

The Seneca Falls Town Board held two Public Hearings and a regular monthly Meeting on Wednesday, November 4, 2009 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Peter Same; Councilpersons Duane Moore, Stephen Dougherty and Timothy Snyder. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Cynthia Loncosky, Assessor and Jeffrey Rowe, Town Engineer.

Public Hearing – 2010 Preliminary Budget: Supervisor Same opened the Public Hearing relative to the 2010 Preliminary Budget at 7:05 P.M., and asked if there were any comments on the Budget as presented.

Councilman Dougherty commented that he likes the way the process goes relative to discussion; there is give and take on things and he thinks it's a well run process. He said the one concern he had is – he wishes the Board had put some money into the Tax Stabilization Reserve Fund instead of putting that large amount of money in a reserve fund for a new building. He added he does intend to support the Budget. Mr. Same stated the intent this Evening is to establish a capital reserve fund for a future building; \$500,000.00 would be put into the fund plus the Insurance settlement of about \$800,000.00.

Mr. Same stated in the Budget process, the Board cut over \$400,000.00 from the Tentative Budget that was submitted by Department Heads. He noted the proposed Town tax rate is the same as last year, which is zero. Highway Townwide tax is zero – this benefits the entire Town including Village Residents. The Highway & General Outside is .45 (no change); Bridgeport Fire District is \$1.99 (no change); Seneca Falls Fire District is \$1.23 (increased .05); Seneca Falls Refuse District is \$115.42 (decreased \$3.86); SF Sewer District #1 is .23 (no change); Ken-Mor Lighting District is \$38.26 (decreased \$4.69); Bridgeport Area Water is \$291.85 (decreased \$3.52); and the Bridgeport Sewer District is the same as last year - \$226.07.

Mr. Same asked if there were any other comments; since there were none, the Public Hearing relative to the 2010 Preliminary Budget was closed.

Public Hearing – Proposed Local Law #3 – 2009: Mr. Same opened the Public Hearing relative to proposed Local Law #3 – 2009, a local law to amend Chapter 25 of the Code of the Town of Seneca Falls to provide for appointment of alternate Members of the Town of Seneca Falls Planning Board. He said this would allow the Board to appoint up to two Alternates; they would fill the void when Members are not able to make Planning Board Meetings. Mr. Moore stated he thinks it's a good idea as there is so much going on and so much in progress that these Boards need to have a full quorum to put these proposals together.

Mr. Same asked if there were any other comments; since there were none, the Public Hearing relative to proposed Local Law #3 was closed.

Supervisor Same called the regular monthly Meeting to order at 7:15 P.M. A roll call was taken of Board Members and Councilwoman Cook was absent from the Meeting; the Pledge of Allegiance followed.

Mr. Same welcomed the two successful Candidates for Town Board – Susan Sauvageau and T.J. Casamassima, and said he looks forward to working with them.

Petitioners: There were no Petitioners.

#### Approval of Minutes:

A motion was made to approve the Minutes of the regular monthly Meeting of October 6, 2009 and the Budget Workshop Meeting of October 7, 2009 by Tim Snyder and seconded by Duane Moore. Mr. Moore mentioned that his name was missing from list of Board Members in attendance. The motion made by Tim Snyder and seconded by Duane Moore to approve the Minutes of October 6, 2009 was amended to include Councilman Moore as being in attendance at the Meeting. Motion carried 4 ayes, 0 nays.

#### Reports:

Dog Control Officer: Mr. Same stated the Dog Control Officer's report for the month of October 2009 states that two dogs were impounded and two redeemed; there were two dogs adopted, and 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 Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Zoning Officer: Mr. Same indicated the Zoning Officer has submitted a report which states eight Building Permits were issued during the month of October 2009. Building Permit #2219 was issued to Arnaldo Palladini, 2056 Gravel Road, porch; Permit #2220 issued to Marco Rea, 2154 BlackBrook Road, apartment;

Permit #2221 issued to Sunoco, 1857 Route 5 & 20, demolition; Permit #2222 issued to Stephen & Karen Kulha, 2500 Jackson Road, siding repair and deck railing; Permit #2223 issued to Tony Ferrini, 3127 E. Bayard Street Ext., storage shed; Permit #2224 issued to Bret Tandle, 3270 Noble Road, pool deck; Permit #2225 issued to Brian DeMillo II, 3016 E. Bayard St. Ext., roof and garage bay and Permit #2226 issued to Brad Acker, 3152 Patton Avenue, vinyl siding and windows.

A total of \$290.00 was collected from the issuance of these Permits, and 83 Building Permits have been issued to date for the year 2009.

A motion was made to accept Mr. Turkett's report by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Commissioner of Parks & Recreation: Mr. Spina indicated that the Board has a copy of his report. He said the roof is done as of Monday, and they are doing a cleanup now. He thanked the Board for enabling that process to go forward, and thanked them for paying attention to the emergency.

Mr. Same stated the construction on the Boaters' Facility has started. Mr. Rowe stated the Contractor has started work and anticipates being done by Christmas – by contract, he has until the middle of January to complete the work. Mr. Same stated there are two proposed change orders being requested, one being to repair the sidewalk on Fall Street as it is a safety issue. Mr. Rowe said they are waiting to hear back as to what the cost would be, and then it will come before the Town Board for approval. Mr. Same indicated the second change order is to move the waterline.

Mr. Spina stated they are getting on with the basketball season which lasts until March. He noted there are a lot of reservations for activities, such as It's a Wonderful Life, Christmas parties and the Community Christmas Project. He added it's a very busy month.

Mr. Snyder said they talked about two things relative to the Boaters' Facility, one being a sign going up to catch the boat traffic going through the Canal. They talked about security cameras as the Facility will be open to the public. Mr. Same stated Mr. Marquart is aware of the proposal for cameras; Mr. Spina indicated Mr. Marquart is working on monitoring the cameras. Brief discussion followed.

A motion was made to accept Mr. Spina's report by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Highway Superintendent: The Town Clerk stated Mr. Wood indicated to her that the waterline was tested and approved; property owners will be hooking up this week. The Highway Staff is getting ready for the winter months.

Mr. Same stated that since the inception of the installation of the waterlines, he and Mrs. Wafel reviewed all the residential parcels to determine how many properties have actually hooked up. They gathered the information and sent out letters to those that have not hooked up, and they are getting responses from the property owners. After brief discussion, Mr. Same stated he will have a final report at some point in the near future.

Assessor: Mrs. Loncosky stated she has been taking pictures of new construction. She had the opportunity to go on Cayuga Lake and took 500 pictures from Townline Road in Fayette to Cayuga Lake in Seneca Falls. She said the Town did receive the GIS Grant, and she would like authorization to proceed with that.

A motion was made authorizing Mrs. Loncosky to proceed with the GIS Grant for the Town of Seneca Falls by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

A motion was made to accept Mrs. Loncosky's report by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Attorney for the Town: Mr. Morrell stated there are matters later in the Agenda.

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 Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

#### Committee Reports:

Personnel: Mr. Dougherty stated an Employee complained about a smell of mold in the building which caused allergy problems; is there any way to see if the Landlord could do something about it. Mr. Same stated the Landlord is aware of the problem; they are in the process of completing the roof which they think caused some of the problem because the roof was leaking. He added they will be addressing the mold problem – it's mostly

at the east end of the building. Mr. Snyder stated he noticed it the last couple of times he came into the building – there has been a lot of rain and that probably didn't help.

Dissolution Study Committee: Mr. Same stated on November 12<sup>th</sup> the Committee will be presenting what they consider to be the final draft of the plan. He said when the Board met with the Committee on October 8<sup>th</sup>, they went over the services that will be proposed in the plan; one area the Board didn't agree with was police protection. At the Committee Meeting that took place Monday, Mr. Same asked the Committee to reconsider their status on Townwide police protection. In the end, they agreed to stick with their original plan of Townwide police protection - the support for that was not unanimous, but the majority ruled. Mr. Same stated if on November 12<sup>th</sup>, there are no changes, the next presentation will be to the Village Board on December 7<sup>th</sup>. He added at that time, the Village Board will make the decision on whether to accept the plan and present it to the voters, or make changes or not accept the plan.

Mr. Same stated the proposal will be putting the Town tax rate at \$4.56 per \$1,000.00 – that is with the Townwide police protection. He said if they did present a police protection district instead of Townwide police protection, the rate would be \$1.27 per \$1,000.00; the current Village Residents would pick up the cost for the special police district. He noted there was a great deal of discussion about whether a special police protection district is even feasible or possible, and in the end, the Consultant said there is no reason why you couldn't establish a police protection district – it takes legislation, but it can be done. Further discussion followed.

Mr. Moore stated he would like to put more emphasis out to the public as to how the Town feels about a lot of these things it agreed to already - the Town really hasn't presented its case adequately. He added the Board has been thrown in the hopper and is taking the blame for a lot of these things that the Village has responsibility for. He said it seems the Board has been hung out to dry on a lot of these situations when it really has been here working for everyone.

Mr. Same stated the Town has been FOILED by the Village asking for all of its financial records for the last six years - how much was received and how much was spent. He said the Clerk has gotten that letter and has responded to that letter, and we are trying to work on gathering what's needed to do that. Mr. Same stated through the Budget process, the Town has used those resources to benefit all Residents of the Community - Town and Village. He added unfortunately, it doesn't meet the needs of the Village Board in terms of the tax they have to levy to take care of the infrastructure that they have developed. He said in the end, the majority will rule.

Mr. Dougherty stated he appreciates the work the Committee has done, but a Committee appointed by a different municipality is telling the Town to do something for people that are outside the Village – he has a problem with this. He added the Town Board said it prefers a police district - a Village appointed Committee is telling the Town Board what to do for outside the Village Residents. Discussion followed.

#### Communications:

A motion was made to receive and file Communications numbered 1 to 27 by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays. Communications numbered 1 to 27 are as follows:

1. Letters regarding the dissolution of the Village from Rebecca Pezzulo, Gloria Odiorne and David Odiorne.
2. Letter from Time Warner Cable outlining the changes in services that they will be offering.
3. Pledges of Collateral, September 25, October 5, 14, 15, 16, 19 and 20, 2009, from M & T Investment Group.
4. Monthly Report of all moneys received and disbursed during the month of September 2009 from Town Supervisor.
5. Check in the amount of \$943.56 from Urban Sun LTD representing September payment of CDBG loan.
6. Check in the amount of \$38,073.85 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of September 2009.
7. Statement of Accounts, September 1-30, 2009, from M & T Investment Group.
8. New York State Register, October 7, 14, 21 and 28, 2009, from Department of State, Division of Administrative Rules.
9. Section 504 Compliance Handbook, October 2009, from Thompson Publishing Group.
10. Check in the amount of \$637.60 from Michael Matuszkiewicz representing reimbursement for culvert pipe.
11. Monthly Report for the month of September 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
12. Check in the amount of \$2,100.00 from State of New York, Department of Taxation and Finance – State Aid for Youth Programs.
13. Check in the amount of \$3,717.59 from BonaDent representing October 2009 payment of CDBG loan.
14. Letter thanking Board for its second half funding of the Seneca Falls Library from Michael Caraher,

Library Director.

15. Letter from Finger Lakes Workforce Investment Board thanking the Board for its school bus sponsorship which assisted Mynderse Academy students to attend the Hands On Skilled Trades Center Day.
16. Reports and Resolutions relative to two Use Variances from Seneca County Planning Board.
17. Minutes of the Planning Board Meeting of September 24, 2009.
18. Minutes of the Zoning Board of Appeals Meeting of September 24, 2009.
19. Status of CDBG loans as of August 31, 2009 and September 30, 2009 from Beverly Warfel, Account Clerk.
20. Check in the amount of \$1,237.79 from State of New York, Department of Taxation & Finance – reimbursement for Assessor's education expenses.
21. Check in the amount of \$2,800.00 from Demont Road Association Fund representing reimbursement for culvert pipe.
22. Checks in the amount of \$300.00 from John Schultz, \$300.00 from Kirk Anderson and \$300.00 from Scott Gerstner representing curb stop fees.
23. Letter from James Skordy resigning as Commissioner of the Red Jacket Fire Department.
24. Letter from the State Education Department stating that a Local Government Management Improvement Fund Grant in the amount of \$34,167.00 has been awarded to the Town.
25. Check in the amount of \$683,100.00 from Seneca Meadows, Inc. as per Host Community Agreement.
26. Letter addressed to SF Dissolution Study Committee, Village of SF Board of Trustees and Town of Seneca Falls Council from the Seneca Falls Police Union relative to the Village dissolution.
27. Letter from Gay & Son Agency, Inc. confirming that as of October 2, 2009, coverage of 87-89 Fall Street has been added to the Town's policy.

Old Business:

Townwide Water Improvements: No report.

Contribution Request – Red Jacket Fire Department: Mr. Same noted the Board did agree, through next year's Budget process, to fund the money requested.

Sale of Property – 10 Fall Street: Mr. Same stated the Board is waiting for further information from the Gentleman who gave the proposal.

Noble Road Project: Mr. Morrell noted that under Communications, there is a letter from the Zoning Officer to the Developer – he doesn't know of any response. The Town Clerk stated Mr. Cafaro did call the Office and she referred him to Mr. Turkett.

Boaters' Facility: Discussed earlier in the Meeting.

New Business:

Establish Capital Reserve Fund for Building: Mr. Same stated the Board was hoping to establish a Capital Reserve fund for a future building. Currently, there is \$830,725.50 of insurance recovery funds from the fire; in this year's Budget, the \$500,000.00 that was allocated to go into the Tax Stabilization Reserve will be put into the Capital Reserve, which would bring the total to \$1,330,725.50.

Mr. Morrell stated there are two ways to do this. He said if the Board would like to establish a Capital Reserve Fund for a specific purpose, it would be subject to a permissive referendum. The other way is to establish a Capital Reserve Fund for general purpose, which would not be subject to a permissive referendum - when it comes time to withdraw the funds, then it would be subject to a permissive referendum. He explained further the two options.

Mr. Same referred to the long range plan that was developed by Bernard P. Donegan, and said the plan that was developed was to reserve funds over a period of 4-5 years so that when the time was right and the Board was prepared, it would have the money available to build the facility without having to bond it. He said the Dissolution Committee may be recommending using the funds to help keep the tax rate down and not reserving for the building. He added we are now paying rent for this facility; the Town has to build a facility or renovate a facility, and it needs the money to do that.

Mr. Snyder stated he is not in favor of bonding, if it isn't necessary. Mr. Moore said he doesn't want to bond either. He added a lot of time has been put into this effort, and he would hate to see the funds scattered all over for some ridiculous reason; as long as the account has been worked up to have those funds set aside for this project, he thinks the Board should maintain its course and stay with it. Further discussion followed.

A motion was made by Tim Snyder and seconded by Duane Moore to adopt the following Resolution

establishing a Capital Reserve Fund to Finance Capital Improvements and to put the current amount of \$1,330,725.50 into said Fund:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Capital Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of capital improvements. The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the Investment Policy of the Town Board. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by Section 6-c of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this Governing Board and without such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law.

No questions. Motion carried 3 ayes, 1 nay; Councilman Dougherty with the dissenting vote.

Mr. Dougherty stated he agrees with setting up the Capital Reserve Fund, but he disagrees with the amount that will be placed in the Fund as he would like to see some money kept aside for Tax Stabilization.

2010 Preliminary Budget: A motion was made to adopt the 2010 Budget as presented by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

Proposed Local Law #3 – 2009: A motion was made by Stephen Dougherty and seconded by Tim Snyder to adopt Local Law #3 – 2009, a local law to amend Chapter 25 of the Code of the Town of Seneca Falls, New York to provide for appointment of alternate Members of the Town of Seneca Falls Planning Board. No questions. Motion carried 4 ayes, 0 nays.

Contribution – Finger Lakes Television: Mr. Same stated the amount budgeted this year is \$2,500.00. He noted they air our Town Board Meetings, and do a lot of the local meetings.

A motion was made by Tim Snyder and seconded by Stephen Dougherty to contribute \$2,500.00 to Finger Lakes Television as they provide a service that benefits the Town of Seneca Falls. No questions. Motion carried 4 ayes, 0 nays.

Highway Budget Transfers: A motion was made by Duane Moore and seconded by Tim Snyder to approve the following Highway Budget transfers:

From: DA5130.203 – Attachments	\$ 6,500.00
From: DA5130.48 – Sander Maintenance	3,500.00
To: DA 5130.201 – Excavator	10,000.00
From: DB5110.1 – Motor Equip. Operators	\$ 1,000.00
To: DB5110.11 – Part Time	1,000.00
From: A5130.43 – Fuel	\$ 100.00
To: DA5130.44 – Oil & Liquids	100.00

No questions. Motion carried 4 ayes, 0 nays.

Attendance at Association of Towns Conference: Mr. Same stated this is the February Meeting that takes place in New York. It’s an informative Meeting that has been attended in the past; money is budgeted.

A motion was made authorizing the Town Board, Town Attorney, Town Clerk, Town Justice, Court Clerk and Zoning Officer to attend the Association of Towns Conference February 14-17, 2010 by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Mr. Moore stated it’s very well worth it because it’s a great opportunity to see what the rest of the State is doing; they have great workshops and there are great question and answer sessions. Mr. Dougherty mentioned that there was a workshop on dissolution, and he learned a lot about laws and rules handling personnel issues.

Participation in RFP for Employee Assistance Program Services: Mr. Same stated the County has asked every Town in the County if they would like to participate in EAP Services for Employees; it would be committing the Town to the Program if it wishes to participate. He said there is a whole list of services that can be offered to Employees, and he thinks it’s a great Program. Mr. Dougherty questioned the number of Employees and cost per Employee. Mr. Same stated the total cost for the Town would be about \$500.00. Brief discussion followed.

A motion was made to participate in the County's Employee Assistance Program Services by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Service Contract Renewal – Phones: A motion was made to renew the service Contract with Synergy Global Solutions for phones and firewall at a cost of \$3,473.75 per year by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

Payment of Bills:

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

General Fund - \$108,860.98 (Abstract #11; vouchers numbered 455-498)

Miscellaneous Fund - \$22,002.14 (Abstract #11)

Highway Fund - \$18,218.47 (Abstract #11; vouchers numbered 129-143)

Recreation Fund - \$24,674.76 (Abstract #11; vouchers numbered 350-389)

Vince's Park Fund - \$1,444.05 (Abstract #11; vouchers numbered 124-133)

No questions. Motion carried 4 ayes, 0 nays.

At 8:25 P.M., a motion was made to go into Executive Session for a matter relating to pending litigation of SMI vs. Town of Seneca Falls, an assessment challenge, by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

A motion was made to reconvene the regular monthly Meeting at 8:55 P.M. by Stephen Dougherty and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

A motion was made by Tim Snyder and seconded by Stephen Dougherty authorizing the Town Attorney to proceed with further investigation of appraisals and if nothing else can be found, authorizing the Attorney to spend up to \$22,500.00 for a court ready appraisal; also authorizing the Town Attorney to contact the Waterloo School District to see if they would like to participate. No questions. Motion carried 4 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn the Meeting by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 4 ayes, 0 nays.

Meeting adjourned at 8:57 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

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