result of the Solicitation, including, but not limited to, those requirements applicable to each Local Government, if any, under applicable law, such as the General Municipal Law, the State Environmental Quality Review Act ("SEQRA"), City Law, County Law, Town Law, Village Law, the State Finance Law, and each Local Government's internal policies, procedures and rules.
11. The term of this Agreement shall continue in full force and effect until it has been terminated as provided herein.
12. Any Party may withdraw from this Agreement upon thirty (30) days written notice to the other Parties. Each of the Parties agrees to use its best efforts not to withdraw from this Agreement during the period commencing on that date which is thirty (30) days before the issuance of a formal Solicitation and ending on the date the recommended Solar Provider(s) is/are scheduled to be selected (the "Solicitation Period"). In the event of a termination by any such Party, that Party's contractual rights and obligations under this Agreement shall terminate. If all of the Parties have withdrawn such that only one Party remains in the CNY Solar Intermunicipal Group, the Agreement shall automatically terminate and the rights and obligations of each of the Parties under the Agreement shall terminate.
12. Each Party shall designate an official representative to represent such Party in the CNY Solar Intermunicipal Group.
13. To the extent it is necessary for the CNY Solar Intermunicipal Group to execute and delivery any documents for actions authorized to be taken by the CNY Solar Intermunicipal Group, each Party is authorized, through its designated representative, to execute and deliver such documents on behalf of the CNY Solar Intermunicipal Group.
14. Each Party represents and warrants that its governing body has duly authorized its participation in the CNY Solar Intermunicipal Group in accordance with Article 5-G, Section 119-o, of the General Municipal Law of the State of New York, and its entering into this Agreement and the performance of the terms of this Agreement by such Party.
15. By the execution and delivery of this Agreement, the undersigned individual(s) warrant that s/he/they are/have been duly authorized to execute and deliver this Agreement on behalf of each such Party.

16. This Agreement shall take effect immediately upon the execution hereof by the Parties hereto, and the same may be executed by the respective Parties signing separate copies in counterpart, all of which when taken together shall be deemed to constitute one single instrument.

17. This Agreement shall be governed by and construed with the laws of the State of the New York.

18. This Agreement may only be amended or modified in writing upon mutual agreement of all of the Parties. Any other municipal corporation or district as defined in Article 5-G, Section 119-o, of the General Municipal Law of the State of New York, may become a party to this Agreement by the execution of a written amendment to this Agreement by all of the Parties.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed and attested, as of the day and year first above written.

Motion by Councilperson Kerstetter; 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 16-093 authorize Supervisor to sign the following MOU.

MEMORANDUM OF UNDERSTANDING

FOR THE

SOLARIZE CNY INITIATIVE

This Memorandum of Understanding (“MOU”) is made as of April 14, 2016 by and between the Central New York Regional Planning and Development Board (“CNY RPDB”), located at 126 North Salina Street, Suite 200, Syracuse, New York 13202, the CNY Solar Intermunicipal Group (as hereinafter defined), the Onondaga County Water Authority, the Port of Oswego Authority and Wells College, hereinafter each known as a “Party” or collectively as “Parties.”

WHEREAS, the Central New York Regional Planning and Development Board (“CNY RPDB”) is a public planning agency established in 1966 by Cayuga, Cortland, Madison, Onondaga, and Oswego Counties under the provisions of Article 12B of the New York State General Municipal Law; and

WHEREAS, the CNY RPDB currently manages a comprehensive range of programs associated with the growth and development of communities in Central New York including economic development, energy management, environmental management, land use and transportation planning and intergovernmental cooperation; and

WHEREAS, Governor Andrew Cuomo created the NY-Sun Initiative in 2013 to support an increase in the number of solar electric systems operating in New York State; and

WHEREAS, consistent with the NY-Sun Initiative, the New York State Energy Research and Development Authority (“NYSERDA”) issued Program Opportunity Notice (PON) 2672 in 2014 to fund projects that help address issues regarding the costs associated with purchasing, installing, owning and operating solar electric photovoltaic systems in New York; and

WHEREAS, the CNY RPDB secured funding from NYSERDA under PON 2672 in December 2014 to establish a program designed to provide municipal entities and certain other public partners with information, tools, and resources to make solar electric energy more

accessible to their facilities and thereby reduce their energy costs through a regional solar initiative (the “Solarize CNY Initiative”); and

WHEREAS, the CNY RPDB has utilized the NYSERDA funding to secure certain professional engineering, legal, and management services to facilitate implementation of the Solarize CNY Initiative; these services are being provided by Optony USA and Barclay Damon, LLP; and

WHEREAS, at the request of the CNY RPDB, the Parties have identified potentially viable solar sites for participation in the Solarize CNY Initiative; and

WHEREAS, the CNY RPDB and Optony USA completed in December 2015 a series of solar site assessment reports, setting forth a preliminary determination of whether certain identified sites throughout the Central New York Region are suitable for the installation of a solar photovoltaic (“PV”) system, including an estimate of the solar capacity that the identified sites could provide and an estimate of the annual energy savings that the Solar Initiative Parties (as defined below) could save in energy costs if the PV system were installed;

WHEREAS, a group of municipalities in the Central New York region, including the County of Cayuga, County of Cortland, County of Madison, County of Onondaga, County of Oswego, City of Auburn, City of Oswego, City of Syracuse, Village of Cazenovia, Town of Brutus, Town of Cicero, Town of Clay, Town of Conquest, Town of DeWitt, Town of Ira, Town of Minetto, Town of Montezuma, Town of Niles, Town of Owasco, Town of Salina, Town of Scipio, Town of Skaneateles and Town of Van Buren have indicated a desire to participate in the Solarize CNY Initiative and have, or will have, entered into a intermunicipal agreement under Article 5-G, Section 119-o of the General Municipal Law, substantially in the form of that intermunicipal cooperation agreement attached hereto as Exhibit A, in order to form an intermunicipal group (hereinafter, the “CNY Solar Intermunicipal Group”) for purposes of participating in the Solarize CNY Initiative;

WHEREAS, the Onondaga County Water Authority (“OCWA”), a public benefit corporation organized and operating pursuant to Article 5, Title 7 of the Public Authorities Law, the Port of Oswego Authority (the “Port Authority”), a public benefit corporation organized and operating pursuant to Article 6, Title 2 of the Public Authorities Law, and Wells College (“Wells”), a private educational institution incorporated as a New York not-for-profit corporation (together, the “Non-Municipal Parties”), each independently desires to participate in the Solarize CNY Initiative (collectively, the CNY Solar Intermunicipal Group and the Non-Municipal Parties shall be referred to herein as the “Solar Initiative Parties”);

WHEREAS, the Solar Initiative Parties have determined that a joint solicitation seeking a solar provider to develop, design, finance, construct, operate and maintain small to mid-sized commercial solar PV systems on a defined portfolio of project sites in Central New York and to sell solar energy produced by such systems to the Solar Initiative Parties, based on the assessment and analysis performed by CNY RPDB and its consultant Optony USA, is in the best interest in of the Solar Initiative Parties because such joint solicitation will allow the Solar Initiative Parties to benefit from the efficiencies and economies of scale that result from proposals that will be based on an aggregate number of sites and the amount of solar energy that can be produced from those sites;

WHEREAS, the Solar Initiative Parties have determined that it is the best interest of the Solar Initiative Parties to have CNY RPDB prepare and disseminate a joint solicitation package, including a request for proposals and template agreements, including a power purchase or similar agreement, and to make a recommendation as to one or more solar provider(s) (the “Solicitation”), for the Solarize CNY Initiative because the Solar Initiative Parties will each realize a significant savings in administrative costs, consultant costs and legal fees that would otherwise be incurred if each were to undertake its own individual solicitation;

WHEREAS, accordingly, the CNY Solar Intermunicipal Group desires to enter into this MOU to indicate its agreement to participate in the Solarize CNY Initiative and to authorize and engage CNY RPDB to prepare and disseminate the Solicitation on its behalf, make recommendations as to the selection of one or more solar provider(s) and provide other related services in connection with the Solarize CNY Initiative; and

WHEREAS, accordingly, each of the Non-Municipal Parties desires to enter into this MOU to each indicate its agreement to participate in the Solarize CNY Initiative and to authorize and engage CNY RPDB to prepare and disseminate the Solicitation on behalf of each of the Non-Municipal Parties, make recommendations as to the selection of one or more solar provider(s) and provide other related services in connection with the Solarize CNY Initiative.

NOW THEREFORE, in consideration of their mutual promises and agreements, and subject to the terms, conditions, and provisions herein set forth, the Parties agree as follows:

1. The CNY RPDB will continue to provide assistance to each of the Solar Initiative Parties as needed to build an understanding and support for participation in the Solarize CNY Initiative.

2. Each of the Solar Initiative Parties has completed a review of the solar site assessment report(s) relevant to the sites owned by each such Party, has undertaken an evaluation of its respective sites and based on this assessment, shall continue to participate in the Solarize CNY Initiative.

3. Each of the Solar Initiative Parties authorizes the CNY RPDB to, and the CNY RPDB shall, prepare and disseminate, on behalf of each of the Parties, a formal Solicitation for proposals from solar energy developers and service providers (the “Solar Provider(s)”) to develop, design, finance, construct, operate and maintain small to mid-sized commercial solar PV systems on a defined portfolio of project sites in Central New York and to sell solar energy produced by such systems to each of the Solar Initiative Parties in accordance with the terms of a template solar power purchase agreement (“PPA”) or similar agreement and other template agreements included in the Solicitation, and shall receive and open proposals or bids from, and make recommendations for the selection of, one or more Solar Provider(s), all in accordance with all applicable laws, including all applicable procurement laws and policies.

4. The Parties agree to work cooperatively with one another throughout the Solicitation process and to provide any required information requested by CNY RPDB within the reasonable timeframe established by the CNY RPDB.

5. The CNY RPDB will consult with all of the Solar Initiative Parties with respect to the content of the Solicitation, provided, however, that any comments and concerns with the Solicitation must be communicated in a timely manner to the CNY RPDB.

6. The Solar Initiative Parties agree that the CNY RPDB shall be the primary point of contact for interested Solar Providers and necessary third parties participating in the Solicitation process. The CNY RPDB agrees to provide the Solar Initiative Parties with all relevant information regarding the Solicitation process in a timely manner.

7. The CNY RPDB anticipates completing preparations for and disseminating a formal Solicitation on behalf of the Solar Initiative Parties by or around May 1, 2016. The CNY RPDB anticipates providing the Solar Initiative Parties with its recommendation for one or more Solar Provider(s) as part of such Solicitation by or around June 30, 2016.

8. The Solar Initiative Parties may, at their discretion, enter into binding agreements, substantially in the form of the template documents included in the Solicitation, with the Solar Provider(s) recommended by the CNY RPDB, provided that each Solar Initiative Party determines to its satisfaction that the Solar Provider(s) is/are responsible, and complies with each of the Solar Initiative Party’s terms, conditions, and requirements. The Solar Initiative Parties are under no obligation to enter in to any agreement with the Solar Provider(s) recommended for selection through the Solicitation process.

9. After completion of the Solicitation process, at the request of the Solar Initiative Parties, the CNY RPDB may continue to provide support to the Solar Initiative Parties, including but not limited to consultation with Solar Initiative Parties during the negotiation of any individual contracts with the recommended Solar Provider(s) and consultation with Solar Initiative Parties during the implementation of such contracts.

11. The Parties agree that the Solicitation documents shall include a provision for, and that the CNY RPDB may enter into a separate written agreement with the selected Solar Provider(s)

for, an agreement by the Solar Provider(s) to pay the CNY RPDB a transaction fee in the amount of \$0.015 for each kW-DC of rated inverter capacity installed.

12. Each Solar Initiative Party is responsible for meeting its individual legal, procedural, and other requirements for the award of any contracts as a result of the Solicitation, including, but not limited to, those requirements applicable to each Solar Initiative Party, if any, under applicable law, such as the General Municipal Law, the State Environmental Quality Review Act (“SEQRA”), the Public Authorities Law, the Energy Law, City Law, County Law, Town Law, Village Law, the State Finance Law, and its own internal policies, procedures and rules.

12. The CNY RPDB shall not provide funds to pay any costs incurred by the Solar Initiative Parties to participate in the Solarize CNY Initiative including costs for each Solar Initiative Party’s staff time, outside contractors, and independent studies for environmental reviews, engineering services, and project commissioning.

13. The Parties agree not to withdraw from this MOU during the period commencing on that date which is thirty (30) days before the issuance of the formal Solicitation and ending on the date the recommended Solar Provider(s) is/are scheduled to be selected (the “Solicitation Period”). Notice of withdrawal from this MOU, and the Solarize CNY Initiative, must be provided in writing to the CNY RPDB at least seven (7) days in advance of such withdrawal.

14. Nothing in this MOU shall be deemed to constitute or create any fiduciary relationship between or among the Parties.

15. The terms of this MOU shall constitute the entire agreement between the CNY RPDB and the Solar Initiative Parties with respect to participation in the Solarize CNY Initiative. No amendment, modification, or change to this MOU shall be effective unless the same shall be in writing, duly executed, authorized and approved by the Parties.

16. Each Party represents and warrants that its governing body has duly authorized its entering into and performing the terms of this MOU.

17. By the execution and delivery of this MOU, the undersigned individuals warrant that s/he/they are/have been duly authorized by all requisite action to execute and deliver this MOU.

18. This MOU shall take effect immediately upon the execution hereof, and the same may be executed by the respective parties signing separate copies in counterpart, all of which when taken together shall be deemed to constitute one single instrument.

19. This MOU shall be governed by and construed with the laws of the State of the New York.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed and delivered by their duly authorized representatives as of the date set forth above.

CENTRAL NEW YORK REGIONAL PLANNING AND DEVELOPMENT BOARD

Motion by Councilperson Kerstetter; 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 16-094 to allow the Bookkeeper to the Supervisor to be able to have remote access to the towns bookkeeping software and or other pertinent programs pertaining to her job out of the office when necessary, with prior supervisors’ approval. This approval is only for special situations and not meant to be used as a regular work schedule.

MOTION TO TABLE

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

Resolution 16-095 to schedule a Public Hearing for Local Law No. 3 of 2016 to modify certain provisions of Chapter 119 -3 Section B, Paragraph 1S Solid Waste, Article I Recycling Center.

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

Resolution 16-096 to authorize a reimbursement to Dickman Farms from the Sewer Account due to an overpayment of \$3886.51. This leak occurred in the Greenhouse which does not use sewer. This is consistent with past policy that the town uses for all residential customers.

Motion by Councilperson Knaul; Second Councilperson Melendez

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

Resolution 16-097 to authorizing town supervisor to send letter to all Owasco residents located in the Skaneateles school district informing them of the vote for a new Library District in Skaneateles. This letter will advise the residents of the potential double taxation between the Seymour Library and the Skaneateles Library.

Motion by Councilperson Kerstetter; Second Councilperson Melendez

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

Resolution 16-098 In accordance with Local Law No. 2 of 2016 entitled “To Appoint a Town Board Member as a Liaison of the Town of Owasco Sewer Districts Nos. 1, 2 and 3 and the Town of Owasco Water District” the Town Board appoints Richard Knaul, effective April 18, 2016, at the rate of \$1,000 per month pursuant to approved vouchers for allocation of expenses among the Sewer Districts and Water District.

Motion by; Councilperson Kerstetter. Second Councilperson Gucciardi

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

Resolution 16-099 to authorize the Town Board to create, appoint and approve the following job description for the Clerk of Works position.

RESOLVED:

Due to the Owasco Sewer Systems Improvements Project and Owasco Water System Improvements Project that the Town is currently undertaking, the Town Board has determined that a Clerk of the Works position will be and is hereby created. The main purpose of this position is to act as Community Liaison between the Town Board, Town Engineer, and Community Residents. Other responsibilities will include, but are not limited to:

- Review contract documents and engineering drawing and/or specifications.
- Inform the Town Board of:
 - Progress and/or delays in construction.
 - Problems/difficulties with engineering, materials, residents, etc.
 - Any significant events, including health or safety issues on job site.
- Communication/Informing Residents of status of project(s), problems, etc.
- Making periodic visits to job site(s) to inspect progress.
- Review and recommendations to the Town Board regarding vouchers, construction pay applications, and change orders.
- Other duties as requested by the Town Board.

FURTHER RESOLVED, that the Clerk of the Works will not be able to make any changes to specifications, materials, design, construction, etc. Any changes under consideration must receive prior approval by the Town Board before proceeding.

This position is temporary in nature, lasting only for the time of the project(s). This is a part-time position.

FURTHER RESOLVED, that the Town Board hires Gary Colella, Planning Board Member, as Clerk of the Works. Additional Rate of Pay: \$35/hour, for 2016, to be paid with the monthly payroll beginning April 2016 based on detailed time sheets specifying the Sewer District(s) or Water District worked on. The allocation of pay shall be allocated among the Sewer Districts and the Water District by the Town Board.

Motion by: Councilperson Kerstetter. Second Councilperson Knaul

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

Resolution 16-100 to authorize the Supervisor to sign an amended Grant of Right-Of-Way and Easement (Sewer) with the Sedor property (owned by Paul, Ida, Dennis, Jeffrey and Gregory Sedor) located at 7121 Owasco Road to modify at owners' request the 15' easement to 5' to the west and 10' to the east of the centerline of the sewer main and appurtenances.

Motion by: Councilperson Kerstetter . Second Councilperson Knaul

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

Resolution 16-101 to authorize the Town Supervisor to sign a letter addressed to Kim and Carla Vorreuter of 6736 East Lake Road assuring that the Vorreuters' Locust Tree and Forsythia Bush scheduled for destruction be replaced and planted with a mutually agreed upon tree and bush, as well as assurance that the portion of the Vorreuters' damaged fence be repaired and/or replaced to original character and location.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

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

Resolution 16-102 to approve and authorize the Town Supervisor to sign the Grant of Rights of Way and Easements (Water) for the Town of Owasco Water District for the “Owasco Water District Improvements” Project

WHEREAS, the Town of Owasco (Town) owns and operates a water system to meet the water demands within the Town and surrounding areas; and

WHEREAS, various water system infrastructure is showing deficiencies and/or the infrastructure is approaching the end of its useful life; and

WHEREAS, the Town of Owasco (Town) is progressing the Owasco Water District Improvements Project (Project) to address the deficiencies in the Town water system; and

WHEREAS, the Town Board is in receipt of the Owasco Water System Improvements Preliminary Engineering Report May 2015 prepared by the Town Engineer Barton & Loguidice; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, on June 11, 2015, the Town Board by Resolution 15-127 declared its intent to act as Lead Agency and the Town Supervisor was authorized to sign Part 1 of the Full Environmental Assessment Form; and

WHEREAS, on June 11, 2015 by Resolution 15-136 the Supervisor of the Town of Owasco was authorized to sign Part 1 of the Full Environmental Assessment Form (page 13) and that the Town of Owasco Supervisor and the Town Board will circulate said Part 1 of the Full Environmental Assessment Form to the attached list of “Interested and Involved Agencies” under cover of the “Notice of Intent to Establish Lead Agency” letter for purposes of establishing the Town Board of the Town of Owasco as Lead Agency under the SEQRA/SERP; and

WHEREAS, on June 16, 2015 the Town sent letters indicating its intent to act as Lead Agency to the interested and involved agencies identified, namely, New York State Environmental Facilities Corporation, New York State Department of Health, New York State Department of Environmental Conservation, New York State SHPO, New York State Natural Heritage Program, Cayuga County Soil and Water Conservation District, United States Army Corp of Engineers, Cayuga County Health Department, Cayuga County Highway Department, Cayuga County Planning Department, Town of Owasco Town Board, J. Patrick Doyle, CEO of the Town of Owasco, Owasco Planning Board, Town of Sennett and City of Auburn; and

WHEREAS, on July 22, 2016 the Town Board completed SEQRA Part 2 of the Full Environmental Assessment form and Riccardo T. Galbato and Chris Lawton explained the SEQRA process and began the questions for Part 2 with the Town Board Members; and

WHEREAS, by Resolution 15-158 from July 22, 2016 the Town Board Members completed and reviewed Part 2 and Part 3 (including the Part 3 – Supporting Information prepared by the Town Engineers, Barton & Loguidice) of the Full Environmental Assessment Form and have issued a **Negative Declaration** under SEQRA that the project “Owasco Water District Improvements” will result in no significant adverse impacts on the environment; and further that the Town Supervisor was authorized to sign all necessary forms consistent with this Resolution; and

WHEREAS, a Notice of Public Hearing was duly published in The Citizen on July 11, 2015 which stated:

“PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Owasco on Wednesday July 22, 2015 at 4:00 p.m. at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021 to consider adoption of the

Owasco Water District Improvements, Map and Plan dated June 2015 in accordance with Town Law Section 202-b Increase or Improvements of Facilities.

The proposed improvements include a new water storage tank to replace the Melrose Road water tank, new high lift pumps that deliver finished water to the northern portion of the system including the Melrose tank, upgrades to the existing sodium hypochlorite chemical feed system at the WTP, and upgrades to the low lift intake pump station. The locations of the proposed improvements are proposed to construct a new glass coated, bolted steel ground storage tank near the intersection of Town Hall Road and Melrose Road or on Melrose Road east of Byrne Road. The new storage tank would have a top of water level of 918 feet, a capacity of 500,000 gallons, and would be approximately 30 foot high (dependent on the actual ground elevation of the tank site). Approximately 10,200 feet of 10-inch water main would be installed along Melrose Road to connect the new storage tank to the existing 8-inch water main. After the new tank is constructed and fully operational, the existing Melrose tank would be decommissioned.

The maximum amount to be expended by Owasco Water District would be \$3,668,000.00. The estimated increases in annual user costs for the typical property in the Owasco Water District based on the proposed improvements is \$185.56 per year for 20 years or \$137.51 per year for 30 years.”; and

WHEREAS, a Public Hearing was held on July 22, 2015; and

WHEREAS, by **Resolution 15-159** the Town Board approved the Owasco Water District Improvements Map and Plan dated June 2015 pursuant to Town Law Section 202-b and acquire and construct Water Improvements as set forth therein at a maximum amount to be expended of \$3,668,000.00 which stated in part:

“RESOLVED, the proposed and approved improvements include a new water storage tank to replace the Melrose Road water tank, new high lift pumps that deliver finished water to the northern portion of the system including the Melrose tank, upgrades to the existing sodium hypochlorite chemical feed system at the WTP, and upgrades to the low lift intake pump station. The locations of the proposed improvements are proposed to construct a new glass coated, bolted steel ground storage tank near the intersection of Town Hall Road and Melrose Road or on Melrose Road east of Byrne Road. The new storage tank would have a top of water level of 918 feet, a capacity of 500,000 gallons, and would be approximately 30 foot high (dependent on the actual ground elevation of the tank site). Approximately 10,200 feet of 10-inch water main would be installed along Melrose Road to connect the new storage tank to the existing 8-inch water main. After the new tank is constructed and fully operational, the existing Melrose tank would be decommissioned.

The maximum amount to be expended by Owasco Water District would be \$3,668,000.00. The estimated increases in annual user costs for the typical property in the Owasco Water District based on the proposed improvements is \$185.56 per year for 20 years or \$137.51 per year for 30 years.

FURTHER RESOLVED, that the Town Board approves the Owasco Water District Improvements Map and Plan dated June 2015 pursuant to Town Law Section 202-b to acquire and construct Water Improvements as set forth therein.

FURTHER RESOLVED, that the Town Board determines that it is in the public interest to acquire or construct the proposed Water District Improvements.”; and

WHEREAS, on December 2, 2016 by Resolution 15-241 the Town authorized the Town Supervisor to enter into a contract with John M. Ceresnak for an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of **\$35,000.00**; and

WHEREAS, the Town and John M. Ceresnak entered into a Purchase Offer and Sale Contract and Addendum to Contract dated December 2 and 8, 2015; and

WHEREAS, a public hearing was held by the Town Board of the Town of Owasco on **Thursday January 14, 2016** to consider the purchase and development of an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of **\$35,000.00** for the construction of a new Water Tank for the Town of Owasco Water District.; and

WHEREAS, the Town is in receipt of a survey from Warren Ramie Surveying dated December 15, 2015 and a Draft Preliminary Site Plan dated January 2016 from Barton & Loguidice, D.P.C.

WHEREAS, on February 11, 2016 by Resolution 16-052 the Town Board passed the following resolution:

“RESOLVED that the Town Board has duly considered and weighed the following factors:

- 1. The nature and scope of the instrumentality seeking immunity;**
- 2. The encroaching government’s legislative grant of authority;**
- 3. The kind of function or land use involve;**
- 4. The effect local land use regulation would have upon the enterprise concerned;**
- 5. Alternative locations for the facility in less restrictive zoning areas;**
- 6. The impact upon legitimate local interests;**
- 7. Alternative methods of providing the proposed improvement;**
- 8. The extent of the public interest to be served by the improvements; and**
- 9. Intergovernmental participation in the project development process and an opportunity to be heard.**

FURTHER RESOLVED, that the Town’s desire to purchase this parcel are in accordance with and in furtherance of addressing the concerns raised in the Preliminary Engineering Report dated May 2015 and the Owasco Water District Improvements Map and Plan dated June 2015 which identified several areas in the northern portions of the existing water systems that have reported insufficient pressures during normal daily demands and some residents have installed individual booster pumps to increase their water pressure. It was found that this is a direct result of the existing water tank having an insufficient operating range, combined with the inability of the low lift pump station and water treatment filtration units to compensate for the operating range.

The Town reviewed possible locations of a new water tank and had discussions with prospective sellers with the assistance with the Town Engineer.

FURTHER RESOLVED, in the opinion of the Town Board it is in the best interest of the Town of Owasco and Town Water District to purchase an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of **\$35,000.00.”**

WHEREAS, by Deed dated and recorded on March 24, 2016 at the Cayuga County Clerk’s Office in Book 1621 Page 225, the Town of Owasco purchased said property, an approximate 1 acre vacant parcel on Town Hall Road, portion of Tax Map No. 117.00-1-6.1, from John M. Ceresnak in the amount of \$35,000.00, said parcel shown as Lot 2 on a Subdivision Survey Map prepared by WARREN RAMIE SURVEYING dated December 15, 2015, recorded as Map 16-32 in the Cayuga County Clerk’s Office.

NOW THEREFORE,

BE IT RESOLVED by the Town of Owasco Town Board to approve the Grant of Right of Way and Easement (Water) for the Town of Owasco Water District for the “Owasco Water District Improvements” Project for the Town’s water mains, pipes, hydrants, supply and distribution

mains, valves and valve boxes, equipment, water meters, curb box and appurtenances and authorize the Town Supervisor to sign said Rights of Way and Easements (Water).

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 16-103 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 #3 2016 Vouchers #1110-1197 in the amount of \$286,704.77 Trust & Agency Voucher #5176-5184 in the amount of \$ 20,554.30 for a grand total of \$307,259.07

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 16-104 adjourn to executive session at 6:44 to discuss Personnel issues.

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 16-105 to return from executive session at 6:56 PM.

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 16-106 Authorize the retirement of Linda Coretti effective June 30, 2016, authorize the rehiring of Linda Coretti on July 1, 2016.

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 16-107 all resolutions and agenda items must be submitted to the Town Clerk by 12:00 noon the day before any Town Board Meetings.

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- 108 to adjourn the meeting:

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>		

Meeting adjourned at 7:10 PM.

Respectfully submitted: Tammy M. Flaherty, Town Clerk