

Minutes of the Town of Sennett Town Board Meeting Held on Thursday, May 18, 2023, at 6:30 PM at the Sennett Town Office Building.

Members Present: Thomas Blair, Supervisor
Richard Gagliardi, Councilman
Michael Wellauer, Councilman
Edward Rizzo, Councilman
Robert Edmunds, Councilman

Also Present: Kristopher LaPointe, Highway Superintendent
Kristopher LaPointe, Water & Sewer Superintendent
Cheri Major, Bookkeeper
Harold Gilfus, Code Enforcement Officer
Kathleen Salisbury, Town Clerk
Ed Magdziak, William Feocco, Jim Vivenzio, Bill Faulkner, Jim Sevier, Caleb Slater, Cameron Lewis (AT&T rep), residents
Remotely:
Jon Hinman (MRB), Rich Andino (Atty), Kari Terwilliger (Cayuga County Planning), Mark Gregory (TrafficLogix), Jim Jeffers, Tom Gray

CALL TO ORDER - The meeting is called to Order at 6:30 pm.

PLEDGE OF ALLEGIANCE - The meeting is opened with the pledge to the flag and a prayer by Supervisor Blair.

ROLL CALL - Town Clerk Salisbury opens the meeting with a Roll Call, Councilman Gagliardi, Councilman Wellauer, Councilman Rizzo, Councilman Edmunds, and Supervisor Blair are present.

APPROVAL OF MEETING MINUTES - Meeting Minutes for April 20, 2023 are reviewed and approved by the Board, motion made by Councilman Edmunds and seconded by Councilman Wellauer; 5 Ayes 0 Absent 0 Nays. Carried.

PUBLIC HEARING(S) - Supervisor Blair advises there are two public hearings on the agenda for two new local laws

Motion to open public hearing by Councilman Edmunds, seconded by Councilman Wellauer regarding Local Law A-2023, changing Highway Superintendent from elective to appointed at 6:33 p.m. All in favor. 5 Ayes 0 Absent 0 Nays. Carried. There were no comments from the public, public hearing will stay open.

Motion to open public hearing by Councilman Wellauer, seconded by Councilman Gagliardi regarding Local Law 3-2023, Video Conference Meetings, replacing current one in effect at 6:35 p.m. All in favor. 5 Ayes 0 Absent 0 Nays. Carried. There were no comments from the public, public hearing will stay open.

SCHEDULED SPEAKERS

- MRB Group (WD #s 1 & 3) - Jon Hinman of MRB advised their report was in the Board’s packet. The MRB field rep will be on site during the Water System Expansion project. MRB has presented a proposal to prepare an evaluation of the feasibility of Hospitality Overlay Water District water system expansion to East Genesee Street, Mandy Rue, Carrie Court and portions of Swamp Road in the amount of \$4,600. A discussion is held.

A motion is made by Councilman Wellauer, seconded by Councilman Rizzo to authorize the proposal from MRB to move forward with the feasibility of Hospitality Overlay Water District evaluation in an amount not to exceed \$4,600.

Roll call vote:

- Councilman Gagliardi Yes
- Councilman Wellauer Yes
- Councilman Rizzo Yes
- Councilman Edmunds Yes
- Supervisor Blair Yes
- Motion carried 5 Ayes 0 Nays 0 Absent

- Kari Terwilliger - Ms. Terwilliger advised the Committee met and they are working on the updates to the Overlay District. The Committee is asking if the Town Board would allow a change for special use permits to be a PB decision instead of a ZBA decision to streamline matters. A discussion is held and it is determined the change is welcomed to streamline the process.

A motion is made by Councilman Wellauer, seconded by Councilman Rizzo to authorize the Overlay Committee to change the special use permit process to be presented to the Planning Board and to remove from the Zoning Board of Appeals duties. All in favor. 5 Ayes 0 Absent 0 Nays. Carried.

They will hold two meetings in June and will hold a public meeting in August.

- Mark Gregory - Councilman Wellauer went over the speed radar signs and trailers the Town would like to purchase. Mr Gregory of TrafficLogix went over the benefits of speed safety signs and the different types. TrafficLogix is under the Sourcwell Buying Contract, therefore, it satisfies our procurement policy requirements. After discussion, it was decided four signs and two trailers would be purchased by the Town.

A motion is made by Councilman Gagliardi, seconded by Councilman Rizzo, to purchase two (2) 15-inch solar fixed signs, two (2) 15-inch movable solar signs and two (2) trailers for the SP Traffic Speed Signs, in an amount not to exceed \$22,000.00, said funds being used from ARPA.

Roll call vote:

- Councilman Gagliardi Yes
- Councilman Wellauer Yes

Councilman Rizzo Yes
Councilman Edmunds Yes
Supervisor Blair Yes
Motion carried 5 Ayes 0 Nays 0 Absent

PUBLIC BE HEARD - Motion is made by Councilman Edmunds to open the Public Be Heard Period, seconded by Councilman Wellauer. All in favor. 5 ayes 0 nays 0 absent, carried.

James Sevier & Bill Faulkner, Trustees of the Sennett Rural Cemetery – Mr. Sevier advises the Trustees of the Sennett Rural Cemetery do not have the funds to pay to have the lawn mowed at the cemetery and asks the Town for assistance, either from the Highway employees or to provide the funding for the mowing the cemetery. Attorney Andino advises as long as the cemetery is a public cemetery, the Town can provide financial or in kind assistance. Mr. Sevier advises it is a public cemetery. The Trustees have two proposals to mow. One is for \$350 per cut and will cut every 10 days and the other is \$450 per cut and will cut twice per month. Both parties carry insurance.

After discussion, a motion is made by Supervisor Blair to authorize Alan Stroud of Upstate Landscapers to provide mowing services, providing a certificate of insurance listing the Town of Sennett as an additional insured, in an amount not to exceed \$700 to have 2 mows done the cemetery lawn, seconded by Councilman Edmunds. In the meantime, the Town will see if any Sennett resident is interested in the mowing job. The services under this agreement with Mr. Stroud will cease at the end of June. If no Sennett resident is interested, the Trustees may offer continuation of services to Mr. Stroud.

Roll call vote:

Councilman Gagliardi Yes
Councilman Wellauer Yes
Councilman Rizzo Yes
Councilman Edmunds Yes
Supervisor Blair Yes
Motion carried 5 Ayes 0 Nays 0 Absent

- Cameron Lewis – AT&T representative provides the Board with FirstNet information available for the Town’s phone cell phone plans for priority availability on the network for fire, fire responders, etc. and the Town is available for this service as well, and a family discount for the network.

- James Vivenzio – there is flooding at the Sharon Drive & Victory Drive area. Is it Town infrastructure or private property. The overflow continues. The Board will discuss with Highway Department. The homeowners should check their deeds.

- Caleb Slater – Mr. Slater advised he is running for State Senate in our District and stopped in to introduce himself and learn more about Sennett.

With no further comments from the public, a motion to close Public Be Heard is made by Councilman Edmunds, seconded by Councilman Wellauer. All in favor. 5 Ayes 0 Nays 0 Absent, carried.

DEPARTMENT REPORTS

- a. **Attorney** - Mr. Andino advised the Board is in possession of the enactment resolution and Notice of Adoption with regard to Local Law A-2023 for changing the highway superintendent position to abolish elected office and create an appointed office, subject to mandatory referendum.
- b. **Bookkeeper** - Bookkeeper Major advised the sales tax came in in the amount of \$418,310.98. With regard to the NYS AUD reports, the cost to have three years completed by the auditors is \$4,500, by Mrs. Kieffer is \$9,000 and by Ms. Leeson is \$3,200. A discussion is held.

After discussion, a motion is made by Councilman Edmunds, seconded by Councilman Rizzo to hire MaryBeth Leeson to perform consulting services for the AUD reports and complete the 2020, 2021 and 2022 AUD reports for NYS, in an amount not to exceed \$3,200.

Roll call vote:

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes
Motion carried	5 Ayes 0 Nays 0 Absent

Councilman Rizzo advises he would like to discuss moving money into NYClass. Their current rate is 4.85%. LNB increased their rate to 4.75%, Savannah is at 4.65%. A discussion is held by the Board and Bookkeeper.

After discussion, a motion is made by Councilman Rizzo, seconded by Councilman Gagliardi to authorize moving \$800,000 from LNB to NYClass. Further discussion is held. Supervisor Blair advises in his opinion he disagrees with moving money from our hometown bank to a bank outside out town. With no further discussion, a roll call vote is taken.

Roll call vote:

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	No
Supervisor Blair	No
Motion carried	3 Ayes 2 Nays 0 Absent

- c. **Planning Board** - Town Clerk advised Chairman Leamy has not received anything so there will be no meeting in June.
- d. **Code Enforcement Officer/Fire Marshal** - Code Enforcement Officer Gilfus advised his report was in the Board's packet. Issued 8 permits. He has been following up on previously issued permits. Did 3 fire safety inspections.

- e. **Zoning Enforcement Officer** - Councilman Wellauer read the report of Zoning Officer Vevone who advised Mr. Vevone has been busy working on garage setbacks, spoke with DEC on illegal dumping, communicated with Holly Gregg on withdrawing his request for a variance, reviewed with Attorney Andino Variance/Special Use Permit, lot line adjustments, working with Owens-Brockway on their expansion, attending the Ad Hoc Committee meeting, various calls on zoning allowable uses and reviewed preliminary plans on Owens Brockway.
- f. **Assessor** - Councilman Rizzo read Assessor Lowe's report advising he has been finalizing exemptions, assessing new values to subdivisions and issued permits and grievance day is May 30, 2023.
- g. **Fire Department** - No one was present to report.
- h. **Highway Dept.** - Highway Superintendent Kristopher L. LaPointe advised his report was in the Board's packet. Dumpster Days will were held on May 6 & 7. The total cost was \$3,060.30, plus labor. Received \$1,000 in metal. Did the paving projects on Wegman, Quincy Hill, Barrington, Cambridge Court and the project at Town Hall. Eighteen trucks from other Towns assisted for two days and the benefit from other neighboring Towns helping us on paving projects this year was a savings of \$52,100. The towns return the favors for each other. Supervisor Blair advises he is in possession of the Mowing Contract that needs to be signed and confirms the terms with Superintendent LaPointe. Supervisor wanted to confirm the insurance is correct and we are insured accordingly.

A motion is made by Councilman Edmunds, seconded by Councilman Wellauer to authorize the Supervisor to sign the Mowing Contract (term May 2023-April 2024) with the County, with the necessary corrections. All in Favor. 5 Ayes 0 Nays 0 Absent, carried.

The parking lot paving is done and turned out well. Kris will be obtaining estimates for line-stripping the parking lot and the park.

- i. **Water Dept.** - Water Superintendent Kristopher L. LaPointe's report was in the Board's meeting packet for their review. Monthly water report were done, submitted Annual Water Quality Report to DOH for approval and will mail letter to residents, ordered meter heads and new meters for new customers on Mutton Hill. Received an installation quote to install meter heads, the cost was \$220,000. Based on that, the Water Department will install the meter heads. Mr. Tauro has contacted Kris again. The recommendation is for him to come to a Town Board meeting. A discussion is held on billing the residents for new meter heads and new service. After discussion, the cost to each household for the new meter head is \$198.50 for existing water customers and \$361.00 for new service. These costs will be spread out over a two year period and will be an equipment charge line item on their property taxes for 2024 and 2025. A notice will be put on the next water bill advising of same for current water customer. A separate letter will be sent to the new water customers.

A motion is made by Councilman Wellauer, seconded by Councilman Rizzo to have the cost for replacing meter heads and installing new service in WD #1&3 be spread out over a two year period on their property tax bill. All in favor. 5 Ayes 0 Nays) absent, carried.

- j. **Town Clerk** - Town Clerk Salisbury advised that the April 2023 monthly report was in the Board's meeting packet for their review. Fees received were \$1,791, \$1,753.93 was disbursed to the Supervisor, \$33.07 to NYS DEC for Decals and \$4.00 to NYS Animal Population Control.
- k. **Dog Control Officer** - There was no report this month. Councilman Edmunds is researching for a new dog control officer to replace FLDPA.
- l. **Committees** -
Supervisor Blair would like to recognize the volunteer efforts of Navy Veteran Tim Major, who has hand dug the roots and efforts for the cleaning up of the Veterans Memorial and will put in some plantings as well. So a salute goes out to him.

Veteran Affairs - The Vet/Historian office is coming along. The floors have been done, the trim is up, new doors are in so people can look in there and see all our cool stuff.

Ed Magdziak - He attended the Emergency Management Meeting, NYSEG gave a presentation and advised you can sign up for alerts from NYSEG on their website, Board Tier 3 training in late summer or early fall. August 2nd is next meeting.

Parks & Rec - Councilman Rizzo advised the Committee would like to hire landscape architects Kepplinger Freeman for their Phase I plan to develop a master plan for the Park.

A motion is made by Councilman Rizzo, seconded by Councilman Edmunds, to hire Kepplinger Freeman & Assoc. to assist the Town of Sennett Park Committee in developing a master plan for the Sennett Town Park, at an amount not to exceed \$8,000, and using ARPA funds for said expense.

Roll call vote:

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes
Motion carried 5 Ayes 0 Nays 0 Absent	

The Committee had a meeting regarding fundraising. Councilman Rizzo advised the Committee is interested in setting up a 501(c)(3) to fundraise and raise money for park purchases such as selling benches, selling bricks for sidewalk, etc. A discussion is held with regard to the hiring of an attorney to assist the Park Committee with the 501(c)(3). The Committee will seek quotes for this.

A discussion held regarding reinstating the money set aside by the prior Board. A motion is made by Councilman Edmunds, seconded by Councilman Rizzo for the Board to reinstate and allocate the \$75,000 in ARPA funds committed to the Town Park by the prior Board and confirm same by current Board.

Roll call vote:

Councilman Gagliardi Yes
 Councilman Wellauer Yes
 Councilman Rizzo Yes
 Councilman Edmunds Yes
 Supervisor Blair Yes
 Motion carried 5 Ayes 0 Nays 0 Absent

A motion is made by Councilman Rizzo, seconded by Councilman Wellauer, to authorize the Town Park Committee to hire an attorney to form a 501(c)(3) in an amount not to exceed \$3,500, said funds to come from the ARPA funds allocated to the Park.

Roll call vote:

Councilman Gagliardi Yes
 Councilman Wellauer Yes
 Councilman Rizzo Yes
 Councilman Edmunds Yes
 Supervisor Blair Yes
 Motion carried 5 Ayes 0 Nays 0 Absent

OLD BUSINESS

- E-Code 360 -The first installment has been paid. Waiting for an agent to be assigned. Contact information has been confirmed with the company.
- Local Law re: Solar Energy Moratorium and Updated Law - will be discussed at next meeting.
- Veteran Affairs/Historian Office project - covered earlier.
- Water & Sewer Rate Hikes from City of Auburn + Sennett Rates - covered at last meeting.
- Water & Sewer Rate studies - not authorized yet, Board will discuss further and discuss next month.
- Animal Control - Looking for replacement - covered earlier
- Salt Barn insurance settlement and possible new work - Highway Superintendent LaPointe advised the salt barn estimates are in. The insurance company advised they are not responsible to pay prevailing wage. Kris will obtain an updated estimate with prevailing wage. Waiting on new quotes for repair for the rest of the barn, siding and roof.
- Town Hall capital needs - Parking lot paving is complete.
- Town branding & marketing project - May seek the residents input
- Town Employee Handbook review - Councilman Gagliardi sent the changes to Public Sector for review, waiting for response.
- Planning and Zoning Board alternates - There is a need for a full PB member as well as 2 ZBA alternates.
- Vehicle and Traffic Safety Signs - covered earlier during Scheduled Speakers
- Highway Superintendent Local Law Vote - There are no comments from the public. This referendum will be on the November 2023 general election ballot. Supervisor Blair reads from the proposed Enactment Resolution.

NOW, THEREFORE, it is **RESOLVED**, that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. A of 2023, A Local Law Changing The Office of Highway Superintendent From Elective to Appointive in The Town of Sennett, after having this submitted for permissive referendum. Section 7 of the Resolution has the Mandatory Referendum language. The question presented is: *“Shall the Town of Sennett Local Law which changes the Office of Highway Superintendent from elective to appointive in the Town of Sennett be approved?”* and will let the voters decide.

Motion to close public hearing is made by Councilman Wellauer, seconded by Councilman Gagliardi at 9:03 p.m. All in favor. 5 Ayes 0 Nays 0 Absent, carried.

Motion is made by Supervisor Blair to offer the proposed enactment resolution to adopt Local Law No. 3, a local law changing the office of Highway Superintendent from elective to appointive and placing this on as a public referendum item in the Fall election, seconded by Councilman Gagliardi. No further discussion. All in favor. 5 ayes 0 nays 0 absent, carried.

**TOWN OF SENNETT
TOWN BOARD RESOLUTION**

May 18, 2023

TOWN OF SENNETT LOCAL LAW NO. A-2023
(“A Local Law Changing the Office of Highway Superintendent
from Elective to Appointive in the Town of Sennett”)

The following resolution was offered by Supervisor Thomas Blair, who moved its adoption, seconded by Councilor Richard Gagliardi, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Proposed Local Law No. A of 2023, “A Local Law Changing the Office of Highway Superintendent From Elective to Appointive in the Town of Sennett,” was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on April 20, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 18th day of May 2023 by the Town Board of the Town of Sennett and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of

the members of the Town Board of the Town of Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. A of 2023 has previously been determined to be an unlisted action. A negative declaration pursuant to SEQR was issued by this Board, acting as lead agency, at its April 20, 2023 regular meeting thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A of 2023, subject to a mandatory referendum.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. A of 2023 as Local Law No. __ of 2023 as follows:

**Town of Sennett
Proposed Local Law No. __ of 2023**

**A LOCAL LAW CHANGING THE OFFICE OF HIGHWAY
SUPERINTENDENT FROM ELECTIVE TO APPOINTIVE IN THE
TOWN OF SENNETT**

BE IT ENACTED by the Town Board of the Town of Sennett, effective January 1, 2024, as follows:

SECTION 1. LEGISLATIVE PURPOSE.

The Town Highway Superintendent for the Town of Sennett is now and always has been elective. The Town Board of the Town of Sennett has been presented with a question as to whether it would be desirable to change the office of Highway Superintendent in the Town of Sennett from an elective position to an appointive position. The purpose of this Local Law is to effect such change. Said change would be subject to a mandatory referendum. Therefore, an additional purpose of this Local Law is to place on the November 7, 2023 general election ballot, a referendum item which allows the electors of the Town of Sennett to decide if they wish to have an appointed, rather than an elected, Highway Superintendent, who would serve at the pleasure of the Town Board.

SECTION 2. AUTHORITY.

Pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1), the Town is permitted to adopt local laws relating to the mode of selection and term of office of its officers and employees.

SECTION 3. ELECTED HIGHWAY SUPERINTENDENT POSITION ABOLISHED.

Effective January 1, 2024, the elected office of Highway Superintendent in the Town of Sennett is hereby abolished.

SECTION 4. APPOINTED HIGHWAY SUPERINTENDENT POSITION CREATED.

Effective January 1, 2024, the Highway Superintendent in the Town of Sennett shall be appointed by the Town Board.

SECTION 5. TERM OF OFFICE.

The appointed Highway Superintendent in the Town of Sennett shall serve at the pleasure of the Town Board.

SECTION 6. SUPERSESSON.

Pursuant to Sections 10(1)(ii)(a)(1) and 10(1)(ii)(d)(3) of Municipal Home Rule Law, this Local Law shall supersede Town Law § 20(1)(b) with respect to the mode of selection of the Highway Superintendent in the Town of Sennett and shall also supersede Town Law § 24 with respect to the Term of Office of the Highway Superintendent in the Town of Sennett.

SECTION 7. MANDATORY REFERENDUM.

Pursuant to Municipal Home Rule Law § 23(2)(e), this Local Law shall be submitted for approval to the electors of the Town of Sennett at the next general town election to be held on November 7, 2023. The language of the proposition shall read as follows:

***“CHANGING THE OFFICE OF HIGHWAY SUPERINTENDENT
FROM ELECTIVE TO APPOINTIVE WITHIN THE TOWN OF
SENNETT***

*Shall the Town of Sennett Local Law which changes the Office of Highway
Superintendent from elective to appointive in the Town of Sennett be
approved?”*

SECTION 8. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the Department of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

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

Rick Gagliardi	Councilor	Voted	Aye
Robert Edmunds	Councilor	Voted	Aye

Michael Wellauer	Councilor	Voted	Aye
Edward Rizzo	Councilor	Voted	Aye
Thomas Blair	Supervisor	Voted	Aye

The foregoing resolution was thereupon declared duly adopted.

DATED: May 18, 2023

– Video Conference Meetings Local Law Vote - no comments from the public. Motion to close public hearing is made by Councilman Edmunds, seconded by Councilman Rizzo at 9:05 p.m. All in favor. 5 Ayes 0 Nays 0 Absent, carried.

Motion is made by Councilman Edmunds to adopt Local Law No. 3-2023, a Local Law Authorizing the Use of Video Conferencing within the Town of Sennett, seconded by Councilman Rizzo. No further discussion. All in favor. 5 Ayes 0 Nays 0 Absent, carried.

**TOWN OF SENNETT
TOWN BOARD RESOLUTION**

May 18, 2023

TOWN OF SENNETT LOCAL LAW NO. 3-2023

(“A Local Law Authorizing the Use of Videoconferencing Within the Town of Sennett”)

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

WHEREAS, videoconferencing has proven to be an effective and important tool in the conduct of public meetings, and technology has advanced in such ways as to allow for real-time remote video participation in Town Board meetings which is reliable and clear, and which allows for Town Board members to participate in Town Board meetings while not physically located within the geographical boundaries of the Town of Sennett; and

WHEREAS, it is deemed by the Town Board to be helpful and in the best interests of the Town of Sennett to ensure there is a consistent quorum of Town Board members present for Town Board meetings in order to address business and legal matters which arise in the Town of Sennett; and

WHEREAS, the proposed Local Law #3 of 2023 does not need to be referred to the Cayuga County Planning Board for review pursuant to General Municipal Law §239(1-m), as the proposed local law is not related to zoning or land; and

WHEREAS, this local law will not affect the environment in any way such that it is not an “action” as defined under 6 NYCRR §617 of the implementing regulations of the New York State Environmental Quality Review Act (“SEQRA”) and therefore it does not require environmental review pursuant to SEQRA; and

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Proposed Local Law No. 3 of 2023, “A Local Law Authorizing the Use of Videoconferencing Within the Town of Sennett,” was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on April 20, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 18th day of May, 2023 by the Town Board of the Town of Sennett and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the Town of Sennett Local Law 2 of 2022 shall be repealed in its entirety and replaced with proposed Local Law #3 of 2023.

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A of 2023, subject to a mandatory referendum.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact Proposed Local Law No. 3 of 2023 as Local Law No. 3 of 2023 as follows:

**TOWN OF SENNETT
LOCAL LAW #3 OF 2023**

**A LOCAL LAW AUTHORIZING THE USE OF VIDEOCONFERENCING
WITHIN THE TOWN OF SENNETT**

BE IT ENACTED by the Town Board of the Town of Sennett, as follows:

A local law adopted pursuant to Public Officers Law § 103-a authorizing the use of videoconferencing within the Town of Sennett.

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to authorize the Town of Sennett to conduct meetings consistent with the videoconferencing provisions of Public Officers Law § 103-a and the videoconferencing polices adopted by the Town Board of the Town of Sennett.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the Town Board to adopt local legislation, authorizing the use of videoconferencing.

SECTION 3. REPEAL LOCAL LAW 2 OF 2022 AND REPLACE WITH LOCAL LAW 3 OF 2023

Local Law 2 of 2022 enacted by the Town of Sennett is hereby repealed in its entirety and is hereby replaced by Local Law 3 of 2023 entitled "Authorizing the Use of Videoconferencing Within the Town of Sennett."

SECTION 4. VIDEOCONFERENCING FOR PUBLIC MEETINGS

The Town Board of the Town of Sennett, County of Cayuga, hereby authorizes the use of videoconferencing when conducting meetings of the Town Board subject to the following:

1. A quorum of the members of the Town Board are physically present at the meeting in one or more physical locations at which members of the public may attend the meeting.
2. Members of the Town Board are physically present at the meeting location(s) at which the public can attend in person unless the member of the Town Board is unable to be physically present due to extraordinary circumstances:
 - a. Extraordinary circumstances is defined to include any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the member's physical attendance at such meeting.

- b. Extraordinary circumstances must be certified by email or other written means to the Town Clerk by the member of the Town Board in accordance with the Town's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.

3. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, members of the Town Board must be able to be heard, seen, and identified while the meeting is being conducted, including, but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

4. The minutes of meetings involving videoconferencing must include which, if any, members of the Town Board participated using videoconferencing technologies.

- a. Such minutes must be made available to the public pursuant to Public Officers Law § 106.
- b. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the Town of Sennett's website within five (5) business days of the meeting. The recordings must remain available for a minimum of five (5) years thereafter and recordings must be transcribed upon request.

5. The public notice for any meeting involving videoconferencing must:

- a. Inform the public that:
 - i. videoconferencing will be used;
 - ii. where members of the public can view and/or participate in such meeting via videoconference; and
 - iii. where required documents and records will be posted or available; and
- b. Identify the physical location(s) where members of the Town Board will be physically present at the meeting and where members of the public can attend the meeting in person.

6. Members of the public are able to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the Town Board, members of the public are able to participate in the proceedings using videoconference technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.

7. The Town Board may conduct meetings entirely by videoconference, with no in-person requirement, provided that:

- a. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Law § 28; or

- b. A local state of emergency is declared by the Town Supervisor of the Town of Sennett pursuant to Executive Law § 24, and the Town Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

8. Whenever the Town Board invokes the emergency exception as defined in paragraph 7 and takes action at such meeting without allowing members of the public to be physically present, the Town Board must acknowledge the previous meeting(s) and summarize any action(s) taken thereat at the next immediate meeting where the public is allowed to attend. The Town Board must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law § 106.

SECTION 5. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

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

Richard Gagliardi	Councilor	Voted	Yes
Robert Edmunds	Councilor	Voted	Yes
Michael Wellauer	Councilor	Voted	Yes
Edward Rizzo	Councilor	Voted	Yes
Thomas Blair	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 18, 2023

NEW BUSINESS

- Sennett Swims - We have received a proposal for swim lessons from YMCA for a seven week program. We have had one interested party. The kids would be transported by their own parents. No Town transportation would be provided. Further details will be requested and follow up next meeting.
- Hiring recommendation for VSO and launch of office - Supervisor Blair advised the position was publicized and had one applicant, Army Veteran Adam Jenks has been recommended for the VSO position.

A motion is made by Supervisor Blair, seconded by Councilman Wellauer to hire Adam Jenks as part time veteran service office at the wage previously set, pending satisfactory background clearance, effective date will be set after office renovations are complete. No further discussion. 5 Ayes 0 Absent 0 Nays. Carried.

SUPERVISOR CORRESPONDENCE/REPORT - Newsletter costs - try to bring down.

EXECUTIVE SESSION - None

PAYMENT OF MONTHLY BILLS -Vouchers - Motion by Councilman Rizzo, seconded by Councilman Edmunds to pay the monthly vouchers with three or more signatures.

Roll call vote:

Councilman Gagliardi	Yes
Councilman Wellauer	Yes
Councilman Rizzo	Yes
Councilman Edmunds	Yes
Supervisor Blair	Yes

Motion carried 5 Ayes 0 Nays 0 Absent

MOTION TO ADJOURN MEETING - Motion to adjourn was made by Councilman Edmunds, seconded by Councilman Wellauer. 9:15 p.m.

Next meeting is June 15, 2023.

Respectfully submitted,
Kathleen Salisbury, Town Clerk
Town of Sennett