

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, September 7, 2021 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Michael Ferrara; Councilpersons Douglas Avery, Dawn Dyson, David DeLelys and Steven Churchill. Also present were Patrick Morrell, Attorney for the Town; Richard Stabinsky, Zoning Officer; James Peterson, Highway Superintendent; Stuart Peenstra, Police Chief; Joseph Tullo, Chief WWTP Operator; Deborah Von Wald, Assessor; Melissa Jones, Interim Parks & Recreation Director and Peter Baker, Town Engineer.

Supervisor Ferrara opened the regular monthly Meeting at 6:00 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Petitioners:

Brandi Rogers – Flooding/Damages: Brandi Rogers of 37 Miller Street stated four years ago, some damage was done and their house was flooded. She has been working with Mr. Ferrara who asked her to come tonight to develop an action plan. She has thousands of dollars in damages to her home and appliances that insurance doesn't cover. Mrs. Rogers said she would like some answers as to when this is going to be resolved and who is going to pay for it.

Mr. Ferrara stated Mrs. Rogers is in a unique situation, as well as another Petitioner from 38 Miller Street. One of the drainage lines drains Ridge Street, Pleasant Street, Chapel Street and Chestnut Street, down Oak Street and underneath the railroad on Oak Street and then in the backyard of 38 Miller Street; then goes across the street into Mr. & Mrs. Rogers back yard and eventually into the Canal. He said our drainage line is not able to keep up with the type of weather we had. Mr. Ferrara said during the storm, he, Mr. Baker and Mr. Peterson visited the areas, and he requested that Mr. Baker look at some things. He added we need to fix some of these things, especially in these areas with 100-year-old piping. He is hoping to get some direction tonight and Board approval to start moving forward. Mr. Ferrara stated in December, the Board is going to have to make a decision about landfill revenue that is not allocated. He is going to suggest putting some resources into storm drain lines. He said a lot of these resources goes into water and sewer; we need to start addressing some of these issues.

Mrs. Rogers stated this is nothing new – this is an ongoing issue that started four years ago. They had over 4' of water pumped out. She added this is an issue that was made aware of four years ago; when she calls, she is told we are working on it. She said at this point, she is angry, and she wants resolution. Mr. Ferrara said he will do his best to get the problem fixed as soon as he possibly can. He is working with the County – if any resident suffered damage due to the storm in the middle of August, please contact Melissa Taylor at the County level, who is trying to collect data as to how much loss there was due to the storm. From there, Ms. Taylor will take it to the Federal Government through FEMA and declare this area a disaster zone for the storm, and there will be some funds available. Brief discussion followed.

Mrs. Rogers asked what are they going to do about selling their home – no one is going to buy it with these issues. She added they never had problems when they bought the house. Mr. Ferrara said he is confident their situation is a little bit easier to deal with than the infrastructure throughout the town. He added Mr. Baker and Mr. Peterson have some ideas as to how to take care of this and their neighbor across the street.

Mr. Baker stated they went out on August 19th and looked at areas around 37-38 Miller Street. He said behind 38 Miller, there is old, old infrastructure and they have no records. These are old lines that are on private property with no easements. Mr. Baker said he thinks there are technical and administrative issues. After further discussion, Mr. Ferrara said he will guarantee they won't have to come back in four years – it will be taken care of. Mrs. Rogers asked about her damages and who will be paying for it. Mr. Ferrara replied submit the bill and we will submit it to the Town's Insurance Company, and go from there. Mrs. Dyson asked why would we submit it to the Town's Insurance Company – there are a lot of people who had damages, and we can't pay for every single person who has damage. Mr. Ferrara replied if there is a determination that this is because a pipe is broken at their house and the side of their house – he doesn't know what the Insurance Company will say. It's something we will have to deal with, hopefully, disaster with FEMA or maybe something the Board will have to deal with.

Mr. Avery stated Mr. Baker's solutions are going to take months. He asked if there was a temporary solution that can be done for these two houses. Mr. Ferrara thinks the Committee should meet and try to come up with a quick solution if they can do that.

Jessica Lambert – Flooding: Jessica Lambert of 38 Miller Street stated this happened to her Great Aunt when she lived in the house 15 years ago. Ms Lambert called the Water Department when her backyard was completely flooded and they sent a couple of people over; one Town Employee said this happened before. another tried to snake it but there were too many roots. Ms. Lambert said they have at least 15 years of knowing that that drain pipe has issues. Her backyard flooded twice, and she had flooding in her basement. Her concern is the foundation of the majority of her home is probably from when the pipe was put in in 1907 - what is all this water doing to her foundation. Ms. Lambert said she needs some sort of fix so that she can sleep at night If she knows it's going to rain. She can't function like a normal human being at this point because I am concerned about what is going to happen next. Mr. Ferrara apologized for her troubles and hardship, and assured her we will do what we can as quickly as possible. If it's going to be fixed, it has to be fixed properly.

Susan Porter – Budget Committee: Susan Porter of 78 Cayuga Street stated she wanted to alert the Board that the Budget Committee, as a foursome, did respond to the mailing that Kyle Black distributed to Town residents. She is here to ask the Board to try and not take the political bait. They put time and effort to try and look at the budget. Mrs. Porter said she would be happy to meet with anyone if there are any questions. She would like the work that they did not be in vain. She feels a little better educated, and if that can happen for others, she is more than willing to be a conduit for that.

Paul Kelsey – Taxes & Landfill: Paul Kelsey asked – what happened when taxes were 3% and they went to 9%. The answer he got was they were going to do something with the Water Department to make a new sewer line. He said that was not true – we are still at 9% and we never got our money back. Mr. Kelsey stated a lot of Kyle Black's letter is the truth. If Seneca Meadows wants to give us \$6 million – take it. He said the DEC is the only one that is going to shut the Landfill down. He added we are dealing with millions of dollars, and there should be a professional in here to take care of it and look at taxes. Mr. Kelsey stated you cannot keep raising taxes.

Valerie Sandlas – SF Environmental Action Committee concerns: Valerie Sandlas stated as Chairwoman of the SF Environmental Action Committee, she is here to discuss several of their concerns regarding Seneca Meadows. She said Seneca Meadows is polluting our air and compromising the health of our Community; landfill gas migration is a major health concern. According to the NYS Department of Health, short term exposures to landfill gases can cause irritation to the eyes, nose, throat, coughing, headache and nausea; multiple studies have confirmed these findings. Mrs. Sandlas said SMI is endangering the health of our children. Taxes or no taxes, all of our children go to school within 2 to 3 miles of the landfill.

Mrs. Sandlas stated they urge the Board to implement a new odor reporting system. The current system continues to be an abysmal failure. She said despite Seneca Meadows' claim that odor complaints are down, we all know the stench continues to pollute our Community. Residents have gotten tired and/or frustrated with Seneca Meadows Inspectors denying odor claims and have stopped calling the hotline. There must be an independent reporting odor system.

Mrs. Sandlas stated the recent flooding has raised their concern about the amount of leachate that Seneca Meadows generates. The Town's wastewater facility processes approximately 50,000 gallons of leachate per day. That alone is cause for concern – what happens when unexpected amounts of rain flood the Town and the landfill. They are concerned about the contaminants that due to recent flooding may have seeped into the soil and groundwater from the 10+ ponds at the landfill. Mrs. Sandlas stated the Host Community Agreement includes a drinking/groundwater monitoring and protection program. She said it would be wise for the Town Board to contact Seneca Meadows and the DEC on this matter. She added we shouldn't be breathing landfill gas and garbage or dealing with landfill leachate. Mrs. Sandlas said implement a reliable odor reporting system, contact the DEC about soil and water testing and demonstrate to the residents of Seneca Falls and especially our children that you care more about us than Seneca Meadows.

Dan Babbitt: Dan Babbitt, Sr. stated as he was driving down Route 89, a dump truck passed him; the odor on the other side of that truck was amazing – you cannot believe the level of odor that came out of that. He would like to see an effort made that vehicles coming in, if they smell like this or they stick around, they should be cited. Mr. Ferrara asked Mr. Babbitt If he knew where it was going; Mr. Babbitt replied where else would it go. Mr. Babbitt asked Mr. Black – when it comes in like that, can it be rejected. – maybe put it in the contract that if it stinks, go away. Mr. Black replied they don't have a lot of contracts. All the contracts they have are supposed to use Route 81 to the Thruway. He added they don't take Ithaca's waste anymore – Casella takes it, so a lot of what is coming up Route 89 is actually going that way legally because they are State routes. Mr. Black said he would have to have more specifics relative to the truck and go from there.

Dan Emmo – Moratoriums & Future of Renewable Energy: Mr. Emmo stated there is a Development Committee that is working on addressing coding and safety issues. In his opinion, it would be a best business practice to wait until the Development Committee has interacted with its members and representatives of the business community to identify issues and location placements. Then, with more current information in hand, it would be a reasonable time to review your moratorium ideas. The Development Committee is watching two examples – the Cornell intent to potentially heat their campus with processed cow manure, and the Cayuga County Soil and Water Community digester case study.

Mr. Emmo said that the anaerobic digestion project on Route 414 is not a renewable energy production project. It is simply gas taken from a farm to this site for injection into a pipeline, and that pipeline distributes to various consumer locations. Please do not be afraid of this Route 414 project which is simply an injection process, not a renewable energy project – they are not one and the same.

Mr. Emmo said at the last Development Committee, Mr. Ferrara requested that MRB form wording for a Town code to address these types of projects. He added please have confidence in your Planning and Zoning Boards to create codes and safety provisions.

Brad Jones: Brad Jones stated he firmly believes this Board is addressing the aged infrastructure in our Town and former Village. He heard Mr. Avery mention a short-term solution, and Mr. Baker is working on a long-term solution. He is here as a concerned Citizen to talk about a hidden secret which has to do with leachate. Mr. Jones said Mrs. Sandlas mentioned that 50,000 gallons per day going into this aged infrastructure. He stated the short-term solution to this Board is let's turn off the valve. He does have privy to some of the information that goes into the water and sewer budget. The money coming in from SMI to treat this 50,000, 75,000, 100,000 gallons per day of leachate is going into the water and sewer budget – it has nothing to do with the General Fund; it won't affect our taxes one way or another. He thinks we would all sleep better at night if we knew leachate wasn't leaking through this aged infrastructure.

Mr. Jones stated 9 out of 10 mega landfills truck their leachate to environmentally controlled outlets. He asked the Board to take a stand as to which way they want to go – it won't affect taxes. He added let's cut off leachate today – forever; it's one less worry.

Mr. Ferrara stated based on the DEC reports and the Engineering reports, what goes into the system is not toxic. He said revenue from SMI as far as treating the leachate goes into the water and sewer budget. Even though it's not a tax, if you raise water and sewer rates, it's costing people more money.

Mr. Ferrara thanked Mr. Tullo, Mr. Peterson, Chief Peenstra and all their Staff for all they did during the storm crises and the after effects of the storm. He is very proud of the people who work here and the work they do that doesn't get noticed. Mr. Ferrara thanked Fire Chief Allen Larsen and his Department for the countless hours of pumping out basements of residents and businesses. He also thanked the Fire Chiefs from Fayette and Canoga, and Tom Sloan from Goulds Pumps who provided additional pumps to the Fire Department.

Mr. Ferrara stated the Town had a major water break on Route 89 last Tuesday. A man hit a fire hydrant which affected the major line that supplies water to all of us - the Water Plant had to shut down the supply. He encouraged people to sign up for our alert system, Code Red. This is a prime example of why it's beneficial; you would be updated as to what is going on.

Mr. Ferrara thanked Missy Jones and the Parks and Recreation Department for all their hard work during CanalFest, and thanked the Sessler Family for donating the barge to Seneca Falls for the fireworks display. He doesn't know what will happen next year as the barge will not be available.

Mr. Ferrara said there has been disagreement on this Board about the Bayard Street culvert; the disagreement was that it is not collapsing – it's compromised. All the water from Sampson Creek which drains this part of town has to go through the Bayard Street culvert at some point to get into the Canal. If the water can't get through quick enough, Benton Pond overflows and the people at the bottom of Center Street get flooded out.

Mr. Churchill stated he doesn't recall anyone on this Board saying that it's not possibly compromised; what they do say is it's up to the State to fix it – this compromise is because of their mis-management of Benton Pond. He added for all intents and purposes, we think they own the culvert. Mr. Ferrara said that is 100% right, but we keep making that argument and nothing is being done. He added it's not fair to the people of this town who are being affected by the fact that nothing is being done. Further discussion followed.

Mr. Ferrara thanked Sarah Wright who has been running the Water and Sewer Office and the Financial Office by herself the last five weeks, usually a 3-person job. Hopefully, in a couple of weeks, the Website will be up and running. He thanked Melissa Howell for spearheading most of the work in conjunction with Finger Lakes1. Mr. Ferrara stated the Ripples of Change statute is in and has been placed in its temporary home. There will be a dedication ceremony sometime in the future; everyone will be informed of the date. Mr. Churchill mentioned the two invoices for about \$40,000 which the Town will be paying, and asked if the Town is going to be reimbursed. Mr. Ferrara replied the Federal Government gave the Town \$270,000; the Town set up an account to funnel that money to vendors – the Town was paid that money upfront.

Mr. Ferrara referred to the DRI and said we are in the 5-yearclock ticking mode now. There will have to be an administrator for the funds and all the things that have to be done, such as RFPs for design, RFPs for construction, monthly reports that have to be completed, etc. He hopes to have more details for the October Meeting.

Mr. Ferrara noted the Skydancers gas station on E. Bayard Street opened this weekend by the Unity Council which is not recognized by Clint Halftown. Clint Halftown sent a notice that there is a Code violation. He is working with Mr. Morrell and Mr. Stabinsky on this.

Mr. Ferrara said the Budget Committee started after the budget process in November, and started meeting in February with the game plan to reduce the revenue from the Landfill over the next four years. They met with Council Members individually to get their input as to what direction they should be heading, and they worked on numerous scenarios which included various ways to eliminate landfill revenue from the General Fund budget. Mr. Ferrara said the challenge is – how do you eliminate \$1.4 million of landfill revenue out of the Operating budget. He has been working 21 months to reduce spending without affecting public health and safety. He wanted to close Vince's Park – didn't happen. He initiated employee insurance savings; initiated new employee benefits; turned off phones that haven't been used for years; set up using town-owned dumpsters instead of paying \$30,000 a year for a private company to do it. Mr. Ferrara mentioned things he would do, such as spending time negotiating with the landfill to make them more accountable, and figure out ways to reduce and eliminate organics from the landfill.

Mr. Ferrara stated moving forward, the Committee provided information to the Board in June to be discussed in July; a Special Meeting was held late July as some Board Members wanted time to review the scenarios. The Committee recommended Option 3 as the best plan. The plan would reduce landfill revenue by \$400,000, increase taxes by 18% and use tax stabilization funds. No decision was made as the Board wanted to see what the tentative budget would be and then a decision can be made as to how it will be funded. Mr. Ferrara said the Budget Committee provided different scenarios, each one having an effect on taxes. The following years will require smaller tax increases. Mr. Ferrara asked the Board if they wanted to start budget meetings before October 5th when the preliminary budget is presented or after.

Mr. DeLelys read comments from the July 26th Board Meeting which are as follows: He asked Mrs. Warfel how we stand to date with the budget, and she said it's fine – we are in good shape. Last year, the Board voted not to raise taxes; he said we are doing pretty good, and he can't see raising taxes. Mr. Ferrara agreed 100%. Mr. DeLelys said people believe taxes are going to increase 18% and Kyle Black's letter – it's all misinformation. Mr. Ferrara stated this year's Budget, year -to-year spending is fine, but we have \$1.4 million of landfill revenue in the budget this year. Taking the \$1.4 million out over a period of time, the revenue has to come from someplace.

Mr. Avery stated we talked about this 18% as if it was the only choice and it wasn't, but it was the only one they talked about; they haven't looked at the others. The Board hasn't talked about the timeline – they haven't talked about anything. They will get through some of that as they go through this year's budget process. Mr. Avery said this is a long-term discussion; planning is being done for life without the landfill revenue.

After further discussion, it was decided to hold Budget Workshops in October. Mr. Ferrara indicated dates for the Workshops will be set up at the October Meeting.

Approval of Minutes:

A motion was made to approve the minutes of the Town Board Meeting/Budget Workshop of July 26, 2021 by Dave DeLelys and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to approve the minutes of the regular monthly Meeting of August 3, 2021 by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: No report.

Zoning Officer: A motion was made to accept Mr. Stabinsky's report by Dave DeLelys and seconded by Dawn Dyson.

Mr. Churchill noted a fee of \$1,200 was received from Cayuga Nation for a permit to build a new gas station and convenience store where they tore down the old gas station and store. Mr. Ferrara said it's a \$1.2 million project; they have to stay within the same footprint of the old one. Mr. Churchill said it's ironic that they get to operate outside the law and tear down that facility and we grant them a new permit to build a new facility.

The above motion made by Dave DeLelys and seconded by Dawn Dyson to accept Mr. Stabinsky's report was carried 5 ayes, 0 nays.

Parks & Recreation: A motion was made to accept Mrs. Jones' report by Dawn Dyson and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Highway Superintendent: A motion was made to accept Mr. Peterson's report by Doug Avery and seconded by Dawn Dyson.

Mr. Peterson stated the Executive Order came down from the State regarding the speed limits on Noble Road and George Road. He said they will get the signs up as soon as they come in – Noble Road speed limit will be at 30 MPH and George Road will be at 40 MPH.

The above motion made by Doug Avery and seconded by Dawn Dyson to accept Mr. Peterson's report was carried 5 ayes, 0 nays.

Assessor: A motion was made to accept Mrs. Von Wald's report by Steve Churchill and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Water & Sewer: A motion was made to accept Mr. Tullo's report by Doug Avery and seconded by Dave DeLelys.

Mr. Avery stated we need to pursue an immediate short-term solution – it should start with the Committee setting up a meeting. Mr. Churchill asked if there was an official log where those areas are and what properties are impacted so that going forward with history, we can refer back. Mr. Peterson said no – he knows where those problem areas are. Mr. Tullo stated when they visit places like this, they have records at the office – they have work orders. Mr. Churchill said a spreadsheet would be very simple to do. Sarah Wright said it can happen, but not right now.

The above motion made by Doug Avery and seconded by Dave DeLelys to accept Mr. Tullo's report was carried 5 ayes, 0 nays.

Town Justices: A motion was made to accept the reports of Judge Lafler and Judge Kelley by Dave DeLelys and seconded by Doug Avery. No questions. Motion carried 5 aye, 0 nays.

Police Chief: A motion was made to accept Chief Peenstra's report by Dave DeLelys and seconded by Dawn Dyson.

Chief Peenstra stated on August 3rd, they had a virtual National Night Out in connection with other law enforcement agencies in Seneca County. On Sunday, September 19th, the SFPD will be hosting a child safety seat check. They have four Officers that are certified in proper placement of car seats which is very important - if they are not properly installed, children can get injured. It will be held at the SF Fire House from 9-2.

The above motion made by Dave DeLelys and seconded by Dawn Dyson to accept Chief Peenstra's report was carried 5 ayes, 0 nays.

MRB Grant Writing Services: A motion was made to accept the report of MRB Grant Writing Services by Michael Ferrara and seconded by Doug Avery.

Matt Horn stated they submitted the pre-application for the Phase 3 Sidewalk Program and received good comments back. Mr. Ferrara said if the Town gets the grant, the Board can make the decision to do Phase 3.

The above motion made by Michael Ferrara and seconded by Doug Avery to accept the report of the MRB Group was carried 5 ayes, 0 nays.

SF Development Corporation: Mr. Avery stated the Ripples of Change statute was installed this morning, and these women are very tall. He added the landscaping has to be done, but the statute is very stunning. He mentioned that the DRI process has begun. He said that all the Individual business owners who were awarded part of that are working separately with the State. It's a slow process – it takes a while but everything has begun.

Barton & Loguidice: A motion was made to accept Mr. Baker's report by Michael Ferrara and seconded by Dave DeLelys.

Mr. Baker gave the Board a Memo regarding the flood damage on August 18th-19th. He said looking back in history, this is the largest rain that they saw (6.6"). On the 19th, he did a tour with Mr. Peterson and Mr. Ferrara to identify the areas of the flood impacts, and he talked with Mr. Tullo on the 17th, 18th and 19th and subsequent to that. They brought on one of their drainage engineers and did a similar tour on the 26th to look at impacts. Mr. Baker stated they provided a summary of some of the areas they identified. He said there are issues with flooding/drainage impacts on Rt. 414 and Rt. 5 & 20 and some of the areas on the southeast of town. The most significant impacts were in the former Village. In discussion with Mr. Tullo, Mr. Baker said the Town saw an influx into the collection system that it hasn't seen unprecedented. He further explained the impacts.

Mr. Baker stated this has a general approach on what we can do to focus on storm drainage. He mentioned that there is a lot of old infrastructures that are 20+ years old which is inaccurate, and things have changed since then. The first step is to talk to Mr. Peterson to bring in representatives from the Highway Department and have the engineer go through and quantify the actual condition of the drainage system, and identify the pipes they didn't know were present. Mr. Baker said the overall approach for the people on Miller Street is those systems need to be eliminated. He went on to explain the system which dates back to the 19th Century. Mr. Ferrara asked Mr. Baker if he is available this week for a meeting; Mr. Baker replied yes. Mr. Ferrara said he will send an email to Mr. Avery, Mr. Peterson and Mr. Tullo to see if they are available to meet on Thursday.

Mr. DeLelys asked if there was any way we can get into houses to inspect to see if anything illegal is being done. Mr. Morrell replied no, unless you have a reason to think that particular house has some type of significance. Further discussion followed.

Communications:

A motion was made to receive and file Communications numbered 1 to 8 by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays. Communications numbered 1 to 8 are as follows:

1. Minutes of the Heritage Preservation Commission Meeting of July 27, 2021.
2. Minutes of the Zoning Board of Appeals Meeting of July 29, 2021.
3. Independent Accountant's Report to verify gross revenue of Seneca Meadows as per Host Community Agreement for year ended December 31, 2020 from Buffington & Hoatland CPAs.
4. Checks and deposits totaling \$944,869.48 representing SFCS fuel reimbursements; dumpster rentals; refund of overpayment; copies of Police reports; Vince's Park deposits; NYSIF reimbursements; Community Center deposits; Retirees Insurance; Town Clerk's July report; burial fees; sale of scrap; Judge Kelley's July report; Judge Lafler's July report; sale of various equipment; sale of trash totes; SMI 2nd quarter payment (\$837,005.97); sale of floating docks; excavating bond and SRO reimbursement.
5. Notice of Order relative to implementing new speed limit on George Road and Noble Road from NYS Department of Transportation.
6. Letter from State of New York, Department of State, enclosing copy of the authenticated statement of the 2020 population of the Town of Seneca Falls as shown in the Federal Census.
7. Network News from Cayuga Lake Watershed Network.
8. Notice of Order establishing a stopping restriction on west side of Route 89 between 295 feet north of E. Bayard Street/Lake Road and 30 feet north of E. Bayard Street/Lake Road from NYS Department of Transportation.

Old Business:

Sale of Surplus Property (115 Fall Street): Mr. Morrell stated 115 Fall Street has not closed. He has been in touch with the Attorneys for the Buyers so that is coming together. Hopefully, it can be put to bed soon.

Town Demands Related to SMI License to Operate Landfill: Mr. Morrell stated they are trying to put together a process of alternative dispute resolution as required by the Host Agreement. He noted the Board has an Appellate decision that was in the newspaper to address.

Security Cameras – Veterans Bridge: Mr. Churchill said they didn't meet in August; it's still a work in progress.

New Business:

Approval of Special Events: There were none this month.

Highway Resolution – Purchase Bobcat Brushcat Attachment: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Highway Department would like to purchase a 66" brushcat (HF) attachment for our bobcat to be purchase from Bobcat of the Finger Lakes for \$5,674.92. The old 2014 brushcat will be traded in for the sum of \$1,200.00 to bring the price of the new brushcat to \$4,474.92 under NYS Contract; and

WHEREAS, this brushcat attachment will replace the old 2014 brushcat that we have now. We use this attachment for cutting back ditch lines. The old brushcat is a 2014 and the gearbox is failing. We use this attachment all the time.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does hereby authorize the purchase of a 66" brushcat (HF) attachment from Bobcat of the Finger Lakes for \$4,474.92 under NYS Contract. This is a budgeted item for 2021.

No questions. Motion carried 5 ayes, 0 nays.

W/S Resolution – Purchase Manhole Covers and Frames: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, the Town is in need of having 20 manholes on Fall Street and Ovid Street repaired and raised; and

WHEREAS, the Water and Sewer Department has received 2 bids for purchasing the parts for this project; and

WHEREAS, F.W. Webb in Rochester is the low bidder at \$5,447.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls Town Board does hereby authorize the purchase of the 20 manhole covers and frames from F.W. Webb for \$5,447.00.

Mr. DeLelys said Blair's bid shows 20x7 heavy duty; are Webb's the same. Mr. Tullo replied yes, they are the same. Mr. Ferrara noted they will be purchased now, and will be contracted work next year.

The above motion made by Michael Ferrara and seconded by Doug Avery to adopt the above resolution authorizing the purchase of manhole covers and frames was carried 5 ayes, 0 nays.

W/S Resolution – Purchase Pump for Noble Road Pump Station: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town Water and Sewer Department needs to replace a pump installed at the Noble Road Pump Station; and

WHEREAS, two bids for the pump were received with Gatehouse Pumps being the low bidder due to the 10% Seneca Falls business rule at \$5,701.06.

THEREFORE, BE IT RESOLVED, the Town Board authorizes the purchase of this pump from Gatehouse Pumps of Seneca Falls for \$5,701.06.

No questions. Motion carried 5 ayes, 0 nays.

Opting Out of Marijuana Sale and Use: Mr. Ferrara stated Mr. Morrell has provided the Board with information from the Association of Towns. The Board needs to have a discussion about opting out of marijuana sales; the deadline is December 31st.

Mr. Morrell stated if this is something the Board is interested in doing, a resolution has to be adopted to set a Public Hearing at the next Board Meeting in October. He said if a local law was adopted at that time, it would be subject to a permissive referendum, and it would not take effect for 45 days. If a petition is submitted within the 45 days to challenge the local law opting out, the question of whether or not the Town should opt out will be subject to a referendum and placed on the ballot.

Mr. Morrell stated the opting out is only for retail sales and offsite consumption sites. You cannot affect personal use, possession or cultivation – it is for retail sales and offsite consumption. He said if the Board decides to opt out, it has to adopt a local law by December 31, 2021. If the Board adopts the local law, it can opt back in later on if they are so inclined, but if they don't opt out by December 31st, you cannot opt out of the State regime at all. Mr. Ferrara said if the Board does nothing, it just automatically kicks in. In his opinion, it has been legalized, and he is 100% sure the Cayuga Nation will be in the business of selling marijuana; opting

out will have no effect on that sale. He thinks we would be treating our residents unfairly – they can't compete if the Board opted out.

Mr. Churchill agreed with Mr. Ferrara, and said it is legal and will go into effect next year. He added there may be some benefits from the revenue side. Discussion followed relative to the amount of revenue that would be received from the sales.

Mr. Avery stated he would be inclined to go the other way if it were not for the fact that what the Cayugas are going to do. Mr. DeLelys said let's go to retail – we talk about losing landfill revenue, we can get tax money. Mrs. Dyson stated we are going to create more problems for the Police, and what about our children. Mr. Churchill said the reality is the State has already done that. Mrs. Von Wald stated in her farm class, she toured a campus field; you think the landfill smells bad – where they grow and produce cannabis, the smell is horrific.

A motion was made by Doug Avery and seconded by Michael Ferrara that the Town has decided to opt in to the State's cannabis program. No questions. Motion carried 4 ayes, 1 nay; Councilwoman Dyson with the dissenting vote.

Frank Ruzicka stated the Board may want to look at the Zoning Code under adult uses; the Board may want to put further restrictions on this. He added right now, you can't be within 200' of a hospital, school, etc. – it doesn't talk about setbacks; it's strictly C-1 and Industrial. Mr. Ferrara requested that Mr. Stabinsky look into it.

Renewable Energy Moratorium Suggestions: Mr. Ferrara stated the Planning and Zoning Committee has been focusing on the renewable energy moratorium. He encourages the Board to let him know if they have any suggestions for the Committee.

Resolution – Transfer Funds to Cemetery Commission – Repair Mausoleum: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, the Mausoleum at Restvale Cemetery received water damage; and

WHEREAS, the concrete needs to be repointed to save the stained glass windows; and

WHEREAS, the Town will have these repairs made.

THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does authorize to repoint the concrete to save the stained glass windows at Restvale Cemetery, the cost not to exceed 25,000 which is to be paid for by a transfer from the Contingency Account (A1990.400) to the Cemetery Commission (A8810.407).

Mr. Ferrara stated this is not water related to the storm; this is deterioration of the mortar. Mr. Churchill asked if it was something that has to be done this year because it's not budgeted. Mr. Ferrara stated according to Kay Irland, Mike Kelly and the contractor who looked at it, it shouldn't wait.

The above motion made by Michael Ferrara and seconded by Doug Avery to adopt the above resolution to transfer funds for repairs at the Mausoleum was carried 5 ayes, 0 nays.

Contribution – Cayuga Lake Watershed Intermunicipal Organization: Mr. Ferrara stated the Cayuga Lake Watershed Intermunicipal Organization requested that all municipalities in the Cayuga watershed to budget money for their work that needs to be done. He said every municipality is budgeted "x" amount of dollars for protection of the Cayuga watershed – total of \$90,000 between all the municipalities including Seneca County. The Town's contribution is \$997 in 2022; \$1496 in 2023 and \$1995 in 2024. Mr. Ferrara noted it will be included in next year's budget.

Mandatory Vaccinations for all Town Employees or Weekly Testing: Mr. Ferrara stated a lot of organizations, businesses, hospitals, school districts and municipalities are requiring mandatory vaccinations or testing once a week. He is looking for the Board's thoughts on this. Mrs. Dyson said she thinks it's a good idea that employees either be vaccinated or tested; it's only going to get worse. Mr. Avery asked if the County has put in place the testing program; Mr. Ferrara replied yes. Mr. Avery asked if unvaccinated employees would go there every Monday for testing; Mr. Ferrara replied yes – or they can go somewhere else as there are numerous places to go. He added there is opposition from some of the employees. He said just because you're vaccinated, there is no guarantee that you won't contract COVID, but the chances are a lot less, and we are working with the public every day.

Mason Hawker, an employee of the Water/Sewer Department, asked who would be paying to be tested; Mr. Ferrara replied it doesn't cost anything. Mr. Hawker asked where would you send someone and what time; Mr. Ferrara replied the County – he would have to facilitate as to what time it would be. After discussion, Mr. Ferrara stated he can look into this further and find out exactly the hours of testing and if the County can accommodate it; also, if testing would be sometime during work hours.

Mrs. Dyson asked Mr. Hawker if they wear masks at work; Mr. Mason replied no, for the most part – 9 times out of 10 he is working with the same five guys every day, and he feels he can trust the five Individuals he works with that they are going to be smart adults.

Mr. Churchill mentioned that statistics show that you are much safer if you get vaccinated. The symptoms will be much less than if you aren't vaccinated. He is for supporting this. After lengthy discussion, Mr. Ferrara said he would get more details and let the Board know.

Resolution – Approve Funds for Continued Work of Development Review Committee with MRB: A motion was made by Michael Ferrara and seconded by Dawn Dyson to adopt the following resolution:

WHEREAS, the Town of Seneca Falls continues to evaluate and develop updates to the Zoning Code and related ordinances; and

WHEREAS, a Development Review Committee was formed and tasked with such evaluation of Town Code, regulations and development procedures; and

WHEREAS, the DRC has identified, acted upon and initiated new codes in the areas of parking, downtown residential uses, outdoor burning and administrative procedures; and

WHEREAS, the DRC, along with the guidance of the MRB Group's Local Government Services Team, will continue to identify and prioritize development of Town Code, regulations and development procedures including renewable energy regulations.

NOW, THEREFORE, BE IT RESOLVED, with a continued service agreement to be authorized for the allocation of additional funds in the amount of \$15,000, as outlined in MRB's scope of services and compensation, and the cost of which is to be paid for by a transfer from the Contingency account (A1990.400) to Miscellaneous line A8810.410, Zoning Updates; and be it further

RESOLVED, that the Seneca Falls Town Board authorizes the Town Supervisor to sign the MRB Group Professional Services Agreement dated August 26, 2021 and it shall be effective upon date of receipt by MRB Group.,

Mr. Churchill asked why are we transferring funds from Contingency and not waiting for this to go through the budget process and be budgeted if the Board wishes to do so for next year. Mr. Ferrara replied it was never a part of a budget line item in 2021. He added the Board can do that, but obviously, the work of the Committee is going to stop until 2022. Mr. Avery suggested a pro-rated amount to get through the end of the year, and the rest of it gets budgeted for 2022. Matt Horn said they work on an hourly basis. He said they meet with the Committee, the Committee prioritizes the work to be done, and they do the work on an hourly basis. He added they can moderate that to manage the resources effectively through the end of the year, and then put a budget number together for next year. Mr. Avery said the first \$15,000 covered this for the year's work; Mr. Horn replied yes – the \$15,000 covered about six months; we have about three months left, so probably \$5,000 for the rest of the year. Brief discussion followed.

A motion was made by Michael Ferrara and seconded by Dawn Dyson to amend the above resolution to read: "authorize the allocation of additional funds not to exceed \$5,000 as outlined in MRB Group's scope of services and compensation". No questions. Motion carried 5 ayes, 0 nays.

A motion was made to adopt the above resolution as amended by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Recreation Resolution – Transfer Funds to Purchase Copier: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the current copier is more than ten years old and is in need of replacement.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board approves the transfer of funds from Playground Mulch line item CR7141.200 in the amount of \$6,200 to Copier line item CR7020.201 for the purchase of a new copier.

No questions. Motion carried 5 ayes, 0 nays.

Recreation Resolution – Transfer Funds to Summer Play Program: A motion was made by Michael Ferrara and seconded by Dawn Dyson to adopt the following resolution:

BE IT RESOLVED, that the Seneca Falls Town Board approve the transfer of funds from Pre-School Instructor line item CR7140.405 in the amount of \$1,400, and Creative Expressions line item CR7140.107 in the amount of \$2,000 to Summer Play Staff line item CR7141.101. The transfer of funds will offset the additional expense of staffing due to two separate locations for the Summer Play Program. We did not offer Creative Expressions pre-school this summer due to COVID-19, thus leaving funds unused.

No questions. Motion carried 5 ayes, 0 nays.

Resolution – Additional Funding for Organic Recycling Program: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, in an effort to remove organic waste from the traditional landfill-bound garbage stream, the Town of Seneca Falls has begun an organics recycling program; and

WHEREAS, the pilot for this program, in cooperation with local restaurants, has been very successful; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has approved the existence of a duly authorized municipal waste transfer station behind the Town Highway Garage; and

WHEREAS, all other preparations are in place to expand the program to include Town residents; and

WHEREAS, the funding already approved by the Town Board will not support the residential organics recycling program through the remainder of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board hereby authorizes the additional expenditure of \$4,000 to support the organics recycling program through December 31, 2021.

Mr. Churchill asked if it is budgeted; Mr. Avery replied no. Mr. Ferrara said it will come out of the Contingency Fund; in 2022, the program will be part of the overall budget. Mr. Churchill said wait until January to start it.

The above motion made by Michael Ferrara and seconded by Doug Avery to adopt the above resolution authorizing additional funding for the organics recycling program was carried 4 ayes, 1 nay; Councilman Churchill with the dissenting vote.

Discussion – Making Town Offices Phone System Menu Programmed: Mr. Ferrara stated he would like the Board’s permission to make the phone system more consumer friendly when calling the Town Offices by having it menu programmed. He said our phone system, thanks to Mr. Churchill, is able to do this very simply. Mr. Avery said he sees the advantages, but he would rather talk to a person. Mr. Churchill stated the key is to keep it short and sweet. After brief discussion, Mr. Ferrara said he will check with Jason to see if we can do that.

Kingdom Road Pump Station & Force Main – SEQRA Lead Agency Intent: Mr. Baker stated SEQRA was originally enacted in 2015. They looked at the history of SEQR; given the age of the original SEQRA designation, it was decided to start the process again. The process involved is the Town, by resolution, is intending to re-establish itself as lead agency for the SEQR process. Part of that is a letter is sent out to interested and involved agencies, identifying that the Town is seeking to serve as lead agency and includes Part I of the Environmental Assessment Form; then those parties have the opportunity to object or comment on that process. Mr. Baker stated once that is done, the next step is Part II of the EAF process which has already been completed and will be reviewed.

Mr. Morrell stated this is the designation of this Board to act as led agency, notices will be sent out, and the Board will go through Part II of the SEQR format the next Meeting.

A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town of Seneca Falls (Town) is proposing the Town of Seneca Falls Kingdom Road Pump Station and Force Main Improvements Project (Project), located in the Town of Seneca Falls, Seneca County, NY; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the Town of Seneca Falls Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA/SERP assessment of the Project; and

WHEREAS, Part I of the Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Town of Seneca Falls Town Board, and will be circulated to all interested and involved Agencies for purposes of establishing the Town of Seneca Falls Town Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Supervisor of the Town of Seneca Falls hereby is authorized to sign Part I of the FEAF (page 13); and be it further

RESOLVED AND DETERMINED, that the Town of Seneca Falls will send Part I of the FEAF and associated site figure to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA/SERP; and it is further RESOLVED, that the Supervisor of the Town of Seneca Falls and Town Board, together with the Town of Seneca Falls Attorney and B&L, are hereby authorized to take all actions, serve all notices and complete all documents required to give full force and effect to this determination.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Michael Ferrara – Yes	Steven Churchill - Yes
Douglas Avery – Yes	Dawn Dyson - yes
David DeLelys – Yes	

The foregoing resolution was thereupon declared duly adopted.

Water/Sewer Credits: A motion was made to approve the Water/Sewer credits in the amount of \$3,240.59 as

per attached Memo dated September 7, 2021 by Michael Ferrara and seconded by Doug Avery.

Mr. Avery asked if \$2,500 for a leaking toilet is reasonable. Sarah Wright replied yes, if it leaks for 90 days – it's a long time.

The above motion made by Michael Ferrara and seconded by Doug Avery to approve the Water/Sewer credits in the amount of \$3,240.59 was carried 5 ayes, 0 naves.

Any Other New Business:

Approve Permanent Appointment – Zoning Officer: A motion was made to appoint Richard Stabinsky to the permanent position of Zoning & Code Enforcement Officer based on his successful completion of the Civil Service Exam by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Seneca Meadows Appeal: Mr. Ferrara stated the Board met with the Environmental Attorney David Hou earlier this Evening (Attorney/Client Conversation), and the Board has to decide if it wants to move forward with an Appeal from the Appellate Court decision on SMI's lawsuit with the Town. Mr. Churchill stated the Board has 30 days in which to file that request for Appeal. He said the next step would be to ask the Appellate Court to rule to the highest Court, and they will make a decision as to whether or not they will allow you. If they don't allow you, you can ask the highest Court if they would hear the Appeal.

Mr. Morrell stated this Appeal involved the motion to dismiss, so the merits of Article 78 haven't been approached at this point. He added if you do nothing and allow the Appeals decision to stand, the motion to dismiss has been overruled; then we go back and begin the Article 78 litigation.

A motion was made authorizing Attorney David Hou to go forward with the Appeal by Steve Churchill and seconded by Doug Avery.

Mr. Ferrara stated he is not in favor of this. The Town has spent a lot of money up to this point on the Article 78 which has been going on for multiple years - \$58,000 so far with no resolution. He added it was a 5-0 decision at the Appellate Court; 5-0 decisions very rarely get pushed up. Mrs. Dyson stated she has concerns about the money -we have spent a lot of money and have gotten no further ahead. Mr. Churchill said the Article 78 is still going to be in play – that's going to cost a lot of money. He added if we win this Appeal, that Article 78 goes away which saves the Town money. We might spend a little to save more. Brief discussion followed.

The above motion made by Steve Churchill and seconded by Doug Avery authorizing Attorney David Hou to go forward with the Appeal was carried 3 ayes, 2 naves; Supervisor Ferrara and Councilwoman Dyson with the dissenting votes.

Payment of Bills:

A motion was made by Michael Ferrara and seconded by Dawn Dyson to approve and order paid the following bills:

General Fund - \$367,999.61 (Abstract #9)

Recreation Fund - \$13,678.37 (Abstract #9)

Miscellaneous Fund - \$84,286.36 (Abstract #9)

Vince's Park Fund - \$3,476.07 (Abstract #9)

Highway Fund - \$30,474.58 (Abstract #9)

Sewer Fund - \$41,981.14 (Abstract #9)

Water Fund - \$208,656.63 (Abstract #9)

No questions. Motion carried 5 ayes, 0 naves.

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

Meeting adjourned at 8:40 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

