

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, May 5, 2009 in the Town Hall Meeting Room, 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 and Recreation; Steven Turkett, Zoning Officer; Joyce Mahoney, Town Justice; Jeffrey Rowe, Town Engineer and a Member of the local media.

Supervisor Same called the Meeting to order at 7:00 P.M. A roll call was taken of the Board Members and all were present; the Pledge of Allegiance followed.

Petitioners:

Richard Rising & Joseph Picciotti – Draft Environmental Impact Statement for Cayuga Nation: Mr. Same stated this is one of several local Meetings which are being held by Seneca and Cayuga Counties relative to the Cayuga Indian Nation Land into Trust application. He noted the original draft environmental impact statement was withdrawn; the original draft did not address the issues and impacts of what a sovereign nation in Seneca and Cayuga Counties would have. He said both Counties have formed a Task Force that has been organized to oversee and participate in the review of the Cayuga Indian Nation Land into Trust application. Mr. Same stated the purpose of the discussion this Evening is: discuss the status of the application and Environmental Review process; an overview of the Counties' comments and concerns; and how your comments and concerns can best be heard. He introduced Richard Rising and Joseph Picciotti from Harris Beach who proceeded to make a power point presentation.

Richard Rising stated in 2005, the Cayuga Indian Nation made an application to the Bureau of Indian Affairs to put 129 acres in both Counties into Trust. He explained where the acreage is located on a map. The significance of a successful application is: they would pay no property, sales or special districts taxes; they would not be subject to local or State regulations; there would be no control over future development; gaming operations would be restored; new enterprises would be established exempt from taxes and regulations; and it would encourage additional land purchases and future Land into Trust applications and development.

Mr. Rising stated they need public comments. When the DEIS is released, it will start a 45-day public comment period; the Bureau of Indian Affairs will hold their own Public Hearing during that 45-day period. He said they need to prepare and organize public comments to make sure they get in the public record during that 45-day period. He added the comments need to speak to the environmental impacts and how to mitigate those. He mentioned that there is quite a bit of information on their website, including a full copy of the pre-released version of the DEIS.

Joseph Picciotti discussed some of the major concerns that the Counties have submitted to the Bureau of Indian Affairs, such as: if the lands are placed into trust, they will not be paying property taxes, sales tax or will not adhere to any local or State land use or environmental regulations. Also, once land is put into trust, the tribe will likely keep applying to add more land. Mr. Picciotti stated it is terribly important that the public comment on this Community and these issues because if the application is granted and if the challenge is necessitated, it's terribly important that the record reflect all of the issues that could later be deemed important enough to form a legal challenge.

Mr. Rising mentioned the ways to comment and build a record – comment on the County Website; in writing to County Board Representatives; in writing to the Bureau of Indian Affairs Regional Office and in person at the Bureau of Indian Affairs Public Hearing. He said it's important to have resolutions from Village Boards, Town Boards, School Districts and Fire Districts. He added any resolutions passed, hopefully, will happen within the 45-day period.

A question and answer period followed the presentation.

At 8:20 P.M., Mr. Same called a ten minute recess. The Town Board reconvened the Meeting at 8:30 P.M.

Approval of Minutes:

A motion was made to approve the minutes of the April 7, 2009 Meeting by Duane Moore and seconded by Lucille Cook. Being there were no additions or corrections, the minutes were accepted as presented 5 ayes, 0 naves.

Reports:

Dog Control Officer: The Dog Control Officer's report states that three dogs were impounded and three

redeemed; six Appearance tickets were issued. A total of \$30.00 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 Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: Mr. Turkett stated ten Building Permits were issued during the month of April 2009. Building Permit #2163 issued to Peter M. Palmeri, 2725 Kingdom Road, shed; Permit #2164 issued to Steven & Beth Pier, 2533 Lower Lake Road, replace roof; Permit #2165 issued to Thomas & Antonia Betrus, 2003 Gravel Road, replace roof; Permit #2166 issued to Gordon & Joan Burgess, 2197 Lake Road, repair deck, siding, replace door and windows; Permit #2167 issued to Steve & Beth Pier, 2534 Lower Lake Road, replace roof; Permit #2168 issued to Ronald Moulton, 3088 Noble Road, shed; Permit #2169 issued to Seaway Acquisition Co., 1963 Route 5 & 20, sign; Permit #2170 issued to Larry Donnelly, 1791 Gravel Road, roof; Permit #2171 issued to Seneca Meadows, Inc., 1875 Salcman Road, demolition and Permit #2172 issued to Margaret & Cleo Barnell, 2391 Route 89, roof.

A total of \$335.00 was collected from the issuance of these Permits, and 29 Building Permits have been issued to date for the year 2009.

Mr. Turkett stated the Planning Board was unable to meet last month due to lack of a quorum. He wishes there could be a couple of Alternates. The impact is people who have non-conforming lots who apply for permits and have to appear before the Planning and Zoning Boards have contractors lined up and then end up losing them because of the delay.

Mr. Turkett noted that he sent several emails to the Board Members relative to various items and violations. A letter was sent to Maxim Development notifying them that the deadline to implement the Special Use Permit is June 1st. He requested an Executive Session relative to proposed further litigation in a matter. Brief discussion followed.

A motion was made to advertise for Alternates for the Planning Board and Zoning Board of Appeals by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Mr. Morrell indicated a local law would be required for Zoning Board of Appeals Alternates. He added the Board can still canvass for people interested in serving on the Zoning Board of Appeals. The Board requested that Mr. Morrell prepare the local law for Zoning Board Alternates.

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

Commissioner of Parks & Recreation: Mr. Spina noted the Board has a copy of his report. The shelter at Kids' Territory is up and looks great; there was money left over from the Booster Club which will take care of electric. He noted Little League used it for their opening day Ceremony. They met today regarding the 4th of July Celebration; more information will be coming forth.

Mr. Spina stated a couple of weeks ago, they had a situation at the Community Center where one of their Supervisors was threatened by a young man with a knife. He commended the Staff as to how they handled it. The cameras picked up a majority of what happened, but the only issue is they couldn't see the act itself because there was no camera where it happened. Mr. Spina requested the purchase of two more cameras to add to the system at a cost of \$1,500.00. Mr. Same asked if there was money in the Recreation Budget Contingency; Mr. Spina replied yes.

A motion was made to purchase two additional cameras for the Community Center at a cost of \$1,500.00, funds to be taken from the Recreation Contingency Fund, by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Mr. Spina indicated that he will be asking the Board to consider a smaller system for Vince's Park next month.

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: Mr. Wood stated the Board needs to advertise for quotes for the heavy equipment rental agreement, with quotes to be opened at the June Meeting. He would like to attend the Highway Superintendent's School on June 1-3, 2009; cost is not to exceed \$300.00.

Mr. Wood stated the annual trash pickup will be the week of June 14th; trash has to be out on the 15th as they will be making only one round through the Town. They will also be picking up leaves and brush.

Mr. Wood stated they have been fusing pipe together, and will finish that tomorrow; they will be getting other materials on site. They will be getting the garage ready for the Hazardous Waste Day which will take place May 16th, and on May 18th, they will start the waterline (County House Road to Route 414 to Kingdom Road).

Mr. Wood stated he received three bids for the dump bodies and plows - one is a State bid; he has quotes on file. The low bidders are:

For the International - Henderson Equipment - \$50,361.00 (State bid).

For the 550 new Ford – Valley Fab - \$50,348.00.

After discussion, a motion was made to approve the quote of \$50,361.00 from Henderson Equipment for the International truck and the quote of \$50,348.00 from Valley Fab for the new Ford truck by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to advertise for quotes for rental of Highway heavy equipment by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

A motion was made authorizing the Highway Superintendent to attend the Highway Superintendents' School in Ithaca on June 1-3, 2009 at a cost not to exceed \$300.00 by Duane Moore and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

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

Mr. Spina stated he would like to recognize Mr. Wood and his Staff for the work associated with the pole barn; it was well appreciated.

Assessor: No report – the Assessor is out of town.

Attorney for the Town: Mr. Morrell stated he has no report other than the Memo he provided the Board with this Evening; other matters are on the Agenda and will be discussed as they come up.

Town Justice: Judge Mahoney asked if the Board had any questions relative to her report. They held Drug Court Graduation – there were five Individuals that graduated. She noted there are 15-17 participants in Drug Court.

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

Tax Collector: Ms. Sauvaugau stated they have finished another season of tax collecting; she had great help with Linda Marzan her Assistant. January is a stressful month; everyone wants to pay their taxes on time. February is filled with escrow accounts; March has all the problems and April is balancing and turning it all into the County. She had a deposit box - people who came at the wrong time could leave taxes in that box. She said it took some of the pressure off the Town Clerk and Employees who had complaints who wanted the Tax Collector there 24 hours a day. Ms. Sauvaugau handed out a Journal to the Board which lists the tasks she performed during tax collection. Total taxes collected - \$3,152,105.39; collected for Town - \$730,703.86 plus penalties of \$7,248.51.

Mr. Same stated one of the issues over the years that Ms. Sauvaugau fixed this year was the ability for people to make payments when the Tax Office was not open – the drop box allowed people to make their payments when she was not there.

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

Committee Reports:

Docks & Moorings Steering Committee: Mrs. Cook noted the Board has a copy of the Minutes of the Steering Committee Meeting. The Committee would like to send a letter to the 228 Residents on the Lake informing them what this docks and moorings project is, requesting volunteers, and telling them who their Committee Representatives are. She noted included in the letter would be a list of frequently asked questions and answers. She requested approval for the cost of postage to send the 228 letters and also printing of the letters.

A motion was made to approve the expenditure of \$150.00 for the printing and postage for the Docks and Mooring Steering Committee letter by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Cemetery: Mrs. Cook stated she and Mr. Cook have gone down to the cemetery that was abandoned on Ovid Street. There are a lot of bushes and brush that needs to be cut down. There is also a tree that needs to be taken care of; they might need some help from Buildings and Grounds or the Highway Department. She wanted the Board to know that it's a work in progress.

Recreation: Mr. Dougherty stated they are purchasing a banner for the July 4th Celebration, and hopefully will have permission to have it across Fall Street. They will be creating a smoking area during the Festival as they would like to have an area set aside for smokers – this was one of the complaints last year.

Communications:

A motion was made to receive and file Communications numbered 1 to 23 by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 23 are as follows:

1. Tonnage received by the Landfill from the Town during the month of March 2009 from Seneca Meadows, Inc.
2. Check in the amount of \$1,465.86 from Selective Insurance Company representing reimbursement (minus deductible) for repair of Fitness Room equipment that was damaged.
3. Pledges of Collateral, April 6, 27, 28 & 29, 2009, from M & T Investment Group.
4. National Women's Hall of Fame Newsletter, Spring 2009.
5. New York State Register, April 8, 15, 22 and 29, 2009, from Department of State, Division of Administrative Rules.
6. Statement of Accounts, March 3-31, 2009, from M & T Investment Group.
7. The Next Edition Newsletter, April 2009, from Seneca Falls Library.
8. Reports & Resolutions of the April 9, 2009 Meeting of the Seneca County Planning Board.
9. Minutes of the Town Planning Board Meeting of March 26, 2009.
10. Check in the amount of \$3,717.59 from BonaDent representing April payment of CDBG loan.
11. Check in the amount of \$943.56 from Urban Sun LTD representing April 2009 payment of CDBG loan.
12. Check in the amount of \$12,000.00 from Seneca County Treasurer's Office representing reimbursement for snow removal on County Roads.
13. Monthly Report for the month of March 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
14. Notice of Public Hearing relative to proposed Local Law No. 1 of the Year 2009 from Waterloo Town Clerk.
15. Checks in the amount of \$453,300.00 and \$150,000.00 from Seneca Meadows, Inc. representing quarterly payment as per Host Community Agreement.
16. Copy of letter to Maxim Development Group from Zoning Officer Steven Turkett relative to deadlines that are approaching in regard to their Noble Road Project.
17. Cash in the amount of \$100.00 from Town Tax Collector representing return of petty cash.
18. Nuisance Animal Report for the month of April 2009 from Clint Moosman, Nuisance Animal Control Officer.
19. Check in the amount of \$72.56 from Donald Wood representing reimbursement for fuel.
20. Copy of letter to Congressman Michael Arcuri from Town Supervisor relative to Seneca Meadows, Inc. application for Grant Funding.
21. Letter from NYS Canal Corporation listing hours of operation for locks and lift bridges for the 2009 season.
22. Notice of Auction and Sale Hearing in regard to American Home Mortgage Holdings, Inc. from US Bankruptcy Court for the District of Delaware.
23. Check in the amount of \$7,248.51 from Town Tax Collector representing late tax penalties collected.

Old Business:

Townwide Water Improvements: Discussed earlier in the Meeting.

Vince's Park Pool Renovations: Nothing to report.

Recreation – Skate Park Insurance: Mr. Spina stated that he and the Committee will meet with Jeb Becker next week. He did some research, and he thinks they have a way to do this. More information will be presented at the next Meeting.

Contribution Request – Red Jacket Fire Department: Mr. Same stated it is too soon to make further comments. He added there is still the opportunity for some support, but it probably will not come for several months.

Sale of Property – 10 Fall Street: Mr. Same stated this was discussed at the last Meeting, and the Board would like to go out for bids. Mr. Morrell stated he has been contacting appraisal services to get the appraisals done as the Board requested. He would like to have that done by the next Meeting so that the Town has the baseline of

what the value of the property is and the value of the property that the Town should be looking for. He noted as far as the next step, it is the Board's decision as to how to proceed; a request for proposal is a legitimate way to accomplish that. Mr. Same asked if there is any reason why the Board couldn't request proposals prior to having the appraisals done. Mr. Morrell replied the Board could proceed simultaneously. Mr. Same said he would like to do that. Mr. Moore agreed that the Board should advertise and put it on the market. Discussion followed.

A motion was made to go out for request for proposals for 60 days relative to the sale of 10 Fall Street by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Mr. Same noted that he and Mr. Morrell would put the wording together to advertise in the papers.

Purchase of Property – 87-89 Fall Street: Mr. Same stated he received word from the New York State Canal Corporation that the contract has been signed by the Comptroller's Office and is in the mail to the Town. He added what is needed to finalize this is an approved plan for remodeling which Barton and Logoudice has been tasked to put together – they are working on that now. Mr. Rowe stated the work is well underway – they did some preliminary layouts. Brief discussion followed.

New Business:

Attendance at Spring Regional Local Government Workshop: Mr. Same stated there is an opportunity for Planning Board Members and Zoning Board Members and Town Board Members to attend a Workshop on May 15, 2009.

A motion was made authorizing Planning Board Members, Zoning Board Members and Town Board Members to attend the Spring Regional Local Government Workshop at a cost of \$40.00 registration fee plus mileage by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Resolution from Village – Funding Repair of E. Bayard Street: Mr. Same stated he received the Resolution from the Mayor which is the Village's request for the Town to consider funding the repair of E. Bayard Street.

Mrs. Cook stated that the Town Residents within the Village boundaries do not fund the Town's Highway Budget. When the budget process is done, a separate tax is charged to the Residents outside the Village to maintain the Town roads. After listening to Harris Beach Attorneys tonight regarding the Cayuga's request for land-into-trust and the damaging impact it will have on our Community, and knowing that a Dissolution Committee formed by the Village is preparing to present a Village Dissolution Plan for Village Residents to vote on, she doesn't feel this is an appropriate time to be considering spending money on infrastructure that the Town is not responsible for. Mrs. Cook added at this point in time, a tax stabilization fund is more important than ever, specifically because of the many unknowns that are facing our Community.

A motion was made by Lucille Cook and seconded by Duane Moore to decline the request that the Town Board fund the repair of E. Bayard Street which was made by the Village Board. No questions. Motion carried 5 ayes, 0 nays.

Contribution Request – Seneca Falls Police Union: Mr. Same stated they are requesting funding to place a sculpture of Sue Hawker on the Ludovico Trail since she is the first female Officer in the Village. Mrs. Cook added they are requesting \$3,500.00 which is the cost of the sculpture, and they will continue fundraising to get the funds for the platform it will sit on.

A motion was made to contribute \$3,500.00 to the Seneca Falls Police Union for the sculpture of Officer Sue Hawker, the first female Officer in the Village, by Lucille Cook and seconded by Duane Moore.

Mr. Morrell stated prior to making any donation like this, the Board should make a finding that it will be a benefit to the Residents of the Community. He pointed out that this does go into the Ludovico Sculpture Trail which the Town has supported over the years, and this Trail does benefit the Residents of the Community.

Mr. Dougherty stated he votes to support the Trail in the Town Budget every year; this is additional, so he will not support this for that reason. He does appreciate Officer Hawker's service and accomplishments in Seneca Falls.

The motion made by Lucille Cook and seconded by Duane Moore to contribute \$3,500 for the sculpture of Officer Hawker was amended to read: A motion was made to contribute \$3,500.00 to the Seneca Falls Police Union for the sculpture of Officer Sue Hawker, the first female Office in the Village, as it will be a benefit to the Residents of the Community by Lucille Cook and seconded by Duane Moore. Motion carried 3 ayes, 1 nay and 1 abstention: Councilman Dougherty voted no and Councilman Snyder abstained from voting.

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 - \$46,727.04 (Abstract #5; Vouchers numbered 169-213)

Miscellaneous Fund - \$7,892.63 (Abstract #5)

Highway Fund - \$1,905.43 (Abstract #5; vouchers numbered 48-56)

Recreation Fund - \$25,871.31 – (Abstract #5; vouchers numbered 123-154)

Vince's Park Fund - \$701.88 – (Abstract #5; vouchers numbered 21-25)

No questions. Motion carried 5 ayes, 0 nays.

David Bellomo asked about the Kingdom Cemetery on Route 5 & 20 – it's been neglected for a long time. After brief discussion, Mrs. Cook said she will take a look at it.

Annual Trash Pickup: A motion was made to advertise the annual trash and brush pickup to take place the week of June 14, 2009 by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

At 9:25 P.M., a motion was made to go into Executive Session for the purpose of proposed further litigation by Stephen Dougherty and seconded by Tim Snyder. 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 9:57 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk