



## **TOWN OF CAIRO**

### **GENERAL/REGULAR MEETING AGENDA**

**September 26, 2012 @ 7PM**

**Location: Town Hall, Cairo**

**Call to Order**

**Pledge of Allegiance**

**Attendance**

**Presentations/Comments: Apple Harvest Festival**

**Approval of Minutes:**

**Reports**

- |                          |                               |                |
|--------------------------|-------------------------------|----------------|
| - Supervisor             | - Ambulance                   | -Reservoir     |
| - Highway Superintendent | - Planning Board              | -Summer Rec    |
| - Library                | - Police Department           | -Tax Collector |
| - Assessor               | - Building & Code Enforcement |                |
| - Water & Sewer          | - Other Department(s)         |                |

**Appointments & Resolutions**

**Unfinished Business**

- Clothing Bin/Storage Bin Proposed Law; Public Hearing 8:00pm
- Solar Energy
- Salvage Yards
- Ambulance Financing

**New Business**

**Adjournment**



## **TOWN OF CAIRO**

### **Public Hearing**

September 26, 2012 @ 8:00PM

Location: Town Hall, Cairo

**Reason/Proposal:** Local Law Proposed to Regulate Storage Bins-“Storage Bin Regulation Local Law”

**Local Law Proposes**(Excerpts from proposed law):

**Purpose:** The Town Board of the Town of Cairo finds and declares that the intrusion of nonregulated storage bins is causing annoyance to citizens in the Town of Cairo and may lead to negative visual impacts and potential health hazards. The provisions contained in this local law are intended to prohibit the placement of storage bins in the Town of Cairo except in accordance with the terms of this local law so as not to negatively impact the health and safety of the residents of the Town.

**Storage Bins Prohibited Without Permit. Conduct**

- a. No person, corporation, entity, organization or group shall place a storage bin in any location within the Town of Cairo, except in the following locations and with the owners consent thereof, unless such person shall first obtain a permit from the Town:
- i. Property owned by the Town of Cairo;
  - ii. Property owned by a duly organized fire company or district;
  - iii. Property owned by a church or other place of worship.

**Town Clerk:** Notice of Hearing

**Supervisor:** Review of Public Hearing Procedure:

- Speakers must raise their hand, be called upon by the Supervisor to speak, identify themselves-stating full name, direct their comments to the Town Board, and state clearly & briefly why they are in favor or against the proposal.
- Speakers may not speak a second time until all those who wish to speak have spoken once. Speakers may be held to a 5 minute time frame.
- The Town Board may choose to listen and not comment.



## **Minutes**

### **Town of Cairo Work Session**

**Location: Town Hall Meeting Room**

**September 12, 2012**

The Town Board of the Town of Cairo met for a work session meeting on Wednesday, September 12, 2012 at the Town Hall, Main Street, Cairo, New York.

Supervisor Banta called the meeting to order at 4:00 PM and then asked the attendees to Pledge Allegiance to the Flag with all Board members present.

Supervisor Banta introduced and welcomed the new reporter, Kyle Adams from the Daily Mail.

The board discussed the Meadowfield's Variance application and felt that the applicant did not substantiate a hardship case.

**Resolution No. 217-12** "Denial of Meadowfield's Apartment Variance" offered by Councilperson Puorro and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby deny the Meadowfield's Apartment Variance application.

BE IT FURTHER RESOLVED, that the Town Attorney Tal Rappleyea will draft the denial letter.

All members in favor – motion carried.

**Resolution No. 218-12** "Authorizing Highway Superintendent And Supervisor To Sign Agreements with Engineer"

Councilperson Puorro offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby authorize the Supervisor and the Highway Superintendent to sign two agreements with Praetorius and Conrad, P.C. for professional engineering services.

BE IT FURTHER RESOLVED, The first agreement will be the Harold Myers Road Culvert with an estimate of \$22,000.00 and the second agreement will be the Sandy Plains Road Box Culvert with an estimate of \$25, 400.00.

Seconded by Councilperson Joyce.

All members in favor – motion carried.

**Resolution No. 219 -12** “Sponsor Candidates for Police Academy”

Supervisor Banta offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo agrees to sponsor Joseph Feml and Kevin Haverly for the 2012-2013 Zone 14 Police Academy.

Seconded by Councilperson Ostrander.

All members in favor – motion carried.

**Resolution No. 220-12** “Accept Septic Tank Clean Out Bids” offered by Councilperson Puorro and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby accept the bid from Hunter Environmental with a Unit Price of \$199.98 per tank.

All members in favor – motion carried.

Discussion following regarding the time frame to open and close 125 tanks before the winter. Alan Tavenner, Kathy Jurgens, and Robert Hempstead will be meeting next week to sort out the particulars.

**Resolution No. 221-12** “Accept Draft of Local Law Regulating Storage Bins” offered by Councilperson Puorro and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of The Town of Cairo does hereby accept the draft of local law “Regulating Storage Bins” and,

BE IT FURTHER RESOLVED, that the public hearing will be held on Wednesday, September 26, 2012 at 8:00pm.

All members in favor – motion carried.

The Town Board scheduled the next budget session meeting for Wednesday, September 19, 2012 at 4:00pm.

A request was received from the Cairo Chamber of Commerce regarding insurance. The Town Board will review the situation.

***Let the record show that Supervisor Banta excused himself from the meeting at 4:30pm.***

Public comment followed with one resident informing the board of three break-ins on one Main Street store. The resident would like to know procedures of Cairo Police Department, Sheriff's Office and State Police regarding the communications between agencies. Deputy Supervisor Ostrander informed the resident that the board will look into this matter.

Motion was made by Councilperson Suttmeier and seconded by Councilperson Puorro to adjourn the meeting at 4:40PM.

Respectfully submitted,

Debra Sommer  
Deputy Cairo Town Clerk

**Town of Cairo  
Ambulance Service**

PO Box 728  
512 Main Street  
Cairo, NY 12413  
518-622-2357

**Monthly Report  
September 26, 2012**

Total Calls for August.....81  
Total Transported Calls.....52  
Total Non-transported calls.....29

Total Amount Billed\_\_\_\_\_ \$ 46, 990

**Miscellaneous items:**

1. New Ambulance scheduled for delivery the first week in October. Need to contact Insurance company for cards.
2. Ambulance Building has been painted, and looks great!
3. Reminder regarding Septic tank replacement.

<b>TOWN OF CAIRO BOARD MEETING</b>
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<b>ASSESSOR'S MONTHLY REPORT</b>

**September 26, 2012**

**BUSINESS:** 17 transfers for month of August

**NEW BUSINESS:**

**CLOSING**

Janice Hull  
**Sole Assessor**



**TOWN OF CAIRO  
BUILDING & CODE ENFORCEMENT**

**Monthly Report**

**August 21, 2012 – September 25, 2012**

**(13) Building permits Issued**

**(02) Certificates of Occupancy Issued**

**(07) Certificates of Compliance Issued**

**(24) Violations & Complaints:**

**(04) Violations Pending In Court; (1) New (1) Closed as 9/18/12**

**(31) Total Violations & Complaints**

**(66) Total Inspections performed on current projects, violations  
and Fire Inspections**

**16 RailRoad Ave., P.O. Box 728  
Cairo, New York, 12413**

**Phone (518) 622-9894  
Hours Mon-Thur. 10-3, Fri. 10-2**





TOWN OF CAIRO  
BUILDING AND CODE ENFORCEMENT

September 25, 2012

Town of Cairo  
Town Board Members

Dear Board Members

The 2010 Property Maintenance Code of New York State states that every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. The code also states that owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container. Although we can enforce these codes the time line that the town board adopted is not practical for the enforcement we need for removing household garbage. I would like to request that the board implement a local law with a stricter time period for the removal of household garbage. I feel that household garbage is not only an eye sore for anyone who lives or visits the town but household garbage can also become a health hazard.

Please consider discussing this matter further for the September 25<sup>th</sup> board meeting.

Respectfully,

Stacy Sprague  
Town of Cairo  
Code Enforcement Officer

## ***Highway Report***

***September 26, 2012***

1. Surface treatment crews are out resurfacing/patching various roads within the town.
2. The gradall crew continues to upgrade the drainage/ditching within the town.
3. I would like the fee schedule to be revised to read: curb cut/driveway upgrade
4. Hudson Correctional painted the ambulance building and also worked in the park painting the pavilion and the pop warner building.
5. The new roof at the annex garage is complete, also the electrical wiring is now complete and the inside has been sheet rocked.
6. The mower is completing its third run around the town for the season.
7. The United Way has dropped a box trailer at the highway garage for the collection of donations for Hurricane Irene victims.
8. Greene County Fire Association has placed a clothing bin at the recycling center in the park for donations.
9. The mechanics are working on the snow removal equipment in preparation of winter.
10. We have a crew working with the sewer department to uncover/repair septic tanks in preparation of pumping.
11. We assisted the water department with repairs.
12. Culvert maintenance program ongoing.
13. Town wide trash clean up and the repairing/replacing or warning signs is ongoing.
14. We are preparing the park for Apple Harvest Festival.
15. We had representatives from the New York Museum and European Archeologists at the quarry conducting various tests.
16. We have attended a few equipment auctions and purchased a used backhoe, sweeper and Oshkosh plow. We will be ordering our F550's in the near future.
17. During the heavy rains, we have had a few major leaks in the new part of town hall. We will have to repair the roof properly.
18. We upgraded the electrical system at the Acra Community Center to support the kitchen.
19. Met with Central Hudson to discuss upgrading to energy efficient equipment. An energy audit will be conducted shortly and there are possible rebates to cover 75% of the cost.
20. The guide rail for the project on Route 32 has been delivered. We're waiting on one permit to begin the project.
21. We have been installing/upgrading driveway pipes on various roads.

22. The air conditioner system has been serviced at Town Hall. Joe DeAngelis is in training to do maintenance service calls on all buildings.
23. Last week we met with the library to discuss their maintenance program on all equipment installed, along with the geo thermal system.
24. We have been working on FEMA projects. We have 39 small projects total, 12 are complete. We also have 2 major projects that are still going through the process.
25. The storm on September 18<sup>th</sup> caused damage to many trees. Crews were out to cutting and clearing trees that evening and the next day.
- 26.

## **Director's Report – September 2012**

We continue to be busy; between mid July and early September we issued more than 100 new patron cards and had 1,569 computer users. We also continue to get compliments every day on the new library.

We've offered 40 programs since July 6. Future program ideas include a local film makers' series, alternative and documentary films, writer's club/institute, Open Mic with WGXC at local nursing home as part of our library outreach efforts. I have also had a preliminary discussion with the C-D high school principal about doing an Open Mic at the school. He is receptive. The C-D teacher we worked with last year on the joint library/school program reports that the students said the field trip to the library was their favorite. We are planning on doing something again this school year with this class (8<sup>th</sup> grade). We also have a children's watercolor class scheduled for October. We had more than 60 people attend the August Open Mic in the Town Park with people coming from around the county as well as Ulster County.

The following organizations have been scheduled to use the community room in September so far: Park Task Force, American Legion Auxiliary, the United Way, MHLS, town variance board, Greene County Chamber of Commerce and a book group.

I will be attending a series of Leadership Development workshops at MidHudson beginning Wednesday. The program is supported by a grant so there is no tuition to attend this workshop which is being offered by a nationally known consultant/speaker.

I met with a BOCES representative regarding setting up GED training here in the library. It is tentatively scheduled to begin within the next couple of weeks.

We have gotten several letters of support from program instructors and attendees.

We have new library cards depicting our new space.



**TOWN OF CAIRO  
PLANNING BOARD**

**PO Box 728, Cairo, NY 12413**

**Chairman – Daniel A. Benoit Phone # (518) 701-4823**

**Email: [planning@townofcairo.com](mailto:planning@townofcairo.com)**

08/22/2012

TO: Town Board Members, Town of Cairo

RE: Monthly Report for September, 2012

On September 11, 2012, the Planning Board held its regular meeting at the town's new library. All board members except Mr. Peter Kavakas were present. There was one subdivision public hearing scheduled and held. Subsequently, the pending Frantz subdivision proposal was approved. The board then accepted one new subdivision application, Pytel, and scheduled a public hearing for that proposal for our regular meeting of October 9.

Ms. Dawn Suttmeier, proprietor of the Olde Towne Hair Shoppe, located at the intersection of Main St. and CR 85 (attached to Dominick's barber shop) requested permission to install a sign. The board approved her request.

The board's next regular meeting will be October 9, at 7:00 p.m. and will be held in the meeting room of the library building.

Respectfully Submitted:

*Daniel A. Benoit*

Daniel A. Benoit, Chairman, Planning Board.

Cairo Police Department  
Town Hall  
P.O. Box 728  
Cairo, New York 12413

Phones (518)-622-2324  
Fax (518)-622-8418

e-mail [cairopd@mhccable.com](mailto:cairopd@mhccable.com)  
Cell (518) -965-1180

September 25th, 2012

From: Chief Christopher J. Sprague  
Town of Cairo Police Department

To: Ted Banta, Supervisor  
Town Board Members

Re: Report of Activities – Month of July 2012 / August 2012

(A)	Patrol Mileage: Patrol	574-	1152
	Vehicle	575-	929
		576-	814
		577-	661
		578-	0

Total Miles 3556

(B)	Criminal Incidents	69
	Non-Criminal	52
	Unclassified	9
	Dog / Animal Complaints	22
	Code Violations	1 Code Arrest Ottomenelli

Total Complaints 130

(C)	Accident Investigations	7	Total
(D)	Parking Summons	4	Issued
(E)	Arrests	6	with 7 Charges
(F)	Vehicle & Traffic	19	Traffic Summons issued



**J MYERS WATER SERVICE, INC.**

7974 Main Street, PO Box 214  
Hunter, New York 12442

September 24, 2012

Ted Banta, Supervisor  
Town of Cairo  
PO Box 728  
Cairo, New York 12413

Re: Sewer Dept. Monthly Report for August, 2012

The following report cover's facility operations of the Waste Water Treatment Plant (WWTP) and collection system servicing the Town of Cairo.

**WWTP**

**Flow, monthly average:**

August 41,000gpd

**Biosolids:**

August 4000 gals. WWTP Sludge

**Compliance:**

**Compliance was met for the month of August.**

**Comments:**

The new filters went on-line on 7/22/09 and are performing well.

Working with Delaware Engineering on up-grade topics for WWTP.  
Contractor is working on new wet well. Getting ready to mount new pump station.

Still need to firm up repair schedule with Milton Cat for damage sustained to generator that services the Snyder Lane pump station from hurricane Irene. FEMA working with B. Hempstead to resolve the Snyder La. Issue.

## **Collection System**

### **PS-1, Cumberland Farms**

All conditions normal

### **PS-2, Schindler's Garage**

All conditions normal

### **PS-3, Snyder La**

All conditions normal

Generator off line for repairs.

### **PS-4, 23 over-pass**

All conditions normal

### **PS-5, Cairo Collision**

All conditions normal.

### **PS-6, Jerome Rd**

All conditions normal

### **PS-7, Dunkin Donuts**

All conditions normal

## **Septic Tank(s)**

Working on pump out scheduel.

Please call me with any concerns or questions,

Joe Myers, cell 528-8842



Town Board Meeting – September 26, 2012

Submitted by Kathy Jurgens – Administrator



**Water –**

I am currently reading water meters for an October 1<sup>st</sup> billing. Payment received from Good Tymes Properties for Red Rooster account on CR 23B. Awaiting tapping charge fees for water & sewer from Cairo Shops LLC. Payment will come from F. Alexander. Work orders sent to Highway Dept. for work to be done on water system. I have asked Supt. to acknowledge to me when work is completed. Then I have it for my files.

**Sewer –**

Sewer EDU billing done on September 4<sup>th</sup>. Resolution submitted. Sewer Use penalty placed on unpaid August billing accounts. Resolution submitted. Hunter Environmental was the successful bidder for the sewer septic pumpouts at \$199.98 per 1,000 gallons. Hunter Environmental started pumping tanks on Sept. 24<sup>th</sup> in the area of Oak, Birch & Cedar Streets. Work list of customers on those streets and also Bross Street were faxed to Hunter, Joe Myers and Supt. of Highways. Currently working on completing the list for Grove Street and Railroad Avenue.

Any questions, feel free to give me a call.



## **TOWN OF CAIRO**

### **SUPERVISOR'S REPORT**

**September 26, 2012 @ 7PM**

**Location: Town Hall of Cairo, Meeting Room**

#### **Notification of Meeting:**

- Town Clerk's Board
- Town Hall
- Outdoor Bulletin Board
- Town Website
- Daily Mail Calendar
- Midhudson PSA Announcement
- Slater's Great American/Smart Shop

#### **Monthly Financial Report: August 2012**

#### **Zoning:**

- Zoning Meetings to date:
  - o April 11<sup>th</sup> @ 3pm
  - o April 30<sup>th</sup> @ 5pm
  - o May 21<sup>st</sup> @ 4:30pm
  - o June 11th @ 4:30pm
  - o July 9<sup>th</sup> @ 5pm
  - o August 6<sup>th</sup> @ 4pm
  - o August 20<sup>th</sup> @ 4pm
  - o September 17<sup>th</sup> @ 4pm
  - o Next meeting scheduled for October 4<sup>th</sup> at 4pm

#### **Employee Meetings Held to date:**

- Meeting continue to be held monthly
- Next meeting tomorrow 9/27 at 11:30am
- Employee Barbeque: August 30, 2012

#### **Purchasing Policy:**

- No further updates
- Will update according to Comptroller's recommendations
- Will update to clarify and provide detailed instructions

#### **Disaster/Emergency Plan Policy:**

- IT recovery plan current and in place but Emergency/Disaster Plan is outdated
- Downloaded Greene County's Emergency Plan to use as a reference

#### **Renovation of Town Hall-Old Library:**

- See attached draft

**Correspondence:**

- Thank you from Carol Spohler for Market Days support-see attached
- Thank you for attending the 50<sup>th</sup> Anniversary of the Buddhist Temple in South Cairo-see attached

**Water District:**

- Will be working with Kathy J. to implement, enhance, amend and codify procedures & approvals for Water District, especially water tapping procedures and approvals

**Solar Energy Evaluation:**

- Rupert Shoedial is working on recommendations for the town

**2013 Budget:**

- Will file Tentative Budget with Clerk
- Will need to schedule Budget Sessions

**Reviews & Raises:**

- I recommend that we perform annual reviews due on or about July 31, 2012
- Raises should be discussed at Budget time

**United Way of Columbia & Greene Counties:**

- 211 announcement on homepage with link

**Building Policy:**

- For-profit & non-profit organizations
- Fees?

**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Receipt of Monthly Supervisor’s Report”**

Councilperson \_\_\_\_\_ 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 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 August, 2012.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

# TOWN OF CAIRO

September 26, 2012

## RESOLUTION NO. \_\_\_\_\_

“Grant Permission to the Justice Court to Apply for the 2012 JCAP Grant”

Councilperson \_\_\_\_\_ offered the following resolution and moved its adoption:

WHEREAS, the Town of Cairo Justice Court is in need of (4) filing cabinets, (1) desk and chair, (1) new desktop computer, funds to scan records, and updates to the court security system; and

WHEREAS, there is a 2012 Justice Court Assistance Program Grant (JCAP) available; therefore be it

RESOLVED, that the Town Board of the Town of Cairo does hereby grant permission to the Justice Court to apply for the 2012 JCAP Grant.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Authorizing a Two Night Accommodation for the Deputy Highway  
Superintendent’s Conference Attendance”**

Councilperson \_\_\_\_\_ offered the following resolution and moved  
its adoption:

WHEREAS, the Town Board approved the Deputy Highway Superintendent’s attendance  
to the State Comptroller’s Accounting School, Resolution 173-12, on July 11, 2012;

AND WHEREAS, the Highway Superintendent approved a two night stay accommodation  
for the conference held in Oneonta because of the long commute and because the  
overnight accommodations would be less than the daily commute expense; therefore,

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby authorize the  
two night accommodation for the Deputy Highway Superintendent for the attendance at  
the State Comptroller’s Office Conference, as it is more cost effective than daily mileage  
and travel time.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_ NAY \_\_\_\_ ABSENT \_\_\_\_ CARRIED \_\_\_\_ DEFEATED \_\_\_\_

**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Approve Ambulance Financing”**

Councilperson \_\_\_\_\_ offered the following resolution and moved its adoption:

WHEREAS, the Town Board approved the purchase of a new ambulance on May 9, 2012, Resolution 120-12;

AND WHEREAS, the Town has received financing options from 3 vendors:

The Bank of Greene County: 3 yr at 2.09% & 5 yr at 2.29%

Integrated Vehicles & Equipment Leasing: 5 yr at 4.96% & 6 yr at 4.99%

Advantage Funding: 3 yr at 3.97% & 4 yr at 3.99%

The lowest financing option submitted by the Bank of Greene County; therefore,

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby approve the 5 year financing option provided by the Bank of Greene County at 2.29%.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Fee Schedule Amendment”**

Councilperson \_\_\_\_\_ offered the following resolution and moved its adoption:

WHEREAS, the Town of Cairo adopted a revised Fee Schedule on April 25, 2012;

AND WHEREAS, the Town of Cairo has updated the fee schedule on 6/13, 8/8, & 8/22;

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby amend the Fee Schedule to add a \$20 FOIL Deposit for Maps and to delete the escrow comment in parentheses in the line item for Curb Cut/Driveway Upgrade-deleting “Escrow established by the Highway Dept”.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_ NAY \_\_\_\_ ABSENT \_\_\_\_ CARRIED \_\_\_\_ DEFEATED \_\_\_\_



**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Accepting Sewer EDU Billings Dated September 4, 2012”**

Councilperson \_\_\_\_\_ offered the following resolution and moved its adoption:

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

RESOLVED, that the Town Board of the Town of Cairo accepts the Sewer EDU Billings as presented from the Sewer Administrator in the amount of \$59,500.00, dated September 4, 2012.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**TOWN OF CAIRO**

**September 26, 2012**

**RESOLUTION NO. \_\_\_\_\_**

**“Accepting Sewer Use Penalties Dated September 17, 2012”**

Councilperson \_\_\_\_\_ offered the following resolution and moved its adoption:

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

RESOLVED, that the Town Board of the Town of Cairo accepts the Sewer Use Penalties as presented from the Sewer Administrator in the amount of \$2,721.93, dated September 17, 2012.

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

# TOWN OF CAIRO

September 26, 2012

## RESOLUTION NO. \_\_\_\_\_

### “Budget Amendments and Payment of Bills on Abstract #318”

Councilperson \_\_\_\_\_ 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	-35.05
To	A-1010.4	Legislative - Contractual	+35.05
From	A-1990.4	Contingent	-175.70
To	A-1330.4	Tax Collector - Contractual	+175.70
From	A-1990.4	Contingent	-3,936.85
To	A-1420.4	Law – Contractual	+3,936.85
From	A-1620.202	Buildings – Improvements	-5,826.27
From	A-1620.407	Buildings – Contractual ACC	-1,489.65
To	A-1620.2	Buildings – Capital Outlay	+7,315.92
From		Fund Balance	-10,413.59
To	DA-5110.4	Maint. Of Road – Contractual	+10,413.59
From	DA-5142.425	Snow Removal - Gas	-198.44
To	DA-5110.425	Maint of Roads - Gas	+198.44
From		Fund Balance	-2,887.94
To	DA-5130.4	Machinery-Contractual	+2,887.94

And be it further RESOLVED, the Town Board does hereby authorize that Abstract #318, consisting of 2012 Vouchers #2138 through #2265 in the amount of \$212,336.74 is approved for payment.

The total amount to be paid from the:

General Fund -	\$61,683.43	Street Lighting -	
Highway Fund -	\$108,823.42	Sewer Fund -	\$7,495.35
Cap. Library Fund -	\$33,332.94	Water Fund -	\$984.45
Cap. Sewer Fund -		Trust & Agency -	\$17.15

SECONDED BY COUNCILPERSON \_\_\_\_\_

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSENT \_\_\_\_\_ CARRIED \_\_\_\_\_ DEFEATED \_\_\_\_\_

TOWN OF CAIRO  
LOCAL LAW #    OF 2012  
REGULATING STORAGE BINS

§ 1. Title.

This local law shall be known and cited as "Storage Bin Regulation Local Law."

§ 2. Purpose.

The Town Board of the Town of Cairo finds and declares that the intrusion of non-regulated storage bins is causing annoyance to citizens in the Town of Cairo and may lead to negative visual impacts and potential health hazards. The provisions contained in this local law are intended to prohibit the placement of storage bins in the Town of Cairo except in accordance with the terms of this local law so as not to negatively impact the health and safety of the residents of the Town.

§3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

STORAGE BINS: Any container utilized or intended to be utilized for the outdoor storage of items, including but not limited clothing, shoes, household items or any other personal property, to be collected, given, donated, stored, or distributed.

PERSONS: Individuals, partnerships, family groups, voluntary associations, entities, unincorporated organizations and corporations.

§4. Storage Bins Prohibited Without Permit. Conduct

a. No person, corporation, entity, organization or group shall place a storage bin in any location within the Town of Cairo, except in the following locations and with the owners consent thereof, unless such person shall first obtain a permit from the Town:

- i. Property owned by the Town of Cairo;
- ii. Property owned by a duly organized fire company or district;
- iii. Property owned by a church or other place of worship.

b. It shall be the responsibility of the owner of the property and the owner of the storage bin to site bins in a location to shield bins from public view.

c. No more than one (1) storage bin may be placed on any parcel of land within the Town of Cairo.

d. It shall be the responsibility of the owner of the property and the owner of the storage bin to prevent dumping of trash, refuse, rubbish or any other items which are not the intended items for collection at the storage bin and to immediately remove such items from the parcel.

§5. Permit Process.

Prior to issuance of any storage bin permit, the persons applying for such permit shall file a written statement with the Code Enforcement Officer at least twenty business days in advance of the placement of a storage bin, setting forth the following information:

- a. The full name and address of applicant.

- b. The location, including 911 address and tax map parcel number at which the proposed storage bin is to be placed.
- c. The starting and ending dates on which the storage bin shall be present.
- d. Written authority by the owner of the property on which the storage is to be placed, allowing the placement thereof.
- e. A sketch of the location on the parcel where the storage bin is to be placed, including the manner in which the storage bin shall be shielded from public view.
- f. A permit fee in amount to be set by the Town Board, as it from time to time, deems appropriate for the issuance of such permit.

#### §6. Enforcement; complaints.

This local law shall be enforced by the Building Department and/or the Town of Cairo Police Department, and it shall be their duty to investigate and prosecute any violation of this local law. If, after an investigation, a violation is found to exist, the Building Department shall prosecute a complaint before a court of appropriate jurisdiction, including but not limited to the Justice Court of the Town of Cairo.

#### §7. Violations and penalties.

- a. Any person, firm or corporation who or which shall violate any provision of this Local Law shall, upon conviction thereof, be guilty of a violation as that term is defined in the New York State Penal Law and shall be sentenced in accordance therewith. Every day that a violation of this Local Law continues shall constitute a separate offense.
- b. Following a finding by a court of appropriate jurisdiction, including the Justice Court of the Town of Cairo, the Town shall be authorized to immediately remove the storage bin and any items in, on, around or near such storage bin.
- c. If the owner shall fail to pay the costs and expenses associated with such removal within 10 days after being notified of the same by mail, the Town Clerk shall file, prior to the time for completing the levy of annual town taxes, a certificate of said cost and expense with a statement as to the property upon which the same were incurred, with the Town Board, which shall in the preparation of the next annual tax levy of general town taxes, levy said amounts upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings at the same time, with the same penalties, and having the same lien upon the property assessed as the general town tax and as a part thereof.

#### §8. Miscellaneous

- a. This Local Law is expressly adopted pursuant to the relevant sections of the New York State Town Law and the New York State Municipal Home Rule Law.
- b. In the event any section or provision of the laws contained herein or as amended hereafter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the laws as a whole or any part thereof other than the part so declared to be invalid.
- c. This local law shall be effective immediately upon filing with the Secretary of State.

## Town of Cairo Ambulance 3 Year

Compound Period: Annual

Nominal Annual Rate: 2.090 %

## CASH FLOW DATA

	<b>Event</b>	<b>Date</b>	<b>Amount</b>	<b>Number</b>	<b>Period</b>	<b>End Date</b>
1	Loan	08/31/2012	94,000.00	1		
2	Payment	08/31/2013	31,333.33	3	Annual	08/31/2015
	Fixed Principal (+Int.)					

## AMORTIZATION SCHEDULE - Normal Amortization

	<b>Date</b>	<b>Payment</b>	<b>Interest</b>	<b>Principal</b>	<b>Balance</b>
Loan	08/31/2012				94,000.00
2012 Totals		0.00	0.00	0.00	
1	08/31/2013	33,297.93	1,964.60	31,333.33	62,666.67
2013 Totals		33,297.93	1,964.60	31,333.33	
2	08/31/2014	32,643.06	1,309.73	31,333.33	31,333.34
2014 Totals		32,643.06	1,309.73	31,333.33	
3	08/31/2015	31,988.20	654.86	31,333.34	0.00
2015 Totals		31,988.20	654.86	31,333.34	
Grand Totals		97,929.19	3,929.19	94,000.00	

Last interest amount decreased by 0.01 due to rounding.

## Town of Cairo Ambulance 5 Year

Compound Period: Annual

Nominal Annual Rate: 2.290 %

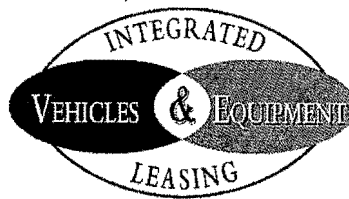
## CASH FLOW DATA

	<b>Event</b>	<b>Date</b>	<b>Amount</b>	<b>Number</b>	<b>Period</b>	<b>End Date</b>
1	Loan	08/31/2012	94,000.00	1		
2	Payment	08/31/2013	18,800.00	5	Annual	08/31/2017
	Fixed Principal (+Int.)					

## AMORTIZATION SCHEDULE - Normal Amortization

	<b>Date</b>	<b>Payment</b>	<b>Interest</b>	<b>Principal</b>	<b>Balance</b>
Loan	08/31/2012				94,000.00
2012 Totals		0.00	0.00	0.00	
1	08/31/2013	20,952.60	2,152.60	18,800.00	75,200.00
2013 Totals		20,952.60	2,152.60	18,800.00	
2	08/31/2014	20,522.08	1,722.08	18,800.00	56,400.00
2014 Totals		20,522.08	1,722.08	18,800.00	
3	08/31/2015	20,091.56	1,291.56	18,800.00	37,600.00
2015 Totals		20,091.56	1,291.56	18,800.00	
4	08/31/2016	19,661.04	861.04	18,800.00	18,800.00
2016 Totals		19,661.04	861.04	18,800.00	
5	08/31/2017	19,230.52	430.52	18,800.00	0.00
2017 Totals		19,230.52	430.52	18,800.00	
Grand Totals		100,457.80	6,457.80	94,000.00	





COMMERCIAL VEHICLES & EQUIPMENT LEASING

LEASE QUOTE  
TOWN OF CAIRO, NY

06/20/12

TO: REAY MAHLER  
FROM: ANTHONY GRAMAROSSA  
VENDOR: MIKE COLLIER  
EQUIPMENT: NEW AMBULANCE  
EQUIPMENT COST: \$95,000.00  
DOWN PAYMENTS \$35,000.00  
TOTAL AMOUNT FINANCED \$60,000.00  
TERM: 5 YRS 6 YRS  
ANNUAL PAYMENT: \$13,841.88 \$11,815.90  
FACTOR: .23071 .19691  
APR: 4.96% 4.99%  
SALES TAX EXEMPT

**\*\* PAYMENTS IS ARREARS \*\* FIRST PAYMENT DUE 1 YEAR FROM DELIVERY.**

THE ABOVE LEASE QUOTE IS GOOD FOR 60 DAYS AND IS SUBJECT TO PRIME LENDING APPROVAL. RATES ARE SUBJECT TO CHANGE WITH TREASURY BILLS OF LIKE-MATURITY PRIOR TO FUNDING. THIS LEASE MUST QUALIFY FOR FEDERAL INCOME TAX EXEMPT STATUS FOR THE LESSOR.

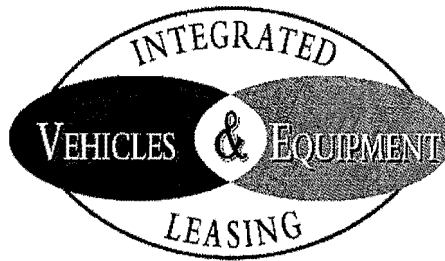
**WE APPRECIATE THE OPPORTUNITY TO EARN YOUR BUSINESS!**

THANK YOU,

ANTHONY GRAMAROSSA

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734 WALT WHITMAN ROAD SUITE 407  
MELVILLE, NEW YORK 11747  
PHONE #631-439-1266 FAX #631-439-1270  
TOLL FREE # 1-800-551-ILVI (4854)  
WWW.INTEGRATEDLEASING.COM



ANTHONY GRAMAROSSA C# 631 831-0566

COMMERCIAL &amp; EQUIPMENT LENDING

## APPLICATION

Full Legal Business Name				Federal Tax ID #	
Address		City	County	State	Zip
Business Phone Number	Fax Number	Contact		Title	
Mobile Number	Type of Business <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor	Time in Business Under Current Ownership		Fleet Size	
Email Address					

## PERSONAL INFORMATION

\*\*\*ANTHONY GRAMAROSSA\*\*\*

Principal/Guarantor	Title	% Owned	Principal/Guarantor	Title	% Owned		
Home Address			Home Address				
City	County	State	Zip	City	County	State	Zip
Social Security Number		Home Phone Number		Social Security Number		Home Phone Number	

## BANKING REFERENCES (Minimum 2 year history required)

Bank	Phone	Acct. #	Contact
Bank	Phone	Acct. #	Contact

## INSTALLMENT DEBT REFERENCE (Finance, Leasing, Bank)

Bank	Phone	Acct. #	Contact
Bank	Phone	Acct. #	Contact

## THREE TRADE REFERENCES

Company Name	Phone	Acct. #	Contact
Company Name	Phone	Acct. #	Contact
Company Name	Phone	Acct. #	Contact

## VENDOR INFORMATION

Full Legal Business Name	Address	City	State	Zip
Phone Number	Fax Number	Salesperson		

TERM :

# OF ADVANCE PAYMENTS:

PURCHASE OPTION:

Description	DESCRIPTION OF COLLATERAL TO BE LEASED	SALES TAX RATE		TOTAL ESTIMATED COST
		<input type="checkbox"/> NEW	<input type="checkbox"/> USED EQUIPMENT	
[				

The undersigned (Applicant) hereby agrees that lessor and/or lender may make credit inquiries to verify any information given to lessor in connection with applicants application for credit under the lease, and that lessor may exchange credit information about applicant with others. As part of the investigation process, lessor and/or lender also may request a consumer credit report or commercial credit report about applicant in connection therewith. Upon applicant's request, lessor and/or lender will tell applicant whether or not a consumer credit report or commercial credit report was obtained and, if such report was obtained, lessor and/or lender will furnish applicant with the name and address of the consumer credit reporting agency or commercial credit reporting agency that furnished the report. Lessor and/or lender may request a new consumer credit report or commercial credit report without telling applicant in connection with any update, renewal or extension of the maturity of any credit to applicant.

X

Applicant's Signature

X

Co-Applcant's Signature

734 Walt Whitman Rd., Suite 407, Melville, NY 11747  
PHONE (631)439-1266 Fax (631)439-1270  
TOLL FREE 1-800-551-IVLI (4854)

**Advantage Funding**  
**1111 Marcus Avenue, Suite M-27**  
**Lake Success, NY 11042**  
**(866) 392-1300**

June 14, 2012

To: Reay Mahler  
Vendor: Demers  
From: Judy Gohlsen

Customer: Town of Cairo

Thanks for the opportunity to give you a quote on your latest project!

Equipment: One (1) 2012 Demers Sprinter 3500 Type II Ambulance  
Unit Cost: \$94,000.00  
Down Payment: \$0.00  
Net Financed: \$94,000.00  
Frequency of Payments: Annual

<u>Years</u>	<u>No. of Payments</u>	<u>Payment</u>	<u>APR</u>
-3-	-3-	- \$ 32,560.63 -	3.97%
-4-	-4-	- \$ 24,897.77 -	3.99%

Delivery Date: September, 2012  
First Lease Payment Due: First payment due upon documentation.  
Second payment due June, 2013.

The lease is to be executed within 14 days of the equipment purchase contract.  
The quote is subject to acceptance of our documentation and credit approval.  
Payments and rates reflect pre-application of escrow earnings and mfg. discounts;  
and are based upon vendor payments being made no earlier than above dates.  
Rates are subject to change with Treasury Bills of like-maturity prior to funding.

Sincerely,  
Advantage Funding

Judy Gohlsen



# 美東佛教研究總會慶祝50周年 暨大乘寺上院地藏殿舉行開光盛況空前



堂伉儷所創辦，應氏伉儷50年代由台灣移居美國，由於當時僑社缺乏佛堂，更沒有研究佛教的機構，因而於62年創辦美東佛教研究總會，而70年代更於上州南卡羅鎮（South Cairo）置地開設大乘寺上院，成為佛門清淨修行之地，現由兒子應立人媳薛雁承傳繼續發展。

三年前開始，該會重修大乘寺上院內之「地藏殿」，供奉大型足金塑身地藏王菩薩，殿內的「九品蓮華陵」更是美東地區最具規模之室內陵園。

地藏殿之開光法會於九月二日上午9時開始，韋琪居士擔任司儀，由洗塵大和尚引領美東佛教界諸山長老主持儀式，及遠道而來的方丈高僧一起參與觀禮，開光儀式壯嚴隆重，全體來賓信眾跟隨著由大殿開始誦經灑淨儀式，然後前往「地藏殿」圍繞一圈，洗塵長老率領高僧進入地藏殿內進行開光儀式，從大殿起全體全程念誦經文，並且以筆鏡等為新落成「地藏菩薩」（左上）開光，新落成地藏菩薩開光後禮成，後把首批先友靈骨置於（九品蓮華陵）之龕位中，第一段儀式完成。下午二時繼續為「地藏殿」進行剪綵儀式，三十多位高僧任嘉賓一起剪綵盛況空前，隨後舉行慶祝美東佛教研究總會50周年慶典法會，由應立人博士及薛雁會長主持。多位長老嘉賓發言，包括：鎮長、Tad、賓頓先生（左下）、方泉方丈等等，在慶典上並有佛曲，民族舞，帶動歌唱，抽獎等豐富娛樂節目助慶。多位嘉賓一起切大蛋糕共慶，活動至下午五時，在節目完結時，大家一起放氣球祝願平安，佛光遠播。

美國佛教研究總會盛意款待所有到來嘉賓善信，中午供應豐富齋菜、糖水、蛋糕不但如此為各位回程時準備一份麵點，非常細心。

大乘寺上院位於紐約上州南卡羅鎮（South Cairo），於40年前落成，裏面有大雄寶殿、觀音殿、地藏殿、靈龍湖（有東西兩湖），五百羅漢殿及玉佛塔，遠離萬丈紅塵，風景秀麗，是佛門清淨修行之地。一進入大乘寺山門，幕幕美景盡收眼底。林蔭山間小鹿遊玩，靈龍湖中鴛鴦戲水，山溪流水尤如小瀑布。可謂山青水秀。

新建的「地藏殿」宏偉、壯觀、莊嚴、溫馨。且具有中國古建築風貌。殿內供奉大型足金塑身地藏王菩薩。地藏殿內的「九品蓮華陵」，是美東地區最具規



▲美東佛教研究總會慶祝50週年，同時為大乘寺上院地藏殿舉行開光法會，由洗塵大和尚和多位佛教高僧主持開光儀式。



▲應立人博士（左二）會長薛雁（右二）與眾獎者合照

模的室內陵園。「九品蓮華陵」的首期工程，九月二日經已開工使用。設有1800個供先人骨灰擺設的龕位，每日晨昏，梵鐘響起，將有僧信遵照佛教傳統誦經儀式，為「蓮華陵」內的先友不斷的誦經超度，使往生者能早登九品之蓮，並回向護佑後代萬世子孫，闔家安康。蓮華陵管理完善，終年四季有專人打掃陵園，並有園林式花草綠化，縱使嚴冬期間，仍有專人清除路上積雪。同時地藏殿內安裝了升降梯，方便年邁老弱者的出入，後人可隨時前來向先人敬拜。內設中央空調，舒適寧靜。閉路電視系統完善，保安嚴謹。將先人靈骨擺設在蓮華陵之龕位中，將會受到大乘寺的長久妥善照顧，縱使後人因移民、工作、須移居外州或國外，都無須擔憂先人的靈骨有無人照顧之困。

有關詳情可直接與大乘寺（下院），地址：133號堅尼路查詢；電話：（212）925-8787；電郵：service@mahayana.us；或上網：www.mahayana.us。



【明報專訊】美東佛教研究總會50周年慶典於9月2日假紐約上州大乘寺舉行地藏殿暨（九品蓮華陵）開光法會，同時於9月3日至9日，舉行為期一周的梁皇寶懺大法會，紐約及美東地區的數百位僑胞善信蒞臨參加，同沾法喜、共沐佛恩。會長薛雁特邀杭州靈隱寺方丈光泉率領12位高僧組成龐大祝賀團到來祝賀。

美國佛教研究總會於1962年由僑商應行久及應金玉





September 3, 2012

Cairo Town Board  
Cairo, New York  
12413

Dear Members of the Cairo Town Board,

As a member and chairman of the CAIRO MARKET DAYS, we thank you for your continued support in supplying the barriers and garbage receptacle for our use during the 9 weeks that we carry out this event at the Cairo Elementary School.

To Robert Hempstead and the Highway Dept., my personal thanks in suppling us with the barriers and garbage receptacle and for taking out the time from their busy schedule at that time of the year.. Another note of personal thanks goes to Paul McNiven who is there each morning watering the hanging plants along Main Street that were donated by the Chamber of commerce with the help of many donations. Many THANKS TO ALL.

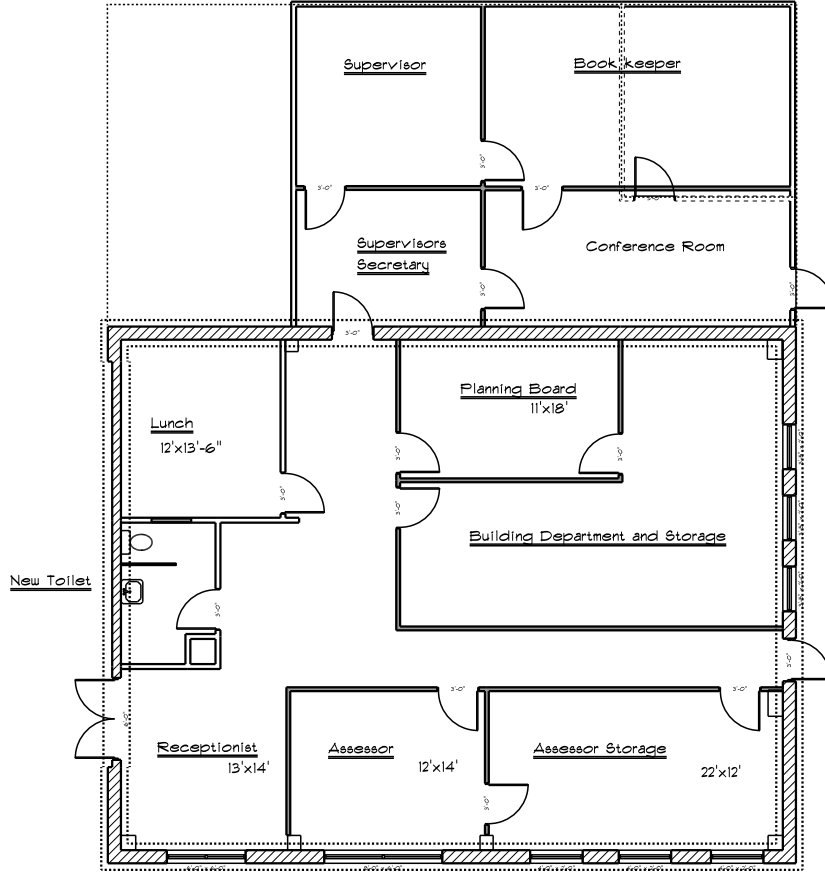
We are looking forward to next year which will be our 32<sup>nd</sup> year holding this event. It is one of the Fund Raisers for the Cairo Chamber. It has been my pleasure to chair this program for the past 21 years and I hope to continue and no doubt will be calling on you again for your continued help.

Thanks again to all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Spohler".

Carol Spohler



Very Preliminary Plan of Existing Library Space

Preliminary Cairo Town Hall  
Renovation plan

Preliminary Plan 3

Freemann Project Management  
95 Cornell Ave.  
Cairo NY 12413

DRAWN BY: August H. Freemann Sr.

SCALE: NTS

DATE: Sept 24, 2012

**TOWN BOARD OF THE TOWN OF CAIRO  
RESOLUTION  
VARIANCE APPLICATION FOR RELIEF FROM TOWN RESORT  
CONVERSION MORATORIUM  
MEADOW FIELDS APARTMENTS, LLC/PAGANOS**

WHEREAS, the Town of Cairo's Comprehensive Plan includes as one of the several goals of the Town, the preservation and encouragement of the tourism and resort industry within the Town; and

WHEREAS, Meadow Fields Apartments, LLC and Vasileios Paganos (hereinafter referred to "Applicants") are the owners of certain real property located at 940 County Route 24, Round Top, Cairo, NY, and

WHEREAS, the Town Board of the Town of Cairo, based upon the existence of several potential conversions of resort properties into other uses within the Town, enacted a moratorium local law to allow the Town to review and possibly regulate the potential negative and positive impacts of such conversions to the Comprehensive Plan and the Town. Said moratorium is entitled Town of Cairo Local Law #2 of 2012, entitled "A Local Law Imposing a Temporary Six Month Moratorium on Approvals Involving Resorts"; and

WHEREAS, the Applicants initially filed a site plan review application with the Town of Cairo Planning Board seeking to convert a building located on such property from the former use as a resort to that of a senior housing facility in early 2008 and pursued the application through the normal process each month for several months, but did not attend August, September, and October 2008 meetings, with the application being ultimately withdrawn in November of 2008. The matter then lay dormant until re-filed in 2011 with the review and normal process before the Planning Board occurring each month until halted as the result of the above-mentioned moratorium following the June 2012 Planning Board meeting; and

WHEREAS, thereafter, the Applicants filed an application for a variance from the moratorium, pursuant to Section 8 thereof, wherein it states that

"Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town Cairo in writing for a variance from the strict compliance with this Local Law upon the submission of proof of such unnecessary hardship. For the purpose of this Local Law, unnecessary hardship shall not be mere delay in being permitted to make application or waiting for a decision on the application for a subdivision, variance, special use permit, site plan, site plan review, building permits, other municipal approvals or permits during the period the moratorium imposed by this Local Law."

WHEREAS, the Town Board scheduled and duly noticed a public for such application, which occurred on August 22, 2012; and

WHEREAS, the Applicant appeared only by its counsel Michael Esslie, Esq., and who offered statements relating solely to the procedural history of the application and the Applicant's opinion regarding the compatibility of the proposed use with the Town's Comprehensive Plan;

WHEREAS, several members of the public attended the public hearing, speaking both in favor of and against the granting of the variance application; and

WHEREAS, at the close of the public hearing, the Applicant's counsel submitted a written 4 (four) page narrative containing a recapitulation of Applicant's counsel's statements during the public hearing and one sub-paragraph relating to an alleged unnecessary "pecuniary" loss of "having to pay monthly mortgage payments, taxes, insurance and loss of rent income." The narrative also included four pages of copies of recent Town of Cairo Planning Board minutes, which purportedly support the argument that the underlying application is consistent with the Comprehensive Plan.

#### NOW THEREFORE

Upon a review and consideration of all testimony, statements and written documentation submitted, the Town Board of the Town of Cairo hereby

FINDS, DETERMINES AND RESOLVES THAT the standard of review and proof for the granting of a variance pursuant to the aforementioned Local Law #2 of 2012 requires the applicant to submit proof of an unnecessary hardship and that "...unnecessary hardship shall not be mere delay in being permitted to make application or waiting for a decision on the application for a subdivision, variance, special use permit, site plan, site plan review, building permits, other municipal approvals or permits during the period the moratorium imposed..." by that local law; and further

FINDS, DETERMINES AND RESOLVES THAT the Applicant failed to carry such burden of proof, specifically

1. The oral statements provided by Applicant's counsel during the public hearing related entirely to the Applicant's opinion that the underlying project is consistent with the Town's Comprehensive Plan and no offer of proof relating to an unnecessary hardship.
2. The written narrative contains 6 (six) subparagraphs labeled "Hardship". However a review of the narrative reveals that
  - a) The first Hardship is an argument that the project is consistent with the Comprehensive Plan and thus should not be discarded.



Even if this argument is accepted at face value, without any supporting documentation, it fails to carry the Applicant's burden in that it does not allege an unnecessary hardship and merely opines that the variance should be granted because of the alleged consistency with the Comprehensive Plan.

- b) The second Hardship is the same argument, restated in different terms. This argument fails for same reasons set forth above in a).

- c) The third Hardship is an argument that the moratorium places an additional level of review on the project that no other Applicant has had to face.

Moratoria have long been recognized as legitimate tools for municipalities to utilize to protect significant local interests against potential threats and have been repeatedly accepted by the Courts of the State of New York as an appropriate manner in which to protect those interests. Indeed, the Town Board could have implemented a moratorium that did not include a variance process and the fact that such a process is permitted provides the Applicant greater safeguard than the typical moratorium. There can be no unnecessary hardship by the mere fact of the enactment of the moratorium herein.

- d) The fourth Hardship is the argument that the Applicant will allegedly lose mortgage payments, taxes, insurance and suffer a loss of rent income.

Again, without any factual basis as an offer of proof it is impossible for the Town Board to assess the alleged hardship as it relates to the payment of the Applicant's mortgage, real property taxes, etc. Further, it is submitted that the payments set forth in this argument would need to be paid regardless of the existence of the moratorium and are payments that virtually every owner of real property in the Town of Cairo must make.

- e) The fifth and sixth Hardships are the same argument as set forth in a) and b) above, but again merely stated in different terms.

As set forth above in the analysis of the first Hardship, even if this argument is accepted at face value, without any supporting documentation, it fails to carry the Applicant's burden in that it does not allege an unnecessary hardship and merely opines that the variance should be granted because of the alleged consistency with the Comprehensive Plan.

- 3. The written narrative is a factually unsubstantiated statement by Applicant's counsel without any form of evidentiary, testimonial, sworn or any other proof to support the uncorroborated claims; and the Board further

FINDS, DETERMINES AND RESOLVES THAT any argument that Applicant may make relating to an unnecessary hardship due to delay cannot be deemed to have weight in the Town's Board's consideration herein, since the application for this project has been before the Planning Board, on and off, for the past several years, with most of that time period attributable to either the Applicant's failure to appear at scheduled meetings or as the result of the application being withdrawn by the applicant.

Based upon the above, on a motion by Councilman Puorro and seconded by Councilman Ostrander and unanimously carried, the application for the variance was denied.

VOTING TO DENY THE APPLICATION:	AYE	NAY	OTHER
Supervisor Banta	X		
Councilman Puorro	X		
Councilman Ostrander	X		
Councilman Joyce	X		
Councilman Suttmeier	X		

Resolution Enacted: September 12, 2012

Filed: September 26, 2012

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Tara A. Rumph, Town Clerk, RMC