

REGULAR MEETING  
September 13, 2017

46 COUNTY ROUTE 11 TOWN HALL  
WEST MONROE, NY

Present: Vern Sundet --- Supervisor  
Gary Harrington --- Councilor  
Dale Maher----Councilor  
Michael Walker----Councilor  
Cortney Rhinehardt --- Town Clerk

Absent: Michael Hickey --- Councilor

Others present: Mary Lesnau, Assessor; Kevin Davis, Highway Superintendent; Paul Baxter, Tug Hill;  
Brian Skidmore, Barton & Loguidice; Courtney Hills, Attorney.

Vouchers were reviewed by the town board members at 6:30 PM and at 7:00 PM Supervisor Sundet called the regular meeting to order.

**RESOLUTION #75-2017 APPROVAL OF THE MINUTES FROM THE AUGUST 9, 2017 REGULAR MEETING**

Moved by Councilor Walker, seconded by Councilor Harrington

Ayes-3 Sundet, Harrington, Walker  
Abstain-1 Maher

**RESOLUTION #76-2017 APPROVAL OF BUDGET TRANSFERS, AS FOLLOWS:**

**TRANSFER \$600.00 FROM A7140.1 TO A7140.4**

**TRANSFER \$91,000.00 FROM UNASSIGNED FUND BALANCE TO DA5112.4**

**TRANSFER \$45,000.00 FROM UNASSIGNED FUND BALANCE TO DA9730.6**

**TRANSFER \$600.00 FROM A1990.4 TO A1910.4**

Resolution moved by Councilman Harrington, Seconded by Councilor Walker

Ayes-4 Sundet, Harrington, Maher, Walker

**RESOLUTION #77-2017 APPROVAL OF THE BILLS AS AUDITED** Moved by Councilor Hickey, seconded by Councilor Harrington

CONSOLIDATED FUND, abstract #9, vouchers #488 through #547 in the amount of \$368,238.06

Ayes-4 Sundet, Harrington, Maher, Walker

**RESOLUTION #78-2017 APPROVAL OF THE SUPERVISORS AUGUST 2017 BANK RECONCILIATION**

**REPORT** Moved by Supervisor Sundet, seconded by Councilor Walker

Ayes-3 Harrington, Maher, Walker  
Abstain-1 Sundet

**Supervisor Report of Activities:**

- Sewer Usage charges will be approximately \$200 per user for 2018. These charges will be billed quarterly.
- Budget season is here, tax levy is expected to decrease.
- Pinnacle Road- the County is no longer willing to pave the road and bill the State. If we want the County to pave, we will need to pay them and seek reimbursement from the State.

**RESOLUTION #79-2017** The Town Board Members of the **TOWN OF WEST MONROE**, in the County of Oswego, State of New York, met at a regular meeting held in the Municipal Building, located at 46 County Route 11, West Monroe, New York 13167, on the 13th day of September, 2017 at 7:00 p.m.

Vern O. Sundet, Supervisor, and the following board members were present:

Gary Harrington  
Dale Maher  
Michael Walker

Absent: Michael Hickey

Also present: Cortney A. Rhinehardt, Town Clerk  
Courtney M. Hills, Primo & Hills Law Firm, Attorneys for the Town

The following resolution as drafted and proposed by the Attorney for the Town, was moved, seconded and adopted:

**WHEREAS**, by letter dated October 29, 2007, the then Superintendent of Highways for the Town of West Monroe (“Town”) sought assistance from the NYS Department of Environmental Conservation (“DEC”) to remedy road damage caused by truck traffic from the remediation of the Fortino waste tire facility (“Project”), specifically Pinnacle Road between State Route 49 and Pinnacle Spur; and

**WHEREAS**, by letter dated February 4, 2008, the DEC advised the Town due to the road damage likely being a direct result of the remediation work, the State of New York would commit to providing the necessary funding to make the repairs for such damage at the end of the Project; and

**WHEREAS**, to this date the DEC has completed waste tire abatement action, but has yet to complete any potential hazardous waste remediation action with respect to the Project; and

**WHEREAS**, the condition of the road has deteriorated to the point the Town Board has determined repair can no longer wait and after numerous discussions with the DEC the parties acknowledged and agreed to following:

1. A limited amount of tires mixed with a large amount of automobile shredder residue that contains PCBs, mercury and other contaminants still exists on a portion of the property that will be further evaluated by DER for remediation;
2. The estimated cost to repair the road immediately is approximately \$303,574;
3. There is a possibility additional truck traffic could cause additional damage to the road at some point in the future should the DEC undertake any potential hazardous waste remediation work at the Project site;
4. The Town’s acceptance of the \$303,574 for the road repairs at this time, prior to any potential hazardous waste remediation work at the Project site, would release the DEC from any further obligation to the Town for road repair related to the Project; and

**WHEREAS**, the Town Board understanding the risk involved for any potential damage to occur in the future by any potential hazardous waste remediation work at the Project site, nonetheless has determined immediate road repair is necessary under the dire circumstances; and

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Town Board hereby acknowledges and agrees the estimated cost of immediate road repair is \$303,574 (“Repair Funds”); and it is further,

**RESOLVED**, that the Town Board hereby acknowledges and agrees that the acceptance of the Repair Funds to repair the road damage prior to any potential hazardous waste remediation work at the Project site, releases the DEC from any further obligation to the Town for road repair related to the Project; and it is further,

**RESOLVED**, that the Town Board hereby authorizes the Superintendent of Highways of the Town (“Superintendent”) to enter into a contract with the County of Oswego for such road repair, subject to contract review and approval by the Attorney for the Town, and to seek reimbursement from the DEC for the cost of such work

**RESOLVED**, that the Superintendent, Town Supervisor, or Town Clerk may execute any or all documents or instruments to perfect the foregoing resolutions;

Supervisor Sundet, and seconded by Councilman Walker, the foregoing resolution was put to a roll call, which resulted as follows:

Vern O. Sundet, Supervisor	<u>aye</u>
Michael Hickey, Councilperson	<u>absent</u>
Gary Harrington, Councilperson	<u>aye</u>
Dale Maher, Councilperson	<u>aye</u>
Michael Walker, Councilperson	<u>aye</u>

Board Forum:

Councilman Harrington requests reports from the Code Enforcement Officer at each Board Meeting.

**Reports for the month of July 2017 received from:**

**Assessor-** Assessor Mary Lesnau reminded the Board that Glenn Devendorf needs to be reappointed to the Board of Assessment Review this month. Basic Star Renewal forms have been sent out.

**Town Clerk**

**Justice Office-** Judge Sullivan submitting \$1,680.25, Judge Inman submitting \$2,440.00

**Fire Department** – 39 Alarms in August

**Highway-**

**RESOLUTION #80-2017 APPOINTMENT OF GLENN DEVENDORF TO THE BOARD OF ASSESSMENT REVIEW, 5 YEAR TERM ENDING SEPTEMBER 30, 2022, moved by Supervisor Sundet, seconded by Councilor Walker**

Ayes-4

Sundet, Harrington, Maher, Walker

Paul Baxter reported on his activities with the Tug Hill Commission:

- I attended the Thursday, September 7 meeting of the **Oswego County Shared Services panel**. The group decided to proceed by creating sub-groups to work on particular topics rather than routinely meeting as a group with the complete panel membership.
- The next meeting of the **Tug Hill Commission** has been scheduled for **Monday, September 18** at 10:00 a.m. at the Orwell Town Hall, 1999 County Route 2, Orwell, New York.
- Save the date – the **Tug Hill Commission** is planning on having its **annual meeting** and dinner on **Thursday, November 2** at the Boonville VFW.
- We are working on the **fall schedule of training opportunities** for area planning boards and zoning boards of appeals. I have spoken with Phil Street, Director of Planning of the Tug Hill Commission, about doing a workshop on SEQR (the State Environmental Quality Review Act) process.

Brian Skidmore of Barton & Loguidice updated the Board on the Big Bay/Toad Harbor Sewer Project:

- Construction commenced 9/5/17. Marcellus has 2 drill crews – 1 working on Big Bay force main on County Route 37, the other installing mains in Toad Harbor starting on Shaw Road. Grinder pump crew starting in Big Bay within next 2 weeks.
- DEC reviewed and provided comments on Contracts 1 and 2 contract documents on Monday. B&L is preparing a response. EFC will review Contract Documents once DEC approval is secured. EFC approval is needed to pay Contractor invoices.
- Holding meeting with Marcellus Construction (Contract 1 - Grinder Pumps and Force Mains) tomorrow to discuss schedule, status of easements and miscellaneous issues.
- Easement update:
  - Big Bay grinder pumps: 153 signed, 30 installations covered under existing easements, 86 unsigned
  - Toad Harbor grinder pumps: 109 signed, 21 unsigned
  - Mainline easements: 6 signed, 7 unsigned (5 of 7 unsigned are NYSDEC and Bradbury, 2 remaining unsigned have told Greg Andrus they will sign)
- Office of General Services (OGS) has issued draft interim permit for the Lake crossing, Town needs to sign and return with \$28,600 (half of estimated fee).
- NYSDEC provided comments on Toad Harbor wildlife management area (WMA) temporary revocable permit (TRP) maps and descriptions for work along McCloud and Toad Harbor Road. Revisions are required from B&L's surveying subconsultant, and the areas under the TRP will need to be appraised per NYSDEC requirements. NYSDEC has released claim on work along Shaw Road.

**Property Maintenance Law-** Will discuss more at next Board meeting.

2018 Tentative Budget Presentation meeting scheduled for September 27, 2017 at 10 AM, will also discuss proposed Contract Amendments requested by Barton and Loguidice.

**RESOLUTION #81-2017 MOTION TO CLOSE THE REGULAR MEETING** moved by Supervisor Sundet, seconded by Councilor Walker

Ayes-4

Sundet, Harrington, Maher, Walker

The meeting was closed at 8:32 PM.