

Town of Aurelius
August 11, 2016
Approved 9-8-2016

Board members present: Supervisor Edward J Ide Jr., Deputy Supervisor Stephanie Church, Councilors Alex Patterson, Stan Hoskins and Sharon Hayden.

Staff present: Highway Superintendent Kent Walter, Deputy Highway Superintendent Harold Walter, Planning Board Chairman Jerry Scouten, Clerk Debbie Pinckney. Town Engineer Matt Schooley arrived at 7:20pm. Attorney Dave Thurston arrived at 8:35pm.

1. Supervisor Ide opened the meeting at 7:00pm with the pledge to the Flag
2. Tessa Cornall of Cuddy and Ward LLP presented the draft of the 2015 audit under the GSAB 34 and 68 standards. The board was given the 36 page report and Tessa went through the report and asked the Board to read it at their leisure and contact her with questions. There was some discussion about the GSAB standards and what is required with regard to the Rural Development and EFC money. She thanked them for their time. Tessa will be working with Bookkeeper Martha Russell to prepare the completed audit for the September meeting.
3. **Reapprove Local Law #1- Sewer Law. Resolution #87-2016 Motion by Deputy Supervisor Church to re-adopt Local Law #1-2016. Second by Councilor Patterson. 5/0 approved.**
4. Public Forum

Anthony Elice 1044 Clark St Rd owns property adjacent to the FL Drive-In 1074 Clark St Rd (owner Paul Meyer) and has concerns about a faction of the Cayuga Nation that opened a smoke shop on the property.

Supervisor Ide explained there was a meeting today with the County Sheriff, the DEC, the Town and our attorney.

Mr. Elice wondered why no one had contacted him about this meeting. He has photographs and information as there have been things happening on that property for quite a while and he thought the DEC would be on top of the goings on. He felt he should be part of these discussions. Supervisor Ide explained he could not really speak of the meeting and that Mr. Elice may be contacted by the DEC in the near future.

Mr. Elice explained the many things that have happened on the adjacent property since Mr. Meyer began to tear down the old screen. Mr. Elice wondered how can you pour 120 yards of concrete and build a commercial building without anyone knowing. Code Officer Tom Passarello explained that Mr. Meyer submitted a fraudulent drawing for installing his Drive In screen and repaving the driveway. Mr. Elice stated that this screen and the roadway is on land that he had leased to Paul

Meyer. The movie screen is partly on my property and on the certified wetlands. He explained that Mr. Meyer burned a huge pile of junk with diesel fuel and then buried it on the wetlands. Then he turned around and deeded the property to a faction of the Cayuga Nation. That piece of land is a junk pile and after numerous conversations with the DEC they tell Mr. Elice that they dropped the ball. He asked “What is my recourse?” I am waiting for my attorney to advise how to proceed, if I break the lease now I have a huge Drive In screen on my property and a junk pile that is contaminating the land. Assessor Linda Wright asked the Town Board if the Town has requirements for a land owner to be the one to take out a building permit. Supervisor Ide explained the map provided by Mr. Meyer indicated the property was owned by Mr. Meyer. Mr. Elice is frustrated that none of the State Agencies have enforced any of their law, Mr. Meyer told me that there is fuel leeching up out of the ground, and that it’s on my property. This man is slick and no one has stopped him. He said that a year and a half ago he was fined for burning, this man had a pile of debris bigger than this building, he soaked it with diesel fuel, burned it and buried it. He defoliated wetlands, the fireman were there and no one bothered to ask what he would do with it now that he knew he couldn’t burn it, no one noticed he was burying it? How does he get away with it?

Assessor Linda Wright explained that Mr. Meyer filed a “sale” transfer of the land that he deeded to this faction of the Cayuga Nation at the County Clerk’s office. Linda went to County Real Property services and asked them to create a map of the land in question which was presented to the Board. Linda then explained to the County the Town Law requires this type of transfer must be referred to the Town Planning Board. Mr. Elice explained he gave Mr. Meyer a 20 year lease as Mr. Meyer told him he was looking for extra land for his quiet enjoyment. Mr. Elice was of the understanding that when he started this project of installing the screen he had the proper permits. When he encroached onto wetlands he assumed the DEC would be on it. No one seemed to care what was going on. Again, I tell you the DEC representative apologizes and says they dropped the ball on this issue. Mr. Elice then explained some of the actions Mr. Meyer has done over the past few months and how it’s just crazy that this man has blatantly broken the law, filed false documents and deeded land to this faction of the Cayuga Nation for zero dollars and now has a smoke shop up and running. What is going to happen?

Supervisor Ide again explained that he was not at liberty to share any news at this time.

Mr. Elice thanked the Board and stated he is waiting for his lawyer to return and will consider all his options.

5. Minutes of July 14, 2016 & July 26, 2016

Resolution #88 – 2016 -Motion by Deputy Supervisor Church to approve the minutes of July 14, 2016 with corrections, Second by Councilor Hayden. 5/0 approved.

Resolution #89-2016 Motion by Deputy Supervisor Church to approve the minutes of July 26, 2016 with corrections. Second by Councilor Hayden. 5/0 approved.

6. Correspondence

- Sales Tax – down 3%
- County Planning notification – Jerry Scouten completed the 2 hour County Planning training for Storm water Management

- Harris Beach Attorneys at Law correspondence for the CCIDA PILOT renewal for FL Railway. Supervisor Ide explained his disappointment that no one thought to consult the town when this renewal was completed.

7. Committee Reports

a. Assessor – Linda Wright

- Linda provided a report of the State process for market analysis and why the equalization rate for the Town is down to 86%.
- The State has Aurelius in a trend area with Throop, Springport and Montezuma. They consider these Towns as similar and when a re-valuation hasn't been done in a while, the State does a sampling of the residential properties, (we are at 94.09 %) commercials (we are at 84.04% - it's difficult to fight this), and then there is the farms, he did appraisals of the farms and compared them to our trend areas. After the re-val Linda had farmland values at \$2300 an acre and then farmland sales increased. (This placed us at 71.48%). Discussion about how the state does a sampling as opposed to a full appraisal. In the interest of time the Board thanked Linda for her report and asked if she could complete it next month,

b. Zoning & Code Enforcement – Tom Passarello

- July report
- Certificate of Completion for WWTP

c. Aurelius/Cayuga Recreation – Debbie Pinckney

- Staff for the Fall Program was approved last night
- Swim program will be ending this Friday.
- Lowe's for Pros will be doing some repairs at the hall before it opens for the fall program.

d. Highway Department – Kent Walter

- River Road and Eagle Drive – Nova chipped
- 2002 the Town put the grindings from Pinckney Rd on Sevier Rd, and it didn't work out so he will be grinding oil and chipping it later this month.
- Looking for a mini excavator from the water grant
- New roadside mower should be here next week
- July 5th repaired a water break on Bluefield Rd
- 13 residents on River Road are left to hook up
- Salt and Sand mixed one more trailer load
- Sidewalk and lawn neatened up at the State Police Barracks. – Ed thanked Kent for his work and asked if it is possible for Kent to re-route the water to the other sump pump.
- Bulk Water station has been very busy. Stephanie asked about the heater. Kent said it will be taken care of.
- Ellis Drive Pump Station still needs to be pumped every other day. Will pull a sample at the pump station and the manhole to test for aluminum phosphates and. Stephanie asked if they would test for living bacteria? Kent said no, Stephanie and Ed said we should check for it. Matt Schooley will ask Brain Skidmore for his input and get back to Kent.
- Contacted Grout Tech to see if the line was clear behind Home Depot.

e. Planning Board – Jerry Scouten

- f. Town Clerk – Debbie Pinckney
 - Monthly Report
 - Water/Sewer Adjustments- July 5, 2016 – July 28, 2016. **Resolution #90-2016 Motion by Councilor Patterson, Second by Councilor Hayden. 5/0 approved.**
 - Dave Nelson of County Planning had presented a grant opportunity of \$2500.00 for the municipality encouraging solar agency. **Resolution #91-2016 Motion by Councilor Hayden to accept the grant, second by Councilor Hoskins. 5/0 approved.**
 - Memo to River Road residents with regard to the purchase by the Town and the future lease payments. Discussed with Attorney how to inform the residents that the Town will maintain the status quo. Would prefer to send a letter ASAP. Clerk will work with Attorney Thurston and share the letter with the Board. She will also contact Canals for an updated list of lease owners and the amount of their leases.
- g. Town Historian – Tim Quill will have an answer for the Board next month
- h. IO – no report
- i. ZBA decisions - none
- j. **Resolution #92-2016 - Motion by Councilor Hayden to move to executive session at 9:10pm to discuss potential litigation. Second by Councilor Hoskins. 5/0 approved.**

Supervisor Ide asked Attorney Thurston, Code Officer Tom Passarello and Planning Board Chairman Jerry Scouten to remain and Clerk Pinckney, Matt Schooley Chad Hayden, and Linda Wright to leave the room.

Board returned from executive session at 10:05pm.

Resolution #93-2016 Motion by Deputy Supervisor Church RESOLVED, the Town Board hereby authorizes Thomas Passarello, Code Enforcement Officer for the Town, and David B. Thurston, Esq., Attorney for the Town, to take any and all enforcement actions, and commence any action or proceeding in furtherance of such enforcement, in any court of competent jurisdiction, including Aurelius Town Court and/or New York State Supreme Court, on behalf of the Town and to appear as the attorney for the Town as Plaintiff/Petitioner to enforce the Town’s zoning laws and enjoin a public nuisance against real property located at 1064 Clark Street Road, 1074 Clark Street Road and all adjacent and neighboring properties in the Town. Second by Councilor Hayden. 5/0 approved.

8. Old Business

- a. Town of Aurelius - City of Auburn IMA – Water District 3 no update
- b. State Police Barracks update - tabled
- d. River Road – water and sewer hookup update – handled under Highway report
- e. Cuddy & Ward Audit – handled out of agenda order
- f. Punch List for Joint Water and Sewer restoration – Clerk explained there are people that are unhappy with the condition of their lawn, rocks in the fill dirt, and holes in the lawn. Clerk asked B & L to wait till Monday for the responses from those that had been mailed inquiries.
- g. Beech Tree Road water extension – no action
- h. CMI – Supervisor Ide and Deputy Supervisor Church had met with CMI and they gave a

report from their chemical engineer that states the issue is bacterial. They do not feel they need to pay the bill for the pumping of the Ellis Drive Pump Station. They have paid enough in sewer rents to cover the expense. Stephanie Church has requested billing information and O & M to analyze the CMI and Sewer 2 use. Clerk and Bookkeeper will work with her for a report next month.

9. New Business

a. WD Malone Contractor Application – draft – no action taken

10. Executive Session – handled out of agenda order

11. Supervisor Report – June 2016 Resolution #94-2016 Motion by Deputy Supervisor Church to have Supervisor Ide sign the June 2016 Supervisor’s report. Second by Councilor Hayden. 5/0 approved.

12. Transfers - none

13. Pay Bills –Resolution #95-2016 Motion by Deputy Supervisor Church to pay the bills as presented. Second by Councilor Hayden. 5/0 approved.

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	\$ 7,720.02	\$6,984.52	\$ 14,704.54
B	GENERAL FUND PART TOWN	\$ 715.73	\$30.86	\$ 746.59
DB	HIGHWAYFUND PART TOWN		\$93,140.59	\$ 93,140.59
SL1	LIGHTING DISTRICT 1	\$ 227.15		\$ 227.15
SL2	LIGHTING DISTRICT 2	\$ 58.66		\$ 58.66
SW2	WATER DISTRICT 2	\$ 27,661.77	\$774.17	\$ 28,435.94
SW1	WATER DISTRICT 1	\$ 15,292.92	\$376.29	\$ 15,669.21
SW3	WATER DISTRICT 3	\$ 56.60	\$13,423.01	\$ 13,479.61
SS1	ELMHURST SEWER DISTRICT	\$ 1,276.88		\$ 1,276.88
SS2	SEWER DISTRICT 2	\$ 6,156.30	\$9,337.70	\$ 15,494.00
TA	TRUST AND AGENCY	\$ 6,185.72		\$ 6,185.72
SS3	SEWER DISTRICT 3	\$ 18.97	\$5,447.90	\$ 5,466.87
	TOTAL:	\$ 65,370.72	\$129,515.04	\$ 194,885.76

14. Adjourn - Resolution #96-2016 Resolution Motion by Deputy Supervisor Church to Adjourn at 10:45pm. Second by Councilor Hayden. 5/0 approved.

**Nest meeting is Thursday September 8, 2016 at 7:00pm at the Town Hall.
Respectfully submitted by Clerk Pinckney**