

REGULAR MEETING - WOLCOTT TOWN BOARD - SEPTEMBER 24, 2013

A regular meeting of the Wolcott Town Board was held Tues., Sept 24, 2013, at 6:00 PM at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Kim Park  
Councilman - Dallas Youngman (ABSENT)  
Councilman - Jeffrey Keller  
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.; Eileen Perkins, 6673 West Port Bay Rd., Wolcott; Russell Freer, 7624 Wall St. Rd., Wolcott; Chris Loveless, 11700 Tompkins Pt. Rd., Wolcott.

Copies presented to the Town Board:

1. Minutes of August 20, 2013 (Regular Meeting)
2. General Fund Claims (Unaudited)
3. Highway Fund Claims (Unaudited)
4. Ingersoll Drive WD Claim (Unaudited)
5. Senior Citizens 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 -

GENERAL BUSINESS -

GENERAL CORRESPONDENCE -

1. Letter to Supervisor Park from Senator Nozzolio

thanking her for meeting with him and Assemblyman Oaks regarding the closing of the Butler Correctional Facility.

2. Letter to Supervisor Park from Senator Nozzolio thanking her for contacting him regarding our passing of Resolution 53-13 op-posing the International Joint Commission's Plan 2014.

3. Notice of Inspection signed by Patricia Famiglietto, of the NYS Department of Ag & Markets, stating we are in compliance with applicable Agriculture and Markets Laws and Regulations.

A motion was made by Kim Park, seconded by Jeff Keller, to accept the minutes of August 20, 2013, general correspondence and de-partmental reports. VOTE - AYES 4 NAYS 0 .

GENERAL BUSINESS - (cont'd)

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #309 thru #334 - total - \$25,950.10

HIGHWAY ACCOUNT - DA Townwide & DB Outside - total - \$19,505.80

INGERSOLL DRIVE - Claim #004 - total - \$33.00

SENIOR CITIZENS - Claim #1 - total - \$250.00

A resolution was presented by Kim Park, moved by Adam Ellis, seconded by Jeff Keller "Be it RESOLVED to pay General, Highway, Ingersoll Drive WD and Senior Citizens claims as presented."

VOTE - AYES 4 NAYS 0 .

ASSESSOR/BOOKKEEPER - Amber Roberts

Assessor -

1. Amber reported that she, along with her clerk, attended a SCAR Hearing for property owner, Edward Dodge, today.

Bookkeeper -

1. Amber referenced that the 2014 Budget was turned into the Town Clerk and copies would be made available for them to peruse. The Supervisor will talk more about this later under her.

HIGHWAY - Scott Maybe

1. Scott brought up that he caught someone trying to steal gas at the highway garage. He would like to put up a camera or some-thing to deter this kind of thing from happening again.

2. Scott informed the board that a driveway had been put in right across the turnaround for the snowplow at the end of Ingersoll Drive. Discussion ensued as to what could be done about this.

TOWN CLERK - Dawn Krul

1. The Town Clerk stated she was going to run an ad in the newspaper/shopper for the upcoming dog census and also include the date for the rabies clinic to be held on Saturday, October 12th, at the highway garage. Gary will not commence the census until after that date.

2. The Town Clerk will be on vacation beginning October 3rd and will return to work on October 10th. Her deputy will be covering for her.

SUPERVISOR - Kim Park

1. Kim was happy to inform the rest of the board that our funding for the Blind Sodus Bay Sewer District had been increased.  
Discussion.

RESOLUTION #56-13 AUTHORIZING THE SUPERVISOR TO SIGN  
LOAN RESOLUTION AND WASTE SYSTEM GRANT AGREEMENT FOR BLIND  
SODUS BAY SEWER DISTRICT -

The following resolution was presented by Kim Park,  
moved by Adam Ellis, seconded by Henry Felker,

WHEREAS, the Town Board has formed the Blind Sodus Bay  
Sewer District due to positive support by those in the  
district and due to the positive impact that the project  
will have for water quality, enhanced use for the bay and  
enhanced value of the bay; and

WHEREAS, the Town secured \$750,000 in grant funding  
from USDA Rural Development along with a zero percent  
interest loan from the Environmental Finance Center; and

WHEREAS, the Town has now received additional grant  
funding from USDA Rural Development totaling 1.1 million;  
and

WHEREAS, the Town Board wishes to accept such funding  
to benefit all those in the district, the Town and lower  
the out-of-pocket cost to those in the district;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is  
authorized to sign agreements with USDA Rural Development  
for additional funding for the Blind Sodus Bay Sewer  
District.

VOTE - AYES 4 NAYS 0 .

2. Kim updated the board on the Port Bay Sewer  
Project. She met with the Port Bay Association and Huron  
Supervisor, Laurie Crane, to keep up to speed as this is  
a joint project with Huron.

RESOLUTION #57-13  
IN THE MATTER OF THE PROPOSED ESTABLISHMENT OF THE  
PORT BAY SANITARY SEWER DISTRICT  
IN THE TOWN OF WOLCOTT, WAYNE COUNTY

The following resolution was presented by Kim Park,  
moved by Jeff Keller, seconded by Adam Ellis,

WHEREAS, the Town of Wolcott (the "Town") has proposed to establish the Port Bay Sanitary Sewer District in the Town of Wolcott (the "District"), which would allow for the extension of sanitary sewer lines along West Port Bay Road, East Port Bay Road, Tompkins Point Road, North and South Maple Streets, and smaller access roads serving bayfront and lakefront homes in the Town of Wolcott (the "Project"); and

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

WHEREAS, the Project would include installation and operation of sewer lines both in the District, and in an adjacent new sewer district that would be created in the Town of Huron, and would ultimately serve approximately 574 equivalent dwelling units, with waste water treatment at the Red Creek Wastewater Treatment Plant; and

WHEREAS, the Town and the Town of Huron would contract with the Wayne County Water and Sewer Authority to operate the Project; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), and regulations adopted to implement SEQRA, the Town must undertake an environmental review of the creation of the Project, including creation of the District (the "Action"); and

WHEREAS, the Town Board has reviewed a short environmental assessment form ("EAF") for the proposed Action; and

WHEREAS, the proposed Action is an "Unlisted Action" as defined by SEQRA;

NOW, THEREFORE, BE IT RESOLVED, the Town Board has determined that it will undertake uncoordinated SEQRA review, pursuant to 6 N.Y.C.R.R. Section 617.6(b) (4); and it is further

RESOLVED, that the Town Board hereby accepts the EAF;

and it is further

RESOLVED, that the Town Board has considered the proposed Action and its potential for environmental impacts; reviewed and considered the EAF, the criteria contained in 6 N.Y.C.R.R. Section 617.7(c), and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if the Action may have a significant adverse impact on the environment, and makes the following findings:

1. The action will result in a benefit to the environment, because the new sewer line will eliminate a public health and environmental problem caused by numerous existing deficient individual septic systems, and ensure that residents of the District have a reliable facility for sewage disposal.

2. While public sewers could support increased development, the Project is planned to serve existing development, the potential for additional development is not expected to be significant, and the Town Zoning Law provides an adequate mechanism for regulation of development.

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

3. No impacts will occur in the short-term as a result of District creation. Construction activities will result in only minor temporary impacts of no significant consequence, including noise, dust and traffic disruption along affected roadways. All standard construction

practices will be used to minimize ground disturbance, erosion and drainage problems until ground cover has been re-established. Further, all necessary permits for the construction work, including a SPDES General Permit for Stormwater Discharge from Construction Activities from the New York State Department of Environmental Conservation, and the work will comply with all permit requirements.

4. Although the Project design has not been completed, it is expected that the Project will be built within the rights-of-way of the roadways within the District, and where necessary within easements secured from property owners within the District. No significant impacts on aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character are anticipated. The Town will comply with any findings or recommendations of New York State Historic Preservation Office and the New York State Department of Agriculture and Markets (after submission of a Notice of Intent). The extension of public sewers within the service area will significantly benefit community character since all residents will have a dependable means for wastewater disposal and treatment and will have a greater incentive to maintain their properties.

5. The creation of the District will not impact on vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species. While the Project might cross some streams and wetlands, the resulting impacts will be de minimis, and all requirements of DEC and Army Corps permits and regulations will be satisfied.

6. The New York State Department of Environmental Conservation requires that construction plans and specifications must be submitted to that agency for review and approval, and the Town will comply with these

requirements and all permitting requirements of the New York State Department of Environmental Conservation.

7. The Project is consistent with long-range infrastructure planning, specifically the "Sanitary Sewer Feasibility Study for the Wayne County Four Bay Area." Construction of the sanitary sewer will help to eliminate failing septic systems and the associated public health and water quality impacts.

8. While the expansion of the Town's public sewer service will create additional costs for the operation and maintenance of the system, these costs will chiefly be borne by the Wayne County Water and Sewer Authority, the costs have been considered by the Town Board, and it has been determined that they will have a minimal financial effect on residents.

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

9. Appropriate local regulations will govern use of the sewer system to ensure that only proper effluents are disposed of.

10. Although the construction of the Project will consume energy resources, the total amount of energy likely to be consumed is not significant.

11. No potentially significant adverse environmental impacts have been identified.

NOW, THEREFORE, IT IS FURTHER RESOLVED, that pursuant to SEQRA, the Town Board finds that the proposed Action, including establishment of the District and the construction of the Project, will not have a significant impact on the environment, so that a Negative Declaration shall be made and duly filed, and an environmental impact statement will not be required.

VOTE - AYES 4 NAYS 0.



3. Kim talked with the board about the need to determine unit assessment for vacant lots, commercial campsites, etc. Discussion.

RESOLUTION #58-13 ASSESSING ONE-HALF UNIT PER VACANT LOTS AROUND IMMEDIATE WATERFRONT AREA IN THE TOWN OF WOLCOTT

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Henry Felker,

WHEREAS, the Town has established the Blind Sodus Bay Sewer Dis-tract; and

WHEREAS, the Town has the potential of the Port Bay Sewer Dis-tract; and

WHEREAS, public sewer will make lots previously not buildable so that permanent structures can be on said lots as well as increasing saleable value of said lots; and

WHEREAS, under this potential joint project with the Town of Hu-ron inequity needs to be addressed for all property owners; and

WHEREAS, the Town of Huron recently passed a resolution regard-ing charging one-half unit for vacant parcels on the waterfront; and

WHEREAS, other unique circumstances occur in sewer districts not fitting the standard one unit for parcels with residential struc-tures; and

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

WHEREAS, the following criteria will be used for

parcels not fitting the standard one unit for parcels with a residential structure:

- .05 will be charged for vacant parcels off waterfront
- .10 will be charged for each commercial campsite
- .50 will be charged for each additional residential structure on an existing parcel with one primary residence and one unit being charged
- .50 will be charged for vacant buildable waterfront parcels

NOW, THEREFORE, BE IT RESOLVED, unit charges stated in this resolution will be the policy followed for unit charges in sewer districts in the Town of Wolcott.

VOTE - AYES 4 NAYS 0.

4. Kim revisited the RG&E Energy Efficiency Program presented at last month's meeting for the Highway Department. Discussion.

RESOLUTION #59-13 AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH NYSEG FOR SMALL BUSINESS ENERGY EFFICIENCY PROGRAM FOR THE HIGHWAY BARN -

The following resolution was presented by Kim Park, moved by Jeff Keller, seconded by Adam Ellis,

WHEREAS, the Highway Barn is eligible for the Small Business Energy Efficiency Program through NYSEG; and

WHEREAS, the Highway Barn has antiquated lighting that is not energy efficient and expensive to replace; and

WHEREAS, the Town Board sees the value in upgrading the lighting of the Town Barn through this program and believes it is a good value;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to sign agreement with NYSEG for the Small

Business Energy Efficiency Program for upgraded lighting at the Town Barn at a cost not to exceed \$2,672.51 excluding any permit or lift fees that may be applicable.

VOTE - AYES 4 NAYS 0 .

5. Kim stated because we are still waiting on our CHIPS funding we need to transfer money for the Highway Department.

SUPERVISOR - (cont'd)

RESOLUTION #60-13 TRANSFERRING \$111,012.53 FROM HIGHWAY CD TO HIGHWAY CHECKING -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Jeff Keller,

WHEREAS, the Highway Department has been waiting for CHIPS funding from the state; and

WHEREAS, this has made it difficult to fund projects and continue daily operations creating a cash flow shortage; and

WHEREAS, the Town needs to use money in the Highway CD for cash flow;

NOW, THEREFORE, BE IT RESOLVED, to transfer \$111,012.53 from Highway CD to Highway Checking until CHIPS funding is received.

VOTE - AYES 4 NAYS 0 .

6. Kim asked Chris Loveless to update the rest of the board on the progress of the court records storage room in the basement. She also stated the justices can apply once again for grant money from the Justice Court Assistance Program.

RESOLUTION #61-13 AUTHORIZING THE JUSTICES TO APPLY FOR A GRANT FROM THE NYS JUSTICE COURT ASSISTANCE PROGRAM

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The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Jeff Keller,

WHEREAS, the Court received a grant in 2013 through the Justice Court Assistance Program (JCAP) for records storage; and

WHEREAS, the Court will need additional funds to finish the records storage room; and

WHEREAS, the handicapped ramp to the Court, which was achieved with a JCAP grant, has never been finished in the interior of the ramp; and

WHEREAS, the Court has other needs for storage and function that need to be addressed; and

WHEREAS, the Town doesn't have funding to provide for such needs of the Court;

NOW, THEREFORE, BE IT RESOLVED, the Court Justices are author-ized to apply for JCAP grant for said needs.

VOTE - AYES 4 NAYS 0 .

7. Kim informed the rest of the board that a person wishing to sue the town will now have another option for serving notice of claim upon the town. This option being, in addition to serving the town clerk, the town supervisor or an attorney, to serve notice of claim upon the Secretary of State.

SUPERVISOR - (cont'd)

RESOLUTION #62-13 DESIGNATING THE SECRETARY OF STATE AS AN AGENT FOR SERVICE OF A NOTICE OF CLAIM -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Jeff Keller,

WHEREAS, General Municipal Law, Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service

of a notice of claim; and

WHEREAS, General Municipal Law, Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, Section 50-e(1) (a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wolcott, County of Wayne, designates, Kim Park, in her capacity as Supervisor, to receive notices of claims served upon the Secretary of State by mail at 6070 Lake Avenue, Wolcott, New York 14590 and email at wolcottsupervisor@rochester.rr.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town.

VOTE - AYES 4 NAYS 0 .

8. Kim asked the rest of the board to refer to the copies of the 2014 Tentative Budget they had before them. Supervisor Park and budget officer, Amber Roberts, went over some of the details. It was determined they would take the Tentative Budget home with them, go over it and then hold a budget workshop on Mon., Sept. 30th, at 2:00 PM to continue the budget process.

CODE ENFORCEMENT OFFICER - Don Camp

1. Don arrived a little late as he was called out to look at a trailer that caught fire on Reynolds Road.

2. Don and the rest of the board once again discussed the current land use code, which was adopted in the year 2000, and the potential changes to said version.

EXECUTIVE SESSION -

A motion was made by Kim Park, seconded by Adam Ellis, to move into executive session at 6:55 PM to discuss a potential litigation.

VOTE - AYES 4 NAYS 0.

CLOSE EXECUTIVE SESSION -

A motion was made by Adam Ellis, seconded by Henry Felker, to close executive session at 7:03 PM.

VOTE - AYES 4 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held  
Tues., Oct. 15, 2013 at 6:00 PM at the Town Hall.

A motion was made by Jeff Keller, seconded by Henry Felker, to adjourn the meeting at 7:04 PM.

submitted,

Respectfully

Dawn M. Krul,  
Town Clerk









