

The Seneca Falls Town Board held a Public Hearing and regular monthly Meeting on Tuesday, October 3, 2017 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Thomas Ruzicka, David DeLelys and Louis Ferrara. Also present were David Foster, Attorney for the Town; Dean Zettlemoyer, Zoning Officer; James Spina, Commissioner of Parks and Recreation; Stuart Peenstra, Police Chief; Timothy Pagano, Deputy Highway Superintendent; Joseph Tullo, WWTP Operator; Peter Baker of Barton & Loguidice and a Member of the local media.

Supervisor Lazzaro called the regular monthly Meeting to order at 5:00 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Presentation:

Robert Jaworski – Enterprise Fleet Management: Robert Jaworski stated he has been working with the Town to put together a customized fleet proposal which will save the Town money, specifically in regard to Police vehicles. He said they have been working with Seneca County through all their vehicles in multiple departments, and found a way to work within their budgets to provide them with the amount of vehicles they need. Mr. Jaworski mentioned some of their objectives, such as lowering average age of the fleet, reducing operating costs and maintaining a manageable vehicle budget.

Mr. Jaworski stated the open-ended equity lease structure will improve cash flow; has no mileage restrictions or wear and tear charges; has customized terms for use and type of vehicle and flexibility of ownership. He explained what the Capital Budget would be, annual lease cost and net cash savings for the next eight years; also the number of vehicles replaced by year and estimated wholesale value. After discussion relative to cost and savings, Mr. Lazzaro said the Board will not be making a decision this Evening.

Mr. Lazzaro declared a recess at 5:50 P.M. The Board reconvened the Meeting at 6:00 P.M.

PUBLIC HEARING – PROPOSED LOCAL LAW #3 – 2017: Mr. Foster stated Town Law provides that, generally, for a person to be an officer for the Town there is a residency requirement. Under Public Officer's Law, the attorney is an officer of the Town. The proposed Local Law would enable the Town to widen the search to avoid any conflicts. Mr. Foster said it is very common for municipalities to use the Municipal Home Rule Law to supersede Section 23 of the Town Law. He added in this case it would affect him, and it would affect any subsequent attorney that the Board wishes to hire. It is an expediency type of thing and is done quite often. This Law gives the option to hunt for a person from a larger pool.

Douglas Avery of Seneca Falls stated his concern is one of appearance. The timing of doing this now is that Mr. Morrell issued some opinions that the Board found disagreeable. He added it appears that Seneca Meadows and perhaps Mr. Lazzaro, wanted to replace Mr. Morrell, and it appears now you are trying to make that work somehow. Mr. Lazzaro commented that the reasons for Mr. Morrell's departure is a personnel issue which is privileged and confidential. He told Mr. Avery his synopsis is totally wrong.

Robert Magill of Waterloo stated at times, because of the Landfill issues, it's very difficult to recruit personnel, Town Attorney being one. In Waterloo, they have been subjected to all kinds of harassment. Anyone on the Board is subjected to abuse. Mr. Magill said you are not going to find someone who lives here locally that will put up with this kind of harassment.

Allison Stokes stated the Attorney has explained the process and reasons for doing this, but what they haven't heard is anything about the reason that we have the new Attorney. She said they don't know if there was a process where there was a review of people who would have liked the position or people in Town that could have filled the position. Mrs. Stokes stated the Board is asking them to change the law without giving them the reasons why this Attorney was appointed. Ms. Stokes concluded by saying she doesn't know why we are doing this, and she doesn't think it's fair to the public - it's one more experience of not know what's happening.

Since there were no further comments, Mr. Lazzaro closed the Public Hearing.

Petitioners:

Robert Magill – Air Quality Monitoring: Robert Magill stated the Concerned Citizens did an air quality test and was very quiet about the results. There is a new group that wanted an air quality sampling but he hasn't heard anything from them. He took it upon himself to do a little investigating. He has a CO2 monitor (CO2 is 40-60% of landfill gas), a methane gas monitor (45-60% of landfill gas); nitrogen levels – he didn't find anything. Mr. Magill said he monitored this room when it was empty and it was 600 parts per million; when everyone was talking, it got up to 1200 parts per million. He added not a lot of landfill gas is harmful. A lot of this gas in such small amounts is perfectly harmless.

Anwei Law – It's a Wonderful Life Museum: Anwei Law, representing the It's a Wonderful Life Museum, stated this year, they are responsible for coordinating the participation of the Actors and other people associated with the film which includes covering their expenses. Last year, with the presence of the three Bailey kids, they saw a dramatic increase in visitations to the Museum and to the Town. Mrs. Law explained some of the Events and named some of the Actors who will be here this year for It's a Wonderful Life. She said they are requesting \$5,000.00 to help in supporting the participation of the Actors, which is a separate request from the request the Board has from the It's a Wonderful Life Committee.

Mr. Lazzaro stated this will be discussed during the Budget process.

Approval of Minutes:

A motion was made to approve the minutes of the regular monthly Meeting of September 5, 2017 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: A motion was made to accept Mrs. Jenkins' reports for the months of August and September 2017 by Greg Lazzaro and seconded by Dave DeLelys.

Mrs. Jenkins stated they were inspected by NYS Agriculture and Markets who does an inspection every 3-4 months. They need a copy of the contract which she will get from the Town Clerk.

The above motion to accept Mrs. Jenkins' reports was carried 5 ayes, 0 nays.

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

Mr. Spina stated Locktoberfest will be this Saturday from 10 AM to 10 PM. The Forever Young 5K will be held this Saturday for the last time. On October 28th, the Halloween celebration will be held; Trick or Treating and Parade followed by event at People's Park.

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

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

Attorney for the Town: Mr. Foster stated there are certain matters that are outstanding, one being litigation concerning the assessment rolls. They are working very hard to bring them to a conclusion; one of them has been resolved with an agreement between the parties. He noted there is a Resolution later in the Meeting which will authorize him to engage in and get resolution for some of these outstanding claims.

Mr. Foster stated he has received files from former Counsel within the past week. He dropped off the active files, and he has been cooperative with any of the issues involved.

Town Justices: A motion was made to approve 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 Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

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

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

Other Committee Reports: No reports.

Communications:

A motion was made to receive and file Communications numbered 1 to 13 by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 13 are as

follows:

1. Minutes of the Seneca County Planning Board Meeting of August 10, 2017.
2. Checks totaling \$775.00 representing dumpster fees collected.
3. Notice of Hearing to consider confirmation of Chapter 11 Plan relative to Avaya, Inc. from US Bankruptcy Court.
4. Statement of Accounts, April 1, 2011 to August 31, 2017, from Wilmington Trust.
5. Minutes of the Planning Board Meeting of August 24, 2017.
6. Minutes of the Zoning Board of Appeals Meeting of August 24, 2017.
7. Letter from Osborne Landscape and Architecture relative to the SF Central School District acting as lead agency regarding their Operation Center and Capital Improvements Project.
8. Monthly Report of all moneys received and disbursed during the month of August 2017 from Town Supervisor.
9. Minutes of the Heritage Preservation Commission Meeting of August 3, 2017.
10. Notice of Discontinuance of Action, Jamie Davidoff vs. Ontario County, Town of Geneva, Town of Seneca Falls, etc. from Andrew Mancilla, Attorney for Plaintiff.
11. Checks and deposits totaling \$45,370.47 representing Health Insurance premiums, tower rent, dumpster fees, gross receipts tax refund, Justices Lafler and Laquidari August reports, excess equipment payment, copies of Police reports, restitution, reimbursement for check, disability reimbursement and Community Center deposits.
12. Checks totaling \$15,942.39 representing reimbursement for paving, buy/crash/crimes program, overpayment return, reimbursement for damaged totes, copies of Police reports, reimbursement for tote bags purchased, sale of 2005 Chevy pickup (bid), burial fee, Health Insurance premiums and tote purchase.
13. 2016 Annual Report from NY Municipal Insurance Reciprocal.

Old Business:

Sale of Condominium & Surplus Real Properties: Mr. Foster stated the documentation has been put together for the closings on 60 State Street and 10 Fall Street. Each of the Buyers have been contacted, and closing dates need to be set.

Write-Off Uncollectable Receivables: No report.

Route 414 Sewer Line Transfer from IDA to Town: Mr. Foster stated they are in the process of working on some of the issues in regard to this. Most of these items were on board and in process before he came on board. He is trying to get up to speed as to where it is at and what we can do.

Water – Renewal of WaterPoint Network Plan: Mr. Tullo indicated that they will be discussing this at the next Water/Sewer Committee Meeting.

New Business:

Approval of Special Events: No Events at this time.

Reappoint Board of Assessment Review Member Gary Yancey: A motion was made to table action on the reappointment by Greg Lazzaro and seconded by Tom Ruzicka. No questions. Motion carried 5 ayes, 0 nays.

Assessor/Real Property Tax Service Aide – Attend Training: A motion was made authorizing the Assessor and Real Property Tax Service Aide to attend training on October 25th and November 17th at a cost not to exceed \$500.00 by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Request to Declare October 7, 2017 Coach George Davis Day: Mr. Lazzaro stated George Davis was a Mynderse Academy Football Coach from 1950-1970, and was inducted into Section V Hall of Fame in 2000, and Mynderse Academy Hall of Fame in 2010. A presentation of a plaque will be at the Field on Saturday.

A motion was made declaring October 7, 2017 Coach George Davis Day by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

November Meeting Date: A motion was made to hold the regular monthly Meeting of the Town Board on Wednesday, November 8, 2017 at 6:00 P.M. by Greg Lazzaro and seconded by Dave Delely. No questions. Motion carried 5 ayes, 0 nays.

2018 Tentative Budget: Mr. Lazzaro said the Board has a copy of the 2018 Tentative Budget. The Board scheduled the following Budget Workshops:

Police and Assessor – Wednesday, October 11, 2017 at 5:00 P.M.

Town Court – Thursday, October 12, 2017 at 7:00 P.M.

Highway and Water/Sewer/BSD – Tuesday, October 17, 2017 at 5:00 P.M.

Zoning Officer and Parks & Recreation – Wednesday, October 18, 2017 at 5:00 P.M.

General and Town Clerk – Wednesday, October 25, 2017 at 5:00 P.M.

2018 Preliminary Budget – Public Hearing Date: A motion was made to hold a Public Hearing relative to the 2018 Preliminary Budget at 5:00 P.M. on Wednesday, November 8, 2017 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

No Parking Signs on Chapel Street: Chief Peenstra stated the Church at the intersection of Chapel Street and State Street has requested that they have parking in that area. No parking has been on the books for some time but it has not been signed properly, so they are unable to enforce that. He noted there are some spots that can be designated for parking safely. The Chief stated a local law has to be adopted to reflect those as legal parking locations that will not cause any traffic issue. After brief discussion, Mr. Lazzaro requested that the Attorney prepare a resolution for a local law.

Reimbursement – Sewer Backup: Mr. Lazzaro stated there was a sewer backup at a personal residence which looks like it is a Town issue. The property owners are looking for reimbursement in the amount of \$397.26.

A motion was made authorizing the payment of \$397.26 to Charles Genco as reimbursement for the sewer backup expenses at his residence due to a sewer backup by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Proposed Local Law #3 – 2017: A motion was made to adopt Local Law #3 – 2017, a local law to supersede NYS Town Law Section 23 (1) providing for eligibility of Town Officers, said Local Law to take effect October 3, 2017, by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

2018 Health Insurance Offering to Town Employees and Retirees: A motion was made to approve the 2018 Health Insurance Offering to Town Employees and Retirees as stated in the Memo from Mrs. Warfel dated September 15, 2017 by Dave DeLelys and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Purchase Sludge Pump: Mr. Tullo stated this was an emergency purchase. One pump went down and the other pump hasn't been rebuilt yet. He added next year, they will try to rebuild the pump that is damaged so they will have a backup.

A motion was made to approve the purchase of a sludge pump from Koester Associates at a cost of \$11,840.52 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer – Create Capital Equipment Reserve: A motion was made to create a Water/Sewer Capital Equipment Reserve Fund and placing \$6,890.00 received from the sale of the vac trailer in the Fund by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Resolution – SF Development Corporation Lead Planning and Execution of Seneca Falls 2020: A motion was made by Greg Lazzaro and seconded by Lou Ferrara to adopt the following Resolution:

WHEREAS, the SFDC is operating in cooperation with the Seneca Falls Town Council as a subsidiary of the Seneca Falls Town Council, which enables the SFDC to be active in, and act on behalf of, the surrounding Community; and

WHEREAS, the Town Council has found that it is in the public interest to promote the historical achievements of Seneca Falls relating to the Women's Rights movement; and

WHEREAS, the Town Council has determined that having the SFDC and its assigned committees pursue the organization and execution of an internationally-recognized celebration is in the public interest and for the benefit of the Town, 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 make the Seneca Falls Development Corporation (SFDC) the organizational lead and pledges to support endeavors and efforts related to the Seneca Falls 2020 celebration to help showcase and benefit the Town of Seneca Falls.

No questions. Motion carried 5 ayes, 0 nays.

Vince's Park Pool Repairs & Vince's Park Poolhouse Floors: Mr. Spina stated this was discussed in Committee, and it was decided both of these items would be better suited for the Budget Workshop.

Highway – Modify Budget – CHIPS Funds: A motion was made to modify the Budget to utilize \$104,898.41 available from the State for CHIPS and place it in line item DA5110.408 – Street Plan, by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Estimate – Update Town Code: Mr. Lazzaro stated the estimate to update the Town Code is between \$3,100.00 and \$3,790.00. The Town Clerk said this estimate is to add all the Local Laws to the Town Code which has not been done since 2014.

A motion was made to approve the estimate from General Code to update the Town Code at a cost not to exceed \$3,790.00 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Proposed Local Law – Override 2% Tax Cap: A motion was made by Greg Lazzaro and seconded by Dave DeLelys to adopt the following Resolution:

WHEREAS, the Town Board of the Town of Seneca Falls believes that it would be advantageous to the Town to override the tax levy limit imposed by General Municipal Law Section 3-c; and

WHEREAS, Subdivision 5 of General Municipal Law Section 3-c expressly authorizes the Town Board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 4 of the year 2017 entitled “A local law to override the tax levy limit established in General Municipal Law 3-C” be and the same is hereby introduced before the Town Board of the Town of Seneca Falls, New York; and be it

FURTHER RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each Member of the Town Board; and be it

FURTHER RESOLVED, that the Town Board will hold a Public Hearing on said proposed local law at the Town Offices, 130 Ovid Street, Seneca Falls, New York at 6:00 P.M. on November 8, 2017; and be it

FURTHER RESOLVED, that the Town Clerk publish or cause to be published a notice of said Public Hearing in the Official newspaper of the Town at least ten (10) days prior thereto.

No questions. Motion carried 5 ayes, 0 nays.

Planning/Zoning – Attendance at Local Government Workshop: A motion was made authorizing Planning Board Members and Zoning Board of Appeals Members to attend the Local Government Workshop on November 17, 2017 at a cost of \$75.00 plus mileage by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Amend Family Leave/Share Program: A motion was made to approve the amendment to the Family Leave/Share Program as stated in the Memo from Beverly Warfel dated October 3, 2017 by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Authorize Town Attorney to Settle Assessment Claims: A motion was made by Greg Lazzaro and seconded by Tom Ruzicka to adopt the following Resolution:

WHEREAS, the Seneca Falls Town Assessor and the Town of Seneca Falls have been served with various petitions challenging yearly assessments; and

WHEREAS, the Town Attorney has commenced review and response to said petitions; and

WHEREAS, an agreement has been reached in settling one of the claims to date; and

WHEREAS, the Seneca Falls Attorney in concert with the Town Assessor reviews and approves such settlements as may be presented; and

WHEREAS, such settlements need to be forwarded to the Seneca County Supreme Court for approval and adoption.

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney, David Lee Foster, Esq., be, and he hereby is, empowered and authorized to enter into binding settlement agreements on the Town’s behalf regarding such assessment challenges.

No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer Credits: None.

Payment of Bills:

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

General Fund - \$188,448.07 (Abstract #10)

Recreation Fund - \$29,693.05 (Abstract #10)

Miscellaneous Fund - \$46,064.68 (Abstract #10)

Vince’s Park Fund - \$2,165.06 (Abstract #10)

Highway Fund - \$152,826.20 (Abstract #10)

Sewer Fund - \$461,842.46 (Abstract #10)

Water Fund - \$50,123.97 (Abstract #10)

No questions. Motion carried 5 ayes, 0 nays.

David Shaw asked what the status of Local Law #2 of 2017 was. Mr. Foster replied the most recent Local Law was set aside which, in effect, would put the previous Local Law back in play. He added that has not been appealed to date. There has been a decision but there has not been a directed order. The Town cannot appeal until it receives the direct order. Mr. Shaw asked if there was any discussion about going through the SEQR process again. Mr. Foster replied if the Board wanted to comply and do a positive declaration, it would not involve going through the whole SEQR process again. There would be a comment period and then it would

come back to the Board. It's not a very involved process.

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 7:15 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

The Seneca Falls Town Board held a Budget Workshop on Thursday, October 12, 2017 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Louis Ferrara, David DeLelys, Thomas Ruzicka and Vittorio Porretta. Also present were Beverly Warfel, Account Clerk; Town Justice Laverne Lafler and Town Justice Sean Laquidari.

Supervisor Lazzaro opened the Budget Workshop at 7:00 P.M., and said he is sure the Board has reviewed the Tentative Budget. Mrs. Warfel explained the worksheets that were given to the Board. Mr. Lazzaro stated for now, they are looking at a 2.5% increase for all Employees, and the insurance costs will stay at the same level (10%). He added there is a buy-up plan which will be a little more than 10% because it is a better plan.

Mr. Lazzaro read the line items for Town Justice #1; Town Justice #2; 2 Court Clerks Full Time; Clerk Part-Time; and Court Clerk Longevity, which all remained the same. He said Special Court Security went down 100%.

Mr. Lazzaro moved that he believes the Court Security is in kind services; our Police Department needs to be providing that when needed. They could plan for someone to come here and provide Court Security. We have a long standing practice of the police providing security to the Court. The Court has utilized money to pay back, utilizing straight time for Police Officers if they are part-time; a lot of it is overtime which they took out of the Budget. Mr. Lazzaro stated you will continue to get that security here, but it is in kind services.

Judge Lafler stated his question is – nothing will change as far as Court security, because on his heavy court days he has two Officers. Mr. Lazzaro replied he will get the same; it is the Police Department's responsibility to provide those, and adjust the shifts as necessary. His philosophy is there are Police Personnel who are on duty, and if you have the Chief, Lieutenant, one or two Investigators they could come in, have a road patrol Officer come in and maybe the Chief or Lieutenant will take their place on a road patrol or maybe one or two of the Investigators will go out and drive around for those time periods.

Judge Lafler stated the number of his Court cases has become heavier – he had 73 cases last Wednesday and 55 cases yesterday. They have a room full with people and attorneys. He guesses it's up to the Chief as to whether he can spare Officers off the road for one-half of their shift. Mr. Lazzaro said he is asking the Chief to adjust the schedules on those days. He added if as the discussion progresses, something different is decided, your Budget might be adjusted accordingly. Judge Lafler said he would like to ask the other Board Members about it, because quite honestly, he doesn't feel this is a good idea. He added this is the way it's been forever. This 1% of the total Budget to protect your constituents and your employees and people who come to Court on those days – I have a bad feeling – I don't know how he is going to provide these services. Mr. Lazzaro said he will do it. He added there are shared services – we can call in the Sheriff's Department or State Police. We have to make cuts someplace - we have major infrastructure problems, and we want to put aside one million dollars from the monies we get from Seneca Meadows. We do not have economic development on the horizon if the Landfill closes in 2025. If we cannot do this, people will be fired – people will be terminated or taxes will go up 250%. Mr. Lazzaro said we have to do something – we have to save for the future, and this is how we are going to save for the future.

Judge Lafler stated he doesn't see how this is going to work. He hasn't talked to the Chief – when you are short on your crew or staff, it jeopardizes their safety and the public's safety. Mr. DeLelys said in the past, we had

