

A Town Board Meeting of the Town of Owasco was held on January 12, 2012 at 6:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

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

ABSENT:

OTHERS PRESENT: Patrick Doyle Code Enforcement Officer Milo and Laurel Auchampaugh, John and Theresa Smith, Wanda Zach, Nancy Taylor and Karen Christian.

CALL TO ORDER: 6:01 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 12-008 approval of Town Board Agenda for January 12, 2012.

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 12-009 approval of Town Board Minutes for January 3, 2011.

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>Yes</u>
	Supervisor Wagner <u>Yes</u>	

PUBLIC PARTICIPATION:

COMMUNICATIONS: 1. Letter of appointment of Deputy Town Clerk and Deputy Tax Collector, 2. Letter of recommendation from Town Justices consenting to appointment of Clerk to Town Justices, 3. Letter of supervisor re appointment of Town Historian and Bookkeeper / Budget Officer. 4. Letter from Tax Collector requesting designation of depository for funds, Agreement from Cayuga County Sheriff's Department for 2012 Community Policing. Quote from Carpet House on new rug in meeting room and baseboard. Request from Bellows Const. Specialties, LLC for a two week extension on tank vents. Certificate of Designation for annual Business Session of the Association of Towns Annual Meeting. Dog Control Service Agreement. Letter from NYS Department of Labor for denial of Benefit claim. Letter from Cayuga County Board of Elections change from 3 districts to 2.

COMMITTEE REPORTS:

Will be posted on the Town Website.

PUBLIC HEARING: Local Law No. 1 of 2012 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

Started: 6:08 PM.

Resolution 12-010 to close the Public Hearing on Local Law No. 1 of 2012

Closed at: 6:12 PM.

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>	

OLD BUSINESS:

Councilperson Knaul distributed a second draft of a Organization Chart

NEW BUSINESS:

Resolution 12-011 to approve SEQR determination for Local Law No. 1 of 2012

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 1 of 2012.

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 2012 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 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 2012 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 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>	

Resolution 11-012 a Resolution of the Town Board for the adoption and enactment of Local Law No. 1 of 2012 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, a Resolution was adopted by the Town Board on December 30, 2011 introducing proposed Local Law No. 1 of 2012 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 January 5, 2012, 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, January 12, 2012, 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 Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 1 of 2012.

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 2012 set forth below:

Local Law No. 1 of 2012 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, the State of New York has recently enacted General Municipal Law §3-c which limits the ability of the Town Board to raise necessary revenue in the form of property taxes; and

WHEREAS, the Town Board of the Town of Owasco has determined that it may be necessary to increase the tax levy for the Town of Owasco real property tax levy, Water District, Sewer District No. 1 and Sewer District No. 2 beyond the amount allowed in General Municipal Law §3-c due to the factors beyond the control of the Town Board; and

NOW, THEREFORE, BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF OWASCO as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Owasco, County of Cayuga pursuant to General Municipal Law §3-c, and to allow the Town of Owasco, County of Cayuga to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. AUTHORITY

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Owasco, County of Cayuga, is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

**Resolution 12-013 to group and approve resolutions 12-014 through 12-031
excluding resolutions 12-015 and 12-016 and 12-022.**

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

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

Resolution 12-014 appointing the Auburn Citizen as the official newspaper for 2012.

Resolution 12-015 naming Tompkins Trust Company as the depository for Town funds for the Town Clerk, Tax Collector and the Supervisor for 2012, and to advertise for RFP's in August for same.

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

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 12-016 authorizing the Supervisor to invest general funds, special district funds and highway moneys not obligated or required for immediate expenditure, in United States Treasury bills, savings accounts, time deposit or time certificates of deposit through Tompkins Trust Company; said investments to be payable or redeemable at the option of the Supervisor within such times as the proceeds may be needed to meet expenditures for which the moneys were provided, and to advertise for RFP's in August for same.

Motion by Councilperson Gucciardi Second Councilperson Lattimore.

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 12-017 establishing reimbursement of expenditures incurred in 2012 as follows:
\$.55.5 cents per mile as mileage allowance for job-related travel per Internal Revenue Service for 2012.

