#### TOWN BOARD MEETING TOWN OF OWASCO, FEBRUARY 9, 2012 Page 1 of 7

A Town Board Meeting of the Town of Owasco was held on February 9, 2012 at 6:01 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: Pat Doyle Code Enforcement Officer, John Smith, Wanda Zach, Karen Christian, Jack Gilfus and Laurel Auchampaugh.

And from Troop 21: Paul Clark, Griffin Dunn, Paul Gera, Richard Tracy, Christen Nolan, Nikol Biljanoski, Justin Tracy, Mitchell Hulik, Richard Pflueyes, Jacob Cummings, Jared Wilmot, Chris Johnson, Brady Elster, Ed Dixon, John Cummings, Gerald Johnson and Larry Clark.

**CALL TO ORDER: 6:01 PM** 

PLEDGE OF ALLEGIANCE: Led by Boy Scout Troop 21

APPROVAL OF AGENDA:

Resolution 12-049 approval of Town Board Agenda for February 9, 2012.

Motion by Councilperson Gucciardi: Second Councilperson Aldrich.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul <u>Yes</u> Supervisor Wagner <u>Yes</u> Councilperson Lattimore Yes

**APPROVAL OF MINUTES:** 

Resolution 12-050 approval of Town Board Minutes for January 26, 2012.

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi <u>Yes</u> Councilperson Lattimore <u>Yes</u>

Councilperson Knaul Yes

Supervisor Wagner Yes

**PUBLIC PARTICIPATION:** 

Dennis Sedor: Easement and Purchase Offer.

#### COMMUNICATIONS:

- 1. Letter of intent to purchase Real Property at 7129 Owasco Rd. from Greg Rigby.
- 2. Supervisor Report.

**COMMITTEE REPORTS:** 

Will be posted on the Town Website.

PUBLIC HEARING: Local Law No. 2 of 2012

Started: 6:23 PM

Resolution 12-051 to keep the Public Hearing on Local Law No. 3 of 2011 open until the March 8, 2012 because of a typo on the December 30, 2011 meeting minutes resolution 11-161. It stated to keep open to the February 12, 2012 meeting and rename it to Local Law No. 2 of 2012, it should have been February 9, 2012.

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

Roll call vote:

Councilperson Aldrich <u>Yes</u> Councilperson Knaul <u>Yes</u>

Councilperson Gucciardi <u>Yes</u> Councilperson Lattimore <u>Yes</u>

Supervisor Wagner Yes

**OLD BUSINESS:** 

**NEW BUSINESS:** 

#### Resolution 12-052

WHEREAS, in our democratic society it is an important civic responsibility and a great honor for any governmental body to grant public recognition, admiration and gratitude to these very citizens who have helped to build this community, and influence the future of its citizens; and

WHEREAS, the residents of the Town of Owasco, other individuals, and organizations are recognizing Matthew G. Leja on February 25, 2012, for his dedication as a Boy Scout of Troop 21; and

WHEREAS, Matthew shows leadership in all aspects of his life and his devotion to his community is further exemplified by his significant efforts made to achieve more than the twenty-one merit badges required to earn the rank of Eagle Scout; and

WHEREAS, As his service project, Matthew, refurbished the entrance fence at the Van Etten Cemetery in the Town of Owasco to commemorate the sesquicentennial of the Civil War; and

WHEREAS, Matthew and his group of volunteers restored the beauty to the Cemetery and Honored the Towns Civil War hero's; now therefore be it

**RESOLVED** that I, Edward J. Wagner, Supervisor of the Town of Owasco along with the Town Board, do hereby proclaim our gratitude and urge the residents of our Town to join with us in recognizing the significant achievement made by Matthew G. Leja in earning the rank of Eagle Scout and to further commend him for the positive qualities he exhibits as leader in our community.

# Motion by Councilperson Lattimore; Second Councilperson Aldrich.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi <u>Yes</u> Councilperson Lattimore <u>Yes</u>

Councilperson Knaul <u>Yes</u> Supervisor Wagner <u>Yes</u>

Ken Knutsen from Barton & Loguidice spoke and answered questions on the next two resolutions.

Resolution 12-053 Engineering Service Proposal – Technical Assistance from Barton & Loguidice. To authorize the Town Supervisor to sign the Engineering Service Proposal – Technical Assistance with Barton & Loguidice.

