

TOWN OF STERLING
REGULAR MEETING
NOVEMBER 20, 2023

A regular meeting of the Sterling Town Board, County of Cayuga and State of New York was held on the 20th day of November, 2023 at the Sterling Town Hall, 1290 State Rt. 104A, Sterling, NY 13156 at 7:00 pm.

PRESENT:	Scott Crawford	Supervisor
	Caren Thompson	Councilperson
	Leigh Shortslef	Councilperson
	Charlie Krul	Councilperson
	Joan Kelley	Councilperson
	Lisa Cooper	Town Clerk
	Susie Parsons	Historian
	Curt Cooper	Highway Superintendent
	Pat Shortslef	President of SHS
	Andrew Joyce	Planning Board Member
	Jonathan Anna	CEO
	Judy Dunaway	Village of Fair Haven Trustee

AUDIENCE MEMBERS: 4 People

Supervisor Crawford opened the meeting. Vouchers were reviewed and signed by the Board members.

Privilege of the Floor

None.

Highway Report

Curt Cooper, Highway Superintendent reported the new plow is on the new highway superintendent's truck. He stated that once the holidays are over, he will put the old highway superintendent's truck on Auctions International. He stated they had one truck down. It has been repaired and all trucks are up and running ready for winter. He stated the Town received the 2/3 payment from Fair Haven and are waiting for the County to pay their base pay. The Town should be receiving that check soon. Curt also stated the ridge caps on the salt shed needed to be replaced. He stated the department rented a lift and Eric Otis from Fair Haven made the repairs on the salt shed. Supervisor Crawford asked if the debris was removed from Christopher Drive from Carlton Lyon. Curt stated the attorney sent Carlton and his children a letter but as of today, the debris was still in the road.

Historian Report

Susie Parsons, Historian stated she had a request to research the Stevens property, and Methodist Church. She has also been researching families and Underground Railroad. Susie stated she, Charlie Itzin and Susan Gateley have been working on a book

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regarding the RG&E property and Nature Center. They are hoping to have it completed by the dedication of the Nature Center.

Historical Society Report

Pat Shortslef, President of the SHS, stated there are calendars and ornaments available for purchase at various locations. The SHS has 1 more meeting date at the end of November. She stated she will be stepping down as President of the SHS at the end of the year but will continue being on the Board. She stated Leigh Shortslef will be the President effective January 1, 2024.

CEO Report

Jonathan Anna, CEO stated three new homes have broken ground in the last few weeks. He stated his office is making progress in closing old files. He stated some are from the 1990's. He stated the fee schedule needs to be revised and updated.

Water Districts

Supervisor Crawford stated he is waiting to hear from C2AE.

Senior Citizen

Frank Perkins, President of Sterling Silver Seniors, reported their last meeting was November 16. There will be a Christmas party on December 7. They have discontinued Bunko until the spring. Frank reported that on December 5, Tops Supermarket in Hannibal will hand out a lunch box for seniors at the deli department. Meals on Wheels is looking for a new facility to prepare meals. Onondaga Coach is looking at a 5% increase for their service.

Zoning Commission

Councilperson Kelley stated they meet once a month. This last month, they met with two ZBA members. She stated they reviewed items that have been questioned since May of 2021.

Personnel Committee

Supervisor Crawford stated he and Councilperson Krul met with two candidates for the Planning Board position. He stated that there is one seat open but another will be open come January 1 (Andrew Joyce will be stepping down and will be the Town Supervisor). He stated the committee chose both candidates for the 2 seats.

Accept Minutes

On motion made by Councilperson Kelley, seconded by Councilperson Krul, to accept the minutes from the October 23, 2023 regular meeting/public hearing. Carried.

Supervisor's Report

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On motion made by Councilperson Thompson, seconded by Councilperson Shortslef, to accept the Supervisor's report for October, 2023. Carried.

Correspondence

1. CEO report
2. Highway report
3. CCWSA report
4. CBRS 5 year review boundaries
5. Sterling Silver Seniors report
6. Annual letter from the court regarding the books are available to be audited
7. Planning Board minutes October 5, 2023
8. Planning Board minutes September 7, 2023
9. Letter of interest for Planning Board member from Jeff Sawyer
10. Letter of interest for Planning Board member from Kent Engelmann

Old Business

1. U Dig Safely New York flagging of W. Bay Road Storm Sewers waiting for agreement with CCWSA.
2. Dog control. Councilperson Kelley reported that she has called the person who was interested in being Sterling's dog control officer multiple times but she has not returned her calls.
3. Long-term agreement with Water District #3: Supervisor Crawford stated Town Attorney Kevin Cox, Mayor Jim Basile and Village Attorney Norm Chirco are working out an agreement.
4. Connecting fee and requirements for W. Bay Rd. Storm Sewer Project
5. Two applied for Planning Board member position. Jeff Sawyer will replace Lezli Parsons' position, Kent Engelmann will start January 1 once Andy Joyce moves to the Supervisor position.

New Business

1. Lighting in Sterling Valley (special district should be formed if expanded). Councilperson Kelley stated the light in Sterling Valley does not shine very brightly. The Town Clerk stated she would contact RG&E to have a crew to replace the light.

RESOLUTION #2023-144

ENTER INTO EXECUTIVE SESSION

On motion made by Councilperson Shortslef, seconded by Councilperson Krul, the following resolution was

ADOPTED AYES 5
NAYS 0

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RESOLVED, that this Board enter into executive session to discuss pending litigation.
(CNY Scrap) Time: 7:49 pm.

RESOLUTION #2023-145
EXIT EXECUTIVE SESSION

On motion made by Councilperson Thompson, seconded by Councilperson Krul, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board exit executive session. Time: 8:03 pm.

RESOLUTION #2023-146
MEMORANDUM OF UNDERSTANDING WITH CNY SCRAP

On motion made by Councilperson Shortslef, seconded by Councilperson Thompson, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, authorizing the Supervisor to sign the following Memorandum of Understanding with CNY Scrap:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made by and between The Town of Sterling, 1290 State Route 104A, Sterling, New York 13156 ("Town"), CNY Scrap Processing, LLC, 2411 Wetmore Road, Branchport, New York 14418 ("CNY Scrap"), and Carrier Salvage & Recycling, LLC, 2440 Wetmore Road, Branchport, New York 14418 ("Carrier"), each a party hereto and collectively the "Parties" to the Memorandum of Understanding, the terms of which are as follows:

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WHEREAS, the Town is a municipal corporation located in the County of Cayuga, State of New York, and has its office for conducting business located at 1290 State Route 104A, Sterling, New York 13156; and

WHEREAS, since approximately May 25, 2011, CNY Scrap has owned property known as 14725 State Route 104, Martville, New York, 13111 (hereinafter "the Property"), and operates a scrap processing facility and junk yard on the Property; and

WHEREAS, the Property consists 19.62 acres in total, and contains three parcels identified by the tax identification numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112; and

WHEREAS, on or about February 24, 2015, CNY Scrap commenced a lawsuit against the Town in Cayuga County Supreme Court (Index #2015-206) wherein it challenged a Cease and Desist order issued by the Town's Code Enforcement Officer with respect to scrap processing activities at the Property ("the Litigation"); and

WHEREAS, on or about October 14, 2020, the Parties agreed to discontinue the Litigation and executed a "Settlement Agreement and Release" ("Settlement Agreement") a copy of which is attached hereto as Exhibit "A", wherein the parties agreed, *inter alia*, that CNY Scrap and Carrier would be permitted to use the property located at 14725-14735 State Route 104 as a Junkyard, as that term is defined in the Town's 2014 Land Use Regulations, as amended, and for those activities, including, and scrap processing activities, described in the April 27, 2020 letter from Peter Rolph, Esq. attached to the Settlement Agreement, in those areas of the property historically used for such activities, so long as they maintained compliance with the terms stated in the Settlement Agreement relative to hours of operation, scope of activities, maintenance of the property, etc.; and

WHEREAS, the Parties wish to clarify the terms of the Settlement Agreement to reflect the intention of the Parties when it was negotiated and executed that its terms and conditions apply to all three parcels (tax identification numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112) and to remove any ambiguity regarding its interpretation;

NOW, THEREFORE, the Parties have reached the following understanding:

1. In the interest of further amplifying and clarifying the terms and scope of the aforementioned Settlement Agreement, without adding or removing any of the terms or conditions stated in the Settlement Agreement, and without altering or amending any of the terms or conditions stated in the Settlement Agreement, the parties now state their agreement and affirmation that the Settlement Agreement and its various terms and conditions shall apply and do apply to the entire Property, consisting

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of the aforementioned three parcels identified by the following tax identification numbers: 19.00-1-33; 19.00-1-35.111; and 19.00-35.112.

2. More specifically, CNY and Carrier may continue to use the Property consisting of the aforementioned three parcels (tax ID numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112) in a manner consistent with its long historical use, for the purposes of operating a scrap processing facility and junkyard, subject to provisions of the Scrap Processing Law (New York General Business Law Section 69), Junkyard Law (New York General Business Law Section 136), and such other rules and regulations of the Town of Sterling and/or the State of New York that may apply.

3. By Resolution dated November 20, 2023, a copy of which is attached hereto and incorporated by reference, the Sterling Town Board agreed to execute this Memorandum of Understanding and authorized the Town Supervisor to execute same on behalf of the Town.

RESOLUTION #2023-147
PAY THE AUDITED VOUCHERS

On motion made by Councilperson Krul, seconded by Councilperson Thompson, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, authorizing the Supervisor to pay the following audited vouchers:

Voucher numbers

General A, B, Highway A, Highway B, Fire Districts 1-2-3, Lighting Districts	399-432
Trust and Agency	7
Water District #3	12

Vouchers total

General A	\$15,814.04
General B	\$383.38
Highway A	\$17,826.10
Highway B	\$2,941.24
Lighting District Sterling	\$123.37
Lighting District Martville	\$163.68
Trust & Agency	\$230.00
Water Project #2	\$630.00

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RESOLUTION #2023-148

AUDITED JUSTICE BOOKS

On motion made by Councilperson Shortslef, seconded by Councilperson Krul, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, pursuant to Town Law Section 123 the that the records of the Supervisor for January to June 2023 having been duly examined and found all the fees have been turned over to the proper officials.

RESOLUTION #2023-149

RECORD OF ACTIVITY

On motion made by Councilperson Thompson, seconded by Councilperson Shortslef, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, Town Board of the Town of Sterling hereby establishes the following as standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Appointed Officials:

Assessor	6 hours	Rebecca Hendricks	1/1/23- 12/31/23	19.88
Bookkeeper	6 hours	Patricia Craine	1/1/23- 12/31/23	2.93

RESOLUTION #2023-150

YEAR END MEETING

On motion made by Councilperson Shortslef, seconded by Councilperson Krul, the following resolution was

ADOPTED AYES 5

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NAYS 0

RESOLVED, that this Board schedule a year end meeting on December 28, 2023 at 7 pm and authorize the Town Clerk to advertise for such.

RESOLUTION #2023-151
ORGANIZATIONAL MEETING

On motion made by Councilperson Thompson, seconded by Councilperson Krul, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board schedule an organizational meeting on January 2, 2024 at 7 pm and authorize the Town Clerk to advertise for such.

RESOLUTION #2023-152
BOARD OF ASSESSMENT REVIEW MEMBER

On motion made by Councilperson Kelley, seconded by Councilperson Thompson, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board appoint Alexander (Charles) VonHoltz as a Board of Assessment Review member.

RESOLUTION #2023-153
APPOINT A PLANNING BOARD MEMBER

On motion made by Councilperson Krul, seconded by Councilperson Thompson, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board appoint Jeff Sawyer as a Planning Board member effective immediately.

RESOLUTION #2023-154
APPOINT A PLANNING BOARD MEMBER

On motion made by Councilperson Krul, seconded by Councilperson Kelley, the following resolution was

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ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board appoint Kent Engelmann as a Planning Board member effective January 1, 2024.

Privilege of the Floor

Dan Larson-Main St. questioned a couple of line items of the budget. The Board explained the purpose of the two line items he questioned.

Karen Haas-Main St. asked the Board if they re-zoned the parcels for CNY Scrap. She also asked how the resolution that was just passed relates to the ZBA decisions. Supervisor Crawford stated the document that was just passed was to clarify the memorandum of understanding. He stated this memorandum of understanding does not have anything to do with the ZBA decision. There was much discussion between Ms. Haas and Supervisor Crawford regarding CNY Scrap.

There being no further business, on motion made by Councilperson Thompson, seconded by Councilperson Krul, the meeting adjourned. Time 8:20 pm. Carried.

Lisa Cooper, MMC
Sterling Town Clerk