

Mr. Lazzaro stated there will be a Special Meeting on Tuesday, August 16<sup>th</sup> at 7:00 P.M. to discuss the proposed sale of property and some IT proposals. Mr. Morrell added it will be Executive Session as the Board will be discussing matters that could impact on the value of real property, as well as potential personnel issues.

A motion was made to hold a Special Meeting at 7:00 P.M. on Tuesday, August 16, 2016 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Approval of Minutes:

A motion was made to approve the minutes of the Special Meeting of June 11, 2016 by Greg Lazzaro and seconded by Mary Sarratori. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the minutes of the regular monthly Meeting of July 5, 2016 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: Dog Control Officer Dallyn Jenkins read her report which states that five dogs were impounded; one adopted, two redeemed and two dogs still being held. One dog was euthanized, and she filed one dangerous dog report; eleven Appearance tickets were issued.

A motion was made to accept Mrs. Jenkins' report by Dave DeLelys and seconded by Vic Porretta. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: Mr. Zettlemyer noted that he has submitted a report for July. A motion was made to accept Mr. Zettlemyer's report by Greg Lazzaro and seconded by Annette Lutz. 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 Dave DeLelys.

Mr. Spina highlighted the rebirth of Canalfest. He recognized the Organizers that did a great job of bringing it back, and thanked the Police Department and Highway Department for their help in getting it set up which was crucial, and security which was fantastic. He also recognized his Maintenance Staff who did a great job all weekend. They are looking forward to a bigger and better Canalfest next year.

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

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

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

Attorney for the Town: Mr. Morrell stated most of the happenings in the last month were addressed in the Assessor's Report with the final assessment roll being filed. There is one action that has been filed, along with a few Small Claims actions. He has nothing further to report.

Town Justices A motion was made to accept the reports 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 accept Mr. Tullo's report by Greg Lazzaro and seconded by Mary Sarratori.

Mr. Tullo stated the painting of the Auburn Road tower is done and it is back on line. The Van Renesselaer tower painting has started, and the tower will be drained sometime within the next two weeks.

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

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

Chief Peenstra stated on July 9<sup>th</sup>, the Department held a "Meet and Greet" at Canalfest. He and Police Officers did Child ID cards and gave tours of Police cars and opportunity for children to have their pictures taken in the

Police cars. The Chief mentioned that the Organizers of Canalfest did an excellent job of putting together a fun weekend. On July 23<sup>rd</sup>, the Department hosted a Safe Child Car Seat Safety Checkpoint at the Police Department.

Chief Peenstra said on July 11<sup>th</sup>, the Department responded to a residence in Seneca Falls for a report of an overdose. Officers Peck and Kidd witnessed a 25-year old male who was unconscious and not breathing. Officer Peck administered narcon, and within minutes he was breathing and conscious again.

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

Barton & Loguidice: Mr. Condino gave updates on some significant projects. The Auburn Road water tank project is complete, and the VanRensselaer tank project will start next week and is expected to take about three months. He referred to the Route 414 sewer upgrade project to accommodate the Lago Casino, and said they have a Contractor on board and held a pre-construction Meeting last week. The final permit and easement process will be completed within another week or so. Mr. Condino stated they expect that project to be completed by the end of this year to coincide with the opening of the new Casino.

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

#### Other Committee Reports:

Mr. DeLelys referred to the Classic Car Show and said the Police Department did an outstanding job; also, Highway Department and the Recreation Department helped. They had 205 cars – it was a good turnout. Mrs. Sarratori also thanked Mr. Peterson. She got a call Saturday morning that they didn't have enough cones, and Mr. Peterson was gracious enough to come down on his day off and drop off extra cones.

#### Communications:

A motion was made to receive and file Communications numbered 1 to 21 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 21 are as follows:

1. Section 504 Compliance Handbook, July 2016, from LRP Publications.
2. Deposits totaling \$9,696.55 representing Community Center and Vince's Park deposits.
3. Checks totaling \$63,266.50 representing purchase of fuel tank, Highway sale of scrap, purchase of old street signs, tote purchases, fuel reimbursements, Retirement overpayment, Insurance contributions, burial fees, copies of Police reports, Police background check, bill buy/crash reimbursement, Disability reimbursement, mortgage tax, Judge Lafler June report, Insurance refund and tower rent.
4. Notice of application to NYS Liquor Authority for liquor, wine and beer license from Eduardo Guerrero Preciado, El Bajio Restaurant.
5. Monthly Report of all monies received and disbursed during the month of May 2016 from Town Supervisor.
6. Monthly Report for the month of June 2016, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
7. Statement of Accounts, April 1, 2011 to June 30, 2016, from Wilmington Trust.
8. Checks totaling \$778,957.47 representing accident claim, copies of Police reports, reimbursement for culvert pipe, Health Insurance payments, Town Clerk's May Report, Judge Laquidari's June Report and SMI 2<sup>nd</sup> Quarter payment (\$763,866.89).
9. Monthly Report of all monies received and disbursed during the month of June 2016 from Town Supervisor.
10. Vince's Park deposits totaling \$5,592.00.
11. Copies of Small Claims Assessment Review Petitions submitted by John & Lea Porretta, Vincent & Janet Enos and Robert Reynolds.
12. Notice of Tentative State Equalization Rate for the 2016 Assessment Roll (100.00) from NYS Office of Real Property Services.
13. Notice from Charter Communications (Time Warner) stating that programmers and broadcasters services that they carry expire from time to time, and they may be required to cease carriage of one or more of these services.
14. Letter from Seneca County Health Department stating tires and electronics will not be part of the Seneca County Residential Household Hazardous Waste Drop-Off Event. Both tires and electronics can be dropped off by County Residents at the Seneca Meadows Landfill.
15. Notice of Bankruptcy Discharge from United States Bankruptcy Court.
16. Minutes of the Heritage Preservation Commission Meeting of June 28, 2016.
17. Copies of Small Claims Assessment Review Petitions submitted by Robert & Alice Reilly, Helen Smithler and John & Cheryl Lewkowicz.

18. Checks and deposits totaling \$40,649.66 representing Vince's Park deposits, Community Center deposits, sale of scrap metal, burial fees, School Resource Officer reimbursement, mowing violations reimbursement, tower rent, Health Insurance premiums and fuel reimbursement.
19. Copy of Small Claims Assessment Review Petition submitted by John & Rita Gravina.
20. Copy of Online Petition submitted by Sandra & John Garee.
21. Copy of letter to Crossroads Abstract Company from Town Attorney relative to ownership of the roadbed leading to the former Kingdom Road Bridge.

Old Business:

Sale of Condominium & Surplus Real Properties: Mr. Morrell stated there has been some discussion, but there is no further action other than what has been discussed this Evening.

Auburn Road Sewer Extension: Mr. Condino stated the updated feasibility study that was actually done by the Town of Tyre in conjunction with the Winery and other interested parties is complete, and they will have a report on that for the next Water/Sewer Committee Meeting.

Write-Off Uncollectable Receivables: No action.

Route 414 Sewer Line Transfer from IDA to Town: Mr. Morrell stated that is part of Route 414 that was discussed with Barton & Loguidice (collecting the easements and getting the sewerline upgrades in and transferring the existing sewerline from the IDA to the Towns of Seneca Falls and Tyre).

Police Dept. – Convert Email to Office 365: Chief Peenstra stated they will wait for the bid for IT services.

New Business:

Approval of Special Events: None submitted this month.

Permanent Status – Zoning & Code Enforcement Officer: A motion was made to grant permanent status to Dean Zettlemoyer, Zoning and Code Enforcement Officer for the Town, effective August 2, 2016 and with a salary of \$29,500.00, by Dave DeLelys and seconded by Greg Lazzaro.

Mr. Morrell stated Mr. Zettlemoyer took the Civil Service test and did well enough to put him on the list to where he could be appointed from the list so this can be made a permanent appointment rather than a provisional appointment as he has been.

The above motion made by Dave DeLelys and seconded by Greg Lazzaro to grant permanent status to Dean Zettlemoyer, Zoning and Code Enforcement Officer for the Town, effective August 2, 2016 was carried 5 ayes, 0 naves.

June Budget Transfers: A motion was made to approve the June 2016 Budget transfers by Dave DeLelys and seconded by Vic Porretta. No questions. Motion carried 5 ayes, 0 naves.

Return of Pictures to SF Historical Society from Former Village Offices: Chief Peenstra stated the majority of the pictures are in the old Village Hallway, and pertain mostly to the actual old train station.

A motion was made to return the pictures from the former Village Offices to the Seneca Falls Historical Society by Greg Lazzaro and seconded by Mary Sarratori. No questions. Motion carried 5 ayes, 0 naves.

Resolution – Support Five Star Medical Corp. Grant Application: A motion was made by Dave DeLelys and seconded by Greg Lazzaro to adopt the following Resolution:

WHEREAS, Five Star Medical Corporation has been operating an Office in Seneca Falls, New York while it looks for a permanent location to house its new manufacturing facility; and

WHEREAS, Five Star Medical Corporation wishes to be permanently located in Seneca Falls, New York; and

WHEREAS, the Town Council has found that it is in the public interest to invest in the economic development, manufacturing and revitalization of its Historic Town of Seneca Falls; and

WHEREAS, the Town Council has determined that this application will benefit the Town of Seneca Falls, its inhabitants and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Seneca Falls, Seneca County, New York that:

1. The Town of Seneca Falls hereby resolves to support Five Star Medical Corporation's grant application for a \$1,000,000.00 Empire State Development Grant.

Motion carried 5 ayes, 0 naves.

Resolution – 25<sup>th</sup> Anniversary of NY Chiropractic College: Mrs. Sarratori read the following Resolution:

WHEREAS, the Seneca Falls Town Council is justly proud to commemorate the 25<sup>th</sup> Anniversary of New York Chiropractic College's Seneca Falls Campus to be celebrated at its Homecoming Banquet on Saturday, September 24, 2016 at Ventosa Vineyards in Geneva, New York; and

WHEREAS, the New York Chiropractic College (NYCC) was founded in 1919 as the Columbia Institute of Chiropractic located in New York City, and grew through mergers with Columbia College of Chiropractic and Atlantic States Chiropractic Institute during the 1950s; and

WHEREAS, in 1959, Dr. Ernest Napolitano was named President and under his leadership, NYCC achieved National prominence; in 1979, the College was granted an Absolute Charter by the New York State Board of Regents and received professional accreditation of its Doctor of Chiropractic (DC) degree program from the Council on Chiropractic Education; and

WHEREAS, in 1985, NYCC was awarded regional accreditation by the Middle States Association of Colleges and Schools; and

WHEREAS, NYCC acquired the former Eisenhower College campus in Seneca Falls, New York in 1989; shortly thereafter, Dr. Kenneth W. Padgett was appointed President and led the effort to move the College 300 miles north, opening in its new location in 1991, becoming the only Institution of higher education in Seneca Falls and Seneca County; and

WHEREAS, during this time, the hiring of many new faculty and renovations to the facility transformed a former liberal arts college into one of the profession's leading chiropractic educational institutions; and

WHEREAS, expansion of NYCC's educational facilities has been ongoing since the relocation of the College to Seneca Falls; and

WHEREAS, in 1994, a new 9,300 square foot academic building was constructed on the Seneca Falls campus to provide additional classroom and laboratory space; today, this building serves as a center for research and education; and

WHEREAS, a new 38,000 square foot academic building was completed on the Seneca Falls campus in 1998; this facility contains lecture halls equipped with advanced instructional technology, as well as faculty offices and faculty and student lounges; and

WHEREAS, in 2000, Dr. Frank Nicchi, a 1978 alumnus and longtime faculty member was appointed President of NYCC and two years later, the College spearheaded a strategic planning process overseen by the newly formed Division of Institutional Quality and Assessment; that same year, NYCC's Post-Graduate Department enhanced its excellent traditional curriculum by offering courses online; and

WHEREAS, the main administration building on the NYCC campus was named after former College President, Kenneth W. Padgett in 2006, during which time the College continued to expand its outreach programs and establish clinical relationships with the Veterans Association Medical Center in Canandaigua, and the Veterans Association Medical Center in Bath; additional valuable clinical relationships were established in 2007 with SUNY Stony Brook, SUNY Farmingdale and St. John Fisher University; and

WHEREAS, NYCC President Frank J. Nicchi, DC, MS assumed the Presidency of the Association of Chiropractic Colleges in 2009; that same year, the College was the only educational institution to be selected to receive a Malcolm Baldrige National Quality Award site visit; and

WHEREAS, this vital Institution was also recognized by G.I. Jobs as a Military Friendly School and by The Chronicle of Higher Education as a "Great College to work for", an award it has earned for seven consecutive years in addition to appearing on the Chronicle of Higher Education's Honor Roll for six of those seven years; and

WHEREAS, NYCC established the first ever chiropractic residency in a Veterans Administration hospital; success of this pilot program led to the establishment of five residency sites in VA hospitals across the Country; the College now serves as academic affiliate for two of these sites; and

WHEREAS, the Finger Lakes School of Acupuncture and Oriental Medicine of NYCC offers the only degree programs in acupuncture and Oriental medicine in Upstate New York; and

WHEREAS, today, under the visionary guidance of President Frank J. Nicchi, DC, MS, New York Chiropractic College stands proud and prominent, always looking to the future and the needs of those it serves.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Council pause in its deliberations to commemorate the 25<sup>th</sup> Anniversary of New York Chiropractic College's Seneca Falls Campus; and be it FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to President Frank J. Nicchi, DC, MS, New York Chiropractic College.

A motion was made to adopt the above Resolution commemorating the 25<sup>th</sup> Anniversary of New York Chiropractic College by Mary Sarratori and seconded by Greg Lazzaro. No questions. Motion carried 5 ayes, 0 naves.

RFP – IT Consulting Services: Mr. Lazzaro stated that proposals were received and will be discussed at the Special Meeting on August 16<sup>th</sup>. Mr. Morrell noted this will be the personnel matter that will be discussed at that Meeting that would require Executive Session. Mr. Condino suggested setting up a meeting with the Applicants before that Meeting as there are several questions to be answered. Mr. Lazzaro requested that the Personnel Committee and Mr. Condino meet with the Applicants before the Special Meeting.

Seneca Falls Visitors Center Air Conditioning: Mr. Lazzaro stated right now, they are without air conditioning and have been without it for about a month. The Town Clerk mentioned that Caratozzolo Electric looked at the

three units and said they were all bad. Trane looked at them and said it is very unlikely that all three units would go at the same time. Mr. Spina stated they have a contract with Trane who takes care all of the units for the Community Center and Vince's Park. While they were here for a maintenance session, Mr. Passalacqua talked to them about it and they took a quick look at them. Mr. Spina said Trane gave a quote to provide troubleshooting of the three units which is \$1,285.00.

A motion was made authorizing Trane to provide troubleshooting of the three units at the Visitors Center at a cost of \$1,285.00 by Greg Lazzaro and seconded by Dave DeLelys.

Mr. Morrell stated under the Procurement Policy, this falls within the area that it is low enough that it falls to the discretion of whoever is making the purchase. Brief discussion followed.

The above motion made by Greg Lazzaro and seconded by Dave DeLelys authorizing Trane to provide troubleshooting of the three units at the Visitors Center at a cost of \$1,285.00 was carried 5 ayes, 0 naves.

Water/Sewer – Purchase of Fire Hydrants: Mr. Tullo stated they have one hydrant in stock. They put in five, and plan on putting in three more by October. He added if he gets four, he will have two spares; next year, they will have to get more replacements. Mr. Lazzaro asked what was in the Budget for hydrants; Mr. Tullo replied he believes \$4,000.00. Mrs. Lutz asked if they were being replaced because they are bad or old; Mr. Tullo replied because they are bad and leaking. Mrs. Lutz asked how many hydrants are there; Mr. Tullo replied in excess of 300 – he doesn't have the list. Mrs. Lutz asked how many will need replacing in the next five years; Mr. Tullo replied next year, he will be asking for ten – that's about how many he will be replacing every year.

A motion was made authorizing the purchase of four hydrants from Vellano Corporation at a cost of \$8,100.00 by Dave DeLelys and seconded by Greg Lazzaro. No questions. Motion carried 5 ayes, 0 naves.

Contribution – Seneca Falls Community Band: A motion was made to contribute \$500.00 to the Seneca Falls Community Band as it is a benefit to the Community by Greg Lazzaro and seconded by Annette Lutz. No questions. Motion carried 5 aye, 0 naves.

Allocate Funds to LDC: A motion was made to allocate \$55,000.00 to the Seneca Falls Development Corporation as per Ms. Murney-Karsten's presentation to hire a part-time Economic Developer/Grant Writer by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Annual Renewal – SMI Permit: A motion was made authorizing the annual renewal of the SMI Permit by Greg Lazzaro and seconded by Vic Porretta.

Mr. Morrell stated this is the annual permit that Seneca Meadows applies for under the Town's Code. The year is up, and they have submitted their application and the required fee as they do every year. He said if the Board wants to go forward with the process of amending the Host Community Agreement, his advice is to hold off on issuing this Permit until it is completed, and at the same time, forego (for the time being) enforcement of the Permit requirement until the Board resolves the issue with either the Host Community Agreement or going forward with the local law.

Mrs. Lutz read Section 185-5 E of the Town Code relative to the Town Board imposing conditions on the construction and operation of any landfill as may be necessary to protect the public health, safety, welfare or the environment, and said because of all the issues with the odor, the Board should not issue the Permit. After further discussion, Mr. Lazzaro stated Mr. Morrell's recommendation is to table this for now. More discussion followed.

A motion was made to table the renewal of the SMI Permit and put it on the Agenda for the September Meeting by Dave DeLelys and seconded by Greg Lazzaro. No questions. Motion carried 3 ayes, 2 naves; Councilpersons Lutz and Sarratori with the dissenting votes.

Water/Sewer Credits: A motion was made to approve Water/Sewer credits totaling \$2,219.38 as submitted by Mrs. Havelin by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Mrs. Lutz made a motion that the previously adjourned Public Hearing for proposed Local Law #7 be reset. Motion was seconded by Dave DeLelys.

Mr. Lazzaro stated the Board is going down a tricky road on this because it is going against the Host Community Agreement that was not written by this Board, but is still in effect until 2023. The Town will lose some of the funds from Seneca Meadows – it's a real problem. He will be meeting with Department Heads to look at the Budget and see where we can cut because there won't be enough money in the Budget. Mrs. Lutz said they will not be going against the Host Agreement – they are just discussing the proposed law. Mr. DeLelys said it says that they can still operate – they are not stopping them in the proposed law. He added they

are not going to stop money coming in because they are still operating – we are not stopping them from operating.

Mr. Morrell stated the proposed local law would limit them to the current DEC Permit; current DEC Permit expires next year, and at that point, they will have to stop operating. Mr. Morrell referenced the Host Community Agreement which specifically says “if the Town, in the future, modifies the terms and conditions of any permits issued to Seneca Meadows or its regulations governing operation of the Facility in a manner which substantially interferes with the operation of the Facility, which is inconsistent with DEC’s regulation of the Facility” – Mr. Morrell said that is the provision that would allow Seneca Meadows to opt out of the Host Community Agreement. He added whether considering the local law, considering the Host Community Agreement or considering the renewal of the permit, that is part of the analysis that needs to be taken into consideration when moving along that course.

Mrs. Sarratori stated by having a public discussion, they are not stopping them from operating the Landfill. She added it will stop all the discussions at the monthly Town Board Meetings from being pro and con of the Landfill so the Board can actually get down to Town business. Mrs. Lutz said they won’t be passing the local law.

Mr. Porretta said if the Board has a Public Hearing, you will have to vote on that law sooner or later. Also, there is no strategic plan in place – there have been discussions with some good ideas of how to make up the shortfall of funds. He added the Board has already had differences of opinions on legal perspective of what it means to pass this local law – some say it will stop operation of the Landfill and other say no. Mr. Porretta stated he would like to talk with outside Counsel which the Board has been working with.

Mr. Morrell stated the Board also has the proposed amendments to the Host Community Agreement to address many of the issues that have been discussed the past few months. He doesn’t know what the Board wants to do on that. Mr. Porretta asked if the Board is ever going to get another opportunity to speak with the other Lawyers - are we ever going to be able to have a face-to-face conversation with them. He would definitely like to talk to them. Mr. Morrell replied it’s up to the Board. Mr. DeLelys said they can come and speak to the Board – Attorney/Client confidentiality. Mr. Lazzaro said they were here two weeks ago and that motion was voted down. Mr. DeLelys reiterated that the Board is not shutting the Landfill down; they are still going on day-to-day – they have until 2023. Further discussion followed.

A roll call was taken on the above motion made by Annette Lutz and seconded by Dave DeLelys to reset the previously adjourned Public Hearing for proposed Local Law #7; Councilpersons Lutz, DeLelys and Sarratori voted yes and Councilpersons Lazzaro and Porretta voted no. Motion carried.

#### 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 - \$123,714.93 (Abstract #8)

Recreation Fund - \$17,310.93 (Abstract #8)

Miscellaneous Fund - \$620,369.53 (Abstract #8)

Vince’s Park Fund - \$14,530.42 (Abstract #8)

Highway Fund \$149,860.11 (Abstract #8)

Sewer Fund - \$45,537.53 (Abstract #8)

Water Fund \$20,076.13 (Abstract #8)

No questions. Motion carried 5 ayes, 0 nays.

A motion was made to adjourn the Meeting by Greg Lazzaro. Since there was no second, the motion failed. Discussion followed relative to setting a date for the Public Hearing.

A motion was made to conduct a Public Hearing relative to proposed Local Law #7 at 7:00 P.M. on September 28, 2016 by Annette Lutz and seconded by Dave DeLelys. No questions. Motion carried 3 ayes, 2 nays; Councilpersons Lazzaro and Porretta with the dissenting votes.

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 9:05 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

