

were not there. He said all of a sudden, with all of this No Parking, it looks like his place is posted. He needs those spots – people come in and say they couldn't stop because there is no parking. Mr. Dowd stated he is struggling, and is asking the Board to help him out in this situation. Bar restaurant business is a very difficult business – he doesn't need to have anyone making it any tougher for him than it needs to be. Last July, the Board voted to take the one down in front of his bar. After that, there were some comments about the striping and the two parking spots, and at another Meeting, the Board took away those two parking spots. Mr. Dowd said he is asking for the Board's help.

Mr. Earle said the Board will review this and get back to Mr. Dowd no later than the next Board Meeting. Mr. Bove asked Mr. Dowd to tell the Board what he wants. Mr. Dowd replied he would like the two parking spots back in front of his business. Further discussion followed.

Jim Knapp – Bridge Street Parking: Jim Knapp, Bridge Street, stated the Bridge Street property owners have on their backs the heavy burden of living in the most heavily taxed with most number of unfunded mandates. He said it would be most useful if the powers that be can lighten that burden by lifting parking restrictions at Bridge Street. Business owners have enough of a burden without parking restrictions.

William McHale: William McHale, Lower Lake Road, stated he was thinking about Dewey's and how much income that generates for the Town, and then he heard about the Code. He asked if the Code has a certain regulation regarding the width of the road where you can have parking on either side of the road. Mr. Wood replied it was the Code that was developed by the Village on No Parking areas – each No Parking area within the entire Village is designated within that Code Book, and it just came over to the Town. Mr. Wood stated they took measurements and, with that intersection and parking, there is not enough radius coming off Williams Street. He added No Parking areas are done for a reason. Brief discussion followed.

Mr. Earle said the Board will be recognizing certain Employees for their dedication and long service. He presented a plaque to the Town Clerk for her 30 years of service with the Town.

Approval of Minutes:

A motion was made to approve the minutes of the Budget Workshop Meeting of October 20, 2014, Budget Workshop Meeting of October 22, 2014, Budget Workshop Meeting of October 27, 2014 and the Public Hearing and Meeting of November 5, 2014, by Chad Sanderson and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: The Dog Control Officer's report states that six dogs were impounded – five redeemed and one dog still being held. A total of \$130.00 in fees was collected and turned over to the Town Clerk.

A motion was made to accept the Dog Control Officer's report by Chad Sanderson and seconded by Emil Bove. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: Mr. Earle noted that Mr. Turkett has submitted a written report.

A motion was made to accept Mr. Turkett's report by Duane Moore and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Commissioner of Parks & Recreation: Mr. Spina stated the Board has a copy of his report. He mentioned some of the events that will be taking place at the Community Center, such as the Community Christmas Project will be in the gym all next week, It's a Wonderful Life Weekend and the 5K which will be held December 12th-14th, Five Points Employees Children's Christmas Party December 14th, and Basketball from now until March.

Mr. Spina stated he was asked to follow up on entrance signs that the Board talked about in the Spring. He gave the Board a copy of a rendition of a sign. The Volunteer Gardeners Committee came up with a version of purple, gold and white with a simple design stating "Welcome to Seneca Falls – Established in 1829". Ten signs are needed; the cost is \$265.00 each – there are some poles, but we may have to buy some. Mr. Spina suggested that, if the Board wants to go forward, he will get Kay Irland and Sue Souhan (who were behind the design of this) to pick some colors out and finalize it. The cost would be about \$3,500.00.

A motion was made to go forward with the recommendation of Mr. Spina and the Committee in regard to the entrance signs by Duane Moore and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Spina referred to the old Village signs over the Police Department, and said Mr. Marquart will be looking at getting them off the walls and getting them secured, and the Board can decide what they want to do with them. Mr. Bove said they should be kept somewhere safe.

