

Minutes of the Sennett Town Board meeting held on Monday April 8, 2019 at 6:00 PM at the Sennett Town Office Building.

Members Present: Peter Adams, Supervisor  
Jerrold Eades, Councilman  
Edward Rizzo, Councilman  
Richard Gagliardi, Councilman

Meeting was called to order at 6:00 PM.

The following resolution was offered by Councilor Eades, who moved its adoption, seconded by Councilor Rizzo, to wit:

**WHEREAS**, the Town of Sennett has jurisdiction and responsibility to maintain the safety and general welfare of the public rights-of-way; and

**WHEREAS**, the Town of Sennett Office of Highway Superintendent and the Town Board may establish a permitting process for telecommunication installations in the public rights-of-way; and

**WHEREAS**, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly; and

**WHEREAS**, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the potential adverse effects of wireless telecommunication facilities through an established permitting process; and

**WHEREAS**, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers; and

**WHEREAS**, the Town does not intend to limit the use of in-house wireless communication devices installed solely for the use of the property owner or business; and

**WHEREAS**, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting process and by emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that process may be necessary to continue to pursue these intentions as new technology is proposed to be installed within the Town; and

**WHEREAS**, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called "4G" and "5G" technology.

**NOW THEREFORE, BE IT RESOLVED** that no other agency has the legal authority to adopt the proposed resolution in the Town of Sennett, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect on the environment, thus concluding the environmental review under the State Environmental Quality Review Act; and be it further

**RESOLVED** that the Town of Sennett shall reserve the right to define and/or further define "small commercial wireless facilities," which are defined, in part, by the Declaratory Ruling and Third Report and Order ("Order") issued by the Federal Communications Commission ("FCC") as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider requiring permit review as currently established or as may be established, or as may be modified by local law in the future; and be it further

**RESOLVED** that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons and property within the Town; and be it further

**RESOLVED** that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of Sennett, including visual impacts, existing vegetation, residential character and lighting; and be it further

**RESOLVED** that all applications for the construction or installation of a new small wireless facility or modification of an existing wireless facility shall require the submission of documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Town; and be it further

**RESOLVED** that the Town, consistent with the Order, hereby imposes, at a minimum, the following standards upon small commercial wireless facilities to address aesthetic and safety concerns as part of the review and permitting process:

1. Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
2. Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with and the consent of the municipality with respect to snow removal and storage;
3. To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
4. Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
5. Where appropriate, small wireless facilities in the public right-of-way shall be collocated on existing structures, whenever possible;
6. Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
7. Facilities shall be painted or shielded with street-design materials; and
8. The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

**RESOLVED** that all standards governing small commercial wireless facilities as set forth in the aforementioned Order are hereby acknowledged and reaffirmed; and be it further

**RESOLVED** that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of Sennett, as may be necessary to assist in the review of such permits or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

**RESOLVED** that any approval for a small wireless facility that is proposed for Town property or in the public right-of-way shall require the applicant to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its elected officials, officers, employees, representatives and agents, from any and all damages, costs or charges which might arise out of, or be caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of the small wireless facility; and be it further

**RESOLVED** that the Town of Sennett Town Board hereby establishes an application fee of \$500.00 for a single up-front application of a small wireless facility, that may include up to five (5) sites, and \$100.00 per application for each site thereafter; and be it further

**RESOLVED** that the Town further imposes a recurring charge for each small wireless facility to be situated within the public right-of-way to be \$270.00 per site per year, which shall include all related access, permitting and rental fees.

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

Edward Rizzo	Councilor	Voted	Yes
James Jeffers	Councilor	Voted	Absent
Jerrold Eades	Councilor	Voted	Yes
Rick Gagliardi	Councilor	Voted	Yes
Peter Adams	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

A motion was made by Councilman Eades to approve/accept the USDA RD loan and authorize the Supervisor to sign the acceptance letter, seconded by Councilman Rizzo. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried.

The Supervisor reads a letter that he sent to Robert Nash regarding Health Care costs will be per the Union contract at the time of his retirement with no employee contribution.

Supervisor Adams reads the renewal quote for the Cyber-Security Insurance as presented by the RG Wright Agency Representative Andy Tehan. A motion is made by Councilman Gagliardi, seconded by Councilman Eades to accept the renewal of the Cyber-Security Insurance as quoted. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried.

The draft Fund Balance Policy is reviewed by the board, A motion is made by Councilman Eades to implement the Fund Balance Policy as presented to the board, seconded by Supervisor Adams. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried. Draft passed; we'll implement.

A motion is made by Councilman Rizzo that LaBella be hired to assist the Town on Phase 2 of implementing the water project for WD#1 & WD#3 and authorize the supervisor to sign the agreement letter, seconded by Councilman Gagliardi. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried.

The meeting was adjourned at 7:05 PM on a motion made by Councilman Rizzo, seconded by Councilman Eades, 4 ayes 0 nays 1 absent, carried.

Respectfully submitted,  
Peter Adams, Supervisor  
Town of Sennett

Minutes of the Town of Sennett Town Board Meeting held on Tuesday April 16, 2019 at the Town of Sennett Office Building at 7:00 PM.

Members Present: Jerrold Eades, Councilman/Deputy Supervisor  
Edward Rizzo, Councilman  
Richard Gagliardi, Councilman  
Kristopher LaPointe, Highway Superintendent  
Ronald Schalck, Water & Wastewater Superintendent  
Richard Andino, Town Attorney  
Penelope Dennis, Town Clerk

Due to the absence of Supervisor Adams, the meeting was opened by Deputy Supervisor with the pledge to the flag. A moment of silence was done in memory of Douglas Riley, a former Sennett Councilman and Assessor who recently passed away.

The Bookkeeper reports that the auditors have been here, and she has no concerns with them.

Old Business: The paperwork has been started for the USDA loan for the Water Improvement Project. Also, draft Fund Balance Policy was approved at the meeting held on April 8<sup>th</sup>.

New Business: The preliminary/temporary resolution regarding 5G Technology for wireless communications was also approved at the April 8<sup>th</sup> meeting. Deputy Supervisor Eades discusses the recent meeting with the representatives from the Health Care Consortium and the users. The users felt that it would have been better to have this meeting last fall before the change of insurance coverage. The following resolution is done (Costs have been corrected):

**TOWN OF SENNETT TOWN BOARD RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A USDA RURAL DEVELOPMENT PROJECT MANAGEMENT AGREEMENT IN CONNECTION WITH THE TOWN OF SENNETT WATER DISTRICT NO. 3 IMPROVEMENT PROJECT**

The following resolution was offered by Councilor Rizzo, who moved its adoption, and seconded by Councilor 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 of the Water Project pursuant to Section 202-b of the Town Law; and

**WHEREAS**, it is anticipated that project management services for the USDA Rural Development 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 services from professionals with experience in such matters; and

**WHEREAS**, the Town of Sennett has been presented with a USDA Rural Development Project Management Services Agreement by Labella Associates; and

**WHEREAS**, the Town of Sennett desires to engage the services of Labella Associates for such purposes pursuant to the terms of said Agreement; and

**WHEREAS**, the engagement of Labella Associates 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 USDA Rural Development Project Management Services Agreement between the Town of Sennett and Labella Associates at a cost not to exceed \$3,300 for Phase 1 and a lump sum of \$20,700 for Phase 2 relative to certain project management services relative to the formation and construction of the Town of Sennett West Central Water Improvement Project 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:

<b>Jerrold Eades</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Richard Gagliardi</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>James Jeffers</b>	<b>Councilor</b>	<b>Voted</b>	<b>Absent</b>
<b>Edward Rizzo</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Peter Adams</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Absent</b>

The foregoing resolution was thereupon declared duly adopted.

Department Reports: The Highway Superintendent reports that the department has patching roads, maintenance on equipment, plowed and sanded, loaded dumpsters with mulch, the new truck came in, cut trees on Parcell, Baker,

County Line, Beech, Taylor and Center Street Roads, picked up brush, went to the Hard Hat Expo, attended a NYS mandated excavator certification and a mandated class on safety in the workplace etc., took down snow fence, did some ditching, cleaned up the cemetery, did some yard repairs from plow damage, fixed back alleys in the Parkway and hauled some grindings for the new generator installation for the Water Department. A motion is made by Councilman Gagliardi to transfer \$53,397.22 from the Highway Reserve-Equipment Fund to the Highway Fund (DA), seconded by Councilman Rizzo. Roll Call vote: Supervisor Adams absent, Councilman/Deputy Supervisor Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried. A motion is made by Councilman Rizzo to transfer \$15,531.76 from the Highway Reserve-Equipment Fund to the Highway Fund (DA), seconded by Councilman Gagliardi. Roll Call vote: Supervisor Adams absent, Councilman/Deputy Supervisor Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried. The Water Department reports that monthly water operation reports were done, monthly water samples were done, water meters were read, and bills sent out, marking out dig request (many for Turnpike Road for the county road project), attended a full day of training, almost done doing our spring flushing of dead-end water mains, the generator was set by Sunny Crest at no charge and the electrical work is being done this week. We had the preconstruction meeting for the CH4 water line project on April 2<sup>nd</sup> They want to begin but are waiting for approval of their insurance by the town. Judge Timian reports \$3,539.00 for March. Judge Riley reports \$5,152.00 for March. The Town Clerk reports \$3,947.68 for March. The Court Clerk's report was reviewed by the board. The CEO's report was read and reviewed by the board. Councilman Rizzo moved the following motion, which was seconded by Councilman Gagliardi, to wit: A resolution to approve the proposed settlement of the BJ's Wholesale Club, Inc. v. Town of Sennett Assessor et. al. tax certiorari proceedings (Index Nos. 2016-0618, 2017-2596, 2018-0788) for 2016/17 at an assessed value of \$5,550,405, for 2017/18 at an assessed value of \$5,736,891, for 2018/19 at an assessed value of \$5,643,648, which proposed settlement shall be formalized in a written settlement agreement and shall be subject to final review by the Town Attorney. Roll Call vote: Supervisor Adams absent, Councilman/Deputy Supervisor Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried. A motion is made by Councilman Gagliardi to authorize Jeff Lowe, Assessor to schedule Grievance Day on June 4, 2019, seconded by Councilman Rizzo. Roll Call vote: Supervisor Adams absent, Councilman/Deputy Supervisor Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried.

The Public To Be Heard segment is opened on a motion made by Councilman Rizzo, seconded by Councilman Gagliardi, 3 ayes 0 nays 2 absent, carried. Kris LaPointe questions the Fund Balance Policy, there is discussion on this. The



Public To Be Heard segment is closed on a motion made by Councilman Rizzo, seconded by Councilman Gagliardi, 3 ayes 0 nays 2 absent, carried.

The abstract in the amount of \$498,646.47 is approved for payment on a motion made by Councilman Rizzo, seconded by Councilman Gagliardi. Roll Call vote: Supervisor Adams absent, Councilman/Deputy Supervisor Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers absent, carried.

The minutes of the previous meeting are approved on a motion made by Councilman Gagliardi, seconded by Councilman Rizzo, 3 ayes 0 nays 2 absent, carried.

The meeting is adjourned on a motion made by Councilman Gagliardi, seconded by Councilman Rizzo, 3 ayes 0 nays 2 absent, carried.

Respectfully submitted,  
*Penelope Dennis*, Town Clerk  
Town of Sennett

Minutes of the Town of Sennett Town Board Meeting held on Tuesday May 21, 2019 at the Town of Sennett Office Building at 7:00 PM.

Members Present: Peter Adams, Supervisor  
Jerrold Eades, Councilman  
Edward Rizzo, Councilman  
James Jeffers, Councilman  
Richard Gagliardi, Councilman  
Kristopher LaPointe, Highway Superintendent  
Richard Andino, Town Attorney  
Penelope Dennis, Town Clerk

The meeting is opened with the pledge to the flag. The minutes of the April meetings are approved on a motion made by Councilman Eades, seconded by Councilman Rizzo, 4 ayes, 0 nays, Councilman Jeffers abstains, carried.

Representatives from the Insero & Co. CPA's, LLP firm to go over the 2018 audit that they recently completed for the town. They explained the procedures that they followed, support opinions, overall the town's numbers are good, and they gave various recommendations for future use. This is the draft format.

Old Business: Water District Project - the Supervisor and Bookkeeper met with Kathy Dear from LaBella and went through the paperwork, discussed the necessary BAN and finished the administrative paperwork.

New Business: A motion is made by Councilman Gagliardi authorizing Supervisor Adams to sign the Loan Authorization paperwork with the USDA Rural Development, seconded by Councilman Rizzo. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers yes, carried. Attorney Andino explains the various forms and resolutions. Updates will be sent via email, RD is the financing, EFC also, and others are starting. The SEQRA will be redone also.

Town Park Phase III: Councilman Eades explains the equipment and various extra necessities that are part of Phase III. A motion is made by Supervisor Adams to approve the Park Phase III project in the total amount of \$28,049.40, seconded by Councilman Rizzo. Roll Call vote: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers yes, carried. Supervisor Adams reminds the board that the Town is also eligible for a \$75,000.00 grant for the Park.

Available Grants: Supervisor Adams states that there are various grants available from NYS – LaBella; Empire Grants. Block Grants, grants for W&S projects also. The information is available for the boards review.