



Minutes

Town of Cairo

Town Board Meeting @ 7:00 pm

Location: Town Hall Meeting Room

March 4, 2019

The Town Board of the Town of Cairo met for a Town Board Meeting on Monday March 4, 2019 at the Town Hall, Main Street, Cairo, New York.

Supervisor Benoit called the meeting to order at 7:15 pm and asked the attendees to Pledge Allegiance to the Flag.

Attendance: Supervisor Benoit, Councilperson Cords, Councilperson Joyce, and Councilperson Warner were present and Councilperson Watts was absent.

Reviewed and Approval: of the minutes for February 4, 2019 was Offered by Councilperson Warner and Seconded by Councilperson Cords: Supervisor Benoit –aye, Councilperson Cords-aye, Councilperson Joyce – aye, Councilperson Warner – aye, and Councilperson Watts absent. Motion carried.

Existing Business:

A. Water Infrastructure Project: Before approving the bid it will be discussed about putting the first and the second bids together.

B. Sidewalk Project and

C. Ambulance Building are both being put out to bid this coming Friday.

The board decided to move the April 1st regular meeting to April 8th.

RESOLUTION NO. 2019 – 056 -“Set April 8, 2019 as Date for Town Board Regular Monthly Meeting for April, 2019” Offered by Councilperson Cords and seconded by Councilperson Warner. BE IT RESOLVED: that the Cairo Town Board, does hereby set April 8, 2019 as the date for its regular board meeting for the month of April, 2019.

Supervisor Benoit –aye, Councilperson Cords – aye, Councilperson Joyce –aye, Councilperson Warner –aye, and Councilperson Watts –absent. Motion carried.

Bids on Contract No. 3 Water Storage Tank Replacement.

Statewide Aqua store, Inc.:

Base Bid - \$771,645.00: Contingency Allowance: \$30,000.00: Total Bid \$801,645.00

F.P. Kane:

Base Bid: \$769,000.00, Contingency Allowance: \$30,000.00: Total Bid: \$799,000.00

The results will be known at the next meeting on April 8th.

New Business:

A. Kelly West from the Cornell Coop. Ext – came to do a presentation on the Cairo Highway Culvert Plan. They brought a booklet on fortifying our roads, bridges and water systems.

Before the board members passes the resolution Kelly West and her associate will meet with board members and Robert Hempstead Highway Supervisor to review the program on April 6, 2019.

B. Beth Schuster of Twin County Recovery came to speak to the board about getting a variance in the Zoning Law. The property in question is the old Nick’s Restaurant on Rt. 32 which is commercial.

After several discussions with town residents Ms. Schuster decided to withdrawn her request.

C. Cairo Development Foundation – The town board discussed about getting a release of \$50,000 from CDBG Repayment Funds. The board is having our Attorney Tal Rapplelea looking into the release of funds.

D. Foil Appeal – the board discussed that they would need an Alternate Appeals Officer.

RESOLUTION NO. 2019 – 057 -“Appoint Alternate FOIL Appeals Officer”

Offered by Councilperson Warner and seconded by Councilperson Joyce.

WHEREAS: the Town Supervisor had previously been designated as the town’s Freedom of Information Law (FOIL) Appeal’s officer, and

WHEREAS: the Town denied a FOIL request from Joseph Stanzione, Greene County District Attorney, for a transcript of testimony by the Town Supervisor given at a disciplinary hearing involving a town employee, and

WHEREAS: Joseph Stanzione has appealed the denial of his FOIL request, and

WHEREAS: it is a clear conflict of interest for the Town Supervisor to decide a FOIL appeal regarding his own transcript testimony, now therefore

BE IT RESOLVED: that the Cairo Town Board, does hereby appoint Deputy Town Supervisor, Mary Jo Cords as the Alternate Foil Appeals Officer to render a decision on Joe Stanzione's appeal of his FOIL request denial.

Supervisor Benoit – aye, Councilperson Cords –abstained, Councilperson Joyce –aye, Councilperson Warner – aye and Councilperson Watts – absent. Motion Carried.

E. SOTU Dinner for the Cairo Historical Society reminded that it was on March 9, 2019, the price is \$25.00 per person and it would be starting at 4:30.

Correspondence:

A letter was received by Kelly Miller a one day Circus on July 4th but it will be held on July 3rd instead of the 4th. There will also be another circus before that on June 23rd.

Robert Hempstead spoke the board the he will be on vacation for a couple of weeks. Robert is appointing his deputy Debbie Sommer's to be in charge. Robert has contacted other departments in the county on who to call in case of any emergencies.

Offered by Councilperson Warner and seconded by Councilperson Joyce.

RESOLUTION NO. 2019 - 058"Hire Marcella Grady - Part-time Clerk - Assessor's Office"

Offered by Councilperson Cords and seconded by Councilperson Warner.

WHEREAS: Janice Hull, Town Assessor, has requested the town board hire Marcella Grady to provide part-time assistance in resolving a back-log of cases in her office, and

WHEREAS: there are sufficient funds in the Assessor's budget to allow for a part-time assistant, now therefore

BE IT RESOLVED: that the Cairo Town Board, does hereby hire an appoint Marcella Grady as a clerk-part time to assist the Town Assessor. The rate of pay is set at \$11.00 per hour. Total expenditures shall not exceed the amount already so allocated in the Assessor's budget.

Supervisor Benoit-aye, Councilperson Cords –aye, Councilperson Joyce – aye, Councilperson Warner – aye and Councilperson Watts – absent. Motion carried.

RESOLUTION NO. 2019 – 059 “Authorize Additional Funds to Fix Mini-Excavator”

Offered by Councilperson Cords and seconded by Councilperson Warner.

WHEREAS: the Town Board, by resolution, had authorized the expenditure of \$10,000.00 to fix the town’s Bobcat mini-excavator, and

WHEREAS: the repair estimate provided by Ben Fink, Inc. was for \$12,300.00, now therefore

BE IT RESOLVED: that the Cairo Town Board, does hereby authorize the expenditure of a maximum of \$12,500.00 to repair the town’s Bobcat mini-excavator. This amount provides for a \$200 “cushion” to account for unexpected incidentals.

Supervisor Benoit – aye, Councilperson Cords, Councilperson Joyce, Councilperson Warner –aye and Councilperson Watts-absent. Motion carried.

RESOLUTION NO. 2019 – 060 “Authorize Hiring of a Full-time Police Officer”

Offered by Councilperson Warner and seconded by Councilperson Joyce.

WHEREAS: Sgt. Rick Busch, Officer-in-charge of the Town of Cairo Police Department, has informed the Town Board that several part-time police officers have stated they will no longer be able to work part-time for the town due to their full-time job commitments, and

WHEREAS: Sgt. Busch has informed the town that he will be unable to fill the void in shift coverage with the remaining part-time officers, and

WHEREAS: While the town may be able to hire additional part-time officers, the town does not have a sufficient number of DCJS certified Field Training Officers to adequately train the number of part-time officers needed to fill the voids in shift coverage, and

WHEREAS: Sgt. Busch has informed the town board that he has reviewed his budget and consulted with the town’s bookkeeper and has determined he has sufficient funds available to hire a full-time officer with the resulting pay and benefit package without exceeding his existing budget, and

WHEREAS: Sgt. Busch recommends hiring existing part-time officer Corey Clark as a full-time officer, and Sgt. Busch further informs the town board that Officer Clark is eligible to receive full-time status consistent with existing state and county civil service law, rules and guidelines, now therefore

BE IT RESOLVED: that the Cairo Town Board, does hereby appoint part-time Cairo Police Officer Corey Clark to the position of Full time Police Officer at a rate of pay and under such conditions as are set forth in the current bargaining agreement.

Supervisor Benoit – aye, Councilperson Cords – aye, Councilperson Joyce – aye, Councilperson Warner – aye and Councilperson Watts- absent. Motion carried.

RESOLUTION NO. 2019-061 - "AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF GREENVILLE FOR THE ADMINISTRATION FUNDING OF THE SIDEWALK PROJECT

Councilperson Warner offered the following resolution and Councilperson Cords seconded.

WHEREAS, both the Town of Cairo and the Town Greenville have received grants to proceed with the construction of sidewalks/multimodal pathways; and

WHEREAS, the Town Boards of each of the respective towns has heretofore determined that it is in the best interest of the residents of each town to proceed jointly with such project in terms of timing and financial efficiency; NOW THEREFORE;

Be it resolved, that in accordance with the NYS General Municipal Law the Town of Cairo Supervisor is hereby authorized to execute and enter into an inter- municipal agreement with the Town of Greenville for the administration of funding of the sidewalk project, a copy of which is attached hereto.

Supervisor Benoit – aye, Councilperson Cords –aye, Councilperson Joyce – aye, Councilperson Warner- aye and Councilperson Watts – absent. Motion carried.

RESOLUTION NO. 2019-062 CAIRO MULTI-USE PATHWAY AND SIDEWALK PROJECT –SEQRA DETERMINATION OF NON-SIGNIFICANCE

Offered by Supervisor Benoit and seconded by Councilperson Warner

WHEREAS the Town Board authorized and approved the Cairo Multi-Use Pathway and Sidewalk Project (P.I.N. 1760.85); and

WHEREAS the Town's consulting engineer, Creighton Manning Engineering, has advised the Town Board that the proposed Project is an Unlisted Action in accordance with the rules and regulations of the State Environmental Quality Review Act (SEQRA); and

WHEREAS the Town Board indicated its wish to be Lead Agency for SEQRA review of the proposed Project and the Town Supervisor sent a copy of the Short Environmental Assessment Form Part I, to any and all agencies to which it must give written notice in accordance with New York State Town Law, including the New York State Department of Environmental Conservation, New York State Department of Transportation and New York State Office of Parks, Recreation and Historic Preservation, and Greene County and

WHEREAS, notice was provided to those agencies and over 30 days have passed and the Town has received zero responses regarding the Town's intent to become the Lead Agency for the action, and

WHEREAS, the Town Board duly designated itself to act as SEQRA Lead Agency and, in that capacity, has reviewed the SEQRA Short EAF for this Project as described in the preliminary design documents on file with the Town and NYS DOT, including as supplemental information a letter dated March 30, 2018 from Creighton Manning to NYS DOT, and a letter dated July 6, 2018 from NYS Office of Parks, Recreation and Historic Preservation; now, therefore, be it

RESOLVED, that the Cairo Town Board designated itself as Lead Agency for SEQRA review of the proposed Cairo Multi-Use Pathway and Sidewalk Project (P.I.N. 1760.85); and be it further

RESOLVED, that the Cairo Town Board determines that no significant adverse environmental impacts are likely to result from the proposed Cairo Multi-Use Pathway and Sidewalk Project (P.I.N. 1760.85) and such determination is reached after careful consideration and analysis of the proposed action and the EAF for the proposed action; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor to complete the Environmental Assessment Form by checking the box indicating that the proposed action will not result in any significant adverse impacts; and Be it further

RESOLVED, that the Town Board approves a SEQRA Negative Declaration - Determination of Non-Significance and authorizes and directs the Town Clerk's Office to file any necessary documents in accordance with the provisions of the general regulations of the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution shall take effect immediately.

A regular meeting of the Town Board of the Town of Cairo, Greene County, New York was convened in public session at the Town Hall, Main Street, Cairo, New York 12413 on March 4, 2019 at 7:00 o'clock a.m., local time.

The meeting was called to order by Supervisor Benoit, and, upon roll being called, the following members were:

Supervisor Benoit –aye, Councilperson Cords-aye, Councilperson Joyce-aye and Councilperson Warner – ay and Councilperson Watts absent. Motion carried.

RESOLUTIONS NO. 2019-063 - BOND RESOLUTION

The following resolution was offered by Supervisor Daniel Benoit, seconded by Member Daniel Joyce, to wit;

BOND RESOLUTION DATED MARCH 4, 2019

A RESOLUTION AUTHORIZING THE MULTI-USE PATHWAY AND SIDEWALK PROJECT IN AND FOR THE TOWN OF CAIRO, NEW YORK, AT AN ESTIMATED MAXIMUM COST OF \$707,350, THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF CAIRO, GREENE COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$669,901 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE COST THEREOF, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Cairo, Greene County, New York (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a multi-use pathway and sidewalk project for County Route 23B (Main Street), Bross Street and William Dinger Street, in and for the Town of Cairo, Greene County, New York, including incidental improvements and expenses required for such purpose. The estimated maximum cost of said purpose is \$707,350 and said amount is hereby appropriated therefor.

SECTION 2. It is hereby determined that said purpose is an object or purpose described in subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

SECTION 3. It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 4. The Town Board plans to finance a portion of the cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$669,901, hereby authorized to be issued therefor pursuant to the Local Finance Law. A portion of the project cost is expected to be reimbursed from the proceeds of a Federal TAP Grant, DOT PIN 1760.85, in the amount of 80% of eligible project costs. A portion of the project cost is expected to be paid or reimbursed from the proceeds of a NYS DEC grant in the amount of \$75,000.

SECTION 5. The proposed maturity of the serial bonds authorized hereby is in excess of five years.

SECTION 6. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 7. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of the applicable resolution for the purpose for which said bonds are authorized.

SECTION 8. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 9. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and

the power to prescribe the terms, form and contents of said serial bonds, and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 11. Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in the Catskill Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

SECTION 12. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the Town at the last general election held for the election of State offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by Article Seven of the Town Law.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law,

in the Catskill Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Daniel Benoit	VOTING <u>Aye</u>
Mary Jo Cords	VOTING <u>Aye</u>
Daniel Joyce	VOTING <u>Aye</u>
Gary Warner	VOTING <u>Aye</u>
Jason Watts	VOTING <u>Absent</u>

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION-2019-064 “**Accept EDU Billing**” offered by Councilperson Cords and seconded by Councilperson Warner.

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

RESOLVED, that the Town Board does hereby accept the EDU Billing from the Sewer Administrator in the amount of \$68,022.50 dated March 1, 2019.

Supervisor Benoit – aye, Councilperson Cords –aye, Councilperson Joyce – aye, Councilperson Warner, and Councilperson Watts – absent. Motion carried.

RESOLUTION -2019-065 “**Grant Permission to the Justice Court to Attend the Annual Court Clerk Spring Training**” Offered by Councilperson Joyce and seconded by Councilperson Cords.

WHEREAS, The Town of Cairo Justice Court Clerks, have been authorized to attend the New York State Association of Magistrates Court Clerks Annual Spring Training being held on April 12, 2019 on Castleton, NY.

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby grant permission for mileage and toll expenses will be reimbursed, to both Joan M VanDenburgh and Kathleen Costanzo, per the Town of Cairo Travel Policy.

Supervisor Benoit –aye, Councilperson Cords –aye, Councilperson Joyce – aye, Councilperson Warner – aye and Councilperson Watts – absent. Motion carried.

RESOLUTION - 2019-066 “**Water Billing Adjustment**” Offered by Councilperson Warner and seconded by Supervisor Benoit.

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

RESOLVED, that the Town Board accepts the adjustments to the Water bill dated January 9,2019, to be credited to Account Number 3610 for \$85.05, which was posted due to an incorrect estimated water meter reading.

Supervisor Benoit – aye, Councilperson Cords, Councilperson Joyce – aye, Councilperson Warner – aye, and Councilperson Watts – absent. Motion carried.

RESOLUTION NO.-2019-067 “Receipt of Monthly Supervisor’s Report” Offered by Councilperson Cords 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 Town Board members consisting of cash receipts, cash disbursements, and a budget versus actual report for expenses and revenues, and it be documented in the minutes; therefore;

BE IT RESOLVED, that the Town Board Members accept the monthly Supervisor’s Report for January 2019.

Supervisor Benoit – aye, Councilperson Cords –aye, Councilperson Joyce- aye, Councilperson Warner – aye, and Councilperson Watts – absent. Motion carried.

RESOLUTION NO.2019 -068 -“Budget Amendments and Payment of Bills on Abstract #303” Offered by Councilperson Warner 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 that Abstract #303, consisting of 2019 Vouchers #103964 through #104061 in the amount of \$162,630.30 is approved for payment;

The total amount to be paid from the:

General Fund -	\$73,915.12	Hydrant -	
Highway Fund -	\$74,460.67	Capital Water-	
Street Lighting -		Sidewalk -	
Sewer Fund -	\$13,214.93	Trust & Agency -	\$22.92
Water Fund -	\$1,016.66		

Supervisor Benoit – aye, Councilperson Cords – aye, Councilperson Joyce –aye, Councilperson Warner – aye and Councilperson Watts – absent. Motion carried.

Councilperson Joyce has been in touch with Legislators Bill Lawrence and Harry Lennon. They discussed getting a grant from the Wayne Speenburgh Greene County Legislators Grant Program for defibrillators. The grant has been entered and we will be getting two, one for the office and one for the Library.

There will training set up on the use of the defibrillator's once they are received.

Motion to adjourn meeting offered by Supervisor Benoit and second by Councilperson Warner. Motion carried.

Supervisor Benoit adjourned the meet at 9:20 pm.

Respectfully submitted,

Kathy Rockefeller
Deputy Town Clerk