

REGULAR TOWN BOARD MEETING

June 23, 2010

PLEDGE OF ALLEGIANCE:

I. CALL TO ORDER: (7:00 P.M.)

Recognize Highway Superintendent for 35 years of service to the Town of Ogden

Board Members Present

Gay H. Lenhard, Supervisor
Thomas J. Cole, Councilman
David F. Feeney, Councilman
Thomas J. Uschold, Councilman

Board Members Absent

Malcolm E. Perry, Councilman

Others Present

Lynn Bianchi, Town Clerk
Dan Schum, Town Attorney
David Widger, Highway Superintendent
Erik Switalski, Boy Scout
Barb Switalski

Purpose of the Meeting

To audit claims, act on monthly reports and remittances, and to transact such other business which may legally come before said meeting.

II. APPROVAL OF THE MINUTES:

None

III. PRIVILEGE OF THE FLOOR:

None

IV. REPORTS AND REMITTANCES FROM TOWN OFFICERS:

None

V. TOWN AUDITS:

None

VI. CORRESPONDENCE RECEIVED AND FILED:

1. Copies of letters to Senator George Maziarz and Assemblyman William Reilich from Dave Widger, Highway Superintendent, thanking them for their support in retaining C.H.I.P.S. funds for another year.
2. Letter to Supervisor Gay Lenhard from Chris Mueller, Time Warner Cable,

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- regarding changes in channels and service.
3. Letter to Supervisor Lenhard from Jacqueline Sullivan, Village of Spencerport, thanking her for donation to concert series "Music on the Canal."

VII. REPORTS FROM TOWN OFFICERS:

Gay H. Lenhard, Supervisor

1. Today we had a representative from the Workers' Comp. company. He went through every building and the park to make sure that we are code compliant and safe. He was amazed with how clean and problem-free our facilities are. He commented about how wonderful and cooperative the staff was to him. He has been in a lot of communities and was extremely impressed with us.
2. The playground is finished at Pineway Ponds Park. It is really outstanding and beautifully done. It cost \$72,000, but we got a \$50,000 grant. It will be there forever and makes a safe environment for the children.
3. Our first Park Attendant started Monday. The two people who interviewed him did not know that he is Bill Reilich's son. He was an outstanding candidate and has done everything asked of him. Peter is looking for one more person.
4. On Monday, Chief Nordquist and I attended the Canalview Flag Day celebration.
5. Last week I went to a BOCES breakfast to meet and greet JoAnn Antonicci who is the new District Superintendent of BOCES. They asked me to speak about our relationship with them regarding technology services. We have used BOCES for at least 15 years, and are working on another contract for next year. I also spoke about the Parks Department's partnership regarding the heavy equipment WEMOCO classes. The students have the opportunity to do work in our park and gain experience, while providing us with completion of jobs that need to be done.
6. Today I presented Warren Hewes with a plaque for being on the Senior Center Advisory Board for 27 years. He was pleased and very humble.

Thomas J. Cole, Councilman

No report.

David F. Feeney, Councilman

1. John Steinmetz and I attended a seminar at Genesee Community College in regard to the Farm Protection Act. A \$25,000 grant has been promised us, and we went there to share some ideas on how to get that money. I think the Farm Protection Act is going to work right along with the Open Space Committee.
Supervisor Lenhard: Did you find it interesting? **Councilman Feeney:** I did find it interesting. They broke it up into a couple of different groups, and we had some discussions between other towns, and people who had that same grant, people who actually have a Farm Protection Plan in place, and is recognized by the Genesee Cooperative Extension. Bob King was also there, but more as an observer. **Supervisor Lenhard:** I think he will be helpful to us along the way. **Councilman Feeney:** We went through the forms, and he showed us how to do it. John Steinmetz inquired about insurance forms.
Supervisor Lenhard: I am sure I got them and they went out. Thank you,

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Dave.

2. I have another comment regarding the town hall and park buildings and that it has a lot to do with Jim Horek and how he left the buildings. He seemed to take care of it a lot. **Supervisor Lenhard:** I do not disagree with you about Jim Horek leaving a legacy. But, Peter and Tony have picked that up and moved forward. We have work order forms now which will help Tony prioritize his jobs because he has a lot to do. Kudos to Jim, but we have the right people carrying on his legacy.
3. I attended the Village Comprehensive Planning meeting Monday. They have a public one July 12 at the Fire Hall. For people on Spencerport electric, there will be a questionnaire sent with their next bill. They will fill it out and send it back, and we will assess the answers.

Malcolm E. Perry, Councilman

Absent.

Thomas J. Uschold, Councilman

No report.

David H. Widger, Highway Superintendent

1. We moved 75% of the topsoil pile that was donated to the Town. It worked out well with giving the Aurora House their final topsoil and at the same time bringing some to the playground at the park. The rest went into the stockpile across the street. There were about 80 loads, and it was very nice topsoil. We found out that the County Parks Department has a screener we can borrow.
2. The drainage, milling and resurfacing is done on Matthew Circle.
3. We are busy with our roadwork. We are about through leveling various roads. Monday we will start doing about eight roads with a new process, FiberMat, which is supposed to last a little longer. We are trying to use innovative products on our roads that are cost effective.

Lynn A. Bianchi, Town Clerk

1. Last week I attend the NYALGRO Conference held in downtown Rochester. The conference is for records management officers. The sessions were very informative. I was able to commute and only paid for registration and lunch tickets. I was very surprised that only two other towns attended, with it being in Rochester. It is a very worthwhile conference and extremely reasonable. Thank you for budgeting monies for it.

Daniel G. Schum, Town Attorney

1. I received a request in conjunction with the redevelopment of the Rivoli parcel. There is a resolution on tonight's agenda to replace and release a part of an easement that was previously given. We are going to release a part, and then they have already recorded a new easement as drainage and access in conjunction with the overall site plan approval with the Planning Board. I talked to Keith about it. I've got the new easement and the release for Gay's

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signature.

2. We are plodding along with the annual BOCES Agreement. This is the automatic renewable agreement that we sent to them on February 24, has now been renewed and they have some final comments.
3. I also met with in-house counsel at BOCES on Big Ridge Road concerning the park agreement with BOCES. We resolved the underlying issues very quickly and she will revise it and send it on. This agreement has to do with heavy equipment and had expired. **Dave Widger:** It is an agreement that allows them to operate our loader and use salt. We can do parking lot work for them, too. **Dan:** We did the municipal agreement with the school district, which is essentially the same agreement.
4. I met with Jack Crooks and counsel from Buffalo for pending litigation of Walton vs. the Town of Ogden. They were in court today for a pre-trial conference with the Judge. I will report more on that during Work Session.
5. They are circulating the agreements for signature among all the parties for the agreement we approved three or four weeks ago that terminates the agreement with Ogden Telephone Company.
6. I took a look at the Fairfield Cemetery issue. I contacted the New York State Cemetery Association. There is an agency of the State of New York that regulates cemeteries, and I asked them for their opinion about it. In the meantime, I passed by a gorgeous cemetery in Stockton, NY with a sign that read, "this cemetery is maintained and controlled by the New York State Board of Cemeteries," and had an Albany phone number to call. I called them again on Monday, wondering whether or not the Town would want to cede its control. I do not know how they maintain them, but I will find out.

VIII. UNFINISHED BUSINESS:

None

IX. NEW BUSINESS:

Resolution #151-6/10

Introduced by Councilman Uschold

Seconded by Councilman Feeney

WHEREAS, there is a need for a part-time seasonal Laborer (Park Attendant) in the Parks and Recreation Department; and

WHEREAS, interviews were done with qualified applicants, and William Reilich, Jr. was found to be qualified and desirous of the position.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Ogden does hereby appoint William Reilich, Jr. as a part-time seasonal Laborer at a rate of \$7.25 per hour, effective June 21, 2010.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold

Nays: None

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Absent: Perry

Resolution #152-6/10

Introduced by Councilman Feeney
Seconded by Councilman Cole

RESOLVED, that the Supervisor, Gay H. Lenhard, be and hereby is authorized to sign the Stormwater Coalition of Monroe County Intermunicipal Agreement Regarding Cooperation to Reduce Stormwater Pollution and Protect Water Quality in Monroe County; term of agreement January 1, 2010 – December 31, 2014.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold
Nays: None
Absent: Perry

Resolution #153-6/10

Introduced by Councilman Uschold
Seconded by Councilman Feeney

RESOLVED, that the Town Board of the Town of Ogden does hereby approve **hiring** the following seasonal Recreation Attendants in the Parks & Recreation Department, for the

Summer Camp Program, effective June 12, 2010:

Rate 1

Daniel Baker	\$7.25 / hour
Gage Bush	\$7.69 / hour
Michael Chiappone	\$7.25 / hour
Hillary Facchine	\$7.25 / hour
James Marino	\$7.25 / hour
Julie Mingoea	\$7.69 / hour
Kelly Muszak	\$7.25 / hour
Lindsay Paul	\$7.25 / hour
Kelsey Reidosh	\$7.25 / hour
Tyler Smith	\$7.25 / hour
Anthony Ussia	\$7.25 / hour
Elizabeth Vetter	\$7.25 / hour

Summer Preschool Camp Program, effective July 6, 2010:

Rate 1

Devon Pascoe	\$7.25 / hour
Hannah Wolfanger	\$7.25 / hour

Summer Swim Camp Program, effective June 28, 2010:

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	<u>Rate 1</u>
Allison D'Angelo	\$7.36 / hour
Grace Jividen	\$7.80 / hour
Laura Grant	\$7.80 / hour

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold
Nays: None
Absent: Perry

Resolution #154-6/10

Introduced by Councilman Uschold
Seconded by Councilman Feeney

RESOLVED, that the Town Board of the Town of Ogden does hereby approve **rehiring** the following seasonal Recreation Attendants in the Parks and Recreation Department for the

Summer Camp Program, effective June 12, 2010:

	<u>Rate 1</u>
Frank Bonn	\$7.25 / hour
Alyssa Ciliberto	\$7.36 / hour
Carolanne Crist	\$7.36 / hour
Leah D'Agostino	\$8.16 / hour
Anthony Droegmoeller	\$7.36 / hour
Eric Droegmoeller	\$8.51 / hour
Nick Droegmoeller	\$8.27 / hour
Kristen Dupree	\$7.36 / hour
Ryan Edwards	\$7.58 / hour
Jacob Johnson	\$7.80 / hour
Cruchelle Jordon	\$7.36 / hour
Patrick Kingsley	\$7.58 / hour
Thomas Kingsley	\$7.25 / hour
Andrea Laistner	\$7.25 / hour
Nicole Marino	\$7.58 / hour
David Mazzullo	\$7.36 / hour
Leah Mazzullo	\$7.80 / hour
Jessica Paul	\$7.58 / hour
Daniel Persia	\$7.36 / hour
Joseph Persia	\$7.58 / hour
Katherine Rosati	\$7.25 / hour
Christina Thungsakunh	\$7.36 / hour
Kelly Ussia	\$7.58 / hour

effective June 28, 2010:

Walter Koroniwsky	\$9.01 / hour
Robert Lacy	\$8.49 / hour

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Joseph Somers	\$8.49 / hour
Bonnie Volkmar	\$9.01 / hour

Summer Preschool Camp Program, effective July 6, 2010:

	<u>Rate 1</u>
Diane Church	\$14.47 / hour
Tyler Edwards	\$ 7.36 / hour
Sheila Galdieri	\$10.12 / hour
Jamie Giovannini	\$ 7.58 / hour
Jessica Herzog	\$ 7.25 / hour
Bridget LaDuca	\$8.25 / hour
Amanda Stahlecker	\$ 7.36 / hour
Donna Winterberger	\$ 8.03 / hour

Summer Swim Camp Program, effective June 28, 2010:

	<u>Rate 1</u>
Jacob Ammons	\$ 7.80 / hour
Whitney Blocher	\$ 7.36 / hour
Ashley Chiappone	\$11.25 / hour
Kyle Cocina	\$ 7.36 / hour
Teke Cocina	\$ 7.36 / hour
Kaitlyn Darrow	\$ 7.80 / hour
Janelle Goeke	\$ 7.80 / hour
Rachael Mulvhill	\$ 7.80 / hour
Joe Sousa	\$ 7.36 / hour
Devin Storment	\$ 7.36 / hour
Jenna Wuest	\$ 7.80 / hour

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold

Nays: None

Absent: Perry

Resolution #155-6/10

Introduced by Councilman Uschold

Seconded by Councilman Cole

RESOLUTION TO RELEASE & REPLACE A DRAINAGE EASEMENT

WHEREAS, Peter S. Rivoli and Samuel J. Rivoli of 77 Nichols Street, Spencerport, NY 14559 (the “Applicants”), are owners of property located at the southwest corner of Town Lot 70 and more particularly described in Schedule A, attached hereto and made a part hereof, Town of Ogden, New York (the “Property”); and

WHEREAS, the Applicant’s Engineer has proposed to replace the existing drainage easement offered to the Town of Ogden in the approved subdivision map and replace it with a new drainage easement; and

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WHEREAS, the Applicants have applied to the Town Board for a release of easement for that drainage easement owned by the Town of Ogden that is located across and under the property.

NOW, THEREFORE BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Superintendent of Highways, the Building Inspector, and Attorney for the Town Board of the Town of Ogden, the Town of Ogden shall release to the above-named Applicants that Town's drainage easement, located across and under the property; and

BE IT FURTHER RESOLVED, that said release is contingent upon the property owner providing replacement drainage easements in recordable form and with necessary recording fees, all as described in the survey map and legal description, dated June 8, 2010, by Corneles Engineering, P.C. and described as Project No. 2009003.10, a copy of said survey map marked Schedule B, is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Ogden is hereby authorized and directed to execute on behalf of the Town of Ogden, all necessary documents in furtherance of this resolution relating to the property after the release of easement and replacement easements have been approved by the Superintendent of Highways, the Building Inspector and the Attorney for the Town Board; and

BE IT FURTHER RESOLVED, that the Applicants shall pay to the Ogden Town Clerk all costs incurred or to be incurred by the Town in this matter, including but not limited to, engineering review costs (if an engineering review is deemed necessary by the Superintendent of Highways), legal review costs, publication costs and recording fees; and

BE IT FURTHER RESOLVED, that within ten (10) days hereof, the Town Clerk shall publish and post a notice of the adoption of this resolution, and an abstract thereof, as required by law.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold

Nays: None

Absent: Perry

X. ADJOURNMENT:

Resolution #156-6/10

Introduced by Councilman Feeney

Seconded by Councilman Uschold

RESOLVED, that the Regular Meeting of the Town Board of the Town of Ogden be and hereby is adjourned to Work Session at 7:20 p.m., at which time the public was invited to attend, and hereby is adjourned at 7:58 p.m.

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Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold

Nays: None

Absent: Perry

Resolution #157-6/10

Introduced by Councilman

Seconded by Councilman

RESOLVED, that the Regular meeting of the Town Board of the Town of Ogden reconvened at 7:58 p.m. and moved to Executive Session, to discuss litigation and hereby is adjourned at 8:40 p.m.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Uschold

Nays: None

Absent: Perry

Respectfully submitted,

LAB/dmk

Lynn A. Bianchi, Town Clerk