



## Minutes

### Town of Cairo

**Town Board Meeting @ 6:30 pm**

**Location: Town Hall Meeting Room**

**November 2, 2015**

The Town Board of the Town of Cairo met for a Town Board meeting on Monday, November 2, 2015 at the Town Hall, Main Street, Cairo, New York.

Supervisor Ted Banta, called the meeting to order at: 6:35 PM and then asked the attendees to Pledge Allegiance to the flag. The following Board Members were in attendance: Councilpersons Cords, Ostrander and Joyce. Councilperson Puorro was absent.

Dr. James Schneider ask the board to approve the submitted concept plan for his development project on State Route 23 in order for the New York State Department of Transportation to grant permission for an entrance on State Route 23.

#### **Resolution No. 193 -15 "SCHNEIDER ROUTE 23 and NYSDOT"**

Councilperson Ostrander offered the following resolution and moved its adoption:

**WHEREAS**, The Town Board of the Town of Cairo (hereinafter referred to as the "Town") has been informed that Dr. James Schneider, owner/manager (hereinafter referred to as the "Owner") of three parcels of certain real property (hereinafter referred to as the "Property") located on the north side of State Route 23, across from the intersection thereof with State Route 32; and

**WHEREAS**, Laberge Group, on behalf of the Owner, created certain concept plans and

drawings and submitted same to the New York State Department of Transportation (hereinafter referred to as (DOT) and the Town for review and comment. Copies of such plans are attached hereto and made a part hereof as Schedule "A"; and

**WHEREAS**, such plans include an access to the site at the existing traffic light at the intersection of State Routes 23 and 32 to enter State Route 23 from the north, two 'pad sites' for a bank and restaurant, respectively and a proposed future through road to connect the access location to the Town highway known as Bross Street further to the north west; and

**WHEREAS**, the total acreage of the affected Property is approximately 6.01 acres, excluding the access area and future connector road; and

**WHEREAS**, the Town has been informed that the DOT, during its review of the plans has sought comment and input from the Town Board with respect to certain community, municipal and environmental matters; and

**WHEREAS**, since the Town has not received a formal application, it is acknowledged that the within resolution is subject to a full and final review by the appropriate Board(s) within the Town as it relates to land use and municipal infrastructure extensions and connections; and

**WHEREAS**, the Town has reviewed and analyzed the following:

- Land use matters
- Traffic
- Water
- Sewer
- Taxes/Budgetary/Employment

**NOW THEREFORE, BE IT HEREBY FOUND AND RESOLVED THAT**, following the review and analysis of the below matters the Board of the Town of Cairo strongly supports the continued review of the project by the DOT and the granting of a curb cut to the Owner on the north side of State Route 23 at its intersection with Route 32 based upon the following; and it is further

**FOUND AND RESOLVED THAT:**

(1) The Town recently enacted its first zoning law which shall take effect December 1, 2015 and that the subject matter Property is located in the Commercial Route 23 East Zone

wherein the proposed uses would be permitted as of right, only requiring a Site Plan Approval by the Town Planning Board. Such uses in the proposed location are strongly encouraged in the Town's Comprehensive Plan in order to help stimulate smart and proper growth within the Town.

(2) The granting of an access to State Route 23 in the proposed location would result in several public benefits, including the decrease of traffic at the existing unregulated intersection of State Route 23 and Bross Street less than a mile to the west of the location. Once the through road is constructed from the proposed site to Bross Street much of the traffic attempting to enter Route 23 or cross it to continue into the Main Street hamlet area of the Town and then returning therefrom, will then utilize the proposed access herein, thereby eliminating much of the hazard at said unregulated intersection.

(3) While the Owner may choose to drill private wells for the location, the Town has a municipal water system which could be extended to the site and which has the capacity to handle the proposed usage. If the project proceeds and the Owner elects to connect to the Town water system, it will significantly increase the revenues to the water district thereby decreasing the burden on other users in the district and allowing for a greater pool of funds for operation and maintenance.

(4) While the Owner may choose to construct private septic system(s) for the location, the Town has a municipal sewer system which could be extended to the site and which has the capacity to handle the proposed usage. If the project proceeds and the Owner elects to connect to the Town water system, it will significantly increase the revenues to the water district thereby decreasing the burden on other users in the district and allowing for a greater pool of funds for operation and maintenance. Additionally, the NYSDEC has recently listed an Order on Consent/new user moratorium relating to the Town sewer system and is strongly urging the Town find new users in order to support the cleaning processes at the plant and to create the additionally needed funding.

(5) The proposed new commercial uses will necessarily significantly increase the tax basis for the Town, both immediately and in the future. The access location will also open other lands in the Commercial 23 East District to development, which currently have

access only through small town roads which potentially do not have the capacity to handle such commercial traffic.

Councilperson Joyce seconded the motion.

All members in favor - motion carried.

The minutes from the September 10, 2015 Board Meeting were accepted by Councilperson Cords and seconded by Councilperson Ostrander.

The minutes from the September 14, 2015 Board Meeting were accepted by Councilperson Joyce and seconded by Councilperson Cords.

Supervisor Banta opened the public hearing to present the Preliminary 2016 budget for the Town of Cairo at 6:55PM and to receive comments. Supervisor Banta asked the audience three times if there were any questions. There were no comments.

**Resolution No. 194-15 “Close Public Hearing”**

Councilperson Cords made a motion to close the public hearing and Councilperson Ostrander seconded the motion.

All members in favor - motion carried.

**Resolution No. 195-15 “Accept the 2016 Preliminary Budget”** offered by Councilperson Joyce and moved its adoption:

WHEREAS, the Town Supervisor filed the 2016 Tentative Budget with the Town Clerk on September 30, 2015; and

WHEREAS, the 2016 Tentative Budget was modified and is now being presented as the 2016 Preliminary Budget at the Public Hearing for the 2016 Budget; therefore be it

RESOLVED, The Town Board of the Town of Cairo does hereby accept the 2016 Preliminary Budget as presented.

Seconded by Councilperson Cords.

All members in favor - motion carried.

**Resolution No. 196-15** “**Adopt 2016 Budget**” offered by Councilperson Cords and moved its adoption:

WHEREAS, the 2016 Preliminary Budget meets the requirements of the NYS Property Tax Cap Law; and

WHEREAS, a public hearing for the 2016 Preliminary Budget was held on November 2, 2015; therefore be it

RESOLVED, The Town Board of the Town of Cairo does hereby adopt the 2016 Preliminary Budget as presented.

Councilperson Ostrander seconded the motion.

All members in favor - motion carried.

Supervisor Banta opened the public hearings concurrently to establish a law regulating the licensing and control of dogs Local Law #9 of 2015 and to establish a law respecting the outdoor restraint of companion animals Local Law #10 of 2015 at 7:00PM. One resident questioned who was going to enforce these laws. Councilperson Joyce explained that the animal control and the police will enforce these laws and will be brought before the judge. Supervisor Banta stated he will email the law to the resident.

**Resolution No. 197-15** “**Close public hearing**”

Councilperson Ostrander made a motion to close the public hearing. Councilperson Cords seconded the motion.

All members in favor - motion carried.

**Resolution No. 198-15** “**To Establish a Law Regulating the Licensing and Control of Dogs Local Law #9 of 2015.**”

Councilperson Joyce offered the following resolution and moved its adoption:

The Town Board of The Town of Cairo does hereby establish a law regulating the licensing and control of dogs Local Law #9 of 2015.

Councilperson Cords seconded the motion.

All members in favor - motion carried.

**Resolution No. 199-15 “To Establish a Law Respecting the Outdoor Restraint of Companion Animals Local Law #10 of 2015”**

Councilperson Ostrander offered the following resolution and moved its adoption:

The Town Board of The Town of Cairo does hereby establish a law respecting the outdoor restraint of companion animals Local Law #10 of 2015.

Councilperson Cords seconded the motion.

All members in favor - motion carried.

**Resolution No. 200-15 “Receipt of Monthly Supervisor’s Report.**

Councilperson Ostrander offered the following resolution and moved its adoption:

WHEREAS, it has been recommended by the NYS Comptroller’s Office in the Town of Cairo Report of Examination 2008M-175, that the Supervisor should present a Monthly Report to the Town Board members consisting of cash receipts, cash disbursements, and a budget versus actual report for expenses and revenues, and it be documented in the minutes; therefore, be it,

RESOLVED, that the Town Board Members accept the monthly Supervisor’s Report for September, 2015.

**Resolution No. 201-15 “Accepting Water Billing Dated October 6, 2015”**

Supervisor Banta offered the following resolution and moved its adoption:

WHEREAS, it is necessary for the Water Billings be authorized by the Town Board and documented in the minutes; therefore, be it

Resolved, that the Town board accepts the Water Billing as presented from the Water Administrator in the amount of \$52,781.63 dated October 6, 2015.

Councilperson Ostrander seconded the motion.

All members in favor - motion carried

**Resolution No. 202-15 “Amend 2015 Budget to Reflect Receipt of D.A.R.E. Monies and Expense of Supplies Purchased”**

Councilperson Ostrander offered the following resolution and moved it adoption:

WHEREAS, the town received D.A.R.E donations for the purchase of supplies for the town sponsored D.A.R.E Program; and

WHEREAS, it is necessary for accounting purposes to track the expenses and revenues associated with these funds; therefore be it

RESOLVED, the Town Board does hereby authorize the Town Supervisor to amend the expense line item A-3120.452 Police – DARE Contractual to reflect the increase in General Fund Appropriations \$334.80 and; increase the revenue line item A-2070 Contributions-private agency-youth to reflect the increase in General Fund Revenue in the amount of \$334.80 in the 2015 budget.

Seconded by Councilperson Joyce.

All members in favor - motion carried.

**Resolution 203-15 “Advanced Enterprise C&E Change Order #2”**

Supervisor Banta offered the following resolution and moved its adoption:

WHEREAS, there was an approved revised contract in the amount of \$205,345.00 between the Town of Cairo and Advanced Enterprise C&E, Inc. for the Harold Myer Road Replacement Culvert; and

WHEREAS, there was an approved original scope of work for the Harold Myer Replacement Culvert which was to provide rip rap on the stream banks; and

WHEREAS, Jeff Hogan, P.E., from Praetorius and Conrad, P.C., strongly recommended, that after the recent storm which produced 7 ½ inches of rain and eroded the streambed, that rip- rap be installed in the stream bed to stabilize the stream bank and prevent it from collapsing in the stream bed; and

WHEREAS, the cost of the rip-rap and installation is \$3,000.00, and

WHEREAS, NYSDEC is requiring the installation of live willow stakes at the inlet rip-rap slope for protection prior to closing out the permit; and

WHEREAS, the cost of the installation is \$1,500.00; therefore be it

RESOLVED, that contract change order #2 for Advanced Enterprise C&E, Inc. be approved in the amount of \$4,500.00 for a total contract price of \$209,845.00

Councilperson Ostrander seconded the motion.

All members in favor - motion carried.

**Resolution No. 204-15 “Sandy Plains Road Replacement Culvert Change Order #1”**

Councilperson Ostrander offered the following resolution and moved its adoption:

WHEREAS, there was an approved contract in the amount of \$247,140.00 between the Town of Cairo and Advanced Enterprise C & E, Inc. for the Sandy Plains Road Culvert Replacement; and

WHEREAS, there was an approved original scope of work for the Sandy Plains Road Replacement Culvert to provide precast concrete wing walls and head walls; and

WHEREAS, Jeff Hogan, P.E., from Praetorius and Conrad, P.C., strongly recommended that due to the removal of the buried concrete abutments was an unforeseen subsurface condition that was encountered by the contractor during excavation; and

WHEREAS, the road repair area was required to be extended from 90 LF to 140 LF. because bedrock was encountered in the bottom of the excavation that resulted in raising the box culvert and road surface approximately 9” to avoid bedrock removal costs; and

WHEREAS, extending the repair area was necessary to provide a smooth road surface from end of repair to end of repair along the new road profile; and

WHEREAS, bedrock was encountered in the bottom of the excavation, and a field decision was made to construct the wing wall footings, wing walls, and head walls with cast-in-place concrete instead of precast concrete to avoid bedrock removal costs and to provide the flexibility to modify the design of each piece based on the actual subsurface conditions found during excavation; and

WHEREAS, this changed the configuration of each piece and resulted in more concrete being used than what was originally estimated in the contract documents; therefore be it

RESOLVED, that contract change order #1 for Advanced Enterprise C & E, Inc. be approved in the amount of \$25,670.00 for a total contract price of \$272,810.00

Councilperson Joyce seconded the motion.

All members in favor - motion carried.

**Resolution No. 205-15 “Water Penalty Adjustment”**

Supervisor Banta offered the following resolution and moved its adoption:

WHEREAS, it is necessary for the Water Penalty charge that was erroneously posted on August 18, 2015 of \$6.18 be removed from account # 3640, as the service was turned off, and;

WHEREAS, it is necessary to be authorized by the Town Board and documented in the minutes, therefore be it;

RESOLVED, that the Town Board authorizes the Water Penalty adjustment of \$6.18 be credited to Account #3640 which occurred due to a posting error.

Councilperson Cords seconded the motion.

All members in favor - motion carried.

**Resolution No. 206-15 "2015 Halloween Curfew"**

Councilperson Cords offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby acknowledge that they set a Halloween Curfew from 8:00pm – 6:00am on October 31, 2015 where anyone under the age of 18 must be accompanied by a parent or a legal guardian.

Councilperson Joyce seconded the motion

All members in favor - motion carried.

**Resolution No. 207-15 "Budget Amendments and Payment of Bills on Abstract #323"**

Councilperson Ostrander offered the following resolution and moved its adoption:

WHEREAS, town law requires that no fund or appropriation account may be overdrawn; and

WHEREAS, payment of bills should be properly authorized and documented in the minutes;

therefore be it

RESOLVED, the Town Board does hereby authorize the following budget amendments:

From	A-1990.4	Contingent	-898.74
To	A-1010.4	Legislative-Contractual	+898.74
From	A-1990.4	Contingent	-1,183.00

To	A-1320.4	Finance-Contractual	+1,183.00
From	A-1355.115	Assessor-Data Collector	-1,182.50
To	A-1355.113	Assessor-Clerk	+1,182.50
From	A-1355.2	Assessor-Equipment	-4.59
To	A-1355.4	Assessor-Contractual	+4.59
From	A-1410.4	Town Clerk-Contractual	-826.35
To	A-1410.118	Town Clerk-Persl Serv-Deputy	+826.35
From	A-1990.4	Contingent	-539.03
To	A-1440.4	Engineer-Contractual	+539.03
From	A-1990.4	Contingent	-3,762.15
To	A-1620.15	Bldgs. PerslServ	+3,639.77
To	A-1620.151	Bldgs. Library-Persl Serv	+122.38
From	A	Fund Balance	-26,333.92
To	A-1620.202	Bldgs. Improvements	+26,333.92
From	A-3510.4	Control of Dogs-Contractual	-76.00
To	A-3510.15	Control of Dogs-Persl Serv	+76.00
From	A-1990.4	Contingent	-1,007.30
To	A-5132.4	H'way Garage-Contractual	+1,007.30
From	A-7110.2	Parks-Equipment	-5,286.67
To	A-7110.15	Parks-Persl Ser	+5,286.67
From	A-8010.15	Zoning-Persl Serv	-6,380.45
From	A-8010.2	Zoning-Equipment	-2,590.67
To	A-8010.4	Zoning-Contractual	+8,971.12
From	A-8810.4	Cemeteries-Contractual	-150.51
To	A-8810.15	Cemeteries-Persl Ser	+150.51
From	DA-5130.2	Machinery-Equipment	-5,665.22
To	DA-5130.4	Machinery-Contractual	+5,665.22
From	SW	Fund Balance	-10,319.43
To	SW-8320.4	Source of Supply-Contractual	+10,319.43

And be it further RESOLVED, the Town Board does hereby authorize that Abstract #323, consisting of 2015 Vouchers #2361 through #2457 in the amount of \$344,374.92 is approved for payment.

The total amount to be paid from the:

General Fund - \$78,385.84	Hydrant - \$7,500.00
Highway Fund - \$219,314.68	Sewer Fund - \$36,503.24
Cap. Water Fund -	Water Fund - \$2,603.38
Street Lighting -	Trust & Agency - \$67.78

Councilperson Joyce seconded the motion.

All members in favor - motion carried.

Discussion arose about the water law. Councilperson Cords stated that Water Administrator would like to rewrite the law. Councilperson Cords will follow through with this.

Public nuisance law was discussed with Town Attorney Tal Rappleyea. He will draft a law and meet with the board to discuss it. In order to protect residents, the law must be specific.

Supervisor Banta stated now that zoning is in effect, the board of appeals needs to be repelled and authority will now go to the zoning board of appeals. A public hearing will be needed to accomplish this. Public hearing will be set for December 7, 2015 at 6:45PM

**Resolution No. 208-15 "Set Public Hearing to Repeal Board of Appeals"**

Councilperson Cords offered the following resolution and moved its adoption:

The Town Board of The Town of Cairo does hereby set a Public Hearing to Repeal the Board of Appeals on December 7, 2015 at 6:45PM at the Cairo Town Hall.

Councilperson Joyce seconded the motion.

All members in favor - motion carried.

Supervisor Banta gave an update KathodeRay Media and the Town of Cairo Website. The Town Board went over the proposal submitted.

**Resolution No. 209-15 “Sign Proposal with KathodeRay Media”**

Councilperson Cords offered the following resolution and moved its adoption:

The Town Board of the Town of Cairo does hereby authorize Supervisor Banta to sign proposal with KathodeRay Media for the one time cost of \$2,880.00.

Be it further resolved, at this time the social media calendar and post management is not approved by the Town Board.

Councilperson Ostrander seconded the motion.

All members in favor - motion carried.

Highway Superintendent Robert Hempstead gave an update on the highway department. There will be a meeting with Hannaford representatives on Thursday, November 5, 2015 at 10:00AM to discuss Lake Avenue.

Dean Lavin gave an update on the library and stated that a piano was donated.

Supervisor Banta stated there will be a sidewalk meeting on November 17, 2015. Received a \$10,000.00 grant from the Alexander and Marjorie Hover Fund for park enhancements dedicated to seniors.

Supervisor Banta informed the audience that the Holiday Parade/Craft Fair will be held November 28, 2015.

**Resolution No. 210-15 “ Board to Enter Executive Session”**

Councilperson Ostrander offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby move into Executive Session at 7:50 PM to discuss medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation within the Town of Cairo.

Councilperson Cords seconded the motion.

All members in favor - motion carried.

**Resolution No. 211-15 “Board to Exit Executive Session”**

Councilperson Ostrander offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby exit Executive Session at 8:55PM.

Councilperson Cords seconded the motion.

All members in favor - motion carried.

Councilperson Joyce to adjourn the meeting at 9:00PM

All members in favor - motion carried.

Respectfully submitted,

Debra Sommer

First Deputy Town Clerk