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

<u>Resolution 12-054</u> Proposed Agreement for engineering services in connection with the proposed sewer district No. 1 improvements planning, preliminary and final design, bidding and construction phase services Amendment No. 7. To authorize the Town Supervisor to sign the Amendment No. 7 Agreement with Barton & Loguidice.

Motion by Councilperson Lattimore; Second Councilperson Aldrich.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes

Councilperson Lattimore Yes

Supervisor Wagner Yes

Resolution 12-055 a correction of resolution 11-168 the address stated was 7361 Owasco Rd. the address of the property should be 7125 Owasco Rd.

Motion by Councilperson Lattimore: Second Councilperson Knaul.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes

Supervisor Wagner Yes

Councilperson Lattimore Yes

Resolution 12-056 The Town Board of the Town of Owasco hereby appoints Charles Gleason to the position of Clerk Non-Competitive P.T. at his current rate \$11.36 per hour and no more than 15 hours a week.

Motion by Councilperson Knaul: Second Councilperson Aldrich.

Roll call vote:

Councilperson Aldrich Yes Councilperson Knaul Yes

Councilperson Gucciardi Yes Councilperson Lattimore Yes

Supervisor Wagner Yes

Resolution 12-057 WHEREAS, by letter dated 1/9/2012 from Barbara L. Coleman, Deputy Human Resources Administrator of the Cayuga County Department of Human Resources and Civil Service Commission advised the Town of Owasco of the Classification of the position of 2 Motor Equipment Operators Jurisdictional Class: MEO and Non-Competitive which can be filled by the Town part-time or full-time;

NOW, THEREFORE, the Town Board of the Town of Owasco hereby creates the positions of Motor **Equipment Operator.** 

Motion by Councilperson Gucciardi; Second Councilperson Knaul.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes Councilperson Lattimore Yes

Councilperson Knaul Yes Supervisor Wagner Yes

# Resolution 12-058

The Town Board of the Town of Owasco hereby hires David Sierzenga to the Position of Motor Equipment Operator at the rate of \$11.00 per hour and no more than 15 hours a week.

Motion by Councilperson Gucciardi: Second Councilperson Lattimore.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes Supervisor Wagner Yes

Councilperson Lattimore Yes

#### Resolution 12-059

WHEREAS, the Town, by letter dated 10/12/11 from Samuel Giacona, Esq. and email from Terry Petrosino, paralegal to Samuel Giacona dated 12/1/11, received an unsigned Offer To Purchase a vacant parcel at 55 Stryker Avenue Tax Map No. 123.11-3-46 owned by the Town of Owasco in the amount of \$500.00;

WHEREAS, the Assessment on said property is \$5,200 with Full Market Value of \$5,778; and

WHEREAS, the Town is in the process of establishing a Property Disposition Policy; and

WHEREAS, the Town has determined to act upon said unsigned Offer To Purchase prior to enacting the Property Disposition Policy; and

WHEREAS, the unsigned Offer To Purchase is substantially less than what the Town Board believes is full market value;

NOW, THEREFORE, the Town Board hereby rejects the unsigned Offer To Purchase as presented.

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 12-060

WHEREAS, the Town has received a Purchase Offer and Sale Contract dated 1/31/12 for a portion of parcel at 7129 Owasco Road Tax Map No. 123.11-1-32 owned by the Town of Owasco in the amount of \$6,250.00 from Dennis P. Sedor and Michele Sedor and David Ranauro and Lucinda Ranauro signed by Dennis P. Sedor and David Ranauro; and

WHEREAS, the Purchase Offer and Sale Contract referenced a Summary Appraisal Report dated 1/19/12 from Gregory K. Doan of Doan Appraisal Consultants opining that "This analysis indicates a range of value for the subject property from \$1,500 to \$6,800" and a Survey of Dan Michael Anderson dated 12/21/11; and

WHEREAS, the Purchase Offer and Sale Contract references a purchase of the entire 40' waterfront portion of the property; and

WHEREAS, the Assessment on the entire parcel at 7129 Owasco Road is \$103,800 with Full Market Value of \$115,333; and

WHEREAS, the Town is in the process of establishing a Property Disposition Policy; and

WHEREAS, the Town has determined to act upon said Purchase Offer And Sale Contract prior to enacting the Property Disposition Policy; and

WHEREAS, the Town Board has received an analysis from the Town Assessor which opines, in part, that "There are no current sales (2011-2012) to look at but we see from historical sales that the property is selling for \$1,000 per front foot on the outlet minimum."; and

WHEREAS, on or about 6/27/01 the Town commenced a legal proceeding to take the property at 7129 Owasco Road by Condemnation for the purpose of constructing a new High Flow Pumping Station for the Town's Sewer District No. 1; and

WHEREAS, on or about 1/31/02 by Court Order the Town took title to the property at 7129 Owasco Road; and

WHEREAS, by Decision of Acting Supreme Court Justice Corning dated 3/29/05 the property was valued at \$56,000 and consequential damages of \$32,000; and

WHEREAS, by Decision dated 6/5/06 of Acting Supreme Court Justice Corning the Court awarded attorney's fees to the attorney for the prior owner, David C. Ranauro, in the amount of \$46,974.26; and

WHEREAS, in 2006 the Town paid approximately \$88,000 to David C. Ranauro and Lucinda M. Ranauro and \$46,974.26 to Walter C. Foulke, Esq. as attorney for the Ranauros; and

WHEREAS, the Town Board has received comments and maps of the subject property by the Town Engineer, Kenneth M. Knutsen, P.E. from Barton & Loguidice, P.C. which identified numerous issues and stated by email of 2/1/12, in part, that: "I see several potential issues to deal with for a partial sale along the Outlet frontage, including the need for maintaining town sewer/city water easements for the existing pipes, and possibly existing storm sewer pipe (NYSDOT?) along the south property line to the Outlet. Further, we know there is future upgrade work required for the Interceptor; the space below the interceptor should be left open for equipment staging/storage, etc. on a town-owned parcel since the balance of the interceptor north and south of this parcel is already pinched by houses, lot grading and trees."

WHEREAS, the Purchase Offer and Sale Contract is substantially less than what the Town Board believes is full market value;

WHEREAS, the Purchase Offer and Sale Contract on page 1a states, in part, that "In the alternative, Buyers proposed purchase the entire parcel depicted in the survey map heretofore filed with the initial site development plan approved application, prepared by Owasco Code Enforcement Officer Patrick Doyle, reviewed by Supervisor Ed Wagner, at a fair market value price to be determined by the Owasco Town Council Board.";

WHEREAS, the Town Board does not agree with the representation above of an "approved application"; and

WHEREAS, the Town Board will not sell the entire parcel or any portion of due to the fact that, among other things, the parcel is the location of a High Flow Pump Station; and

NOW, THEREFORE, the Town Board hereby rejects the Purchase Offer and Sale Contract as presented.

Motion by Councilperson Gucciardi; Second Councilperson Knaul.

Roll call vote:

Councilperson Aldrich No Councilperson Knaul Yes

Councilperson Gucciardi <u>Yes</u>
Councilperson Lattimore <u>Abstain</u>

Supervisor Wagner Yes

## Resolution 12-061 7129 Owasco Road

WHEREAS, on or about 6/27/01 the Town commenced a legal proceeding to take the property at 7129 Owasco Road by Condemnation for the purpose of constructing a new High Flow Pumping Station for the Town's Sewer District No. 1; and

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WHEREAS, on or about 1/31/02 by Court Order the Town took title to the property at 7129 Owasco Road; and

WHEREAS, on 10/13/11 Dennis Sedor, the purported new owner of7125 Owasco Road Tax Map No. 123.11-1-33, addressed the Town Board and after listening to the presentation the Town Board passed a Motion stating:

Resolution 11-130 to remove the fence located at 7129 Owasco Road, owned by the Town of Owasco. Mr. Dennis Sedor, owner of property at 7125 Owasco Road, will pay a professional contractor to remove the fence and give the fence to the Town of Owasco. Mr. Galbato, Town Attorney, will speak to Mr. David Ranauro, neighbor to the north to confirm the e-mail stating he was in favor of the removal was actually from him.

