

REGULAR MEETING - WOLCOTT TOWN BOARD - NOVEMBER 17, 2009

A regular meeting of the Wolcott Town Board was held Tues., Nov. 17, 2009, at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Kim Park  
Councilman - Dallas Youngman  
Councilman - Jeffrey Keller  
Councilman - Scott Gregg  
Councilman - Adam Ellis, Jr.

OTHERS PRESENT - Dawn Krul, Town Clerk; Kenneth Burgess, Code Enforcement Officer; Tom Interlichia, Highway Supt.; Amber Roberts, Assessor/Bookkeeper; Eileen Perkins, Assessor; Chris Loveless, 11700 Tompkins Pt. Rd., Wolcott.

Copies presented to the Town Board:

1. Minutes of October 20, 2009 (Regular & Special Meeting)
2. General Fund Claims (Unaudited)
3. Highway Fund Claims (Unaudited)
4. Ingersoll Drive Fund Claim (Unaudited)

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

The Supervisor called the meeting to order at 7:00 PM.

SPECIAL PERMIT REQUEST - Donald Collea  
12026 Main St.  
Wolcott, NY 14590  
Property Location - 8353 East Port Bay Rd.  
Wolcott, NY 14590  
Tax Map #75120-18-479243

Code Enforcement Officer, Ken Burgess, presented

Special Permit Request #10-2009 for Donald Collea, which was brought before the Planning Board on Nov. 09, 2009. Request regarding Town of Wolcott Local Law #1-2000, Section 502-C, expansion of pre-existing single family home on less than one acre of land in waterfront district.

Ken presented the site plans and mentioned Mr. Collea changed what he had decided to do from last month's request. Once again, the County Planning Board, as well as the local Planning Board, approved his request with the condition that the septic system be pumped and dye-tested.

SPECIAL PERMIT REQUEST - (cont'd)

There being no objections from the Board, the following resolution was presented Kim Park, moved by Jeff Keller, seconded by Adam Ellis "Be it RESOLVED the Wolcott Town Board approve the request of Donald Collea and the recommendation, with conditions, of the Planning Board to the Town Board." VOTE - AYES 5 NAYS 0

GENERAL BUSINESS -

GENERAL CORRESPONDENCE -

1. Notice of Violation and Order to Comply from the NYS Department of Labor. (Note - Ken will call Chuck Roarke, an electrician, and have him get to work on fixing the items in violation. This needs to be accomplished by Dec. 11th.)

2. Letter from Red Creek Free Library thanking us for our support along with a copy of their 2010 budget.

3. Letter from WA CO Water & Sewer re 2010 rate adjustments.

A motion was made by Kim Park, seconded by Dallas Youngman, to accept the minutes of Oct. 20, 2009, general

correspondence and de-partmental reports. VOTE -  
AYES 5 NAYS 0.

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #446 thru #493 - total -  
\$32,044.27

HIGHWAY ACCOUNT - DA Townwide & DB Outside - total -  
\$23,844.50

INGERSOLL DRIVE - Claim #6-2009 - total - \$1,041.14

A resolution was presented by Kim Park, moved by Dallas Youngman seconded by Adam Ellis "Be it RESOLVED to pay General, Highway and Ingersoll Drive claims as presented." VOTE - AYES 5 NAYS 0.

ASSESSORS - Amber Roberts & Eileen Perkins

1. Amber brought up the subject of the toilet in the ladies bathroom in the hallway that does not flush properly and hasn't for quite some time. She (and the rest of us who use it) would like it to be fixed. She suggested when Mr. Roarke comes to work on the other things, that he install a new toilet as well. Councilman Ellis will order a new toilet thru Sova's and have Mr. Roarke install it.

2. Amber and Eileen addressed the 2010 update. As they are looking at a high volume of major assessment changes, they asked that the Board be supportive of them when the grievances start to come in.

A possible alternate site to meet with property owners was also dis-cussed in case the building is under renovation at that time.

HIGHWAY - Tom Interlichia

1. Tom stated that the Rasbeck Road project is finished.

2. Tom said the plows, sanders, etc. have all been winterized and are ready to go.

CODE ENFORCEMENT OFFICER - Ken Burgess

1. Ken brought up the recent departure of Kim Flood as Planning Board/Board of Appeals secretary and that Diana Blankley was willing to fill this position. She did the November meeting but Ken said the Board would need, if they so wished, to officially appoint her before she could continue.

EXECUTIVE SESSION -

At 7:15 PM, Supervisor Park made a motion to move into executive session, seconded by Dallas Youngman, to discuss a personnel matter.

The Town Clerk, Code Enforcement Officer, Highway Supt. and Chris Loveless left the meeting at this time.

CLOSE EXECUTIVE SESSION -

A motion was made by Scott Gregg, seconded by Adam Ellis, to move out of executive session at 7:20 PM.

RESUME REGULAR SESSION -

Upon summoning the people who had left and resuming regular session, Supervisor Park asked Ken if he had placed an ad for this position. Ken said no he hadn't. She said they should and asked Ken if he would do so. Ken said he would but wanted someone else to do the interviewing. It was decided that Supervisor Park and Councilman Youngman would interview prospective candidates.

TOWN CLERK - Dawn Krul

1. The Town Clerk brought back to this meeting the

quote from Time Warner Cable to combine our phone service with our internet service. The Board agreed there would be a cost savings.

The following resolution was presented by Dawn Krul, moved by Kim Park, seconded by Dallas Youngman,

WHEREAS, we now pay two separate companies for our phone and in-ternet service; and

WHEREAS, Time Warner Cable, who supplies our internet service, has shown we would save money by combining our phone service with them as well;

NOW, THEREFORE, BE IT RESOLVED to authorize Town Clerk, Dawn Krul, to switch the phone service from Matrix to Time Warner Cable.

VOTE - AYES 5 NAYS 0 .

SUPERVISOR -

1. Kim stated they received a letter regarding our energy audit recommendations. She and Councilman Gregg will be meeting Wednesday with Ram Shrivastava of Larsen Engineers to go over suggestions for the grant we're applying for.

2. Kim discussed the call she received from Ora Rothfuss at the County Planning Department regarding a feasibility study of the Florentine Hendrick Building and its ability to accommodate the Towns of Wolcott, Butler and Huron and the Village of Wolcott. She said even though this may not be something we're really interested in, how did the rest of the Board feel about being included in the study. The Board agreed, with no cost involved, they could include us.

3. Kim received a letter from Stu Brown regarding the lateral restrictions resolution needing to be passed for the Waters Road/Red Creek Road Water District.

TOWN OF WOLCOTT WATERS ROAD/RED CREEK ROAD WATER DISTRICT LATERAL RESTRICTIONS RESOLUTION -

WHEREAS, the Town Board of the Town of Wolcott has created the Town of Wolcott Waters Road/Red Creek Road Water

District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Waters Road and Red Creek Road; and

WHEREAS, part of the land area within the Waters Road/Red Creek Road Water District is also within Wayne County Agricultural District No.1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No.1; and

WHEREAS, the New York State Department of Agriculture and Markets

("Department") has expressed concern about the potential adverse im-pact that said public water supply is likely to have on agriculture within the Agricultural Districts,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, in recogni-tion of the concerns that have been raised, hereby resolves to adopt the "Lateral Restriction - Conditions on Future Service" specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Wolcott imposes the following conditions, as warran-ted or recommended on the management of water/sewer lines located along the portions of Waters Road and Red Creek Road included in the Waters Road/Red Creek Road Water District, within an agricultural district:

RESOLUTION - (cont'd)

(1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agri-cultural district will be existing structures at the time of

construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the sub-

division of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law Section 1115 that defines a "subdivision" in part, as "any tract of land which is divided into five or more parcels."

Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

(2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

(3) If it can be demonstrated to the Department's

satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

RESOLUTION - (cont'd)

(4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

VOTE - AYES 5 NAYS 0 .

4. Kim also received an email from Kathy Dear regarding the re-resolution to accept the West Port Bay Road Water District as complete.

RESOLUTION ACCEPTING THE WEST PORT BAY ROAD WATER DISTRICT PROJECT AS COMPLETED -

WHEREAS, the construction of the improvements for the Town of Wolcott West Port Bay Road Water District have been completed and approved by the NYS Department of Health; and  
WHEREAS, the Town of Wolcott has previously made final

payment to the contractor;

NOW, THEREFORE, BE IT RESOLVED that the Town of Wolcott accepts the project as constructed.

BE IT FURTHER RESOLVED that a NYS certified operator, to be designated by the Wayne County Water and Sewer Authority, will operate the water system consistent with the terms of the Agreement between the Town and the Authority.

VOTE - AYES   5   NAYS   0  .

5. Kim stated we need to set a public hearing date for the local law regarding increasing our dog license fees. It was determined to have it at the next regular board meeting to be held Tues., December 15, 2009, at 7:00 PM.

6. Kim commented on the surveys sent out regarding the Blind Sodus Bay Sewer Project. She said we would be forming this district via board resolution which is why they sent out the surveys. The surveys returned show pretty much a 50-50 split on this project. The conclusion reached by the Board was to try and move forward in forming this district.

7. Kim said the Port Bay Water District is still being held up by the private road issue. She didn't have anything further to add at this time but the Board agreed this would be a district worth moving ahead with as soon as they can get the private road dilemma solved.

SUPERVISOR - (cont'd)

8. Kim told the Board the County held their first H1N1 Clinic and it went very well. Public Health gave out around 800 doses. She added that the North Rose-Wolcott students should be receiving theirs within the next couple of weeks.

9. Kim commented that the Meadow Creek Mobile Home Park issue was still being put before her. She told those she spoke with that we weren't going to change the local

law. Councilman Gregg offered that those he had spoken with who live there didn't know anything about what the owners were trying to have changed and were not in favor of what they were proposing to be changed.

10. Kim informed the rest of the Board we were advertising for formal bids on the handicapped ramp. Also, people who wanted to quote on the demolition of the basement are meeting with Kim and Councilman Gregg tomorrow so everyone is on the same page with what is needing to be done.

11. Kim said the NY Power Authority would like to see windmills put up along the shore of Lake Ontario from Monroe County all the way to Mexico. Whether this will become a reality remains to be seen.

12. Kim mentioned to the Board that County recycling was going to be coming up for public hearing again regarding privatizing it. Discussion ensued as to how all of this could affect us.

The next regular meeting of the Wolcott Town Board will be held  
Dec. 15, 2009, at 7:00 PM at the Town Hall.

A motion was made by Dallas Youngmna, seconded by Scott Gregg, to adjourn the meeting at 7:45 PM.

submitted,

Respectfully

Dawn M. Krul,  
Town Clerk







