



Minutes

Town of Cairo Town Board Meeting

Location: Town Hall Meeting Room @ 7:00 PM

August 28, 2013

The Town Board of the Town of Cairo met for a board meeting on Wednesday, August 28, 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 Ostrander, Councilperson Joyce, Councilperson Suttmeier were present. Councilperson Puorro was absent.

Resolution No. 186-13 - “Exemption of Greene County From Land Use Laws”
offered by Supervisor Banta and seconded by Councilperson Ostrander:

WHEREAS, Greene County (the “Owner”) has requested that the Town Board of the Town of Cairo make a determination with regard to whether it shall be exempt from the applicability of the Town’s land use laws in relation to its proposal to subdivide a portion of a parcel of land containing a soccer field and other recreational uses, to allow a donation thereof to the Town of Cairo; and

WHEREAS, the Town Board recognizes that there is significant case law on point, with regard to the exemption of such a project including In the Matter of the County of Monroe, 72 NY2d 338 (1988), which held that a balancing test must be performed to determine whether a project of a municipality or agency thereof, is exempt from the local land use regulation weighing the following factors: 1) Legislative intent; 2) Nature and scope of the instrumentality seeking immunity; 3) The kind of function or land use involved; 4) The extent of the public

interest to be served; 5) The effect local land use regulation would have on the enterprise; 6) Impact on legitimate local interests; 7) Alternative locations for the facility in less restrictive zoning areas; 8) Alternative methods of providing the needed improvement; 9) intergovernmental participation in the project development process; and 10) Opportunity of the public and others to be heard; and

WHEREAS, the Owner is a municipal corporation duly organized under the laws of the State of New York and is the County government within which the Town of Cairo is located; and

WHEREAS, specifically the project includes a proposal to subdivide approximately Acres of land from an existing acre parcel which contains several municipal uses and buildings; and

WHEREAS, the Town of Cairo does not have a zoning law or ordinance, but does regulate subdivisions with a duly enacted Subdivision Local Law and the action would involve the approval of a minor subdivision, as that term is defined therein, by the Cairo Planning Board, and

WHEREAS, the Town caused a notice to be published in the official newspaper of the Town notifying the public of the public hearing on the issues herein and allowed the public an opportunity to be heard and there being testimony from several members of the public in favor of the project and no opposition voiced either against the project or against the granting of an exemption pursuant to the County of Monroe, and

WHEREAS, following a discussion and analysis of the aforementioned issues and testimony, offered a motion which was seconded by and carried:

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that the Legislative intent as it relates to the within matter is found in the Comprehensive Plan of the Town of Cairo. The Comprehensive Plan acknowledges the existence of the recreational opportunities within the Town and recommends as a part of the future vision of the town, at pages 6 and 7:

“IN THE FUTURE...Cairo is an aesthetically pleasing, well maintained community where civic pride and friendly, positive attitudes drive our success at providing a high quality of life for residents. Our community is sustained by a diversity of cultural recreational (emphasis added) and opportunities for all ages...Additional recreational opportunities have been created, such as a community center for teens, swimming, and nature enjoyment.” (Emphasis added). Town of Cairo, Comprehensive

Plan, at Pages 6-7. Clearly, the Comprehensive Plan contemplates that recreation is an important asset for the Town of Cairo both now and in the future.

and

IT IS FURTHER RESOLVED, that the Town Board finds that the nature and scope of the instrumentality seeking immunity, the kind of function or land use involved and the extent of the public interest to be served are as follows: Greene County is a municipal corporation duly organized under the laws of the State of New York and is the County government within which the Town of Cairo is located. The Town and County have a long history of cooperating with and supporting one another. The property is already being used for recreational purposes and the Town wishes to ensure that such use continues, and

IT IS FURTHER RESOLVED, that the Town Board finds that the effect local land use regulation would have on the enterprise would be minimal since as discussed above, the current and future proposed use as soccer fields for recreational activities of the Town residents and the ministerial act of creating a subdivided parcel for the purpose of conveying the land to the town will have no real or practical effect on the community, the environment or other factors, and

IT IS FURTHER RESOLVED, that the Town Board finds that there shall be no impacts on legitimate local interests of any kind. As mentioned above, the current and future proposed use as soccer fields for recreational activities of the Town residents and the ministerial act of creating a subdivided parcel for the purpose of conveying the land to the town will have no real or practical effect on the community, the environment or other factors, and

IT IS FURTHER RESOLVED, that the Town Board finds that there are no alternative locations for the facility in less restrictive zoning areas and that there are no alternative methods of providing the needed improvement. The Town currently does not have zoning and the minor subdivision required by the action is inconsequential; and

IT IS FURTHER RESOLVED, that the Town Board finds that there has been and shall continue to be considerable intergovernmental participation in the project development process. Both the Town and the County have been contemplating, discussing and planning the action which is proposed for several years. Indeed, in 2008 the Town granted the County immunity from the town land use regulations in connection with the construction of the soccer fields in a

similar Monroe style analysis and resolution. Public input was sought and received at that time, which resulted in unanimous support for the project, and

IT IS FURTHER RESOLVED, that the Town Board finds that there has been ample opportunity for the public and others to be heard. The public hearing was conducted in an open meeting at the Town Board's regular meeting, following notice thereof being published in the Town's official newspaper and there was again unanimous support for the project during public comment, and

IT IS FURTHER RESOLVED that the Town Board of the Town of Cairo hereby finds that upon the balancing of all factors in relation to the subdivision of the land for conveyance, by way of donation, to the Town is exempt from the applicability of the Town of Cairo land use regulations and subdivision approval by the Planning Board is not required; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to file this Resolution in the appropriate index within five (5) business days.

Unanimous vote of 5 to 0. The Town Board of the Town of Cairo hereby determines under the County of Monroe "balancing test" that the subdivision of the land for conveyance, by way of donation, to the Town is exempt from the applicability of the Town of Cairo land use regulations and subdivision approval by the Planning Board is not required.

Resolution No. 187-13 - "AUTHORIZING THE SUPERVISOR TO EXECUTE NECESSARY DOCUMENTS TO ACCEPT DONATION OF SOCCER FIELDS FROM THE COUNTY OF GREENE" offered by Councilperson Suttmeier and seconded by Councilperson Joyce:

WHEREAS, the County of Greene has offered to subdivide the existing soccer fields from other county lands and the Town of Cairo has granted the County immunity from the subdivision town local law, and

WHEREAS, the Town Board hereby determines that it is in the best interest of the residents of the town to accept such donation, therefore

Be it resolved, that the Supervisor of the Town of Cairo is hereby authorized to execute the all necessary documents to complete the conveyance of the soccer fields to the Town of Cairo and that such donation is hereby accepted.

All members in favor-carried

Resolution No. 188-13 - “No Negative Impact Determination” offered by Councilperson Ostrander and seconded by Councilperson Joyce.

Be it resolved, that the Town Board of the Town of Cairo does hereby determine there is no negative impact with the Cairo Town Park Improvements/Soccer Field Project.

All members in favor-carried

Resolution No. 189-13 - “Receipt of Monthly Supervisor’s Report” offered by Councilperson Ostrander and seconded by Councilperson Suttmeier.

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 July, 2013.

All members in favor-carried

Resolution No. 190-13 - “Accepting Sewer Billings” offered by Councilperson Suttmeier and seconded by Councilperson Joyce.

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 Sewer Billings as presented from the Water Administrator in the amount of \$32,569.50 dated August 1, 2013.

All members in favor-carried

Resolution No. 191-13 “Authorize Amendments to the Library’s Capital Fund Project Form E” offered by Councilperson Suttmeier and seconded by Councilperson Joyce.

BE IT RESOLVED, that Administrative line items be amended as follows:

A.1 Legal: Reduce the approved budget of \$12,000.00 to \$5,593.50. The balance of \$6,406.50 will be allocated to the Contingency line item.

A.7 Audits: Reduce the approved budget of \$18,000.00 to \$12,000.00. The balance of \$6,000.00 will be allocated to the Contingency line item.

BE IT FURTHER RESOLVED, that Technical Services line items be amended as follows:

B.1.c Contract Administration: Increase Contract Admin. (BRMA) to \$106,180.00 for the remaining contract administration. The additional \$1,000.00 will be deducted from Contingency.

BE IT FURTHER RESOLVED, that Construction line items be amended as follows:

C.1.i Contract 9 – FFE: Increase \$10,767.45 to cover HON furniture purchases making the Approved Budget \$200,543.95. The additional \$10,767.45 will be deducted from Contingency.

These increases and reductions will make the Contingency line item \$395,070.42.

All members in favor – carried.

Resolution No. 192-13 “Authorization to Attend NYS Association of Magistrates Court Clerks Conference” offered by Councilperson Joyce and seconded by Councilperson Ostrander:

WHEREAS, the Town of Cairo Court Clerks are requesting permission to attend the New York State Magistrates Court Clerks Conference at the Holiday Inn in Albany, NY on October 7th and 8th, 2013; and

WHEREAS, the mileage will be reimbursed at the approved mileage rate, and

WHEREAS, the cost to attend is \$250.00 for both clerks which includes meals and registration fees; therefore be it

RESOLVED, that Town of Cairo Court Clerks are authorized to attend the NYS Magistrates Court Clerks Conference.

All members in favor – carried.

Resolution No. 193-13 “Accepting Water Penalties” offered by Councilperson Ostrander and seconded by Councilperson Joyce:

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 Penalties as presented from the Water Administrator in the amount of \$1,324.86 dated August 15, 2013.

All members in favor – carried.

Resolution No. 194-13 “Authorize Amendments to the Library’s Capital Fund Project Form E ” offered by Supervisor Banta and seconded by Councilperson Ostrander:

BE IT RESOLVED, that Administrative line items be amended as follows:

A.1 Legal: Reduce the approved budget of \$5,593.50 to \$3,458.50. The balance of \$2,135.00 will be allocated to the Contingency line item.

BE IT FURTHER RESOLVED, that Technical Services line items be amended as follows:

B.1.c Contract Administration: Increase Contract Admin. (BRMA) to \$106,845.00.00 for the remaining contract administration. The additional \$665.00.00 will be deducted from Contingency.

These increases and reductions will make the Contingency line item \$396,540.42.

Other funding sources – NYS DLD Grant 2011 corrected from \$115,000.00 to \$115,747.00 making the total of Other Funding Sources \$283,291.00.

All members in favor – carried.

Resolution No. 195-13 “Authorize Town Supervisor to Sign Certification for Technical Work Force Account Use” offered by Councilperson Suttmeier and seconded by Councilperson Joyce:

WHEREAS, the NYS Environmental Facilities Corp. requires that the use of town employees to perform construction tasks be under the direct supervision of a professional engineer; and

WHEREAS, Delaware Engineering agrees to provide inspection and certification of the portion of the sewer project completed by town employees; and

WHEREAS, the Town of Cairo must certify that the employees possess the necessary skills to accomplish the work in a timely fashion and that time sheets for each employee performing technical work will be completed clearly identifying the task(s) performed, hours spent and hourly wages to complete the tasks; therefore be it

RESOLVED, the Town Board does hereby authorize the Town Supervisor to sign the certification for technical work force account use; and be it further

RESOLVED, that project funds allocated for net interest will be reallocated to the Technical Force Account line in the amount of \$40,500.00 to complete the excavation, inspection and repair of sewer tank risers as needed.

All members in favor – carried.

Resolution No. 196-13 - “Approve Tax Assessor Continuing Education” offered by Councilperson Joyce and seconded by Councilperson Ostrander.

Be it resolved that the Town of Board of the Town of Cairo approves the attendance of a one day class for *Conservation Easements* @Columbia-Greene Community College on November 8, 2013, for Janice Hull’s- The Town Assessor’s continuing education certification. Any applicable expenses will be paid according to the Travel Policy.

All members in favor – carried.

Resolution No. 197-13 - “Sponsor Candidates for Police Academy” offered by Councilperson Ostrander and seconded by Councilperson Joyce:

Be it resolved, that the Town Board of the Town of Cairo agrees to sponsor Theresa Neville, Nicholas Orso, and Corey Clarke for the 2013-2014 Zone 14 Police academy.

All members in favor – carried.

Resolution No. 198-13 “Budget Amendments and Payments of Bills on Abstract #315” offered by Councilperson Ostrander and seconded by Councilperson Joyce.

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	-89.16
To	A-1010.4	Legislative	+89.16
From	A-1990.4	Contingent	-5,725.00
To	A-1420.4	Law	+5,725.00
From	A-5010.4	H'way Super-Contractual	-94.95
To	A-5010.2	H'way Super-Equipment	+94.95
From	A-5132.4	H'way Bldg.- Contractual	-961.96
To	A-5132.2	H'way Bldg. - Equipment	+961.96
From	A-1990.4	Contingent	-370.88
To	A-5182.4	Street Lighting	+370.88
From	A-1990.4	Contingent	-325.00
To	A-7550.4	Celebrations - Contractual	+325.00
From	A-8810.4	Cemeteries - Contractual	-775.00
To	A-8810.15	Cemeteries – Persl Serv.	+775.00
From	DA-9060.8	Hospitalization	-1,733.07
To	DA-9040.8	Worker's Comp.	+773.07
To	DA-9089.804	Meal Allowance	+960.00

And be it further RESOLVED, the Town Board does hereby authorize that Abstract #315, consisting of 2013 Vouchers #1985 through #2126 in the amount of \$369,330.34 is approved for payment.

The total amount to be paid from the:

General Fund-	\$138,796.54	Street Lighting-	
Highway Fund-	\$177,016.42	Sewer Fund-	\$6,162.15
Cap. Library Fund-	\$6,000.00	Water Fund-	\$2,207.28
Hydrant Fund-		Trust & Agency-	\$3,997.95
Cap. Sewer Fund	\$35,150.00		

All members in favor – motion carried.

Resolution No. 199-13 “AUTHORIZING THE LEASE OF TOWN OF CAIRO PROPERTY BY THE NORTHERN CATSKILL YOUTH ASSOCIATION FOR A SOCCER FIELD” offered by Supervisor Banta and seconded by Councilperson Joyce:

WHEREAS, The Town of Cairo shall own a parcel of property located in the Town of Cairo, Tax Map No. 101.00-6-5.1 in accordance with a certain conveyance thereof from the County of Greene; and

WHEREAS, The Town of Cairo desires to lease that parcel for the purpose of a Soccer Field by the use of the youth of the Town of Cairo; and

WHEREAS, Among other things, the lease shall include a provision that The Northern Catskill Youth Association will have complete field scheduling authority for all field activities with the right of first refusal of such use during its playing season, shall make the field available in accordance with the Town’s Facility Use Policy and Application form and will be responsible to provide insurance coverage for all youth players that are members in The Northern Catskill Youth Association for the leased parcel during the term of the lease.

NOW, THEREFORE, BE IT RESOLVED, that The Town of Cairo shall lease to The Northern Catskill Youth Association the parcel as set forth in a survey map to be filed contemporaneously with the conveyance of such lands from the County of Greene to the Town of Cairo. The terms of such lease shall be set forth therein.

All members in favor – carried.

Resolution No. 200-13 “Accept Library as Complete” offered by Supervisor Banta and seconded by Councilperson Suttmeier:

Whereas, the Cairo Public Library Board of Trustees had a Special Board Meeting on August 24, 2013; and

Whereas, the Library Board of Trustees deemed the Library Project complete; therefore be it

Resolved, that the Town Board of the Town of Cairo does hereby accept the library project as completed.

All members in favor – carried.

Resolution No.201-13 “Board to Move into Executive Session” offered by Councilperson Ostrander and Seconded by Councilperson Joyce:

BE IT RESOLVED, Town Board of the Town of Cairo does hereby move into Executive Session at 8:50 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.

All members in favor - motion carried.

Resolution No. 202-13 “Board to exit Executive Session” offered by Councilperson Suttmeier and seconded by Councilperson Joyce:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby exit the Executive Session at 9:20 PM.

All members in favor - motion carried.

A motion was made by Councilperson Ostrander and seconded by Councilperson Joyce to adjourn the meeting at 9:20 PM.

Respectfully submitted,

Tara A. Rumph, RMC, CMC
Cairo Town Clerk