

Town of Aurelius  
November 10, 2016  
Approved December 8, 2016

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

Staff present: Bookkeeper Martha Russell, Highway Superintendent Kent Walter, Clerk Debbie Pinckney, Planning Board Chairman Jerry Scouten, and Town Engineer Matt Schooley.

Public: Richard Farr, 6871 River Road and George Rhodes, 6875 River Road.

1. Supervisor Ide opened the meeting at 7:00pm with the Pledge to the Flag.

**Resolution #118-2016 Motion by Deputy Supervisor Church to open the Public Hearing for Local Law #3-2016 to override the tax cap. Second by Councilor Hayden. 5/0 approved. (\$1.228950 per 1000 of assessed value.)**

**Resolution #119-2016 Motion by Deputy Supervisor Church to open the Public Hearing for the 2017 Tentative Budget. Second by Councilor Patterson. 5/0 unapproved.**

**Resolution #120-2016 Motion by Councilor Patterson to open the Public Hearing for Local Law #4- Abandoned Buildings. Second by Councilor Hoskins. 5/0 approved.**

2. Public Forum – Dick Farr and George Rhodes asked about the letter they received from canals with regard to the termination of the lease as of December 9, 2016 with Town Clerk Debbie Pinckney as the contact to call for the next step in renewing their lease. (Mr. Farr gave a copy of the letter to the Clerk. Clerk Pinckney explained she had no idea the letter was being sent and had contacted Town Attorney Dave Thurston to see if he had any knowledge of a closing date. He did not. The Clerk had a message from Dave Boschart of Canals on Monday morning November 7<sup>th</sup>, 2016 saying to call him as a letter would be sent to the residents terminating the lease agreement.) It was that morning she began to receive phone calls from River Road residents asking what the Town would be doing about renewing their leases. She then called Mr. Boschart and expressed her dismay that the letter was already in the hands of residents and that at this time the Town had no prior knowledge there was a closing date set. Bottom line, until the Town closes on the property there are no updates. It is the intent of the Town to continue as is with your lease and once the closing has happened the Town will move to have the property surveyed and appraised. There is a sample addendum for the Board to review tonight from Attorney Thurston. The clerk will work with Canals and the Town Attorney to collect the Canals data and send notices to the River Road residents with instructions for renewing their lease with the Town as landlord within the next 3 or 4 months once there has been a closing.

Mr. Farr and Mr. Rhodes thanked the Board for the update and wanted to go on record with a compliment to the Town Highway staff for the great paving job on River Road. As far as the lease, they will wait for news from the Town, and left the meeting.

On another note, Councilor Hayden asked if the Clerk had received phone calls from residents about the solicitation letters received for the option to purchase insurance for their water line laterals. The Clerk has received some phone calls and explained it really was up to each resident if they felt a need for insurance. Highway Superintendent Kent Walter said he had also received that letter and basically ignored it. The laterals are the responsibility of the homeowner and it is their choice to get insurance.

3. Minutes of August 11, 2016 and October 13, 2016 and October 17, 2016  
**Resolution #121-2016 – Deputy Supervisor Church to approve the minutes of August 11, 2016 with corrections, Second by Councilor Hayden. 5/0 approved.**

**Resolution #122-2016 – Motion by Councilor Patterson to approve the minutes of October 13, 2016 minutes with corrections. Second by Councilor Hayden. 5/0 approved.**

**Resolution #123-2016 – Motion by Deputy Supervisor Church to approve the minutes of October 17, 2016 as presented. Second by Councilor Patterson. 5/0 approved.**

4. Correspondence
- 2016 Electronics Recycle at City Landfill 11/19/2016 8am – noon
  - Cayuga County Health Dept – Planning for Cyanotoxins in drinking water
  - 3<sup>rd</sup> qtr. sales tax
  - Wright Risk management quarterly loss run
  - Home and Communities ADA Policy request – **Resolution #124-2016 Motion by Councilor Patterson to approve the Town of Aurelius ADA Policy as presented, Second by Councilor Hoskins. 5/0 approved.**

Town of Aurelius Policy  
ADA Grievance Procedure

**Subject:** ADA Grievance Procedure  
Effective Date: November 10, 2016; Resolution #124-2016

**Policy Title:** ADA Grievance Procedure

**Objective:** The objective is to establish an ADA Grievance Procedure for public officers and employees, which, if observed, can enhance public confidence in local government.

**Policy:** The Town of Aurelius has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 *et seq.* and the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act and 504 of the Rehabilitation Act. Title II states, in part, that ‘no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the

participation in, be denied the benefits of, or be subjected to discrimination” in programs, activities or services.

1. Complaints should be addressed to the ADA Coordinator. The current ADA Coordinator for the Town of Aurelius is the Town Clerk.
2. A signed written complaint including the name and address of the complainant should be filed in writing with the ADA Coordinator, and shall briefly set forth the facts surrounding the alleged violation. An ADA Grievance Form is attached for convenience.
3. A complaint and any and all supporting evidence should be filed within 90 (ninety) days after the complainant becomes aware of the alleged violation.
4. The ADA Coordinator shall provide complainant written notice of receipt of the complaint and the complainant’s right to submit additional information, either orally or in writing, regarding the allegations in the complaint within 14 (fourteen) days after filing of the complaint.
5. An investigation shall be conducted and completed, and a written determination shall be issued by the ADA Coordinator with 90 (ninety) days after the filing of the complaint. The written determination shall contain findings of fact and conclusions and set forth the reasons for the final decision. Upon a finding that corrective action is warranted, the written determination should describe such corrective action. In addition, the written determination shall include a statement informing the complainant of his or her right to file a complaint in Federal Court or a complaint with the United States Department of Justice if the complainant disagrees with the Town’s decision.
6. The ADA Coordinator shall maintain the files and records of the Town of Aurelius relating to any and all complaints filed. The Town’s grievance procedure is not the only procedure for filing a claim of discrimination. Any individual alleging discrimination against the Town of Aurelius is not required to follow the Town’s grievance procedure and may file a Complaint alleging discrimination directly with the U.S. Department of Justice or file a complaint in Federal Court.

**Town of Aurelius**  
**ADA Grievance Form**

Complainant's Name: \_\_\_\_\_  
(please print &/or type)

Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
\_\_\_\_\_ Work Phone: \_\_\_\_\_  
\_\_\_\_\_ Cell Phone: \_\_\_\_\_

Under the ADA, for an individual to be considered as having a disability, that individual must satisfy at least one of the following three conditions. He or she must either:

1. Have a physical or mental impairment that substantially limits one or more of his or her major life activities; or
2. Have a records of such impairment; or
3. Be regarded as having such an impairment.

Please state the nature of yours or the disabled person's disability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide a detailed statement of your complaint as it relates to the Town of Aurelius's services, programs, activities and/or employment (*use attachments if necessary*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **Town of Aurelius**

#### Policy on Non-Discrimination on the Basis of Disability

The Town of Aurelius does not discriminate on the basis of disability. No qualified individual with a disability will be excluded from participation in, or be denied the benefits of any of the Town's services, programs or activities, including employment, on the basis of such disability. The Town has designated the following individual to ensure its compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973: ADA Coordinator, Town Clerk. Information concerning the requirements of federal law, as well as the process for filing a complaint alleging discrimination on the basis of disability, can be obtained from Human Resources.

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- ZBA approved a side yard variance for Heath Torres 6495 Beech Tree Rd for a shed.

#### 5. Committee Reports

- a. Assessor – Linda Wright – no report
- b. Zoning & Code Enforcement – Tom Passarello – see report and list of abandoned buildings. Councilor Hoskins commented on the building report and asked why Pet-rall on Clark St Rd was not required to have a permit for the installation of new gas tanks. Board requests Code Officer attend the December Board meeting to discuss the issues. Councilor Hoskins would also like to request the Code report include Farm Building permits even though there is no cost associated with that permit. Clerk will contact Codes with the requests.
- c. Aurelius/Cayuga Recreation – Debbie Pinckney
  1. Orchestra Program will have a concert Dec 10<sup>th</sup> at the Cayuga Methodist Church at 6pm the public is welcome to attend.
  2. Basketball program numbers are up.
  3. Christmas tree lighting ceremony will be December 3<sup>rd</sup> at 6:00pm.
- d. Highway Department – Kent Walter
  1. 10 wheeler box painted by B & T out of Cato for \$4000.00. Nice job.
  2. Staff has just 8 or 9 water meters left to install in the Village of Cayuga
  3. SENSUS did come out today for a test run, it was noted that SENSUS had changed the Auburn Water Tower frequency to avoid the numerous fails the Town was experiencing from their radio read system.
  4. November 8<sup>th</sup> the City of Auburn had installed a new meter on Clark St Rd.
  5. Second heater for Bulk Fill Station was re-installed today
  6. Water main break behind Dr. Ottosen on Clark St Rd at the 10 inch main. 52 inch piece had to be replaced. The break was noticed by the City and also caused low and no pressure for customers on Clark St Rd. Once the break was found the staff

- could use the shut offs so that the only building without water was MC Owasco (the old Owasco Beverage building) which was already closed for the night.
7. Joint Sewer project – Bob Kneaskern the Cayuga WWTP in Cayuga has approval from RD to purchase additional equipment for sewer portion of the project, since the Village portion of sewer has already been closed out as of June 30, 2016, there is still grant money left on the Town side and these suggested purchases are being charged to the Joint project under the Town sewer portion.
  8. Lime Kiln Rd check valve for the water meter had to be repaired. Kent explained that the Town will have to budget for the cost as check valves must be inspected yearly with the results submitted to the Cayuga County Health Dept.
  9. Tax map #121.00-1-21.31, the vacant lot on Rt 326 has been sold. A new home is being built and the Town tapped the line. Clerk spoke up and asked for details, she will investigate who should be charged for the tap. (\$750.00 plus the meter and MXU when the water is turned on.)
  10. Note – Kent had forgotten to draw water samples in May, 2016 so Cayuga County Health Department cited us with a \$100 fine which is in tonight's bills and the incident will be noted in the upcoming 2016 Water Quality Report which goes out in May of 2017.
  11. Ellis Drive Pump Station has been serviced. The pump propeller needs to be replaced along with the lead plate. Discussion, with the issues the Town has with the pump station Kent is not comfortable pulling one of the pumps and just going with a single pump, especially with the possibility of Grober coming online. He asked the Board to consider purchasing a third pump so there is an opportunity to always have 2 pumps at Ellis Drive with a backup. Estimated cost for repair and purchasing that third pump is \$10,000.00. As per Bookkeeper Martha Russell the Board needs a resolution to transfer the funds from reserve to purchase the extra pump. Councilor Hoskins asked if the Town should consider a better quality pump. Kent felt that the current pumps are sufficient, but he was aware that TRW was caught dumping key fobs down the plant drain and that some of the repair issues identified during the service call could have been caused by the pump station grinding up these fobs. Consensus that a third pump would seem the best option since there is huge amounts of flow daily going through the pump station and to go with just one pump could be a disaster if it failed. Additional discussion about the total charges to date (\$43,141.08) from GC Enterprises for pumping the Ellis Drive Station every other day to prevent backup. Supervisor Ide explained to the Board that the pump station worked without any type of flow issues up until February 14, 2016. Highway Superintendent Kent Walter was informed that Cayuga Milk Ingredients had discontinued outsourcing the treatment of their wastewater and was handling the process in-house as of January 1, 2016. The Town DPW staff had exhausted their options to alleviate the buildup that was causing the pump station to back up. In May, the Town had to hire GC Enterprises to pump out the wet, cardboard like residue that was clogging the station. Supervisor Ide has been communicating with Kevin Ellis of CMI via email and phone since the problem began and explained that the cost of the pumping was their responsibility. Mr. Ellis

did not agree and insisted that the issue should be a district wide expense since CMI is paying O & M within their sewer bill. Deputy Highway Superintendent Harold Walter opened the manhole next to CMI; place a net over the pipe to catch some of the foamy residue. Testing was done by a chemical engineer from Barton & Loguidice, along with Life Science Laboratories, Inc, East Syracuse, NY and both firms identified there was some sort of chemical reaction that was causing the flow from CMI to turn into a wet cardboard like consistency that was clogging the pump station. There have been numerous emails and conversations between Supervisor Ide and CMI but to date there has been no resolution and Town is now at the point where Sewer District II can no longer sustain the expenses of pumping the station and paying the city for sewer, not to mention regular operation and maintenance costs associated with Sewer II. The only alternative is to place this bill as a levy onto CMI taxes. More discussion about possibly finding a way to treat the waste, especially once Grober Inc is online adding more waste to that line and pump station. Consensus by the Board to instruct Town Attorney Thurston is involved in all future discussions. No action taken at this time.

12. Kent had taken newly elected Councilor Patterson on a tour of the Town. Alex thanked Kent and was pleased to have a better picture of the town and its infrastructure.
13. Kent also wanted to mention that Councilor Stan Hoskins was recognized as a 50 year member of the Aurelius Fire Department on Friday November 4<sup>th</sup> at the Aurelius Fire District Recognition Dinner at the Sunset restaurant. Everyone present congratulated Stan.
14. The annual Holiday Party for the Highway Departments that have helped out the Town throughout the year along with vendors and staff will be December 15<sup>th</sup> at 11:30am. Clerk will contact the staff on suggestions for a dish to pass.
15. Deputy Supervisor Church voiced her frustration that the Town is still struggling with sewer and water issues, especially within the commercial areas and there should be a way to ensure that the correct number of EDU's are being assessed to commercial property owners. The Clerk had drawn a blank about the number of EDU's assessed to CMI. Town Engineer Matt Schooley explained that typically a residence is assessed one EDU for 72,000 gallons of water a year, and once usage has been established the Town should revisit and assign EDU's based on usage. The Clerk wanted to know how she was supposed to know that. It was difficult for her to grasp how the process works, especially when there are is a huge user within the district. There is a consensus by the Board there has to be a way to identify a problem before it explodes. Again, the Clerk asked how does this happen when the Clerk and Deputy Clerk are involved in one side of the equation and the bookkeeper has the other. Using Williamson Law water and sewer billing software, the Clerk's Office will input the readings, create and mail out the bills and complete the process by collecting the payments and creating the payment ledger, depositing the money into the appropriate accounts and printing a trial balance. The other side is the bookkeeper reconciling the bank accounts and balancing the payment ledgers in the accounting portion of the Williamson Law Water/Sewer program.

Clerk will work with Matt Schooley, the assessor and the County Real Property office and report back to the Board ASAP. Supervisor Ide will reach out to Paul Bringewatt and ask him to work with the bookkeeper and clerk on a system that will allow the clerk and bookkeeper to identify red flags with all water and sewer issues. Possibly a formula and spread sheet to identify actual usage, against billing from the City, and billing by the Town.

Continued the discussion about a resolution to transfer \$7000.00 from the reserve to purchase a new pump for the Ellis Drive Pump station and complete the repair (rebuilt) of the other pump in 2017. Subject to permissive referendum.

**Resolution #125-2016 Motion by Councilor Hayden to transfer \$7000.00 from the Sewer II reserve to purchase the third pump for the Ellis Drive Pump Station subject to permissive referendum, Second by Councilor Hoskins. 5/0 approved.**

Supervisor Ide asked for a motion to close the Public Hearings at 8:45pm

**Resolution #126-2016 Motion by Deputy Supervisor Church to close the public hearing for Local Law #3-2016 overriding the Tax Cap. Second by Councilor Patterson. 5/0 approved.**

**Resolution #127-2016 - Motion by Councilor Hayden to close the public hearing for the 2017 Budget. Second by Councilor Hoskins. 5/0 approved**

**Resolution #128-2016 – Motion by Councilor Patterson to close the public hearing for Local Law #4-2016 for Abandoned Buildings. Second by Councilor Hayden. 5/0 approved.**

**Resolution #129-2016 Motion by Deputy Supervisor Church to pass Local Law #3-2016 to over-ride the Tax cap. Second by Councilor Patterson. 5/0 approved.**

### **LOCAL LAW NO. 3 OF 2016**

A Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c.

#### **SECTION 1 STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as “A Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c for the year 2017 for the Town of Aurelius.”

Section 1.2 *Purpose.* It is the purpose of this Local Law to permit the Town of Aurelius to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 1.3 *Statutory Authorization.* This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**SECTION 2  
TAX LEVY LIMIT OVERRIDE**

Section 2.1 *Tax Levy Limit Override.* The Town Board of the Town of Aurelius, County of Cayuga, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**SECTION 3  
MISCELLANEOUS**

Section 3.1 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Aurelius, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 3.2 *Headings.* Section headings are used only for convenience and have no meaning or effect.

Section 3.3 *Effective Date.* This Local Law shall become effective upon the filing of same with the Secretary of State.

**Resolution #130-2016 Motion by Deputy Supervisor Church to pass the 2017 Budget as presented. Second by Councilor Patterson. 5/0 approved.**

**Resolution #131-2016 Motion by Deputy Supervisor Church to pass Local law #4-2016 Abandoned Buildings as presented. Second by Councilor Patterson. 5/0 approved.**

A Local Law to provide for the safeguarding, repair or possible demolition and removal of dangerous or unsafe buildings and structures in the Town of Aurelius.

**SECTION 1  
STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as the “Unsafe Buildings Law” of the Town of Aurelius.

Section 1.2 *Purpose.* It is the purpose of this Local Law to provide for the health, safety, protection and general welfare of persons and property in the Town of Aurelius by requiring that unsafe buildings be repaired or demolished and removed. Unsafe buildings pose a threat to the life, health and property in the Town of Aurelius. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways, windows and other openings also serve as an invitation to trespass and possible injury to children and other trespassers. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health hazard to the community.

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with Town Law § 130(16) and Municipal Home Rule Law § 10 and the New York State Constitution.

**SECTION 2  
DEFINITIONS**

Section 4.1 *Definitions.* As used in this Local Law, the following terms have the following respective meanings:

“Building” shall mean any building or structure, or portion thereof, located in a business, industrial, residential or agricultural section or area of the Town of Aurelius.

“Building Inspector” shall mean the Codes Enforcement Officer of the Town of Aurelius shall be the Building Inspector for purposes of this Local Law unless a different person is appointed by the Town Board to enforce the provisions of this Local Law.

“Dangerous or Unsafe Building” shall mean a Building that is structurally unsound; unsanitary; not provided with adequate ingress or egress; which constitutes a fire hazard; which has become unsafe by reason of damage from fire, the elements, age or general deterioration; which has become unsafe by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment; which is open at the doorways, windows or other openings making it accessible to children or other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety and general welfare of the public; or is unfit for the purposes for which it may lawfully be used.

Section 2.2 *Imminent Danger.* No part or provision of this Local Law shall be deemed or interpreted as to limit the Town’s inherent authority to repair, secure or demolish structures without notice to the owner, lienors or other interested parties where the Building is in imminent danger of collapse and, therefore, is an immediate danger to public health and safety. The expenses of any such repair, securing or demolition shall

be a charge against the land upon which it is located and shall be assessed, levied and collected as provided for in Section 3.8 below.

### **SECTION 3 PROCEDURE**

Section 3.1 *Inspection and report.* When, in the opinion of the Building Inspector or upon receipt of information that, a Building is or may become a Dangerous or Unsafe Building, the Building Inspector shall cause to be made or shall make an inspection thereof and shall report in writing to the Town Board his or her findings and recommendations in regard to the repair or demolition and removal of such Building.

Section 3.2 *Order of Town Board.* The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such Building is a Dangerous or Unsafe Building and order its repair, if the same can be safely repaired, or its demolition and removal, and shall further order that a notice in writing be served upon the persons and in the manner hereafter provided.

Section 3.3 *Service of notice.* Said notice shall be served either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing a description of the premises, a statement of the particulars in which the Building is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, a copy of such notice shall be posted on the premises. If the parties set forth above are not discoverable with a reasonable amount of effort, notice shall be served by publishing a copy of said notice once in the official newspaper of the town at least ten days prior to the hearing.

Section 3.4 *Contents of notice.* The notice to be served hereunder shall contain the following information: (A) a description of the premises; (B) a statement particularizing the manner in which the Building is a Dangerous or Unsafe Building; (C) an order outlining the manner in which the Building is to be made safe and secure or demolished and removed; (D) a statement that the securing or removal of such Building shall commence within thirty (30) days of the service of the notice and shall be completed within ninety (90) days after the date the notice is served, unless for good cause shown such time shall be extended by resolution of the Town Board, (E) a date, time and place for a hearing before the Town Board in relation to such Dangerous or Unsafe Building, which hearing shall be scheduled not less than five business days from the date of service of the notice; (F) a statement that, in the event of neglect, failure or refusal to comply with the order to secure or demolish and remove the Building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land upon which it is located.

Section 3.5 *Filing of Notice.* A copy of such notice shall be filed in the Office of the Cayuga County Clerk, which notice shall be filed by the Clerk in the same manner as a notice of pendency pursuant to Article Sixty-Five of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated

upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Cayuga County Clerk shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

Section 3.6 *Hearing and determination.* At the hearing conducted pursuant to the notice served, the Building Inspector and the owner or any other person having a vested or contingent interest in the Building shall have an opportunity to be heard and present evidence. Following the hearing, the Town Board shall make a finding confirming, modifying or rescinding the order for the repair or demolition and removal of the Building within thirty-one (31) days. Any person appearing at the hearing in opposition to the order to repair shall provide the Town Clerk with a mailing address. A copy the resolution of the Town Board confirming, modifying or rescinding the order shall be forwarded within five (5) business days, by ordinary mail, to such person or persons at the address or addresses so provided.

Section 3.7 *Failure to Comply.* In the event of the refusal, failure or neglect of any person notified to comply with the order of the Town Board, as confirmed or modified after the hearing, the Town Board may provide for the demolition and removal of the Building either by town employees or by contract. Except in case of imminent danger as set forth in Section 2.3 above, any contract for demolition and removal in excess of the then applicable competitive bidding limit shall be awarded through competitive bidding pursuant to the provisions of the General Municipal Law.

Section 3.8 *Assessment of Costs.* The owner of the Building shall be liable to the Town for all expenses incurred by the Town in connection with the proceedings to enforce this law, repair and secure or demolish and remove the Dangerous or Unsafe Building, including but not limited to legal expenses, any actual costs incurred by the Building Inspector, any necessary engineering fees, in addition to the costs of actually demolishing and removing such Building. If the owner fails to reimburse the Town for said costs within thirty (30) days then the costs shall become a lien against the property at the expiration of the thirty (30) day period. The lien will then be certified to the County Treasurer which shall place the costs on the real property tax roll for that year, with interest and penalties as allowed by law, and shall be collected in the same manner as general Town taxes.

#### **SECTION 4 MISCELLANEOUS**

Section 4.1 *Supremacy.* This Local Law shall supersede all previous laws adopted for the purpose of regulating unsafe structures and buildings in the Town of Aurelius.

Section 4.2 *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted, rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Section 4.3 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be

confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Aurelius, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 4.4 *Effective Date*. This Local Law shall become effective upon the date of filing same with the Secretary of State.

- e. Planning Board – Jerry Scouten – no report
- f. Town Clerk – Debbie Pinckney
  - Monthly Report attached
  - Water/Sewer Adjustments- October 13, 2016 thru November 10, 2016.  
**Resolution #132-2016 Motion by Deputy Supervisor Church to approve the adjustments as presented. Second by Councilor Hoskins. 5/0 approved.**
  - RD LEP (limited English proficiency) Implementation for Federally Assisted Programs – clerk is now certified, has ordered the necessary supplies for compliance.
  - River Road – lease agreements – See addendum and ratification suggested by Town Attorney Dave Thurston. Clerk has been told the closing will be December 9<sup>th</sup>, 2016. Still waiting for details.  
**Resolution #133- Motion by Councilor Patterson to approve the permit addendum and ratification of the Canal leases contingent upon closing with Canals, Second by Councilor Hayden. 5/0 approved.**
  - Clerk shared a flyer created by Mayor of Cayuga William Sherman explaining the water/sewer bill and comparisons with cubic feet and gallons. She will modify it to fit each Water District and send it to all Water 1 and Water 2 customers as the rate increase is effective October 1, 2016.
- g. Town Historian – none
- h. IO – none

## 6. Old Business

- a. Town of Aurelius - City of Auburn IMA – Water District 3. Supervisor Ide had a conference call between EFC, Bill Marquardt, Seth Jensen from the City of Auburn and the city attorney Stacy DeForrest. Seth Jensen had explained the City had made an agreement with Owasco for sewer which agrees to provide the service for a period of time at a negotiated rate and suggested the same be used for the Town and Village. It seemed to be a successful meeting and Town Attorney Thurston will work with the City Attorney DeForrest to prepare the agreement for approval at the December meeting.
- b. Beech Tree Road Water District 4 – Since the work has been completed and Highlander has

submitted their invoice for payment, the Town will have to temporarily use funds from Town Outside village until the bond is secured. Supervisor Ide received interest rates from Generations Bank, CLNB and Savannah Bank, with Generations the lowest at 3.05%, CLNB at 3.50% and Savannah Bank at 3.99%. Supervisor Ide has reached out to Bond Attorney Marquardt and Town Attorney Thurston and is waiting for the paperwork. Councilor Hoskins wants to ensure there are no extra fees involved with the low bid which would negate the .45% savings between them and CLNB. Supervisor Ide will do the research and get back to the Board if there are hidden costs associated with the quote from Generations Bank. Discussion - Highlander did complete the installation but inclement weather had prevented finishing all of the restoration. Upon the recommendation of Town Engineer Matt Schooley to ensure Highlander will complete the restoration in the springs of 2017 the Board should withhold some of the payment. **Resolution #134-2016 Motion by Deputy Supervisor Church to use funds from town outside of Village to pay Highlander, less \$10,000.00 until restoration can be successfully completed in the Spring of 2017. Once the Bond is secured the town outside village account will be reimbursed. Second by Councilor Hayden. 5/0 approved.**

- c. State Police Barracks update – At this time the corrective measures are working as the last heavy rainfall the State Police Barracks basement was dry. Supervisor Ide suggests the Highway Department clean out the pipe annually and clear the lime deposits. Councilor Hoskins and Kent toured the building with Relator John Bouck and he is on board to assist the Town to renegotiate the lease which runs out in November of 2017. Stan and Kent also would like to hold off removing the side walk as initially approved last month as it's getting late in the year. Discussion about the issues on the north and south side and consensus to wait until the spring to begin the recommended procedures.
- d. CMI bill for Ellis Drive Pumping expenses to date \$43,141.08 –handled out of agenda order.
- e. River Road – transfer of land – no definite update, possible closing date of December 9, 2016.
- f. Home and Communities Monitoring Report – Town is required to have a policy for the Americans with Disabilities Grievance Procedure. County Planning provided a copy of the County Policy, Town Attorney Thurston concurred via email the policy was adequate for our needs. Resolution for the ADA Grievance handled out of agenda order

## 7. New Business

- a. Appoint Martha Russell as Benefits Clerk for the Tompkins County Health Consortium. **Resolution #135-2016 Motion by Deputy Supervisor Church to appoint Martha Russell as the benefits clerk for the Tompkins County Health Consortium. Second by Councilor Hayden. 5/0 approved.** Martha shared with the Board that the introductory meeting on 11/2/2016 at the town of Moravia was informative and there are forms that must be completed by each employee covered under the plan and that it

is the consortium policy that everyone must prove dependency and marriage coverage. The list of approved proof requirements will be given to each employee. A copy of verification forms is attached.

- b. In the 2015 budget included funding the Sewer II reserve from their fund balance when in fact the City was under billing us for sewer and in reality there is no funds for this reserve and the action must be reversed. The money is needed to pay Sewer II bills. **Resolution #136-2016 Motion by Deputy Supervisor Church to reverse the resolution to fund the Sewer II reserve as the City had under billed the Town for Ellis Drive sewer approximately for \$490,000.00 from February 2015 to the present. Second by Councilor Hayden. 5/0 approved.** Clerk and Bookkeeper will consult Town Attorney Thurston for the proper procedure to reverse this.
- c. Resolution for Joint Project Budget Modification – a decrease of \$3,732.33. **Resolution #137-2016 Motion by Deputy Supervisor Church to approve the budget modification proposed by Matt Smith of Municipal Solutions, Second by Councilor Hayden. 5/0 approved.**
- d. Draft of the flyer Mayor Sherman had created for Village user's which the clerk will modify and send to our water and sewer customers with the rate increase.
- e. Grinder Pump compliance – Attorney Thurston – no action at this time, Kent says there are  
Clerk will work with Kent to notify those that must comply.

8. Executive Session – none

9. Supervisor Report – August 2016 **Resolution #138-2016 Motion by Deputy Supervisor Church to approve Supervisor Ide sign the Supervisors report. Second by Councilor Patterson. 5/0 approved.**

10. Transfers - need resolution for approval – **Resolution #139-2016 Motion by Deputy Supervisor Church to approve the transfers as presented. Second by Councilor Patterson. 5/0 approved.**

11. Pay Bills – Abstract #11-2016 / Abstract #148-2016 plus Joint Committee Vouchers. **Resolution #140-2016 Motion by Deputy Supervisor Church to approve the transfers as presented. Second by Councilor Patterson. 5/0 approved.**

Code	Fund	Prepays	Unpays	Totals	Abstract 148-HK
A	GENERAL FUND	\$ 12,475.04	\$2,807.56	\$ 15,282.60	
B	GENERAL FUND PART TOWN	\$ 762.75	\$102,373.91	\$ 103,136.66	
DB	HIGHWAYFUND PART TOWN		\$20,767.18	\$ 20,767.18	
SL1	LIGHTING DISTRICT 1	\$ 267.50		\$ 267.50	
SL2	LIGHTING DISTRICT 2	\$ 71.11		\$ 71.11	
SS1	ELMHURST SEWER DISTRICT	\$ 773.70	\$3,506.80	\$ 4,280.50	
SS2	SEWER DISTRICT 2	\$ 263,511.71	\$313,981.12	\$ 577,492.83	
SS3	SEWER DISTRICT 3	\$ 19.60	\$932.88	\$ 952.48	
SW1	WATER DISTRICT 1	\$ 21,170.36	\$5,045.70	\$ 26,216.60	
SW2	WATER DISTRICT 2	\$ 46,172.38	\$4,661.33	\$ 50,833.71	
SW3	WATER DISTRICT 3	\$ 60.36	\$6,960.87	\$ 7,021.23	
TA	TRUST & AGENCY	\$ 5,535.72		\$ 5,535.72	
	TOTAL:	\$350,820.23	\$461,037.35	\$ 811,858.12	\$ 18,851.86

12. Adjourn - **Resolution #141-2016 Motion by Deputy Supervisor Church to adjourn at 10:25pm. Second by Councilor Patterson. 5/0 approved.**

Next regular meeting is December 8, 2016. Respectfully submitted by Clerk Deborah Pinckney