

A Town Board Meeting of the Town of Owasco was held on August 8, 2013 at 4:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

Councilperson, Tony Gucciardi
Councilperson, Richard Knaul
Councilperson, Terrence Lattimore
Supervisor, Edward Wagner
Councilperson, Michael Aldrich

ABSENT:

OTHERS PRESENT: Bob Bruno Highway Superintendent, Tammy Flaherty, Joe Runkle, Tim Kerstetter and Jim Festa.

CALL TO ORDER: 4:00 P.M.

APPROVAL OF AGENDA:

Resolution 13-122 approval of the Town Board Agenda for August 8, 2013 with the addition of a letter to authorize the Town Supervisor to sign a letter to the Regional DOT Director allowing the Great Race committee to host the Annual Great Race in the Town of Owasco.

Motion by Councilperson Gucciardi; Second Councilperson Knaul.

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

APPROVAL OF MINUTES:

Resolution 13-123 approval of Town Board Minutes for July 11, 2013.

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

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

PUBLIC PARTICIPATION:

Mike Tamul: Water Billing Issue

Mark Rebich: Sale of Property

COMMUNICATIONS:

Letter from Mark Rebich on sale of property

Letter from Planning Board recommendations

OLD BUSINESS:

Assessor's Appointment

NEW BUSINESS:

Resolution 13-124 RESOLUTION OF THE TOWN BOARD OF OWASCO TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK

Date: 08/08/2013

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

WHEREAS, the Town of Ulysses filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

WHEREAS, the Town of Owasco joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association ("Appellants") recently filed motions for leave to appeal each decision to the Court of Appeals – the State's highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses' amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality's right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Owasco hereby determines that it is in the public interest of the citizens of the Town/Village/City to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.
2. The Town of Owasco hereby authorizes and directs the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

DATE ADOPTED August 8, 2013

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes
 Councilperson Knaul Yes Councilperson Lattimore Yes
 Supervisor Wagner Yes

Resolution 13-125 Budget Modifications

Recommended Budget Modifications - August

Acct #	Account Description	(-) Debit	(+) Credit
A1990.400	Contingent Account	\$ 580.00	
A1910.400	Unallocated Insurance		\$ 150.00
A8030.400	Research/Sewer District #3		\$ 430.00

Totals: \$ 580.00 \$ 580.00

Acct #	Account Description	(-) Debit	(+) Credit
SS2-9010.800	State Retirement	\$ 2.00	
SS2-9055.800	Disability Insurance		\$ 2.00
Totals:		\$ 2.00	\$ 2.00

Acct #	Account Description	(-) Debit	(+) Credit
SW8310.200	Administration - Equipment	\$ 1,675.00	
SW8310.400	Administration - Office Contractual		\$ 1,100.00
SW8310.413	Water Administration - Diesel Fuel		\$ 575.00
Totals:		\$ 1,675.00	\$ 1,675.00

NOTES:

Recommended Budget Modification only for line items with negative balances.

There are a number of line items in the Funds/Districts that need to be watched closely.

Motion by Councilperson Aldrich; Second Councilperson Gucciardi.

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

Resolution 13-126 Transfer of Money from Trust and Agency Fund (checking account)

Requesting authorization from the Town Board to transfer money from the Trust and Agency Fund (checking account) to the General Fund (consolidated saving account). There is currently \$5,293.00 in the Trust and Agency Fund received for shelter use, all refunds have been paid on this money and it can now be moved over to the General Fund. There is also \$5,379.12 in the Trust and Agency Fund reported as a "Due To" the General Fund. This money can now be moved back to the General Fund.

Motion by Councilperson Aldrich; Second Councilperson Gucciardi.

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

Resolution 13-127 Transfer of Money from the HK- Fund (Melrose/Havens Sewer Project)

Requesting authorization from the Town Board to transfer money owing to Sewer District 1 from the HK-Fund. When the Melrose/Havens Sewer Project was started Sewer District 1 initially funded the project with \$20,027.03. The project is now complete. There is now \$19,818.86 in the HK-Fund checking account. Richard Ward of Cuddy & Ward has recommended that \$208.17 be transferred from the General Fund to the HK- Fund to make up the difference between what Sewer District 1 initially funded the project with and what is now in the HK- checking account. The full amount of \$20,027.03 would then be transferred from the HK- Fund to Sewer District 1 to close the "Due To" and "Due From" amounts in each account.

Motion by Councilperson Knaul; Second Councilperson Aldrich.

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

Resolution 13-128 Authorizing Town Supervisor to sign letter to EFC regarding prepayment of principal on Melrose/Havens Sewer Project Serial Bond.

Environmental Facilities Corporation (EFC) is currently holding \$27,878.35 of the money on the Melrose/Havens Sewer Project. (There may be more due to interest earned). The Town has over collected \$48,969.70 in property tax in previous years because of a recommendation by our Bond Counsel to collect tax at the highest possible bond payment schedule available at the time when a full serial bond agreement wasn't in place. There is a total of \$76,848.05 (approximately) available for prepayment on the principal of the serial bond now in place for this project.

The Town's Bond Counsel is now working with our representative at EFC to put terms in place for a prepayment on the serial bond principal amount.

This resolution is requesting authorization from the Town Board to allow the Town Supervisor to sign an agreement with EFC and/or a letter of notification of intent to EFC to make a prepayment on the principal of this serial bond.

Motion by Councilperson Gucciardi: Second Councilperson Knaul.

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

Resolution 13-129 to approve the rules and regulations governing the installation of a second water meter for permanent irrigation systems or dedicated outdoor faucets only as follows.

Whereas, this Resolution amends and supersedes Resolution 13-072 passed on April 11, 2013

TOWN OF OWASCO WATER DEPARTMENT POLICY – IRRIGATION METERS and DEDICATED OUTDOOR FAUCETS

The following policy shall be incorporated into the Owasco Water Department Rules and Regulations governing the installation of a second water meter for permanent lawn irrigation systems or dedicated outdoor faucets. All pertinent sections of Chapter 144 – Water, of the Code of the Town of Owasco shall apply, in addition to this policy and the Owasco Water Department Rules and Regulations:

1. Application, Fee.

Any person desiring to purchase an additional water meter to purchase water for a permanent lawn irrigation system or dedicated outdoor faucet shall apply to the Water Department upon forms provided by the Water Department. Application shall be made by the owner of the premises or his agent. A fee of \$150.00 shall accompany the application, in addition to the cost of the meter and a backflow prevention device. The meter and backflow prevention device shall be provided by the Owasco Water Department at cost to the owner.

2. Inspection, Access to Premises.

The Water Department shall inspect the premises to determine the best location for the irrigation meter or permanent irrigation system or dedicated outdoor faucet and meter and backflow prevention device prior to installation. The filing of an application shall be deemed consent to access the premises at all reasonable times for the purposes of inspection, installation, maintenance, repair, meter reading or turning on or shutting off water.

3. Water Rates, Account.

The minimum water charge and standard water rates shall apply to the irrigation Meter or dedicated outdoor faucet Meter. No sewer rates shall be charged to the irrigation Meter or dedicated outdoor faucet Meter. A separate account shall be established by the Water Department for the irrigation meter or dedicated outdoor faucet Meter.

4. Backflow Prevention Device, Final Inspection.

The installation of a backflow prevention device, in a location approved by the Owasco Water Department shall be required on all lawn irrigation Meters or dedicated outdoor faucet Meters. The backflow prevention device shall be provided by the Owasco Water Department at cost to the Owner and installed by the Owner or his agent prior to installation of the water meter. The Owasco Water Department shall perform a final inspection and approve the installation of the backflow prevention device and irrigation system or dedicated outdoor faucet prior to turning on the water to the irrigation meter.

5. Tampering With Equipment.

No person other than an employee of the Water Department shall interfere with or remove any water meter, backflow prevention device, sealing device or coupling from any meter installation after it has been placed in service by the Water Department.

6. Curtailing or discontinuing water use during shortages.

The Water Department shall have the right to curtail the amount of water supplied in the event that its supply becomes limited. The Water Department, in case of a shortage of water, may limit or prohibit the use of water for sprinkling of lawns or gardens or dedicated outdoor faucet or for any purpose not deemed necessary for the maintenance of public health. Where water is wastefully or negligently used on a consumer's premises seriously affecting the general service, the Water Department may discontinue the service of such premises if conditions are not corrected within 24 hours after giving such customer written notice, or, if an emergency exists, it may discontinue service without notice.

Motion by Councilperson Gucciardi; Second Councilperson Aldrich.

Roll call vote:	Councilperson Aldrich <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Knaul <u>Yes</u>	Councilperson Lattimore <u>No</u>
	Supervisor Wagner <u>Yes</u>	

AUDIT AND PAYMENT OF CLAIMS:

Resolution 13-130 authorizing the audit and payment of the following claims with the exception of Voucher 475 which was pulled for further review:

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 13-018 adopted January 10, 2013, all in accordance with the attached abstract of claims.

ABSTRACT # 8. 2013 Vouchers 437 – 490 with the exception of Voucher No. 475 in the amount of \$ 128,822.04

Motion by Councilperson Gucciardi; Second Councilperson Knaul.

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

Resolution 13-131 to authorize the Town Supervisor to sign a letter to the Regional DOT Director allowing the Great Race committee to host the Annual Great Race in the Town of Owasco.

Motion by Councilperson Wagner; Second Councilperson Aldrich.

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

Resolution 13-132 to Schedule a Public Hearing for LL No. 6 of 2013 on some parking restrictions on Melrose Parkway.

Motion by Councilperson Wagner; Second Councilperson Aldrich.

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

Resolution 13-133 Authorizing the Deputy Town Supervisor to send a Letter to James Orman Cayuga County Treasurer on raising the exemption limit of yearly income to \$35,000.00

Motion by Councilperson Lattimore; Second Councilperson Wagner.

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

ADJOURNMENT:

Resolution 13-134 to adjourn the meeting:

Motion by Councilperson Knaul; Second Councilperson Aldrich.

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

Meeting adjourned at 5:25 P.M.



Robert A. Shaw Town Clerk