

**TOWN OF HECTOR
REGULAR AUDIT MEETING
October 9, 2018**

Members Present:

Alvin J White, Supervisor
Robert Barton, Councilman
Elizabeth Martin, Councilwoman
Justin Boyette, Councilman
William Preston, Councilman
Jessica Rodgers, Councilwoman

Others:

Jane M. V. Ike, Clerk
Randy Rappleye, Highway Superintendent
Ben Dickens Jeanne Chapman
David Lamoreaux Tom Kiernan
Robert Halpin, Attorney
Phil Davis Bo Lipari
Suzanne Lipari Mel Dean
Lisa Dean Sarah Schantz
Carl Langenfeld Jackie Leidenfrost
Jesse Beardslee Yvonne Taylor
Mike Nabogis John Curatolo
Ralph Ward Gary Judson
Judy Marion Shelly Ferris-Hostetler

Others: David Barber Ralph Ward
 Jennie Scarbrough Barbara Cook
 Joseph Campbell Beren Argetsinger
 Barbara Anderson David Barber
 Michael Lausell Patrick ?
 Ellie Connors Steven Deyoe

Called to order at 7:00pm by Supervisor White, followed by Pledge of Allegiance.

RESOLUTION #162 – offered by Preston, seconded by Martin

Resolved to approve the minutes of August 28, 2018 and September 11, 2018 as written & presented.
Ayes 6, Nays 0

RESOLUTION #163 – offered by Martin, seconded by Rodgers

Resolved to approve and authorize the Supervisor to make the following Budget Amendments/Journal Entries: transfer \$2445.27 from A1990.4 contingency to A1220.4; transfer \$890.00 from A1990.4 to A1680.4; transfer \$2647.40 from A1990.4 to A4540.4; transfer \$392.40 from A1990.4 to A5132.22; transfer \$35.95 from B1990.4 to B8010.4; and transfer \$6398.00 from DA fund balance to DA9040.8
Ayes 6, Nays 0

RESOLUTION #164 – offered by Rodgers, seconded by Preston

Resolved to have audited and further authorize the Supervisor to pay the bills from the following funds: General Vouchers #299 thru #330 - \$21662.08; Highway Vouchers #219 thru #249 - \$147658.32; Water District Vouchers #160 thru #180 - \$17287.06; and Trust & Agency Vouchers #20 thru #22 - \$2191.44
Ayes 6, Nays 0

Public Comment: 7:05pm

Supervisor White explained that there is no draft moratorium on development as of yet; the subject is on the agenda for initial board comment; appreciate everyone coming.

Bo Lipari reminded the board and attendees about the history of zoning in Hector; difficult for many in Hector to accept; board has done a great job in moving ahead with zoning commission to research; a lot of different opinions in Hector, a lot are strongly opposed to zoning; fear that a moratorium would jeopardize the progress; a moratorium would affect the entire town not just a portion; an uprising could bring a change in the board if a moratorium across the town is done.

Jenny Scarbrough thanked the board for progress on zoning; looking to preserve the building at 5255 State Route 414 Hector. Cited GML 96a; to protect building with historic value; gave a packet of information to Supervisor White to start the process. Permits have already been applied for to start demolition.

Yvonne Taylor read several pages from Comprehensive Plan; growth must be managed to fit character of town as well as specific locations; Hector is vulnerable to this growth; guidelines as outlined in comprehensive plan; aware of plans to build 3 or more structures near her on the lake side of 414; zoning law process is lengthy; urge adoption of a moratorium.

Phil Davis, Hector - watching prime farm land being purchased for development; 40 units on approximately 15 acres; those 40 could purchase 5 acres each which takes more ag land away; more large acreage going on the market; no legal way to control this type of development; structure moratorium in a way that someone wants to put one home on a few acres is still allowed; not a smart move to stick your head in the sand for the next couple of years until zoning gets created; Dandy building was a church in 1833; disregard the importance of historic buildings; seems like big disconnect.

Beren Argetsinger echoed sentiments of others; commended board for creation of zoning commission; many tools at your disposal; moratoria can be beneficial to protect certain areas of the town; interim period until zoning regulations are developed and implemented; strongly encourage board to take a look at historic preservation; consult with town attorney to find out what options are.

Comments made regarding Smith Park – suggested we pursue multiple bids instead of a general contractor.

Carl Langenfeld – attended the 1st and the last zoning meeting; Dandy issue raised at last meeting; County Planner reported there were no permits issued at that time.

Dairy Farmland Implementation Protection Grant: David Barber asked for Town Board support for his application for a grant to protect the land; Finger Lakes Land Trust is working with him; they purchase developments rights in order to preserve the land as farm; Councilwoman Martin asked what date he needs it as the resolution provided is not complete; in support of preserving farmland; would like to get a complete resolution; we can vote on it Thursday night at budget meeting.

Department Reports:

Highway: Superintendent Rappleye reported that construction will begin soon on the Salt Storage Building; should be complete by 1st week in November; grant covers 75%; \$9000 left in CHIPS; need balance \$89,000 from building Reserve Fund; total cost \$407,000.

RESOLUTION #165 - offered by Martin, seconded by Barton
Resolved to expend \$89,000 from the General Building Reserve Fund to cover that balance of our share for the Salt Storage Building Project. Resolution is subject to permissive referendum. Ayes 6, Nays 0

Havens Road Old Bridge/Road Abandonment: Draft survey map has been provided for review. Superintendent Rappleye indicated it looks fine; we can quick claim deed to the McCoon's; transfer will put acreage back on tax roll.

RESOLUTION #166 - offered by Rodgers; seconded Martin
Resolved to approve and authorize the Supervisor to proceed with the conveyance to Robert & Barbara McCoon of the old Havens Road by quitclaim deed subject to terms and conditions previously agreed to. Ayes 6, Nays 0

Superintendent Rappleye reported that crews are working on fall maintenance and making winter sand; oil & stone on new paved projects done; grading roads; 2 crossover pipes on Dugue to be done soon.

Water District: Superintendent's Written Report reviewed by Supervisor White

Club Seneca Water District Extension: SEQRA Resolutions

RESOLUTION #167 - offered by Boyette, seconded Martin
TOWN OF HECTOR WATER DISTRICT NO. 1 EXTENSION NO. 1E
SEQR RESOLUTION - NEGATIVE DECLARATION

At the meeting of the Hector Town Board held on October 9, 2018, Councilman Boyette moved adoption of the following resolution; Councilwoman Martin seconded the motion and was passed.

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Hector announced its intent to serve as Lead Agency on July 10, 2018, to conduct an environmental review of public water supply improvements within Water District No. 1 Extension No. 1E service area. The project will ensure a safe and reliable potable water supply and fire protection for area residents and businesses.

The Town Hector has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project are located in a Schuyler County Agricultural District.

The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

On August 30, 2018, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Hector Town Board serving as Lead Agency for this project. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.

The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED, The Town Board of the Town of Hector declares that it will serve as Lead Agency for the water system improvements proposed in Water District No. 1 Extension No. 1E; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

Roll Call Vote: Rodgers – Aye; White – Aye; Boyette – Aye; Preston – Aye; Martin – Aye; Barton – Aye Ayes 6, Nays 0

Well Test Boring Report: Water Advisory Board is meeting 10/11/18 to review

Public Hearing Water Reserves: Hearing opened at 7:46pm by Supervisor White regarding transfer of \$20,000 from repair reserves to capital equipment reserves for the Water District. Supervisor White reviewed the need to establish the Water District Capital Equipment Reserve fund properly. Hearing closed at 7:52pm.

RESOLUTION #168 - offered by Preston, seconded by Rodgers
Resolved to authorize the Supervisor move \$20,000 from water repair reserve fund to the Water District Capital Equipment Reserve Fund. Ayes 6, Nays 0

Smith Park: Manager's Report reviewed by Supervisor White. Water Main Project is substantially complete at this time; some ground work to be completed in the spring.

South Bathroom Replacement Project: Three bids were received this time; \$226,000 will be need to be expended from the General Building Reserve Fund in order to complete this project; must be advertised subject to permissive; feel project was under estimated; will award contract at November meeting.

RESOLUTION #169 - offered by Preston, seconded by Barton
Resolved to advertise to expend \$226,000 from the General Building Reserve Fund and further transfer that amount to the Capital Projects Fund for the Smith Park South Bath House Replacement Project.
Discussion of bidding process; state prevailing wage requirements; 2nd bid is \$125,000 less than 1st bid; building needs to be replaced cannot open for camping without getting this done; further discussion of options, etc. Ayes 6, Nays 0

Code Enforcement: Code Officer Patterson reviewed permits to date; construction value, permit fees collected; pending fire inspections; and pending property maintenance issues.

Councilwoman Rodgers asked about Dandy building; Demolition permit has been filed; approved; laundry list of things to complete to be sure all i's dotted and t's crossed; Dandy Junior permit issued for its temporary use while old structure is being removed; waiting for drawings and application for new building; old structure is in very poor shape, has been a struggle to pass fire inspections; electric issues; cannot adequately clean surfaces; trying to bring up to today's standards; not a truck stop but will have diesel fuel pump.

Jenny Scarborough asked if we as a community have any input into lighting, signage, aesthetics, hours of operation, etc. Supervisor White indicated it must be built in accordance with the NYS Uniform Fire & Building Code. Beren Argetsinger asked if restoration of existing building was an option. Code Officer Patterson reported that many items require major work; only so much can be done to keep in compliance with DOH and Code requirements. Code Officer Patterson suggested they contact Randy Williams at Dandy's corporate office in Sayre PA.

Mike Nabogis asked if there was any consideration to reduce speed limit on 414. Supervisor White explained the history of this issue; we've been through this with NYS DOT many times; have not gotten anywhere in the past.

RESOLUTION #170 - offered by Martin, seconded by Preston
Resolved to approve the Computer Software Support Contract with Williamson Law Book Company for the Code Enforcement Program at a cost of \$416.00 effective 10/1/18 – 9/30/18. Ayes 6, Nays 0

Zoning Commission Report: Paul Bursic reported they are still meeting the 2nd and 4th Mondays at 6pm; 255 people attended public meetings; 4 more meetings planned in spring; felt Hector meeting was most successful; discussion was among Town's people rather than STC; the same level of advertising will be needed in spring; drafting a zoning report with executive summary; encouraging everyone to spread the word to get the feedback needed.

Suzanne Lipari indicated there were some complaints at Mecklenburg meeting that the Comprehensive Plan was available only online; important to let people know where copies could be obtained; close to 70 pages; 2nd December meeting will be cancelled; instructed to send questions or comments to the Town Clerk to be forwarded to zoning commission; next meeting 10/22 @ 6pm.

Assessment: Assessor's written Report reviewed by Supervisor White; working on field review for the upcoming re-assessment; office hours for October modified due to training and appointments.

Recycling: Winter Hours beginning 10/20/18 only Saturdays for winter due to no lights in building.

RESOLUTION #171 – offered by White, seconded by Preston
Resolved to suspend Thursday night recycling effective 10/25/18 due to no lights in building; will resume in the spring. Ayes 6, Nays 0

Town Clerk/Tax Collector/Court Clerk: Clerk's Monthly Report Submitted and reviewed.

Supervisor:

Committee Reports: Nothing specific to report

Sexual Harassment Policy: NYS requires implementation of a policy by October 9, 2018; all employees, full and part-time, even seasonal and elected officials will be required to attend a mandatory training; draft policy has not been finalized yet by the State; many changes to definitions from current policy; discussion continued at length.

RESOLUTION #172 - offered by Preston, seconded by Barton
Resolved to adopt the draft Sexual Harassment Policy recommended by the State effective 10/9/18
Discussion regarding requirements; new terminology; mandatory training; etc.
Ayes 6, Nays 0, Abstain 1 (Preston)

Moratoriums: **Development:** Councilman Preston asked how long one can last; we have a draft on Heavy Industry; we have not drafted one for Development.

Supervisor White reported that one is good for 6 months to a year; don't believe we will have any action for zoning; expect at least a year to get a draft proposal ready for public meetings; Town will have to hold at least 2 public hearings before voting.

Councilman Preston asked how many people present were within a mile of State Route 414 and in favor of a moratorium; majority of problem is 414 corridor.

Suzanne Lipari, State Route 228; want zoning; feel strongly the whole town would benefit; no comment on moratorium.

Councilman Preston would like to see input from every person in the Town regarding the problems or issues they feel must be addressed; above 414 does not have the issues the 414 corridor does.

Supervisor White asked how specific the wording would need to be if we were looking a 2-year time frame.

Attorney Halpin indicated the real answer is what's enforceable; 6 months to a year is enforceable; 2 years would need to be looked at; general versus specific (in terms of what) whole town versus specific area; could restrict an area with some specifics to the 414 corridor; need to know what you're looking to accomplish; will address problems with difficulty in enforcing; no statute to address; only have case law.

Supervisor White reported the zoning commission is still working on what people are looking for and wanting; do we move ahead to research more?

Councilman Preston asked what are we looking at; i.e. multiple buildings; B&B's, multiple housing dwellings; businesses; what are you looking to have a moratorium stop?

Yvonne Taylor reported that less than a 1/4 mile from her there is a main house; a new cottage; another added structure for an Air B&B; and they are looking at adding another.

Councilman Boyette – sympathetic to your situation; a moratorium may not necessarily affect an Air B&B; that could possibly require a local law.

Yvonne Taylor – looking to limit number of houses to 2 on less than an acre of land; Schickel property will have 40 houses on 5 acres; individual septic systems; on municipal water.

Suzanne Lipari asked the ability of our water district to supply?

Councilman Preston again asked what do you want to zone or stop?

Jennie Scarbrough – in favor of zoning; preventing large big box stores, large hotels, 5500 square foot Dandy; high density housing; no multi-story.

Councilman Preston are you looking for an actual ban on all construction or can certain things be allowed.

Beren Argetsinger asked how one can be specifically crafted to be enforceable; need specific public purpose for what you're looking to enact; a longer moratorium may not be enforceable if there is not a clear nexus; looking at residential development along the streams and tributaries; pollution sources affect Seneca lake; agricultural preservation. Local economy is built around tourism; agriculture and light industry; how exactly do we implement this; is a moratorium the appropriate avenue?

Supervisor White reported that we have submitted a local waterfront revitalization grant covering the entire lake front; if receive grant will create an oversight committee and consultant to help work through this process; a lot of pressure on Seneca Lake at this time; have a lot of work to do; where does the Town of Hector want to go; not going to be easy.

Beren Argetsinger indicated protecting natural resources is a good place to start.

Phil Davis – Dandy is one of 2 original buildings in Hector; was a church at one time; there are other churches in the area on the Historic Register.

Supervisor White reported that Hector and Logan Churches are on the Historic Register.

Councilman Boyette agreed that a Historic preservation committee could possibly be a valuable resource.

Jackie Leidenfrost indicated there was no mention of the scenic byway tonight; how would that come into play in protecting the area. Supervisor White reported that the Local Water Front Revitalization grant would probably take the scenic byway into consideration.

Councilman Boyette indicated the Board would be researching the legalities on moratoriums; where they seem to be most successful is where there is a unique environmental element in the community; seems like any moratorium should focus on environmental aspects.

Lisa Dean – I don't want people who live near the lake to dictate what I can do on my 40+ acres. Who pays legal bills if a big developer comes in to fight a moratorium? Supervisor White responded that the taxpayers would foot the bill in annual taxes; anything we do must be done cautiously.

Beren Argetsinger indicated that applications for variance of the moratorium may be appropriate; should be a process to get approval; consideration for flexibility; moratorium could be a tool to use for historic preservation process to identify building for designation; need a tool to determine public interest and how do we protect and preserve our community.

Supervisor White asked the board where they want to go. Councilwoman Rodgers – now that we know we might be able to section off 414 area, I'm in favor of a moratorium; concerned with excessive development; interested in finding out what the possibilities are.

Councilman Barton – personally would like to see the status quo; change is happening, need to be cognizant of where and be thinking about the future; if what we see now is an impending force; we're already seeing people setting up shops in their houses; I'd rather think about what do we want to get to now before it happens; need to do some work to figure out how to define it; don't like the thought of people setting up shop on an acre.

Councilman Martin – what I’m hearing is a notion of no more than 2 houses on an acre of land; should set up a historic preservation committee. Supervisor White – not opposed to historic preservation committee; need to research who, how, what, etc. and need to discuss with Attorney.

Councilman Boyette – concerned with consultants telling us it has to be Town-wide; don’t feel a town wide moratorium is appropriate.

Paul Bursic indicated that the STC consultant (lead) may have indicated that but referred board to speak with town’s attorney.

Supervisor White indicated that we need to find out what we can do; will take some time; need to do some homework to proceed in any direction.

Suzanne Lipari asked if zoning law takes close to 2 years to become in effect and moratorium is only 6 months to 1 year, what happens if someone buys and is ready to move when moratorium expires.

Councilman Boyette indicated that STC consultant has not witnessed a rush to purchase property and build before zoning comes in.

David Lamoreaux – zoning may not prevent something like Schickel. Supervisor White appointed Councilman Barton and Councilman Boyette to serve on a committee with him to pursue a direction to go in.

Heavy Industry Moratorium: Attorney Halpin indicated that any of these will be for a limited period of time; will revisit as zoning commission proceeds.

RESOLUTION #173 - offered by Boyette, and seconded by Barton

Resolved to proceed with a Local Law establishing a Moratorium on heavy industrial, setting public hearing for December 11, 2018. Ayes 6, Nays 0

Software Support Contract: SCT Computers set up our entire server; we have a credit of \$899 with Dell; suggest a maintenance agreement with SCT computers to check our system once a month; cost would be approximately \$100 per month; suggested 3-year contract.

RESOLUTION #174 - offered by Preston, seconded by Rodgers

Resolved to approve and authorize the Supervisor to sign a 3-year contract with SCT Computers with fees as outlined for a monthly maintenance contract. Discussion of what we get for the contract. Ayes 6, Nays 0, Abstain 1 (Martin)

Federal Disaster Designation: Debris Removal Resolutions discussed; 211 list reviewed; some things assigned to the Town; public safety issues have been done by the State; debris cleanup assigned to the Town; need proper authorization to go onto private property; trying to get a list of emergency contractor’s on state bid; if cannot will do RFQ’s to get prices, etc.

RESOLUTION #175 - offered by Boyette, seconded by Preston

RESOLUTION OF THE TOWN OF HECTOR TOWN BOARD

WHEREAS, portions of the Town of Hector were severely damaged by flooding that occurred August 13, 2018 through August 15, 2018, which flooding prompted a state of emergency to be declared in the Town; and

WHEREAS, said flooding resulted in stones, gravel, mud, vegetative waste, branches and trees collecting in various areas of the Town (such being hereafter referred to as “Flood Debris”); and

WHEREAS, the Town Board has determined that the accumulated Flood Debris constitutes a public nuisance and safety hazard, and that the prompt and efficient removal of the Flood Debris shall promote the health, safety and general welfare of the residents of the Town of Hector.

NOW, THEREFORE, be it resolved as follows:

1. The Town Supervisor is authorized to contract for the removal of Flood Debris from public and private property within the Town as identified by the Town Supervisor. Any such contract(s) shall be subject to applicable public bidding requirements or exceptions therefrom.
2. The removal of any Flood Debris from private property shall be subject to and conditioned upon the property owner's authorization to enter the subject property for the purpose of removing the Flood Debris, and the property owner's agreement to release the Town from all claims related thereto.

This Resolution shall take effect immediately.

Discussion regarding the waiver of liability from residents; need permissions signed in order to proceed; do not expect reimbursement; don't know the cost yet; will use DB fund balance to cover; a debris removal plan needs to be developed. Councilwoman Martin asked if there was a plan for any long-term recovery phase. Supervisor White is meeting Friday with the VOAD's to organize a group to cover unmet needs. FEMA meeting 10/18/18 Ayes 6, Nays 0

Temporary Finance Committee: Between the Lakes Flood Relief 2018

There is a need for a formal committee to deal with Donations that came in for flood relief; Town approval is needed for the committee creation.

RESOLUTION #176 – offered by White, seconded by Preston

Resolved to approve a temporary finance committee consisting of Arthur Calice, Chair & Lodi resident; Jessica Ryan, Hector resident; and Rob Millgard, Pastor of Ovid Federated Church to be charged with surveying flood victim's needs and transparently dissemination funds. This committee will dissolve upon completion of the monetary distribution. Ayes 6, Nays 0

RESOLUTION #177 – offered by White, seconded by Preston

Resolved to enter into Executive Session at 9:41pm for approximately 20 minutes to discuss a personnel issue and legal issues relating to a moratorium. Ayes 6, Nays 0

RESOLUTION #178 – offered by White, seconded by Preston

Return from Executive Session at 9:57pm. Ayes 6, Nays 0

Miscellaneous/Correspondence/Other:

NYS Department of Health: Michelle Donovan has been appointed as the new Director for the Hornell Office of the Department of Health.

Motion to adjourn at 10:15pm offered by Martin, seconded by Preston.

Respectfully submitted,

Jane M. V. Ike, Clerk