

Town of Sennett Board Meeting Minutes
March 19, 2019

Minutes of the Town of Sennett Town Board Meeting held on Tuesday March 19, 2019 at the Town of Sennett Office Building at 7:00 PM.

Members Present: Peter Adams, Supervisor
Jerrold Eades, Councilman
James Jeffers, Councilman
Richard Gagliardi, Councilman
Kristopher LaPointe, Highway Superintendent
Ronald Schalck, Water & Wastewater Superintendent
Richard Andino, Town Attorney
Penelope Dennis, Town Clerk

The meeting is opened with the pledge to the flag.

The minutes of the previous meeting are approved on a motion made by Councilman Eades, seconded by Councilman Gagliardi, 4 ayes 0 nays 1 absent, carried.

Financial Report: The AUD is in. The auditors will be here within the next few weeks,

Old Business: There was a water project workshop meeting held last week to discuss the grant, possible funding options, and the steps/process to be followed.

The waterline installation to the CH4 Generate location is discussed. Attorney Andino updates the board. There is a new agreement that has been presented to the board; a new person in charge; the agreement has been signed by the CH4 director, and the check for \$20,000.00 has been put into an escrow account. A motion is made by Councilman Jeffers to authorize the Supervisor to sign the agreement with CH4, with the understanding that no construction will begin until the preconstruction meeting is held, and the insurance has been reviewed and approved by the Town Attorney, seconded by Councilman Eades. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried.

The need for professional financial services is discussed. It is a requirement for the EFC and RD funding for the grant. There are two companies to consider – bpd Municipal Finance and Fiscal Advisors & Marketing. They will guide the town through all steps of the financing. The costs/contracts are reviewed by the board. After discussion the following resolution was done:

TOWN BOARD RESOLUTION March 19, 2019 - AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A FINANCIAL SERVICES AGREEMENT IN CONNECTION WITH THE TOWN OF SENNETT WD#3 IMPROVEMENT PROJECT

The following resolution was offered by Councilman Eades, who moved its adoption, and seconded by Councilman Gagliardi, to wit:

WHEREAS, the Town of Sennett Town Board has undertaken consideration of a water project in the Town benefiting Water Districts No. 3 and No. 1; and

WHEREAS, the Town Board previously adopted a Negative Declaration and completed its SEQRA review relative to the Water Project; and

WHEREAS, the Town Board previously adopted a Resolution and Order to approve the construction and of the Water Project pursuant to Section 202-b of the Town Law; and

WHEREAS, it is anticipated that financial advisory services for the financing of said Water Project will be necessary to accomplish the goals for the supply of a reliable source of water in the improvement area, as described in the Map, Plan and Report; and

WHEREAS, the Town of Sennett desires to engage financial services from professionals with experience in such matters; and

WHEREAS, the Town of Sennett has been presented with a Financial Advisory Services Agreement dated November 29, 2018 by Fiscal Advisors & Marketing, Inc.; and

WHEREAS, the Town of Sennett desires to engage the services of Fiscal Advisors & Marketing, Inc. for such purposes pursuant to the terms of said Financial Advisory Services Agreement; and

WHEREAS, the engagement of Fiscal Advisors & Marketing, Inc. for such services constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE BE IT RESOLVED that the Town of Sennett Town Board hereby authorizes the Town Supervisor to execute the proposed Financial Advisory Services Agreement between the Town of Sennett and Fiscal Advisors & Marketing, Inc. relative to certain financial services relative to the formation and construction of the Town of Sennett West Central Water Improvement Project

(Districts No. 1 and No. 3) and to take such other and further actions as are necessary to engage such services. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Jerrold Eades	Councilman	Voted	Yes
Richard Gagliardi	Councilman	Voted	Yes
James Jeffers	Councilman	Voted	Yes
Edward Rizzo	Councilman	Voted	Absent
Peter Adams	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The LaBella for project services is discussed. After discussion this item is tabled until further information is obtained, and items are corrected.

Ag district lateral restrictions are reviewed and discussed by Attorney Andino. These restrictions are only for the properties within the ag district. Supervisor Adams reads the letter from Ag & Markets regarding this. The following resolution is made by Councilman Jeffers and seconded by Supervisor Adams:

TOWN OF SENNETT WATER DISTRICT NO. 3 IMPROVEMENTS LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Sennett has proposed improvements to the Town of Sennett Water District No. 3 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Jericho Road (County Road 15A), Grant Avenue (NYS Route 5), Depot Road (County Road 87B), Healy Road, County House Road (County Road 85), and Mutton Hill Road, and

WHEREAS, part of the land area within Water District No. 3 is also within Cayuga County Agricultural District No. 5; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 5; and

WHEREAS, the New York State Department of Agriculture and Markets ("Department") has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the "Lateral

Restriction - Conditions on Future Service" specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Sennett imposes the following conditions, on the management of water/sewer lines located along the portions Jericho Road (County Road 15A), Grant Avenue (NYS Route 5), Depot Road (County Road 87B), Healy Road, County House Road (County Road 85), and Mutton Hill Road, included in Water District No. 3, within an agricultural district, a map of which is attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated :

(1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

(2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so,

lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried.

The town is waiting for a response from the USDA regarding the formalizing of the grant.

The Supervisor would like to attend the "State of Cayuga County" luncheon. A motion is made by Councilman Eades to authorize this, seconded by Councilman Jeffers, Roll Call vote: Supervisor Adams abstains, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried.

The Town insurance coverage is discussed and reviewed. Andy Tehan, Trident Insurance agent, was unable to attend the meeting this evening so Supervisor Adams reviews the policy. The values of all areas were increased by 2%. The total cost is \$33,988.00. A motion is made by Eades to approve this policy/coverage, seconded by Councilman Jeffers. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried.

Department Reports: The Highway Department reports that they have plowed another 19 times and have spread over 235 tons of salt; cleaned up roads after high winds; filled pot holes; sent one truck to Brutus to help haul 1b's to mix with the salt; ground brush; trucked all stumps and large chunks of wood; cleaned on top of the hill and in back as far as the woods; all highway employees attended a Dig Safe training at OCC; Kris went to the Capital for Advocacy Day; and dumpsters will be here the first weekend in May. The Water & Sewer Department reports monthly water samples were done as well as monthly water operations reports; attended a dig safe safety class; generator pad was poured; Generator arrived yesterday; reviewing videos of sewer mains; alarm at Butera sewer pump station for pump over load problem was fixed; marking out dig requests; plowed snow around water barn, Franklin St pump station and water tank as needed; washed van several times and dump truck; reviewed information for water project with engineer and met with John Stapleton from

CH4 Generate. Ron asks for permission for Kris LaPointe to attend the NYS Rural Water Conference this year. A motion is made by Councilman Jeffers to authorize this, seconded by Supervisor Adams. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried. Ron has also gotten a request from Lyons Bank to install a separate meter/account for their sprinkler system, They would also like to have no sewer charge as none of the water enters to sewer system. Ron does not have a problem with this, with the minimum service charge though. There is much discussion on this and the various issues that this may create, Some of the Councilman are not in favor of allowing this, Ron reads a recommendation to allow the separate meter/account for the sprinkler system with the minimum sewer charge. Councilman Gagliardi moves to allow this, seconded by Supervisor Adams, 2 ayes 2 nays 1 absent – no action taken, Ron then updates the board about the sewer hook-up at Netti's on John Smith Avenue. They hooked up to the sewer properly with two clean outs. The Town Clerk's report is read and reviewed by the board. The Court report is read and reviewed by the board. The Assessor reports that the assessments are in line/range. The Attorney has nothing more to report.

A motion is made by Councilman Jeffers to open the Public To Be Heard segment, seconded by Councilman Eades, 4 ayes 0 nays 1 absent, carried. Frank Graham, Franklin Street Road, has questions/concerns on the gun range, letters were sent to local and state representatives and the NYS DOCC requesting an informational public meeting. According to DOCC there will not be any public meetings on this. Robert Nash, Franklin Street Road, asks the board if he should approach the board as an ex-employee or as a resident? He has concerns with a letter that he received from the town. He discusses his employment history, etc. He is not happy and would like to be contacted and leaves his phone number. Supervisor Adams will contact the attorney and get back to him. Ron Dennis, Cherry Street Road, questions if the town has seen any reports and or the SEQRA for the gun range? A motion is made by Councilman Jeffers to close the Public To Be Heard segment, seconded by Councilman Eades, 4 ayes 0 nays 1 absent, carried.

The abstract in the amount of \$146,804.06 is approved for payment on a motion made by Councilman Jeffers, seconded by Councilman Eades. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo absent and Councilman Jeffers yes, carried.

The meeting is adjourned on a motion made by Councilman Jeffers, seconded by Supervisor Adams, 4 ayes 0 nays 1 absent, carried.

Respectfully submitted,
Penelope Dennis, Town Clerk

Town of Sennett