

Duane Barto mentioned that they have Day Care; kids are dropped off in the morning, and they are usually gone by 11:30 A.M. This has been going on for years, and there has never been any problems – it’s wide enough there. Mr. Foster said if it’s designated handicapped it’s either yes or no – it cannot be handicapped for certain hours or certain events.

Since there were no further comments, a motion was made to close the Public Hearing at 5:55 P.M. by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro opened the regular monthly Meeting at 6:00 P.M. A roll call was taken of Board Members and all were present; the Pledge of Allegiance followed.

Mr. Lazzaro announced that the Meetings will be broadcast on Channel 1304 instead of Channel 12; times are 11:00 A.M. Saturday mornings and 7:00 P.M. Monday evenings.

Presentations:

Prof. A.E. Ted Aub – When Anthony Met Stanton Sculpture: Prof. Aub and Gabriella D’Angelo, Faculty at Hobart William Smith Colleges, made a presentation regarding the When Anthony Met Stanton Sculpture and the proposed monument for Central Park. Prof. Aub stated 20 years ago, the Sculpture was dedicated, and it needs a good cleaning; he would be happy to supervise that with Town maintenance. He said New York City is commissioning for Central Park a sculpture called Monumental Women, and they are submitting a proposal for that competition. Part of their proposal involves a version of that Sculpture on a site in Central Park – it won’t be the same, it will be similar; it would be like a sister monument. Prof. Aub thinks it will be a good thing for Seneca Falls and New York City, as it will help create the tie between New York City and Seneca Falls involving the subject of Women’s Rights.

After a presentation by Prof. Aub and D’Angelo explaining the project for Central Park, Mr. DeLelys made a motion to have a resolution drawn up supporting this project, seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro stated he will be in touch with Prof. Aub to present the resolution.

Kelsey Fiori from Nexamp – Solar Farm, Newfield, NY: Kelsey Fiori stated Nexamp is a community solar developer based out of Boston. She talked about the community solar farm they will be building in Newfield, NY that will serve NYSEG residents in nine surrounding counties, including Seneca County and the Town of Seneca Falls. Nexamp is new to the area, and they have 22 community solar farms such as the one that will be built in Newfield. They rank among the top three solar developers in the Nation. Community solar is a new concept for New York. They will build a 7.5 megawatt farm in Newfield which will be able to serve about 750 to 1,000 residents, depending on how much electricity each uses. People who participate in their program (SolarizeMyBill) receive a 10% discount on their NYSEG bill each month; NYSEG remains as your Provider. Ms. Fiori said there are no sign-up costs or cancellation fees – no other community solar program in New York can say that.

Mr. Foster asked when it will be operational; Ms. Fiori replied they are hoping to break ground in mid-February and operational by early summer. After a question and answer period, Ms. Fiori stated she is hoping the Board will work with them to help with Town outreach to the residents. Mr. Lazzaro stated the Board will be discussing this in the next few weeks and make a decision.

Petitioners:

Chris Lytle – Grants: Chris Lytle made a presentation recommending that the Town Board invest in a significant increase in seeking grants from State and Federal sources. He said it is a unique opportunity with the recent Budget decision not to include Seneca Meadows Host Agreement fees. There has been conversation of updating the Comprehensive Plan and the Economic Development Plan, but Mr. Lytle noted there has been a lot of changes since those plans were put in effect. He recommended a new Comprehensive Plan rather than updating the current Plan. He encouraged the Board to invest some of the money that may be available from the Host Agreement in a long-term grant seeking operation.

Pamela Davis – Property Issue: Pamela Davis stated she is here on behalf of her mother, Joan Lannon, and a property issue which most of you are aware of. Their neighbor, Pat McDermott, has encroached on their property by having an unpermitted wall built. She submitted a FOIL from the Town and the findings were that no permits from the Town or County to have a Variance was done. Ms. Davis said she is in violation of the Town’s Building Codes and Ms. McDermott has admitted that she has encroached on their property. She has had two surveys done in 2017 and all were the same. She has spoken to several attorneys who told her to go back to the Town who should send a letter to Ms. McDermott telling her to take the wall down. Ms. Davis said she pays taxes on this property and she can’t use it.

Mr. Lazzaro suggested that she send the information to each Board Member and it will be discussed.

Jean Gilroy – 10 Quick Questions: Jean Gilroy thanked the Board for all their hard work, and thanked the Department Heads, especially the Highway Department for filling all those potholes. She had questions for the Board which they are not getting answers for that more transparency is needed. She asked if the Landfill made their 4<sup>th</sup> quarter HCA payment and was the money put into the General Fund; if they received full revenue for Landfill leachate; does the Town have a Comprehensive Plan and is it an operative guide; and is the Town closely monitoring Landfill violations. She said the Town Attorney mentioned that he met several times with SMI Officials, and then recommended that the Board adopt a Budget limited in or totally devoid of HCA payments which would require a substantial increase in Town taxes. She asked if those meetings were directed by the entire Town Board and attended by any member of the Board.

Ms. Gilroy asked if SMI threatened to stop payments of HCA funds. She mentioned the SMI lawsuit and asked if Boylan Code Attorneys will meet with the full Board with a plan to win the lawsuit, and if the Supervisor, Attorney and Town Board will defend our Town against the lawsuit. Ms. Gilroy asked what the estimated cost of legal fees is for the eminent domain land seizure of the Sculpture Trail.

Allison Stokes – Town Issues: Allison Stokes stated on May 10<sup>th</sup>, the first Public Hearing on eminent domain for the Ludovico Sculpture Trail was held; the second Hearing was scheduled for tonight, but then changed. The reason the Town Attorney gave for the necessity of this legal process is that terms of an easement could not be worked out. She asked what negotiations were held in the last seven months, and during those months, did Supervisor Lazzaro, Mr. Foster or Barton & Loguidice have any conversations with the Trail Owners. She suggested that terms of an easement have not been worked out because there has been a lack of communication between the parties. Ms. Stokes requested a definite postponement of an eminent domain legal process as there must be some real communication first. The Trail Owners and Town residents have countless questions about the proposal. She mentioned that there will be a Public Forum on February 21<sup>st</sup> sponsored by the SF Environmental Action Committee.

Stanley Praszkowicz – Taxes and User Fees: Stanley Praszkowicz stated every local government should be extremely sensitive to the capacity of its Citizens to pay for increased user fees and taxes; every local government should be aware of the destructive nature high user fees and high taxes can have on the well being and even the continuance of a municipality. The median household income in Seneca Falls is \$44,047.00, and 15.5% of people live in poverty. He said 55%-65% of the Citizens in Seneca Falls earn less than \$60,000.00 a year. The moderate wage earners comprise the vast majority of those who live in Seneca Falls, and they don't have the capacity for huge tax and user fee increases. Mr. Praszkowicz mentioned that since 2000, Seneca Falls population rate has dropped 5.4% according to the US Census statistics. He said when tax revenues drop significantly, more often than not, financial troubles follow; when financial difficulties take hold, more often than not, State Government intercedes and takes over management of the municipality.

Mr. Praszkowicz concluded by saying moderate wage earners have built Seneca Falls; should these salt of the earth wage earners be forced to leave us, we will be in deep financial difficulty. He urged the Board to exercise their fiduciary duty and once again, make life affordable for the taxpayers of Seneca Falls.

Kyle Black – Landfill Update: Kyle Black presented a check to the Board for the 2017 4<sup>th</sup> quarter payment in the amount of \$658,000.00; total payment to the Town for the year 2017 is \$3.209 million. He added the Town received \$47.5 million from their 18-year strong commitment to the Town through the Host Community Agreement. He would like to sit down with the Board to see if they can come to some agreement on this litigious relationship that we have seemed to foster the last 18 months or so. Mr. Black said it is not good for the taxpayers, their business and for our Community – let's come to an agreement on something instead of paying lawyers and working in courts.

Approval of Minutes:

A motion was made to approve the minutes of the Special Meeting of December 11, 2017, Year-End Meeting of December 29, 2017, Reorganizational and Regular Meeting of January 2, 2018 and the Informational Meeting of January 16, 2018 by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

Reports:

Dog Control Officer: A motion was made to approve the Dog Control Officer's reports for December 2017 and January 2018 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 naves.

Zoning Officer: A motion was made to approve Mr. Zettlemoyer's report by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

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

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

Mr. Peterson thanked his Highway Crew and the Water Crew for the great job they did on the snow removal in the two business districts.

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

Town Attorney: Mr. Foster said there are a couple of items under Old Business.

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

Water & Sewer: A motion was made to accept Mr. Tullo's report by Greg Lazzaro and seconded by Lou Ferrara.

Mr. Avery asked about the three watermain breaks and asked if that was usual. Mr. Tullo replied one was an old galvanized pipe that just rotted where threads were, and they are looking at replacing that whole main; one happened because of the thaw, the refreeze and the thaw again; and the one on Fall Street was just old.

The above motion made by Greg Lazzaro and seconded by Lou Ferrara to accept Mr. Tullo's report was carried 5 ayes, 0 nays.

Police Chief: A motion was made to accept Chief Peenstra's report by Greg Lazzaro and seconded by Dave DeLelys.

Chief Peenstra thanked all the Department Heads and all the different Agencies that participated in the January 20<sup>th</sup> Women's March Event. They guesstimated that there were about 15,000 people here. All the Employees and the Agencies that participated made it a very successful Event.

The above motion made by Greg Lazzaro and seconded by Dave DeLelys to accept Chief Peenstra's report was carried 5 ayes, 0 nays.

Barton & Loguidice: A motion was made to accept the report from Barton & Loguidice by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Other Committee Reports: None.

Communications:

A motion was made to receive and file Communications numbered 1 to 17 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Lazzaro stated a communication was received from the Police Union; the Town's Representatives will be meeting with outside Counsel Jim Roemer and Earl Redding in the upcoming negotiations.

Old Business:

Sale of Condominium & Surplus Real Properties: Mr. Foster stated there are a couple of properties that are still in process of either being completed or possibly there may be a rescission of some of the contracts for sale. They are still in the process of trying to determine what the prospective purchasers want to do. As soon as they have an answer, there will be an Attorney/Client Meeting, and they will announce at the next Board Meeting what the status is.

Write-Off Uncollectable Receivables: No report.

Route 414 Sewer Line Transfer from IDA to Town: Mr. Foster stated there was a very substantial Meeting at the County level regarding the Route 414 sewer line transfer which involved locating and updating some potential easements.

New Business:

Approval of Special Events: No Special Events.

Proposed Local Law #1 – 2018 – Amend Code Parking Provisions: A motion was made to adopt Local Law #1- 2018, a local law amending Sections 280-24 and 280-14 of the Town Code relative to handicapped parking and parking prohibition provisions by Lou Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Dump Truck: Mr. Tullo said this is for a 10-wheel dump truck and it's under State bid. He added it will be used to haul sludge which will cut down on the number of trips per week.

A motion was made authorizing the purchase of a 2019 International 6x4 dump truck from Regional International Corporation at a cost of \$136,774.49 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Two Skid-Steer Loaders: Mr. Tullo stated they will be trading in a skid-steer which is approximately three years old and a 1985 backhoe; this is all under State bid pricing.

A motion was made authorizing the purchase of two skid-steer loaders from Bobcat of CNY at a cost of \$59,161.72 plus trade-in of a 2015 skid-steer and a 1985 backhoe by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Equipment Trailer: Mr. Tullo said this is for the purchase of a trailer to carry their excavator and other equipment – they need to get a bigger trailer.

A motion was made authorizing the purchase of an equipment trailer from Midlakes Trailer Sales, LLC at a cost of \$12,400.00 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Gear Drive: Mr. Tullo stated this is a purchase for their final tanks. Last year, they had a gear drive go on one of their final tanks, and they were in an emergency situation. This is a sole source purchase so that it matches the one they bought last year. They will put this in stock and have it on hand so when the other one fails, they will be ready to install.

A motion was made authorizing the purchase of a gear drive from HM Cross & Sons at a cost of \$6,271.00 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Sewer Jet Nozzle: Mr. Tullo said there have been issues when they do their maintenance on sewer flushing – sending air through the line and blowing traps up into the hose with their nozzle. This is a high efficiency nozzle which will not blow up these toilets.

A motion was made authorizing the purchase of a high efficiency nozzle from Cyncon at a cost of \$3,137.00 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Create 2<sup>nd</sup> Full Time Laborer Position: Mr. Tullo said with all the work coming up, they decided to create another Laborer's position; the hourly rate will be \$15.24 an hour. Brief discussion followed.

A motion was made to create a second full time Laborer position at the hourly rate of \$15.24 an hour by Greg Lazzaro and seconded by Lou Ferrara.

Mr. Ferrara stated when we had the Village, we had 3 sq. miles and 13 employees; now we are Townwide and operating with 8 employees for 20 sq. miles. Mr. DeLelys said this is also for big projects, such as Center Street. Mr. Tullo said not for Center Street, but for all the sewer separations and maintenance of the sewer mains. Mr. Avery said he understands the logic; this is a tough sell to these people after we purchased all this equipment. Mr. Ferrara stated it's unfortunate that the Board did what they did as far as the money for the taxes. He added we still have to operate as a Town.

The above motion made by Greg Lazzaro and seconded by Lou Ferrara to create a second full time Laborer position at the hourly rate of \$15.24 an hour was carried 5 ayes, 0 nays.

Water/Sewer – Fill Full Time Laborer Positions: A motion was made to appoint Mason Hawker and James Varricchio to the two full time Laborer positions at a rate of \$15.24 an hour by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Highway – Purchase LED Lights and Globes: Mr. Peterson stated he received one quote from Jacomb, LLC for 66 LED ornamental lights which are custom made replacement lights, and 10 globes for pole lighting. The cost is \$21,594.00; we received a credit of \$3,500.00, which brings the total cost to \$18,094.00. He said this should take care of the promenade by the Canal – it is budgeted.

A motion was made authorizing the purchase of LED ornamental lights and globes from Jacomb, LLC at a cost of \$18,094.00 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Contribution – Convention Days: A motion was made to contribute the budgeted amount of \$500.00 to Convention Days as it is a benefit to the Town by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Advance for Education Expenses: A motion was made to advance \$1,600.00 to the four Town Officials attending the Association of Towns Conference by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Final Budget Transfers: A motion was made to approve the final 2017 Budget Transfers by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Adopt Investment Policy: A motion was made to adopt the attached Investment Policy by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Audit of Court Records by Councilmen: Mr. Lazzaro read a letter from NYS Unified Court System which states that the Uniform Justice Court Act requires that Town Justices annually provide their Court records and dockets to the Town Board for examining and auditing, and that fact be entered into the Minutes.

Board Member DeLelys stated that he and Mr. Avery met with Judge Lafler and Judge Laquidari and reviewed all the Court records and dockets which seem to be in order.

A motion was made by Greg Lazzaro and seconded by Vic Porretta acknowledging that the required audit of the Court records and dockets for Town Justice Lafler and Town Justice Laquidari for fiscal year ending December 31, 2017 was conducted according to Section 2019-a of the Uniform Justice Court Act. No questions. Motion carried 5 ayes, 0 nays.

Disburse Funds to LDC: A motion was made to disburse the budgeted amount of \$55,560.00 to the Local Development Corporation by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Amend B&L Professional Services Agreement – 2017 Town Designated Engineering Services: A motion was made to amend the Professional Services Agreement with Barton & Loguidice for 2017 Town designated engineering services by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Amend B&L Professional Services Agreement – Kingdom Road Force Main & Auburn Road Gravity Sewer: A motion was made to amend the Professional Services Agreement with Barton & Loguidice for the Kingdom Road force main and Auburn Road Gravity Sewer project by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

B&L Engineering Scope of Service & Fee Proposal – Center Street Watermain Replacement: A motion was made to accept the scope of service and fee proposal submitted by Barton & Loguidice for the Center Street Watermain Replacement project by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Amend B&L Professional Services Agreement – 2018 Town Designated Engineering Services: A motion was made to amend the Professional Services Agreement with Barton & Loguidice for 2018 Town designated engineering services by Greg Lazzaro and seconded by Dave DeLelys.

Mr. DeLelys thanked Peter Baker and John Condino for keeping the costs down. Mr. Foster mentioned that the level of cooperation and contact between Mr. Baker and Mr. Condino has been very good – they have been very helpful in getting information to the Board.

The above motion made by Greg Lazzaro and seconded by Dave DeLelys to amend the Professional Services Agreement with Barton & Loguidice for 2018 Town designated engineering services was carried 5 ayes, 0 nays.

Resolution – Set Public Hearing for Ludovico Trail/Eminent Domain: A motion was made by Greg Lazzaro and seconded by Lou Ferrara to adopt the following Resolution authorizing a Public Hearing under Article 2 of the New York Eminent Domain Procedure Law, said Public Hearing to be held at 6:00 P.M. on March 6, 2018: WHEREAS, the Town of Seneca Falls (the “Town”) is authorized and empowered by Article 4, Section 64 of the New York State Town Law to acquire by acquisition in the manner provided by the New York State Eminent Domain Procedure Law (“EDPL”), any lands or rights therein, either within or outside the Town

boundaries, required for any public purpose; and

WHEREAS, the Town has undertaken the Seneca Falls Sanitary Sewer System Improvements Project (the "Project"), including the improvements to the Kingdom Road pump station and force main used for conveyance of wastewater; and

WHEREAS, the Town is considering the acquisition of certain real property interests in connection with the Project and in order to reroute and upsize the aging Kingdom Road pump station and force main located within the Town. The Project requires installation of a new pump station and sewer force main that crosses the Seneca and Cayuga Canal (e.g., Canal) from current pump station location, located on the north side of the Canal to a location located along the north side of River Road, located south of the Canal. From that location, route alignment alternatives are generally described as follows: (1) running from Kingdom Road along the north side of New River Road to the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal to the Ovid Street Bridge; and (2) running along the north side of New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge; (collectively the "Property").

NOW, THEREFORE, BE IT RESOLVED, that Town Attorney, David Lee Foster, the Town's Staff and Special Counsel, Barclay Damon LLP, are hereby authorized and directed to do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Mr. Foster advised that this was originally scheduled for this Meeting. In the interim, the Town was contacted by Counsel for the Trail who requested certain information which was made available to her. The Public Hearing will be held at 6:00 P.M. on March 6, 2018 in the Town Offices Meeting Room, followed by request for adoption of the Resolution. All adjoining property owners will be notified by mail and all interested parties will be made available with the proper documents for that Evening. Mr. Foster said the suggestion was made earlier this Evening as to why we don't follow up with contact with either the group or its members – it's because they are represented by Counsel, and Counsel would not want us speaking to their Clients.

Mr. Avery stated if Ms. Stokes' timeline is to be believed, no one has spoken to the Family that owns the Trail since July 22, 2016. He added to him, eminent domain is the last resort – it may prove to be necessary somewhere down the line, but we are not ready yet if no one has spoken to those people. Mr. Foster said that is not accurate, based on conferences with previous Counsel to his position. Mr. Avery referred to Ms. Stokes' point and asked why the Town is doing this now without having all the other properties lined up. Mr. Foster replied any and all possible alternatives are part of the public discussion and part of the presentation that will be made. Further discussion followed.

The above motion made by Greg Lazzaro and seconded by Lou Ferrara authorizing a Public Hearing under Article 2 of the New York Eminent Domain Procedure Law was carried 4 ayes, 1 nay; Councilman Avery with the dissenting vote.

Enterprise Agreement: Chief Peenstra stated this is to enter into a leasing agreement for both unmarked and patrol vehicles for the Police Department. He noted a presentation was done for the Board Members, and he has shared the documentation with new Board Members. The Chief said he has reviewed and researched this, and feels it is a big benefit to the Town and substantial cost savings. Mr. Foster said at the Chief's request, he spoke with their Representative to review their contract language which has been done.

A motion was made to enter into a leasing agreement with Enterprise for unmarked and patrol vehicles for the Seneca Falls Police Department by Dave DeLelys and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

Resignation of Police Officer: Chief Peenstra stated he regrets to inform the Board of the resignation of Officer Sean Peck effective February 16, 2018. Officer Peck accepted a full time position with the Brighton Police Department. He thanked Officer Peck for his dedication, compassion and professionalism to the Department, Citizens and those who visited Seneca Falls.

A motion was made to accept the resignation of Officer Sean Peck, effective February 16, 2018, by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

At 7:30 P.M., a motion was made to go into Executive Session relative to a personnel matter by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 naves.

A motion was made to reconvene the regular monthly Meeting at 7:50 P.M. by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 naves.

Police – Backfill of Positions: A motion was made to backfill three positions in the SF Police Department with Andrew Hilker, Jacob DeChick and Nicholas Camacho by Lou Ferrara and seconded by Dave DeLelys.

Chief Peenstra made it clear that these are backfilling of three positions, not adding positions; Officers Burlew and Peck resigned, and Inv. Calabrese will be retiring in April. He noted the Police Academy starts on Monday, and the three new Officers who will be attending are Andrew Hilker, Jacob DeChick and Nicholas Camacho.

Mr. Ferrara wished the three Officers the best in the Academy, and welcomed them on behalf of the Town of Seneca Falls. He believes it's for public safety, and said his stand has always been not to lay anyone off, and if there is an opening – fill it.

The above motion to backfill three positions in the SF Police Department with Andrew Hilker, Jacob DeChick and Nicholas Camacho was carried 4 ayes, 1 nay; Supervisor Lazzaro with the dissenting vote.

Water/Sewer Credits; A motion was made by Greg Lazzaro and seconded by Lou Ferrara to approve the Water/Sewer credit in the amount of \$681.21, and reimbursements totaling \$243.01.

Mr. Avery asked why the Board is refunding something from 1984. Mr. Foster replied a couple came in and indicated they returned a meter; the meter is here, and they never got their deposit back. He added nobody disputes the fact that this should be returned; the claim seems quite genuine.

The above motion made by Greg Lazzaro and seconded by Lou Ferrara to approve the Water/Sewer credit in the amount of \$681.21 and reimbursements totaling \$243.01 was carried 5 ayes, 0 naves.

Payment of Bills:

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

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| General Fund - \$284,904.06 (Abstract #2)      | Recreation Fund - \$28,140.51 (Abstract #2) |
| Miscellaneous Fund - \$27,195.34 (Abstract #2) | Vince's Park Fund - \$942.42 (Abstract #2)  |
| Highway Fund - \$53,306.96 (Abstract #2)       | Sewer Fund - \$60,678.75 (Abstract #2)      |
| Water Fund - \$78,098.72 (Abstract #2)         |   |

No questions. Motion carried 5 ayes, 0 naves.

Mr. Avery stated he has one more thing which he could turn into a motion to amend the Agenda. Mr. Lazzaro ruled Mr. Avery out of order because a motion of the day was made and it is not debatable. He asked for a vote on the motion of the day. A vote was taken on the motion to adjourn: Mr. Lazzaro voted yes, and Councilmen Ferrara, DeLelys, Avery and Porretta voted no.

Mr. Avery stated on January 24<sup>th</sup>, the Supervisor sent a memo to all Department Heads prohibiting communication between employees and Members of the Town Board unless they first made an appointment so that he and his Secretary would be present. The New York Department of State and the legal Department of the Association of Towns have affirmed that a Town Supervisor doesn't have the authority to single-handedly create such a policy. Mr. Avery stated this development, coupled with the Supervisor's stated decision that he and the Deputy Supervisor would be solely responsible for all Board Committees this year, clearly indicates that the Supervisor is attempting to cut off legitimate communication between Town employees and the Board Members who are charged with the task of making informed decisions.

A motion was made by Mr. Avery and seconded by Vic Porretta to create, enact and put in place a policy that guarantees the right and responsibility for free, open and unfettered communication between Town employees and individual Members of the Town Board, and that prohibits the Supervisor from compromising that right by placing conditions on such communication.

Mr. Foster stated Mr. Avery went in to see him about the genesis of that. Mr. Avery said let's get it straight - Mr. Lazzaro threw him out of his Office when he went to him to see if this could be settled somewhere other than here; then Mr. Foster pulled him into his Office – he didn't object, but he did not initiate a meeting. Mr. Ferrara feels as though it shouldn't be argumentative between the Supervisor and a Town Councilman. The motion was made and the Board should move on.

Mr. Lazzaro stated he doesn't feel that Town employees, especially Department Heads, should be brought into political fray. When a Town Councilman came in and discussed things with them, some have gone to him and were upset and concerned, and felt their jobs were on the line. He felt the best way to avoid this is to make sure that when talking to Department Heads, the Board talks to them as one, not individually, because the Board has to hear the same thing at the same time so they are not making decisions based on different information. Mr. Lazzaro believes he is on solid ground with that. Mr. Avery said if there is a Staff Member who is uncomfortable, that employee has the right to have someone else sit in with them – this can be covered in a policy. He added the fact that all Board Members should receive the same information can be protected in a policy.

Mr. Foster mentioned that Mr. Avery said he pulled him into his Office. Mr. Foster stated he attempted to explain to Mr. Avery the rationale for having such a policy which is frequent in most municipalities in the State. There have been claims of workplace hostility in many jurisdictions which is initiated by Board Members just walking in during the day and sitting down with an employee. Mr. Foster said Mr. Avery's interpretation tonight of his attempting to explain this to him being termed as being pulled into an office is the exact thing that an employee would feel nervous about because you are making something out of nothing and defining something that happened. Mr. Avery apologized for the use of the word pulled into his Office. Further discussion followed.

Mr. DeLelys stated he has been on the Board four years and a Trustee in the Village. He has never had any problem in all the years on this Board and the Village Board in going and talking to employees. He added if someone doesn't want to talk to you, you just walk away. He can't see why Board Members can not go and talk to an employee.

Porretta stated this is the first he has heard of any complaints about Board Members talking to employees. He would much rather have a policy in place. If it's not about anybody or anything and it's just general information - it sounds to him like each time he has to make an appointment and go through this whole thing to just get general information. Mr. Porretta said he would like to work together with everyone to come up with a policy. Mr. Lazzaro said he has no problem with that, but a policy takes time to develop.

After further discussion, Mr. Foster stated the Town has retained Counsel for employment labor-type law. Perhaps it would be helpful to have an Attorney/Client Meeting with that Counsel as to best practices for Boards, elective Members and dealing with employees. Mr. Avery said the consensus here is to create a policy. Mr. Lazzaro stated if Mr. Avery wants to present a policy, present one at a later meeting and it will be discussed and voted on. Mr. DeLelys said in the meantime, we will still be able to talk to employees. Mr. Lazzaro said if he receives a memo, he should go and talk to that person; Mr. Avery chose not to. Mr. Avery said he chose to go and talk to Mr. Lazzaro. Mr. Lazzaro responded that Mr. Avery made an ultimatum to him. Yes, he did ask him to leave, and he was very angry because he made an ultimatum. He repeated that if the Board votes to make a policy, someone is going to have to present that policy which will be discussed and voted on.

The above motion made by Mr. Avery and seconded by Mr. Porretta to create, enact and put in place a policy that guarantees the right and responsibility for free, open and unfettered communication between Town employees and individual Members of the Town Board, and that prohibits the Supervisor from compromising that right by placing conditions on such communications, was carried 5 ayes, 0 naves.

Mr. Ferrara stated Mr. Lazzaro said that he and Mr. Lazzaro was going to head all the departments. I have a hard time running Water and Sewer. He would like to see that Mr. Avery take over the committees that Mr. Ruzicka had. Mr. Lazzaro said he never intended to do away with Committees. Mr. DeLelys mentioned that he had heard that.

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 naves.

Meeting adjourned at 8:20 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk