

The Seneca Falls Town Board held a Public Hearing and regular monthly Meeting on Tuesday, June 1, 2021 at the Seneca Falls Community Center, 35 Water Street.

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

Public Hearing -Proposed Local Law #6 – 2021: A motion was made to open the Public Hearing relative to proposed Local Law #6 – 2021 by Dave DeLelys and seconded by Dawn Dyson. Motion carried 5 ayes, 0 nays.

Mr. Morrell stated this is a proposed moratorium regarding energy production and distribution facilities which would go for a period of one year. The purpose would be for the Town to enact regulations regarding solar project, wind projects, other energy creating projects and energy distribution projects. He said if the Board were to take action and adopt regulations for those purposes, this would not need to last one year. This is put in for one year so that the Board can review and get some regulations in place. He spoke with Harriet Haynes of the County Planning Board; this was not able to get on the Planning Board's Agenda. Mr. Morrell said this is the type of law that needs to be reviewed at the County Planning Board level; it is on for the June Meeting. He added the Board can take public comment, but it cannot take action on the local law without the County Planning Board's review. Mr. Churchill said the Board needs to move one particular version to the County Planning Board. Mr. Morrell responded when he spoke with Ms. Haynes, she said they had both versions, will review both versions and make a recommendation on one or the other.

Mr. Morrell stated when this was proposed and a Public Hearing was scheduled at the last Meeting, he was asked to prepare a version of the moratorium that would specifically exclude projects that have a current application before various land use Boards. Mr. Churchill mentioned that this would be confusing to the public when there are two versions. He asked how did this exclusion get added; Mr. Morrell replied it was what he was asked to do at the last Meeting when it was introduced. Mr. Ferrara stated he was the one at that time because there is a project in the works and this company has invested money, and we should not be including them in this moratorium. Dominica Catalano stated at the Planning Board Meeting, the Board voted not to accept the version with the added exclusion. John Quattrocchi added the Planning Board voted on approving the original document without the exclusionary clause. In his opinion, the Board should vote on one version and send that to the County Planning Board. Discussion followed.

Jean Gilroy asked what the application projects are about. Mr. Morrell replied the Planning Board and Zoning Board have been considering one project that involves taking gas waste from dairy farms, processing the gas and bringing it on a truck and taking it to a site on Route 414, where there is already a pipeline and a building facility where they unload the tanked gas into the pipeline; that is one such application that has come in. He added to his knowledge, that would be the only project impacted by this moratorium. Mrs. Gilroy stated she approves of the moratorium, one year is not a very long time, as it gives the Board a chance to take a breath and study where we are going in this Community.

Mark Pitifer stated on behalf of the Bonafiglia family and Bonadent he is here to speak in support of proposed Local Law #6 in order to give the Board ample time to carefully evaluate any and all proposed commercial energy projects proposed in Seneca Falls. Good governance entails keeping the best interests of all citizens in the forefront of all decision making for the Community. Due diligence is imperative to ensure full understanding of a proposed project potential impact, either positive or negative. Mr. Pitifer stated it is their feeling at Bonadent that the proposed development of a methane processing facility on Route 414 corridor is a proposal that is anything but transparent. He said if the proposed methane processing facility was only intended to assist local farmers, this would probably make sense. He added they would be remiss not to point out that the proposed methane processing facility happens to be right near Seneca Meadows. Mr. Pitifer asked – what role is this methane processing facility play in Seneca Meadows' ability to receive approval on their current application for expansion and essentially operate for an additional 15 years. He said what role does Seneca Meadows installation of over 22,000 feet of landfill gas collection pipes play in this methane processing facility's objective to operate on Route 414. Mr. Pitifer stated on behalf of the Bonafiglia family and Bonadent, he implored the Board to support proposed Local Law #6 and give the Board and the Community it represents the proper time and due diligence on developing projects of this nature.

Allison Stokes: Ms. Stokes asked if the project that Mr. Morrell described is included in the Local Law – would the Local Law prevent them from moving forward or would not because they are in process. Mr. Morrell replied this moratorium would prevent any permit from being issued. Right now, they are applying for permits; they have to go through the process with the Planning Board and Zoning Board; if they get their approval, they get

their permit. The moratorium would stop the review and stop any permits being issued, so this would directly affect them. Mr. Morrell said the Board, in discussion, decided to review and address excluding active applications being reviewed.

Mr. Ferrara stated this company started the process in September 2020. He said this company has nothing to do with SMI. This company is not a methane gas processing plant; it's a place to bring a truck to tie into a pipeline where they sell credits out to California. Mr. Ferrara stated his only suggestion was – is it fair to a company or developer to come in and do all this work and invest all this money, getting ready for permitting, and all of a sudden a moratorium is set. He is in favor of a moratorium; if we move forward with the moratorium, there is a committee that will work on specific language that addresses all renewable energy. Further discussion followed.

Brad Jones: Mr. Jones stated we've seen this movie many times before; transparency is critical. He thought this Local Law had to do with solar panels – he didn't think it had anything to do with a methane processing facility. He spoke six months ago about the lack of transparency and the blow out at SMI. Mr. Jones said he talked to the four Councilmembers and the Town Attorney tonight – methane gas facilities have digesters that go to dairy farms; they don't take their gas to a process facility. Mr. Ferrara said it's not a processing facility – it's a place where the truck comes and ties into the pipeline. Mr. Jones stated what he would like the Board to do is to not only put a moratorium, but he would like them to do some due diligence. He would like the Board to share the list of dairy farmers within the Finger Lakes area who have signed up. He would also like them due diligence to say – who is the entrepreneur that is putting this project together, because the trash trains were not really Finger Lakes Rail, it was SMI. Mr. Jones said he highly recommends adopting Local Law #6 and putting this on hold, and at the same time, do due diligence.

Mr. Ferrara stated this should not be a public hearing for this specific project. This moratorium is on all renewable energy. He said the Planning Board has been transparent for months. Mr. Ferrara urged everyone to keep their comments to the local law that encumbers all renewable energy

Valerie Sandlasa: Valerie Sandlas stated she is here to say that her and her husband both support Local Law #6 of 2021. Although they both are in favor of renewable energy, they think in these situations it would be wise to have a law that would give us a one year moratorium on commercial energy projects of any type so there is time to research and learn something about all the projects. She said they found it disturbing that the proposed methane facility is on Route 414. Even though the developers' plans may state it's for dairy farm methane, its location and timing are suspiciously close to the Landfill's expansion request. They find it suspicious and troubling.

Daniel Emmo: Dan Emmo. Chairman of the Zoning Board, stated this pipeline was owned by Old Dominion Energy years ago, and was bought out by Brookshire Hathaway who has a purpose in renewable energy. He added it has nothing to do with SMI; Brookshire Hathaway is not in the Landfill business.

John Quattrociocchi: John Quattrociocchi, Member of the Planning Board, stated he has a problem with the exclusionary clause. He thinks you would have to get into and decide how much money someone has to spend on a project before it gets excluded from the rule and set limits and parameters that way. He thinks a moratorium is long overdue. Mr. Quattrociocchi stated it's not anything against renewable energy; it just makes sense to put it where it belongs in the Code.

Kyle Black: Kyle Black stated this resolution should have been out at least a couple of weeks so that the public, local businesses and companies that have invested in renewable energy for many years, like their company, would have had time to read this and be properly prepared for information for the Board and the Citizens to be able to present. He said all this information is at the Planning Boards if you take the time to go – Town of Seneca Falls and County Planning Boards. He would also ask the Board to consider grandfathering in existing renewable energy projects for the companies who have made these investments and continue to make these investments to move this Agenda forward. Mr. Black stated as far as transparency, Seneca Meadows has nothing to do with this project, so regardless of what anybody says or regardless of what rumors are trying to get started, they have had zero knowledge, zero contact, zero with this. He added they have invested in renewable energy for 20 years, and continue to invest in renewable energy. Mr. Black requested that the Board consider existing projects and investments that have been made in this be grandfathered in for continued and future use.

John Quattrociocchi: Mr. Quattrociocchi stated grandfathering in defeats the purpose of the moratorium. When the specific project came before the Planning Board, there were no farms in Seneca County being considered. As far as spending money, it behooves them to have their ducks in a row. He said it's good business sense not to spend a lot of money before you know whether or not a project is going to go through. Mr. Quattrociocchi

stated we are not being anti-business; we are being sensible for the Community.

Frank Ruzicka: Frank Ruzicka stated he is in favor of this moratorium, if nothing else, to start the process of correcting the Code to reflect what we want to do with these types of projects. He said right now, we have no guidance – we have to do a lot of different things to figure out where it fits in our Code. He added a moratorium would allow us to update our Zoning Code to address these things.

Since there were no further comments, a motion was made to close the Public Hearing by Doug Avery and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Supervisor Ferrara opened the regular monthly Meeting at 6:45 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Highway Superintendent: Mr. Peterson stated on May 5th, his Department had a tragedy. His foreman at the Cemetery, Roy Frederickson had a heart attack on the job and passed away. Mr. Frederickson was a dedicated employee and will be missed. Mr. Peterson thanked Highway employee Eric Bush for calling 911 and administering CPR. Within minutes of the 911 call Office Burghdorf and Sergeant Davids from the SF Police Department arrived and continued to give CPR. Paramedics from North Seneca and SF Fire Department arrived soon after and took over. Mr. Peterson recognized Eric Bush and all the first responders for their quick response; they did a great job in trying to save Mr. Fredrickson. Chief Peenstra stated he also wanted to recognize Eric Bush for what he did on the scene. He actually witnessed the incident, and reacted very quickly and did everything he could to save him.

Mr. Ferrara stated the DRI awards were selected. The next step is when the State says you can go ahead and start the process of the projects. He added the Town has two major projects – the north side of the Canal and the project at the Community Center – the Town will have to facilitate and manage those projects. He noted the Town will have to borrow money from our funds because the State doesn't give you money upfront.

Mr. Ferrara stated Phase II of the Safe Routes to School project will start this week. He noted they are continuing to finalize plans for the Kingdom Road Pump Station. Mr. Ferrara introduced and welcomed Zoning Officer Richard Stabinsky, and said proposed Local Law #7 which is related to that position will be discussed.

Mr. Ferrara said as far as meetings go, if you have been vaccinated you no longer have to wear a mask; if you are not vaccinated, you still need to wear a mask. He asked the Town Board Members their opinion about moving back to the Town Hall.

After brief discussion, a motion was made to continue holding meetings here at the Community Center by Dave DeLelys and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Mr. Ferrara stated the Board will revisit this in July.

Petitioners:

Karen Burcroff – Seneca Co. Substance Abuse Coalition: Karen Burcroff, Project Director, stated she is here with Andrew Rude from the Council on Alcoholism and Addictions of the Finger Lakes to make sure the Town is informed about its legal options regarding the recent legalization of recreational cannabis (marijuana). Ms. Burcroff explained that THC is the active chemical in marijuana that gives the user a high. Extreme concentrations of THC are common and cheap in 2020. CBD that you frequently hear about is not psychoactive which means you don't feel sedated or altered in any way. Ms. Burcroff mentioned hemp which is a cannabis plant with high levels of CBD and low levels of THC. She said because of the recent legalization, they are discussing how the Town would like to move forward regarding THC.

Ms. Burcroff stated the NYS Cannabis Law was passed on March 31, 2021, making us the 16th State to legalize cannabis (marijuana). Under the Law, New Yorkers can now legally possess and use up to 3 ounces of cannabis for recreational use. While up to 5 pounds of cannabis can be kept at home if secured properly, home cultivation is not currently allowed. It is legal to smoke cannabis anywhere in public wherever tobacco smoking is allowed, but not inside cars, schools or workplaces.

Ms. Burcroff stated the Law states that there is a local opt-out option for municipal control and pre-emption which has to be in place by December 31, 2021. A town or village can opt out now and then change their mind and opt-in, but you can't opt-in now and then decide to opt out later; a careful decision has to be made now. Retail dispensaries are required to be a minimum of 500 feet from schools and 200 feet from a place of worship. A town can increase that zoning, and may wish to consider daycare. You can also consider identifying specific

areas only for retail sales. You can limit hours of operation and can ban retail sales from private residences.

Ms. Burcroff said don't be misled in thinking this is going to solve all the problems, as other states and cities that have legalized cannabis still struggle and face challenges with cannabis. She proceeded to point out some of the facts:

- The cost to a taxpayer is 4.5 times higher than the revenue brought in by MJ tax in Colorado.
- Who is going to pay for the increase in Law Enforcement and how are we expecting our Police Departments to enforce it.
- Crime has surged in Colorado since the State legalized marijuana, according to the Colorado Criminal Bureau of Investigation.
- Colorado Youth marijuana use is 85% higher than the national average.

Ms. Burcroff concluded by saying recreational THC is legally permitted in New York and is restricted to persons over 21. It is up to the Town as to how THC retailers can and should be zoned, if permitted at all in the Town. She said by working together, we can protect the youth of our Community.

Andrew Rude clarified that opt-out is not use; you cannot change use – that's going to be permitted. What the opt-out is for is retail dispensaries and onsite consumption location. As far as the tax goes, if you opt-out, you say good-bye to any kind of money raised; some of the money will go to law enforcement – it's really not that much. Mr. Rude said if you choose to opt-in, they ask that the Town does it responsibly. This is where the zoning comes in. If you want to opt-in for the tax money, please do it responsibly and look at all the options. Mr. Rude asked the Board to do their due diligence and really look into this and explore all the options.

Allison Stokes – Town Issues: Allison Stokes talked about the impact of all that is happening and the small Board. She referred to the DRI and said she went over the 13 awards that were made to see how they fit in the scale of millions, half-millions and quarter-millions. There were just two grants of one million or more; \$3,690,000 went to the Town for the north Canalside work and Community Center, and \$1,000,000 to the Hall of Fame. In the one-half million dollar category, there were six groups that got the award; less than one-half million dollars six got an award, and less than one-quarter million just one got an award. Ms. Stokes said the Supervisor mentioned that there were two major projects of the Town – one was the north side of the Canal and one was at the Community Center skateboard park and kayak launch. She asked if the \$600,000 building fund is administered by the Town. Mr. Ferrara stated at the time of the process, applicants came forward and submitted requests; the building fund would be used for that. The Town will have to administer that money, but he will have to check with the State.

Ms. Stokes stated one of the reasons she is interested is that the Women's Interfaith Institute submitted a joint proposal with the SF Performing Arts Center to turn the former sanctuary into a performing arts center, and they signed a Memorandum of Understanding with the Performing Arts Center that if they got the grant, they would give them the deed to the Church. She said they didn't get the DRI so they didn't submit anything for the building fund. Ms. Stokes said at this point, they would like to submit a request for \$100,000. She said it was such a surprise that this didn't go through, as the building had a fire in 2009 and is very derelict looking, on Fall Street right next door to the Visitors Center. This is one of the reasons why she thinks it's fair to ask for one-sixth of the \$600,000; \$100,000 to get new front doors and to have the façade done for beautifying. Ms. Stokes said the building is not for sale – they are not discouraged by this. She is totally committed to this building for many years into the future. She is concerned about the impact on the Town Board because of the huge amount of money it is controlling – it's a huge responsibility for this Board, and there are so many issues the Board has to deal with.

Judy Fairbanks – Recreation Center Issues: Judy Fairbanks stated she wanted to talk about the safety of our kids around the Recreation Center. There was a vicious accident a week ago, and her grandson is lucky to be alive as the injuries were so severe. She is asking the Town Board to look at finding a better method of the cars that go through down here. This is supposed to be a place for kids to be able to come and feel safe and not worry about getting hit by a car. Ms. Fairbanks said this is the second time in her family that there has been an accident involving a bicycle down here. She is asking the Town to see if there is a way to re-evaluate – maybe a bigger stop signs, a blinking light, or close off the street so that cars can't come flying down here when kids are on bicycles. She is asking for a re-evaluation to slow cars down and pay more attention down here.

Mr. Ferrara stated he will be meeting with Mrs. Jones, Chief Peenstra and Mr. Peterson to look at the overall picture. He added closing the road down is probably not going to happen. Ms. Fairbanks mentioned that there is a lot of confusion down here. She mentioned the skate park and said it's a great thing for kids, but make it a place where they can go and feel safe and not get mowed down. Mr. Ferrara said they will certainly look at it.

Valerie Sandlas – Environmental Issues: Valerie Sandlas stated she is here on behalf of the SF Environmental Action Committee to discuss several of their concerns regarding Seneca Meadows. They encourage the Board to exercise their authority over the Landfill and deny SMI its 2021 operating permit, and to do everything in their power to prevent its proposed expansion.

Mrs. Sandlas referred to comments in Senator Nozzolio's 2016 letter which states this legal analysis was conducted by reviewing the applicable laws of New York State, the United States Code, local land use law including the Code of Seneca Falls, the permit used by the Town of Seneca Falls and the Host Agreement between the Town and Seneca Meadows. Mrs. Sandlas quoted from the Memorandum of Findings from the NYS Senate Council Office. According to the NYS Senate Council, the Town of Seneca Falls is the exclusive entity with the power and legal authority to determine the site location of a landfill and whether such a landfill will be allowed to operate within its jurisdiction. The Town of Seneca Falls has the ultimate authority over Seneca Meadows Landfill. The Town can revoke the use permit if it is demonstrated that the Landfill is violating any of the conditions of its use permit or Host Agreement. Additionally, under the conditions of the Seneca Falls granted permit and Host Agreement, the Town Board has the exclusive authority to exercise extensive powers and oversight responsibilities and obligations to monitor and ensure compliance. Mrs. Sandlas stated based on that, it is clear that no operating permit should be granted to Seneca Meadows. Their odor reporting system is an abysmal failure, and they have refused to comply with the Town's request for an updated reporting system.

Mrs. Sandlas stated this continued disregard for our Town Code and Host Agreement should not be tolerated. She added this non-compliance is one of the many reasons that the Board should do everything possible to prevent Seneca Meadows from expanding. Allowing Seneca Meadows to operate beyond 2025 would be careless and unwise. The expansion would allow landfill gas and odors to pollute our Community for an additional 15 years. It would also cover the Tantalio site which could create a serious threat to our groundwater and lakes. She mentioned that the expansion includes 69 feet in height, which is approximately six stories – six stories of other people's garbage. Mrs. Sandlas concluded - deny Seneca Meadows operating permit, take the lead agency over their SEQR process for expansion, and send the message that Seneca Meadows is closing in 2025.

Jean Gilroy: Jean Gilroy stated she comes to the Community Center during the day and evenings, and enjoys watching the people enjoying the Ludovico Trail. She thinks it's a great example of what our Town has for its Citizens. It's amazing to watch who goes up and down the Trail with their dogs, with their families and enjoy the art and nature.

Approval of Minutes:

A motion was made to approve the minutes of the regular monthly Meeting of May 4, 2021 by Dawn Dyson and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Reports:

Dog Control Officer: A motion was made to accept the Dog Control Officer's report by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Zoning Officer: A motion was made to accept Mr. Stabinsky's report by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Parks & Recreation: A motion was made to accept Mrs. Jones' report by Dawn Dyson and seconded by Doug Avery.

Mrs. Dyson stated Mrs. Jones is doing a great job. She is working on getting the pool open – she did a lot of work out there. Mr. Ferrara stated it's looking like the pool will be open towards the end of the month. He indicated there is a resolution later in the Meeting to free up some of the money from last year for the repairs. He added they have been unable to detect the leak, but, hopefully in the fall, they can address it.

The above motion made by Dawn Dyson and seconded by Doug Avery to accept Mrs. Jones' report was 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. Avery stated the Sidewalk project is starting; also, milling and paving this month. Mr. Peterson stated the Sidewalk project started today. They will start milling roads on June 14th and 15th, and then they will be blacktopping after that - he will have it out on Code Red.

Mr. Ferrara stated there is still a problem with graffiti off the Trail at Veterans' Bridge. The Highway Department cleaned it up again. He, the Chief and Mr. Peterson are working on a proposal for the July Meeting for a Trail camera.

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

Assessor: A motion was made to accept Mrs. Von Wald's report by Steve Churchill and seconded by Dawn Dyson.

Mrs. Von Wald stated she spoke with Mr. Zukowski who said based on her real estate background and being a previous Appraiser, they can step it up and have her do some extra things. She recommends going for the full shot of \$195,000. Mr. Ferrara said her recommendation is a reval is necessary; Mrs. Von Wald responded yes. She mentioned that the equalization rate went from 92.5% three years ago to 85%. She added it's not fair because every resident is beginning to become unequal. Mr. Ferrara stated the worst case scenario is \$195,000. They are still trying to lower that price if they can include Mrs. Von Wald doing some work and other people doing some work. Mr. Ferrara said the Board will have to make some decisions – do a reval; start it in 2021 and finish in 2022 which means it's not budgeted; or it becomes a 2022 budgeted item and starts in 2022. Mr. DeLelys stated he feels it should be put in the budget for 2022.

A motion was made to do the re-evaluation of properties in 2022 and budget for it during the 2022 budget process by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 naves.

Mr. Ferrara said he will leave it up to Mrs. Von Wald to talk with Mr. Zudowski. Mr. Avery asked if the Board has to do an RFP; Mr. Ferrara said he didn't think so. Mr. Morrell stated it's a limited pull of people that can do this sort of work. He added the Town has a Procurement Policy – just follow the Procurement Policy. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dawn Dyson to do the re-evaluation of properties in 2022 and budget for it during the 2022 budget process was carried 5 ayes, 0 naves.

Attorney for the Town: Mr. Morrell stated he was in touch with David Hou who appeared on behalf of the Town before the Fourth Department with the ongoing legal challenge of the Town's Local Law that revokes the 2025 restriction on landfill activities. That challenge continues; the Appeal was heard earlier this month. Mr. Morrell noted there is also the ongoing challenge and now appeal of the Town's Local Law regarding parking restrictions that were imposed on E. Bayard Street and Route 89 corner. The Town successfully defended the Article 78, and now that is being appealed.

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

Mr. Avery stated they are working on some of the security issues. He said they are waiting for more information on the intake pipe; if anything needs to be done, they will put it off until next year. Mr. Avery referred to the generator and asked if they are waiting for NYSEG; Mr. Tullo responded that a check is being sent out this week – it has to be paid first before they will put out a work order. Mr. Ferrara asked Mr. Baker if he is okay on waiting on the intake pipe until 2022. Mr. Baker replied yes, there are issues but it's been 15 years or so since they have been identified. One of the things they are looking at on the study of the Water Plant is the recommendation they incorporate that study. Brief discussion followed.

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

Town Justices: A motion was made to accept the reports of Judge Lafler and Judge Kelley by Dave DeLelys and seconded by Michael Ferrara.

Mr. DeLelys stated in discussion with the Court Clerks, they said there is a lot of paperwork coming in from the State. The workload is picking up due to mandates from the State.

The above motion made by Dave DeLelys and seconded by Michael Ferrara to accept the reports of Judge Lafler and Judge Kelley was carried 5 ayes, 0 naves.

Police Chief: A motion was made to accept Chief Peenstra's report by Dave DeLelys and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 naves.

Barton & Loguidice: Mr. Baker commented on the accident here on Water Street. One of the projects they are working on is that pump station. Once that project is completed, that building will be removed, and there will be a smaller kind of kiosk. He added hopefully, that building will be gone this time next year. Mr. Ferrara commened that it might help solve the problem.

Mr. Churchill referred to the Frank Knight Sidewalk Project, He said north from the High School to Leland Drive, there is no sidewalk, but there are a lot of kids walking up the road at 2:15 P.M. There are cars going to and from the School, busses are leaving. He wondered how it was overlooked putting a sidewalk in that area. Mr. Ferrara said it wasn't overlooked; that's Phase 3 if the board moves in that direction. He said this is Phase 2 which is encumbered around Frank Knight School and ends at the Middle School parking lot. Mr. Churchill said maybe we can take some of the old sidewalk that is being taken out and put it along the baseball field – it's not a good situation. Mr. Baker stated he looked at that area. He will share Mr. Churchill's concerns with Matt Schooley who is the Project Manager. Mr. Avery asked when would the Board be making a decision about Phase 3; Mr. Ferrara replied sometime early next year – we would have to start the grant process with Ms. Palumbos. Mr. Ferrara stated we did add a little bit; the sidewalk will be brought from the Middle School parking lot up to the stadium entrance because there is no sidewalk. He added the School District was concerned because when the kids come out of the stadium they had no place to walk, so it was included in the project. Mr. Ferrara said they will check it out.

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

Emily Palumbos stated they worked with Barton & Loguidice on doing two submissions for Kingdom Road. The US Senate came out with some funding; B&L did one for Kingdome Road and they did one for Rumsey Street Bridge and the Culvert. Ms. Palumbos said six grants were put in on behalf of the Town. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dawn Dyson to accept the report of MRB Grant Writing Services was carried 5 ayes, 0 naves.

SF Development Corporation: Mr. Avery stated the SF Development Corporation did not meet this month; they will be meeting the end of this month. He said the DRI is out. There is a great mix of municipal projects and private projects. He noted Farmers Market starts June 15th and runs from 3:00 P.M. to dusk.

Communications:

A motion was made to receive and file Communications numbered 1 to 9 by Dave DeLelys and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 ayes. Communications numbered 1 to 9 are as follows:

1. Town Clerk and Tax Receiver Audit Report for year ending December 31, 2020 from Bonadio & Co. LLP.
2. Condition Assessment Report for the Auburn Road Tower from Utility Service Corp., Inc.
3. Minutes of the Heritage Preservation Commission Meeting of April 27, 2021.
4. Condition Assessment Report for the Van Renssalaer Tower from Utility Service Corp., Inc.
5. Minutes of the Town Planning Board Special Meeting of April 26, 2021.
6. Minutes of the Town Zoning Board of Appeals Meeting of April 22, 2021.
7. Letter from SF Central School District listing Candidates who were elected to the SF Central School District Board of Education.
8. Checks and deposits totaling \$831,119.38 representing reimbursement for culvert pipe; dumpster fees; wireless data fee; copy of incident report; Retirees insurance; BFD fuel reimbursement; SFCSD – SRO reimbursement; disability reimbursement; copies of Police reports; burial fees; surplus items sold; 1st quarter Landfill revenue; Judge Lafler's April report; Judge Kelley's April report; Vince's Park deposits; tower rent; Town Clerk's March report; SFCSD fuel reimbursement; Town/County taxes interest; and PILOT payments.
9. Monthly report of all monies received and disbursed during the month of February 2021.

Old Business:

Sale of Surplus Property: Mr. Morrell stated there has been some ongoing communications with the title company regarding Village dissolution – the Condo title says Village of Seneca Falls and it is being sold by the Town. Mr. Ferrara asked for a timeline; Mr. Morrell replied he hopes to have it resolved by the next Meeting – he hopes to have it closed by then.

Town Demands Related to SMI License to Operate Landfill: Mr. Morrell stated that was addressed last month

and resolved last month. He said there is an ongoing issue of what comes next which is being discussed as to what is the best procedure to handle alternative resolution, that they could present some type of proposal and forward it to them. Mr. Avery mentioned that the Board has not seen the 2021 permit for approval. Mr. Ferrara proceeded to read the letter that was submitted with the check. After discussion, Mr. Ferrara said we will have a resolution for the permit for the July Meeting. Mr. Morrell said we will get it on the Agenda for July and the Board can discuss it at that time.

Town Manager Feasibility Committee: Mr. Churchill stated that he and Mr. Avery met with two Members of the Committee and the recommendation was to have Mr. Macaluso reach out to CGR. Mr. Avery asked what happens next; they have the revised analysis from Tara Montoney with recommendations, but there hasn't been any response to those – she sent them to Mr. Macaluso. Mr. Avery said his assumption is that the two Boards would get together again and hash this out. After brief discussion, Mr. Ferrara asked if one of the two Board Members could reach out to Mr. Macaluso to see how we want to proceed, and then discuss it in July. Mr. Avery said he would recommend that the two groups meet and talk about it.

Vince's Park – Budget Modifications for Repairs: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

BE IT RESOLVED, that the Seneca Falls Town Board approves the transfer of funds from the Unappropriated Fund Balance in the amount of \$45,000 to the 2021 Vince's Park Budget for the purpose of funding repairs to the pool house. This will allow us to replace carpet with non-slip epoxy, replace broken toilets, paint and replace rotten exterior wood molding with PVC.

Mr. Ferrara stated he is not in favor of keeping Vince's Park open. He is not in favor of using money that was not spent in 2020 because the Park was closed, because that money should have gone to the General Fund. Mrs. Dyson stated the Board decided to open the pool – if we open the pool, we have to make it presentable and safe for the kids. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution approving the transfer of funds from the Unappropriated Fund Balance to the 2021 Vince's Park Budget was carried 4 ayes, 1 nay; Supervisor Ferrara with the dissenting vote.

At 8:00 P.M., the Board took a five minute break, and reconvened at 8:05 P.M.

Local Law #6 – Moratorium: Mr. Churchill stated he would like to clarify proposed Local Law #6 (moratorium) as presented and adopted by this Board to move forward with a Public Hearing in May. It excluded one paragraph. He said Mr. Ferrara was opposed to the language as written; he wanted to add an exclusion for companies that already had projects in the pipeline. At the May Meeting, Mr. Ferrara requested that Mr. Morrell prepare an amendment for June that could be discussed and decided whether it got added to the moratorium. Mr. Churchill stated there is no one version or two versions – there is only one version.

A motion was made that the original proposed Local Law with no exclusion paragraph in it moves to the County Planning Board for review by Steve Churchill and seconded by Dawn Dyson.

A motion was made to amend the original motion made by Councilman Churchill to allow the projects in the pipeline – Mr. Churchill interrupted and said that's not what his motion is about; his motion is accepting the original Local Law as Local Law #6 and moving that to the County Planning Board.

Mr. Ferrara motioned to amend the above motion stating that the proposal sent to the County Planning Board includes the paragraph which excludes projects in the works. Since there was no second, motion did not pass.

The above motion made by Steve Churchill and seconded by Dawn Dyson stating that the original proposed Local Law with no exclusion paragraph be moved to the County Planning Board for review was carried 4 ayes, 1 nay; Supervisor Ferrara with the dissenting vote.

Barbara Reese – Waste Management Committee: Barbara Reese gave an update on the organic recycling program they started. On April 5th, they started the program with Café 19, El Bajio, Downtown Deli and Parkers. Each restaurant has at least one tote that they put food waste in, and it is picked up once a week by Natural Upcycling. Mrs. Reese said they spent \$660.00 of the \$2,500 that the Board authorized. The estimated food waste from the four restaurants is about 600 lbs. a week. She said they would like to move forward on the next phase; the plan is to have a residential drop-off for food waste. They put out a survey and had about 88 residents respond; most of the 88 residents said they would like to participate in the waste drop-off site.

Mrs. Reese stated they would like to make this happen. They need the Town's blessing; zoning to give approval and Mr. Morrell to give them the go-ahead. They also need to submit forms to the DEC; they have to register a site as a transfer facility. It would be serviced once a week by Natural Upcycling; it would require an attendant be on duty when food waste is accepted, and it would require an annual report to the DEC. Mrs. Reese said the location the Committee is looking at is the Town Highway Department as a transfer facility because it already has an attendant on duty and accepts stuff from the Town residents. She added if that's not possible, they would try to find another site to meet those requirements.

Mrs. Reese stated the Committee is asking for the Board's approval to proceed with the next phase; also, for approval from Mr. Morrell and the Zoning Officer. They would also like permission to register the Town Highway Department as a transfer facility for the waste. Mr. Avery stated they had a brief conversation with the Highway Department; Mr. Peterson and Mr. Ferrara are looking into that aspect of it. Mr. DeLelys asked how big the containers were that go to the Highway Department; Mrs. Reese replied they are 64-gallon containers.

Mr. Ferrara said he didn't know what the next step would be to move forward with this – didn't know if Mr. Morrell and Mr. Stabinsky had to talk about zoning. Mr. Morrell said he thinks that would be appropriate – you need something from the Town Board, you need something from the Zoning Officer, something from himself, and then prepare forms for the DEC – application to the DEC as to what the plan is. Mrs. Reese indicated that she has the application, and asked who takes responsibility to fill out the application. Mr. Morrell said he would look at it. After brief discussion, Mr. Morrell suggested that they take the application and go through the Zoning and get a zoning letter; a letter from hi, if needed, and then a formal resolution for the Town Board; then send the completed application with everything in place to the DEC. Further discussion followed.

New Business:

Approval of Special Events: Mrs. Jones stated there are two Events. Boy Scouts want to have a Recruitment Night on June 21st from 5-8; they have most of the paperwork in, but don't have the permit from the Health Department – they are in the process of getting that. She said the other Event is a Neighborhood Block Party on Elwell Street; it's a neighborhood group who wants to get together and close the street off and have a couple of hours to socialize – June 11th from 5:30 to 7:30 P.M. Mr. Avery said it's neighbors who want to have a pandemic almost over get together.

A motion was made to approve the Boy Scouts Recruitment Night Special Event to take place on June 21, 2021 by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Mr. Ferrara referred to the Block Party and said he doesn't like the precedent it is setting. Mr. DeLelys mentioned that Pinehurst Drive was closed off by the Village when his son graduated. Brief discussion followed.

A motion was made to approve the Block Party on Elwell Street on June 11, 2021 by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara asked if this has been discussed with the Police. Chief Peenstra replied he has seen the application; as far as public safety, it's easy to block off. They did file an instrument for the COVID Plan, but he doesn't know if it has been approved by the Committee yet.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to approve the Block Party on Elwell Street on June 11, 2021 was carried 4 ayes, 1 nay; Supervisor Ferrara with the dissenting vote because he doesn't like the precedent it is setting.

Proposed Local Law #6 – 2021: Mr. Morrell stated action cannot be taken until the Board receives the County Planning Board's review. It will be carried over until next month.

Highway Resolution – Modify Street Plan Budget (CHIPS Program): A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Highway Department would like to add to the budget \$322,776.97 from the CHIPS Program and Pave NY Program, and the Extreme Winter Recovery Program; and

WHEREAS, this money will go into the Street Plan DA5110.408 account for paving.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does hereby authorize the money for the Street Plan to go into Account DA5110.408 for paving.

Mr. Avery stated this is CHIPS money that we get every year; the Town pays first and then the State sends a check. He added this is to arrange for the paving that's going to go on this Summer.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution modifying the Street Plan budget was carried 5 ayes, 0 nays.

Resolution in Support of Bridge NY Application (Veterans Bridge): A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town of Seneca Falls Town Council (hereinafter referred to as the Council) supports the submission of a 2021 New York State Department of Transportation (NYS DOT) Bridge NY Grant Program to rehabilitate the Veterans Memorial Bridge; and

WHEREAS, the NYS DOT Bridge NY Culvert Program provides assistance for local governments to rehabilitate and replace bridges and culverts with particular emphasis on projects that address poor structural conditions, mitigate weight restrictions or detours, facilitate economic development and improve resiliency and reduce flooding risk.

NOW, THEREFORE, BE IT RESOLVED, the Council, on behalf of the Town, identifies the Town Supervisor as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED, if Bridge NY funding is awarded the Town, Council does hereby authorize and obligate funding to cover the remaining project costs; and

BE IT FURTHER RESOLVED, that the Town of Seneca Falls recognizes and fully supports the submission of the 2021 NYS DOT Bridge NY Grant application.

No questions. Motion carried 5 ayes, 0 nays.

Resolution – NYS DOT Bridge NY SEQR (Veterans Bridge): A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town intends to submit a grant application to the 2021 Bridge NY Program, under the bridge rehabilitation category for the rehabilitation of the Veterans Memorial Bridge (hereinafter referred to as Action, and please note that this SEQR resolution is only for the submission of a grant application, and not for the ultimate construction of any project), in the Town of Seneca Falls; and

WHEREAS, the Town intends to be the lead agency responsible for the administration of any awarded funds.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council does hereby classify the above referenced Action to be a Type II Action under Section 617.5 © (27) of the State Environmental Quality Review (SEQR) Regulations which states “conducting concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage to or approve such action”; and

BE IT FURTHER RESOLVED, that Type II actions are not subject to further review under Part 617 of the SEQR regulations; and

BE IT FINALLY RESOLVED, that the Town Council in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file of this Action.

No questions. Motion carried 5 ayes, 0 nays.

Resolution in Support of Bridge NY Application (Bayard Street Culvert): A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town of Seneca Falls Town Council (hereinafter referred to as the Council) supports the submission of a 2021 New York State Department of Transportation (NYS DOT) Bridge NY Grant Program application to replace the Bayard Street culvert; and

WHEREAS, the NYS DOT Bridge NY Culvert Program provides assistance for local governments to rehabilitate, replace bridges, culverts with particular emphasis on projects that address poor structural conditions, mitigate weight restrictions or detours, facilitate economic development while improving resiliency as well as reduce flooding risks.

NOW, THEREFORE, BE IT RESOLVED, the Council, on behalf of the Town, identifies the Town Supervisor as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED, if Bridge NY funding is awarded the Town, the Council does hereby authorize and obligate funding to cover the remaining project cost; and

BE IT FURTHER RESOLVED, that the Town of Seneca Falls recognizes and fully supports the submission of the 2021 NYS DOT Bridge NY culvert grant application.

Mr. Churchill referred to second Resolve which states “the Council does hereby authorize and obligate funding” and said he didn’t think the Board made a decision to pay for replacement of the culvert. The last action the Board took was we would see Canal Corps in Court, if that is what it took. He added this is saying if we get the grant, then we are committed to provide the additional funds to replace the culvert. He doesn’t think the Board should support this. Ms. Palumbos stated with DOT, you do have to commit that you will pay for the rest of the project. Further discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution supporting the grant application for the Bayard Street Culvert Replacement did not carry, as the vote was 1 aye, 4 naves; Supervisor Ferrara voting yes and Councilpersons Dyson, Avery, DeLelys and Churchill voting no.

Resolution – NYS DOT Bridge Street SEQR (Bayard Street Culvert): A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, the Town intends to submit a grant application to the 2021 Bridge NY Program; under the culvert replacement category for the replacement of the Bayard Street culvert (hereinafter referred to as Action, and please note that this SEQR resolution is only for the submission of a grant application, and not for the ultimate construction of any project); and

WHEREAS, the Town intends to be the lead agency responsible for the administration of any awarded funds.

NOW, THEREFORE, BE IT RESOLVED, the Town Council does hereby classify the above referenced Action to be a Type II Action under Section 617.5 © (27) of the State Environmental Quality Review (SEQR) regulations which states “conducting concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action”; and

BE IT FURTHER RESOLVED, that Type II Actions are not subject to further review under Part 617 of the SEQR regulations; and

BE IT FINALLY RESOLVED, that the Town Council in making this classification has satisfied the procedural requirements under SEQR and directs this resolution to be placed in the file on this Action.

Mr. Avery asked if Ms. Palumbos recommends the Board pass this even though it didn't pass the resolution of support. Ms. Palumbos replied correct, because it's referenced in the discussion that we are doing everything we can to be prepared for this project, including the SEQR action.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution relative to the NYS DOT SEQR process for the Bayard Street culvert was carried 4 ayes, 1 nay; Councilman Churchill with the dissenting vote.

Resolution – Adopt New Parking Ticket: A motion was made by Dave DeLelys and seconded by Steve Churchill to adopt the following resolution:

WHEREAS, it is the recommendation of the Police Department that the Town parking ticket be updated to reflect recently updated Town Code parking regulations.

THEREFORE, BE IT RESOLVED, that the Town Board approves the updated parking ticket to be utilized by the Police Department and Town Court.

Chief Peenstra stated at the last Board Meeting, the Board finalized all the new Town Code sections to reflect New York State sections so that the Officers can go through and check the appropriate section and submit the ticket. It also updates the ticket for updated procedural fitness. The Chief noted it has been approved by Mr. Morrell and the Judges, and they are ready to move forward with it.

The above motion made by Dave DeLelys and seconded by Steve Churchill to adopt the above resolution approving the updated parking ticket was carried 5 ayes, 0 naves.

Proposed Local Law – Residency Requirement for Zoning Officer: A motion was made by Doug Avery 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 remove the restriction that requires the Town Zoning and Code Enforcement Officer to reside within the Town; NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 7 of the year 2021 entitled “a Local Law Amending to Supercede NYS Public Officers’ Law Section 3 and 30 to Provide for Residency of the Town Zoning and Code Enforcement Officer” 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 IF FURTHER RESOLVED, that the aforesaid proposed local law be referred to the Seneca County Civil Service Officer for review and recommendation; and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed local law at 6:00 PM on July 6, 2021; 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 naves.

Water/Sewer Credits:

A motion was made to approve the Water/Sewer credits totaling \$5,595.84 as per Memo dated June 1, 2021 by Steve Churchill and seconded by Michael Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Mr. Avery pointed out that the first one on the list was denied last month for lack of information. She has now provided the information.

The above motion made by Steve Churchill and seconded by Michael Ferrara to approve the Water/Sewer credits totaling \$5,595.84 was carried 5 ayes, 0 nays.

Brad Jones asked if the original Local Law #6 references the methane process facility and puts it on hold for a year. Mr. Churchill said no, it would block it for a year. Mr. Ferrara added any renewable energy project. Mr. Jones referred to the letter sent to the DEC relative to lead agency, and said Mr. Morrell received a letter back – no action taken tonight on lead agency? Mr. Ferrara replied no. Mr. Churchill stated according to their clock the time has expired for anybody to object, so lead agency falls to them. The letter sent to them from the Town states that you can't do that - we need to see a complete application before you stop the clock.

Payment of Bills: A motion was made by Michael Ferrara and seconded by Dave DeLelys to approve and order paid the following bills:

General Fund - \$103,890.37 (Abstract #6)

Recreation Fund - \$4,036.39 (Abstract #6)

Miscellaneous Fund - \$27,968.59 (Abstract #6)

Vince's Park Fund - \$3,042.36 (Abstract #6)

Highway Fund - \$187,945.53 (Abstract #6)

Sewer Fund - \$51,197.46 (Abstract #6)

Water Fund - \$567,489.28 (Abstract #6)

No questions. Motion carried 5 ayes, 0 nays.

Other Business:

Mr. Churchill announced that there is a rally at the DEC this Saturday from 2 to 4 PM. If anyone is interested in attending. He said it's really targeted at the fact that the DEC seems to be giving an awful lot of projects the green light.

Mr. Churchill asked if the Board is interested in having a Special Meeting after the County Planning Board meets on June 10th relative to the Local Law on the moratorium. After brief discussion, it was decided to hold a Special Meeting at 6:00 P.M. on Tuesday, June 15th in regard to Local Law #6 relative to the moratorium.

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

Meeting adjourned at 8:45 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