After brief discussion, a motion was made by Emil Bove and seconded by Chad Sanderson stating that when the signs are removed, they shall be given to the Seneca Falls Historical Society temporarily for safekeeping. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to accept Mr. Spina's report by Duane Moore and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Highway Superintendent: Mr. Wood noted that he did the CHIPS Report and mailed it in; if everything goes well, the Town will receive \$280,000. He stated the Christmas decorations are up, and there were some nice comments on the angels they redid. Most of the work planned is done – only a few drainage issues remain.

Mr. Wood stated a resolution for the Undertaking is needed to apply for the permits we have with the State for pedestrian signs, parking lot and drinking fountain and Work Permit. He said permits run from January 1st to December 31st. Brief discussion followed.

A motion was made authorizing the Town Highway Superintendent to file with the NYS Department of Transportation an Occupy and Maintain Permit for parking lot, bike racks and drinking fountain located within the State Right of Way, which will be maintained by the Town, by Emil Bove and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

Mr. Morrell stated later in the Agenda, the Board will be discussing hanging garlands on the wires going across Fall Street; for the municipality, it should be able to be handled with an Undertaking similar to all the other Undertakings that were just discussed.

A motion was made authorizing the Town Highway Superintendent to file an Undertaking for pedestrian signs, hanging garland across Fall Street, and Highway Work Permit located within the State Right of Way by Emil Bove and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to accept Mr. Wood's report by Duane Moore and seconded by Chad Sanderson. No questions. Motion carried 5 ayes, 0 nays.

Assessor: Mr. Collins stated the Board has a copy of his report. They are reminding Citizens that the deadline for all exemptions is March 1st; there are approximately 100 of the Enhanced STARS that have not come in. He noted many of the exemptions are online.

Mr. Collins said he is looking at Mobile Home Parks, looking at \$\$ per pad, age of parks, individual sales, and mobile homes on their own lots, and coming up with \$\$ per sq.ft. and putting them in a book. Agricultural exemptions have been mailed. He is always looking at sales every week, and visits the sites. Mr. Collins stated they have a very good website; most of this information can be found on the Town website.

Mr. Earle stated 2015 is the goal to plan for a reval; a huge part of that is communication and education. He hopes the Committee will be working on this the beginning of next year. Mr. Collins said this is one of the reasons he is doing things in segments. His main focus now is to make sure the data in his files is correct.

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

Attorney for the Town: Mr. Morrell stated there are several matters on the Agenda that will be discussed as they come up.

Town Justices: Mr. Earle stated the Board has reports from the Town Justices. A motion was made to accept the reports by Dave DeLelys and seconded by Emil Bove. No questions. Motion carried 5 ayes, 0 nays.

Water & Sewer: Mr. Pickard stated the Board has a copy of his report. A motion was made to accept Mr. Pickard's report by Duane Moore and seconded by Emil Bove. No questions. Motion carried 5 ayes, 0 nays.

Police Chief: Mr. Earle stated Chief Peenstra is at a Training Class; he has submitted a report. A motion was made to accept Chief Peenstra's report by Duane Moore and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Barton & Loguidice: Mr. Condino referred to the Memo from Matt Fuller relative to the assessment of the Fall Street cables and attachments, and said Mr. Fuller feels that for the purpose of hanging garlands, all of the cables would be sufficient; any other purpose would not be recommended unless further evaluation occurs.

Mr. Condino stated they have been working on the design portions for next year's capital projects in the Water and Sewer areas.

Building Committee: Mr. Condino stated they will be prepared by mid-month to meet with the Board for a 35% design Meeting. They are at a point where further decisions need to be made on some of the design details. Mr. Earle asked what the next step is since the Board went through the EAF and SEQR; Mr. Condino replied there are some ongoing studies mentioned when the Board did the initial Review – no action is to be taken tonight.

Other Committee Reports: There were no Reports.

Communications:

A motion was made to receive and file Communications numbered 1 to 20 by Emil Bove and seconded by Duane Moore. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 20 are as follows:

1. Minutes of the Town Planning Board Meeting of October 23, 2014.
2. Minutes of the Town Zoning Board of Appeals Meeting of October 23, 2014.
3. Checks totaling \$634,437.16 representing Community Center receipts, Vince's Park receipts, Town Clerk's Report, copies of Police reports, Utility Gross Receipts tax, tote purchase, Insurance Premiums, Pipe reimbursement, Burial fees, sale of Cemetery plot, HSA advance reimbursement, tower rent, Water Plant Insurance Claim, NYMIR deductible reimbursement, Boaters Facility pumpout and IESI Corporation 3rd quarter payment (\$602,100.00).
4. Notice from Time Warner Cable that agreements with programmers and broadcasters to carry their services and stations routinely expire, and they may cease carriage of one or more of these services/stations.
5. Monthly Report of all moneys received and disbursed during the month of July 2014 from Town Supervisor.
6. Newsletter, November/December 2014, from Seneca Falls Historical Society.
7. Dog Control Officer Inspection Report stating DCO services were rated Satisfactory from NYS Department of Agriculture & Markets.
8. Monthly Report of all moneys received and disbursed during the months of August and September 2014 from Town Supervisor.
9. Monthly Report for the month of October 2014, as per Town Operating License and Host Community Agreement, from Seneca Meadows, Inc.
10. Black Brook Monitoring Report, 3rd Quarter 2014, from Seneca Meadows, Inc.
11. Section 504 Compliance Handbook, November 2014, from LRP Publications.
12. Statement of Accounts, April 1, 2011 to October 31, 2014, from Wilmington Trust.
13. Certificate of Completion of 2014 Continuing Judicial Education (Hon. Sean M. Laquidari) from NYS Unified Court System.
14. Letter stating the Contract Closeout for NY Main Street Program is completed from NYS Homes & Community Renewal.
15. Copy of letter to Mario J. Fratto, Esq. from Patrick J. Morrell, Attorney for the Town, relative to the Matter of Sanderson v. Sauvageau, Brady, et al.
16. Checks totaling \$16,191.12 representing Community Center receipts, Vince's Park receipts, copies of Police reports, Judge Laquidari's October report, Insurance premiums and HSA reimbursement.
17. Monthly report of all moneys received and disbursed during the month of October 2014 from Town Supervisor.
18. Checks totaling \$20,516.85 representing Insurance premiums, grave openings, Judge Lafler's October report and reimbursement for background check.
19. Copy of letter to Portico Properties, Inc. from Attorney for the Town relative to the sale of the Town's Condominium and their right of first refusal.
20. Copy of letter to NYS Canal Corporation from Town Supervisor requesting a one year extension relative to the Canal Improvement Project.

Old Business:

Sale of Condominium: Mr. Morrell stated he received communication from the Owners of the rest of the building saying they are not interested at this time. He has been in contact with Mr. Young who submitted a formal proposal for the sale of the condo. There are people who are interested, but he has not received anything formally in writing that he can share with the Board for action. Mr. Earle asked if those interested were given a deadline; Mr. Morrell replied he requested that they have something for this Meeting. He added the people he is dealing with are local - it's up to the Board if they want to extend that out. Mr. Bove asked if there is a recommendation as to what to list it for; Mr. Morrell replied listing price is going to be a function of the appraisal the Board received. The proposal didn't include his review of the property, but included his percentage. Mr. Morrell stated the Board is obligated to try to obtain the best return for the taxpayers, and that was the purpose of the appraisal.

Mr. Morrell noted the Board is meeting before the end of the year; if we can get any proposals with maybe less for percentage from another realtor, that may have an impact. He said otherwise, the Board can choose to go

with Young Agency who is currently marketing several other commercial properties in the area, or the Board can choose to have Mr. Young come to a Meeting to talk about his strategy for this particular building. After discussion relative to the discrepancy between the appraisal and assessment of the property, Mr. Bove said he has no problem with making a decision at the Year-End Meeting.

Auburn Road Sewer Extension: Mr. Morrell stated studies are underway for both Auburn Road and Ritmer Lane extensions. Mr. Condino indicated that further details will be discussed at the next Water/Sewer Meeting.

Write-Off Uncollectable Receivables: Mr. Earle said this involves Phil Jordan and the Gould Hotel. Mr. Morrell stated he spoke with the Investigator who is taking a look to see if it is worthwhile for the Town to pursue. He added there is a lot of money involved; it would be simple for the Town to write it off, but he doesn't know if that would be the smart thing to do at this point.

Certified Local Government Program: Mr. Emil said there is no update. He will contact Mr. Caraccilo and report back to the Board.

School Resource Officer: Mr. Earle noted it will remain on the Agenda.

Route 414 Sewer Line Transfer from IDA to the Town: Mr. Morrell stated in the past month, they have had a Meeting and a lot of communication with the Attorneys for the Town of Tyre as well as the IDA. He received proposed amended agreements from the agreements he prepared. He would like to discuss them with the Attorneys that they came from, and then have the Water and Sewer Committee look at them. After discussion, Mr. Earle stated he would like this completed by the end of the year.

Verizon Wireless Lease: Mr. Earle stated the referendum process has started and the Board needs to go through the SEQR process. Mr. Morrell stated this is for a lease of space on the Auburn Road water tower for a Verizon Wireless antenna; there will also be a utility shed on the property. This is subject to SEQR - they have prepared Part I and they have a proposed Part II. Mr. Morrell referred to the description of the property, and said it's no new construction as they are piggy backing this antenna on the existing water tower which already has other antennas up there. He said there are 18 areas of potential impacts where this Board will be asked to identify. Part I has the areas of 1-13 and is the description which is information coming from the applicant; Part II is what the Town is responsible for. The Board reviewed Part II of the SEQR as follows:

- | | |
|---|---|
| 1. Impact on Land – No or small impact. | 10. Impact on historical archeological resources – No. |
| 2. Impact on Geological Features – No. | 11. Impact on Open Space and Recreation – No. |
| 3. Impact on Surface Water – No. | 12. Impact on Critical Environmental Areas – No. |
| 4. Impact on Ground Water – No. | 13. Impact on Transportation Systems – No. |
| 5. Impact on Flooding – No. | 14. Impact on Energy – No. |
| 6. Impact on Air – No. | 15. Impact on Noise, Odor and Light – No. |
| 7. Impact on Plants and Animals – No. | 16. Impact on Human Health – No. |
| 8. Impact on Agricultural Resources – No. | 17. Impact on Consistency with Community Plans - No |
| 9. Impact on Aesthetic Resources – No. | 18. Impact on Consistency with Community Character – No |

Mr. Morrell stated because the Board did not identify any areas of potential adverse environmental impact, it would be appropriate for the Board to make a finding that the proposed project would not have any adverse environmental impacts (known as negative declaration).

A motion was made by Emil Bove and seconded by Duane Moore to adopt the following Resolution relating to environmental review in connection with the lease of space and granting of an easement to access the Town's water tower at 72 Auburn Road:

WHEREAS, the Town of Seneca Falls (the "Town") Town Board at its regular Meeting on November 5, 2014, authorized the Town to enter into a lease agreement (and grant an easement for access and utilities) in favor of Upstate Cellular Network d/b/a Verizon Wireless ("Verizon Wireless") for space on the Town-owned water tower located at 72 Auburn Road; and

WHEREAS, the above-referenced action is an unlisted action under SEQRA and the Town Board has accordingly conducted a single agency SEQRA review of the action; and

WHEREAS, the Town Board makes the following findings of fact:

REASONS SUPPORTING THE NEGATIVE DECLARATION:

- Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects:
The granting of the lease and easement will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems;
- Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The granting of the lease and easement will not adversely affect agricultural, archeological, historical, natural, or cultural resources. Verizon Wireless is a public utility which must be located as and where necessary to provide essential wireless telecommunications service;
- Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species: No plant or animal life will be adversely affected by the granting of the lease and easement;
- Community Plans, Use of Land or Natural Resources: The granting of the lease and easement is in

keeping with the official community plans and goals and will have no adverse effects on land use or the use of natural resources by or in the community;

5. Growth, Subsequent Development, etc: The granting of the lease and easement will not induce any Significant or adverse growth or subsequent development;
6. Long Term, Short Term, Cumulative, or Other Effects: The granting of the lease and easement will not have any significant adverse long term, short term, cumulative, or other environmental effects;
7. Critical Environmental Area: The granting of the lease and easement will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, Subdivision 617.14(g);
8. Public Health and Safety: The granting of the lease and easement will have no adverse impacts on the public health and safety. The Town Board recognizes that the granting of the lease and easement will enable Verizon Wireless to provide reliable wireless telecommunication service to the Town, enabling individuals, businesses and emergency service providers access to this essential service.

NOW, THEREFORE, BE IT RESOLVED, that based upon the Town Board’s thorough and careful review of the project and Verizon Wireless’ Environmental Assessment Form, the Town Board does hereby determine that the action will not result in any significant environmental impacts and hereby issues a negative declaration for the action pursuant to SEQRA; and be it

FURTHER RESOLVED, that the Town Board finds that none of the criteria for determining significance set forth in Section 617.7(c)(1)(i)-(xii) would be implicated as a result of the granting of the lease and easement; and be it

FURTHER RESOLVED, that notice of this determination of non-significance shall be filed to the extent required by the applicable regulation under SEQRA or as may be deemed advisable by the Town Board; and be it

FURTHER RESOLVED, that the Town Board reaffirms and ratifies its resolution dated November 5, 2014, authorizing the Town to enter into a lease agreement (and grant an easement for access and utilities) in favor of Verizon Wireless for space on the Town-owned water tank located at 72 Auburn Road.

No questions. Motion carried 5 ayes, 0 nays.

Mr. Morrell stated he spoke with the Attorney who said he didn’t foresee a signed lease returned to the Town until February – he was anticipating beginning the lease in February. Mr. Earle asked when the permissive referendum period is up. Mr. Morrell replied that period will begin today, so effectively, this Resolution is subject to a permissive referendum and will take effect January 3, 2015.

New Business:

Approval of Special Events: Mr. Spina said there were no new Special Events to report. Mr. Morrell referred to the garlands and said the report states that the existing wires would be usable for the use of the garland. There are seven wires and there will be four garlands. He added from the discussions in dealing with the permit and insurance, it seems like it would be most appropriate for the Town to undertake it since it will be up longer than just for It’s a Wonderful Life Event. Mr. Bove asked if agreements are needed with the building owners; Mr. Morrell replied he doesn’t know, at this point, if that ever has been done before. Discussion followed

Mr. Earle asked if the intent was to turn the garlands over to the Town to have up every year for Christmas decorations; Mr. Spina replied that was a suggestion – he didn’t get a straight answer. Mr. Morrell said the Board can make that a stipulation. Brief discussion followed.

A motion was made authorizing the installation of the garlands across Fall Street with the stipulation that the garlands will be turned over to the Town by Duane Moore and seconded by Emil Bove.

Mr. Sanderson stated it should be determined which cables should be used; according to the report, cable No. 2 and cable No. 7 have no secondary connection – all others have secondary connections which he assumes is a good thing. Mr. Bove suggested that Barton & Loguidice recommend the cables to be used.

The motion made by Duane Moore and seconded by Emil Bove authorizing the installation of the garlands across Fall Street with the stipulation the garlands be turned over to the Town was amended to include the request that Barton & Loguidice recommend the cables to be used. No questions. Motion carried 5 ayes, 0 nays.

Budget Transfers: A motion was made to make the attached Budget Transfers by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Resolution – Waive Water & Sewer Charges: Mr. Morrell stated the Board has a Resolution regarding 31 Miller Street which is a property that has been condemned, as well as foreclosed on by Seneca County. Habitat for Humanity is interested in purchasing the property and getting it back into being a habitable residence, as well as back on the tax rolls. Mr. Morrell said they contacted the Town to request that the Town waive the back water and sewer charges in the amount of \$1,492.42; otherwise, this amount would be relieved on the 2015 tax bill. He prepared a Resolution for the Board’s consideration.

Mr. Bove asked if they are 501c3; Mr. Morrell replied they are a 501c3. Mr. Bove asked if this is one that they give to someone or sell to someone. Mr. Morrell replied his understanding is that the person owns the property, but Habitat for Humanity holds the mortgage. Mr. Bove said he thinks it's unusual to forgive a water and sewer bill like this; the Board doesn't want to set a precedent that it is forgiving people whose water and sewer bills are otherwise going to be relieved. Further discussion followed.

A motion was made by Emil Bove and seconded by Chad Sanderson to adopt the following Resolution:

WHEREAS, the Town of Seneca Falls owns and operates a water treatment and delivery system and a sewage treatment system; and

WHEREAS, the Town Board of Seneca Falls establishes rates to charge the residents of the Town of Seneca Falls for the use and continued maintenance of these systems; and

WHEREAS, Habitat for Humanity of Seneca County, Inc. is a non-profit organization that works in partnership with people in need to build homes or renovate homes to create decent, affordable housing; and

WHEREAS, Habitat for Humanity of Seneca County, Inc. has recently purchased property located at 31 Miller Street in the Town of Seneca Falls at a tax sale conducted by Seneca County, who had previously foreclosed on the property for failure to pay real property taxes; and

WHEREAS, there are outstanding water and sewer charges in the amount of \$1,492.42 that remain unpaid for 31 Miller Street that were incurred by the previous occupants of the property; and

WHEREAS, the Town of Seneca Falls supports the goals of Habitat for Humanity of Seneca County, Inc. and believes that the rehabilitation of 31 Miller Street will benefit the Town of Seneca Falls as a whole by eliminating a substandard residence in the Town, restoring the property to the tax rolls and providing affordable housing for people in need.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls will not submit outstanding water and sewer charges for 31 Miller Street to Seneca County for inclusion on the 2015 real property tax bill; and be it FURTHER RESOLVED, that the Town of Seneca Falls hereby waives all outstanding water and sewer charges for 31 Miller Street in the amount of \$1,492.42 that was incurred prior to the date of purchase by Habitat for Humanity of Seneca County, Inc.; and be it

FURTHER RESOLVED, that this is a one time action based on the status of Habitat for Humanity of Seneca County, Inc. and the purpose of the acquisition of the property being charitable in nature.

No questions. Motion carried 4 ayes, 1 nay; Councilman DeLelys with the dissenting vote.

Levy Delinquent Water/Sewer Rents on Town/County Tax Bills: A motion was made to levy delinquent water and sewer rents in the amount of \$357,204.21 on Town/County tax bills by Chad Sanderson and seconded by Duane Moore. Brief discussion followed.

The above motion made by Chad Sanderson and seconded by Duane Moore was amended to include levy delinquent water and sewer rents on Town/County tax bills by removing \$1,492.42 for 31 Miller Street from the above amount of \$357,204.21. No questions. Motion carried 5 ayes, 0 nays.

Resolution in Support of Legislation Regarding Property Tax Collection: Mr. Bove said this Resolution is calling the Town to support legislation to permit collection of lawfully due taxes on Indian Tribal properties – where did this come from. Mr. Morrell replied it came from the Village of Union Springs who has a similar situation due to the Indian properties in their Village. He added this was adopted by the Village of Union Springs and also Seneca County to address the current state of the law regarding the ability to foreclose on Indian owned properties. Lengthy discussion followed relative to the County, Citizens Advisory Committee and the dismissal of Brad Jones.

A motion was made by Emil Bove and seconded by Dave DeLelys to adopt the following Resolution:

WHEREAS, the United States Supreme Court affirmed in its decision in *City of Sherrill v. Oneida Indian Nation*, 544 U.S. 197 that real property taxes imposed on property owned by Indian tribes but over which the tribe may not exercise sovereign control are justly and lawfully due and owing; and

WHEREAS, this ruling has been held to be applicable in New York to both the Oneida Indian Tribe in the City of Sherrill decision and to the Cayuga Tribe in *Cayuga Indian Nation v. Village of Union Springs*, 390 F.Supp2nd 203; and

WHEREAS, despite these rulings, the Second Circuit Court of Appeals has determined that although these taxes are justly and lawfully due by the tribe, municipalities are prohibited from collecting such taxes by tribal sovereign immunity; and

WHEREAS, these rulings have been held to be applicable to properties in Madison County owned by the Oneida Indian Tribe in *Oneida Indian Nation v. Madison County*, 605 F3d 149 and to properties owned by the Cayuga Indian Tribe in Seneca County in *Cayuga Indian Nation v. Seneca County*, (decided July 31, 2014, Docket No. 12-3723); and

WHEREAS, the injustice and incongruity of these decisions prompted Hon. Jose Cabrenas to comment in his concurring opinion in *Oneida v. Madison County*: “The holding in this case comes down to this: an Indian tribe can purchase land (including land that was never part of a reservation); refuse to pay lawfully-owed taxes; and suffer no consequences because the taxing authority cannot sue to collect the taxes owed. This rule of decision defies common sense. But absent action by our highest Court, or by Congress, it is the law.” (Id, at 163)

(emphasis added); and

WHEREAS, the decision in City of Sherrill and the Madison County and Seneca County cases result in a right on the part of New York State municipalities to impose real property taxes on non-sovereign Indian tribal holdings while denying any remedy upon the refusal of those tribes to pay the lawfully due tax; and

WHEREAS, as stated by eminent jurist John Marshall, Chief Justice of the United States Supreme Court, "The Government of the United States has been emphatically termed a government of laws and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right." *Marbury v. Madison*, 5 U.S. 137 at 163.

NOW, THEREFORE, BE IT RESOLVED, that the people of the Town of Seneca Falls, through their duly elected representatives on the Town Council, call upon Senators Kirsten Gillibrand and Charles Schumer and Congressman-Elect John M. Katko to introduce and/or support Federal legislation designed to permit collection of lawfully due municipal taxes on Indian owned real property; and be it further

RESOLVED, that the Town Clerk is directed to forward copies of this Resolution to Senators Gillibrand and Schumer, Congressmen-Elect John M. Katko, and the Seneca County Legislature and the New York Conference of Mayors.

No questions. Motion carried 5 ayes, 0 nays.

Set Date – Year-End Meeting: A motion was made to hold a Year-End Meeting at 10:00 A.M. on Tuesday, December 30, 2014 by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Set January Reorganizational and Regular Meeting Date: A motion was made to hold a Reorganizational Meeting and regular monthly Meeting at 7:00 P.M. on Tuesday, January 6, 2014 by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Retirement – WWTP Operator: A motion was made to accept Michael Pickard's request for retirement with regret by Don Earle and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Earle stated the Town is losing a very good Employee. He wished Mr. Pickard the best in his future endeavors. Mr. Pickard stated he wishes the very best for the Town of Seneca Falls.

Fill Vacancy – WWTP Operator: Mr. Earle stated there is some resource that Barton & Loguidice is going to give the Town from work they have already done for a similar municipality. Mr. Condino said they have documents they prepared for a similar municipality which they would be happy to share with the Town and assist in this endeavor.

A motion was made authorizing the Personnel Committee to work with Barton & Loguidice on those documents, and advertise for that position by Don Earle and seconded by Emil Bove. No questions. Motion carried 5 ayes, 0 nays.

Mr. Bove stated the Board will have to decide if someone is needed to assume that position after Mr. Pickard's retirement on January 9th in the meantime. Mr. Earle said the Personnel Committee can talk with Mr. Condino about that – there is a solution to that. Mr. Bove said this can be dealt with at the Year-End Meeting.

Attendance at Association of Towns Conference: A motion was made authorizing Town Board Members, Attorney for the Town, Town Clerk and Court Clerks to attend the Association of Towns Conference to be held February 15-18, 2014 by Duane Moore and seconded by Chad Sanderson. No questions. Motion carried 5 ayes, 0 nays.

Local Law – Maple Street Parking: Mr. Morrell stated according to Section 617.5.c.16 and Section 617.5.c.27 of the SEQR regulations, this can be considered a Type II action.

A motion was made nominating the Seneca Falls Town Board as lead agency for the purposes of SEQR by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made by Don Earle and seconded by Emil Bove to make a finding that this is a Type II action under Section 617.5.c.16 and Section 617.5.c.27 of the SEQR regulations. No questions. Motion carried 5 ayes, 0 nays.

Mr. Morrell stated the Board had a properly noticed Public Hearing and heard comments in support of the proposed amendments. This also came out of a Meeting that was held with several residents of the area.

A motion was made to adopt proposed Local Law #7 – 2014, a local law to amend Section 280.14, Section 280.17 and Section 280.18 of the Town Code relative to parking on Maple Street by Emil Bove and seconded by Don Earle. No questions. Motion carried 5 ayes, 0 nays.

Approve Water/Sewer Credits: Mr. Earle mentioned that this credit is for a leak for 42 Mechanic Street.

A motion was made to approve the water/sewer credit for 42 Mechanic Street in the amount of \$196.56 by Dave DeLelys and seconded by Chad Sanderson. No questions. Motion carried 5 ayes, 0 nays.

Payment of Bills:

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

General Fund - \$430,738.88 (Abstract #13)	Recreation Fund - \$79,225.23 (Abstract #13)
Miscellaneous Fund - \$118,387.53 (Abstract #13)	Vince's Park Fund - \$1002.59 (Abstract #13)
Highway Fund - \$96,333.28 (Abstract #13)	Sewer Fund - \$113,738.26 (Abstract #13)
Water Fund - \$179,933.60 (Abstract #13)	

No questions. Motion carried 5 ayes, 0 nays.

At 9:05 P.M., a motion was made to go into Executive Session to discuss litigation strategy by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reconvene the regular monthly Meeting at 9:35 P.M. by Dave DeLelys and seconded by Emil Bove. No questions. Motion carried 5 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn the Meeting by Emil Bove and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Meeting adjourned at 9:35 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

The Seneca Falls Town Board held a Year-End Meeting on Tuesday, December 30, 2014 in the Town Hall Meeting Room, 81 W. Bayard Street.

Present were Supervisor Donald Earle; Councilmen David DeLelys, Chad Sanderson and Emil Bove. Also present were Patrick Morrell, Attorney for the Town; Stuart Peenstra, Police Chief; Donald Wood, Highway Superintendent and John Condino of Barton & Loguidice.

Supervisor Earle called the Meeting to order at 10:05 A.M. A roll call of Board Members was taken and Councilman Moore was absent from the Meeting; the Pledge of Allegiance followed.

Old Business:

Sale of Condominium: Mr. Morrell sent letters to all local Realtors of Seneca Falls and Waterloo, and received only two responses back. The commissions are equal between the two, so there is no price differential to consider. Mr. Young put in a proposal a few months ago and is very interested in the property and is very experienced in this area; Senecayuga is also very experienced in this area. Mr. Morrell stated this would be considered a professional service, so there is no formal public bidding required.

Mr. Bove asked if this can be co-brokered; Mr. Morrell replied he would have to ask them if this is something they would be willing to do. Mr. Earle said Senecayuga is suggesting a six month listing, whereas the Young Agency is asking for a full year. He added in addition, the different areas that are pointed out where it would be advertised – Senecayuga talked about membership to three different boards of Realtors – he is sure Young Agency is, too.

A motion was made by Chad Sanderson and seconded by Dave DeLelys stating that both agencies (Young Agency and Senecayuga) be Co-Brokers for six months to list the Condominium, and it will be reconsidered after six months if it hasn't been sold.

