

SENECA FALLS TOWN BOARD REORGANIZATIONAL & REGULAR MEETING JANUARY 6, 2009

The Seneca Falls Town Board held a Reorganizational and regular monthly Meeting on Tuesday, January 6, 2009 at the Seneca Falls Community Center, 35 Water Street.

Present were Supervisor Peter Same; Councilpersons Timothy Snyder, Stephen Dougherty, Lucille Cook and Duane Moore. Also present were Patrick Morrell, Attorney for the Town; Steven Turkett, Zoning Officer; Joyce Mahoney, Town Justice and Jeff Rowe, Town Engineer.

Supervisor Same opened the Reorganizational and regular monthly Meeting at 7:00 P.M. A roll call was taken of the Board Members and all were present; the Pledge of Allegiance followed.

The following appointments were made for the year 2009:

A motion was made to reappoint Patrick Morrell as Attorney for the Town by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Marc Gerstman as Environmental Attorney by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the Town Clerk's appointment of Anne Marrazzo as Deputy Town Clerk by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the Town Justice's appointment of Janet Camp as Court Clerk by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the Town Justice's appointment of Lauren Caratozzolo as Drug Court Clerk/Court Clerk by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Mary Lou Sloan as Real Property Tax Service Aide by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Beverly Warfel as Payroll/Account Clerk by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Mr. Same reappointed Mrs. Warfel as Secretary to Supervisor.

Mr. Same reappointed Timothy Snyder as Deputy Supervisor.

A motion was made to approve the Highway Superintendent's appointment of James Peterson as Deputy Highway Superintendent by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the Tax Collector's appointment of Linda Marzan as Secretary to Tax Collector by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Steven Turkett as Zoning Officer by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Nicaletta Greer as Assistant to Zoning Officer by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Nicaletta Greer as Registrar of Vital Statistics by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Anne Marrazzo as Deputy Registrar of Vital Statistics by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Nicaletta Greer as Records Management Officer by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Dorothy Comerford as Dog Control Officer by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Clint Moosman as Nuisance Animal Control Officer by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Elizabeth Becht as a Member of the Recreation Commission, said term to

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expire December 31, 2013, by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Mary Norman as a Member of the Planning Board, said term to expire December 31, 2013, by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Frank Sinicropi as a Member of the Zoning Board of Appeals, said term to expire December 31, 2013, by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Lucille Cook as Chair of the Waste Management Advisory Committee by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint John Nicandri as a Member of the Waste Management Advisory Committee by, said term to expire December 31, 2012, by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Philomena Cammuso as Town Historian by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint the Firm of Barton & Loguidice as Town Engineers by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint the Bonadio Group as Town Auditors by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to designate the first Tuesday of each month as the regular monthly Meeting date for the Town Board by Duane Moore and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

A motion was made designating the Community Bank, Bank of America, Five Star Bank, M & T Bank, and the First Niagara Bank as depositories for Town funds by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made designating the Reveille Between the Lakes as the Official Town newspaper by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to adopt the mileage rate at the IRS rate in effect anytime during the year as it adjusts by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to adopt the attached Procurement Policy by Stephen Dougherty and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Mr. Same noted the Board has a copy of the Committee assignments which are as follows:

Assessment -	Tim Snyder, Chair Steve Dougherty	Economic Development -	Lucille Cook, Chair Peter Same
Highway -	Duane Moore, Chair Tim Snyder	Recreation -	Steve Dougherty, Chair Tim Snyder
Finance -	Peter Same, Chair Duane Moore	Sewer/Water -	Duane Moore, Chair Steve Dougherty
Fire -	Tim Snyder, Chair Duane Moore	Personnel -	Steve Dougherty, Chair Duane Moore
Solid Waste -	Duane Moore, Chair Lucille Cook	Cemetery -	Lucille Cook, Chair Tim Snyder
Bridgeport Sewer District -	Lucille Cook, Chair Joseph Peone Richard Laude John Stapleton Robert Krochalis	Waste Management -	Lucille Cook, Chair John Nicandri Peter Wormuth John Stapleton Dave Clark
Website -	Steve Dougherty, Chair Lucille Cook		

Petitioners:

Linda Solan – Seneca Museum of Waterways & Industry: Deputy Supervisor Tim Snyder stated Linda Solan, Director of the Seneca Museum of Waterways & Industry, is present to request that the budgeted amount of

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\$15,000.00 be released to the Museum. Ms. Solan thanked the Board for their continuing support. She said the Museum had a record number of visitors in 2008. They had six programs through their NYS DEC grant and six other programs, all of which were well attended. Ms. Solan stated they are sure that the 2009 goal to create a strategic plan which will enable them to apply for grants and attract corporate sponsors and donors will be a big plus. She added they are waiting to hear about their 2009 grant which would bring more programs to the Museum.

A motion was made authorizing the Town Supervisor to sign an Agreement to contribute \$15,000.00 to the Seneca Museum of Waterways & Industry by Stephen Dougherty and seconded by Lucille Cook. No questions. Motion carried 4 ayes, 0 nays; Supervisor Same recused himself from voting.

Approval of Minutes:

A motion was made to approve the Minutes of the Joint Town/Village Meeting of December 2, 2008, the regular monthly Meeting of December 2, 2008 and the Year-End Meeting of December 30, 2008 by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: The Dog Control Officer's report states that four dogs were impounded – one redeemed and three dogs still being held; five Appearance tickets were issued. A total of \$10.00 in fees was collected and turned over to the Town Clerk.

A motion was made to accept the Dog Control Officer's report by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: Mr. Turkett thanked the Board for his reappointment. He noted the Board has a copy of his report which states four Building Permits were issued during the month of December 2008. Building Permit #2140 was issued to Donald Olevnik, Dark Tan, 1063 Kingdom Plaza, sign; Permit #2141 issued to Michael Matuszkiewicz, 2178 Morris Drive, addition; Permit #2142 issued to Phyllis Vacca, 2896 Lower Lake Road, roof and Permit #2143 issued to Cecelia M. Smith, 2967 E. Bayard Street Ext., fence.

A total of \$145.00 was collected from the issuance of these Permits, and 82 Building Permits were issued during the year 2008.

The Planning Board met on December 17, 2008 and reviewed two applications for a Special Use Permit, and recommended approval to the ZBA of one application and tabled an application due to lack of information. The Board also did a Concept Review of a Site Plan submitted by Lakeview Mental Health Services for property located on Balsley Road in the Town.

The Zoning Board of Appeals did not have a quorum to act on any application. However, the Board did hold a Public Hearing on one application and scheduled a Meeting for December 22, 2008 to act on said application. The Zoning Board of Appeals met on December 22, 2008 and approved an application for a Special Use Permit and Area Variance.

Mr. Turkett mentioned the Zoning Board of Appeals Meeting which lacked a quorum, and said he would still like the Board to re-consider extending the membership to a couple of Alternates for the Planning Board and Zoning Board of Appeals so that they can accommodate the people and issues that come up. There are people from the public attending those meetings expecting to get resolutions of their permits.

Mr. Turkett received a call from Wal-Mart who found that they cannot bury all their electrical, which means that they would have to go overhead which would require an additional pole; Mark Petroski will check with the County and the Engineers. He also received a call relative to the old Wal-Mart building; they are starting to move ahead with marketing the building. Mr. Same asked if Wal-Mart would be open by Fall of next year; Mr. Turkett replied they said it would be one year from the start – they may be open by Christmas time.

Mr. Dougherty asked what the Board thought about the Alternates for the Zoning and Planning Boards. Mr. Same asked if it was consistently the same people not being available; Mr. Turkett replied no, it's not the same person – it's typically conflicts. After discussion, Mr. Same recommended that the Personnel Committee look into how to make the change and what is involved and report back to the Board at the next Meeting. Mr. Morrell indicated that he would check to see if there is anything specific in Town Law.

A motion was made to accept Mr. Turkett's report by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Commissioner of Parks & Recreation: Mr. Same noted Mr. Spina could not attend the Meeting; the Board has a

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copy of his report.

A motion was made to accept Mr. Spina's report by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Highway Superintendent: No report.

Assessor: No report.

Attorney for the Town: Mr. Morrell stated he has no report other than issues on the Agenda. He thanked the Board for his 2009 reappointment, and said he looks forward to serving the Board.

Town Justice: Judge Mahoney stated the Board has a copy of a letter which was given to all the Employees regarding safety issues. She mentioned the 2008 Grant in the amount of \$27,684.50; part of the Grant was used to purchase new chairs, and they are working right along getting things through the Grant. She talked about the new Town Office facility and how the rooms are working out so well. Brief discussion followed.

Mr. Same asked how many are participating in Drug Court; Judge Mahoney replied there are 17 participants right now.

A motion was made to accept Judge Mahoney's report by Duane Moore and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Committee Reports:

Website: Mr. Dougherty asked that the Committee Appointments be sent to Mr. Sinicropi so that they can be placed on the website.

Recreation: Mr. Dougherty stated Mr. Spina will be getting quotes for insurance for the Skate Park; the Committee will be working on this during the month.

Mr. Same stated he attended, along with most of the Board Members, the Dissolution Committee Meeting this Evening which is their first official Meeting; the next Meeting will be on January 20th. He added they are going to have open meetings and will take public comments at the beginning of the meeting.

Communications:

A motion was made to receive and file Communications numbered 1 to 32 by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 32 are as follows:

1. Status of CDBG loans as of October 31, 2008 and November 30, 2008 from Beverly Warfel, Account Clerk.
2. Monthly Report of all moneys received and disbursed during the month of November 2008 from Town Supervisor.
3. Check in the amount of \$859.47 from John Sinicropi representing Retiree's portion of health insurance premium.
4. Check in the amount of \$3,717.59 from BonaDent representing November 2008 payment of CDBG loan.
5. Section 504 Compliance Handbook, December 2008, from Thompson Publishing Group.
6. Tonnage received by the Landfill from the Town during the month of November 2008 from Seneca Meadows, Inc.
7. Notice of Schedule for Filing Exceptions relative to Proceeding on Motion to Institute a proceeding to investigate and evaluate options for making additional Central Office Codes available in the 315 Area Code from NYS Public Service Commission.
8. New York State Register, December 3, 10, 17 and 24, 2008, from Department of State, Division of Administrative Rules.
9. Check in the amount of \$13,540.68 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of November 2008.
10. Check in the amount of \$943.56 from Urban Sun LTD representing December payment of CDBG loan.
11. Minutes of the Planning Board Meeting of October 23, 2008.
12. Statement of Accounts, November 1-30, 2008, from M & T Investment Group.
13. Check in the amount of \$574.80 from Douglas Jones representing reimbursement for culvert pipe.
14. Results of the Bridgeport Fire District Election for a Fire District Commissioner from Lisa Fitzgerald.
15. Minutes of the Seneca County Planning Board Meetings of November 13 and December 11, 2008.
16. Minutes of the Zoning Board of Appeals Meeting of October 23, 2008.
17. Monthly Report for the month of November 2008, as per Town Operating License and Host Community

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Agreement, from Seneca Meadows, Inc.

18. Check in the amount of \$18,519.00 from State of New York, Department of Taxation and Finance – 2008 Justice Court Grant; value of items to be shipped directly and paid for by the State is \$9,165.50, for a total Grant award of \$27,684.50.
19. Notification from NYS DOT that CHIPS payment in the amount of \$37,901.65 will be deposited in the Town's Five Star Bank account.
20. Notice of Approval of Disclosure Statement, Hearing to Consider Confirmation of Plan and Deadline for Filing Objections to Confirmation of Plan relative to American Home Mortgage Holdings, Inc. from US Bankruptcy Court, District of Delaware.
21. Check in the amount of \$684.57 from Shirley Andrews representing her portion of health insurance premium.
22. Check in the amount of \$859.47 from John Sinicropi representing Retiree's portion of health insurance premium.
23. Check in the amount of \$788.61 from Rita Cassaro representing Retiree's portion of health insurance premium.
24. Minutes of the Zoning Board of Appeals Meeting of December 17, 2008.
25. Check in the amount of \$3,717.59 from BonaDent representing December payment of CDBG loan.
26. Check in the amount of \$343.88 from Steven Turkett representing Employee's share of medical insurance.
27. Digest of 2008 Laws affecting Towns from Association of Towns.
28. Check in the amount of \$569.98 from Robert Tansley representing Retiree's portion of health insurance premium.
29. Pledges of Collateral, December 22, 2008, from M & T Investment Group.
30. Check in the amount of \$48,151.47 from Seneca County Treasurer – mortgage tax.
31. Letter from Time Warner Cable stating rates will be changing beginning February 1, 2009.
32. Letter from Joanne McDermott, Stewart's Shops Corp., stating Stewart's Holiday Match has received a donation from Marc Gerstman, Esq. in the Town's Honor for this Holiday Season.

Old Business:

Townwide Water Improvements: Mr. Same indicated that Mr. Wood is working on getting ready for next year's project.

Memorandum of Understanding: No report. Mr. Morrell recommended that this be taken off the Agenda; when there is something to report, it can be put back on the Agenda. He added they have not been able to come to an agreement.

Vince's Park Pool Renovations: Mr. Same stated there are still issues with seeding and cracks in the cement which will be addressed in the Spring.

New Business:

Authorize Town Supervisor to Invest Town Monies: A motion was made authorizing the Town Supervisor to invest Town monies by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 naves.

Delegate and Alternate Delegate – Association of Towns Meeting: A motion was made designating the Town Supervisor as the Delegate and Tim Snyder as the Alternate Delegate at the Association of Towns Meeting in February by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 naves.

Request for Contribution towards Hovercraft – Red Jacket Fire Department: Mr. Same stated Red Jacket Fire Department is interested in procuring another hovercraft; estimated cost is \$50,000.00, and they are \$32,000.00 away from their goal. After brief discussion, Mr. Snyder said he would talk to the fire Chief and ask them to get on the Agenda next month.

Contribution – MA Cheerleaders Booster Club: Mr. Same stated there is a request for a contribution from the Mynderse Academy Cheerleading Group. He asked if this is something the Board can do. Mr. Morrell stated with this request for a donation as with every request for a donation, the Board should make a finding that any such donation and project itself would provide a benefit to the Community as a whole. He added if the Board feels that this would be appropriate, then that is something it can do.

Mr. Dougherty thinks it is worthwhile as an Organization – they do a great job and work hard, but he thinks it is setting a precedent. Mr. Same stated under the circumstances and the letter received, they talk specifically about the benefits that would be derived from the support. Mr. Moore said he would feel comfortable with contributing \$250.00.

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A motion was made to contribute \$250.00 to the Mynderse Academy Cheerleaders Booster Club by Duane Moore and seconded by Peter Same.

Mr. Dougherty said he is a School District employee, and didn't know whether this would be a conflict. Mr. Morrell stated this is not the School District making the request – this is a Cheerleaders Booster Club. He doesn't see any conflict.

Mrs. Cook stated there were other groups such as this club that were turned down. She said as Board Members, they may want to make a personal donation. She is not sure this is appropriate. Discussion followed.

The motion made by Duane Moore and seconded by Peter Same to contribute \$250.00 to the Mynderse Academy Cheerleaders Booster Club was carried 3 ayes, 2 naves; Councilpersons Snyder and Cook with the dissenting votes.

Proposed Local Law – FEMA Map Revision: Mr. Morrell stated the Federal Emergency Management Agency has changed the Flood Map; in order to participate in the National Flood Insurance Program, the Town's Flood Damage Prevention Code has to be consistent with the FEMA Flood Maps. He added the proposed local law would amend the Town's Local Law by referring to the new FEMA Map. He noted the Board needs to set a Public Hearing date and time, and after the Public Hearing, the Board can take action.

Mrs. Cook asked what areas of the Town are affected by the Map. Mr. Morrell replied the specific area of this revision is on East Bayard Street just east of the Village line and a creek that basically curves back almost to the NY Chiropractic College; it is a delineation of a flood zone around that creek that is being altered (former Coville farm). Mrs. Cook suggested that people within 500' of the area be notified so that they are aware of the change. Discussion followed.

A motion was made to notify the property owners within 500' of the area that is being changed of the Public Hearing by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 naves.

A motion was made by Duane Moore and seconded by Stephen Dougherty to adopt the following Resolution relative to proposed Local Law #1 – 2009:

WHEREAS, the Federal Emergency Management Agency has issued a Letter of Map Revision effective April 2, 2009; and

WHEREAS, the Town of Seneca Falls participates in the National Flood Insurance Program which requires the Town have a local law to address Flood Damage Prevention which the Town has codified in its Town Code of Chapter 50; and

WHEREAS, the Town of Seneca Falls is required by the National Flood Insurance Program to ensure that the local law is consistent with the Federal Emergency Management Agency maps.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 1 of the year 2009 entitled "A local law to amend Chapter 50 of the Seneca Falls Town Code entitled Flood Damage Prevention, by adding Section 50-6(A)(5), pursuant to Federal Emergency Management Agency Letter of Map Revision" be and the same is hereby introduced before the Town Board of the Town of Seneca Falls, New York; and be it

FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each Member of the Town Board; and be it

FURTHER RESOLVED, that the Town Board will hold a Public Hearing on said proposed Local Law at the Seneca Falls Town Offices, 81 W. Bayard Street, Seneca Falls, New York at 7:00 P.M. on February 3, 2009; and be it

FURTHER RESOLVED, that the Town Clerk publish or cause to be published a notice of said Public Hearing in the official newspaper of the Town at least five (5) days prior thereto.

No questions. Motion carried 5 ayes, 0 naves.

Authorize Supervisor to Sign Refuse Contract: Mr. Same stated the contract for refuse pickup within the Town of Seneca Falls outside the Village was awarded to Seneca Meadows. He added the contract has been reviewed, and he is requesting authorization to execute the same.

A motion was made authorizing the Town Supervisor to sign the contract with Seneca Meadows, Inc. for refuse removal in the Town by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 naves.

Budgeted Contribution to LDC: Mr. Same stated \$72,000.00 is budgeted in the 2009 Budget for economic development. Mr. Snyder stated the request is to allow these funds to be transferred to the LDC.

A motion was made to release the \$72,000.00 to the LDC by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 3 ayes, 0 naves; Supervisor Same and Councilwoman Cook recused themselves from voting.

Contract for Services – J. O’Connell & Associates: Mr. Same stated in the past, the Town has offered this service to the Community and not-for-profit organizations; money has been budgeted in the 2009 Budget.

A motion was made authorizing the Town Supervisor to sign the Contract for services with J. O’Connell & Associates by Lucille Cook and seconded by Stephen Dougherty.

Mr. Snyder asked how much did the Town receive in grants last year; Mr. Same replied there are a lot of pending items. He referred to the activity list that was submitted by J. O’Connell & Associates. Discussion followed. Mrs. Cook asked if Mr. Morrell had reviewed the contract; Mr. Morrell replied yes – it’s basically the same contract the Town has had for the past four years.

The motion made by Lucille Cook and seconded by Stephen Dougherty authorizing the Town Supervisor to sign the Contract for services with J. O’Connell & Associates was carried 5 ayes, 0 naves.

Allocate \$25,000.00 to Capital Reserve Fund – Vince’s Park: A motion was made to allocate \$25,000.00 to the Capital Reserve Fund for Vince’s Park by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 naves.

Intermunicipal Agreement & Job Description – Zoning Officer: Mr. Same stated this has been on the table between the Town and Village for several months. He asked if the Board was satisfied with the Intermunicipal Agreement and Job Description that Mr. Dougherty and Mr. Morrell has worked on and provided to the Board. He added if the Board can finalize this, it can be given to the Village Board for their approval.

Mr. Dougherty commented that the Village wanted the job title to be Zoning/Code Enforcement Officer. Mr. Morrell said he thinks it would have no impact on the Agreement. He added there are portions of their Code that refers to Zoning Officer, so using Zoning/Code Enforcement Officer as the title would probably alleviate any confusion. It was recommended that the Agreement would refer to Zoning/Code Enforcement Officer.

Mr. Dougherty mentioned the flood regulations in the Village that the Zoning Officer might be responsible for. Mr. Morrell stated there are things in the Village Code that are not in the Town Code. There are duties for the Zoning Officer under their floor prevention code which would come into some more technical type of things whereas we don’t necessarily have those requirements in the Town. He said if the Village’s flood prevention code is to come into play, does the Board want to specify that properties in the Village would be referred to the Village Engineers – does the Board want to keep things split between the Town and Village or keep the Town’s Engineers available to whomever fills the position because that person will be a Town Employee. Mr. Same’s recommendation is if there are issues in those categories, as long as we have a Village government that is familiar with this, he thinks it should be referred to Village Engineers. Mr. Dougherty asked if those things would have to be paid for by the Village. Mr. Same replied it was not the Board’s intent in offering to take on the Zoning/Code Enforcement position – it was more of an enforcement issue; if there are engineering issues that come out of some of the projects that come forward within the Village, it’s something that their engineering people would have to be involved in. After brief discussion, Mr. Morrell suggested that the Agreement should state that the engineering and legal support is to be provided by the municipality where the affected property is located. The Board agreed to add Mr. Morrell’s suggestion to the Agreement.

Mr. Same mentioned the paragraph which stated the Town and Village would share the expense of creating the position, and said the Town Board went into this with the understanding that the Town would incur the entire expense of this position. Discussion followed.

Mrs. Cook said the Agreement states that the Town and Village shall provide appropriate liability insurance to cover any and all liability that may arise under the terms of this Agreement. She asked what liability are we seeking. Mr. Morrell replied going on someone’s property and that property will be in either municipality, and that municipality will be responsible. Mrs. Cook asked if this can be done when this person would be a Town employee. Mr. Morrell replied for the purposes of workmen’s compensation and employment insurance, it would be a Town responsibility; if there is injury on a property that is in the Village (barring workmen’s compensation or unemployment benefits), the municipality where the property is located would have a policy in place. Discussion followed.

Mr. Snyder mentioned paragraph 10, and asked if there is a reason why the position is effective for three years; if the Town will be hiring someone full time and this person will be on for three years, and if the Village doesn’t like that Individual, they have an escape clause. Mr. Morrell replied yes – so does the Town Board. Brief discussion followed.

Mrs. Cook stated the Boards have to agree on a job description before it goes any further; it is the most important item to be settled. Mr. Same said he doesn’t see a lot of issues with the job description – he would rather stay with discussing the Intermunicipal Agreement. Mr. Dougherty asked if the creation of a joint

committee should be put in the Agreement; Mr. Morrell replied he didn't know if that needs to be part of the Agreement – the Town and Village could do that at any time. Further discussion followed.

Mr. Same stated if the Board can reach a consensus on this Agreement, he would like the revisions made, and Mr. Dougherty can take it back to the Village Committee and hopefully before the next Town Board Meeting, there will be input from the Village Board. Mr. Morrell indicated he would email the Agreement with changes to the Board Members.

The Board discussed the Job Description. Under Job Summary, the sentence should read “Work is performed under the general direction of the Seneca Falls Town Board”. Mrs. Cook suggested the next sentence should read “The Zoning and Code Enforcement Officer may consult with the Chief of Police”. Discussion followed relative to the language. Mr. Moore stated he thinks it should be “expected to consult with the Seneca Falls Police Department” – he likes Police Department instead of Police Chief. Mr. Morrell said Police Department would cover all basis. It was agreed it should be Police Department.

Mr. Turkett stated he would be happy to meet with the Committee. He mentioned on the first page, property maintenance has been added. He is not certain as to what that means; it's kind of generic. He added there is no code that specifically talks about property maintenance. Mr. Morrell stated if there is a Village or Town code that addresses maintenance, it would be the responsibility of this person. Mr. Same said is there any Village code that speaks to property maintenance; Mr. Turkett replied he hasn't found anything. Mr. Morrell noted if there is no code in place, there is no code to enforce. Discussion followed.

Mrs. Cook referred to the paragraph that says this person shall attend Village and Town Board Meetings as necessary. She said the Zoning Officer attends meetings every single month and gives a written report; will that person stop doing that and attend only when necessary, or will that person be attending all Village and Town Board Meetings. Mr. Dougherty stated there was a concern that this person would be meeting to death by attending Village and Town Board Meetings and Planning and Zoning Board Meetings – that was the intent of the wording. He doesn't think the intent of the Village was to have him attend every single meeting. Mr. Snyder stated as a Department Head, he should be at the Town Board meetings; a written report should be given to the Village Board every month so they know what is going on. Mrs. Cook said she thinks the wording should be this person will attend Town Board Meetings; this person will attend Village Board Meetings as necessary. After further discussion relative to attendance requirements for other Department Heads, Mr. Same asked if there was a consensus of the Board to leave it as it is written, or allow him the opportunity to look at the other positions to see if it's a requirement; if not, he asked the Board to agree as a majority to submit it as it is. He added there will be more correspondence before this is put in place.

Mr. Same stated the concern he has is the expectation that this person would be clerking the meetings. Mr. Morrell stated this document came about by putting together the job description of the Town and the job description of the Village. He believes that was part of the Village's job description. At the Town level, the Town Clerk, who is the Assistant Zoning Officer, attends the meetings, takes the minutes and keeps things orderly. He doesn't know if there is such a person that does that for the Village. Mr. Same stated he doesn't see this as a good use of this person's time. His comment is – he thinks the Village Board should make arrangements for attending meetings and taking minutes. Mr. Morrell noted that right now, the Village and Town would be maintaining separate Zoning and Planning Boards; keeping the minutes and clerking those meetings would be a function of that board. He added if the Board doesn't want the Town's employee to be operating as a clerk for any of those boards, then that portion of the job description should be stricken. Mr. Same said he doesn't see this as part of the job description. After brief discussion, Mr. Dougherty said he would make the change.

Mr. Same stated after changes are made, it will be given to the Board Members, and then Mr. Dougherty will take it to the Village Committee for review; after their review, a Joint Meeting will be scheduled.

Route 89 Waterline: Mr. Rowe stated letters were sent out to the interested involved agencies, and there was only one response from the DEC; they did not object to the Town being the lead agency for the Project. He noted the short form EAF has to be completed. Mr. Morrell indicated that the Engineers reviewed the Project and found no adverse environmental impact associated with the Project.

A motion was made to declare a negative declaration relative to the Route 89 Waterline Project by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Highway – Sale of Excavator: Mr. Same stated the Highway Department purchased an excavator a few years ago for the waterline projects, but it doesn't work well. The cost of the excavator was \$45,000.00, and there is an offer from a Gentleman in Brooklyn who would like to buy the excavator for \$45,000.00. He said in dealing with American Rentals, there is a commission required and also freight required; in the end, the Town would realize \$39,375.00. Mr. Morrell stated when the Town is selling property like this, the Town is obligated to ensure that the Town is getting the best deal for the taxpayers. He said American Rentals provided additional

information such as how to ascertain the fair market value of a piece of equipment such as this. They provided a statement that said fair market value is difficult to ascertain because it is a unique piece of equipment. They did provide other listings of the equipment, and in the whole Country, there were only two listings and one was the Town's; the other was in Texas. Mr. Morrell noted that American Rentals listed other municipalities that they work with in selling used equipment. He said given the information provided, he is satisfied that the Town is doing everything they can in this circumstance given this unique piece of equipment in trying to obtain the best purchase price that they can – the Town's obligations are satisfied. Mr. Same stated he spoke with Mr. Wood who agreed the offer was a good offer.

A motion was made authorizing the sale of the EW55B Excavator for \$45,000.00 less freight and commission, for a net of \$39,375.00 by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 naves.

Payment of Bills:

A motion was made by Tim Snyder and seconded by Stephen Dougherty to approve and order paid the following bills:

General Fund - \$153,546.49 (Abstract #1; vouchers numbered 1-23)

Miscellaneous Fund \$39,685.30 (Abstract #1)

Highway Fund - \$8,833.83 (Abstract #1; vouchers numbered 1-5)

Recreation Fund - \$21,564.36 (Abstract #1; vouchers numbered 1-12)

No questions. Motion carried 5 ayes, 0 naves.

Being there was no further business, a motion was made to adjourn the Meeting by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 naves.

Meeting adjourned at 9:15 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk