

**Regular Town Board Meeting  
October 17, 2007**

Supervisor David Kaiser called the Regular Town Board Meeting to order at 7:30 PM.

**Roll Call:** Supervisor David Kaiser Present  
Councilman Robert Gerlach Present  
Councilman Ralph Walborn, Jr. Present  
Councilwoman Barbara McCall Present  
Councilman Kyle Collinsworth Present

**Others Present:** Town Clerk, Terry Smith  
Town Planning Board Chairman, Barry Roach  
Highway Superintendent, Jim Williamson  
Planning Board Co-Chairman, Kate Sinicropi  
Bookkeeper, Angel Lawrence  
Finger Lakes Times, Paulette Likoudis  
Ovid Gazette, Neil Chaffee  
Residents 3

**Pledge of Allegiance** – followed by moment of silence

**Public Hearing – Wood Burning Boilers – Opened at 7:32 P.M.**

Barry Roach and Kate Sinicropi presented a slideshow on the hazards and regulations of the outdoor wood burning boilers. The definition of a wood burning boiler is free standing combustion unit located outside the home or structure to be heated that consists of a firebox surrounded by a water reservoir. Water is heated and circulated throughout the home. They accommodate large wood loads, which burn for many hours untended. Thermostat in home controls burning and when temperature is reached oxygen to fire is cut off and wood smolders. With the rising costs of oil and natural gas, Americans have been seeking alternative sources of heating. Most of the concerns about wood burning boilers is the smoke and improper use of boilers. Smoke carries pollutants and smells. Smoke affects lungs and asthma. Some materials burned are not always firewood but garbage. Outdoor wood burning boilers are not covered by EPA emission standards. The wood burning boilers emit on an average per hour basis about 4x as much fine particulate matter pollution as conventional wood stoves. The smoke is released from short chimney exacerbating pollution and health risks. The wood-burning boiler is classified as an appliance and is accessory to the structure being heated on the same piece of property. Electrical and plumbing connections must meet requirements of the Code in sections RCNYS M1401.4 and MCNYS 303.6. The water circulation system is to be underground below frost line per manufacturer's installation instructions. Rockland County has promulgated an addition to the county's sanitary code that bans wood burning boilers having a firebox of 5 cubic feet or larger, unless or until the NYS DEC or the US EPA has promulgated guidelines or standards. Local Regulatory Options are as follows:

No local regulations, zoning regulations. Site Plan Review, Health, safety & Welfare laws adopted under Home Rule Authority. Municipalities may choose to adopt a moratorium while developing regulations. Zoning regulations may prohibit wood burning boilers as a use in some or all districts, may set a minimum lot size for wood burning boilers and require a minimum chimney height. Also, setbacks from property line, from house, or from other structures may be established. Nonconformance provisions address how a pre-existing use or structure will be treated by the new zoning regulations. Use can continue, provided a permit is obtained. Municipalities may regulate wood burning boilers through site plan review. Examples of Local Law provisions: Can limit the months of operation, prohibit wood burning boilers based on health concerns, require a permit to install and operate a boiler, place restrictions on types of materials to be burned, and restrict certain types of boilers natural draft vs. temporary combustion blower. Proposed NYS legislation is a bill (A120693; S7401) introduced in April 2006 to prohibit summer operation, restrict use within 200 feet from a neighboring residence, 700 ft from a hospital, school, daycare center, nursing home, park or recreational facility. Prohibit burning of garbage and extend compliance time for existing wood burning boilers. The last part of this package is a draft that the Planning Board asked me to put together and I would like to emphasize that this is just a draft. The terminology that Mrs. Sinicropi used is different than outdoor burning furnaces. She has used the terminology from the Town of Geneva because I thought it was more encompassing. I think the reason you see this language is because people end of focusing on the Wood Burning piece when you use that term. What the Planning Board asked for was to have people request permits so that we would have the Coding Enforcement Officer to be able to inspect and insure that the appliance would be operated in line with the manufacturer's specifications. There are specific prohibitions in here for the operation between May and October. Such as fuels and what fuels are prohibited, setbacks under devise locations. The Board also requested something to address existing devices once the system is active. The last piece is the purpose in doing this. Again, it repeats some of the same language, which you have already seen in terms of Health and Safety. The local government is the only one that has the ability to have any kind of regulations of control over this. There are quite a few people around the area that are active and taking their time to put something together that is really going to work. These can be limited to certain zones, times that they can be used. You can dictate the height of the chimneys. NYS Agriculture and Markets absolutely forbids you to institute any zoning that would interfere or impinge on farmers farming operations. If the Amish farmer for instance, needs to have these operating May and October 1, for any reason, town zoning cannot forbid that. Supervisor Kaiser had a memo from our Town Attorney about a moratorium entitled the "Controversial Land Use Tool" which gives pros and cons of things to be careful about or beware of. Supervisor Kaiser would like the planning board look into possible zoning. I would like it to be not too restrictive, but I would like it to address some of the concerns that could arise. Supervisor would like Barry Roach to schedule another public hearing. We have a draft ordinance on the last page of the packet and it certainly may be edited. Mr. Roach said they are not asking the Board to make decisions this evening, but to look at the packet, have people understand it. Perhaps at the next board meeting in November 2007 we could discuss it again. Resident Bill Bowen asked what it would do for your fire insurance. Would it make it less because it is outside?

Supervisor Kaiser asked Mr. Bowen to look into to that for him. Mr. Roach asked for another Public Meeting to be scheduled next month. The meeting for next month should be rescheduled for November 28, 2007. It will be advertised in the Town Paper. The Town Board scheduled the meeting for 7:00 PM instead of 7:30 PM.

**Public Hearing was closed at 8:17 PM on wood burning boilers.**

**The Public Hearing for the Residency was opened at 8:18 PM**

There is a Local Law #1 from 2002, which allowed residency of our Deputy Town Clerks to reside outside of town. Last year, the town combined the Tax Collector position into the Town Clerk's Office. Therefore, we need to amend that law to allow the Deputy Tax Collectors to also reside outside the Town. Tonight, we will be asking the Board to amend that law by Resolution. The local law does state that they must reside in Seneca County.

**The Public Hearing was closed at 8:21 PM.**

**The Public Hearing on the Preliminary Budget was opened at 8:22 PM.**

The 2008 Preliminary Budget is being presented tonight. The Town of Romulus Board has had two workshops with this budget. It has been the practice with the Town Board to go through the budget every single line. We thoroughly explained every bit of where that money was allocated, where the revenues are coming from. Any questions that the Board Members had that were asked were answered. We put a lot of effort into this budget and I think it is a fair budget. Judge Greule and Jim Williamson were present for these workshops. The fuel prices were quite tough on us. This budget would mean a \$.03 per thousand reductions in last years assessed property rates, even though we had an increase in the assessments.

We did have an increase in expenditures. We are comparable with any of the other towns in the County. We have a healthy surplus, which is 10% of our operating budget that is recommended by the Comptrollers Office. There was a time in the past when the surplus in the Town was minimal. We have provided this year in the budget, very detailed budget keys to explain what it is that you are looking at and also, have broken down the line items in detail. Everyone is welcome to come in at any time and it will be explained in detail to him or her. There is will another Public Hearing to Adopt the Budget. It will be scheduled on the 24<sup>th</sup> of October 2007 at 7:30 pm.

**This Public Hearing is closed at 8:25 PM.**

**Approval of Minutes**

September 19, 2007 Regular Town Board Meeting

Motioned: Councilman Ralph Walborn, Jr.

Seconded: Councilman Robert Gerlach

Carried Unanimously

**Petitioners to the Board:** None

**Correspondences:**

A. Empire State Animal Protection Forum – November 2<sup>nd</sup> & 3<sup>rd</sup> Attached

B. Fall 2007 Local Government Workshop for Planning & Zoning Boards – attached.

- C. Notice of Appeal Article 78 Lawsuit against Town of Romulus – Attached
- D. Land Use & Development Information regarding Moratoria – Attached
- E. Letter from Judy Galipeau & Charles Gere – Ownership of sidewalks – She had called concerning the ownership of these sidewalks. The Town does not own sidewalks and never has owned sidewalks per the town attorney. Attached

### **Zoning Code Enforcement Officer**

Permits issued to date.

### **Town Planning Board**

Minutes attached.

The digitized map of the Town of Romulus needs to be updated. We will be coming to the Board more formally to request a resolution to do that.

Docks and Moorings had a meeting. Mr. Roach said that Romulus will be the sponsoring agency for a \$120,000 New York State grant for the study of shoreline management on Cayuga and Seneca Lakes in the town of Romulus, Covert, Ovid, Fayette, Varick and Seneca Falls. Because the Town of Romulus has a full time staff, it was chosen to head the application. There is a Harbor Grant that all the towns are applying for. This grant provides the funding for the research for the planning not actually money to do the project. It will be a benefit to the Town. This process will take years. It only pertains to docks and moorings.

### **County Planning Board**

Agenda & Minutes attached

### **Highway Superintendent**

Report attached.

The F350 is back going again. A brake shoe came off the front and damaged the rotor. Jimmer took the rotor off and got a new part from Boyce's and put everything back together again. Dumpster days went very smooth and thanks to Angel for getting it all set up ahead of time. Vineyard shoulders are now done.

### **Dog Control Officer's Report**

Report Attached. Busy Month

### **Assessor's Report – Nothing this month.**

### **Water Commissioner's Report**

He is up to schedule with the water line replacement here in the Hamlet for this year. Top Coat will be put on what has binder on it this year. Second Street will be done next year if binder put on in early spring.

### **Bookkeeper's Report**

Report attached.

### **Supervisor's Report**

I would like to give you an update on the economic development in the town. We have several new businesses that are in development in the Depot. The one that has gotten the most press and is farthest along is the Bio Fuel Plant. They are committed. They appointed a new CEO in California and are now bringing the people up to date. The biggest obstacle we face right now is bringing in electrical power. We are looking at \$20 million dollars plus to bring the electrical power in. Pat Jones, Seneca County IDA, Kevin Swartley of Empire Bio Fuels, and Mike Polumbo of Flaum Management who is in charge of the Eastern part of the Depot met with NYSEG and RGE, Rochester Gas and Electric. I got a report from Pat Jones today. It seems very positive. She was very pleased with the way the discussions went this morning.

The other businesses are still in the planning stages. One is Top Quality Hay Processors. Because we are off the beaten path, it takes a really pro-active approach to keep these people interested and want them to come here. Top Quality Hay Processors was looking into Ontario County. Through Senator Nozziolio's Office and the town, we were able to induce them to take a serious look at the Army Depot. Part of that inducement was to verbally offer them \$500,000.00 from the New York Restore Grant if we get it. Their total investment would be \$5,145,000.00. The other company being considered right now is Applied Reclamation Techniques. We are requesting \$500,000.00 for them for their project as an inducement to come to Seneca County. Their total investment will be \$45,000,000.00. This business may generate about 60-100 jobs. This money will be used to rehabilitate approximately 400,000 SF of existing warehouse space occupied on the former Seneca Army Depot in Buildings 356 & 357. Once rehabilitated, these buildings will be retrofitted to house a crush plant and bio-diesel facility.

Article #78 has filed an appeal but they have not appealed yet. There is some confusion whether the notice of appeal buys them 30 days or 60 days. Today was the 30<sup>th</sup> day. Pat Jones is looking into it and she will let me know tomorrow if it is indeed 60 days. Seneca County IDA did hire a director. He will be taking office November 5, 2007, and that will help us move on with the Depot developments.

I also got a notice from the State that the Kinne House on Kinne Road, Town of Romulus, has been added to the National Register for Historical Landmarks List as part of the Underground Railroad. It is believed that Isaac A. Bunn a contractor and Henry E. Burton, a carpenter, actually built the house.

### **Committees Report**

Hernon Park – Next scheduled meeting is October 23, 2007 at 9:00 AM.

December 1, 2007, there will be a Dinner & Dance Benefit with Nick Gillette for the Basesball Field at the Park. It also includes a chicken and biscuit dinner.

Historical Society – Next Scheduled meeting: October 18, 2007 @ 10:00 AM

We are moving ahead with the renovations on the house with the help of the State Of New York. Some of the paroles help with these renovations as part of their rehabilitation training.

### **Old Business**

Resident Bill Bowen spoke up and said that several months ago, Supervisor Kaiser asked Highway Superintendent to check on the price of putting Runner Crush on the Beaujon Road. Angel Lawrence will put it on their list and have an answer for him. In regards the Lake Front Development the land has not been transferred yet.

**New Business**

Resident Bill Bowen asked is anyone had seen the new type of windmill. These are smaller than the ones we had looked into before. We have not given up on the idea of a windmill farm. IDA did not want to pursue it. We need a site-specific survey done. We have not given up on that ides year per Supervisor Kaiser.

Adoption of Budget Meeting will be held on Wednesday, October 24, 2007 at 7:30 PM.

**Resolutions:**

70-07 Amend Change of Residency in Local Law #1-2002

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

71-07 Accept 2008 Preliminary Budget

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

**Roll Call Vote:**

Councilman Robert Gerlach	Yea
Councilman Ralph Walborn, Jr.	Yea
Councilwoman Barbara McCall	Abstained
Councilman Kyle Collinsworth	Yea
Supervisor David Kaiser	Yea

72-07 Budget Appropriation Transfers

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

73-07 Vertification of Payables #854-913

Motioned: Councilman Ralph Walborn Jr.

Seconded: Councilman Robert Gerlach

Carried Unanimously

74-07 Authorize Dog Control Officer & Deputy to Attend Conference

Motioned: Councilman Ralph Walborn, Jr.

Seconded: Councilman Robert Gerlach

Carried Unanimously

75-07 Authorize Planning and Zoning Board Members to Attend Conference  
Motioned: Councilman Robert Gerlach  
Seconded: Councilman Ralph Walborn, Jr.  
Carried Unanimously

76-07 Town of Romulus to Serve as Sponsoring Town for Grant Application to  
New York Department of State to Prepare Harbour Management Plan  
Motioned: Councilman Robert Gerlach  
Seconded: Councilman Ralph Walborn, Jr.  
Carried Unanimously

**Town Clerk's Report** - attached

Motioned: Councilman Ralph Walborn, Jr.  
Seconded: Councilman Kyle Collingsworth  
Carried Unanimously

**Meeting adjourned.**

The meeting was adjourned at 9:30 PM.  
Next meeting will be November 28, 2007 at 7:30 PM