

REGULAR MEETING - WOLCOTT TOWN BOARD - APRIL 15, 2013

A regular meeting of the Wolcott Town Board was held Mon., Apr. 15, 2013, at 6:00 PM at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Kim Park  
Councilman - Dallas Youngman  
Councilman - Jeffrey Keller (ABSENT)  
Councilman - Adam Ellis  
Councilman - Henry Felker

OTHERS PRESENT - Dawn Krul, Town Clerk; Amber Roberts, Assessor/ Bookkeeper; Donald Camp, Code Enforcement Officer; Scott Maybe, Highway Supt.; Donald Dates, Highway Dept.

Copies presented to the Town Board:

1. Minutes of March 21, 2013 (Regular Meeting)
2. General Fund Claims (Unaudited)
3. Highway Fund Claims (Unaudited)
4. Waters/Red Creek Road WD Fund Claim (Unaudited)

The Supervisor's, Town Clerk's, Justices, Code Enforcement Officer's, Animal Control Officer's and Highway Supt's reports were presented to the Town Board.

Supervisor Park called the meeting to order at 6:00 PM.

Pledge of Allegiance -

SPECIAL PERMIT REQUEST - Zachary Taccone  
127 Limerick Lane  
Rochester, NY 14606  
Property Location - 7921 North Maple St.  
Wolcott, NY 14590  
Tax Map #75119-11-530690

Code Enforcement Officer, Don Camp, presented Special

Permit Request #4-2013, which was brought before the Town Board Mar. 21, 2013, at which time a negative impact was declared on the environment and signed by the Supervisor. It was then taken to the County Planning Board for review and brought back to our Planning Board on April 1, 2013. Request regarding Town of Wolcott Local Law #1-2000 Section 502-C, to replace an existing structure with a 12' x 24' 2-story structure for seasonal use in a waterfront area.

Don reported that the County and Local Planning Boards approved the request with no objections from the neighbors as well.

SPECIAL PERMIT REQUEST - (cont'd)

There being no objections from the Town Board, the following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Adam Ellis, "Be it RESOLVED that the Wolcott Town Board approve the request of Zachary Taccone and the recommendation of the Planning Board to the Town Board."

VOTE - AYES 4 NAYS 0.

GENERAL BUSINESS -

GENERAL CORRESPONDENCE -

1. Letter to Supervisor Park from Senator Michael Nozzolio re-garding funding for the CHIPS program for our highway department.

2. Letter from Real Property Tax Service regarding Board of Assessment Review member, K. Michael Caywood, stating that he had missed his required training for 2013. Mr. Caywood spoke with the director and he understands he will have to complete the training somewhere else in order to sit on the Review Board in May.

3. Letters from NYS Department of Transportation informing us

of their determinations for lowering the speed limit on Blind Sodus Bay Road and Brown Road.

4. Notice from Time Warner of possible changes in programming.

A motion was made by Kim Park, seconded by Adam Ellis, to accept the minutes of March 21, 2013, general correspondence and departmental reports. VOTE - AYES 4 NAYS 0.

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #118 thru #162 - total - \$6,812.39

HIGHWAY ACCOUNT - DA Townwide & DB Outside - total - \$28,811.78

WATERS/RED CREEK RD WD - Claim #5-2013 - total - \$839.00

A resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Adam Ellis "Be it RESOLVED to pay General, Highway and Waters/Red Creek Road Water District claims as presented."

VOTE - AYES 4 NAYS 0.

ASSESSOR/BOOKKEEPER - Amber Roberts

1. Amber stated the Tentative Roll has been submitted to the County.

2. Amber held 7 or 8 informal hearings which went well.

3. Amber said the update scheduled to be done this year for 2014 will now be done next year for 2015. She will, however, be doing an update on the Village of Wolcott this year.

ASSESSOR - (cont'd)

4. Amber explained the need to transfer funds from the

Rural Development account to the Waters/Red Creek Road Water District Ac-count.

RESOLUTION #35-13 AUTHORIZING THE TRANSFER OF \$853.05 FROM RURAL DEVELOPMENT ACCOUNT TO THE WATERS/RED CREEK ROAD WATER DISTRICT AC-COUNT -

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Adam Ellis,

WHEREAS, Rural Development requires funds to not co-mingle; and

WHEREAS, funds from Rural Development are held in a special ac-count when received; and

WHEREAS, funds must be moved to specific operating accounts to be used;

NOW, THEREFORE, BE IT RESOLVED, the Bookkeeper is authorized to transfer \$853.05 from Rural Development holding account to Waters/Red Creek Road Water District operating account.

VOTE - AYES 4 NAYS 0.

5. Amber informed the Board of upcoming schooling which will coincide with her clerk being away. Therefore, their office will need to be closed May 9th and 10th.

HIGHWAY - Scott Maybe

1. Scott said the new door opener has been installed.
2. Scott brought up the date for the annual clean-up day. After a brief discussion, it was determined to hold it on May 18th. The Town Clerk will contact D&L Disposal and place the ad in the Shopper for 2 weeks.

CODE ENFORCEMENT OFFICER - Don Camp

1. Don presented an inspection report on the elevator which contained a few code violations regarding the floor of the elevator.

The Town Clerk will contact Councilman Keller to try and remedy the situation.

2. Don mentioned the Planning Board has gone over Local Law #1-2000 and a draft Local Law from December 2002 which they believe, in part at least, addresses the section they were concerned with. It was determined that Don would go over them both line by line to see the differences and report back to the Board at May's meeting.

3. Don attended the meeting in Ontario on new regulations for septic systems.

CODE ENFORCEMENT OFFICER - (cont'd)

4. Don stated the Planning Board was wondering if the minutes from their meetings should be posted on the Town's website. Kim said that as soon as they become approved, the secretary could email them to Lichti International to be placed on our website. Also, Don said the Planning Board section of the website needs to be updated with the correct members. The Town Clerk will take care of this.

5. Don received a complaint about a structure being built over the water at the south end of Blind Sodus Bay. Discussion.

6. Don reported on the status of Gary Brooks' place on Waters Road. Gary has a dumpster coming to begin the clean up process.

TOWN CLERK - Dawn Krul

1. The Town Clerk sadly reported the passing of her deputy, Pat Freer, on Sat. April 13th, and gave details of her arrangements. She stated she will be looking to appoint someone as soon as she returns from the NYS Town Clerk's Conference at the end of April. Due to that conference, her office will be closed on April 29th and 30th.

SUPERVISOR - Kim Park

1. Kim commented on a letter she sent to Ray Hessinger in support of potential local rail service to our area.

2. Kim presented two resolutions for the Blind Sodus Bay Sewer District.

RESOLUTION #36-13 AUTHORIZING THE SUPERVISOR TO ISSUE A "NEGATIVE DECLARATION NOTICE OF DETERMINATION OF NON-SIGNIFICANCE" FOR THE BLIND SODUS BAY SANITARY SEWER SYSTEM -

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Adam Ellis,

WHEREAS,

1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Wolcott announced its intent to serve as Lead Agency on February 19, 2013, to conduct an environmental review of the Blind Sodus Bay Sanitary Sewer System project.

2) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

3) On February 27, 2013, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form.

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

4) Comments from Involved and Interested Agencies have been addressed in Part 2 of the EAF. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with the agency requirements.

NOW, THEREFORE, BE IT RESOLVED,

The Town Board of the Town of Wolcott declares that it will serve as Lead Agency for the Blind Sodus Bay Sanitary Sewer System project; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQOR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the form entitled "Negative Declaration Notice of Determination of Non-Significance."

VOTE - AYES 4 NAYS 0.

BOND RESOLUTION #37-13 DATED APRIL 15, 2013,  
AUTHORIZING GENERAL  
OBLIGATION BONDS OF THE TOWN OF WOLCOTT TO FINANCE SEWER  
SYSTEM  
CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE  
ISSUANCE  
OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF,  
THE EXPENDI  
TURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER  
MATTERS IN  
CONNECTION THEREWITH.

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Adam Ellis,

WHEREAS, the Town of Wolcott Blind Sodus Bay Sanitary Sewer District is a Sewer District of the Town of Wolcott, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the cost of the improvements authorized will

not exceed the cost thresholds that require approval of the Office of the State Comptroller;

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (□SEQRA□), has completed its environmental review and, on April 15, 2013, has duly issued a negative declaration and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF WOLCOTT, NEW YORK, (hereinafter referred to as the □Town□), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

Section 1. The Town of Wolcott shall undertake the acquisition and construction of sewer improvements for the Blind Sodus Bay Sanitary Sewer System, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as □purpose□), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,600,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$2,350,000. The plan for financing of said purpose is to provide (i) up to \$1,600,000 by an interest free loan from the Clean Water State Revolving Fund (CWSRF), as well as, bond anticipation notes in anticipation thereof as herein authorized; and (ii) up to \$750,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that



(a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the

consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Wolcott.

Section 7. The faith and credit of the Town of Wolcott, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Wolcott together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not

substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

VOTE - AYES 4 NAYS 0.

SUPERVISOR - (cont'd)

3. Kim updated the rest of the Board on the Courtroom records storage area in the basement and what our options are to complete this. Discussion.

4. Kim read a memo from our Town Attorney, Art Williams, with regards to insurance on our custodian. Discussion. The Town Clerk will ask the custodian if she carries her own insurance.

5. Councilman Felker brought his concerns to the table with regards to properties within the Town that are in various states of disrepair. Much discussion.

EXECUTIVE SESSION -

A motion was made by Kim Park, seconded by Dallas Youngman, to move into executive session at 6:53 PM to discuss Highway contract negotiations. VOTE - AYES 4  
NAYS 0.

CLOSE EXECUTIVE SESSION -

A motion was made by Dallas Youngman, seconded by Adam Ellis, to close executive session at 7:00 PM. VOTE -  
AYES 4 NAYS 0.

RESUME REGULAR SESSION -

The Supervisor summoned the Town Clerk and the Board resumed regular session at 7:01 PM.

AMBULANCE UPDATE - George Lockwood

George came to tonight's meeting to update the Board on the mer-ger of the Wolcott and Red Creek Ambulance Corp. They will now be operating under the name Lakeshore Volunteer Ambulance. George gave details of how this came about and why.

The next regular meeting of the Wolcott Town Board will be held Tues., May 21, 2013, at 6:00 PM at the Town Hall.

A motion was made by Dallas Youngman, seconded by Henry Felker, to adjourn the meeting at 7:13 PM.

submitted,

Respectfully

Dawn M. Krul,  
Town Clerk





