

The regular monthly meeting of the DeRuyter Town Board was held at 7:30PM on the above date in the Genevieve D. Staley Civic Center.

Present were Supervisor Degear, Clerk Wightman, Highway Superintendent Cook, Councilman Coon, Councilman Hathaway, Councilman Barnes and Councilman Jones. Also present were Michael Salter, Jamie Tousant, Levi Tousant, Carol Babcock and Warren Babcock.

Supervisor Degear began the meeting with the Pledge of Allegiance.

Motion by Councilmen Barnes and Coon to accept the minutes of the October 9th meeting as presented. All in favor and carried.

**TOWN CLERK'S REPORT:**

- Monthly written report submitted.
- New check imaging/depositing to Tompkins Trust is working well. Currently, cash is being converted to postal money orders as the charge is less than mileage to Cortland to make a deposit.

**HIGHWAY SUPERINTENDENT'S REPORT:**

- As a requirement of the FEMA mitigation project, guiderails will be installed on Carey Road tomorrow. Motion by Councilmen Barnes and Jones to pay the bill for these guiderails upon receipt. All in favor and carried.
- Equipment and materials are ready for the winter season.
- CHIPS paperwork is complete.
- Road mileage (GIS) paperwork has been submitted to NYS.
- New signage has been installed.
- Storm water/drainage training yesterday.
- NYS will use brine on the bad spots of state roads at the beginning and end of the season.
- Meeting with brine producers soon.
- Following a discussion, motion by Councilmen Coon and Hathaway to declare old tires as surplus and to advertise them on Auctions International. All in favor and carried.

**SUPERVISOR'S REPORT:**

- Monthly report and various financial reports were submitted and reviewed.

**CORRESPONDENCE:**

- Dominion Resources Services regarding Dominion Transmission, Inc. New Market Project. The Federal Energy Regulatory Commission (FERC) concludes that the New Market Project "would not constitute a major federal action significantly affecting the quality of the human environment" and supports a "finding of no significant impact". This Board agrees that a letter should be sent to FERC expressing our disappointment and concern that FERC only filed an Environmental Assessment instead of the more comprehensive Environmental Impact Statement.

**OLD BUSINESS:**

- Bank update
- DASNY grant – the Town of DeRuyter has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant for installation of storm water drainage along Camp Crone Road. Project Information sheet will be completed and returned.

**PUBLIC HEARING:** 7:45PM Motion by Councilmen Jones and Coon to open the public hearing concerning the 2016 Preliminary Budget. All in favor and carried.

Since there was no one present to speak either in favor of or against the preliminary budget, the public hearing, motion by Councilmen Barnes and Hathaway moved to close the public hearing at 7:46. All in favor and carried.

**OLD BUSINESS (CONTINUED):**

- Regarding previously requested extension of the 35 MPH speed limit on South Lake Road, motion by Councilmen Jones and Coon to adopt:

**#59 RESOLVED: WHEREAS**, the Town Board of the Town of DeRuyter has previously requested the extension of the 35 MPH speed zone on South Lake Road (County Route #98) to include the entire length of the road; and

**WHEREAS**, previous requests were not approved by the NYSDOT; and

**WHEREAS**, the Town Board of the Town of DeRuyter believes this warrants re-consideration; and

**WHEREAS**, the NYSDOT establishes speed limits on State, County and Town roads in collaboration with the New York State Police and in accordance with established traffic engineering principles;

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board does hereby request NYSDOT pursuant to Section 1622.2 of the New York State Vehicle and Traffic Law, to extend the existing 35 MPH speed limit to include all of South Lake Road (the entire distance between East Lake Road and West Lake Road).

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Barnes	Aye
Councilman Coon	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Speed study requests for East Lake Road, South Hill Road and South Lake Road have resulted in approval of the Town Board’s request to lower the speed limits as follows:
  - 35 MPH on East Lake Road, CR 57, between the southerly pavement edge of South Lake Road and the northerly pavement edge of Dam Road, a distance of 1.77+/- miles.
  - 30 MPH on South Hill Road, a Town Highway between the Village of DeRuyter southerly village line and the southerly pavement edge of Paradise Hill Road, a distance of 0.16+/- mile.
  - 35 MPH on South Lake Road, CR98, between the westerly pavement edge of East Lake Road and the easterly pavement edge of West Lake Road, a distance of 0.84+/- mile.
- Stanton Road –
  - The SEQR form was reviewed. Motion by Councilmen Jones and Hathaway that based on the information and analysis contained in the SEQR form, and any

supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. All in favor and carried.

- Motion by Councilmen Hathaway and Jones to adopt:

**# 60 WHEREAS**, the New York State Department of Transportation (NYSDOT) has implemented the “Statewide GIS Public Road Network Project” which has created new geospatial data for the Town of DeRuyter’s Town roadways; and

**WHEREAS**, NYSDOT is using the new geospatial data as means to update the Town’s Local Highway Inventory (LHI) to establish correct beginning and ending points for Town roadways; and

**WHEREAS**, NYSDOT prepared a report with proposed changes to the Town’s LHI, which includes significant reduction of LHI mileages for roads; and

**WHEREAS**, the Town Highway Superintendent and Town Supervisor have reviewed the Town’s LHI changes as proposed by the NYSDOT and determined that a bridge traversing the Middle Branch of the Tioughnioga Creek on Stanton Road no longer exists having been removed by the Town Highway Department in 1986 although no action had been taken to discontinue the roadway; and

**WHEREAS**, New York State Highway Law Section 205(1) provides that “every highway that shall not have been traveled or used as a highway for six years shall cease to be a highway”; and

**WHEREAS**, upon the expiration of such six (6) year period, such highway or portion thereof may be formally abandoned by the town highway superintendent with the written consent of the majority of the town board; and

**WHEREAS**, upon such written consent, the town highway superintendent is required to file and record in the town clerk’s office a written description, signed by him, of the highway, or portion thereof, so abandoned; and

**WHEREAS**, upon such filing and recording, such highway or portion thereof is thereby discontinued; and

**WHEREAS**, the Town Board has reviewed the facts presented before it and has determined that no town monies have been spent on this section of road since the year 1986 and the bridge section of Stanton Road has not been traveled or used as a highway for a period in excess of six (6) years; and

**WHEREAS**, the entire length of the bridge section of Stanton Road intended to be abandoned is owned on both sides by Edwin B. Coon and Denise A. Coon who are in agreement with the discontinuance of the roadway in this area; and

**WHEREAS**, a review of property records and independent factual investigation indicates that Stanton Road is a highway by user such that, upon such discontinuance, the title to the abandoned road shall revert to the adjoining landowners; and

**WHEREAS**, upon such discontinuance, Stanton Road will thereby be formally segmented into two sections and, for purposes of clarity, the Town Board has determined that the southerly portion of Stanton Road running from the discontinued portion to New York State Route 13 shall be renamed by the Town Board pursuant to the power given to the Town Board pursuant to New York State Town Law Section 64(9); and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible in the consideration of a

proposed action, an involved agency shall make a determination whether the action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the abandonment or renaming of a road in the Town of DeRuyter, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the abandonment and renaming of a road is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the abandonment and renaming of said road, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the abandonment and renaming of said road against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the abandonment of a portion of Stanton Road and a renaming of a portion of Stanton Road is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED**, the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED**, that the Town Board of the Town of DeRuyter does hereby consent to the abandonment of a portion of Stanton Road beginning near the southern bank of the Middle Branch of the Tioughnioga Creek at a coordinate of approximately 42.7925 -75.8690 and proceeding northerly a distance of 0.02 miles to a point near the northern bank of the Middle Branch of the Tioughnioga Creek at an approximate coordinate of 42.7927, -75.8691; and be it further

**RESOLVED AND DETERMINED**, that the Town Board authorizes the Town Highway Superintendent to file and record in the office of the Town Clerk a written description, signed by him, of the said 0.02 miles section of Stanton Road thereby abandoned and discontinued; and be it further

**RESOLVED AND DETERMINED**, that the Town Board authorizes the Town Highway Superintendent, Town Supervisor, and Town Clerk to complete any other steps necessary to properly file said highway abandonment pursuant to New York State Highway Law; and be it further

**RESOLVED AND DETERMINED**, that upon such abandonment, title to such abandoned portion shall revert to the adjoining landowners; and be it further

**RESOLVED AND DETERMINED** that the southerly portion of Stanton Road running from the discontinued portion to New York State Route 13 shall be renamed as Green Road.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>Robert Jones</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Cedric Barnes Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>

<b>Robert Hathaway</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Edwin Coon</b>	<b>Councilor</b>	<b>Voted</b>	<b>Abstain</b>
<b>Daniel Degear</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

- The Consent of Town Board to Abandonment of a Highway form was signed by each member of the Town Board except Councilman Coon and will be filed in the Town Clerk’s Office.
- The Certificate and Order Abandoning Highway was signed by Highway Superintendent Cook and will be filed in the Town Clerk’s Office.

**NEW BUSINESS:**

- **# 61 RESOLVED: WHEREAS**, this Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget, and heard all persons desiring to be heard therein,

**THEREFORE, BE IT RESOLVED**, That this Town Board does hereby adopt such preliminary budget as the Annual Budget of the Town for the fiscal year beginning the first day of January, 2016 and that a copy of said budget, as so adopted, shall be on file in the office of the Town Clerk, and considered to be part of the minutes of the proceedings of the Town Board, and be it

**FURTHER RESOLVED**, that the Budget Officer shall prepare and certify in triplicate, copies of said budget as adopted by this Town Board, together with estimates, if any, adopted pursuant to Sec. 202A, § 2 of the Town Law and deliver 2 copies thereof to the Board of Supervisors of this County.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Review of the draft Memorandum of Understanding with Madison County.
- Due to a scheduling conflict, motion by Councilmen Barnes and Coon to change next month’s meeting date to December 17<sup>th</sup> at 7:30. All in favor and carried.
- Fire Contract Renewal – Motion by Councilmen Hathaway and Jones to hold a public hearing at 7:45PM on December 17, 2015 for the purpose of reviewing and discussing the renewal of the DeRuyter Fire Protection District contract. All in favor and carried.
- Madison County budget message and preliminary tax rates.

**PUBLIC COMMENTS:**

- Michael Salter thanked the Board for Resolution #56 at last month’s meeting.

**EXECUTIVE SESSION:**

- Motion by Councilmen Jones and Coon to enter into executive session to discuss the employment history of a particular Town of DeRuyter employee. All in favor and carried.
- Motion by Councilmen Coon and Jones to return to the regular meeting. All in favor and carried.

**PAYMENT OF CLAIMS:**

- Motion by Councilmen Jones and Coon to pay the following claims as audited:

Abstract #1019	\$22,601.01
Abstract #1020	\$26,721.37

All in favor and carried.

- Motion by Councilmen Jones and Coon to accept the Supervisor's statement. All in favor and carried.
- Motion by Councilmen Jones and Coon to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman, Town Clerk