

SENECA FALLS TOWN BOARD REORGANIZATIONAL & REGULAR MEETING JANUARY 3, 2017

The Seneca Falls Town Board held a Reorganizational and regular monthly Meeting on Tuesday, January 3, 2017 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Gregory Lazzaro; Councilmen Lou Ferrara, Jr., David DeLelys, Thomas Ruzicka and Vittorio Porretta. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Dean Zettlemoyer, Zoning Officer; Stuart Peenstra, Police Chief; Stephanie Holtz, Assessor; James Peterson, Highway Superintendent; Joseph Tullo, WWTP Operator; John Condino and Peter Baker of Barton & Loguidice and a Member of the local media.

Supervisor Lazzaro opened the Reorganizational and regular monthly Meeting at 7:00 P.M. A roll call was taken of Board Members and all were present; the Pledge of Allegiance followed.

Mr. Lazzaro welcomed Mr. Ferrara and Mr. Ruzicka as new Members of the Board, and wished all the Board a good year.

At 7:02 P.M., a motion was made to go into Executive Session to discuss specific personnel matters by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reconvene the Reorganizational and regular monthly Meeting at 7:22 P.M. by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

2017 Appointments:

A motion was made to appoint Patrick Morrell as Attorney for the Town for the year 2017 by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint the Firm of Boylan Code for Environmental Attorneys for the year 2017 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Kathryn Lankford as Deputy Town Clerk by Greg Lazzaro and seconded by Vic Porretta. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Linda Marzan as Deputy Town Clerk/Tax Receiver by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro noted there is a vacant Deputy Town Clerk position that is budgeted.

A motion was made to reappoint Meghan Langley, Deborah Rogers and Ashley VanDoren as Court Clerks by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Vic Porretta as Deputy Supervisor by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Timothy Pagano as Deputy Highway Superintendent by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Nicaletta Greer as Assistant to the Zoning Officer by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Kathryn Lankford as Secretary to Planning and Zoning Boards by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Nicaletta Greer as Registrar of Vital Statistics by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Kathryn Lankford as Deputy Registrar of Vital Statistics by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Nicaletta Greer as Records Management Officer by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Dallyn Jenkins as Dog Control Officer by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro stated the Nuisance Animal Control Officer position is vacant at this time.

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A motion was made to appoint Jerry Anderson and Angela Reardon as Alternate Members of the Recreation Commission by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Chief Peenstra as an Ex-Officio Member of the Recreation Commission by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Mary Kelleher as a Member of the Planning Board by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Francis Brady as an Alternate Member of the Planning Board by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro noted that there is an Alternate Member of the Planning Board position that is vacant.

A motion was made to reappoint Frank DeJohn as an Alternate Member of the Zoning Board of Appeals by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro stated there is a vacancy on the Zoning Board of Appeals and also an Alternate Member of the Zoning Board of Appeals position that is vacant. Anyone interested, can contact Mrs. Greer and fill out an application. He added those positions will also be advertised in the paper.

A motion was made to reappoint Paul Richard Foote as a Member of the Heritage Preservation Commission by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Sue Sauvageau as a Member of the Cemetery Commission by Greg Lazzaro and seconded by Vic Porretta. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reappoint Fran Barbieri as Town Historian by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint Barton & Loguidice as the Town's Engineering Firm for the year 2017 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to appoint the Bonadio Group as Town Auditors by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to conduct the regular monthly Meetings on the first Tuesday of each month at 7:00 P.M. unless otherwise posted by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the Community Bank, Five Star Bank, M&T Bank, First Niagara Bank and Lyons National Bank for the deposit of Town monies by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made naming the Reveille Between the Lakes as the Official Town newspaper by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to pay the current IRS mileage rate of .535 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro stated this is based on the Federal Government, and if it changes during the year, it will be addressed when appropriate.

A motion was made to adopt the attached Procurement Policy by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro handed out a list of Committees to Board Members and requested that the Board get back to him within a week with preferences as to what Committees each Member would like to serve on. He will be making the Committee assignments and sending them to the Board, and they will be posted on the Town's website.

Petitioners:

Dan Babbitt – PILOT Re: Cypress Creek Renewables: Dan Babbitt stated Cypress Creek Renewables have applied for a Special Use Permit to install a solar energy farm at 2762 Route 318 in the Town which would be located in the A1 Agricultural District. NYS Real Property Tax Law Section 487 provides for an automatic 15-year exemption from real property taxation for the increase in value resulting from the installation of a qualifying system such as the solar farm proposed by Cypress Creek Renewables. The Law also provides the

local municipality a pre-emptive right to either opt out of the exemption causing the entire value of the improvement to be taxable, or to exercise the right to negotiate payments-in-lieu of taxes during the exemption period. Mr. Babbitt stated in order to commence the process of engaging with Cypress Creek Renewables to negotiate PILOTs, it will be necessary for the Town Board to pass a resolution declaring its requirement to negotiate PILOTs with Cypress Creek Renewables, and notifying them within 60 days of their notice to the Town of their intention to install or build the utility. He added it would be prudent to consider PILOTs over the 15-year period the exemption would be in effect. The date on the application for zoning permit was November 15, 2016.

Mr. Babbitt requested that the Board call for a motion to resolve that the Town Supervisor is authorized to contact Cypress Creek Renewables, notifying them of the Town's intention to require negotiation of PILOTs prior to the 60 day trigger of the property tax exemption under Real Property Tax Law Section 487.

Mr. Lazzaro requested that Mr. Babbitt send an email to each Board Member with his proposal, and said he will discuss this more thoroughly with the Attorney.

Mr. Morrell stated this application was in front of the Planning Board and Zoning Board of Appeals at their last Meeting. At that time, the notice from the Town to them that is required was given, informing them that the Town intends to seek a PILOT. He said the specifics have to be worked out with this Board, but as far as the statute and the timeline, it has all been satisfied at this point. He added the Town is in a position to require a PILOT if they wish to.

Robert McGill – Future of Seneca Falls: Robert McGill of Waterloo said it seems to me that there are a number of people in this Town that are dependent on the Casino, tourism and the wine industry to support this Town forever. He doesn't believe that is a realistic idea for a goal. Mr. McGill said the City of Geneva has been told numerous times that their zoning laws and building codes are too prohibitive to growth and business. This Town seems to be following the same route as Geneva. He said there has to be a point in time where you have to compromise. Mr. McGill stated the silent majority have not spoken; you have a very vocal minority running this Town. It's up to the Town Board to determine what is fact and what is fiction. He thinks the Town will have a much more wonderful life if they are a little more cooperative with other businesses that some people consider undesirable.

Valerie Sandlas – Future of Seneca Falls: Valerie Sandlas thanked Mr. DeLelys, Mr. Porretta, Mrs. Lutz and Mrs. Sarratori for enacting Local Law #3. She told Mr. Lazzaro that she is disappointed in the lack of leadership skills that he has shown recently; walking out of the Public Hearing on the Local Law was unprofessional and inexcusable. He did not listen to the Citizens – whether he agrees or not, it's his duty to listen. Mrs. Sandlas said our future depends on a strong leader. For that reason, she is asking Mr. Lazzaro to step up and lead or step down.

James Sandlas – Future of Seneca Falls: James Sandlas stated at the last Board Meeting, the Board took a vote to write off \$300,000 for an uncollectable water bill. He asked how that could happen. Is it a commercial water bill, and if so, how could you not shut the water off – who is monitoring that?

Mr. Sandlas said his understanding is that the Landfill has not paid their leachate bill for 2016, and that the bill was not prepared in a timely fashion. His understanding is that the sewer connection at the Petro Station that is over two years old has never been billed and is unpaid. His understanding is that water sold to the Town of Fayette has no rate set, and therefore, has never paid for it. Mr. Sandlas said he would like the Board to investigate.

Doug Avery – SF Environmental Action Committee: Doug Avery stated his purpose to speak tonight is to introduce the Board to the Seneca Falls Environmental Action Committee which is made up of Seneca Falls residents – he, Valerie Sandlas, Jan LaValley and Brad Jones. Mr. Avery said his message has two parts, the first being to reaffirm their support for Local Law #3, including in that support the assurance that they will continue to monitor the actions of the Town Board and Seneca Meadows. They intend to support any law passed by the Board of Supervisors, and plan to press the DEC to tailor any permit renewal to match the closure date spelled out in Local Law #3.

Mr. Avery said they will offer their voices and energy to the conversation regarding how Seneca Falls moves into the post-Landfill era. This includes planning for the time when the Host Agreement payments cease. They have members of their committee with significant experience in fiscal issues that are willing to help. Mr. Avery said it also includes assisting with environmental issues that are not specific to Seneca Meadows, such as recycling, waste management, and protecting natural resources. He said Local Law #3 begins to move the Town out of the Landfill's shadow.

John Garee – Landfill Odor: John Garee of 7 Tall Oaks Drive stated on December 27th, Kyle Black came to his house as they had a terrible odor which permeated his house. Mr. Black said when the wind blows, the odor

cannot be controlled. Mr. Garee said he was told by Mr. Black that if the wind blows at 15 miles an hour or more, nothing can stop the odor from moving. He said the Host Agreement states that the Landfill must not let odors extend beyond the Landfill itself. It does not state anything about what happens when the wind blows harder than 15 miles an hour. Mr. Garee petitioned the Board to add to the Host Agreement that if the wind blows harder than 15 miles an hour at the beginning of the day, the Landfill cannot open for business. He said if the wind is blowing the odor is inside his house for a long period of time and they can't do anything about it, he requests that they not open the Dump for that day.

Mr. Lazzaro suggested that Mr. Garee take his concerns up with the County Board of Supervisors also. Brief discussion followed.

Approval of Minutes:

A motion was made by Greg Lazzaro and seconded by Lou Ferrara to approve the minutes of the Budget Workshop of November 7, 2016, Budget Workshop of November 10, 2016, Special Meeting of November 18, 2016, Public Hearing of November 30, 2016, and regular monthly Meeting of December 6, 2016. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: A motion was made to accept the report of the Dog Control Officer by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: A motion was made to accept Mr. Zettlemyer's report by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Commissioner of Parks & Recreation: A motion was made to accept Mr. Spina's report by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Highway Superintendent: A motion was made to accept the report of Mr. Peterson by Greg Lazzaro and seconded by Lou Ferrara.

Mr. Peterson mentioned that the Christmas decorations were taken down. He said there is a problem with about 30-35 of the streetlights in Town that are out. He contacted NYSEG who said it might be two months before they can fix them.

Mr. Peterson stated there is a problem with people putting loose garbage in trash cans. In the contract with Cardinal, it states garbage must be in bags. The Town Clerk will put something in the paper and on the website.

Assessor: A motion was made to accept Mrs. Holtz's report by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Attorney for the Town: Mr. Morrell thanked the Board for his reappointment. He met with Mr. Peterson who received an excavation permit from NYSEG – it is a standard yearly permit that is required. The permit allows them to do their utility work in the Town's rights-of-way along the roadways. It also requires them, after the work is completed, to bring it back to the state it was prior to doing the work.

A motion was made to accept Mr. Morrell's report by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Town Justices: A motion was made to approve the report of Judge Lafler and Judge Laquidari by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Water & Sewer: A motion was made to approve Mr. Tullo's report by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Police Chief: A motion was made to approve Chief Peenstra's report by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Committee Reports: There were no Committee Reports.

Communications:

A motion was made to receive and file Communications numbered 1 to 14 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 14 are as follows:

1. Letter from NYS Department of State notifying the Town that Local Law #2 – 2016 was received and

filed in their Office.

2. Letter from NYS Office of Community Renewal notifying the Town that the Town's application for assistance under the New York Main Street Program was not selected for funding in this round.
3. Statement of Accounts, April 1, 2011 to November 30, 2016, from Wilmington Trust.
4. Cayuga Lake Watershed Network News, 2016, from Cayuga Lake Watershed Network.
5. Checks and deposits totaling \$51,395.57 representing Health Insurance premiums, Judge Lafler and Judge Laquidari's October reports, reimbursement for loan overpayment, reimbursement for arrears overpayment, burial plot purchases, burial fees, donation for Bridge Street Bridge lights, reimbursement for Imate damage, reimbursement for bill paid in error, tower rent, culvert pipe reimbursement and boat pump-out fees.
6. Notice of Public Hearing on December 19, 2016 relative to the Waterloo Comprehensive Plan from MRB Group.
7. Certificate of Results of Canvas of Ballots cast at Special Election of the Bridgeport Fire District from Kim Gribnau, Chairman.
8. Monthly Report of all moneys received and disbursed during the month of November 2016 from Town Supervisor.
9. Checks and deposits totaling \$24,937.17 representing Health Insurance premiums, copies of Police reports, background checks, BillBuy Crash reimbursement, Town Clerk's October and November 2016 Reports, restitution payment, copy of Police case file, Judge Lafler's monthly report for November 2016 and Community Center deposits.
10. Monthly report for the month of November 2016, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
11. Operations and Maintenance Plan (Tire Processing Facility); Operations and Maintenance Plan, Contingency Plan; Environmental Monitoring Plan; and Ground Monitoring Report (3rd Quarter), from Seneca Meadows, Inc.
12. Minutes of the Historic Preservation Commission Meeting of November 29, 2016.
13. Checks and deposits totaling \$89,465.17 representing copies of Police reports, tote purchase, Springbrook Cemetery 2016 burials, fuel reimbursements, overpayment refund, Justice Laquidari's November 2016 report, arrears overpayment, overtime reimbursement (DWI), Insurance contributions (P. Baity) and Mortgage tax.
14. Copy of SEQR forms regarding the Town of Waterloo Comprehensive Plan adoption from MRB Group.

Old Business:

Sale of Condominium & Surplus Properties: Mr. Morrell stated this is ongoing. He has been in contact with the Purchasers of 10 Fall Street and 60 State Street to get them moving forward.

Write-Off Uncollectable Receivables: Mr. Morrell asked that this be carried over.

Route 414 Sewer Line Transfer from IDA to Town: Mr. Morrell stated this is in process, and he expects this to be completed next month.

Annual Renewal – SMI Permit: Mr. Morrell stated a letter went to Seneca Meadows regarding the permit; in that letter, it was addressed that the permit was not being issued due to the odor issue. Through the discussion of the odor issue, Seneca Meadows has undertaken a very large odor mitigation project. The letter said upon completion of the project, they should notify the Town who would like to inspect the project and operation to ensure that it is working; if it is working, the Board will consider issuing the permit at that time. Mr. Morrell requested that this be carried forward pending completion of the project.

New Business:

Authorize Town Supervisor to Invest Town Monies: A motion was made authorizing the Town Supervisor to invest Town monies by Dave DeLelys and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Delegate & Alternate Delegate – Association of Towns Meeting: A motion was made to appoint Lou Ferrara as Delegate and Tom Ruzicka as Alternate Delegate at the Association of Towns Meeting by Greg Lazzaro and seconded by Vic Porretta. No questions. Motion carried 5 ayes, 0 nays.

Approval of Special Events: Mr. Spina stated a Women's March in Seneca Falls is scheduled for January 21, 2017. Chief Peenstra stated they will be marching from the National Women's Rights Park to the Presbyterian Church on Cayuga Street. He has been in contact with the Organizers and they have come to an agreement that they are staying on the sidewalks during the March. The Police will be at the intersections, and the Chief is confident that everybody will be orderly. He noted they do not need insurance because it is a First Amendment expression.

A motion was made to approve the Women's March in Seneca Falls on January 21, 2017 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro thanked Chief Peenstra and Mr. Spina for moving on this quickly in just a short time.

Water/Sewer – Create Laborer's Position: Mr. Lazzaro stated this will be moved to the Committee level.

Attendance at Association of Towns Meeting: A motion was made authorizing the two new Board Members, Town Clerk, Deputy Tax Collector, Zoning Officer and Attorney for the Town to attend the Association of Towns Meeting in February by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Membership Renewal – Cayuga Lake Watershed Network: Mr. Morrell stated this is a not-for-profit organization which is very active in the Cayuga Lake Watershed. He added it is a good way to keep in touch with what is going on and impacting the environment of Cayuga Lake and the watershed.

A motion was made to renew membership in the Cayuga Lake Watershed Network at a cost of \$100.00 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Highway – Purchase Truck: Mr. Lazzaro stated this will also be moved to the Committee level.

Carry Over Funds in H Fund: A motion was made to carry over funds in the H Fund to pay the remaining bills in that Fund by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Carry Over Funds in Line Item A1410.200: A motion was made to carry over funds in line item A1410.200 (Equipment) for a cabinet purchase by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Excavation Permit – NYSEG: A motion was made authorizing the Town Supervisor to execute the Excavation Permit submitted by NYSEG by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Payment of Bills:

A motion was made by Greg Lazzaro and seconded by Dave DeLelys to approve and order paid the following bills:

General Fund - \$341,287.65 (Abstract #1)	Water Fund - \$215,042.41 (Abstract #1)
Miscellaneous Fund - \$62,952.90 (Abstract #1)	Sewer Fund - \$12,807.37 (Abstract #1)
Recreation Fund - \$7,756.36 (Abstract #1)	Vince's Park Fund – 1,249.00 (Abstract #1)

No questions. Motion carried 5 ayes, 0 nays.

At 8:15 P.M., a motion was made to go into Executive Session relative to specific personnel reasons by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reconvene the regular monthly Meeting at 8:50 P.M. by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve Barton & Loguidice as the Town's Grantwriting Specialist for the year 2017 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve Stoneboat Computing Solutions for the Town's IT support for the year 2017 by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

A motion was made authorizing the Town Supervisor to sign a letter from Boylan Code LLC requesting that the Town waive a conflict of interest related to the Cypress Creek Renewables application, waiving any conflict other than a direct conflict, by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn the Meeting by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Meeting adjourned at 8:55 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

