

REGULAR TOWN BOARD MEETING

January 11, 2012

PLEDGE OF ALLEGIANCE:

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

Board Members Present

Gay Lenhard, Supervisor
Thomas Cole, Councilman
Malcolm Perry, Councilman
Thomas Uschold, Councilman

Board Members Absent

David Feeney, Councilman

Others Present

Lynn Bianchi, Town Clerk
Dan Schum, Town Attorney
David Widger, Highway Superintendent
5 Participation in Government students

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.

7:00 p.m.—Public Hearing: **Bella Estates Subdivision Lighting District**

Lynn Bianchi, Town Clerk, read the Legal Notice.

Supervisor Lenhard declared the public hearing open and asked if anyone wished to address the Board.

Councilman Uschold: Will this eventually be merged into our consolidated lighting district?

Dan Schum, Town Attorney: I thought we would wait until we had three or four and then merge them into the consolidated district, rather than doing one at a time because of advertising costs for public hearings.

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There being no questions, concerns or comments, **Supervisor Lenhard** declared the public hearing closed.

II. APPROVAL OF THE MINUTES:

Resolution #63-1/12

Introduced by Councilman Uschold
Seconded by Councilman Cole

BE IT RESOLVED, that the minutes of the Organizational and Regular Meetings of January 3, 2012, there being no errors or omissions, stand approved as submitted.

Vote of the Board:

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

III. PRIVILEGE OF THE FLOOR:

None

IV. REPORTS AND REMITTANCES FROM TOWN OFFICERS:

Resolution #64-1/12

Introduced by Councilman Uschold
Seconded by Councilman Perry

BE IT RESOLVED, that the Reports and Remittances from Town Officers in detail for the month of December 2011 and 2011 Town Clerk Yearly Report, showing receipts and disbursements as submitted by the Town Clerk, be accepted as read, monies and fees to be acknowledged by the Supervisor and copies of

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the same filed with the Town Clerk.

Vote of the Board:

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

V. TOWN AUDITS:

Resolution #65-1/12

Introduced by Councilman Cole
Seconded by Councilman Uschold

BE IT RESOLVED, that the General Fund, Part-Town Fund, Highway Fund, Drainage Fund, Lighting District Funds and Sewer District Funds being vouchered and submitted for audit, chargeable to the respective funds be approved:

General Fund	\$ 29,781.06
Part-Town Fund	11,129.77
Highway Fund	20,701.93
Sewer Funds	229.13
Lighting	9,112.82
Drainage	<u>676.00</u>
TOTAL.....	\$ 71,630.71

Vote of the Board:

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

VI. CORRESPONDENCE RECEIVED AND FILED:

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None

VII. REPORTS FROM TOWN OFFICERS:

Gay H. Lenhard, Supervisor

1. Last Tuesday I presented a 25-year plaque to Bob Smalley in the Highway Department.
2. There is some concern about Hickory Hollow and the Heritage Trail and Canal Park. There was a letter to the Editor in the paper. Mike LoPresti made an appointment to see me today to explain what some of the problems may be and can we do something about them? One idea was to make the trees along the parking lot further toward Hickory Hollow so that they would get more of a buffer. He said he was going to talk to our engineer about it, and I said that was a good idea. He said he talked to Dave Widger about the possibility of having hours for the park.

Dave: I would have referred that to Andrea. **Supervisor Lenhard:** Hours and putting a gate there so that people can't drive in after hours might be something we should think about. I assured him that we were going to do everything possible to make it palatable for those residents. We certainly do not want to make it worse for them. I know that the Police Department will certainly control it, just like they do Pineway Ponds Park. He told me how pleased he was with the Chief and the fact that he has some problems resolved. I think Mike was very satisfied when we finished with our meeting, and he will talk to the person who wrote the letter. If anyone has any other ideas how we can buffer or help, let us know, and we will work on it. I think it was a good meeting.

3. Tuesday night is a community forum at the school regarding suicide prevention, which developed out of our Task Force meetings.

Thomas J. Cole, Councilman

1. John has set up a meeting for January 23 for the Farmland Protection committee meeting. It is supposed to be the last one.

David F. Feeney, Councilman

Absent.

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Malcolm E. Perry, Councilman

No report.

Thomas J. Uschold, Councilman

1. We had another meeting on the Comprehensive Plan and are close to finalizing the draft of it. I delivered a draft of it to Councilman Feeney. You will get it when it is completed.

David H. Widger, Highway Superintendent

1. We got the Trimmer Road bridge down and have some work to do on it in the spring.
2. We are doing some drainage work and getting prepared for paving this summer on Whittier Road.
3. I met with Andrea Hansen and Kris Schultz on the Canal to get some ideas for the dock and maybe changing things for the Heritage Park.

Supervisor Lenhard: At the Chamber of Commerce Board meeting last week, it was brought up how nice the Trimmer Road bridge looks. It is complete and looks really neat.

Councilman Perry: I heard that, too.

Dan Schum: My clients reported the same thing.

Lynn A. Bianchi, Town Clerk

1. I will be discussing the new section of the Open Meetings Law, Section 103, in Work Session this evening.

Daniel G. Schum, Town Attorney

1. I finished up with the Town's obligation on the Heritage Trail and Park, sending in the certified resolutions for SEQRA to the County. They assured me receipt of the deed and easement in January at the County Legislature. I talked with Kris Schultz about that, and moving forward to make sure it all happens.
2. Chief Nordquist had an indirect request for information concerning a criminal matter that his office handled long before he was the Chief. In corresponding with

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the Surrogates Court in Monroe, the Chief Clerk assured me that the person who was making the request had abused the system.

3. I worked with Walt Baker on Bella Estates to form a water district.

Supervisor Lenhard: Who is supposed to get that started?

Dan: For years, the process has been that, before the map is signed and filed in the County Clerk's Office, all of the petitions for the districts, deed of dedication of the roadway, and easements within the subdivision, are all supposed to be signed and filed. In this case, the signing and filing of the map was a topic of discussion because of the Letter of Credit. There was a procedure established that was going to allow for the filing of the map, but not right away. So the contractor is really doing work in there on his own dollar, and he is getting to the point where all of this has to happen at one time. The process is there.

The developer's engineer starts the ball rolling when he comes in to get highway permits or building permits; then the Building Department or the Highway Department checks to see if they have everything filed. If they don't, then it stops. If the developer's engineer waits two years because the economy is such that they are not going to develop, they can wait to form the districts.

Dave Widger: Bob Criddle said we used to be able to tell by the tax maps if there was a district, but the County took all the districts off that had no debt. You can no longer tell where the districts are. We don't have a map that tells us. Bob and I would like to get it into our mapping system by getting the descriptions of all the water districts and extensions out of the archives.

Dan: The County purchased those tax maps from a company. If you could get one that's 3 or 4 years old you would probably have a map that showed most of everything on it. **Dave:** I have some old ones that might. I would like to work on that this year with Bergmann and get it into the TOMS system.

VIII. UNFINISHED BUSINESS:

None

IX. NEW BUSINESS:

Resolution #66-1/12

Introduced by Councilman Cole

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Seconded by Councilman Uschold

WHEREAS, Travis Gray has successfully completed his 26-week probationary period as a full-time Police Officer.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ogden does hereby approve the completion of the probationary period of Officer Travis Gray, effective January 13, 2012.

Vote of the Board:

Ayes: Cole, Lenhard, Perry, Uschold

Nays: None

Absent: Feeney

Resolution #67-1/12

Introduced by Councilman Uschold

Seconded by Councilman Perry

WHEREAS, the Town of Ogden has determined that the following item owned by the Town of Ogden is no longer suitable or needed for municipal purposes:

wooden desk (29”H x 60”W x 30” D) with 5 drawers

and

WHEREAS, pursuant to the provisions of Town Law, the Town Board of the Town of Ogden may dispose of property no longer needed for public purpose.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ogden does hereby authorize disposal of the above-listed property that is no longer of use to the Town.

Vote of the Board:

Ayes: Cole, Lenhard, Perry, Uschold

Nays: None

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Absent: Feeney

Resolution #68-1/12

Introduced by Councilman Uschold

Seconded by Councilman Perry

**RESOLUTION AND FINAL ORDER ESTABLISHING THE BELLA
ESTATES SUBDIVISION LIGHTING DISTRICT**

In the matter of the petition for the establishment of the Bella Estates Subdivision Lighting District in the Town of Ogden, Monroe County, New York.

WHEREAS, a written petition in this matter, dated December 12, 2011, for the establishment of the Bella Estates Subdivision Lighting District, having been duly presented to the Town Board, together with the necessary map and plan attached thereto and an Order having been adopted by the Town Board on December 14, 2011, calling for a hearing of all interested persons in the matter on January 11, 2012 at 7:00 p.m. at the Ogden Community Center, and due notice of said hearing having been given by publication and posting, and a hearing by the said Board having duly held at 7:00 p.m. on January 11, 2012 at the Ogden Community Center, 269 Ogden Center Road, Spencerport, NY, Town of Ogden, and it being duly

FOUND, ORDERED AND DETERMINED, that (1) petition herein was signed and acknowledged or proved as required by law and otherwise sufficient; (2) that all property and property owners within the proposed district were benefited thereby; (3) that all property and property owners benefited were included within the limits of the proposed district, and (4) that it is in the public interest to grant in whole the relief sought; and it is further duly

RESOLVED, ORDERED AND DETERMINED, that the establishment of such district, as proposed, be approved and application to the State Department of Audit and Control are not being required because all costs are to be paid for by the developer, it is hereby

ORDERED, that a lighting district be established in the said Town of Ogden, Monroe County, New York, to be designated as the Bella Estates Subdivision Lighting District of the Town of Ogden, and to be of the following description and

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boundaries, to wit:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town Lots 224 & 225, Township 3, Range 1, Town of Ogden, County of Monroe, and State of New York, Tax Acct. #131.02-01-21 and #131.02-01-14, more particularly described as follows:

COMMENCING at a point in the centerline of Union Street (N.Y.S. Rte. 259 – 66 feet wide), said point being 517.53 north of the centerline of Westside Drive; thence, north $87^{\circ}58'18''$ west, a distance of 33.00 to the point of BEGINNING (P.O.B.); thence,

1. North $87^{\circ}58'18''$ west, a distance of 492.75 feet to a point; thence
2. South $02^{\circ}05'03''$ west, a distance of 41.99 feet to a point; thence,
3. North $87^{\circ}54'57''$ west, a distance of 600.00 feet to a point; thence,
4. South $02^{\circ}05'03''$ west, a distance of 175.00 feet to a point; thence,
5. North $87^{\circ}54'57''$ west, a distance of 1515.00 feet to a point; thence,
6. South $02^{\circ}05'03''$ west, a distance of 41.76 feet to a point; thence,
7. North $87^{\circ}54'57''$ west, a distance of 298.05 feet to a point; thence,
8. North $02^{\circ}48'33''$ east, a distance of 1266.03 feet to a point; thence,
9. South $88^{\circ}18'26''$ east, a distance of 2621.80 feet to a point; thence,
10. South $88^{\circ}18'26''$ east, a distance of 267.00 feet to a point; thence,
11. South $02^{\circ}01'33''$ west, along the westerly highway boundary of Union Street, a distance of 153.41 feet to a point; thence,
12. North $87^{\circ}58'27''$ west, a distance of 267.00 feet to a point; thence,
13. South $02^{\circ}01'33''$ west, a distance of 770.00 feet to a point; thence,

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14. South 87° 58'18" east, a distance of 267.00 feet to a point; thence,
15. South 02° 01'33" west, along the westerly highway boundary of Union Street, a distance of 103.00 feet to the PLACE AND POINT OF BEGINNING.

All as shown on plan prepared by D.S.B. Engineers & Architects, P.C., entitled "Schedule A," Lighting District, Bella Estates Subdivision, Project No. 04-0132.

BE IT FURTHER ORDERED, that within ten (10) days of enactment of this Order by the Town Board of the Town of Ogden, a copy of this Order shall be recorded in the Monroe County Clerk's Office, and a copy shall be filed with the Department of Audit and Control pursuant to Section 195 of the Town Law.

Vote of the Board:

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

Resolution #69-1/12

Introduced by Councilman Cole
Seconded by Councilman Uschold

RESOLVED, that the Supervisor, Gay H. Lenhard, be and hereby is authorized to sign the 2012 STOP-DWI Enforcement Contract between Monroe County and the Town of Ogden for the period January 1, 2012 through December 31, 2012, in an amount not to exceed \$14,130.45.

Vote of the Board:

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

X. ADJOURNMENT:

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Resolution #70-1/12

Introduced by Councilman Uschold

Seconded by Councilman Cole

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 7:45 p.m.

Vote of the Board:

Ayes: Cole, Lenhard, Perry, Uschold

Nays: None

Absent: Feeney

Respectfully submitted,

LAB/dmk

Lynn A. Bianchi, Town Clerk