

Reports:

Dog Control Officer: The Dog Control Officer's report states that three dogs were impounded – two redeemed and one dog still being held; four Appearance tickets were issued. Five cats were also impounded as they were abandoned with no food or water.

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 the Board has a copy of his report which states four Building Permits were issued during the month of November 2009. Building Permit #2227 was issued to Vivian Peek, 1824 Auburn Road, replace mobile home; Permit #2228 issued to Harold Eckert, 2207 Lake Road, roof; Permit #2229 issued to Joseph Jacuzzo, 1987 Gravel Road, siding and Permit #2230 issued to Shirley M. Andrews, 3109 Demont Road, roof and siding.

A total of \$125.00 was collected from the issuance of these Permits, and 87 Building Permits have been issued to date for the year 2009.

Mr. Turkett noted that they did win their Court case. The Holiday Inn's new sign is up, and Rite Aid will be putting a temporary sign on the corner of Route 5 & 20 and 414 (Coming soon and information for hiring). Mr. Same asked what the status was for the approval process for the site plan. Mr. Morrell replied they have made some amendments to their prior plan that is more in line with the Town Code. The Planning Board has requested that they provide an updated Environmental Assessment form for SEQR; a Meeting will be scheduled when the information is provided.

Mr. Same asked about the Noble Road Project. Mr. Turkett replied he received a phone call from Sal Cafaro in response to his letter to Maxim, and the verbal plan that he got was that piping would be delivered in the Spring of next year and site work would continue. They will start proceeding in early Spring with the Project.

Mr. Same asked about the two Projects on Balsley Road. Mr. Turkett replied originally, Lakeview was going to start in November, but they are working on State funding; Hampton Inn is waiting until next Spring. Mr. Same indicated that Lakeview is working on groundbreaking in December.

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

Commissioner of Parks & Recreation: Mr. Spina apologized for not having a written report. He noted it's their busy season and many Events are being held at the Center, such as Seneca-Cayuga ARC Lights for Loved Ones which is taking place tonight, Five Points Children's Christmas Party Sunday; It's a Wonderful Life next weekend and the Seneca County Community Christmas Project the following week. After that, basketball season starts - four different travel teams, six other different divisions (grades Pre-K through 6); wrestling on Wednesday and volleyball every Wednesday. Mr. Spina stated Mr. Nicholson spent the last two days decorating - it looks great. The roof is complete and the gym floor is finished.

Mr. Spina mentioned that there is an Agenda item regarding fitness equipment. In the 2010 Budget, there is a line item to replace two of the fitness machines. He would like to get them ordered tomorrow (State bid price) because it takes 2-6 weeks, and they will be paid in January. Mr. Spina mentioned that one of the treadmills has to be repaired, and it will cost about \$2,000.00. He discussed this with Mr. Snyder and Mr. Dougherty to possibly use money from this year's budget to replace that treadmill, being that people are used to using three treadmills instead of two. He added they can get by with two machines. Mr. Dougherty stated they discussed setting up a reserve fund to replace playground equipment at Kids' Territory with the remaining amount that is in Contingency at the end of the month. Mr. Spina said they can get by with two treadmills if they have to. He asked the Board to think about it and take a look at it at the Year-End Meeting.

After brief discussion relative to the equipment that will be purchased, Mr. Morrell noted that he spoke with Mr. Spina regarding the purchase; they are at State bid price, and with the trade-ins allotted, it seems like it's a good value for the Town.

A motion was made authorizing Mr. Spina to place an order to purchase two elliptical machines with trade-ins at a cost not to exceed \$9,000.00 which will be taken from the 2010 Budget, by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Mr. Same asked - when the roof was done, was the painting of the ceiling part of the quote; Mr. Spina replied because of the timing, it will have to wait until Spring. He didn't know if that was part of the bid – he will check with Mr. Marquart. Brief discussion followed.

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

Highway Superintendent: Mr. Wood stated the new trucks are in and they are working on them – lights, radio, mirrors, etc., and they will undercoat them tomorrow. He noted all the other trucks have been inspected and they are all ready to go.

Mr. Wood mentioned the complaints at Ken-Mor, and said they will put the sign in Thursday. They painted lines in the road to a certain section. He talked to the neighbor about the tree, and he doesn't think it's an issue; the owner will not do anything about it. He added all the issues have been taken care of. Mr. Same requested that Mr. Wood talk to Mr. Praszkowicz to let him know he is finished with what he can do.

Mr. Wood referred to water improvements, and said one property owner has hooked up and the other will be hooking up this week or next. He said people on Fayette side want to hook up, but they have to form a district. He is getting bids for pipe ready for the March Meeting.

Mr. Wood stated he has culvert pipe that he put in for some property owners – they have not paid for the pipe; can this be relayed on their taxes. Mr. Same replied yes, and requested that Mr. Wood give the information to Mrs. Warfel and she will take care of it. Discussion followed.

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

Assessor: No report.

Attorney for the Town: Mr. Morrell stated the Conference date on the Seneca Meadows challenge has been postponed until April. He added this will give more time to work with Appraisers, as well as communicate and negotiate with Seneca Meadows.

Mr. Morrell stated we did receive a request under the Freedom of Information Law from the Village that has been responded to. He said a letter was prepared last week to address all the items they were requesting; some information was sent to their Attorney in Utica, and prior to that, there was some information going directly from the Town Clerk to the Village Offices. Also, there are several boxes of materials here in the Town Offices which are available for their review. Mr. Morrell indicated the Town is a little scattered after the fire – the temporary Town Hall at 31 Fall Street and now here; the information going back five years has now been collected and is sitting in the Town's Offices available for review – this has been communicated to the Village through their Attorneys. Mr. Dougherty asked if the Town has complied fully; Mr. Morrell replied yes. Mr. Same stated there were 15 items in a letter that was received in the middle of October; a portion of those were already responded to and the remaining documents were mailed today.

Mr. Same stated he had a visit from Village Board Member Larry Driscoll today. He commended Mr. Driscoll for coming in and sitting down with him and Mrs. Warfel to try and understand what the information is. Mr. Driscoll felt that the FOIL request was a little absurd in terms of the volume of paperwork that was requested. Mr. Same said it's a lot of money being spent for Attorneys that probably isn't necessary, but that was their choice.

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

Town Justice: Judge Mahoney noted that the Board has a copy of her report. She has a Clerk's position to fill; instead of taking from the Civil Service list, she is requesting to go back to the Clerk to the Town Justice position which is an exempt position. She would like to hire Meghan Langley who will be working 40 hours a week with a starting salary according to the matrix system. Mr. Same asked how many applicants there were; Judge Mahoney replied there were a lot. She met with the Personnel Committee and did 6-7 interviews and narrowed it down from there. Brief discussion followed.

A motion was made to appoint Meghan Langley to the full time exempt position of Clerk to the Town Justice at \$11.38 per hour by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Judge Mahoney stated she is requesting the appointment of Deborah Rogers as Drug Court Clerk for 10 hours a week – this is paid for by the County

A motion was made to appoint Deborah Rogers as Drug Court Clerk for 10 hours a week at \$11.38 per hour by Lucille Cook and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Judge Mahoney invited the Board to Drug Court Graduation on December 18<sup>th</sup> at 1:00 P.M.

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.

Committee Reports:

Hazardous Waste Day: Mrs. Cook stated the Town received a check from Waterloo for their portion of expenses for Hazardous Waste Day. She reminded the Board that someone pick up the ball and still have the Hazardous Waste Day next year with Waterloo because it is an important event for the Community. Mr. Same asked if it would be possible to put together some type of a timeline. Mrs. Cook replied meetings start in March to set dates and work on who is doing signs and advertising. She mentioned that Mrs. Marrazzo is the right-hand lady who will be a lot of help.

Dissolution Study: Mr. Same reminded the Board that 7:00 P.M. on December 7<sup>th</sup> is the presentation of the Dissolution study plan to the Village Board; it will be good for the Board to be there to see how the plan is presented.

Communications:

A motion was made to receive and file Communications numbered 1 to 26 by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 26 are as follows:

1. Pledges of Collateral, October 26, 28, November 13 and 20, 2009, from M & T Investment Group.
2. Checks in the amount of \$300.00 (Mark & Christine Hlywa), \$300.00 (Howard Alcott) and \$300.00 (Ronald Mellini) representing waterline hookup fees.
3. New York State Register, November 4, 10, 18 and 25, 2009, from Department of State, Division of Administrative Rules.
4. Letter from Selective Insurance Company stating they have been unsuccessful in their efforts to recover damages and deductible relative to a claim against Peter Snyder.
5. Section 504 Compliance Handbook, November 2009, from Thompson Publishing Group.
6. Check in the amount of \$511.50 from Seneca County IDA representing the Town's share of a PILOT relative to 1771 Auburn Road.
7. Letter from Time Warner Cable stating Channel 777 Pay Express will no longer be available after December 8, 2009.
8. Monthly Report for the month of October 2009, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
9. Check in the amount of \$251.25 from Salvatore Franzone representing reimbursement for driveway materials.
10. Black Brook Monitoring Report and Groundwater Monitoring Report, 3<sup>rd</sup> Quarter 2009. from Seneca Meadows, Inc.
11. Check in the amount of \$39,603.10 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of October 2009.
12. Statement of Accounts, October 1-31, 2009, from M & T Investment Group.
13. Check in the amount of \$943.56 from Urban Sun LTD representing October 2009 payment of CDBG loan.
14. Check in the amount of \$300.00 from Timothy Burgess representing waterline hookup fee.
15. Letter from Thomas Scoles, Seneca County Department of Health, stating an inspection of the Town's West Seneca Falls Water District was conducted and found to be in compliance with regulations.
16. Status of CDBG loans as of October 31, 2009 from Beverly Warfel, Account Clerk.
17. Check in the amount of \$788.61 from Rita Cassaro representing Retiree's portion of Health Insurance premium.
18. Renewal Application Notice relative to renewal of Alcohol Beverage License from Patrick Vannelli (Little Italy).
19. Check in the amount of \$270.82 from State of New York Comptroller, Refund Account, Tax & Finance – overpayment refund.
20. Letter to Town Supervisor from State Senate Committee on Investigations and Government Operations, thanking him for testifying at the October 27<sup>th</sup> Public Hearing regarding the collection of cigarette taxes on Indian reservations.
21. Check in the amount of \$3,717.59 from BonaDent representing November payment of CDBG loan.
22. Check in the amount of \$943.56 from Urban Sun LTD representing November payment of CDBG loan.
23. Letter from Penn Traffic Company informing the Town that it will discontinue permanently its operations at P&C in the Kingdom Plaza.
24. Monthly Report of all moneys received and disbursed during the month of October 2009 from Town Supervisor.
25. Digest of 2009 Laws affecting towns from the Association of Towns.

26. Check in the amount of \$5,539.92 from Town of Waterloo representing Waterloo's share of expenses for the Household Hazardous Waste Day.

Old Business:

Townwide Water Improvements: Discussed earlier in the Meeting.

Sale of Property – 10 Fall Street: Mr. Same will touch base with Mr. O'Rourke.

Noble Road Project: Discussed under Zoning Officer's Report.

Boaters' Facility – Change Orders: Mr. Same indicated that the Project is moving along very well. He referred to the Change Orders and explained that the north end of the lower level floor is not going to be utilized; the Museum has requested that they be allowed to continue to have their educational area there. The request was - could that area be protected; an expandable gate can be installed so that when the Museum is closed, no one can get into that area – the cost is \$358.51.

The second Change Order – the Woman Made Products has a waterline that goes under the sidewalk, and the waterline has to be removed so that the void under the sidewalk can be filled. Installation of water service from the Museum building to Woman Made Products building will cost \$1,860.00.

The next Change Order – When a portion of a wall was removed to install the openings for the bathroom facilities, they found a concrete and steel beam in the floor; cost to remove the concrete curbing and steel beam is \$4,350.00.

The next Change Order – Upgrade to the fire alarm to bring it up to Code – cost is \$8,980.00.

The next Change Order – When the facility is open and available, there has to be a security camera system – cost is \$5,100.00. Mr. Same noted that can be done from the 2010 Budget as money is budgeted for that facility. Discussion followed relative to the Change Orders.

A motion was made to approve the above Change Orders with the understanding that the \$5,100.00 for the security camera system would be taken out of the 2010 Budget by Stephen Dougherty and seconded by Lucille Cook. No questions. Motion carried 5 ayes, 0 nays.

New Business:

Year-End Meeting Date: A motion was made to hold a Year-End Meeting at 5:30 P.M. on Wednesday, December 30, 2009 by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Mr. Same mentioned that there will be a Luncheon for Town Employees tentatively set for December 15<sup>th</sup>; Mrs. Warfel will poll Employees to finalize a date.

Levy Waterline Curb Stop Fee on Town/County Tax Bill: A motion was made to levy a delinquent Waterline curbstop fee in the amount of \$300.00 on a property owner's Town/County tax bill by Tim Snyder and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Levy Delinquent Water Rents on Town/County Tax Bills: A motion was made to levy delinquent Water rents in the amount of \$19,199.26 on Town/County tax bills by Lucille Cook and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Debris & Leaf Pickup in the Town: Mr. Same stated there is a quote from Seneca Meadows to do a pickup on December 2-4, 2009 at a cost of \$3,000.00.

A motion was made authorizing Seneca Meadows to do a debris and leaf pickup in the Town on December 2-4, 2009 at a cost of \$3,000.00 by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Service Contract – Mailing Machine: The Town Clerk explained that the Town does not have a Service Agreement for the Mailing Machine. There was a problem with the machine, and the cost for a service call without a contract was \$400.00 plus parts; the cost for a service Contract is \$687.65 for one year.

A motion was made to enter into a Service Agreement with Pitney Bowes for the mailing machine at a cost of \$687.65 for one year by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Reorganizational & Regular Meeting: A motion was made to hold a Reorganizational and regular monthly

Meeting at 7:00 P.M. on Tuesday, January 5, 2010 by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 5 ayes, 0 nays.

Appoint Town Tax Collector: Mr. Same stated Valerie Churchill is interested in filling the Tax Collector position for 2010. This was advertised in the Official Town's newspaper and there was no one that came forward.

A motion was made to appoint Valerie Churchill as Town Tax Collector effective January 1, 2010 to December 31, 2010 at a salary of \$5,305.00 by Stephen Dougherty and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Highway Budget Transfers: A motion was made by Lucille Cook 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: DA5130.201 – Excavator	- 10,000.00
From: DB5110.1 – Motor Equip. Operators	- \$ 1,000.00
To: DB5110.11 – Part Time	- 1,000.00
From: DA5130.43 – Fuel	- \$ 100.00
To: DA5130.44 – Oil & Liquids	- 100.00
From: DA5130.482 – Maintenance Program	- \$ 1,000.00
To: DA5130.49 – Miscellaneous	- 1,000.00

No questions. Motion carried 5 ayes, 0 nays.

Appoint Deputy Town Clerk: The Town Clerk requested that the Board approve the appointment of Kathryn Lankford as her second Deputy Town Clerk; she will also be acting as Secretary to the Planning Board and Zoning Board of Appeals.

A motion was made to appoint Kathryn Lankford as Deputy Town Clerk for ten hours a week at a salary of \$11.38 per hour by Lucille Cook and seconded by Stephen Dougherty. 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 - \$239,486.67 (Abstract #12; vouchers numbered 499-548)  
Miscellaneous Fund - \$12,114.96 (Abstract #12)  
Highway Fund - \$13,424.38 (Abstract #12; vouchers numbered 144-156)  
Recreation Fund - \$36,467.04 (Abstract #12; vouchers numbered 390-414)  
Vince's Park Fund - \$1,463.93 (Abstract #12; vouchers numbered 134-142)

No questions. Motion carried 5 ayes, 0 nays.

Mr. Same stated he thinks it's important for the Town Board to take an action this Evening which will hopefully help the process that the Village Board will take at the December 7<sup>th</sup> Meeting as the Dissolution Committee presents to the Village Board the Dissolution plan. He said the Town Board still supports a police protection district. If dissolution occurs, the Town Board will ask the Village Board to join the Town Board in a request to State Officials to go forward with the request for a special district that would allow for adequate police protection that the Community so desperately wants. He added to allow this to go to the voters, to add to that – should the special district not get approved by State Legislator, the Town Board is prepared to indicate that it will support a Townwide police force.

A motion was made by Lucille Cook and seconded by Duane Moore stating that the Town Board still supports a special police protection district that is needed in the Community and is the best solution to police protection, and will request the Village Board to join the Town Board in that request for a special police protection district to the State Legislators; if not approved, the Town Board would support a Townwide police force. No questions. Motion carried 4 ayes, 0 nays, 1 recusal; Councilman Snyder recused himself from voting.

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 5 ayes, 0 nays.

Meeting adjourned at 8:10 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

