



Minutes

**Town of Cairo Town Board Meeting and
Public Hearing for the Resort Moratorium Local Law #3 - 2013 and
Junkyard Moratorium Local Law #3 -2013
Location: Town Hall Meeting Room @ 7:00 PM**

October 23, 2013

The Town Board of the Town of Cairo met for a board meeting on Wednesday, October 23, 2013 at the Town Hall, Main Street, Cairo, New York.

Supervisor Banta called the meeting to order at 7:15 PM and then asked the attendees to Pledge Allegiance to the flag. Councilperson Puorro, Councilperson Joyce, Councilperson Suttmeier were present. Councilperson Ostrander was absent.

**Public Hearing on Local Law #3 – 2013
Imposing a Further Temporary Six Month
Moratorium on Approvals Involving Resorts**

Supervisor Banta opened the Public Hearing on Local Law #3 – 2013 - Imposing a Further Temporary Six Month Moratorium on Approvals Involving Resorts. He read the Purpose and Intent:

Pursuant to the statutory powers vested in the Town of Cairo by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six (6) month moratorium on any new subdivision application, site plan review, building permits or other municipal approvals for any use involving the conversion of a resort, motel or bed and breakfast to some other use other than those relating to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town, or the issuance of any approvals or building permits therefore.

The Town Board has recently adopted a new Comprehensive Plan and is now in the process of implementing a new zoning law and other land use goals set forth therein which would address, among

other things, subdivision of lands, site plan review, building permits or other municipal approvals of land relating to the preservation and rejuvenation of the Town’s tourism infrastructure and base attractions including but not limited to seasonal resorts, inns, hotels and similar uses and structures in the Town. The Town Board finds and determines that several former resort properties have recently been permanently lost to a change in use by new development. The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the enactment of the necessary statutory and other tools to implement the same, including but not limited to, drafting proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

It was noted that the Greene County Planning Board was not in favor of a further temporary Six Month Moratorium on Approvals Involving Resorts.

Supervisor Banta asked three times if there were any questions, comments or concerns. As there were none, the public hearing was closed.

Resolution No. 230 -13 “Close Public Hearing” offered by Councilperson Suttmeier and seconded by Councilperson Joyce:

Be it resolved, that the Town Board of the Town of Cairo does hereby close the Public Hearing at 7:10 PM on Local Law #3-2103 – Imposing a Further Temporary Six Month Moratorium on Approvals Involving Resorts.

All members in favor - carried.

Resolution No. 231 -13 “Approve Local Law # 3 – 2013 - Further Moratorium on Resorts” offered by Councilperson Puorro and seconded by Councilperson Suttmeier:

Be it resolved, that the Town Board of the Town of Cairo does hereby agree to Local Law #3 – 2013 – Imposing A Further Temporary Six Month Moratorium on Approvals Involving Resorts.

All members in favor - carried.

**Public Hearing on Local Law #4 – 2013
Establishing a Further Temporary Six Month
Moratorium on Junk Yard Approvals**

Supervisor Banta opened the Public Hearing at 7:11 PM on Local Law #4 – 2013 - Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals. He read the Purpose and Intent:

Pursuant to the statutory powers vested in the Town of Cairo to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six month moratorium on the establishment or development of new junk yards or similar business activities in the Town, or the issuance of any approvals or permits therefore.

The Town Board is now in the process of considering various options relating to this issue and is nearing completion of a proposed zoning law that will address the issue. The Town Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the issue, draft proposed amendments to the Town local laws, including a new zoning document, make appropriate changes to the draft of the proposed new Local Laws, schedule and hold the required public hearing on the Local Laws, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Laws (as adopted) with the Secretary of State of the State of New York.

Supervisor Banta asked three times if there were any questions, comments or concerns. As there were none, the public hearing was closed.

Resolution No. 232 -13 “Close Public Hearing” offered by Councilperson Joyce and seconded by Councilperson Suttmeier:

Be it resolved, that the Town Board of the Town of Cairo does hereby close the Public Hearing at 7:15 PM on Local Law #4 - 2013 - Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals.

All members in favor - carried.

Resolution No. 233 -13 “Approve Local Law # 4 – 2013 - Further Moratorium on Junkyards” offered by Councilperson Puorro and seconded by Councilperson Joyce:

Be it resolved, that the Town Board of the Town of Cairo does hereby approve Local Law #4 – 2013 - Establishing a Further Temporary Six Month Moratorium on Junk Yards.

All members in favor - carried.

The minutes from the October 9, 2013 Workshop was accepted by Councilperson Suttmeier and seconded by Councilperson Joyce.

The amended resolution No. 184-13 was accepted by Councilperson Puorro and seconded by Councilperson Joyce.

The minutes, with changes, from the September 25, 2013 Board Meeting was accepted by Supervisor Banta and seconded by Councilperson Joyce.

The Town Board went over department reports.

Supervisor Banta went over the Supervisor's Report.

The scheduled Board Meeting for November 27, 2013 is cancelled due to the fact that it is Thanksgiving.

Resolution No. 234-13 - "Receipt of Monthly Supervisor's Report" offered by Councilperson Puorro and seconded by Councilperson Joyce.

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 September, 2013.

All members in favor – carried.

Resolution No. 235-13 "Schoenecker Construction Change Order 1" offered by Councilperson Puorro and seconded by Councilperson Joyce.

WHEREAS, there was an approved contract in the amount of \$1,010,003.00 between the Cairo Town Board and contractor Schoenecker Construction for Wastewater Plant Improvements; and

WHEREAS, the contractor completed additional work as requested of Delaware Engineering, PC (see attached list); and

WHEREAS, the additional work requested for materials and labor is \$46,950.00; therefore be it RESOLVED, that contract change order no. 1 for Schoenecker Construction be approved in the amount of \$46,950.00 for a total contract price of \$1,056,953.00.

All members in favor – carried

Resolution No. 236-13 “Authorize Supervisor to Sign Climate Smart Strategy for Cairo” offered by Councilperson Joyce and seconded by Councilperson Suttmeier:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby authorize the Town Supervisor to sign the Climate Smart Communities Custom Service Strategy for Cairo August 2013, dated July 24, 2013.

All members in favor – carried

Resolution No. 237-13 “Hire Attorney John F. Lyons for Zoning Counsel” offered by Councilperson Suttmeier and seconded by Councilperson Joyce:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby hire John F. Lyons of Grant & Lyons LLP for work pertaining to the Zoning Law at a rate of \$150 per hour, retroactive to September 25, 2013.

All members in favor – carried

The Town Board discussed the operation of Animal Control. They feel it should not be the responsibility of the Police Department. The Board is actively looking for someone to take over this responsibility.

There was also discussion on the function of the Animal Control along with fees for dogs and the possibility of raising the impound fees. This will be looked into and discussed further.

Sergeant Rick Busch raised concerns over the follow-up with incidents of dog bites.

The Public Hearing for the 2014 Budget has been scheduled for November 6, 2013 at 7:00 PM.

After an inquiry from an attendee regarding the Town’s Solar Energy initiative, Supervisor Banta explained the concept of the Climate Smart. He wants the Town involved with renewable energy. He also said the Town would like to look into a solar energy farm to minimize the energy costs to town.

Resolution No. 238-13 “Budget Amendments and Payments of Bills on Abstract #319”

offered by Supervisor Banta and seconded by Councilperson Puorro:

WHEREAS, the 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	-375.84
To	A-1010.4	Legislative - Contractual	+375.84
From	A-1110.104	Personal Services	-6,730.77
To	A-1110.101	Personal Services	+6,730.77
From	A-1110.2	Municipal Court-Equipment	-242.49
To	A-1110.4	Municipal Court-Contractual	+242.49
From	A-1990.4	Contingent	-309.75
To	A-1420.4	Law – Contractual	+309.75
From	A-5182.2	Street Lighting-Equipment	-680.59
To	A-5182.4	Street Lighting-Contractual	+680.59
From	A-8810.4	Cemeteries-Contractual	-504.20
To	A-8810.15	Cemeteries-Personal Services	+504.20
From	A-9730.6	BAN-Principal	-5,147.19
To	A-9730.7	BAN-Interest	+5,147.19
From	DA-5130.2	Machinery-Equipment	-6,700.35
To	DA-5130.4	Machinery-Contractual	+6,700.35

From	DA-5140.2	Brush/Weeds-Equipment	-227.17
To	DA-5140.4	Brush/Weeds-Contractual	+227.17
From	SL	Fund Balance	-2,689.36
To	SL-5182.443	Street Light-Cairo	+92.30
To	SL-5182.444	Street Light-Purling	+1,939.43
To	SL-5182.445	Street Light-Round Top	+592.93
To	SL-5182.447	Street Light-Winter Clove	+64.70
From	SS-8110.103	Sewer Admin-Persl Ser	-161.10
To	SS-8110.451	Sewer Admin-Contractual	+161.10

And be it further RESOLVED, the Town Board does hereby authorize that Abstract #319, consisting of 2013 Vouchers #2300 through #2407 in the amount of \$234,068.57 is approved for payment.

The total amount to be paid from the:

General Fund -	\$88,999.86	Hydrant -	\$7,500.00
Highway Fund -	\$126,496.02	Sewer Fund -	\$7,929.35
Cap. Water Fund -		Water Fund -	\$1,163.69
Cap. Sewer Fund -		Trust & Agency -	\$1,979.65

All members in favor – motion carried.

Resolution No. 239-13 “Void Delaware Engineering Voucher #2251” offered by Supervisor Banta and seconded by Councilperson Joyce:

WHEREAS, there was an approved voucher #2251 to be paid to Delaware Engineering, PC in the amount of \$1,805.00 on Abstract #317; and

WHEREAS, New York State Environmental Facilities will not release the funds for this voucher because it would exceed the approved contract amount for the Engineering Construction Phase; therefore be it

RESOLVED, that voucher #2251 for Delaware Engineering, PC in the amount of \$1,805.00 is void on Abstract #317.

All members in favor – motion carried.

Resolution No.240-13 “Board to Move into Executive Session” offered by Councilperson Suttmeier and Seconded by Councilperson Joyce:

BE IT RESOLVED, Town Board of the Town of Cairo does hereby move into Executive Session at 8:05 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.

All members in favor - motion carried.

Resolution No. 241-13 “Board to exit Executive Session” offered by Councilperson Joyce and seconded by Councilperson Suttmeier:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby exit the Executive Session at 8:45 PM.

All members in favor - motion carried.

A motion was made by Councilperson Suttmeier and seconded by Councilperson Joyce to adjourn the meeting at 8:45 PM.

Respectfully submitted,

Tara A. Rumph, RMC, CMC
Cairo Town Clerk