WHEREAS, on 12/8/11 Dennis Sedor addressed the Town Board and after said presentation the Town Board passed a motion stating:

<u>Resolution 11- 154</u> to grant Dennis Sedor an Easement to be prepared by the Town Attorney and Authorizing the Town Supervisor to sign the Easement for a small piece of land on the southern portion at 7219 Owasco Rd. to straighten his driveway.

WHEREAS, on 12/21/11 the Town received a survey from Dan Michael Anderson dated 12/21/11 of the Town property but the survey did not show the location of the proposed easement; and

WHEREAS, on 12/30/11 the Town Board passed a motion:

Resolution 11-168 amending resolution 11-154 and authorizing the town supervisor to sign an Easement for property located on 7129 Owasco road along a portion of the southerly property line for ingress and egress and from 7361 Owasco road along its northerly property line for ingress and egress contingent upon town attorney approval and site plan approval from the planning board and approval from the zoning board of appeals. Both parties to have ingress and egress over a proposed and a portion of an existing driveway at 7361 Owasco road.

WHEREAS, on 1/2/12 a meeting was held between Supervisor Ed Wagner, Town Councilman Richard Knaul and Dennis Sedor at the Town property at 7129 Owasco Road wherein Mr. Sedor was informed of the Town requirement to obtain approval/recommendation from the Planning Board and no work was to commence on Town property; and

WHEREAS, on 1/4/12 Mr. Sedor addressed the Planning Board and the minutes, in pertinent part, state that:

# "Dennis Sedor - Pre-Site Plan Review, 7125 Owasco Road, Auburn, NY

Mr. Brooks asked Ron Podolak to handle the next portion of the meeting seeing as how this was the first time he has set on the planning board.

Mr. Sedor was present to discuss his request with the Planning Board:

- 1. Mr. Sedor purchased the house next door (north) of his parents to protect his parents from the people that had previously owned the house. It was a party house with many visits from the police. Mr. Paul Sedor shared a driveway with this property.
- 2. The Town of Owasco owns the property to the north of 7125 Owasco Rd.
- 3. Mr. Paul Sedor's property runs at an angle down the shared driveway between the 2 properties. With all the problems Mr. Paul Sedor painted a white line running down his property line on the driveway after his wife fell and broke her hip.
- 4. The Town and Dennis Sedor have come to an agreement and will sign an easement for 8-feet of property in order for Dennis Sedor to install a driveway. The Town will also have an easement over Mr. Sedor's property to access the sewer interceptor if/when it should need maintenance.
- 5. Mr. Sedor would like to buy a piece of property from the Town behind the sewer pump station.
  - a. It has a steep slope and difficult to take care of.
  - b. It is good to no one except either Mr. Sedor or Mr. Ranauro. Mr. Ranauro has no problem with Mr. Sedor purchasing the property.
  - There is a city easement across the property for the waterline feeding the city.
  - d. There is an old shed in disrepair that he will take down
  - e. Greg Doan has made a tentative appraisal of \$6, 250.00 on the property in question. There is 40-feet of water frontage that would be added to the property.
- 6. Mrs. Sorensen asked about the City proposed Riverwalk. Mr. Sedor said that he thinks it has been changed back to the west side of the Outlet.
- 7. Mr. Podolak asked about drainage and that will be directed to the outlet.
- 8. The Town of Owasco will have to initiate the subdivision as owners of the property.
- 9. The Town Board will discuss a policy concerning how to dispose of Town property hopefully at the 1/8/12 meeting.
- 10. Mr. Sedor will have to provide a site plan map for the next meeting."

WHEREAS, on 1/6/12 Supervisor Ed Wagner advised Mr. Sedor by phone that no work could be conducted on Town property; and

WHEREAS, on or about 1/6/12 a driveway was installed on the Town property at 7129 Owasco Road without authorization; and

WHEREAS, by email dated 1/10/12 from Town Attorney Riccardo T. Galbato, Mr. Sedor was advised that no work or improvements can be performed on the Town property without specific approval from the Town Board in writing; and

WHEREAS, on 1/31/12 the Town received an Application For Site Development Plan Approval dated 1/31/12 from Dennis P. Sedor and David Ranauro; and

WHEREAS, on or about \_ the Town received a Survey from Dan Michael Anderson dated 12/21/11 depicting the Town property of 7129 Owasco Road and the newly installed driveway, the majority of which, including the new curb cut onto Owasco Road, is on Town property; and

WHEREAS, on 2/1/12 the Town Board has received comments and maps of the subject property by the Town Engineer, Kenneth M. Knutsen, P.E. from Barton & Loguidice, P.C. which identified numerous issues; and

WHEREAS, by email to the Planning Board dated 2/1/12 Supervisor Ed Wagner stated:

"Dear Planning Board,

I would respectfully request that no action be taken on the Sedor Site Plan Application tonight at your Meeting for a proposed easement for ingress and egress and that the matter be continued to your next meeting in March.

