

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, September 1, 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; James Spina, Commissioner of Parks and Recreation; Steven Turkett; Zoning Officer; Cynthia Loncosky, Assessor; Jeffrey Rowe, Town Engineer and a Member of the local media.

Supervisor Same called the 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:

Mark Wickham – Lakeview Mental Health: Mark Wickham, Lakeview Mental Health, stated they are a 501C3 Organization and active members and participants in this Community. They have purchased property on Balsley Road and are building a 40-unit complex. He said they have obtained all approvals from the Planning Board and Zoning Board of Appeals, and hope to break ground by November 1st. They applied for low income tax credit about two years ago and were awarded those tax credits. Mr. Wickham stated they are requesting a PILOT agreement.

Mr. Dougherty asked if this is a standard practice to grant this type of PILOT; Mr. Morrell replied yes. He added each town has an obligation to ensure that somewhere in the town there is affordable housing. Brief discussion followed.

Mr. Same stated Lakeview would pay \$5,000.00 a year in lieu of regular taxes, and would pay this amount for 15 years; the \$5,000.00 would be split between Waterloo School District, Seneca County and the Town, and would be based on the tax rates.

Mr. Moore asked if the people who live in these properties are local people. Mr. Wickham replied the vast majority of the people who will be living in this particular facility currently reside in the Town; they would be combining those programs and putting them into this community. He noted the Kingdom Road property would be sold and put back on the tax rolls.

Mr. Same said the Board would act on this later in the Meeting.

Alan Larsen – Red Jacket Fire Department: First Asst. Chief Alan Larsen stated the Red Jacket Fire Department is requesting a contribution of \$10,000.00 for the purchase of a hovercraft. They have received a grant from Senator Nozzolio, and have held fundraisers to raise money, and they are \$10,000.00 short. Mr. Larsen said the present hovercraft is 15 years old, and parts are hard to find. He noted to the best of their knowledge, there is no other hovercraft in this area.

Mr. Same stated he knows the request has been ongoing. However, this year's Budget does not have the funds in it. He said the Budget process for next year will begin next month, and the request will be considered at that time.

Robert Wayne – Dissolution: Robert Wayne of Lower Lake Road stated he, his neighbors and other people are very concerned as to how this dissolution is going to affect their taxes. He said the State money that is promised to the Town year after year is not guaranteed. He thinks this Dissolution study is a waste of time. Mr. Wayne asked the Town Board to consider passing a motion and passing it on to the Village to stop this process now and keep the Village intact, and find other ways to reduce taxes.

Mr. Same stated he knows the process we are going through is cumbersome for all of us; it's an initiative put forth by the Village Government. He is not in a position at this point to recommend that type of resolution. He thinks to understand the Dissolution study, you have to take it through to the end. Mr. Same told Mr. Wayne he understands where he is coming from, and appreciates his comments. He added the Board wants to do what is right for all the residents of the Village and Town.

Vincent Lalli of Lower Lake Road stated a lot of information has to be evaluated; once the information comes in, then the people can make an informed decision. He said the only problem is when it comes to whether or not to dissolve, it's up to the Village voters. Mr. Lalli stated if their taxes and services are affected, it's very unfair that the people in the Town don't get to vote on it – if they don't get to vote, they are being taxed without representation. Further discussion followed relative to the Dissolution process.

Approval of Minutes:

A motion was made to approve the minutes of the regular monthly Meeting of August 4, 2009 by Duane Moore

and seconded by Stephen Dougherty. Being there were no additions or corrections, the minutes were accepted as presented 5 ayes, 0 nays.

Reports:

Dog Control Officer: No report.

Zoning Officer: Mr. Turkett stated the Board has a copy of his report which states six Building Permits were issued during the month of August 2009. Building Permit #2208 was issued to George Newberry, 2687 Lower Lake Road, replace windows; Permit #2209 issued to Nationwide Insurance, 1963 Route 5 & 20, sign; Permit #2210 issued to Ulrich Sign Co., Inc., (First Niagara Bank), 1959 Route 5 & 20, replace signs; Permit #2211 issued to Dennis and Emma Marino, 2444 Lower Lake Road, replace windows and vinyl siding; Permit #2212 issued to Calvary Lutheran Church, 2414 Route 414N, sign and Permit #2213 issued to Anne and Jeffrey Wilkes, 2498 Lower Lake Road, addition (By Order ZBA).

A total of \$165.00 was collected from the issuance of these Permits, and 70 Building Permits have been issued to date for the year 2009.

Mr. Turkett stated Hampton Inn has gotten their approvals and will probably start construction in November. He met with Individuals who purchased Auto Wash on Route 414, and they will be starting back up very shortly. Lakeview Mental Health was also finalized and will be starting construction in November. The Seneca Falls Savings Bank had their first meeting with the Planning Board and presented their preliminary Site Plan. He noted Wal-Mart will be opening October 14th. Mr. Turkett stated that he and the Town Clerk met with Joy Brewer of FEMA relative to the Town of Seneca Falls Floodplain readiness and new laws and regulations. Brief discussion followed relative to the Hampton Inn and Lakeview entrances.

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 indicated the Board has a copy of his report. He said August is a slow month. Summer Programs are completed – it was a great Summer; all the Camps were up in attendance. They are in the process of their annual Building maintenance which should be complete this week. Mr. Marquart and Mr. Korzeniewski closed the pool at Vince's Park today.

Mr. Spina stated soccer season is here – the numbers are up. He talked about the Halloween program and possible issues which were taken care of. The Program will be maintained as it is, and will take place right on Halloween.

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

Highway Superintendent: No report.

Assessor: Mrs. Loncosky stated she has no report; it has been quiet. She thanked the Board for making a decision on the sign. Mr. Same stated the sign will probably be installed tomorrow. Mrs. Loncosky indicated that they will be a little busier now that the School tax bills are out.

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

Attorney for the Town: Mr. Morrell stated he has no report other than matters on the Agenda, and a matter for Executive Session.

Town Justice: Mr. Same stated the Board has a copy of Judge Mahoney's report. He noted the Board did receive the security assessment for this building; it's a long report with a lot of recommendations – none are demands, just recommendations.

A motion was made to accept Judge Mahoney's report by Lucille Cook and seconded by Tim Snyder.

Mr. Same stated there was a resignation in the Court Office, and the Board will be accepting that resignation later in the Meeting. He added the Town Justice will be looking for a replacement. Mr. Dougherty noted that it will be advertised in the local papers.

The motion made by Lucille Cook and seconded by Tim Snyder to accept Judge Mahoney's report was carried 5 ayes, 0 nays.

Committee Reports:

All Hazards Mitigation Plan: Mrs. Cook stated she talked to Charles McCann and sent him a revised copy of the Plan. He made one suggestion which she changed. She indicated the Plan has been reviewed by Mr. Morrell, and is ready for approval of the Board

Mr. Dougherty asked Mr. Rowe what the status is of the Community Center gym roof. Mr. Rowe replied he spoke with Mr. Marquart who will be setting up a meeting with Lyons Roofing for next Wednesday to develop a plan. Mr. Same noted that it is an urgent situation that has to be dealt with.

Personnel: Mr. Dougherty stated there are a number of recommendations they have for Planning and Zoning Board Alternates that will be discussed in Executive Session.

Mrs. Cook stated Hazardous Waste Day took place this past Spring, and the Town has not received payment from the State. The Board needs to think about the 2010 Hazardous Waste Day.

Communications:

A motion was made to receive and file Communications numbered 1 to 22 by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 22 are as follows:

1. Tonnage received by the Landfill from the Town during the month of July 2009 from Seneca Meadows.
2. Minutes of the Town Planning Board Meeting of July 23, 2009.
3. Notification of intent to renew Liquor License from Servus Hotel Group, Waterloo LLC (Holiday Inn).
4. New York State Register, August 5, 12, 19 and 26, 2009, from Department of State, Division of Administrative Rules.
5. Check in the amount of \$33,975.55 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of July 2009.
6. Minutes of the Seneca County Planning Board Meeting of July 9, 2009.
7. Statement of Accounts, July 1-31, 2009, from M & T Investment Group.
8. Minutes of the Zoning Board of Appeals Meeting of July 23, 2009.
9. Newsletters – The Next Edition, Fall 2009, from Seneca Falls Library and Inspiration Lnk., Summer 2009, from National Women’s Hall of Fame.
10. Monthly Report for the month of July 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc. Report includes Black Brook Monitoring Report, Leachate and Gas Condensate Report and Groundwater Monitoring Report.
11. Notice of Verified Petition and Verified Petition relative to Seneca Meadows, Inc. v. Cynthia Loncosky as the Town of Seneca Falls Appointed Assessor, et al.
12. Letter thanking Board for its continued support of the Hall and its mission from National Women’s Hall of Fame.
13. Check in the amount of \$3,717.59 from BonaDent representing August payment of CDBG loan.
14. Check in the amount of \$28,612.00 from Town of Fayette representing 2nd half payment for CAP.
15. Check in the amount of \$788.61 from Rita Cassaro representing Retiree’s portion of health insurance premium.
16. Status of CDBG loans as of May 31, 2009, June 30, 2009 and July 31, 2009, from Beverly Warfel, Account Clerk.
17. Pledges of Collateral, August 18, 2009, from M & T Investment Group.
18. Check in the amount of \$39.51 from NYS & Local Employees’ Retirement System representing arrears overpayment.
19. Check in the amount of \$397.76 from Donald Wood representing reimbursement for trimmers.
20. Check in the amount of \$943.56 from Urban Sun LTD representing August payment of CDBG loan.
21. Check in the amount of \$268.92 from State of New York, Department of Taxation and Finance representing reimbursement for overpayment of State tax.
22. Copy of letter to Steve Eidt, Division Canal Engineer, from NYS Department of Environmental Conservation, Division of Water, relative to routine inspections of Mud Lock C&S Canal Dam and Movable Dam at Mays Point.

Old Business:

Vince’s Park Pool Renovations: To be discussed in Executive Session.

Sale of Property – 10 Fall Street: Mr. Same stated the Board is ready to accept the proposal of Denis O’Rourke. He noted the sale of the property was advertised in August, and one bid was received. He said the Board felt that Mr. O’Rourke’s proposal met the criteria of what it was looking for in a project. Mr. O’Rourke would like to proceed with the feasibility study; once that is completed, he will come back to the Board and it will be presented to the Community. There is the potential for an 80-unit assisted living complex. Mr. Same stated the purchase price for the property is \$200,000.00.

Mr. Morrell stated the resolution to enter into a contract and sell this Town's property would be subject to a permissive referendum. He added since he is investigating the feasibility of the project, it is not necessary to do the permissive referendum at this point. Mrs. Cook asked if there would be a Public Hearing; Mr. Morrell replied it would be a public meeting – not necessarily a Public Hearing.

A motion was made authorizing Denis O'Rourke to proceed with a feasibility study relative to the purchase of 10 Fall Street by Duane Moore and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Purchase of Property – 87-89 Fall Street: Mr. Morrell stated the Town has a signed purchase agreement with the owner who is getting documents together for the Board. He has prepared a proposed lease for the current tenant on the property, and has not heard anything back from the Museum. He added the sale can proceed as soon as they provide information to the Board.

A motion was made by Lucille Cook and seconded by Duane Moore to approve the following Budget transfers for the purchase of 87-89 Fall Street:

From: A1990.4 – Contingent Account - \$90,000.00

To: A1940.2 - Purchase of Property -\$90,000.00

From: A7180.44 – Boaters Facility - \$106,000.00

To: A1940.2 – Purchase of Property - \$106,000.00

From: A8692.4 – Grants to Cooperating Municipalities - \$94,000.00

To: A1940.2 – Purchase of Property - \$94,000.00

Mr. Same noted none of the money will transfer until the actual purchase of the property.

The above motion made by Lucille Cook and seconded by Duane Moore approving the Budget transfers as listed for the purchase of 87-89 Fall Street was carried 5 ayes, 0 nays.

All Hazards Mitigation Plan: A motion was made to approve the All Hazards Mitigation Plan by Tim Snyder and seconded by Stephen Dougherty.

Mrs. Cook stated she redid the Plan so that it focused on the Town of Seneca Falls. She updated it and brought it to the County for Charles McCann to review. Mr. Dougherty said he would like time to review it.

A motion was made to table approval of the plan until after Executive Session by Stephen Dougherty and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Resolution – St. Anthony's Italian Festival: A motion was by Stephen Dougherty and seconded by Tim Snyder to adopt the following Resolution:

WHEREAS, the 2009 St. Anthony's Italian Festival will be held September 4th, 5th and 6th inclusive; and

WHEREAS, the Festival perpetuates Old World traditions which are enjoyed by the Residents of Seneca Falls and surrounding communities; and

WHEREAS, the St. Anthony's Italian Festival adds to the cultural life of our Community.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board takes notice of St. Anthony's Italian Festival and hereby expresses their wish for success of its 2009 Celebration; and be it further

RESOLVED, that the Seneca Falls Town Board proclaims September 4th, 5th and 6th, 2009 – St. Anthony's Italian Festival Days.

No questions. Motion carried 4 ayes, 0 nays; Councilwoman Cook recused herself from voting.

Declare Computers Surplus: Mr. Same stated there are two computers that are no longer being used.

A motion was made to declare the two computers surplus and advertise for sealed bids, bids to be opened at the October 6, 2009 Meeting by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

New Business:

SEQR REVIEW – BOATERS' FACILITY: Mr. Same stated the Board needs to address the Environmental Assessment Form that has been prepared by the Town Engineer. The answer to #12 of the EAF - Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance – should be yes. It was noted that the Project is located in a defined Historic District, but the response to a Project request sent to the State Historic Preservation Office is that the Project will have "No Impact" on historic resources. The answer to #19 should also be yes. The Project will enhance the services available to travelers and will therefore have a beneficial effect on the character of the Community through the encouragement of tourism.

A motion was made by Lucille Cook and seconded by Stephen Dougherty to adopt the attached Resolution declaring a negative declaration for this Project. No questions. Motion carried 5 ayes, 0 nays.

Dates – Special Meeting & Budget Workshops: Mr. Same stated all Department Head Budgets are due September 20th. On October 1st at 6:00 P.M., the Tentative Budget will be introduced, and a Budget Workshop will follow. The regular Town Board Meeting will be held on October 6th, a Budget Workshop on October 7th, and a Meeting with the Dissolution Committee on October 8th.

Highway – Budget Transfers: A motion was made by Lucille Cook and seconded by Tim Snyder to approve the following Highway Budget transfers:

From: DB5110.4 – Misc. Road Supplies - \$12,500.00
To: DB5110.41 – Asphalt - 12,500.00

From: DB5110.401 – Sub-Contractors - \$ 4,000.00
To: DB5110.41 – Asphalt - 4,000.00

From: DB5110.45 – Stone/Soil - \$ 9,000.00
To: DB5110.41 – Asphalt - 9,000.00

From: DB5110.45 – Stone/Soil - \$ 8,000.00
To: DB5110.47 – Asphalt – Labor - 8,000.00

No questions. Motion carried 5 ayes, 0 nays.

Budget Transfers: A motion was made to approve the attached Budget Transfers for General Fund, Miscellaneous Fund, Recreation Fund and Vince's Park Fund by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Purchase Lectern for Meeting Room: A motion was made to purchase a lectern for the Meeting Room at a cost not to exceed \$600.00 by Duane Moore and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Resignation – Court Clerk: A motion was made to accept the resignation of Lauren Caratozzollo as Court Clerk with regret by Tim Snyder and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

Mr. Snyder stated he wishes to thank her for the time spent in the Court, and wished her well with her family.

2010 Hazardous Waste Day: Mr. Same stated Mrs. Cook has done a great job in Chairing this over the years. He said the decision to fund or not to fund this in 2010 will be made during the Budget process.

Sponsorship – Habitat for Humanity: Mr. Same stated Habitat for Humanity is currently organizing their Third Annual Fun Walk to raise money to financially support their upcoming projects. They are requesting that the Town contribute a sponsorship fee of \$200.00.

A motion was made to contribute a sponsorship fee of \$200.00 to Habitat for Humanity as it would be a benefit to the Community by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Request for Waiver of Notice Period – Holiday Inn: Mr. Same stated the Holiday Inn has made a request to the Board to consider waiving the 30-day notification period to renew their liquor license. The Town Clerk explained an Applicant is required to give a 30-day notice to the Town when submitting a renewal application for an alcoholic license. A notice was sent to the Town on August 14th; their license expires September 30th. They are requesting that the Town waive the remainder of the 30-day notice period so that the Liquor Authority can process the license renewal upon receipt of the waiver.

A motion was made to waive the 30-day notice period required for renewal of the Holiday Inn's liquor license by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Justice Court Audit: Mr. Same stated the Board is required to do an audit for the Justice Court; the Bonadio Group has submitted a proposed fee of \$4,000.00 to do the Audit.

A motion was made to proceed with the Justice Court audit and approve the services of Bonadio Group to do the audit at a cost of \$4,000.00 by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

PILOT Agreement – Lakeview Mental Health: A motion was made to approve the Agreement for Payments in Lieu of Real Property Taxes for the proposed Lakeview Mental Health Facility to be located on Balsley Road in

the Town as per attached Agreement by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Payment of Bills:

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

General Fund - \$30,198.09 (Abstract #9; vouchers numbered 367-406)

Miscellaneous Fund - \$27,379.54 (Abstract #9)

Highway Fund - \$9,845.06 (Abstract #9; vouchers numbered 95-108)

Recreation Fund - \$11,890.02 (Abstract #9; vouchers numbered 286-312)

Vince's Park Fund - \$8,100.74 (Abstract #9; vouchers numbered 88-112)

No questions. Motion carried 5 ayes, 0 nays.

At 8:40 P.M., a motion was made to go into Executive Session to discuss specific personnel and pending litigation – Paterson-Stevens vs. Town of Seneca Falls, 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 9:10 P.M. by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

All Hazards Mitigation Plan: A motion was made to bring back to the table the All Hazardous Mitigation Plan by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

A motion was made by Tim Snyder and seconded by Stephen Dougherty to adopt the following Resolution:
WHEREAS, the Town of Seneca Falls, with assistance from the County of Seneca, has gathered information and prepared the Town of Seneca Falls All Hazards Mitigation Plan (the "Plan"); and
WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and
WHEREAS, the County of Seneca held a Public Hearing affording all citizens an opportunity to comment and to provide input in the Plan and the actions in the Plan; and
WHEREAS, the Town of Seneca Falls Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years.
NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls Town Board adopts the Plan as this jurisdiction's All Hazards Mitigation Plan and resolves to execute the actions in the Plan.
No questions. Motion carried 5 ayes, 0 nays.

Appoint Planning Board Member: A motion was made to appoint Daniel Babbitt as a Member of the Town Planning Board, said term to expire December 31, 2013, by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Alternate Zoning Board of Appeals Members: A motion was made to appoint Marie Scoles and John Lewkowicz as Alternate Members of the Zoning Board of Appeals for the term of one year by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 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 5 ayes, 0 nays.

Meeting adjourned at 9:15 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk