



Minutes

**Town of Cairo
Town Board Meeting @ 6:30 pm
Location: Town Hall Meeting Room**

October 5, 2015

The Town Board of the Town of Cairo met for a Town Board meeting on Monday, October 5, 2015 at the Town Hall, Main Street, Cairo, New York.

Supervisor Ted Banta, called the meeting to order at: 6:40 PM and then asked the Boy Scouts to lead the Pledge of Allegiance to the Flag. The following Board Members were in attendance: Councilpersons Cords, Ostrander, Joyce, and Puorro.

Supervisor Banta gave letter and plaque of recognition to Chris Algozzine for his exceptional service with the Boy Scout Troop 43.

Supervisor Banta also gave letter and plaque of recognition to Ryan Townley for his exceptional service with the Boy Scout Troop 43.

Chris Algozzine thanked everyone for the honors bestowed on him and Ryan Townley. He then introduced the newest Eagle Scout, Jonathan True.

Ryan Townley thanked the Town for the help they receive.

Supervisor Banta welcomed Cairo Durham High School students to our meeting. They are taking the course, Participation in Government, and are here to see government at work.

Presentation by Kathoderay Media on the new town website. The website should go live within the week. The website is designed to help attract business to our town. You can download a Guide to Cairo. On the sidebar there is the history of Cairo and things of interest.

Supervisor Banta said this website will be user friendly and easier to maintain. Supervisor Banta explained Greene County will be promoting the Town of Cairo because of all the work that is being done here. He thanked Kathoderay Media for their work with the website.

Councilperson Ostrander explained the history behind the website for Cairo. He feels this website is a great way to keep the communication with the people of Cairo and the Town.

Supervisor Banta asked if John Sietz was at the meeting. John Sietz had a hearing tonight and was not at the meeting. It is noted that John Sietz was not present at the meeting.

The Town Board will schedule another hearing for John Sietz and if he does not show up the Town will clean up the property and charge him. They will schedule another meeting for December's Board Meeting.

CEO Stacey Sprague does not see any ambition for Mr. Sietz to clean up the property. Superintendent of Highways Bob Hempstead will go with Stacey to the property and see if they can resolve this. Bob and Stacey will let the Board know by Friday.

Supervisor Banta opened up the Public Hearings for Local Law 7-2015 – Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals and Local Law 8-2015 – Establishing a Further Temporary Six Month Moratorium on Approvals Involving Resorts. Supervisor Banta read the purpose and intent of both proposed local laws.

Local Law 7-2015 – Purpose and Intent - Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals

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.

Local Law 8-2015 – Purpose and Intent - Establishing a Further Temporary Six Month Moratorium on Approvals Involving Resorts

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 adopted a 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.

Motion to close Public Hearings for Local Law 7-2015 and Local Law 8-2015 made by Councilperson Ostrander and seconded by Councilperson Joyce.

Supervisor Banta opened up the Public Hearing for Local Law 6-2015 – Enacting Zoning. The Notice was read by Town Clerk Tara Rumph.

John Lyons gave overview of this public hearing. The public hearing for “Enacting Zoning” had to be redone due to the oversight of counsel not noticing adjoining towns.

He explained all speakers should sign in and will be given 3 minutes to speak. The following people: Mike Camadine, Dan Benoit, Ray Pacifico, Katherine Pacifico, Sandy Gardner, Jason Watts, Ginny Rogers, Michelle Hobart, Dave Rogers.

Motion to close the Public Hearing at 7:25 PM for Local Law 6 -2015 – “Enacting Zoning” was made by Councilperson Ostrander and seconded by Councilperson Puorro.

John Lyons read Resolution of the Town Board “Enacting Zoning”.

Resolution No. 180 -15 “Enact Zoning” offered by Supervisor Banta and seconded by Councilperson Ostrander:

Resolution of the Town Board of the Town of Cairo

Matter: Enacting Local Law No. 5 of 2015 entitled “Zoning Law of the Town of Cairo”

Motion to adopt this resolution by: Ted Banta
Motion seconded by: Douglas Ostrander

WHEREAS:

1. The Town Board of the Town of Cairo (“Town Board”) adopted a Comprehensive Plan in or about 2004. In formulating the Comprehensive Plan, the Town was assisted by a certified professional planner and:
 - conducted a survey of town residents in [2002];
 - conducted a planning and visioning workshop [2003];
 - conducted background studies of land use, population and economic profiles, housing, community facilities, transportation, recreation and

- educational resources, public safety programs, and the environmental condition of the Town and analyzed the regional growth patterns [2003];
 - conducted interviews and focus group meetings with area business owners and managers;
 - obtained information and perspectives from the Town Board and the consulting planner; and
 - conducted public meetings.
2. The Town of Cairo Comprehensive Plan established the goal of eventually enacting a land use regulation program to protect the environment and rural character of the Town, enforce development patterns that are efficient and economically feasible, support the continued revitalization of Main Street and provide ample opportunity for appropriate commercial economic development (Town of Cairo Comprehensive Plan, p. 44).
 3. Subsequent to the adoption of the Comprehensive Plan, and pursuant to the authority in Section 266(1) of the New York State (NYS) Town Law, the Cairo Town Board created a Zoning Commission to study whether a zoning law should be written for the Town, and to write such a law if one was determined to be appropriate.
 4. As part of its work, the Town of Cairo Zoning Commission held a public hearing on April 26, 2011. During the course of that session of the public hearing, the Zoning Commission received comment from the citizens of Cairo and the public.
 5. The Town of Cairo Zoning Commission determined that the writing of a proposed Zoning Law for the Town of Cairo was appropriate and, with the assistance of a professional planner, the Commission drafted a proposed Zoning Law and Zoning Map and prepared a final report of the Zoning Commission, all of which were transmitted by the Zoning Commission to the Town of Cairo Town Board.
 6. Following receipt of the final report of the Zoning Commission and the Zoning Commission's draft Zoning Law and Zoning Map, the Town Board conducted its own careful review of the Zoning Law and Map. This review extended over a period of years and included numerous public workshop meetings and public meetings with individual property owners.
 7. In April of 2015 the Town Board created a final draft of the proposed Zoning Law and Zoning Districts Map.
 8. On May 19, 2015, the Town Board referred the proposed Zoning Law to the Greene County Planning Board in accordance with the requirements of Section 239-1 and m of the New York State General Municipal Law (GML).
 9. On June 18, 2015, in response to the referral, the Greene County Planning Board recommended approval of the proposed Zoning Law including brief comments.

10. On July 6, 2015, the Town Board, with the assistance of a professional planner, began its environmental review of the proposed Zoning Law in accordance with the requirements of the State Environmental Quality Review Act (SEQRA). On that date, at a public meeting of the Town Board, the Town Board acted to:
 - A. declare itself to be lead agency for the environmental review under SEQRA;
 - B. classify the proposed action as a Type I action; and
 - C. as the only body with approval power over the proposed action, declared that it would conduct an uncoordinated review.
11. On that same date, further in accordance with the applicable SEQRA regulations, the Town Board prepared an Environmental Assessment Form (EAF) and thereafter duly considered the contents of the EAF. The Town Board reviewed Part 1 of the EAF which had been prepared for the Town Board by its planning consultant, and upon due review and deliberation, authorized the Town Supervisor to sign the EAF.
12. On July 30, 2015, the Town Board opened a duly noticed and published public hearing held at the Town of Cairo Town Hall. During the course of that session of the public hearing, the Town Board received comment from the citizens of Cairo and the public. The public hearing was continued to August 20, 2015.
13. On August 11, 2015 notice of the public hearing scheduled for August 20, 2015 was published in the official newspaper of the Town.
14. On August 20, 2015, the Town Board held a special meeting of the Town Board at 7:00 p.m. at the Town of Cairo Town Hall.
15. At its special meeting on August 20, 2015, the Town Board continued the public hearing and then voted to close the public hearing.
16. At its special meeting on August 20, 2015, after closing the public hearing, the Town Board, with the advice and assistance of its professional planning consultant, continued its environmental review of the proposed action. In doing so, the Town Board identified the relevant areas of environmental inquiry and took a “hard look” to determine whether the adoption of the proposed Zoning Law would have any significant potential adverse environmental impacts which would require further study and mitigation. The Town Board completed Parts 2 and 3 of the EAF and determined that the adoption of the proposed Zoning Law would not cause any significant potential adverse environmental impacts. In fact, it was noted that the adoption of the proposed Zoning Law would likely have a positive impact on the environment by providing protection of the Town environmental features and resources. The reasons and rationale in support of this

determination are set forth in detail in Part 3 of the EAF, the content of which is incorporated by reference herein.

17. On August 20, 2015, the Town Board determined as a result of its hard look and findings set forth above to issue a Negative Declaration under SEQRA as its Determination of Significance, as part of this Resolution.
18. Pursuant to SEQRA, at its special meeting on August 20, 2015, the Town Board concluded Part 3 of the SEQRA EAF, and determined that the proposed zoning will not have any significant adverse environmental impacts, and consequently, the Town Board issued a Negative Declaration as its Determination of Significance.
19. Further pursuant to SEQRA, the Town Board authorized the filing of the Negative Declaration (the completed Part 3 of the Full EAF) in the Environmental Notice Bulletin (ENB), according to Part 617 of the SEQRA regulations.
20. At the conclusion of the August 20, 2015, meeting, the Town Board voted to adopt the Zoning Law as Local Law No. 5 of 2015. The resolution passed with a 3-2 vote in favor of the resolution.
21. Following the special meeting on August 20, 2015, it came to the attention of the Town Board that a procedural error had occurred when notice letters for the August 20, 2015 public hearing were not sent to the adjoining municipalities and the Catskill Park notifying them of the public hearing.
22. At a Town Board meeting held on September 14, 2015, John F. Lyons, of Grant & Lyons, LLP, appeared on his own behalf and on behalf of Town Attorney Tal Rappleyea, and explained the error to the Town Board. Further, he advised this Board to schedule another public hearing for the purposes of allowing the adjoining municipalities and Catskill Park the opportunity to attend and offer comment to the Town Board.
23. It was noted that this procedural error did not affect the validity of the SEQRA environmental review, and, as such, the SEQRA environmental review is still valid and in place.
24. On September 14, 2015, the Town Board voted to schedule another public hearing to be held on October 5, 2015, at 7:00 pm at Cairo Town Hall upon the required published notice and upon the sending of public hearing notice letters to the municipalities and Catskill Park.
25. On September 11, 2015, letters notifying recipients of the October 5, 2015 public hearing were sent to the Catskill State Park and the following municipalities whose borders adjoin the Town of Cairo: Athens, Catskill, Coxsackie, Durham, Greenville, Hunter, Jewett and Windham.

26. On September 15, 2015, notice of the public hearing scheduled for October 5, 2015 was published in the official newspaper of the Town.
27. On October 5, 2015, the Town Board held a duly noticed and published special meeting of the Town Board at the Town of Cairo Town Hall and held a public hearing as part of that meeting on that date. After the receipt of public comment, the public hearing was closed that same evening on October 5, 2015.
28. After due deliberation, the Town Board of the Town of Cairo determines that it is in the best interest of the Town to adopt the proposed Zoning Law and Map, and that the adoption of the proposed Zoning Law will help achieve the goals of the Town of Cairo Comprehensive Plan, protect the health, safety and general welfare of the citizens of the Town of Cairo, and will protect and preserve and enhance the lands and environmental resources within the Town.

NOW, THEREFORE BE IT RESOLVED, as follows:

- Section A. Based upon the facts and discussion in the record, upon the purposes set forth and described as part of the Zoning Law, and upon the statements above in this Resolution, the Town Board hereby adopts said Local Law No. 5 of 2015 entitled “*Zoning Law of the Town of Cairo*”, and the Zoning District Map included as part of that law, being the same Local Law and Zoning District Map as was attached as Exhibit B to our previous resolution to adopt dated August 20, 2015 and which is now incorporated in to this Resolution as an exhibit by reference.
- Section B. Local Law No. 5 of 2015 entitled “*Zoning Law of the Town of Cairo*” shall be become effective on Tuesday, December 1, 2015.
- Section C. We direct the Town Clerk do the following:
- (1) enter the adopted local law and this Resolution in the minutes of this meeting;
 - (2) file a certified copy of the adopted local law in the Local Law Book of the Town of Cairo;
 - (3) file a copy of said adopted local law with the New York State Secretary of State within twenty (20) days of the date that this Resolution was passed;
 - (4) publish a summary or abstract of the Zoning Law once in the official newspaper of the Town and the affidavits of publication shall be filed with the Town Clerk; and

- (5) the Town Clerk shall maintain a separate file for each and every map adopted as part of the Zoning Law, or as part of any amendments thereto, and shall file therein the Zoning Map adopted as part of this Zoning Law as well as any maps hereafter adopted and such files shall be available at any time during regular business hours for public inspection.

The above Resolution was put to a Roll Call Vote as follows:

		In Favor	Against	Abstain	Absent
Vote:	Ted Banta	X			
	Douglas Ostrander	X			
	Tony Puorro	X			
	Mary Jo Cords		X		
	Daniel Joyce		X		

Result: Motion was passed by the following margin: 3-2

Whereupon, this Resolution was declared adopted by the Town Board of the Town of Cairo

Dated: October 5, 2015

Filing: A copy of this resolution was filed in the office of the Town Clerk of the Town of Cairo on October 5, 2015.

The minutes from the August 3, 2015 Board Meeting were accepted by Councilperson Joyce and seconded by Councilperson Cords.

The minutes from the August 20, 2015 Public Hearing on Zoning and Continuation of Public Hearing from July 30, 2015 were accepted by Councilperson Cords and seconded by Councilperson Puorro.

The minutes for September 14, 2015 Board Meeting were accepted by Councilperson Joyce and seconded by Puorro. Councilperson Ostrander abstained as he was absent from that meeting.

Resolution No. 181 -15 “Receipt of Monthly Supervisor’s Report” offered by Councilperson Ostrander 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 August, 2015.

All members in favor – motion carried.

Resolution No. 182 -15 “Payment of Bills on Abstract #320” offered by Councilperson Ostrander and seconded by Councilperson Cords:

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-1355.115	Assessor-Data Collector	-884.19
To	A-1355.113	Assessor-Clerk	+884.19
From	A-1990.4	Contingent	-424.03
To	A-1440.4	Engineer-Contractual	+424.03
From	A-1620.407	Bldgs. Contractual-Acra Comm	-4,000.00
From	A-1620.408	Bldgs. Contractual-RR Ave	-1,500.00
From	A-1620.409	Bldgs. Contractual-Ambulance	-1,500.00
From	A-1620.41	Bldgs. Contractual-Police	-1,500.00
From	A-1990.4	Contingent	8,304.71
To	A-1620.202	Bldgs. Building Improvements	+16,804.71
From	A-1990.4	Contingent	-517.39
To	A-5132.4	H’way Garage-Contractual	+517.39
From	A-7110.4	Parks-Contractual	-2,057.41
To	A-7110.2	Parks-Persl Ser	+2,057.41

From	A-8010.2	Zoning-Equipment	-1,861.12
To	A-8010.4	Zoning-Contractual	+1,861.12
From	A-8810.4	Cemeteries-Contractual	-69.88
To	A-8810.15	Cemeteries-Persl Ser	+69.88
From		Fund Balance	-2,140.48
To	DA-5130.4	Machinery-Contractual	+2,140.48
From	SW	Fund Balance	-7,486.94
To	SW-8320.4	Source of Supply-Contractual	+7,486.94

And be it further RESOLVED, the Town Board does hereby authorize that Abstract #320, consisting of 2015 Vouchers #2234 through #2318 in the amount of \$218,089.57 is approved for payment.

The total amount to be paid from the:

General Fund -	\$49,835.26	Hydrant -	
Highway Fund -	\$151,431.37	Sewer Fund -	\$9,285.74
Cap. Water Fund -		Water Fund -	\$7,503.68
Street Lighting -		Trust & Agency -	\$33.52

All members in favor – motion carried.

Resolution No. 183 -15 “Building & Code Enforcement Training & Travel”

offered by Councilperson Puorro and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby approves attendance by the Code Enforcement Officer and the Building Department Inspector at the New York State Capital District Building Officials Conference on October 19, 20, & 21, 2015. Travel and compensation will comply with the Handbook policy and be disbursed accordingly.

All members in favor – motion carried.

Resolution No. 184 -15 “Building & Code Enforcement Training & Travel”

offered by Supervisor Banta and seconded by Councilperson Cords:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby approves attendance by the Code Enforcement Officer and the Building Department Inspector at the NYS Floodplain Management Training on October 30, 2015. Travel and compensation will comply with the Handbook policy and be disbursed accordingly.

All members in favor – motion carried.

Resolution No. 185 -15 “Set Public Hearing for Dog Laws” offered by Councilperson Cords and seconded by Councilperson Joyce:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby set public hearings for November 2, 2015 at 7:00 PM concerning the enactment of two local laws regulating the outdoor tethering of dogs and the licensing of dogs, respectively.

All members in favor – motion carried.

The Town Board discussed the possibility of passing a Public Nuisance Law. Attorney for Town Tal Rappleyea suggested doing a Tenant-Landlord Registration Law.

Supervisor Banta asked Attorney Tal Rappleyea to draft 2 laws to review at the November 2nd Board Meeting.

Resolution No. 187 -15 “Approve Contract for Temporary Easement to Drill for new Well” offered by Councilperson Cords and seconded by Councilperson Puorro:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby approve the contract negotiated with Denise Casaliggi and Lonna R. Casaliggi, Executrix of the Estate of Louis Casaliggi, for the purpose of receiving a temporary easement, which allows access to the property for up to six months to test the existing wells and drill and develop a back-up well or wells to supply the public water system.

All members in favor – motion carried.

Resolution No. 188 -15 “Set Public Hearing 2016 Budget” offered by Councilperson Cords and seconded by Councilperson Puorro:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby set public hearing for November 2, 2015 at 6:45 PM to take public comment on the 2016 Budget.

All members in favor – motion carried.

The Board discussed the sewer treatment plant problem with bugs.

Resolution No. 189 -15 “Accept Bid for Dog Shelter” offered by Councilperson Puorro and seconded by Councilperson Joyce:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby accept bid for the dog shelter in the amount of \$3,500.00.

All members in favor – motion carried.

Ambulance Task Force wants to meet with Town Board. They will be invited to the next Town Board meeting.

Chamber of Commerce President, MA Tarpinian gave presentation and update for the Chamber of Commerce.

Resolution No. 190 -15 “Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals” offered by Councilperson Cords and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby pass Local Law – 7 - Establishing a Further Temporary Six Month Moratorium on Junk Yard Approvals.

All members in favor – motion carried.

Resolution No. 191 -15 “Establishing a Further Temporary Six Month Moratorium on Approvals Involving Resorts” offered by Councilperson Puorro and seconded by Councilperson Cords:

BE IT RESOLVED, that the Town Board of the Town of Cairo hereby pass Local Law – 8 - Establishing a Further Temporary Six Month Moratorium on Approvals Involving Resorts.

All members in favor – motion carried.

A motion was made by Councilperson Cords and seconded by Councilperson Ostrander to adjourn the meeting at 8:25 PM.

Respectfully submitted,

Tara A. Rumph, RMC
Cairo Town Clerk