Yesterday 1/31/12 the Town received a revised survey ("as built") showing the driveway Mr. Sedor installed without Town approval. In addition, this afternoon the Town Engineer provided drawings related to the Town parcel which indicate that Town utilities may be effected by the new driveway.

The Town Board is meeting next week on 2/9/12 and may provide further comment on the proposal.

Thank you."

WHEREAS, on 2/1/12 the Planning Board discussed the Sedor Site Plan Review and took no action; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby rejects a proposed easement as depicted on the Survey of Dan Michael Anderson dated 12/21/11; and

FURTHER RESOLVED, that the driveway installed on Town property is not to be used or further improved by the Sedors, their guests, successors or assigns; and

FURTHER RESOLVED, that the Sedors, if they choose to go forward with a possible Easement with the Town, are directed to file a revised Site Plan to the Town Board depicting an alternative location for the driveway at which time the Town Board will determine if and how to proceed including, but not limited to, a referral to the Planning Board and/or Zoning Board of Appeals for comment.

Motion by Councilperson Gucciardi: Second Councilperson Knaul.

Councilperson Aldrich Yes Roll call vote:

Councilperson Knaul Yes Supervisor Wagner Yes

Councilperson Gucciardi Yes Councilperson Lattimore Abstain

Resolution 12-062 to schedule a Town Board Meeting on February 29, 2012 to discuss and Vote on the Sewer Rate Increase imposed by the City of Auburn, to the Sewer Users of the Town of Owasco. Location and 7:00 PM to be determined.

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes Councilperson Lattimore Yes

Councilperson Knaul Yes Supervisor Wagner Yes

## **AUDIT AND PAYMENT OF CLAIMS:**

Resolution 12-063 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 # 2. 2012 Vouchers -

Motion by Councilperson Gucciardi: Second Councilperson Aldrich.

Councilperson Aldrich Yes Roll call vote: Councilperson Knaul Yes

Supervisor Wagner Yes

Councilperson Gucciardi Yes Councilperson Lattimore Yes

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Resolution 12-064 all resolutions should be in 24 hours before the board meeting except of an emergency situation.

Motion by Councilperson Lattimore: Second Councilperson Aldrich.

Roll call vote:

Councilperson Aldrich Yes Councilperson Knaul Yes

Councilperson Gucciardi Yes Councilperson Lattimore Yes

Supervisor Wagner Yes

Resolution 12-065 to adjourn to executive session at 7:48 PM to discuss personnel issues regarding vacant Sewer Superintendent Position.

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes

Supervisor Wagner Yes

Councilperson Lattimore Yes

Resolution 12-066 to return from executive session at 8:15 PM.

Motion by Councilperson Lattimore; Second Councilperson Gucciardi.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes

Supervisor Wagner Yes

Councilperson Lattimore Yes

Resolution 12-067 To appoint Robert Bruno to the position of director of public works which includes recycling superintendent and sewer superintendent for an overall salary of 21000 per year pro rated effective February 15, 2012 This resolution Amends resolution 12 - 039 Dated 1/12/2012.

Motion by Councilperson Gucciardi: Second Councilperson Knaul.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes Councilperson Lattimore No

Councilperson Knaul Yes

Supervisor Wagner Yes

OTHER:

#### ADJOURNMENT:

Resolution 12-068 to adjourn the meeting:

Motion by Councilperson Gucciardi: Second Councilperson Lattimore.

Roll call vote:

Councilperson Aldrich Yes

Councilperson Gucciardi Yes

Councilperson Knaul Yes

Supervisor Wagner Yes

Councilperson Lattimore Yes

Meeting adjourned at 8:28 P.M.

ert A. Shaw Town Clerk

# SIGN IN SHEET OWASCO TOWN BOARD MEETING

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