Resolution 12-018 designating the second Thursday of each month as Town Board meeting night to be held at 6:00 P.M. at the Town Hall:

Resolution 12-019 requiring all itemized vouchers to be submitted to the Town Clerk's office before 4:00 P.M. of the Tuesday prior to the Board Meeting each month to qualify for audit and payment at the next regular Town Board Meeting.

Resolution 12-020 establishing hourly rates of pay for Highway personnel for 2012 as per the January 1, 2011 – December 31, 2013 C.S.E.A and the Town of Owasco Contract.

Resolution 12-021 establishing rates of pay for Board of Assessment Review, Zoning Board of Appeals, Planning Board, Deputy Clerks / Tax Collector and Election Commissioners for 2011.

Board of Assessment Review:

Member:	<u>\$ 25.00 per hour</u>
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Zoning Board of Appeals:

Chairman:	<u>\$ 2,940.00 per year</u>
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Member:	<u>\$75.00 per Meeting</u>
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Secretary:	<u>\$ 15.52 per Hour</u>
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<u>Deputy Clerks /Tax Collectors:</u>	<u>\$ 14.75 per Hour</u>
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<u>Deputy Clerk / Tax Collector 1:</u>	<u>\$ 15.52 per Hour</u>
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<u>Recycling Attendants:</u>	<u>\$11.36 per Hour</u>
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Election Commissioners for primary, general and presidential elections and

Registration days for each district as per Cayuga County Board of Elections:

To include

Inspectors Primary Election, Inspectors General Election, Poll Manager, Machine Delivery

And Inspector training.

Estimated Cost \$3,050.00

Resolution 12-022 establishing salaries for all elected and appointed officials and employees as set forth in the 2012 budget.

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 12-023 appointing the following persons to the designated positions for 2012:

- Clerk to the Town Justices, upon advice and consent of the Town Justices: Donna “Vicky” Coraci.
- Deputy Town Clerks upon the advice and consent of the Town Clerk: Elizabeth Bowman, Pat Holt and Sharon Westover.
- Building and Code Inspector: J. Patrick Doyle
- Chairperson of the Zoning Board of Appeals: Dave Kalabanka
- Town Attorney Part Time to a term of office concurrent with Town Board: Riccardo Galbato
- Town Engineer Part Time to a term of office concurrent with Town Board: Barton & Loguidice
- Registrar of Vital Statistics to a term of office concurrent with Town Board: Robert Shaw
- Deputy Registrar of Vital Statistics: Elizabeth Bowman
- Town Historian upon the advice and consent of the Town Supervisor: Laurel Auchampaugh
- Deputy Supervisor upon the advice and consent of the Town Supervisor: Tony Gucciardi \$3,165.00 per year.
- Bookkeeper / Budget Officer upon the advice and consent of the Town Supervisor: Darcelle Foster.
- Delegate to the New York State Association of Towns: Ed Wagner
- Alternate Delegate to the New York State Association of Towns: Tony Gucciardi
- To re-appoint John Black to the Zoning Board of Appeals term ending December 31 2018.
- To appoint Frank Mancuso to the Zoning Board of Appeals to fill the unexpired term of Tom Klink term ending December 31, 2012.
- To re-appoint Nancy Taylor as Chairman of the Board of Assessment Review (BAR).
- To re-appoint Debbie Donnelly as Crossing Guard Supervisor at \$2.11 extra per day.
- To re-appoint Sandy Sheridan as Chairperson of the Recreation Board for 1 Year ending December 31, 2012 for a stipend at \$12.30 per hour.

Resolution 12-024 authorizing Supervisor to submit to the Town Clerk by February 28, 2012, a copy of his Annual Report to the State Comptroller and directing the Town Clerk to cause a notice to be published within ten (10) days after receipt of said report in the official newspaper of the Town that a copy of such report is on file and available for inspection in the Town Clerk’s office.

Resolution 12-025 authorizing the payment of utility bills, town real property tax bills, Justice Court Funds and postage prior to audit pursuant to Town Law section 8(2).

Resolution 12-026 reaffirming and re-adopting resolutions establishing the Procurement Policy adopted January 13, 1993 and the investment policy adopted February 10, 1993.

Resolution 12-027 to designate Councilperson Mike Aldrich and Councilperson Tony Gucciardi as audit committee for 2012.

Resolution 12-28 authorizing the Supervisor to sign an agreement with Cuddy & Ward, LLP to complete an Audit for the 2011 year at a cost not to exceed \$4,800.00 Dollars.

Resolution 12-29 to approve the twelve month contract for 2012 between Finger Lakes Dog Protection Agency, INC. and the Town of Owasco for \$4,620. payable in twelve monthly installments of three hundred eighty five dollars (\$385.00), \$25.00 fee per call for non-emergency after hour responses, \$10.00 per day for dog boarding fee for dogs seized and impounded, in accordance with the provisions of Article 7 of the Agriculture and Markets Law and/or any local law of ordinance. Transfer or euthanasia and disposal at the rate of \$40.00 per dog. The town shall be responsible for veterinary service cost for unidentified seized and /or impounded dogs during the statutory redemption period.

Resolution 12-030 Resolution: The Town Board appoints David Kalabanka, James Mochler, and Arthur Richardson to serve, at no pay, on the Board of Ethics until January 12, 2013.

Resolution 12-031 to enter into an Agreement with the Cayuga County Sheriff’s Office for Community Policing for 2012 for events to a maximum of \$7,500.00.

Resolution 12-032 Town of Owasco Water District Improvements - Change Order No. 1 – Contract No. 1 Melrose Road and Martin Road Water Storage Tank Vents Replacements

WHEREAS, by letter dated 12/30/11, Richard D. Fairbanks of Bellows Construction Specialties, LLC has requested a two week extension to install the vents;

WHEREAS, the Town Engineer, Barton & Loguidice, P.C. has prepared Change Order No. 1 dated 1/3/12 which includes a two (2) week time extension to the original contract substantial completion deadline; the revised substantial completion deadline shall be 1/14/12; and will result in no change in the Contract Amount, and the Town Engineer has recommended that the Town execute said Change Order;

RESOLVED, that the Town Board authorizes the Town Supervisor to execute Change Order No. 1 dated 1/3/12 in Contract No. 1 Melrose Road and Martin Road Water Storage Tank Vents Replacements.

Motion by Councilperson Aldrich: Second Councilperson Lattimore.

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

Resolution 12-033 to call for a Special Meeting on January 26th, 2012 at the Town of Owasco Town Hall, 2 Bristol Ave. at 4:30 PM.

Motion by Councilperson Knaul: Second Councilperson Gucciardi.

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

OTHER:

AUDIT AND PAYMENT OF CLAIMS:

Resolution 12-034 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 12-025 adopted January 12, 2012, all in accordance with the attached abstract of claims.

ABSTRACT # 1. 2012 Vouchers 1- 68 in the amount of \$292,884.87

Motion by Councilperson Gucciardi: Second Councilperson Knaul

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

Resolution 12-035 to adjourn to executive session at 6:29 PM to discuss personnel issues and Legal Issues involving the Sale or Lease of Real Property.

Motion by Councilperson Gucciardi: Second Councilperson Lattimore.

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

Resolution 12-036 to return from executive session at 7:43 PM.

Motion by Councilperson Lattimore: Second Councilperson Gucciardi.

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

Resolution 12-037 to accept Michael Wilson's resignation from the Sewer Department and Recycling Center effective immediately January 12, 2012

Motion by Councilperson Gucciardi: Second Councilperson Lattimore

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

Resolution 12-038 to hire Michael Wilson on a consulting as needed basis at \$40.00 per hour or as negotiated.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

Resolution 12-039 to appoint Robert Bruno to the Recycling Center as the recycling Superintendent at \$17.00 per hr. and a maximum of 11 hours per week during normal operating hours pending Civil Service approval.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

ADJOURNMENT:

Resolution 12-040 to adjourn the meeting:

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

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

Meeting adjourned at 7:46 P.M.

Robert A. Shaw

Robert A. Shaw Town Clerk