

The Seneca Falls Town Board held a Public Hearing and Meeting on Wednesday, August 15, 2018 in the Town Hall Meeting Room, 130 Ovid Street, Seneca Falls.

Present were Supervisor Gregory Lazzaro; Councilmen Louis Ferrara, David DeLelys and Vittorio Porretta. Also present were David Foster, Town Attorney, Joseph Tullo, Chief WWTP Operator and John Condino, Town Engineer.

Supervisor Lazzaro called the Meeting to order at 6:00 P.M. A roll call of Board Members was taken, and Councilman Avery was absent from the Meeting; the Pledge of Allegiance followed.

New Business:

Attendance at Court Clerk's Conference: A motion was made by Dave DeLelys and seconded by Lou Ferrara to adopt the following resolution:

WHEREAS, at the August 7, 2018 Board Meeting, the Town Board appointed Courtney Andrews as a Clerk to the Seneca Falls Town Court; and

WHEREAS, the New York State Association of Magistrates Court Clerks, Inc. will be hosting its annual Conference, with the training of Supporting the Bench for newly hired Court Clerks, from September 16th to September 19th, 2018 at Lake Placid, NY; and

WHEREAS, it is recommended that Courtney Andrews, the newly hired Court Clerk, attend this training.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board approve the expenditures for Courtney Andrews to attend this Conference and Training at a cost not to exceed \$824.00.

Mr. Lazzaro stated Judge Laquidari called him and asked if this could be on the Agenda; he talked to some of the Board Members also. Mr. DeLelys noted that the registration has to be in by Friday.

The above motion made by Dave DeLelys and seconded by Lou Ferrara to adopt the above resolution approving the expenditures for Courtney Andrews to attend the Conference and Training was carried 4 ayes, 0 nays.

Public Hearing – Issuance and Sale of Serial Bonds for SF Sanitary Sewer System Improvement Project: At 6:05 P.M., a motion was made to open the Public Hearing regarding the issuance and sale of Serial Bonds for the SF SSI Project by Greg Lazzaro and seconded by Dave Delelys. No questions. Motion carried 4 ayes, 0 nays.

Peter Baker, Engineer from Barton & Loguidice stated he is the Town Designated Engineer for the Town of Seneca Falls, and the Project Manager for the sewer rehabilitation project within the Town. One of the more critical projects B& L has worked on over the past several years is the evaluation and design for addressing Infiltration and Inflow issues in the Town's sanitary sewer collection system. The investigation phase of this work was partially funded by NYS Environmental Facilities Corporation. The NYSEFC provides a combination of grants and low interest or hardship financing to make these project affordable.

Mr. Baker continued with his explanation. The primary issues within the Town have included aged, degraded and damaged sanitary sewer lines and manholes and, more importantly, direct connections with storm sewer. During their investigation, they identified several significant sources of direct inflow into the sewer system. Under this Project, these sources will be addressed providing critical relief to the existing conveyances. Additionally, this work will repair and replace many linear feet of sewer.

The proposed work is required by NYSDEC; the Town recently received a Notice of Violation requiring regular updates to NYSDEC on ongoing efforts to reduce I/I in the sewer system. Should conditions of the violation not be followed, the NYSDEC may issue consent orders to the Town requiring that this work be done in a timely manner as well as the potential for significant fines levied which can be as high as \$37,500 a day. To help alleviate the burden of these costs, the Town applied for and received a 25% grant, the maximum payable under the Water Infrastructure Improvement Act Program, as well as hardship financing for the balance of the \$3 million Project costs at 0% interest. In order to ensure the Town receives the grant and has the maximum flexibility to finance this Project, the proposed Bond Resolution provides for a funding timetable of up to 30 years to finance this Project.

Mr. Baker stated following this sewer rehabilitation project, there is still more work to be done. Under another grant from EFC, B&L is currently evaluating the wastewater treatment plant. The current evaluation they are working on will identify those assets and treatment processes that are either undersized or that are in need of replacement. He mentioned the following necessary upgrades based on their preliminary analysis:

1. Replacement of the EQ tank.
2. Complete overhaul of the sludge processing facilities.
3. Upgrades to the biological treatment processes to increase ability to treat organic loading.
4. Additional clarifiers to enhance settling of solids before discharge.

5. Improvements to final disinfection systems to eliminate use of chlorine gas at the plant.
6. Upgrades of system controls to better monitor and control plant operations.
7. Installation of a backup generator at the treatment plant. (a condition of the Notice of Violation)

The above WWTP improvements will cost significantly more money than the proposed sanitary sewer rehabilitation project. Since dissolution of the Village, the Town has set aside reserves in its sewer fund to help fund these future upgrades. Working with the NYSDEC and NYSEFC for the proposed sewer rehabilitation project results in significant short term savings to the Town for this project, and will lead to a higher likelihood for future funding for pending necessary wastewater treatment plant upgrades.

Mr. Baker concluded by saying the proposed Bond Resolution provides the Town with maximum flexibility in financing the sewer rehabilitation project. This project needs to commence. Should the Town not pass this Bond Resolution, it will be necessary for the Town to fund the project through the current reserves, significantly depleting available funds for future projects.

Allison Stokes: Allison Stokes (who owns a home in Seneca Falls) mentioned the November 8, 2017 Public Hearing on the proposed budget and said Mr. Lazzaro stated the 2018 Budget would use more than \$1 million of the estimated \$2.3 million received from the Landfill in 2018 for infrastructure. She said we now have a Public Hearing on this Bond which would mean more indebtedness for 30 years – more taxpayers' expense. She asked if any of the money from the Landfill for 2018 was marked for sanitary sewer system repairs.

Ms. Stokes stated the first eminent domain Public Hearing was held in May 2017, and Mr. Baker made a presentation explaining how the Town is going to pay for this force main down the Sculpture Trail over a 30-year period. She asked if any money in this proposed Bond is marked for the sewer force main line down the Ludovico Trail.

Brad Jones: Brad Jones, 11 Courtney Drive, stated Supervisor Lazzaro said that no questions would be answered. Mr. Lazzaro stated when a DEC Advocate came to Mynderse Academy, she set up rules – no one was to speak more than three minutes, no signs, and there would be no answering of questions from Petitioners at the Public Hearing. At Josh Durso's podcast with Jackie Augustine, she complimented as to how well the DEC Advocate ran that Meeting. Mr. Lazzaro stated his ground rules are similar at this Public Hearing as the DEC Public Hearing. He added he learns from good practices.

Mr. Jones made some comments as to what the Councilmen and Attorney should look at prior to approving the \$3 million Bond. He said no money can be used from Seneca Meadows because there has never been a motion made. He also said any payments, even with 0% interest, there is a monthly or quarterly payment for the next 30 years for taxpayers – it comes out of the Water/Sewer rental fee, not the General Fund. Mr. Jones said if you don't grow water/sewer district or increase rental fees how will you pay back this \$3 million Bond. He asked if there was a contract in place with Barton & Loguidice and if there was a maximum administration fee that they will be paid, and is there anything for cost overruns for contingencies.

Tim Geraghty: Tim Geraghty, 16 Pleasant Street, stated, as a Taxpayer, is there a breakdown available of the projects that are coming up – the projected costs of the projects and how they will be paid. He would like to know where the \$3 million is going. He would also like to know what is planned and what is it going to cost, and how we are going to pay for it without taxes and water bills going up; if they are going up, he would like to know that, too.

Matt Blair: Matt Blair, 68 W. Bayard Street, stated he has been involved in large projects in the past, and can say that this type of financing is extremely favorable and provides enormous flexibility to the Town. He recommended that the Town take advantage of it. Mr. Blair said there is total flexibility as to how it is to be used; it doesn't all have to be spent at one time and there is no administration fee. He added it would be foolish to pass this up.

Mr. Blair stated there were Budget Workshops where all of the expenses for each of the projects were laid out and given to the public, and the public had an opportunity to ask questions about it. He believes the Board has met its requirement to be open and clear about what it was budgeting and what its financing needs would be.

At 6:27 P.M., a motion was made to close the Public Hearing by Dave DeLelys and seconded by Lou Ferrara. No questions. Motion carried 4 ayes, 0 nays.

A motion was made by Lou Ferrara and seconded by Dave DeLelys to adopt the following Resolution:
WHEREAS, the Town Board of the Town of Seneca Falls has authorized the construction of a Sanitary Sewer System Improvement Project; and
WHEREAS, contracts have not been awarded for this purpose by the Town Board.
NOW, THEREFORE, BE IT RESOLVED,

1. For the purpose of constructing of a Sanitary Sewer System Improvement Project, and to provide funds

to defray the cost thereof, \$3,005,000.00 of the General Obligation Serial Bonds of the Town of Seneca Falls shall be issued pursuant to the provisions of New York Local Finance Law.

2. The plan for financing the costs of the contracts awarded for this purpose is issuance of \$3,005,000.00 Serial Bonds hereby authorized to be issued pursuant to the Local Finance Law.
3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 40 years, pursuant to Subdivision 4 of Paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Serial Bonds herein authorized will be in excess of five years.
4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Serial Bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.
5. All other matters except as provided herein relating to the Serial Bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, ability to sell to the United States Department of Agriculture and/or the New York State Environmental Facilities Corporation, and also the ability to issue Serial Bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the Chief Fiscal Officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.
6. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.
7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.
8. The faith and credit of said Town of Seneca Falls, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
9. The validity of such bonds and bond anticipation notes may be contested only if:
 - a) Such obligations are authorized for an object or purpose for which said Town is not authorized to extend money, or
 - b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or
 - c) Such obligations are authorized in violation of the provisions of the Constitution.
10. This resolution, which takes effect immediately, shall be published in full in The Reveille Between the Lakes, the official newspaper of said Town, together with a Notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

A roll call vote was taken and the votes are as follows: Greg Lazzaro – yes; Louis Ferrara – yes; David DeLelys – yes; Vittorio Poretta – yes. The motion was unanimously carried. Councilman Avery was absent from the Meeting.

Being there was no further business, a motion was made to adjourn the Meeting by Dave DeLelys and seconded by Vic Porretta. No questions. Motion carried 4 ayes, 0 nays.

Meeting adjourned at 6:30 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

