

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, February 1, 2011 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Peter Same; Councilpersons Duane Moore, T.J. Casamassima and Timothy Snyder. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Joyce Mahoney, Town Justice; Jeffrey Rowe, Town Engineer and a Member of the local media.

Supervisor Same called the Meeting to order at 7:00 P.M. A roll call was taken of the Board Members, and Councilwoman Sauvageau was absent from the Meeting; the Pledge of Allegiance followed.

Petitioners:

Attorney Richard Swinehart – Zoning Amendment: Attorney Swinehart stated he has been retained by Mr. Povero in reference to a zoning issue. He understands that there was a Public Hearing and a vote which never actually went to whether or not the zoning should go through because it stopped at the SEQR level. He met with Mr. Turkett, Mr. Morrell, Mr. Same and briefly with some of the Board Members, and hopes the Board will grant his request tonight so that he can come back next month and meet with the rest of the Board. He also met with Mr. Kelsey and Mr. Sinicropi, looked at the maps and all the issues, and looked up the law. Mr. Swinehart stated there are some issues that he thinks should have been addressed which were not. His request is that the Board grant a Public Hearing again to reconsider the zoning.

Mr. Morrell stated his recommendation is to have another Public Hearing; in researching the law, there is no specific time restraint on the time limit between holding a Public Hearing and then taking action on a local law. He doesn't think it would be wise or advisable to try to take action without holding another Public Hearing. He thinks it would be fair to everybody to have this placed back on the calendar, starting with a Public Hearing notice to the nearby residents and proceeding from there.

A motion was made to hold a Public Hearing at 7:00 P.M. on March 1, 2011 relative to the proposed local law concerning the Zoning Amendment by T.J. Casamassima and seconded by Tim Snyder.

Mr. Snyder asked if Mr. Morrell has made any progress on changing the Code. Mr. Morrell replied yes - he would have that to the Board before the next Meeting, and the Board can start that process also. Mr. Casamassima asked if that was to change unanimous to majority; Mr. Morrell replied yes – it has to do with the ability to bring matters previously heard by the Zoning Board or Planning Board to have it re-presented. He will be requesting to schedule a Public Hearing for that on the same Evening. Brief discussion followed.

The motion made by T.J. Casamassima and seconded by Tim Snyder to hold a Public Hearing at 7:00 P.M. on March 1, 2011 relative to the proposed Zoning Amendment was carried 4 ayes, 0 nays.

Chris Moulton – National Women's Hall of Fame: Chris Moulton noted she forwarded to the Town Offices their end of the year report discussing expenditures of the \$15,000.00 the Town allocated to them for the fiscal year 2010. On behalf of the Board, Staff and Supporters of the Hall, she extended their gratitude for the Town's ongoing support of the Hall's mission and vision for its future and the future of Seneca Falls and the greater Finger Lakes region. Ms. Moulton requested the disbursement of the budgeted 2011 allocation for the Hall of Fame. The intended use is to fund job creation, educational programming and marketing of the Hall of Fame and Seneca Falls to the nation at large. Ms. Moulton noted that 2011 is also an Induction year for the National Women's Hall of Fame, and invited the Board to be with them on October 1st as they continue their mission of showcasing great women. She thanked the Board for their time and consideration.

A motion was made authorizing the Town Supervisor to sign an Agreement and to contribute \$7,500.00 to the National Women's Hall of Fame as it is for the betterment of the Community by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Approval of Minutes:

A motion was made to approve the Minutes of the Workshop Meeting of December 15, 2010, the Year-End Meeting of December 30, 2010, the Reorganizational and regular monthly Meeting of January 4, 2011 and the Special Meeting of January 11, 2011 by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Reports:

Dog Control Officer: No report.

Zoning Officer: Mr. Same stated the Board has a copy of Mr. Turkett's report. Town Building Permits issued during the month of January 2011 were Building Permit #2321 issued to Rodman Lott & Son Farms, 2973

Route 414, roof and Permit #2322 issued to Hampton Inn, 1950 Balsley Road, Hotel.

A total of \$4,525.00 was collected from the issuance of these Permits, and 2 Building Permits have been issued to date for the year 2011.

Village Building Permits issued during the month of January 2011 were Building Permit #30644 issued to Pat & Ann Sandroni, 55 Fall Street, Sign; Permit #30645 issued to Amy Liberman, 8 Oxford Place, repair roof; Permit #30646 issued to Stephen Kemak, 36 ½ Ovid Street, replace windows; Permit #30647 issued to Seneca Knit Development Corporation, Canal Street, demolition; Permit #30648 issued to Revitacor LLC, 37 Fall Street, deck; Permit #30649 issued to Cayuga Nation, 61 Ovid Street, roof, windows, bathroom, etc., Permit #30650 issued to Darrell Hoggard, 12 Peterman Road, deck and steps and Permit #30651 issued to Annie Bonacci, 34 Chestnut Street, roof.

A total of \$140.00 was collected from the issuance of these Permits, and 8 Building Permits have been issued to date for the year 2011.

A motion was made to accept Mr. Turkett's report by T.J. Casamassima and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Commissioner of Parks & Recreation: Mr. Spina stated basketball is going very well. He mentioned that the new equipment for the Fitness Room has been delivered. He is working with Mr. Morrell on a new liability waiver to use in the Fitness Room; as it gets busier, they need to get better control on that. Mr. Casamassima stated there was discussion about a waiver for the skate park. Mr. Spina said the Town has a new Insurance Company; he contacted them and they will be sending information.

Mr. Same asked how the Zumba participation was; Mr. Spina replied it's unbelievable. They just started another six week session; most of the classes are full, and there is a waiting list. He added with basketball, it creates a problem with the gym and Zumba, so they moved Zumba out to Vince's Park for the winter.

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: No report.

Assessor: No report.

Attorney for the Town: Mr. Morrell stated in addition to the Public Hearing for the Zoning Amendment, he requested that the Board schedule a Public Hearing for the same date for the Zoning Amendment regarding changing the re-hearing process in the Zoning Code.

A motion was made to hold a Public Hearing on a proposed Local Law at 7:00 P.M. on March 1, 2011 regarding a proposed Zoning Amendment changing the Re-Hearing process in the Town's Zoning Code by Tim Snyder and seconded by T.J. Casamassima. No questions. Motion carried 4 ayes, 0 nays.

Town Justice: Judge Mahoney mentioned the Court Enforcement Officers, and said she heard there has been a little concern. She noted some of the incidents that took place on Court days where Officers had to restrain a defendant and some items such as knives were found on those entering the Court. Judge Mahoney said the copier in the Courtroom was broken, so the Officers were making copies in the Court Office. She called the State and they will be sending a new copier, and as soon as they get it up and running, she will not have to ask the Officers to make copies. The Officers also take persons into custody when she decides the defendant should go to jail.

Judge Mahoney referred to the spread sheet, and said those are the totals for the year. The Court deposited \$477,265.94; from that, reportable monies were \$309,311.30, the Town's share was \$90,800.50, the County received \$36,807.00 and the Village received \$11,360.00.

Mr. Same said the Judge didn't always have two Security Officers. Judge Mahoney replied no – they only needed one at the other building because of the smaller space. Mr. Same noted last year, the Court overspent the Security Officers' line item, and also overspent the Clerks' line item in 2010. He said we need to budget appropriately and make sure we don't overspend. Judge Mahoney responded that at the Budget meeting, that line item for Security Officers was decreased, and the Board said if she needed the extra money, it would be in Contingency.

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

Tax Collector: Mr. Same noted the Tax Collector has submitted a report. He said the tax warrant for the Town and County is \$4,032,685.77; total posted to date is \$1,446,086.17, and the Town Supervisor was given a check for \$774,800.14.

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

Committee Reports

Highway: Mr. Moore stated that he, Mr. Wood, Pat Cafolla and two Village Board Members met and discussed the inventory; Mr. Wood and Mr. Cafolla will be getting together once a week to go over some of the items. He said the sooner they get on this, the better, so they can decide what is needed to function properly. Mr. Moore said they discussed some refuse pickup details, and he told them the Board has an open mind on it and will research all the different avenues and decide what is best for all the taxpayers. Mr. Same noted Mr. Condino is working on specifications for an RFP for refuse pickup. Brief discussion followed.

Mr. Same stated the sooner we have a list of needed equipment, the sooner we can let the Village know the equipment that is needed, and they can then dispose of the equipment that is not needed. He hopes the Village Board will be cooperative to allow that equipment to flow to the Town. He is assuming that will take place.

Fire Protection: Mr. Same stated Mark Butler will be meeting with the Village Board to talk about the fire protection district going forward. He added there is an excellent chance that this can be put in place by the end of May. Mr. Same stated he feels very comfortable that things are moving very well with fire protection.

Planning & Zoning: Mr. Casamassima stated he spoke with Mr. Turkett and due to another matter, they were unable to speak to Mr. Morrell regarding going forward with the two Planning Boards and two Zoning Boards; they will be looking at combining the Boards. Mr. Same stated Mr. Turkett has been working with five Boards counting the Historic District Commission. He said there is time to implement a two Board system going forward, but it would be nice to have that plan in place.

Personnel: Mr. Snyder stated the Committee met with the Judge and they do have a personnel issue for Executive Session.

Police Protection: Mr. Same stated he met with Attorney Colin Leonard from Bond, Schoeneck and King, Mr. Morrell and the Police Chief to start the discussions on how to proceed with police protection. He said the County Personnel Department is helping with the classification of employees; they all have to be slotted into a labor grade.

Sewer and Water: Mr. Same stated sewer and water is basically a stand alone service that the Town will have to provide; the revenues generated through their rates cover the budget costs. He said they have a meeting with the County later this month to talk about whether it makes any sense for the County to pick up those services and then becoming County water and sewer responsibility. He doesn't know if that is even feasible, but we are looking at all the options. Discussion followed relative to obtaining an engagement letter from Mr. Leonard.

Communications:

A motion was made to receive and file Communications numbered 1 to 33 by Tim Snyder and seconded by T.J. Casamassima. No questions. Motion carried 4 ayes, 0 nays. Communications numbered 1 to 33 are as follows:

1. Letter from NYS Department of State stating Local Law #1-2010 has been received and filed by their Office.
2. Tonnage received by the Landfill from the Town during the month of December 2010 from Seneca Meadows, Inc.
3. Cayuga Lake Watershed Newsletter from Cayuga Lake Watershed Network.
4. Check in the amount of \$55.46 from The State Insurance Fund representing refund due – Disability Insurance.
5. Check in the amount of \$474.90 from Steven Turkett representing Employee's portion of medical insurance that is due.
6. Check in the amount of \$4.10 from Complete Claim Solutions, LLC representing the Town's pro rata distribution of settlement proceeds from the Insurance Brokerage Antitrust Litigation.
7. Check in the amount of \$100.00 from John and Karen Vacca representing partial payment for waterline curbstop fee.
8. Pledges of Collateral, January 3, 5, 10, 11-13, 25 and 31, 2011, from M & T Investment Group.
9. Minutes of the Seneca County Planning Board Meeting of December 9, 2010.
10. Notice of Hearing on January 28, 2011 – Seneca County IDA Agency, Goulds Pumps, Inc. and ITT Corporation – 2011 Equipment Acquisition Project, from Seneca County IDA.
11. Letter approving the relocation of the Seneca Falls Heritage Area Visitor's Center from 115-121 Fall Street to 89 Fall Street from NYS Office of Parks, Recreation and Historic Preservation.
12. Minutes of the Planning Board Meeting of December 30, 2010.
13. Check in the amount of \$939.25 from Seneca County IDA representing payment in lieu of taxes for

Seneca Commons.

14. Statement of Accounts, December 1-31, 2010, from M & T Investment Group.
15. Letter inclosing Certificate of the Village Clerk certifying that the Village electors voted to dissolve the Village effective December 31, 2011 from Bond, Schoeneck & King.
16. Monthly Report for the month of December 2010, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
17. Check in the amount of \$21,241.35 from Town Justice representing fines, fees and forfeitures collected by the Court during the month of December 2010.
18. Section 504 Compliance Handbook, January 2011, from Thompson Publishing Group.
19. Automatic deposit of \$1,901.85 from the NYS Office of the State Comptroller – funding for the Community Center Youth Programs.
20. Letter from Seneca County Treasurer listing monies paid to Town Supervisor during fiscal year 2010.
21. Check in the amount of \$778,100.00 from Seneca Meadows/IESI Corporation representing fourth quarter payment as per Host Community Agreement.
22. Check in the amount of \$5,000.00 from Lakeview Community Development Seneca LP representing payment in lieu of taxes.
23. Letter from Harris Beach inclosing application for Real Property Tax Exemption Form and PILOT Agreement relative to Bruce Henry Properties, LLC d/b/a BonaDent.
24. Minutes of the Heritage Preservation Commission Meeting of December 28, 2010.
25. Statement of Statutory Gross Receipts for the month of December 2010 from Network Innovations.
26. Check in the amount of \$10,705.40 from TA Operating LLC (Travel Centers of America) representing payment of sewer assessment.
27. Check in the amount of \$143.10 from Magee Country Diner, Inc. representing payment of sewer assessment.
28. Digest of 2010 Laws affecting Towns from the Association of Towns.
29. Copy of letter to Denis O'Rourke from Town Supervisor relative to the sale of 10 Fall Street.
30. Check in the amount of \$8.58 from Seneca County IDA representing PILOT payment for Wright Associates.
31. 2010 History of the Town of Seneca Falls from Philomena Cammuso, Town Historian.
32. Check in the amount of \$774,800.14 from Town Tax Collector representing taxes collected and due the Town.
33. Copy of application for a Joint Town and Village Records Grant from J. O'Connell & Associates.

Old Business:

Sale of Property – 10 Fall Street: Mr. Same said he talked to Board Members individually to get a consensus. He believes it's time to move forward with a future location for Town Offices. He added based on feedback he got from the Board, it is the Board's intention to take 10 Fall Street off the market and actually look at the building to determine if it's usable. He stated we now know the space that is needed, and there is plenty of space in the building to provide services to the Community. Mr. Same stated if there is a Townwide police force, it will require to have the State Street property as the police location. He requested that Barton & Loguidice give the Board a proposal with a cost projection on what it would take to determine its usability, and to further go on to develop plans and specs to rehab the building.

A motion was made tasking Barton & Loguidice to determine the usability of the structure based on its current condition, and to develop plans and specs to retrofit it to the Town's needs by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Mr. Same asked Mr. Rowe to give the Board something in writing by the next Meeting; Mr. Rowe said he would do that. Mr. Same mentioned that the building behind the structure is part of a Records Management Grant that the Town applied for jointly with the Village; the space in that building is adequate to convert it to total records storage.

New Business:

Seneca Meadows Audit: Mr. Same stated that Buffington & Hoatland will be doing an audit as part of the Host Community Agreement with Seneca Meadows; they audit the revenue stream annually, and it is done at no cost to the Town.

A motion was made authorizing the Town Supervisor to sign the proposal to do the Seneca Meadows audit for the year 2010 by T.J. Casamassima and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Resolution – Household Hazardous Waste State Assistance Program: A motion was made by Tim Snyder and seconded by Duane Moore to adopt the following Resolution:

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Town of Seneca Falls, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for such State aid.

NOW, THEREFORE, BE IT RESOLVED by the Town of Seneca Falls Town Board:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Chairperson of the Waste Management Advisory Committee, Town of Seneca Falls, or his/her designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs, according to the Intermunicipal Agreement between the Town of Seneca Falls, Town of Waterloo and Village of Waterloo.
4. That five (5) certified copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

No questions. Motion carried 4 ayes, 0 nays.

Advance – Association of Towns Conference: Mr. Same noted the Association of Towns Conference will be held February 20-23, 2011; those attending the Conference are given an advance for expenses.

A motion was made to advance \$500.00 to each Member of the Town that will be attending the Conference by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Budget Transfers: A motion was made to approve the attached Budget Transfers by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Approve Loan – Parker’s Grille & Tap House: Mr. Same stated Mr. Mitchell has made a request for a loan of \$60,000.00; it is a recommendation from the Seneca County Department of Planning and Community Development. He noted the funds are available, and it would be a five year loan with 5% interest; the equipment would be the collateral plus the Individual’s personal guarantee. Mr. Morrell stated the equipment that is being noted is the new kitchen that has been set up for the business; it’s more than sufficient to cover the amount of this loan. In addition, the Town will be requesting the personal guarantee of the owner. He said on that basis between the two and as Mr. Bordeau is comfortable with this loan being a good one for the Town, it could, in the long run, be beneficial to the Town. Mr. Same noted it does create 14 full time jobs and some part time jobs. Mr. Mitchell asked if the terms of the loan could be changed. Mr. Same replied it could be discussed, but the Board has a recommendation and the schedule has been worked out – if the Board wanted to consider changing it, it could change the Board being able to approve it this Evening.

A motion was made to approve a five year loan at 5% interest to Parker’s Grille & Tap House by Duane Moore and seconded by Tim Snyder. No questions. Motion carried 4 ayes, 0 nays.

Audit of Town Court for 2009 and 2010: Mr. Same stated the Board has a proposal to do an audit of the Town Court for 2009 and 2010 to make it current; the cost is \$6,000.00.

A motion was made authorizing an audit of the Town Court for 2009 and 2010 at a cost of \$6,000.00 by Tim Snyder and seconded by T.J. Casamassima. No questions. Motion carried 4 ayes, 0 nays.

Agreement with Beverly Animal Shelter: Mr. Same stated the Board has a copy of an Agreement with Beverly Animal Shelter for the boarding of dogs when necessary. Brief discussion followed relative to the Shelter licensing dogs.

A motion was made authorizing the Town Supervisor to sign the Agreement with Beverly Animal Shelter for the boarding of dogs when necessary by Duane Moore and seconded by T.J. Casamassima. No questions. Motion carried 4 ayes, 0 nays.

At 8:00 P.M., a motion was made to go into Executive Session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of particular persons pursuant to Section 105, Subsection F of the Public Officers Law, by Tim Snyder and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

A motion was made to reopen the regular Meeting at 9:25 P.M. by T.J. Casamassima and seconded by Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Payment of Bills:

A motion was made by Duane Moore and seconded by T.J. Casamassima to approve and order paid the following bills:

General Fund - \$198,546.44 (Abstract #2; vouchers numbered 16-69)

Miscellaneous Fund - \$121,107.42 (Abstract #2)

Highway Fund - \$13,832.47 (Abstract #2; vouchers numbered 4-19)

Recreation Fund - \$45,607.37 (Abstract #2; vouchers numbered 3-32)

Vince's Park Fund - \$9,868.51 (Abstract #2; vouchers numbered 1-12)

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 Duane Moore. No questions. Motion carried 4 ayes, 0 nays.

Meeting adjourned at 9:27 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk