

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, February 4, 2020 in the Town Hall Meeting Room, 130 Ovid Street, Seneca Falls.

Present were Supervisor Michael Ferrara; Councilpersons Dawn Dyson, Douglas Avery, David DeLelys and Steven Churchill. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Dean Zettlemyer, Zoning Officer; Deborah VonWald, Assessor; James Peterson, Highway Superintendent; Joseph Tullo, Chief WWTP Operator; Stuart Peenstra, Police Chief; Peter Baker, Town Engineer and a Member of the local media.

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

Open Bids – 10 Fall Street: Mr. Ferrara noted there are four RFPs for 10 Fall Street. He opened and read the bids which are as follows:

Claudia E. Coen, Geneva, New York (Blue Heron Properties)
Gazebo Properties, LLC, Seneca Falls, New York
Joe Sofo, Seneca Falls, New York
Seneca Falls Performing Arts Center, Inc., Seneca Falls, New York

Mr. Ferrara stated that he and Mr. Avery will review the proposals.

Petitioners:

Paul Kelsey – Taxes: Paul Kelsey of Seneca Falls stated the taxes went up 3% to 9% - when are the taxpayers going to get back the 6% on taxes. Mr. Ferrara said when the Board goes through the Budget process in 2020-2021, they will look at spending and revenue. He had no input on this year's Budget as it was done by the previous Board.

Mr. Kelsey referred to the dump and said it's never going to close, but we can make it a little more tolerable by having them pay a little more money. He added people of the Town have to smell it, drive on roads that are broken down and everything else – if we are going to keep the dump, get more money.

Mr. Kelsey stated the Vets should get a bigger decrease in taxes; the Vets are not taken care of in this Town. He said anyone that puts on a uniform, including Police, should have a big decrease in their taxes because when you pull out that weapon, you don't know what is going to happen. He would like the Board to look into what it can do for the Vets – this includes the Police Department, too.

Mr. Ferrara stated the Host Community Agreement with SMI spells out exactly what their contribution is to the Town. He said there is no going back and changing the Host Agreement unless you re-negotiate the Agreement.

Jean Gilroy - SMI: Jean Gilroy of Seneca Falls thanked all the Department Heads and Staff for doing a wonderful job this winter. She also thanked the Board for taking a short moratorium on the SMI renewal permit to operate so that they have a month to think about it.

Mrs. Gilroy stated there is a stink in Seneca Falls and it's getting worse. She drove down Cayuga Street and almost gagged – Cayuga Street – our gateway to Seneca Falls. Three mornings this week, she stepped outside her door and she could smell the dump. Mrs. Gilroy said she know the Landfill is able to redirect a lot of the smell, but you can't redirect the trucks that stink that come in. She stopped sending stink reports because she keeps getting lied to – they think she doesn't know the difference between manure, cabbage and Landfill odor.

Mrs. Gilroy stated she re-visited the Election - she is very comfortable being a loser. She re-visited the Election because our Town is working so hard to grow and shine with our DRI Initiative. She re-visited the Election because it's money vs. people – it's right vs. wrong. She mentioned that certain influential Republicans received gift cards at Christmas – she got a calendar. Mrs. Gilroy said tonight the Board is going to vote on renew their permit; SMI wins and it will always win whether or not their permit is renewed. She added maybe by not renewing the permit, we can send a message that times up, that we have a grass roots movement for taking back our Town – a Town where the government is for the people and by the people.

Frank Sinicropi – Plowing Sidewalks: Frank Sinicropi of Seneca Falls stated he drives Balsley Road every day and he is concerned that when it snows no one keeps the sidewalks from Kinney Drugs to LNB clean. Most of the people who live at Lakeview don't have vehicles and they wind up walking in the road - people are actually walking on the highway. Mr. Sinicropi asked if the Town would consider plowing that sidewalk to try and keep these people off the road. It's a dangerous situation, not only for the driver, but the pedestrians.

Mr. Ferrara stated he met with Mr. Peterson and Mr. Zettlemoyer and had conversations about this. He said the landowner, according to Town Code, is responsible for cleaning sidewalks. Mr. Ferrara mentioned that once you start cleaning sidewalks, people will come in asking why the Town isn't cleaning their sidewalks. He said it's an ongoing issue, and there is no easy solution. He hopes to have a report in March as to some solution.

Kyle Black – SMI: Kyle Black stated he comes every year at this time to present the 4th quarter check which is \$944,000.00; total contribution to the Town in 2019 was \$3,695,882.00, a little more than the previous year. He said the business partnership between the Town and SMI is doing well for both. He thanked the Board for the continuing partnership. Mr. Black stated he will be coming next month with more details about this year's construction activities that help to control those odors.

Mr. Ferrara stated in January, he talked about respect for Petitioners and respect for each other, and hopefully, we will maintain that decorum. He added there is always going to be controversial issues, and we have to be respectful of each other and listen to each other and move on from those points.

George Reed & Dan Compitello – Delaware River Solar: Dan Compitello stated they will begin construction on the solar projects on Gravel Road and Route 318 in late spring – early summer, and it will take about 2 ½-4 months to complete. Each project will generate 2 megawatts of electrical power which will be able to power about 800 residents locally and some of the surrounding towns in Seneca County. Mr. Compitello said they look forward to the Town approving the PILOT Agreement so that they can schedule construction. He added it will be necessary to have the approvals of the Town, County and School before construction can start.

Mr. Morrell stated he has reviewed the Agreements and had discussions with representatives of Delaware River and the County Attorney. The Agreements are straight-forward and he doesn't see any reason to not go forward with the Agreements.

John VanNiel stated a FOIL request submitted did not name Delaware River on any of the documents. He asked if it was legal for this new Company to come in and take over the permit – shouldn't they have to go through the permitting process. He added is it fair for this new Company to come in and the Planning Board and Zoning Board of Appeals not hear about this. Mr. Compitello stated he did represent Cypress Creek at the time. He mentioned that Delaware River provided documentation to show the transition of the sale of the projects. Mr. Reed added that Delaware River absorbed all of the obligations of Cypress Creek – everything the Town approved and agreed to they are bound by. He said there is absolutely no change in the projects. After lengthy discussion, Mr. Zettlemoyer noted that the permits were issued in July 2019 and they are good for one year.

Approval of Minutes:

A motion was made to approve the minutes of the Public Hearing/Reorganizational and regular monthly Meeting of January 7, 2020 by Michael Ferrara and seconded by Dave DeLelys. 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 Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

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

Commissioner of Parks & Recreation: A motion was made to accept Mr. Spina's report by Michael Ferrara and seconded by Dave DeLelys.

Mr. Spina stated they have the final tally for the fitness room alone. Last year, from January to December, there were 15,703 sign-ins – well over 1,000 a month. He added the equipment takes use and abuse very well. He said they put some purchases off for a couple of years, and later in the Meeting they would like to get approval to purchase some equipment.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to accept Mr. Spina's report was carried 5 ayes, 0 nays.

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

Assessor: A motion was made to accept Mrs. VonWald's report by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

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

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

Chief Peenstra referred to the Women's March on January 18th, and thanked everyone for all their help – all Department Heads and Employees; all assistance received from NYS Police, DEC, Seneca County Sheriff's Department and all Law Enforcement agencies. He said their assistance helped to make that a very good event.

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

A motion was made to accept the Town of Seneca Falls Police Department's annual report for 2019 by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Town Justices: A motion was made to accept the reports of Judge Lafler and Judge Laquidari by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Barton & Loguidice: A motion was made to accept Town Engineer Peter Baker's report by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Mr. Baker mentioned that they are looking at doing a Public Information Meeting regarding Frank Knight School at next month's Meeting.

Attorney for the Town: Mr. Morrell thanked the Board for his appointment and said he is very happy to be here. He said there is ongoing litigation that the Town has that he is jumping into. He requested a brief Executive Session to fully discuss the litigation and how the Town would like to go about it. He requested that the Assessor and Mr. Tullo join the Board in Executive Session.

Communications:

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

1. Rural Future News, Winter 2020 Issue, from NYS Legislative Commission on Rural Resources.
2. Checks and deposits totaling \$23,698.50 representing copies of Police reports; Overtime reimbursement from County (Police); exonerated bail; dumpster fees; Vince's Park deposits; Town Clerk's November and December 2019 reports; Retirees Insurance; Judge Lafler and Judge Laquidari's December 2019 reports; order refund and December 2019 reimbursement for SRO.
3. Letter from NYS Homes and Community Renewal informing Town that the Town's application for assistance under the NYS CDBG Program was not selected for funding for this round.
4. Minutes of the Zoning Board of Appeals Meeting of January 23, 2020.
5. Minutes of the Planning Board Meeting of January 23, 2020.

Old Business:

Bayard Street Culvert: Mr. Ferrara stated he and Mr. Baker met with Senator Helming's Staff regarding Bayard Street and explained the whole scenario and chronology. He said they will reach out to the Commissioner of the Canal Corporation to let them know that they are involved at this point. They will also write letters of support for the Town as far as grants that we will be writing. Mr. Ferrara said the bottom line is the Canal Corporation has said they are not responsible for the repairs. He added they have been working with Mr. Baker to give the Town an engineering scope of the project. He doesn't know how or where the money is going to come from until we know exactly how much it will cost and what grants are going to be available, if any, and still holding out on Canal Corp. Mr. Ferrara contacted David Hou of Boylan Code to look into any legal claims the Town may have against Canal Corp. Mr. Hou said he doesn't know enough information yet, and his preliminary thoughts are that it would be very difficult to do that. He suggested that the Town do a Notice of Claim which gives the Town the option to bring legal charges against the Canal Corps. Mr. Morrell said this preserves the Town's rights going forward. He added this will also serve as notice to whomever is handling this or not handling this with the Canal Corporation that the Town intends to go forward.

Mr. DeLelys asked if we can get the Canal Corp to drain the Canal so we can see what the damage is. Mr. Baker stated the solution is not going to be that culvert. He said that they are looking at repair options, and proceeded to explain repair options, some which are very costly. He mentioned that any solution would require the approval of Ferrara Lumber and Seneca Knit Development Corporation because they own the land where the drainage line is.

Mr. Churchill stated if the Canal is drained, the tunnel is quite large to the point where a person can walk into it or swim into it or use cameras – if you drain it, wouldn't you be able to do a much better inspection. He said isn't there a possibility of putting some drainage pipes in there and filling it in. Mr. Baker responded they are looking at that – that's one of the analysis. He said there was discussion on draining, but there are potential concerns. He added right now, the failure appears to be where the original culvert was installed probably in the 1800s by the Village. Mr. Baker said this is not high on the list of recommendations right now; regardless of what is done, the final fix is a pretty cost prohibitive fix. The final fix would be more cost effective to simply fill that in. Further lengthy discussion followed relative to draining the Canal, options to fix the culvert and pursuing grants. Mr. Ferrara said he and Mr. Baker will look into the drainage of the Canal.

A motion was made to pursue issuing a Notice of Claim to put the Canal Corporation on notice by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Records Building: Mr. Ferrara stated that he, Chief Peenstra and Aaron Passalacqua walked through the Records Building which is not in good shape. He thanked Mr. Passalacqua for getting some of it cleaned up, and Mr. Peterson for supplying a dumpster. He is working with the Grantwriters to try and secure grants for that.

Mr. Ferrara referred to the building on Firemen's Field and said it's a total disaster. With the Board's permission, he would like to go through there and gut the building. He talked with Mr. Spina, Mr. Peterson, Mr. Passalacqua and Mr. Tullo, and said it would be a collaborative effort to strip the building down and get it to its shell.

2020 Census: Mr. Ferrara reminded everybody that the Census will be coming up soon. It's important that all citizens fill out their Census report, as all State and Federal aid is connected to that.

Write-Off Uncollectables Receivables: A motion was made to write off uncollectable receivables in the amount of \$124,272.50 by Michael Ferrara and seconded by Doug Avery.

Mr. Morrell stated this is a carry-over from the CDBG Program that the Town used to have. Mrs. Warfel said it relates to Phil Jordan's loans when he owned The Gould; total is \$124,272.50. This is over ten years ago and was a part of the Program that is no longer active.

The above motion made by Michael Ferrara and seconded by Doug Avery to write off uncollectable receivables in the amount of \$124,272.50 was carried 5 ayes, 0 nays.

Sale of Surplus Property – 60 State Street: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, the Town of Seneca Falls owns property located at 60 State Street; and

WHEREAS, 60 State Street formerly housed the Seneca Falls Police Department and the Town has built a new facility for the Police Department and other Town operations; and

WHEREAS, the Town has solicited proposals for the sale of 60 State Street; and

WHEREAS, the Town received two proposals in response to this solicitation; and

WHEREAS, one of the proposals received would involve the sale of the property to Casey and Christopher Galloway, which would place the property back on the tax rolls, create jobs and contribute to the local economy.

NOW, THEREFORE, the Town Board of the Town of Seneca Falls hereby accepts the proposal submitted by Casey and Christopher Galloway for the purchase price of \$90,000.00; and

FURTHER, the Town Board hereby agrees to negotiate the specific terms of the purchase and sale contract to transfer 60 State Street to Casey and Christopher Galloway; and

FURTHER, that this resolution is subject to permissive referendum and will take effect 30 days from the date of adoption or after the permissive referendum process is completed.

Mr. Avery stated that he, Mr. DeLelys and Joel Murney-Karsten reviewed the proposals, and met with the Galloways. They feel their proposal is sound and is exciting for Seneca Falls. They enthusiastically support this proposal. Mr. Churchill asked what the specific terms of the purchase and sale contract are. Mr. Morrell replied everything else that is within a standard purchase and sale contract of real estate that does not include the price. He noted this is a resolution – not a contract for purchase and sale of real estate. They will proceed to seek a contract and work out the details. Mr. Avery referred to the referendum and asked if the clock starts

tonight. Mr. Morrell replied the clock starts tonight on the permissive referendum – 30 days starts from today. He said either there is a petition submitted with sufficient numbers of signatures to challenge this or 30 days go by. He added if a petition comes in, that starts a whole other process which culminates in this being on a ballot (Special Election); if that doesn't happen, this becomes effective 30 days from tonight. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Doug Avery to adopt the above resolution for the sale of 60 State Street was carried 5 ayes, 0 nays.

Adopt Procurement Policy: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the 2020 Procurement Policy.

Frank Ruzicka asked if the corrective action plan for the audit was addressed – it said there was a couple of significant issues with the Procurement Policy. He asked if a corrective action plan was ever filed, and the Procurement Policy actually addressed the deficiencies that were noted. Mr. Ferrara stated there was a corrective action plan submitted by the former Board. Mr. Ruzicka said all Mr. Lazzaro did was submit a letter saying he agreed with the findings. Mrs. Warfel stated there was a corrective action plan submitted. Mr. Ruzicka suggested an audit be done on the purchases for the last six months, and make a list of what you actually need to support a purchase – you should have documentation explaining your decisions. Mr. Ferrara said Mr. Ruzicka's suggestion is to completely rewrite the Procurement Policy. Mr. Ruzicka replied yes.

Mr. Churchill said he recommended that this be tabled last month – he didn't have an opportunity to really look into it. He agrees with Mr. Ruzicka that the Policy can be improved – he doesn't think the whole thing needs to be rewritten, but it certainly can be improved. He suggested a Committee be formed to work on this. Mr. Ferrara suggested that Mr. Churchill, Mr. Ruzicka and one other Member of the Board work on this.

Mr. Ferrara withdrew his motion to adopt the 2020 Procurement Policy, and Mr. DeLelys withdrew his second to the motion.

Renew SMI License to Operate Landfill: A motion was made to renew SMI's license to operate a Landfill by Michael Ferrara and seconded by Dawn Dyson.

Mr. Avery stated there are two things he would like to ask before the Board considers this, both of which can be done within the next month – one being that the Solid Waste Management Advisory Committee be re-constituted (it was disbanded by the previous Supervisor). The second is – he is asking Kyle Black for an opportunity, in a respectful setting, for us and him to sit and air some of these complaints. He added every year, prior to this being on the Agenda, there should be an opportunity for people to talk to people at the Landfill. Mr. Ferrara strongly suggested that the Board review the HCA as there are a lot of provisions in the Agreement for interaction between the Board and SMI. He also suggested that Board Members contact SMI and have a discussion with them.

Mr. Churchill stated he contemplated supporting the renewal of the license when they are suing the Town. It's costing the Town money and is not necessary. He added the HCA says the Landfill will close in 2025; there is no reason for them to challenge Local Law #3. Mr. Churchill said as long as that is in place, he will never support renewing that license again. After further discussion, Mr. Black said he would be happy to sit down with the Board anytime.

Mr. Ferrara withdrew his motion to renew SMI's license to operate a Landfill, and Mrs. Dyson withdrew her second to the motion.

Mr. Ferrara said if anyone is interested in joining the Solid Waste Management Committee, please contact him or his Secretary; Jean Gilroy volunteered to serve on the Committee. After discussion regarding a Public and Town Board Meeting with Mr. Black to discuss some of the issues, the date of Thursday, February 27th at 6:00 P.M. was set for a Special Meeting to discuss SMI concerns and their permit application.

New Business:

Approval of Special Events: A motion was made by Michael Ferrara and seconded by Doug Avery to approve the following resolution:

Be it resolved that the Town Board approves the Seneca Falls Little League Opening Day Parade on April 25, 2020 pending submittal of proof of Insurance.

No questions. Motion carried 5 ayes, 0 nays.

A motion was made by Michael Ferrara and seconded by Dawn Dyson to approve the following resolution: Be it resolved that the Town Board approves the Girl Scouts of NYPENN carrying the Torch Event on July 18, 2020, with proof of Insurance already submitted. No questions. Motion carried 5 ayes, 0 nays.

Mr. Ferrara stated that he, Chief Peenstra and Mr. Spina met with the Scouts. He thinks it's going to be a great event for Seneca Falls as a lot of girl scouts and families are coming in. Mr. Spina mentioned that in the email he received today, they expect about 800 participants.

Adopt Investment Policy: Mr. Ferrara stated this has to be done on a yearly basis, and is recommended by the Comptroller's Office.

A motion was made to adopt the Investment Policy by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Adopt Employee Assistance Program Agreement: A motion was made to adopt the Employee Assistance Program Agreement for 2020 at a cost of \$1,827.00 by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Adopt Employee Handbook Change: A motion was made to approve changing the Supervisor's letter in the Employee Handbook by Michael Ferrara and seconded by Steve Churchill. No questions. Motion carried 5 ayes, 0 nays.

RFPs – 10 Fall Street: Discussed earlier in the Meeting.

Contribution Request – It's a Wonderful Life Committee (2019 Request): A motion was made to contribute the 2019 budgeted amount of \$4,000 to the It's a Wonderful Life Committee as it is a benefit to the Community by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Contribution – Finger Lakes Television: Mr. Ferrara mentioned that they broadcast the Town Board Meetings.

A motion was made to contribute \$2,100 to Finger Lakes Television for support in broadcasting of Town Board Meetings by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays,

Approve Per Diem Checks for Attendance at Association of Towns Meeting: A motion was made to approve issuance of per diem checks for those attending the Association of Towns Meeting in New York by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Ferrara stated in moving forward, he is recommending that two Board Members go each year. He hopes they can come back with information that can benefit all five of the Board Members.

Resolution – Proposed Local Law #2 – 2020: Mr. Morrell stated the Heritage Preservation Commission is constituted at seven Members; Planning Board and Zoning Board of Appeals have five Members. This proposed local law would contract that down to five Members, and would also allow for two Alternate Members as we do with the Planning Board and Zoning Board of Appeals. Mr. Ferrara mentioned that the HPC is in favor of the local law to make it consistent with the Planning Board and Zoning Board.

A motion was made by Michael Ferrara 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 amend the number of members of the Heritage Preservation Commission from seven to five and to provide for alternate members.

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No. 2 of the year 2020 entitled "A Local Law to Amend Chapter 13 of the Code of the Town of Seneca Falls, New York to Reduce the Number of Members of the Heritage Preservation Commission From Seven to Five and to Provide for Appointment of Alternate Members" be and the same is hereby introduced before the Town Board of the Town of Seneca Falls, New York; and

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

BE IT FURTHER RESOLVED, that the Town Board will hold a Public Hearing on said proposed Local Law at the Town Offices, 130 Ovid Street, Seneca Falls, New York at 6:00 P.M. on March 3, 2020; 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 five (5) days prior thereto.

No questions. Motion carried 5 ayes, 0 nays.

Resolution – Approve Utilizing Water Capital Reserve to Install New Carbon Dioxide System: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, approval of expenditures cannot occur without supplying the funds to cover the expense; and
WHEREAS, the Town wishes to continually improve water quality.

THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does hereby approve utilizing \$380,000 of the Water Capital Reserve to install a new carbon dioxide (P.H. adjustment) system at the Water Treatment Plant to enhance coagulation.

This decision to be revisited upon receipt of the 2019 fourth quarter Landfill revenue with the possibility of Board approval of returning the funds utilized to the Water Capital Reserve.

The Principal Account Clerk is authorized to make the appropriate Budget modifications to the Water Budget.

Mr. Morrell asked if it is necessary to take money out of Capital Reserve – why is the Board doing this at all. Mrs. Warfel replied it is not budgeted. He asked where the money is coming from; Mrs. Warfel replied Capital Reserve. Mr. Morrell asked – when is the money going to be replaced; Mrs. Warfel responded her understanding is you can utilize the reserve to fund this project – the request is to go back and re-visit this and decide what is going to be done with the 4th quarter Landfill revenue – if this can be utilized instead of replacing the reserve. Mr. Morrell asked if the 4th quarter Landfill revenue was budgeted; Mrs. Warfel replied no – we are getting it tonight. He asked then why is there a need to take the money out of the reserve fund.

Mr. Avery said he would prefer that the Board not act hastily on where the 4th quarter check is going to go. Mr. Morrell stated the State of New York would prefer that procedures are followed for taking money out of capital reserve fund which would require a permissive referendum. Mr. Morrell asked Mr. Tullo what the timing was on this – how close is this money to be expended. Mr. Tullo replied if it's approved – very short. He added they need to get this started; it has to be approved by the DOH – it's a whole new system. Mr. Morrell said he would be more comfortable if there were more specifics on what is involved, what is the timing – is this an expenditure of the Capital Reserve fund or is this a borrowing of the Capital Reserve fund. He suggested that the Board not act on this tonight – doing anything with the Capital Reserve fund needs to be looked at a lot more closely and a lot more formally. More lengthy discussion followed.

Mr. Ferrara withdrew his motion to adopt the above resolution utilizing Capital Reserve funds, and Doug Avery withdrew his second to the motion. Mr. Ferrara noted this will be on the Agenda next month.

Highway – Purchase Three Mowers: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, the Highway Department would like to purchase three mowers for the cemeteries. Two quotes were received, one from Martin's Outdoor Power for \$24,435.00, and the other from Seneca Farm & Home for \$25,236.00. These proposals that were submitted were based on State bid price. The recommendation is to go with Martin's Outdoor Power for \$24,435.00; and

WHEREAS, the Highway Department will use these machines for maintaining the three cemeteries they take care of.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does hereby authorize the purchase of three mowers from Martin's Outdoor Power for \$24,435.00. This is a budgeted item for 2020.

No questions. Motion carried 5 ayes, 0 nays.

Highway – Purchase Used Van Truck: 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 used van work truck not to exceed \$10,000.00. They would like the money to be available when they find the truck they want; and

WHEREAS, the Highway Department will use this vehicle for keeping supplies and tools in it when on a job.

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Falls Town Board does hereby authorize the money to be available when such vehicle is found to be purchased. This is a budgeted item.

No questions. Motion carried 5 ayes, 0 nays.

W/S – Authorize B&L Write Specs/Plans for Carbon Dioxide Injection System: No action at this time.

W/S – Create Deputy Chief Water Plant Operator Position and Fill Position: A motion was made by Michael Ferrara and seconded by Dawn Dyson to adopt the following resolution:

WHEREAS, the Town Water/Sewer Department is in need of creating a Deputy Chief Water Plant Operator position; and

WHEREAS, the position has been budgeted for in 2020 (\$3,000.00).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls Town Board does hereby authorize the creation of said Deputy Chief Water Treatment Plant Operator position, and the Board also appoints James Varricchio to that position with a stipend of \$3,000.00 a year.

Mr. Churchill mentioned that the Board appointed Deputy Chief Water Plant Operators in January – this is not one of those? Mr. Tullo replied no, people that were appointed in January were the Chief Wastewater Operator deputies; this is at the Water Plant. Mr. Churchill asked if there was a reason why he wasn't appointed in January. Mr. Tullo replied he didn't have the position created. Mr. Churchill asked why are we creating a new position – this position never existed in the Water Plant? Mr. Tullo responded he was the Chief Operator of the Wastewater Treatment Plant and the Distribution System; now, he is the Chief Operator of both Plants and the Distribution System. He cannot be the only Supervisor being everywhere making decisions that are written as to what these deputies do beyond being an Operator. Mr. Churchill said it seems like he's building an empire in the Water and Wastewater Treatment Plants. Further discussion followed.

The above motion made by Michael Ferrara and seconded by Dawn Dyson to adopt the above resolution creating Deputy Chief Water Plant Operator position and filling the position was carried 4 ayes, 1 nay; Councilman Churchill with the dissenting vote.

W/S – Purchase F550 Pickup with Dump Body: A motion was made by Michael Ferrara and seconded by Doug Avery to adopt the following resolution:

WHEREAS, the Town Water/Wastewater Department would like to purchase a F550 pickup with a dump body; and

WHEREAS, we received a bid on the State Bid Concession Program from Sheppard Ford of Canandaigua for \$50,796.50.

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the purchase of this truck from Sheppard Ford of Canandaigua for \$50,796.50.

Mr. Tullo said he is only going to buy this truck; the other \$40,000 is going into Water reserve. Mr. Churchill asked what the year of the truck was; Mr. Tullo replied 2010.

The above motion made by Michael Ferrara and seconded by Doug Avery to adopt the above resolution authorizing the purchase of a F550 pickup with dump body was carried 5 ayes, 0 nays.

Mr. Ferrara stated we have to come up with an Asset Management Plan. In that plan, all the equipment is mapped out as to when to replace each piece of equipment, and it can be budgeted appropriately. He added Barton & Loguidice has some previous information; that process has to start before the Budget.

Adopt Credit Card Policy: A motion was made to adopt the Town of Seneca Falls Policy for Credit Card Usage by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Ferrara noted this is in line with the corrective Action Plan.

Reduce Women's Hall of Fame Water Bill - June 2018-June 2019: A motion was made to reduce the Women's Hall of Fame water bill by one-third (\$3,738.83) by Michael Ferrara and seconded by Doug Avery.

Mr. Ferrara stated that the Contractor applied for a meter during construction from June 2018 to June 2019. The bill was over \$10,000, and the Hall of Fame said there is no way that could have happened. They are asking for a one-third reduction. Mr. Ferrara said in discussion with Mr. Tullo, he said they probably left the water on so it wouldn't freeze. Mr. Avery mentioned that we do this for residents, but not on that scale.

The above motion made by Michael Ferrara and seconded by Doug Avery to reduce the Women's Hall of Fame water bill by one-third (\$3,738.83) was carried 5 ayes, 0 nays.

Approve Memorandum of Agreement – IT Shared Services Between Town and County: A motion was made to approve the Memorandum of Agreement between the Town and County for IT Shared Services by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara said this has been going back and forth with the County; it is out of Committee at the County and will be going to the full Board. The Agreement is the Town will provide \$45,000 for this position. It will be reviewed after year one to see if it is working; after that, it will be based on an hourly rate for that person. Mr. Ferrara stated he would like to get this finalized with the County – we are drowning in IT issues. Mr. Churchill stated seeing the Board just got this, he doesn't know if the Board can approve it tonight. He added we do have

IT support from Dataprise. Mr. Ferrara said the only reason they were here is because of a situation to scrub the system – we have no IT support.

Mr. Avery stated we have been working on this a long time; we desperately need this. He said we don't need full time - it's good for the Town and for the County. Mr. DeLelys mentioned that the State encourages shared services. Mr. Ferrara said if it doesn't get approved tonight, it won't get approved at the County. He added Mr. Ettman said it was all set to be voted on by the full County Board.

Mr. Churchill asked Mr. Morrell if he was comfortable with this. Mr. Morrell replied he is comfortable with it. He added it's a pilot agreement and has not been done with the County and any municipality. There is also a 90-day notice to withdraw from any side – it's set up for an easy out if it doesn't work.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to approve the Memorandum of Agreement between the Town and County for IT Shared Services was carried 4 ayes, 1 nay; Councilman Churchill with the dissenting vote.

Approve Agreement Between Town and School – Use of Oak Street Garage: A motion was made to approve the Agreement between the Town of Seneca Falls and Seneca Falls Central School District for the temporary use of the Oak Street garage by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara stated also included is the Town will allow the District to fuel their vehicles from our pumps; they will be billed monthly for fuel usage. There is also an arrangement for a portable lift to work on buses. The Town will pay one-half and the School will pay one-half – this is for trucks and buses. Mr. Churchill said he thinks what they are buying is more than they need. Mr. DeLelys mentioned that the lift itself is \$22,816.61 – there are a lot of additional items.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to approve the Agreement between the Town of Seneca Falls and Seneca Falls Central School District for the temporary use of the Oak Street garage was carried 5 ayes, 0 naves.

Approve PILOT – Delaware River Solar: A motion was made to approve the PILOT Agreement for two solar projects of Delaware River Solar by Michael Ferrara and seconded by Dawn Dyson.

Mr. Morrell stated this is a PILOT Agreement – two projects and two PILOTS. The two PILOTS are fairly straightforward, and relates to Town taxes which goes on the County tax bill. He said the property that is there now is designated as Agricultural use with ag exemptions – that property would no longer be designated as Agricultural – it would be vacant land. The PILOT addresses improvements to the land. Mr. Morrell mentioned that the School has already approved the PILOT, and said the wording in the proposed PILOT is acceptable.

The above motion made by Michael Ferrara and seconded by Dawn Dyson to approve the PILOT Agreement for the two solar projects of Delaware River Solar was carried 5 ayes, 0 naves.

Request to Forgive Women's Interfaith Institute Emergency Repair Costs: Mr. Ferrara explained that emergency repairs had to be made to the building as there was a safety issue. The Town paid the bills and it's been sitting out there and has not been paid; no lien has been put on the property. They are asking that the \$16,000 be forgiven. Mr. Morrell explained that the Town Code does allow the Board to take emergency action when necessary; the Town Code also provides that the Town can put full cost on a tax bill. The situation here is the property is exempt for taxes and special assessments. In this particular case, forgiving the debt would be a gift, a gift that would be contrary to the New York State Constitution Article 8, Section 1.

Mr. Avery mentioned that the Town just forgave \$3,000 from the Hall of Fame, and forgave the debt from the Gould. He said sometimes it turns out it's in the best interest of the Town. Those people will be locked out of the DRI if there is an outstanding debt. Mr. Avery said if the Board says no, it risks seeing that building the way it is for the future. Mr. Ferrara stated this is illegal based on Municipal Law – you have to work within the law. Discussion followed.

Mr. Morrell stated if the Board is talking about a reduced amount – a compromise of a debt - when you do that, exchanging a large debt for a smaller debt doesn't benefit the Town. Exchanging a large debt for a smaller amount of cash, cash would be more beneficial to the Town than a debt. He added if there is a prospect of immediate payment of a reduced amount, that's different than let's forgive a certain percentage of debt. Further discussion followed.

Steve Churchill made a motion to accept \$8,000.00 in payment from the Women's Interfaith Institute by February 19th; if they can come up with that, the Board will settle the debt. Mr. DeLelys seconded the motion.

Mr. Churchill made a motion to amend the above motion to read that the Board will accept \$8,000.00 in cash by February 19th to settle this debt. Mr. DeLelys seconded the amended motion.

Mr. Ferrara asked Ms. Stokes if that was doable. Ms. Stokes replied she didn't know how she could raise \$8,000.00. Mr. Churchill said it's better than getting turned down for \$16,000 – you have 19 days.

The above motion made by Steve Churchill and seconded by Dave DeLelys to amend the original motion to read the Board will accept \$8,000.00 in cash by February 19th to settle this debt was carried 3 ayes, 2 naves; Supervisor Ferrara and Councilwoman Dyson with the dissenting vote.

A motion was made to accept the original motion as amended to accept \$8,000.00 in cash by February 19th to settle this debt by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Contribution Request – It's a Wonderful Life Museum: A motion was made to contribute \$20,000 to It's a Wonderful Life Museum as it is a benefit to the Town by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara noted that the Board agreed to this at Budget time in 2019. He said if this is approved, the Board will need an item by item expense of the money. Brief discussion followed.

A motion was made by Steve Churchill to amend the original motion to read contribute \$10,000 to It's a Wonderful Life Museum. Since there was no second to the motion, the motion did not carry.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to contribute \$20,000 to It's a Wonderful Life Museum as it is a benefit to the Town was carried 5 ayes, 0 naves.

Year-End Budget Transfers: A motion was made to approve the Year-End Budget transfers dated December 31, 2019 by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Contribution Request – Seneca Museum/Seneca Falls Visitors Center: Mr. Ferrara stated last year, the Board worked out a new agreement with the Visitors Center that was not approved by the Board. The previous Supervisor signed the Agreement which was not approved by the Board.

A motion was made to approve the 2020 Agreement between the Town of Seneca Falls and the Seneca Museum of Waterways and Industry by Michael Ferrara and seconded by Doug Avery.

Mr. Ferrara reviewed the differences between the old contract and the new contract: 5-year contract instead of three years; Town responsible for maintenance of building and for Canal and Fall Street security; all repairs responsibility of Town; and it was \$50,000 annually, now \$67,000 (increase of 3% every year). Rhonda Destino said they are here to answer any questions. If the Board wants to go with three years instead of five years – that's fine. She said we need to move forward with this. Further discussion followed.

A motion was made to amend the Agreement to read three years instead of five years by Dave DeLelys. Since there was no second to the motion, the motion did not carry.

The above motion made by Michael Ferrara and seconded by Doug Avery to approve the 2020 Agreement between the Town and Seneca Museum of Waterways and Industry was carried 5 ayes, 0 naves.

A motion was made to approve the budgeted contribution of \$53,000 requested by Seneca Museum of Waterways and Industry/Seneca Falls Visitors Center by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

Mr. Ferrara noted that this is something that went through the Budget process. He said the Board will need item by item expenditures of that money.

Visitors Center HVAC and Floor Repairs: Mr. Ferrara stated there are two bids for the HVAC which is required as per the Procurement Policy. There is one bid for the floor repairs, and they are working on getting a second bid. He would like approval, when they get a second bid, to go ahead and spend the money – cost is between \$17,000-\$25,000.

Mr. Ferrara referred to the bids for the HVAC which are as follows:

Trane U.S., Inc., Rochester, NY - \$27,284.00

Belle Services, Seneca Falls, NY - \$27,625.00

A motion was made to accept the bid of Trane U.S., Inc. in the amount of \$27,284.00 by Dave DeLelys and seconded by Doug Avery.

Mr. Morrell said the Board wants to go with the lower bid. He quoted the following from the Procurement Policy: "The Town Board of the Town of Seneca Falls finds and determines that the award of public contracts to Individuals and entities located within the Town of Seneca Falls and neighboring municipalities would help promote local economic activity and thereby generate additional sales tax revenues which would benefit the Town and its taxpayers. For contracts awarded under procedures outlined in this Procurement Policy and not subject to the public bidding requirements of General Municipal Law Section 103, the Town Board may award such contract to a bidder other than the lowest bidder where such other bidder submits a bid not exceeding the otherwise lowest bid by more than ten percent (10%) and:

- a. is located and doing business within the Town of Seneca Falls, or
- b. where there is no such bidder from the Town of Seneca Falls located within a Town that borders the Town of Seneca Falls, or
- c. where there is no such bidder from the Town of Seneca Falls or its adjacent towns located within the County of Seneca."

Mr. Morrell stated Mr. Belle resides in the Town of Fayette which borders the Town of Seneca Falls, and there are no other bids from within the Town. Trane equipment have been allowed to be specific within the Town. If the Board saw a benefit of standardizing its equipment, it could be justified in going with that direction.

A motion was made to accept the bid of Trane U.S., Inc. in the amount of \$27,284.00 by Dave DeLelys and seconded by Michael Ferrara. No questions. Motion did not carry as the vote was 1 aye, 4 nays; Councilman DeLelys with the yes vote and Supervisor Ferrara, Councilpersons Dyson, Avery and Churchill with the dissenting votes.

A motion was made to accept the bid of Belle Services for the HVAC work at the Visitors Center in the amount of \$27,625.00, a business located in a neighboring municipality of Seneca Falls and said bid not exceeding the lowest bid by more than 10%, by Michael Ferrara and seconded by Steve Churchill. No questions. Motion carried 5 ayes, 0 nays.

Floor Repairs: Mr. Morrell stated you cannot force people to give bids. If you made a request, you need documentation as to people or groups contacted, even though bids were not forthcoming. He added if you have a bid less than \$35,000 (this is a Public works contract) you can go forward. Otherwise, the bid will require formal advertising because it's over the threshold. Brief discussion followed.

A motion was made to spend up to \$25,000.00 to repair the floors at the Visitors Center by Michael Ferrara and seconded by Steve Churchill. No questions. Motion carried 5 ayes, 0 nays.

Parks/Rec – Employee Salary Adjustments: Mr. Spina stated Duane Swim has been employed for six years; he should be at midpoint which is \$17.42 an hour.

A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution: Be it resolved that the Town Board approves the salary adjustment of Duane Swim (Laborer 4) from \$16.56 to \$17.42 an hour. This adjustment will place him at the midpoint of the Town's Salary Matrix for his position. No questions. Motion carried 5 ayes, 0 nays.

Mr. Spina stated Alissa Barnes has been employed for six years as Recreation Aide. This year, they hired a Recreation Aide who is making the same as Alissa.

A motion was made by Michael Ferrara and seconded by Dawn Dyson to adopt the following resolution: Be it resolved that the Town Board approves the salary adjustment of Alissa Barnes (Recreation Aide) from \$11.80 to \$12.50 an hour. This adjustment will place her at an hourly rate that reflects her 6 years' experience at the Community Center. No questions. Motion carried 5 ayes, 0 nays.

Parks/Rec – Purchase of Security Camera Upgrade: Mr. Spina said they went with Covert Security as he is the common vendor with all of our camera security upgrades. This is something that was requested in my Budget from Chief Peenstra. Mr. Morrell asked if this replacing the whole thing or are these parts of a larger system.

Mr. Spina replied they are replacing the cameras at the Community Center and Boaters Facility. Chief Peenstra mentioned that Covert has the majority minus this Building. He said they are tasked with monitoring and pulling data. If the Town chooses and goes with multiple vendors, they will have multiple software and will have to learn a lot of the system and how it operates. Mr. Morrell stated by the same reasoning, right now there is two – he suggested getting a second request.

After further discussion, Mr. Ferrara said this will be put off until there is another quote.

Parks/Rec – Purchase of Fitness Room Equipment: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

Be it resolved that the Town Board approves the purchase of the Fitness Room Equipment as listed:

Life Fitness Treadmill, Life Fitness Crosstrainer, XT-4700 Elliptical Trainer and Life Fitness Exercise Bike.

Vendor is G&G Fitness of Williamsville, NY and cost for the purchase through NY State Contract is \$17,479.10, and includes \$1,075.00 equipment trade-in discount. This is a 2020 budgeted item.

Mr. Spina stated this is replacing the equipment – the treadmill is 8 years old and crosstrainer is 10-12 years old. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution approving the purchase of Fitness Room Equipment was carried 5 ayes, 0 nays.

Barton & Loguidice – Approve Additional \$6,955 for 2019 Engineering Services: A motion was made authorizing the Town Supervisor to sign the amendment to the 2019 Agreement with Barton & Loguidice and approve the additional \$6,955 for 2019 Engineering Services by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara stated for different projects coming up, in order for the Town to due due diligence, it has other engineering groups look at the projects and give the best price for the project. He is not talking about hiring another Town Engineer – we have a Town Engineer. He is talking about specific projects that come up.

The above motion made by Michael Ferrara and seconded by Dave DeLelys authorizing the Town Supervisor to sign the amendment to the 2019 Agreement with Barton & Loguidice and approve the additional \$6,955 for 2019 Engineering Services was carried 5 ayes, 0 nays.

Authorize Town Supervisor to Sign Engagement Letter – 2019 Audit: A motion was made authorizing the Town Supervisor to sign the Engagement Letter for the 2019 Town Audit by Michael Ferrara and seconded by Steve Churchill. No questions. Motion carried 5 ayes, 0 nays.

Police - Wal-Mart Grant: Chief Peenstra stated they applied and received \$1,500 from a Wal-Mart Community Grant. He would like the equipment line item to be modified to include this grant.

A motion was made to modify the budgeted Police Equipment Line Item to include \$1,500 from the Wal-Mart Community Grant by Dave DeLelys and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Water/Sewer Credits: A motion was made to approve the Water/Sewer credits in the amount of \$490.68 as per Memo dated February 4, 2020 by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

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 - \$627,128.04 (Abstract #2)

Recreation Fund - \$27,835.89 Abstract #2)

Miscellaneous Fund - \$38,286.17 Abstract #2)

Vince's Park Fund - \$792.97 (Abstract #2)

Highway Fund - \$33,345.61 (Abstract #2)

Sewer Fund - \$48,980.28 (Abstract #2)

Water Fund - \$21,373.21 (Abstract #2)

No questions. Motion carried 5 ayes, 0 nays.

Mr. Churchill stated the Visitors Center has a large amount of stone inside the lobby which is part of the falls. He asked Mr. Peterson if he would look at it and get the stone out of there. He suggested moving it out to the Town Barn and find a use for it. Brief discussion followed.

At 9:58 P.M., a motion was made to go into Executive Session to discuss ongoing litigation in the matter of Mr.

Koch and his building; Water Department/Minnoe Article 78; the Gould building assessment challenge and the former OTB assessment challenge, by Michael Ferrara and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

A motion was made to reconvene the regular Meeting at 10:15 P.M. by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

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 nays.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk