

The Seneca Falls Town Board held a Public Hearing and regular monthly Meeting on Tuesday, March 3, 2009 at the Seneca Falls Town Offices, 81 W. Bayard Street.

Present were Supervisor Peter Same; Councilpersons Duane Moore, Lucille Cook, Stephen Dougherty and Timothy Snyder. Also present were Patrick Morrell, Attorney for the Town; Donald Wood, Highway Superintendent; James Spina, Commissioner of Parks & Recreation; Steven Turkett, Zoning Officer; Jeffrey Rowe, Town Engineer and a Member of the local media.

Public Hearing – Proposed Local Law #2 - 2009: Supervisor Same opened the Public Hearing at 7:00 P.M. relative to proposed Local Law #2 – 2009, a local law to amend Section 91-7 of the Code of the Town of Seneca Falls to increase the maximum exemption allowable under Paragraphs a, b and c of Subdivision 2 of Section 458-a of the Real Property Tax Law. He asked if there were any public comments. Since there were no comments, Mr. Same closed the Public Hearing and said action will be taken later in the Meeting.

Supervisor Same called the regular monthly Meeting to order at 7:05 P.M. A roll call was taken of the Board Members and all were present; the Pledge of Allegiance followed.

Petitioners:

Debra Martin, Asst. Attorney General in Charge: Debra Martin stated she is the Asst. Attorney General in charge of the Rochester Office. She travels around the counties in her jurisdiction to make sure everyone knows that they do have a contact close by if there are any issues. She noted her Office not only has attorneys there, but it has a Consumer Frauds Bureau. She explained what kind of calls they get concerning constituent problems. Ms. Martin thanked the Board for allowing her to speak.

John Malyj – Agricultural Environmental Management Program: John Malyj, District Technician from Soil and Water Conservation, presented a program that NYS Department of Agriculture & Markets started in the 1990s, and was signed into Law in 2000 – the Program is called Agricultural Environmental Management. The Program is a voluntary, incentive based, locally led and implemented program that assists farmers to efficiently and cost effectively address all natural resource concerns on the farm prioritized through a watershed approach. Mr. Malyj gave a power point presentation to explain what the Program is and how it works.

Adriene Emmo – Convention Days: Adriene Emmo, President, stated Convention Days will be held on two weekends. On July 17, 18 and 19, they will have a Community Service Award presentation, speeches, choruses and films to educate people about Seneca Falls. The following weekend will be Family Fun Weekend; they will have a classic car show, neighborhood art show, music, etc. Mrs. Emmo stated they are requesting the amount budgeted to help them with their advertising publicity.

A motion was made authorizing the Town Supervisor to sign the Agreement and contribute \$2,500.00 to Convention Days which is a cultural Event that benefits the Residents of the Town of Seneca Falls, by Duane Moore and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Fran Barbieri – St. Anthony's Italian Festival: Fran Barbieri stated St. Anthony's Italian Festival will be celebrating their 29<sup>th</sup> year, and is going strong and plans to continue. They are requesting the release of the \$5,000.00 budgeted which they will use for publicity and advertising. The Festival will be held on September 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> this year; there is no admission charge or parking charge, and it is the largest Italian Heritage Event in Upstate New York.

A motion was made authorizing the Town Supervisor to sign the Agreement and contribute \$5,000.00 to St. Anthony's Italian Festival which is a cultural Event that benefits the Residents of the Town of Seneca Falls, by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Contribution – Kiwanis Easter Egg Hunt: Mrs. Cook stated there is a letter from Mrs. Emmo requesting a donation for the Kiwanis Easter Egg Hunt – there is no dollar amount in the letter. Mrs. Emmo stated the amount requested is \$150.00; the Club sponsors the Easter Egg hunt for Pre-School children of the Community

A motion was made to contribute \$150.00 to the Kiwanis Club of Seneca Falls-Waterloo for their Easter Egg Hunt by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Approval of Minutes:

A motion was made to approve the minutes of the Public Hearing and regular monthly Meeting of February 3, 2009 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 three dogs were impounded – two redeemed and one dog still being held; five Appearance tickets were issued. A total of \$20.00 in fees was collected and turned over to the Town Clerk.

