

The Seneca Falls Town Board held a Special Meeting on Friday, July 22, 2016 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Gregory Lazzaro; Councilpersons Mary Sarratori, David DeLelys, Annette Lutz and Vittorio Porretta. Also present were Patrick Morrell, Attorney for the Town; Special Counsel for the Town from Boylan Code and a Member of the local media.

Supervisor Lazzaro called the Meeting to order at 3:30 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Mr. Lazzaro made a motion to adopt the following Resolution:

WHEREAS, the Town of Seneca Falls has been threatened with litigation if they adopt a local law that has been proposed; and

WHEREAS, Public Officer's Law Section 105(d) provides for the conduct of an executive session for discussions regarding proposed, pending or current litigation; and

WHEREAS, Public Officer's Law Section 108(3) provides for an exemption from the Open Meetings Law for "any matter made confidential by Federal or State Law"; and

WHEREAS, Civil Practice Law and Rules Section 4503(1) provides for privileged, confidential communications between an attorney and their clients.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Seneca Falls moves to conduct a portion of this Meeting in executive session pursuant to Public Officer's Law Section 105(d) to discuss matters relating to litigation proposed by Seneca Meadow Landfill; and

BE IT FURTHER RESOLVED, that all such communications are privileged and confidential as these discussions involve a work session with legal counsel and are exempt from the Open Meetings Law pursuant to Public Officer's Law Section 108(3) and Civil Practice Law and Rules Section 4503(1).

Mr. Porretta seconded the motion to adopt the above Resolution.

Mrs. Lutz stated the Board is going into Executive Session to discuss possible litigation – what is the possible litigation; is it due to the local law. Mr. Morrell replied after some of the meetings after the local law was proposed, Mr. Turner, Attorney for Seneca Meadows, came to the podium and said if this local law is passed, Seneca Meadows will sue you – there is the proposed litigation. Mrs. Lutz stated when the Board went into Executive Session the past 2 or 3 times, it has not been discussing the local law; it has been discussing a new Host Agreement with the Landfill, and that is not what they are proposing to sue the Board about. She added she is very uncomfortable being behind closed doors, not letting the public know what the Board is doing, and coming up with a new Host Agreement without input when the Landfill has input with the Board behind closed doors. Mrs. Lutz said her moral compass cannot allow her to lie to the public and tell them we are going into Executive Session to discuss possible litigation, and the Board doesn't discuss possible litigation.

Mr. Morrell replied amending the current Host Community Agreement is a negotiation to possibly avoid litigation – that is what the purpose of amending the Host Community Agreement is. He said these Executive Sessions are the Town Board alone and Legal Counsel; Seneca Meadows is not a part of these Executive Sessions. Right now, the Board is looking at amending the Host Community Agreement, and procedurally, they are not even close to being done. What the Town Board is doing is getting the Town's position in place and presenting it back to Seneca Meadows.

Mrs. Sarratori said she thinks what we are doing is breeding fear – people fear the unknown, and if the Board is not telling them what is going on, then they will be fearful of what is going on. She thinks the Board needs to be upfront and open with people – instead of saying going in for legal, can the Board say it is going in for the Host Agreement. Mr. Morrell stated this is why we are discussing the Host Agreement – it is part of resolving proposed litigation. He said if the Town is in a position to obtain what the Town Board thinks is important after hearing numerous hours of public comment from the Community telling the Board what they feel is important – if the Board is able to achieve that without involving a Judge or litigation that could take a long time and a lot of expense, why wouldn't the Town want to fully explore that rather than heading off to Court. He added that would not be responsible.

Mrs. Lutz said if a new Host Agreement is made and the Board does nothing with the local law, who is to say that the next Board can go in and revamp that Host Agreement and extend the Landfill's life for another ten years. Mr. Morrell said that same would be true if the Board passed the local law. Mrs. Lutz asked if a local law can be rescinded by a Board; Mr. Morrell replied of course – any local law can be undone by another local law. He added right now, the Board is in the process of negotiating a resolution to proposed litigation that involves amending the Host Community Agreement; it may involve a local law – maybe not the one that was proposed, but maybe something similar. Mr. Morrell said what the Board is trying to do is establish a position to move forward from there – the Board establishing a position is not creating a new Host Community Agreement. They are trying to put together a proposal which can resolve this whole matter. Mrs. Lutz asked if it would be made public before anything is signed; Mr. Morrell replied it will be a public process before entering into any agreement.

Mr. Lazzaro referred to a couple of comments from the audience – the Board never entertains questions, and it should negotiate with the public. He said the Board has had two Forums this year and many Board Meetings at which people were allowed to speak – that is an analogy to negotiate with the public. When it comes down to what the Board does and how to proceed, it has to have time to have an Executive Session to talk to Legal Counsel and make a decision. Mr. Lazzaro stated he has listened to everyone who has spoken the past seven months and the past two Forums, and the many people who have called him – on one side of the issue or the other. He believes the Board is listening to the public.

Mr. DeLelys added that he also has been getting a lot of emails and he reads every one of them, and has answered some of them. He said the Board is getting emails from both sides; the Board is very concerned about this, and they are looking out for the people of Seneca Falls.

The above motion made by Greg Lazzaro and seconded by Vic Porretta to adopt the above Resolution to enter into Executive Session did not carry, as the vote was 2 ayes, 3 naves; Councilpersons Lutz, DeLelys and Sarratori with the dissenting votes.

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

Meeting adjourned at 3:55 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, August 2, 2016 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Gregory Lazzaro; Councilpersons Vittorio Porretta, Annette Lutz, David DeLelys and Mary Sarratori. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Stuart Peenstra, Police Chief; James Peterson, Highway Superintendent; Donald Collins, Assessor; Joseph Tullo, WWTP Operator; Town Engineer John Condino and a Member of the local media.

Supervisor Lazzaro called the Meeting to order at 7:00 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Presenter:

Joelle Murney-Karsten – LDC: Joelle Murney-Karsten, Chairwoman of the Seneca Falls Development Corporation, requested that the Board assist in moving ahead with hiring a part-time economic development Director. She said there has been renewed interest in downtown, in the Industrial Park and other areas, and it's imperative that we market what we have. They have received three proposals from local applicants, and will review them at their August 18th Meeting. Ms. Murney-Karsten said the person hired would work 25 hours a week to start and more if needed, and requested that the Board appropriate \$55,000.00 for the salary of the person hired.

Ms. Murney-Karsten mentioned some of the duties of the person hired, some of which are: develop a list of properties available for new businesses or industries, grant writing, update the 2007 Strategic Plan, and develop a marketing packet for distribution. After further discussion, Ms. Murney-Karsten requested the Board's support to move forward with this position.

At 7:10 P.M., a motion was made to go into Executive Session to discuss a matter that could affect the market value of real property by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

A motion was made to reconvene the regular monthly Meeting at 7:55 P.M. by Greg Lazzaro and seconded by Mary Sarratori. No questions. Motion carried 5 ayes, 0 naves.

