

TOWN OF COVERT  
SENECA COUNTY  
REGULAR TOWN BOARD MEETING  
MARCH 13, 2017

The regular monthly meeting of the Town Board of the Town of Covert was held Monday, March 13, 2017 at 7:00 p.m. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

<b>Roll Call:</b>	Supervisor Michael Reynolds	Present
	Councilman Gary Hunt	Present
	Councilman Jeffrey Vann	Present
	Councilman Leon Anderson	Present
	Councilman William Bishop	Present

**Others Present:** Town Attorney Patrick Morrell, Town Clerk Colleen Freese, Highway Superintendent Jeffrey MacCheyne, Reporter Aneta Glover, and other interested citizens.

**Call to Order:** Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

**Public Hearing:** Anderson moved, seconded by Vann, to open the Public Hearing at 7:05 p.m. to hear any comments on the renewing of the Cable Franchise.

Vote: Aye-Vann, Aye-Hunt, Aye-Anderson and Aye-Bishop.

Hearing no comments from the public, Bishop moved, seconded by Vann, to close the Public Hearing at 7:05. Vote: Aye-Vann, Aye-Hunt, Aye-Anderson and Aye-Bishop.

**Presenter:** Mark Benjamin from Seneca Meadows Landfill shared, "you may be aware, the Environmental Affairs Committee at the Seneca County board of Supervisors has been discussing and encouraging a new county law. This proposed law is aimed at unfairly targeting Seneca Meadows landfill. For one, Seneca Meadows landfill is already one of the most regulated businesses in the entire state, and the town of Seneca Falls is the local regulating authority. Seneca County is not positioned nor does it have the capacity to regulate a landfill that is privately owned. For another, Seneca Meadows is one of our county's largest private employers, and most of these employees live in Seneca County and pay taxes in Seneca County, and spend their hard earned wages in Seneca County taking care of what I presume each of us contribute to each week — garbage. I know I put my tote out almost every week, and I am proud to know that the hard working women and men I am lucky enough to call my co-workers do the best job in all of North America. I imagine it's like being part of a championship basketball team like our South Seneca girls team, except every day is game day for the men and women who voluntarily put themselves in harm's way to ensure our ground water is protected and our air is clean.

"In addition, I know first-hand that Seneca Meadows through its culture of giving back has and continues to support prosperity, health, safety, and wellness not only in Seneca County, but also right here in Seneca Meadows also has a long track record of working with the county on several projects and programs including recycling, HHW Day, senior citizen programs, and youth and workforce development programs. Seneca Meadows has also contributed to a number of South Seneca School District programs, and also offers scholarships each year to 2 graduating seniors. That sounds like a valued partner, a good neighbor, and a community champion. It is mind boggling why the environmental affairs committee, well knowing our positive impacts to the community and the local economy, and to the spotless environmental record which can be scrutinized for public viewing continues to push this discriminatory agenda. Shouldn't they be thanking Seneca Meadows? Shouldn't they be reaching out to Seneca Meadows asking — how can we help? Is there a way we can pitch in? I am here today to plead with

this board and with Supervisor Reynolds to take a stand and officially oppose this proposed law in the form of a resolution or other manner that this board sees as appropriate.

"Thank you very much for your time. I am pleased to answer any questions you may have."

There was discussion about Seneca Falls and where did they stand on Seneca Meadows. At this time the Town Board wanted to wait and get a copy of the proposed law to see what it says.

**Approval of Minutes:** Vann moved, seconded by Anderson, that the regular meeting minutes from February 13, 2017 be approved. Aye-Vann, Aye-Bishop, Aye-Anderson and Aye-Hunt.

Councilman Hunt shared that they have the Bicentennial Logo and are making sign boards to put up and also display the events that will be coming up to celebrate the Bicentennial.

Councilmen Anderson and Vann discussed the Land Management Ordinance and that they need to get tougher on codes and start doing stop orders if necessary. They have more item to discuss like solar and wind mills and cell towers. Should there be code to protect people's properties?

Supervisor Reynolds shared that a new resolution for the Town of Covert and the Village of Interlaken to be exempt from property taxes needed to be passed and put on file.

## RESOLUTION 2-17 BUILDING ENERGY BENCHMARKING

**WHEREAS**, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the [municipality] is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the **Town of Covert Town Board** desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Covert; and

**WHEREAS**, as such the Town of Covert Town Board desires to establish procedure or guideline for the Town of Covert staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Covert

### **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

#### **§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

- (C) "Commissioner" shall mean the head of the Department.
- (4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the [municipality] that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the Town of Covert Clerk's Office.
- (6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.
- (2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

- (1) No later than December 31, 2016, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
  - (a) no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and
  - (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
    - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
    - (b) For each Covered Municipal Building individually:
      - (i) The status of compliance with the requirements of this Policy; and
      - (ii) The building address, primary use type, and gross floor area; and (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

## **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the [municipality] including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**FURTHER RESOLVED**, the Town of Covert Board, in regular session duly convened, does hereby authorize and direct the Supervisor, Clerk or Treasurer of the Town of Covert to execute such other and additional documents as may be required for to perfect the resolutions herein; The adoption of the foregoing Resolution was moved by Hunt seconded by Anderson, and duly put to vote, which resulted as follows: VOTE : Councilman Bishop-Aye , Councilman Hunt -Aye, Councilman Anderson -Aye and Councilman Vann-Aye. Resolution was Adopted.

**I, Colleen R. Freese**, Town Clerk of the Town of Covert, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board Councilmen of the Town of Covert at a regular meeting of the Board duly called and held on the 13 day of March, 2017; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I FURTHER CERTIFY** that all members of said Board had due Notice of said meeting. **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Covert, this 13 day of March, 2017. Colleen R. Freese, Town Clerk of the Town of Covert , Seneca County, New York

**RESOLUTION 3-2017 RENEWAL FOR CABLE TELEVISION FRANCHISE**

In the Matter of the Granting of a Cable Television Franchise Held by **Time Warner Cable Northeast LLC** in the **Town of Covert, County of Seneca**, New York.

An application has been duly made to the Town Board of the Town of Covert, County of **Seneca**, New York, by **Time Warner Cable** Northeast LLC, a subsidiary of Charter Communications, Inc. (hereinafter referred to as "Charter"), organized and in good standing under the laws of State of Delaware for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Covert, New York on March 13,2017 at 7:00 P.M. and notice of the hearing was published in the Interlaken Review on March 1, 2017.

NOW, THEREFORE, the Town Board of the Town of Covert finds that:

1. Charter has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Charter has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Charter can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Covert hereby grants the cable television franchise of Charter in the Town of Covert for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Covert hereby confirms acceptance of this Franchise Renewal Agreement. Vote: Councilman Anderson--Aye, Councilman Bishop--Aye, Councilman Hunt--Aye and Councilman Vann--Aye. The foregoing having received a vote was thereby declared adopted.

RESOLUTION 04-2017 Authorizing Supervisor to Enter Into Agreement Granting  
Exemption for Properties Owned By the Village of Interlaken

WHEREAS, the Village of Interlaken owns real property used for its municipal operations situate outside of its boundary and within the Town of Covert; and

WHEREAS, the Town of Covert owns real property used for its municipal operations situate within the Village of Interlaken; and

WHEREAS, Real Property Tax Law § 406 authorizes municipalities to enter into written agreements to grant exemptions to other municipalities in such situations.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Covert hereby authorizes the Town Supervisor to enter into a written agreement with the Village of Interlaken to grant real property tax exemptions for the following properties owned by the Village of Interlaken:

Tax Map Nos.:       05-1-45.2  
                          06-1-25.2  
                          06-1-45.2  
                          06-2-82  
                          07-1-04  
                          05-1-38  
                          13-1-07  
                          10-1-18

BE IT FURTHER RESOLVED that the Town Board of the Town of Covert hereby authorizes the Town Supervisor to enter into a written agreement with the Village of Interlaken to grant real property tax exemptions for the following properties owned by the Town of Covert:

Tax Map Nos.:       03-1-61  
                          03-1-86  
                          03-1-41  
                          03-1-47  
                          03-1-49

Anderson moved, seconded by Hunt, to approve the exemptions for the Town of Covert and Village of Interlaken properties listed in this resolution. Aye-Hunt, Aye-Bishop, Aye-Anderson and Aye-Vann

Vann moved, seconded by Bishop, to approve the Supervisor's Revenue and Expenditure Report for February 2017. Aye-Vann, Aye-Bishop, Aye-Anderson and Aye-Hunt.

Vann moved, seconded by Hunt, to approve the Highway Superintendent's report for the month of February 2017. Aye-Vann, Aye-Hunt, Aye-Anderson and Aye-Bishop.

Vann moved, seconded by Anderson, to approve the Town Clerk's monthly report for February 2017. A total of \$500.25 was received and \$431.75 was remitted to the Town Supervisor. Aye-Vann, Aye-Bishop, Aye-Hunt and Aye-Anderson.

Anderson moved, seconded by Vann, to approve the Tax Collector's report, a total of \$1,838,646.46 has been collected and payments are being made to Seneca County Treasurer's Office. Aye-Vann, Aye-Bishop, Aye-Hunt and Aye-Anderson.

Hunt moved, seconded by Anderson, to approve the Code Enforcement Officer's report for the month of February 2017. Aye-Bishop, Aye-Vann, Aye-Anderson and Aye-Hunt.

Vann moved, seconded by Anderson, to approve the Dog Control Officer's report for the month of February 2017. Aye-Hunt, Aye-Anderson, Aye-Bishop and Aye-Vann.

Anderson moved, seconded by Vann, to approve the annual Audit of the Court Records as presented to the Town Board of the Town of Covert. Aye-Vann, Aye-Anderson, Aye-Bishop and Hunt-Abstained.

Hunt moved, seconded by Anderson to approve mileage for Court Clerk to attend a training in Geneva on April 7, 2017. Aye-Hunt, Aye-Anderson, Aye-Bishop and Aye-Vann.

Anderson moved, seconded by Vann to approve the Town Clerk to write a letter of Support for the Town of Hector in Schuyler to allow ALS services to be provided by the Village of Trumansburg EMS in the Mecklenburg Ambulance district within the boundaries of the Town of Hector. Aye- Hunt, Aye-Anderson, Aye Vann and Aye-Bishop.

Hunt moved, seconded by Bishop, to reappoint Brayton Foster to the Assessment Review Board from March 2017 until March 2022. Aye-Hunt, Aye-Bishop, Aye-Anderson and Aye-Vann.

Anderson moved, seconded by Vann, that Highway Fund Vouchers #30-49 in the amount of \$11,163.11 and General Fund Vouchers #30- 46 in the amount of \$12,966.49 be approved for payment. Aye-Vann, Aye-Hunt, Aye-Bishop and Aye-Anderson.

Hunt moved, seconded by Bishop, to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Colleen R. Freese, Town Clerk