

The Seneca Falls Town Board held a Special Meeting which was a “live-streamed” Meeting on Tuesday, July 14, 2020 in the Town Hall Meeting Room, 130 Ovid 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 and Peter Baker and Matt Schooley from Barton & Loguidice.

Supervisor Ferrara called the Special Meeting to order at 5:30 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Mr. Ferrara stated Public Meetings are now allowed with 50% capacity, social distancing and wearing of masks. Mr. Ferrara has been working with Mr. Spina who put together a layout of the gym. He asked for the Board’s opinion. The Board’s consensus was to hold the August 4th Meeting in the Community Center gym.

Old Business

Design Proposal – Bayard Street Culvert: Mr. Ferrara stated there were three options; option 3 will not work out because of easement issues with property owners. The Board hired a contractor to do a video with a submarine; the report came back and they were not able to determine the condition of the culvert. Mr. Ferrara said the Board needs to make a decision as to how to proceed – go with option 1 or option 2 or keep it on hold.

Mr. Baker referred to option 2 and said with COVID, they have not been able to meet with the two affected property owners. The section that is north of Bayard Street to the Canal crosses over the Seneca Knit parcel and Ferrara parcel. Mr. Baker stated the concrete box culvert (option 2) is the most cost-effective way to do it.

Mr. Ferrara asked Emily Palumbus (MRB Group) if there was any potential grant money available for this project. Ms. Palumbus stated she and Mr. Baker have discussed this; it could be potentially something that could be for a water quality improvement project grant. She said you could apply for funding to hire an engineer to review the project and to see what is the best way to go about it; it’s a \$30,000 grant to cover an engineering report. She said when it comes to implementation, depending on how the project moves forward, it has to fix a water quality problem. She is not sure it does that – this project is more drainage. Mr. Ferrara stated based on conversations with Mr. Baker and Ms. Palumbus, he is not confident that there will be a lot of grant money available for this project; it will come directly out of Town funds. He doesn’t think the Board is ready to move forward with an engineering proposal until the Board decides what they want to do.

Mr. Churchill stated he reviewed the video of the submarine. There is not much to see, but there is some important stuff – there is a lot of debris in that tunnel, a lot of it large debris. He said is it part of the tunnel falling in – it’s hard to say. There are some very large logs in there and a lot of limestone; some of the limestone that is in there could easily be limestone that essentially has moved down or been pushed down and tumbled into the pond over the years. On the Canal side, there is a tree laying right in the opening of the culvert. Mr. Churchill said he thinks the Town should be exhausting all legal aspects of determining who is responsible for repairing this culvert. There is no clear answer as to who holds the title – the State or the Town. Mr. Churchill said that question should be answered before the Board proceeds.

Mr. Churchill stated maintenance has not been done in years; it’s full of debris – some small and some very large. We need to get the reports and need to know why they stopped; these things need to be answered. It’s going to cost some money for litigation, but he thinks it’s a wise investment and one the Board should pursue.

A motion was made to pursue all the legal aspects to get answers to these questions as to who owns the culvert and why did the maintenance stop by Steve Churchill and seconded by Dave DeLelys.

Mr. Ferrara stated we have explored who owns it – we have done the research and can’t find any title or any documents. They have been through the State and Senator Helming’s Office. He added keep in mind that whatever you pursue, it will be a lot more expensive than what you think it will be. He doesn’t think Mr. Morrell can handle this so we have to bring in outside Counsel. After further discussion, Mr. Ferrara stated with the motion on the floor, they should have a discussion with Mr. Morrell to see what the next step would be.

The above motion made by Steve Churchill and seconded by Dave DeLelys to pursue all the legal aspects to get answers was carried 4 ayes, 1 nay; Supervisor with the dissenting vote.

Mr. Churchill said he would discuss this with Mr. Morrell and Mr. DeLelys will contact the DEC and report back to the Board.

Accept Resignation of William Ross: A motion was made to accept the resignation of part-time Zoning and Code Enforcement Officer William Ross effective July 8, 2020 by Doug Avery and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 nays.

Authorize Advertising for Seasonal, part-time Zoning and Code Enforcement Officer Position: A motion was made to advertise for a seasonal, part-time Zoning and Code Enforcement Officer by Doug Avery and seconded by Dave DeLelys.

Mr. Churchill asked if Mr. Zettlemoyer could make it through the remainder of this season without filling that position. Mr. Avery replied he could, but a lot of things Mr. Ross was focusing on probably would not be focused on. He could get through to the end of the year, but a lot of progress that Mr. Ross made would be lost..

After brief discussion, the above motion made by Doug Avery and seconded by Dave DeLelys to advertise for a seasonal, part-time Zoning and Code Enforcement Officer was carried 5 ayes, 0 nays.

Appoint Waste Management Advisory Committee: A motion was made by Michael Ferrara and seconded by Dave DeLelys to appoint the following as Members of the Waste Management Advisory Committee:

Frank Sinicropi – Term ending December 31, 2021

Jean Gilroy – Term ending December 31, 2022

Dan Babbitt – Term ending December 31, 2023

Barb Reese – Term ending December 31, 2024

Mr. Ferrara stated the Board never officially appointed the Committee. According to Town Law, there is four Members of the Committee and one Board Member who acts as Chairman and doesn't get a vote. Mr. Avery will be the Chair of the Committee. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys appointing the above as Members of the Waste Management Advisory Committee was carried 5 ayes, 0 nays.

Resolution to Purchase Pump – Kingdom Road Pump Station: A motion was made by Michael Ferrara and seconded by Dave DeLelys to adopt the following resolution:

WHEREAS, a pump at the Kingdom Pump Station is failing; and

WHEREAS, an emergency purchase of a replacement pump is needed; and

WHEREAS, Shrier Martin Process Equipment is the sole source provider of said pump.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls Town Board does hereby authorize the purchase of said pump from Shrier Martin for the purchase price of \$9,547.00.

Mr. Churchill asked if there was an emergency backup; Mr. Avery replied there is – there are two pumps, but one is not working correctly. Brief discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to adopt the above resolution authorizing the purchase of a pump for the Kingdom Road Pump Station was carried 5 ayes, 0 nays.

Approve Agreement with MRB – Zoning/Code Enforcement Audit/Re-Writes not to Exceed \$15,000: A motion was made to approve an agreement with MRB to work with Zoning/Code Enforcement audit and re-writes at a cost not to exceed \$15,000 by Michael Ferrara and seconded by Dave DeLelys.

Mr. Ferrara stated our codes are outdated. When the Town and Village merged, things were kind of put together, and our Planning and Zoning Boards were having difficulties with new development coming through. He said that he, the Chair of the Planning Board and Zoning Board, Dave DeLelys and MRB met last week and had a discussion and everyone was in favor of doing some codification in our current codes. Mr. Ferrara stated that MRB will do that process and come back to the Board with recommendations.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to approve an agreement with MRB Group to work with Zoning/Code Enforcement audit and re-writes was carried 5 ayes, 0 nays.

Establish Sidewalk District Committee to make Recommendations for Snow Removal on Balsley Road and Rt. 5&20 Business District: A motion was made to establish a Sidewalk District Committee to make recommendations for snow removal on Balsley Road and Route 5 & 20 Business District by Michael Ferrara and seconded by Dave DeLelys.

Mr. Avery stated after the first Women's March, there were concerns about people walking in the streets from Balsley Road into downtown. The Code says the landowner is responsible for sidewalks, but with some of the

properties on Rt. 5 & 20 (coming into town) there is no one there who would routinely take care of the sidewalks. Mr. Avery stated the Board needs to discuss Balsley Road and Rt. 5 & 20 - the conversation may expand to snow removal in general but we need to do this. He said this would be to create a district and the homeowners would pay an additional charge on their taxes, but in exchange their sidewalks will be taken care of.

Mr. Ferrara stated this Committee would work with Mr. Peterson; Mr. Avery volunteered and one more Board Member is needed; Mr. DeLelys volunteered. Mr. Churchill said he thinks you have to include downtown. Mr. Ferrara stated Anne Sandroni who represents the Business District said it is an issue. A lot of landlords downtown don't clean their sidewalks. He said they will try to include that. Further discussion followed.

The above motion made by Michael Ferrara and seconded by Dave DeLelys to establish a Sidewalk District Committee for snow removal on Balsley Road and Route 5 & 20 was carried 5 ayes, 0 naves.

Matt Schooley (B & L) – Frank Knight Safe Routes to School Project: Mr. Ferrara stated the project is over budget. The Town approved \$395,000 for the Town's share of the project that coincides with the grant; due to increased construction cost, it would cost the Town an additional \$265,000 to do the project as designed.

Matt Schooley stated the total cost of the project is \$2.4 million; the shortfall is \$265,000. He met with Mr. Ferrara, Mr. Peterson and Chief Peenstra to talk about ways to potentially cut cost, one being the chain link fence along the trail section of the project between schools – it can be done at a later date. As for the steel conduit, it can be PVC and would save about \$20,000. Mr. Schooley talked to the State about potentially reducing the amount of sidewalks. The State came back and said as long as we maintain the length of those routes to school, we can reduce the amount of sidewalk work - they would allow a 20% reduction. Mr. Schooley said with these alone, it would cut the cost about \$200,000, and leave about a \$65,000 gap.

Mr. Schooley said they are moving into final design, so now would be the time to talk about places to cut. Mr. Ferrara asked if this would be a major redesign if the scope of the project was cut back. Mr. Schooley replied no. Mr. Ferrara said in cutting out some of the footage – is it as simple as crossing it out of the design and not doing it. Mr. Schooley replied yes – we don't show it in the design. Mr. Ferrara said (in Mr. Schooley's opinion) if the Board decides to go with reduction of the scope of the project, can the project get reduced to get to the original \$395,000 investment. Mr. Schooley replied yes.

A motion was made to reduce the scope of the Frank Knight Safe Routes to School project to keep the Town's investment at \$395,000 by Michael Ferrara and seconded by Dawn Dyson.

Mr. Churchill stated he would like to see what the new proposal looks like without a lot of engineering work before the Board approves it. Discussion followed relative to cutting out some of the sidewalks. Mr. Avery said he would like to see what the sidewalk cuts are going to be. Mr. Ferrara suggested that between now and the August 4th Meeting, Mr. Schooley share with the Board exactly what streets are being done and what the reductions are.

Mr. Ferrara withdrew his motion to reduce the scope of the Frank Knight Safe Routes to School project and Mrs. Dyson withdrew her second to the motion.

SEQR and Resolution – Equalization Tank Improvement Project: Mr. Baker stated he discussed this with Mr. Morrell, and the recommendation is to go through what B&L did. He said one of the comments from SHPPO during the coordinated review was what is the visual from the Elizabeth Cady Stanton house. Their response was - given the shape of the tank it will be about 13' higher at the center of the current tank. They don't believe there is a visual effect because where the Cady Stanton house is, there is a pretty hefty tree line. Discussion followed relative to the site placement of the tank.

Mr. Churchill asked what is put in place to mitigate or protect these tanks from leakage directly into the Canal. Mr. Baker replied the tanks are not required to be double contained; that would be a significant cost if we had to do this. He said anything related to wastewater is a single wall tank. We are using a pre-stress concrete tank; the sidewalls of these are 18" thick – it's a pretty substantial tank. Further discussion followed.

Mr. Baker reviewed Part 2 of the Full Environmental Assessment Form with the Board. Potential impacts identified in Part 2 of the FEAF that were listed as small or moderate to large were discussed in detail.

Mr. Ferrara said once approval of SEQR – what is the timeline. Mr. Baker replied they have a design that is about 70% in place. The next step is submitting it to the DEC. He said once the Resolution is adopted, it will posted to The Environmentalist; once that is posted, SEQR is done.

A motion was made by Michael Ferrara and seconded by Dave Delelys to adopt the following Resolution:
 WHEREAS, the Town of Seneca Falls (Town) is proposing the Town of Seneca Falls Equalization Tank Improvements Project (Project) located in the Town of Seneca Falls, Seneca County, New York; and
 WHEREAS, the Project has been classified as a "Type 1 Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and
 WHEREAS, the Town of Seneca Falls Town Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and
 WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Seneca Falls Town Board serving as Lead Agency for the Project; and
 WHEREAS, pursuant to the SEQRA Regulations, the Town of Seneca Falls Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seneca Falls Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of Seneca Falls Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Seneca Falls Town Board, as Lead Agency, hereby directs the Town of Seneca Falls Supervisor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

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

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| Supervisor Michael Ferrara – yes | Councilman Steve Churchill - yes |
| Councilman Doug Avery – yes | Councilwoman Dawn Dyson - yes |
| Councilman Dave DeLelys – yes | |

The foregoing Resolution was thereupon declared duly adopted.

B & L Agreement – Amendment #2: Mr. Baker stated this has to do with the backup generator design for Auburn Road Water Tower which is required to provide continued operation of the system during power outages.

A motion was made to approve Amendment #2 of the B&L Agreement by Michael Ferrara and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 naves.

B & L Agreement – Amendment #3: Mr. Baker stated this has to do with Water Treatment Plant backup generator. The existing generator's fuel system was leaking, and a spill report was filed with DEC. The existing generator and diesel tank, along with contaminated soil, will need to be closed out. Estimated fee is \$5,500.

A motion was made to approve Amendment #3 of the B&L Agreement by Michael Ferrara and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 naves.

Mr. Ferrara said he thinks the Board should put themselves in a position where it can competitively bid different projects. He said this is nothing against B&L – he has the most respect for the Organization and the Engineers, but he thinks the right thing to do is comparatively shop.

Being there was no further business, a motion was made to adjourn the Meeting by Doug Avery and seconded by Dawn Dyson. No questions. Motion carried 5 ayes, 0 naves.

Meeting adjourned at 7:36 P.M.

Respectively submitted,

NICALETTA J. GREER
 Town Clerk

