

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, August 4, 2009 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Peter Same; Councilpersons Timothy Snyder and Lucille Cook. Also present were Patrick Morrell, Attorney for the Town; Donald Wood, Highway Superintendent; James Spina Commissioner of Parks and Recreation; Cynthia Loncosky, Assessor; 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 Board Members, and Councilpersons Dougherty and Moore were absent from the Meeting; the Pledge of Allegiance followed.

Petitioners:

Karl Hagen – Bonadio Group: Karl Hagen of The Bonadio Group presented the results of the 2008 Financial Statement Audit of the Town of Seneca Falls. He referred to the draft Audit Report and said their responsibilities are to express opinions about whether the financial statements prepared by management with the Board's oversight are fairly presented, in all material respects, in conformity with the U.S. generally accepted accounting principles. They performed the audit according to the planned scope and timing previously communicated to management in their Engagement Letter.

Mr. Hagen stated no new accounting policies were adopted and the application of existing policies was not changed during 2008. They noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. He said the most sensitive estimates affecting the 2008 financial statements were allowance for doubtful accounts (doubtful notes receivable) and depreciation on capital assets. He mentioned that they had no difficulties with management in performing their duties and completing the audit. They had no disagreements with management about accounting policies or the application of accounting principles. He explained the adjusting entries which resulted in the adjusted net assets increase by \$410,381.

Mr. Hagen mentioned the control deficiencies which they identified:

1. Information Technology Environment, specifically as it relates to systems that could have an impact on financial reporting and safeguarding of assets. The Town does not periodically test its back-up tapes of the general ledger software to ensure that a restore of data is possible. They recommend that the Town update its information technology policies to prevent the potential loss of valuable financial information.
2. Management review and approval of Account reconciliations. Their review indicated that while reconciliations of cash accounts to the bank statements are completed in a timely manner, the reconciliations are not routinely reviewed and approved by Town's management. They recommend the Town follow its procedure for the review and approval of the Town's bank and account reconciliations on a monthly basis.
3. New Auditing and Accounting standards and their impact on future audit processes and reports. The Town must adopt the provisions of the Government Accounting Standards Board (GASB) Statement No. 45, Accounting and Financial Reporting by Employers for Post-Employment Benefits other than Pensions (OPEB).

Mr. Hagen referred to the Basic Financial Statements for year ending December 31, 2008 and briefly discussed the same.

Mr. Same stated he will make sure that the three items that are noted are corrected. He asked the Board to review the draft report, and hopefully, at the next Meeting, the Board will act on the report.

Approval of Minutes:

A motion was made to approve the minutes of the regular monthly Meeting of July 7, 2009 and the Bid Opening Meeting of July 28, 2009 by Lucille Cook and seconded by Tim Snyder. Being there were no additions or corrections, the minutes were accepted as presented, 3 ayes, 0 nays.

Reports:

Dog Control Officer: The Dog Control Officer's report states that three dogs were impounded – one redeemed, one in foster care and one dog is still being held; four 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 Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

Zoning Officer: The Zoning Officer's report states that eight Building Permits were issued during the month of July 2009. Building Permit #2200 was issued to Robert Tansley, 2233 Lake Road, repair roof; Permit #2201

issued to Ronald & Prady Schlee, 2352 Lower Lake Road, deck and siding (By Order ZBA); Permit #2202 issued to Mr. & Mrs. Michael Mazzeo, 3161 E. Bayard St. Ext., addition; Permit #2203 issued to Michele Baker, 1837 Route 5 & 20, signage and accessory structure; Permit #2204 issued to Bradley Acker, 3152 Patton Avenue, roof; Permit #2205 issued to Robert Buurma, 2401 Lower Lake Road, windows and repair porch roof; Permit #2206 issued to Allen and Debra Larsen, 2983 Farron Road, outdoor wood furnace and Permit #2207 issued to SF Country Max, 1945 Balsley Road, shed display.

A total of \$220.00 was collected from the issuance of these Permits, and 64 Building Permits have been issued to date for the year 2009.

Mr. Morrell stated the Lakeview Project received all its approvals and they can get their Building Permit. The Hampton Inn hotel received Preliminary Site Plan approval, and it is expected they will be back before the Planning Board for Final Site Plan approval. He added they are hoping to get comments back from the DOT before the Board issues Final Site Plan approval.

Mr. Same mentioned the minutes of the Planning Board Meeting and the Rite Aid Project, and said he thinks the ball is back in the Developer's court to come back with a plan that hopefully, the Planning Board can accept. Brief discussion followed relative to the Rite Aid Project.

A motion was made to accept Mr. Turkett's report by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 nays.

Commissioner of Parks & Recreation: Mr. Spina stated the Board has a copy of his report. The Summer Play Program is going very well; the new Staff, Director and Asst. Director are doing a great job. The pool pump has been installed, and the old pump is being looked at. Mr. Same mentioned that Mr. Marquart drove down towards the City to get the pump, and then installed it the next day with help from the Staff. He noted that Chris Herron of ITT Goulds worked with Mr. Korzeniewski to make the arrangements to get the pump at the price they got it at. He will be visiting ITT Goulds to thank them and recognize Mr. Herron for what he did – he certainly helped the Community out. Brief discussion followed.

Mr. Spina met with Mr. Dougherty relative to a potential grant opportunity through J. O'Connell & Associates in regard to development and planning for Kids' Territory, whether it be the playground or the back field; the application is due September 14th.

Mr. Spina asked about the Community Center roof. Mr. Same said he met with Matt Fuller and Mr. Marquart and discussed the direction they are going. Mr. Fuller is putting something together as to what has been done to date and who has been involved, and will be running a draft of that by DeWolff Architects and the Town to determine what the next course of action is. He added obviously, the Town will have to go back to the Manufacturer and hopefully, get their assistance because the roof on the gym has to be replaced. Mr. Spina said his concern is – whenever it rains, it leaks; if they don't get something going, they will have a major leak and they will have to move programs around. Further discussion followed.

Mr. Spina stated he was contacted to see if there was some way they could partner with Mynderse Academy in a program called Young Entrepreneurs Academy. The program is for Junior and Senior students who learn how to develop, market and sell their product. He mentioned that it will cost the Town little to nothing. Gayle Jagel will be addressing the Board and will answer any questions. Mr. Spina said he is proud of this opportunity because it shows we are not just about sports.

A motion was made to accept Mr. Spina's report by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

Highway Superintendent: Mr. Wood stated Ken-Mor Estates is all paved; they have ten miles of road they will be striping tomorrow. They are mowing for Farm Days, and picking up trash along the road. They will be doing the water testing the week after Farm Days - they will try to pressure test it again.

Mr. Wood noted the Board has a copy of his report on the Bobcats. He has the money in his Budget because he is going to wait on purchasing a couple of things. The cost is \$14,608.00 for both – he has \$15,000.00 in his Budget. Brief discussion followed.

A motion was made authorizing the Highway Superintendent to purchase a T190 Track and S185 Wheel from Bobcat of the Finger Lakes at a cost of \$14,608.00, as listed in his quote, by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 nays.

A motion was made to accept Mr. Wood's report by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

Mr. Same stated they are trying to go back to the beginning of the water installations and recreate what has been done – how many curbstops have been installed; how many users have been added to the system. There is a requirements that after 90 days, once the line has been dedicated, the residents are suppose to hook up; some residents have not hooked up.

Mr. Same said that he was at the Village Dissolution Committee Meetings this afternoon. When they discussed public works, he called Mr. Wood and asked him if he could spend some time with the Village workers (at the Village's request) to better understand the services they do provide. Mr. Wood has agreed to work that into his schedule. Brief discussion followed.

Assessor: Mrs. Loncosky indicated she had nothing to report. Mr. Same said he is working with Mrs. Loncosky in gathering information for a Meeting that will take place later this week with Lakeview Mental Health Services – they would like to discuss a proposed PILOT.

Mrs. Loncosky stated they not received any new small claims actions or certiori actions this year; they do have Seneca Meadows' action – SMI has to refile every year. Mr. Same mentioned that there will be a Meeting with Seneca Meadows as they had an appraisal done and would like to discuss it. Mr. Morrell added this will be discussed in the very near future after this Meeting – the whole Board would be involved in any decisions. Discussion followed.

Mrs. Cook thanked Mrs. Loncosky for all the research she did relative to the Hazardous Mitigation Plan which Mrs. Cook will have for the next Meeting, and the listing Mrs. Loncosky put together of all properties relative to Docks and Moorings.

Attorney for the Town: Mr. Morrell stated the Town Clerk notified him that she was contacted by NYSEG who wanted access to the Community Center property to get soil samples. He is requesting that the Board authorize the Town Supervisor to sign the Agreement. He noted there are two sites off the pavement area, and it will not cause much of a disturbance to the Town's property. Brief discussion followed.

A motion was made authorizing the Town Supervisor to sign the access Agreement relative to NYSEG's access to the Community Center property by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 naves.

Mr. Morrell stated there are other matters that will be discussed as they come up on the Agenda.

A motion was made to accept Mr. Morrell's report by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 naves.

Town Justice: Mr. Same stated the Board has a copy of the Judge's report.

A motion was made to accept Judge Mahoney's report by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 naves.

Committee Reports:

Mrs. Cook stated the Town Clerk has a mylar map of the Cemetery on Route 5 & 20 that was surveyed by Charles Carroll. She met with Mr. Marquart, and they will start cleaning it. She added they didn't see any stones when they checked the area. Discussion followed.

Docks & Moorings: Mrs. Cook stated their goal is to be done by Labor Day.

Mr. Same stated one of the discussions at the Dissolution Committee Meeting today was police protection. The Committee would like to meet with the Town Board to talk about that subject in a separate meeting. He said the Committee would like the meeting to take place before the August 24th Meeting. The Town Clerk will poll the Board relative to a Meeting date.

Mrs. Cook stated she would like to attend all the Dissolution Committee Meetings, not only the public meetings, but she doesn't know how to find out when they are holding the meetings. Mr. Same stated he will ask the Committee to copy in the Board Members as to when the meetings are.

Communications:

A motion was made to receive and file Communications numbered 1 to 26 by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 naves. Communications numbered 1 to 26 are as follows:

1. Letter from Time Warner Cable stating agreements with certain programmers to carry their services will expire soon, and they may be required to cease carriage.

2. Section 504 Compliance Handbook, July 2009, from Thompson Publishing Group.
3. Pledges of Collateral, June 29, July 20, 23, 24 and 27, 2009, from M & T Investment Group.
4. Minutes of the Seneca County Planning Board Meeting of June 11, 2009.
5. Check in the amount of \$916.00 from State of New York, Department of Taxation and Finance – State Archive Grant.
6. New York State Register, July 8, 15, 22 and 29, 2009, from Department of State, Division of Administrative Rules.
7. Minutes of the Town Planning Board Meeting of June 25, 2009.
8. Monthly Report for the month of June 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
9. Check in the amount of \$3,717.59 from BonaDent representing July payment of CDBG loan.
10. Statement of Accounts, June 1-30, 2009, from M & T Investment Group.
11. Check in the amount of \$897.57 from John Sinicropi representing Retiree's portion of Health Insurance premium.
12. Check in the amount of \$661,300.00 from Seneca Meadows, Inc. 2nd quarter payment as per Host Community Agreement.
13. Monthly Report of all monies received and disbursed during the month of June 2009 from Town Supervisor.
14. Check in the amount of \$300.00 from Frances Fiermonte representing waterline hookup fee for Edith O'Dell.
15. Tonnage received by the Landfill from the Town during the month of June 2009 from Seneca Meadows.
16. Minutes of the Zoning Board of Appeals Meeting of June 25, 2009.
17. Check in the amount of \$80.00 from Royce Moshier representing reimbursement for culvert pipe.
18. Check in the amount of \$679.07 from Griffith Energy representing refund from closed account (former Town Offices).
19. Minutes of the Town Planning Board Meeting of July 9, 2009.
20. Minutes of the Zoning Board of Appeals Meeting of July 9, 2009.
21. Reports and Resolutions relative to an Area Variance and Use Variance from Seneca County Planning Board.
22. Check in the amount of \$1,167.00 from Gay & Son Agency, Inc. representing refund due for balance of premium on Highway vehicles that were sold or traded in – 1999 International and 2003 Ford.
23. Certificate of Final State Equalization Rate for the 2009 Assessment Roll (90.00) from NYS Board of Real Property Services.
24. Check in the amount of \$943.56 from Urban Sun LTD representing July payment of CDBG loan.
25. Independent Accountant's Report relative to Seneca Meadows, Inc. from Buffington & Hoatland CPAs.
26. Network News Newsletter from Cayuga Lake Watershed Network.

Old Business:

Vince's Park Pool Renovations: No report.

Contribution Request – Red Jacket Fire Department: Fire Chief Steve Farnsworth stated last week, they were notified by O'Connell & Associates that they were awarded a \$25,000.00 grant towards the purchase of a new hovercraft. He said they will add that to the \$15,000.00 the Department has raised, which will leave them \$10,000.00 short of their goal to purchase the hovercraft and trailer. He mentioned that O'Connell & Associates have been working with them on other grants - they did obtain another grant to update some of their portable equipment. Mr. Same said he wasn't sure how the money will flow, but, through the efforts of Senator Nozzolio, it will be an item earmarked in the Budget for that specific piece of equipment.

Sale of Property – 10 Fall Street: Mr. Same stated this was advertised for bid and bids were opened July 31st, at which time one proposal was received. He said because of the depth of the proposal, the Board has to take some time to review it. He noted it will be discussed in Executive Session as it does affect the value of real property.

Purchase of Property – 87-89 Fall Street: Mr. Morrell stated once the proposed Purchase Offer has been agreed upon by both parties in the transaction, it becomes a contract. He indicated it incorporates all of the terms that had been discussed and negotiated when the Town and Seneca Knit arrived at an Option Agreement that the Board entered into with Seneca Knit earlier. He said this relates to the Grant that the Town has obtained from the NYS Canal Corporation to create a boaters' facility. Mr. Morrell requested that the Board adopt a resolution to allow the Supervisor to submit the Purchase Offer to the property owners. Mr. Same requested that Mr. Morrell explain the process, which he proceeded to do.

Mr. Morrell noted that he has two resolutions - one is if the money to purchase the property is coming from surplus funds, no Permissive Referendum is required, and the other is if the money is coming from money generated by taxes and taxpayers, it would be subject to a Permissive Referendum. Mr. Same stated the money is not coming from taxpayers, so it would not require a Permissive Referendum.

Mr. Morrell stated it will be allowable for the Town to proceed without having the Resolution for a Permissive Referendum. He added it would also be allowed if the Town, on its own, has it subject to a Permissive Referendum, but it will not be required. Mr. Same stated personally, based on the Grant award that was received and what the Board is planning to do, he doesn't feel a Permissive Referendum is something the Board needs to do. The Board agreed with Mr. Same.

A motion was made by Lucille Cook and seconded by Tim Snyder to adopt the following Resolution:

WHEREAS, the Town Board of the Town of Seneca Falls, Seneca County, New York has applied for and received a Greenway Grant in the amount of \$165,000.00 from the New York State Canal Corporation for the creation of a Boater Facility to be used by boaters on the Seneca-Cayuga Canal; and

WHEREAS, the Town Board has determined that the parcel of real property located adjacent to the Canal at 87-89 Fall Street in the Village of Seneca Falls, Seneca County, New York containing an attached row building on property approximately 38' x 120', (Tax Map No. 11-3-52), may be suitable for this purpose; and

WHEREAS, the Town Board has determined that the Residents of the Town of Seneca Falls will benefit from the availability of this type of facility for boaters on the Canal; and

WHEREAS, the Town Board has determined that there is sufficient surplus funds in the Town's 2009 Budget to complete the acquisition of this real property.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls hereby authorizes the Supervisor of the Town to enter into a contract to purchase the parcel of real property located adjacent to the Canal at 87-89 Fall Street in the Village of Seneca Falls, Seneca County, New York containing an attached row building on property approximately 38' x 120', (Tax Map No. 11-3-52), for the purchase price of Two Hundred and Ninety Thousand Dollars (\$290,000.00) and to spend additional funds to complete the real estate transfer, contingent upon review and approval of the contract and transfer documents by the Attorney for the Town; and be it

FURTHER RESOLVED, that pursuant to Town Law Section 220, the funds for this transfer are to be appropriated from the surplus in the Town's General Fund for the 2009 Budget.

No questions. Motion carried 3 ayes, 0 nays.

New Business:

Boaters' Facility: Mr. Rowe stated three bids were received; the low bid was from Welch Construction, Inc. in the amount of \$199,716.00. The second low bid was Parsons-McKenna Construction in the amount of \$202,000.00 and the third bid was from S.J. Thomas Co., Inc. in the amount of \$206,723.00. They looked at the credentials of the low bidder and found no reason to not award the bid to Welch Construction. Mr. Morrell stated the first thing that has to be done is the Board should pass a resolution (if they wish) establishing the Seneca Falls Town Board as lead agency.

A motion was made nominating the Seneca Falls Town Board as Lead Agency, and directing the Town Supervisor to send letters to interested and involved Agencies by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

Lease Agreement – Seneca Museum of Waterways & Industry: Mr. Morrell stated he has prepared a Lease Agreement which is basically the same as they have now; he will get it to the Museum to see if they are in agreement. Brief discussion followed.

Member – Planning Board: Mr. Same stated there is a vacant spot on the Planning Board; an ad was placed in the papers and five applications were received. He noted Mr. Dougherty will be starting an interview process, and there will be a recommendation next month. Mr. Morrell noted Alternates will also be named.

Resolution – Empire Farm Days: A motion was made by Lucille Cook and seconded by Tim Snyder to adopt the following Resolution:

WHEREAS, the Empire State Potato Club has been instrumental in the annual Farm Days Exposition; and
WHEREAS, the Town of Seneca Falls has been selected as the location for Empire Farm Days at the Lott Farm on Route 414; and

WHEREAS, the Empire Farm Days Exposition attracts visitors to the Seneca Falls area from all over New York State and surrounding areas, including Canada.

NOW, THEREFORE, BE IT RESOLVED, that the people of Seneca Falls wish every success to the New York State Empire Farm Days; and be it further

RESOLVED, that the Town of Seneca Falls, through its people, is honored by the presence of Empire Farm Days in our Community; and be it further

RESOLVED, that the Seneca Falls Town Board does hereby proclaim the dates of August 11, 12 and 13, 2009 as Empire Farm Days in Seneca Falls.

No questions. Motion carried 3 ayes, 0 nays.

Resolution – St. Anthony's Italian Festival: Mr. Same stated Mrs. Cook has to recuse herself from voting,

which does not leave a quorum. This will be on the Agenda next month.

Resolution – Justice Court Grant: A motion was made by Tim Snyder and seconded by Lucille Cook to adopt the following Resolution:

WHEREAS, the Legislature of the State of New York amended the Judiciary Law to establish the Justice Court Assistance Program; and

WHEREAS, the Office of Court Administration will administer the Program; and

WHEREAS, the Town Board of the Town of Seneca Falls recognizes that the Town Court is handling more involved criminal matters; and

WHEREAS, the Town of Seneca Falls fell victim to an arson that destroyed the Court facility; and

WHEREAS, the Town Court of Seneca Falls has moved to another temporary location and desires that this new temporary facility is sufficient to ensure the safety of the Employees and the Public; and

WHEREAS, the Town Court of Seneca Falls recently fell victim to a burglary; and

WHEREAS, the Town Board of the Town of Seneca Falls desires the Town Court of Seneca Falls to efficiently and safely serve the Community.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Seneca Falls hereby authorizes the Town Court of Seneca Falls to apply for funding under the Justice Court Assistance Program Grant.

No questions. Motion carried 3 ayes, 0 nays.

Attendance at Conference: Mr. Spina stated this is the annual Conference of the International Youth Sports; this year, it will be held in Orlando on December 2-5, 2009, and it is a budgeted item.

A motion was made authorizing the Commissioner of Parks & Recreation and Assistant Director to attend the International Youth Sports Conference in Orlando on December 2-5, 2009 at a cost not to exceed \$2,500.00 by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 nays.

Ad in Commemorative Program – Induction Weekend 2009: A motion was made to place a quarter page ad in the Commemorative Program for Induction Weekend 2009 at a cost of \$500.00, as it benefits the Residents of the Community by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 nays.

Payment of Bills:

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

General Fund - \$63,916.09 (Abstract #8; vouchers numbered 323-366)

Miscellaneous Fund - \$11,892.35 (Abstract #8)

Highway Fund - \$109,723.49 (Abstract #8; vouchers numbered 82-94)

Recreation Fund - \$32,470.02 (Abstract #8; vouchers numbered 232-285)

Vince's Park Fund - \$9,120.06 (Abstract #8; vouchers numbered 63-87)

No questions. Motion carried 3 ayes, 0 nays.

At 8:35 P.M., a motion was made to go into Executive Session to discuss a matter that could affect the value of real property by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

A motion was made to reopen the regular monthly Meeting at 9:20 P.M. by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 3 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn the Meeting by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 3 ayes, 0 nays.

Meeting adjourned at 9:20 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