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

Zoning Officer: Mr. Turkett stated it was the busiest February in the past seven years that he has served as Zoning Officer. The Board has a copy of his report which states seven Building Permits were issued during the month of February 2009. Building Permit #2147 was issued to Rick Morganti, 3195 E. Bayard St. Ext., vinyl siding; Permit #2148 issued to Anna Maria Vestal, 2502 Lower Lake Rd., roof; Permit #2149 issued to Don and Wendy Proctor, 2340 Lower Lake Road, boat cover; Permit #2150 issued to Betty Davis, 2284 King Road, siding and windows; Permit #2151 issued to George and Maria Fowler, 2040 Black Brook Road, outdoor furnace; Permit #2152 issued to Michael Scaglione, 2368 Lower Lake Road, roof and Permit #2153 issued to Thomas W. Crocker, 2776 Lower Lake Road, fence.

A total of \$225.00 was collected from the issuance of these Permits, and ten Building Permits have been issued to date for the year 2009.

Mr. Turkett noted two Permits were denied; petitions will be forwarded to the County Planning Board for recommendation to the Town Planning and Zoning Boards.

Mr. Same mentioned that there has been a lot of discussion about some development in the Community to the west. The development projects presented are in two different phases. He has been in touch with Town Engineers relative to the problems that are surfacing now because that parcel is being developed more piece meal than as one. He indicated there will be a meeting with Brookline to discuss the problems. Mr. Turkett stated there are two major developments going on on one larger parcel; what the Town has to be concerned with is coordination of the SEQR process, as well as the feeder road. They will be adding two accesses on Balsley Road in addition to the two accesses that are there for Dr. Ryan and Country Max. Brief discussion followed.

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. Spina stated the Board has a copy of his report. A basketball tournament was held last weekend; there were six communities in Town, and it went very well. Lacrosse did a lock-in two weeks ago; about 100 kids participated. The Bill Moody Tournament will be held on March 21<sup>st</sup> and 22<sup>nd</sup>; teams will be coming in from Watkins Glen and Marion. Mr. Spina said these are some of the different ways the Building is being used, along with what goes on on a monthly basis. Basketball summer program will begin this month, and will be done by the end of April.

Mr. Spina mentioned that they are struggling to find insurance separate from what they do. He has been in contact with Rome, NY who has had similar problems to see how they did it. Mr. Morrell stated right now, it's a work in progress; they are trying to contact different communities to see how they handle it. Mr. Moore stated if you can't find an insurance company to carry insurance, the message is on the wall – the skate board park business should be deleted from everything. Mr. Same said there is insurance on the Skate Park currently, but it's not getting usage because there are restrictions with equipment and supervision. He added the intent was to try and look at the possibility of lightening some of the equipment restrictions and supervision that is required to see if more kids would participate. Mr. Snyder said he would hate to see it go. He added there are a lot of kids that use skate boards; they wouldn't have a problem going there if they didn't have the restrictions. Further discussion followed.

Mr. Spina said they applied for a grant from the Youth Bureau to help with the cost of the construction of the pole barn. He received a letter stating they were not successful in getting the grant. He said they will try again next year with something different.

Mr. Spina stated they sent out an RFP for a security system at the Community Center, and received two quotes. Mr. Same asked what the cost is; Mr. Spina replied the lowest quote is \$9,488.00. Mr. Dougherty stated the Committee discussed this and agree with the purchase of the equipment. He added it's not a budgeted line item, but Mr. Spina supports using some of the Contingency Fund for this.

A motion was made to purchase a security system for the Community Center from Covert Security, Inc. at a cost of \$9,488.00 by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

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

Highway Superintendent: Mr. Wood stated it was a quiet month as far as the snow goes. They have all the hydrants, valves and tees put together for this year's water project. He indicated bids for pipe will be put out this month, with bids to be opened at the April Meeting. He has all the permits from the DOT for Route 89 waterline project, and they are ready to go as soon as the weather breaks.

Mr. Wood stated a few months ago, they had a meeting with an organization that came up with a schedule for all trucks where the Town could get more for their money. He gave the Board a copy of a Replacement Schedule which goes until 2018. Mr. Wood explained the schedule to the Board. Discussion followed.

Mr. Wood stated there is a municipal auction in May, and he would like to bring two pieces of equipment. Mr. Same asked if it would hinder his ability to do the work this summer if two pieces of equipment go to auction in May and he doesn't have one of the two pieces of equipment he is going to purchase. Mr. Wood replied no – most of the hauling is done with the 10-wheeler they have now. Mr. Same stated this plan gives the Board a good picture as to how to proceed for the next nine years.

Mrs. Cook asked where the water is going this year; Mr. Wood replied County House Road. He added the following year, it will go from Route 414 to Kingdom Road, and then the following year, it will go from Kingdom Road to Bauer Road. Brief discussion followed.

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

Assessor: Mr. Same reminded everyone that the Veterans' Exemption does not impact the 2009 Assessment Roll; that change would not become effective until 2010 and you would be paying your tax in 2011. Brief discussion followed.

Attorney for the Town: Mr. Morrell noted he has no particular report other than items on the Agenda which would be addressed later in the Agenda.

Town Justice: Mr. Same indicated the Judge has submitted her report to the Board which shows that they have had a very busy month.

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

#### Committee Reports:

Shared Zoning/Code Enforcement Position: Mr. Dougherty distributed the Intermunicipal Agreement and the Job Description for the shared Zoning/Code Enforcement position to the Board. He discussed this with Mr. Campese and Connie Sowards. Generally speaking, the job description was fine, but there were two concerns with the Intermunicipal Agreement. The length of time the Agreement states where a municipality can withdraw says one year – they would like that to read six months instead of one year. The second thing they would like to add is to have a committee to discuss the position and have it meet quarterly; the concern is that zoning is an issue that generates a lot of public comment sometimes. Mr. Dougherty said in his opinion, it wouldn't hurt to have a committee; it's something that can be discussed. As to the six months time period, his thoughts are it's a little short; it would be a shame to hire someone and in six months give them notice; this is also something that can be discussed. Discussion followed.

Mrs. Cook stated the Board is doing this to help them; if they don't want to take the help to get their taxes lowered, then that's their decision. Mr. Same thinks they are trying to protect their rights as Village Government in terms of how the position will be controlled. He thinks there are ways to work with what they are asking for as long as the Board gets to explain its side of the story. He added if the Board can reach an agreement, then a Meeting should be set up with the Village to discuss and get it completed. Further discussion followed.

Mrs. Cook said if the sentence could change to say that a municipality may withdraw from this Agreement at the end of one year, by resolution at least six months before the withdrawal – that would give it one and one-half years. She added it would have to be worked out as to what kind of committee they are talking about, who would be on the committee and what the committee's duties would be. Mr. Morrell explained that the idea is it would be three years, and when it's to be renewed, it can be renewed. If during that three year period they want to back out, this is written so that there is one year's notice. He added the idea is to give a certain amount of lead time to phase out the position or to make other plans. Mr. Same said he thinks the Board should ask for at least a one year commitment. He added the Town is going to commit to a full time person, and it doesn't want to hire a person full time to do these functions, only at the end of six months to say it's not working.

Mr. Same recommended that Mr. Morrell add that both Supervisor and Mayor would select two Board

Members that would meet quarterly to discuss the position and its effectiveness. Discussion followed relative to the Committee aspect of the Agreement. Mr. Snyder stated this is turning something small into something big; the monthly report would cover everything. He added if complaints come into the Village about the Individual the Town hires as a Town employee to do this job for the Village and Town, then the messages should be relayed to the Town Board so they can deal with it. He said there is no need to form a committee; this committee would start focusing on what this Individual is doing and who it is – it's not right. Mr. Snyder said he is not in agreement with forming a committee. Mrs. Cook stated she doesn't think a committee needs to be set up because if there is a complaint, people can complain to the Village and it would take one phone call to this Board and it will be taken care of. She added that something can be added to the Agreement, without having a committee, that states that the Village will keep the Board informed of any concerns they have of anything that is going on concerning the job description, not the person, and if it's meeting their needs. Mr. Same polled the Board as to how many agree that a committee is not necessary; Mrs. Cook, Mr. Moore and Mr. Snyder agreed that a committee is not necessary. Mr. Moore stated this is a position that was agreed on; the Board is not watching them, and we don't want politics to get involved. He would love to see this work out so the Board can proceed and do some other things in the Community that would help out everybody – this is just a small step. He added Mr. Dougherty has done a fantastic job and has handled this very professionally. Mr. Same recommended that the two Boards meet to discuss the two issues; if the Village can't bend on these issues, then there is no sense in the Board taking it any further. Brief discussion followed.

Recreation: Mr. Dougherty stated the NY Chiropractic College is having a 90<sup>th</sup> Anniversary Celebration, and they approached Mr. Same about a donation to help with the Community Celebration. There was some discussion about the amount; \$5,000.00 was suggested. Mr. Same stated this is a great Event which is open to the Community. Mr. Dougherty mentioned that they won't need inkind services. Brief discussion followed.

A motion was made to contribute \$5,000.00 to the NY Chiropractic College to be used for the 90<sup>th</sup> Anniversary Celebration which will benefit the Residents of the Town of Seneca Falls by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Communications:

A motion was made to receive and file Communications numbered 1 to 39 by Lucille Cook and seconded by Steve Dougherty. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 39 are as follows:

1. Tonnage received by the Landfill from the Town during the month of January 2009 from Seneca Meadows, Inc.
2. Check in the amount of \$3,704.00 from State of NY, Department of Taxation and Finance – GIS Grant funds.
3. The Next Edition Newsletter, January 2009, from Seneca Falls Library.
4. Check in the amount of \$617.80 from Seneca County Treasurer - Town's share of dog monies.
5. New York State Register, February 4, 11, 18 and 25, 2009, from Department of State, Division of Administrative Rules.
6. Notice of submission of an application to renew liquor license from Seneca Falls Country Club.
7. Pledges of Collateral, January 30, 2009 and February 4, 2009, from M & T Investment Group.
8. Check in the amount of \$967.57 from Seneca County IDA representing PILOT which was negotiated with Bruce Henry Properties.
9. Check in the amount of \$67.32 from Seneca County IDA representing PILOT which was negotiated with Wright Associates.
10. Notice of submission of an application to renew liquor license from Legott's Restaurant, Inc.
11. Section 504 Compliance Handbook, February 2009, from Thompson Publishing Group.
12. Minutes of the Seneca County Planning Board Meeting of January 8, 2009.
13. Monthly Report of all monies received and disbursed during the months of December 2008 and January 2009 from Town Supervisor.
14. Check in the amount of \$34,119.36 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of January 2009.
15. Letter thanking Board for its contribution from National Women's Hall of Fame.
16. Statement of Accounts, January 1-31, 2009, from M & T Investment Group.
17. Copy of letter to NYS DEC from Chesapeake Appalachia LLC enclosing application for Permit to Drill a well in the Town.
18. Check in the amount of \$788.61 from Rita Cassaro representing Retiree's portion of health insurance which is due.
19. Check in the amount of \$557.76 from Nice n Easy representing annual billing for sewer service.
20. Newsletter, Spring 2009, from Child Care Council of the Finger Lakes.
21. Check in the amount of \$943.56 from Urban Sun LTD representing February payment of CDBG loan.
22. Check in the amount of \$3,717.59 from BonaDent representing February payment of CDBG loan.
23. Letter from NYS Department of State stating Local Law #1 – 2009 was received and filed by their Office.

24. Check in the amount of \$2,109.00 from Seneca County Treasurer's Office representing reimbursement for Temporary Drug Court Clerk.
25. Check in the amount of \$14.99 from Time Warner Cable representing refund due from cancellation of Assessor's internet (80 Fall Street).
26. Monthly Report for the month of January 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
27. Cash in the amount of \$98.51 from Town Supervisor representing reimbursement from advance for expenses for the Association of Towns Meeting.
28. Annual Financial Report for Fiscal Year ending December 31, 2008 from Town Supervisor.
29. Annual Financial Report for Fiscal Year ending December 31, 2008 from Bridgeport Sewer District.
30. Letter from Seneca County IDA inclosing Corrected Public Hearing Notice regarding Goulds Pumps, Inc.'s request for the Agency's assistance with a certain project.
31. Check in the amount of \$28,612.00 from Town of Fayette representing one-half of the Town of Fayette's share of the Joint Assessment Program.
32. Report and Resolution relative to the application of Costich Engineering (Hampton Inn) from Seneca County Planning Board.
33. Check in the amount of \$235.64 and cash in the amount of \$20.00 from Tax Collector representing reimbursement from advance for expenses for the Association of Towns Meeting.
34. Email from Secretary of State to Town Officials relative to local government services available to towns.
35. Pledges of Collateral, February 19, 2009, from M & T Investment Group.
36. Check in the amount of \$306.00 from Seneca County IDA representing PILOT which was negotiated with Blue Star Development.
37. Status of CDBG loans as of February 28, 2009 from Beverly Warfel, Account Clerk.
38. Notice of Intent to Renew Liquor License from Finger Lakes Deerhead Inn.
39. Cayuga Lake Watershed Network News, 2009, from Cayuga Lake Watershed Network.

Old Business:

Townwide Water Improvements: Discussed under Highway Superintendent's report.

Vince's Park Pool Renovations: Mr. Morrell indicated this will be discussed in Executive Session.

Recreation – Skate Park Insurance: Discussed earlier in the Meeting.

Contribution Request – Red Jacket Fire Department: Mr. Same sent a letter to Senator Nozzolio requesting financial assistance, and Senator Nozzolio responded stating it is highly unlikely that this program will be funded this year. He added O'Connell & Associates will be submitting a FEMA grant to see if there is money available through FEMA.

New Business:

Local Law #2 – 2009 – Amend Local Law Regarding Veterans' Exemption: Mr. Morrell stated the Board has been provided with copies of the proposed Local Law. There is currently a local law to set what the maximum exemption is for qualified Veterans. The State Law that controls these provisions changed and the amounts were raised. The purpose of this proposed Local Law is to amend the Town Code to raise our levels to equal them with the maximum allowable under the State Law.

A motion was made by Stephen Dougherty and seconded by Duane Moore to adopt Local Law #2 – 2009, a local law amending Section 91-7 of the Town Code to increase the maximum exemption allowable under Paragraphs a, b and c of Subdivision 2 of Section 458-a of the Real Property Tax Law. No questions. Motion carried 5 ayes, 0 nays.

Sponsorship Request – Celebrate Commemorate Memorial Day: After brief discussion, no action was taken.

Advertise for Bids – Waterline Pipe: A motion was made to go out for bid for waterline pipe, bids to be opened at the April 7, 2009 Meeting, by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Recreation – Purchase Lawn Mower: Mr. Spina stated in 2004, they developed a 5-year replacement schedule; in 2009, they are scheduled to replace the 2005 John Deere - \$8,000.00 is budgeted. He said in the process of securing a price for State bid from Lakeland Equipment, he found out that they are interested in the current mower. They are able to get a \$4,500.00 allowance on that machine, which would give them a bigger mower for \$5,100.00. Mr. Morrell stated this needs to be done in a way to ensure that the Town is receiving fair market value or something close to that. After brief discussion, Mr. Same stated this will be on the Agenda for April.

CDBG Allowance for Doubtful Accounts: Mr. Same stated the Auditors are recommending to increase the

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allowance for doubtful accounts from \$50,000.00 to \$100,000.00 due to the outstanding CDBG loans that are uncollectible. Brief discussion followed.

A motion was made to increase the CDBG allowance for doubtful accounts from \$50,000.00 to \$100,000.00 by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Planning & Zoning – Attendance at Seminar: A motion was made authorizing any Planning Board or Zoning Board of Appeals Member to attend the one day Seminar on March 25, 2009 in Syracuse at a cost of \$30.00 each plus mileage by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Payment of Bills:

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

General Fund - \$79,217.22 (Abstract #3; vouchers numbered 75-119)

Miscellaneous Fund - \$298,053.47 (Abstract #3)

Highway Fund - \$9,593.17 (Abstract #3; vouchers numbered 18-30)

Recreation Fund - \$16,178.95 (Abstract #3; vouchers numbered 47-81)

Vince's Park Fund - \$1,423.22 (Abstract #3; vouchers numbered 7-11)

No questions. Motion carried 5 ayes, 0 nays.

At 9:00 P.M., a motion was made to go into Executive Session to discuss a matter regarding pending litigation and to discuss real property where publicity could impact the fair market value of the property by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reopen the regular monthly Meeting at 9:55 P.M. by Stephen Dougherty and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

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 nays.

Meeting adjourned at 9:55 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

SENECA FALLS TOWN BOARD SPECIAL MEETING MARCH 25, 2009

The Seneca Falls Town Board held a Special Meeting on Wednesday, March 25, 2009 at the Seneca Falls Town Offices, 81 W. Bayard Street.

Present were Supervisor Peter Same; Councilpersons Stephen Dougherty, Duane Moore and Timothy Snyder. Also present was Patrick Morrell, Attorney for the Town.

Supervisor Same called the Meeting to order at 3:30 P.M. A roll call was taken of the Board Members, and Councilwoman Cook was absent from the Meeting.

Mr. Same stated the Tax Collector needs an additional 25 hours for her Deputy Linda Marzan to finish the job. A motion was made authorizing the Deputy Tax Collector to work an additional 25 hours at \$10.00 per hour by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

At 3:32 P.M., a motion was made to go into Executive Session to discuss real property where publicity could affect the value thereof by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

A motion was made to reopen the Special Meeting at 4:55 P.M. by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn the Meeting by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays. Meeting adjourned at 4:55 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

