

Minutes of the Town of Sennett Town Board meeting held on Thursday May 20, 2021, and also available via Zoom.

Members Present: Thomas Gray, Supervisor
Edward Rizzo, Councilman
Richard Gagliardi, Councilman
Michael Adrian, Councilman
James Jeffers, Councilman

Also present: Richard Andino, Town Attorney
Kris LaPointe, Highway Superintendent
Ron Schalck, Water & Wastewater Superintendent

The meeting is opened with the pledge to the flag.

Public to be Heard: Opened on a motion made by Councilman Jeffers, seconded by Councilman Rizzo, 5 ayes, 0 nays, carried. Darryl Bond, owner of the Real Pit BBQ is present and has questions about the use of his food truck operation in the Town. He has been set up at Dilaj's on North Street, now he wants to set up at 369 Grant Avenue. He checked with the Health Department, and they gave him the ok. He talked to Tom Passarello also. Jerry VeVone is present to give him the information that he needs now. The State of New York has changed its requirements for the use of food trucks. They now have to follow the Fire Code regulations. He has two steam tables and a small frypan; everything is totally electric. Mr. VeVone explains that anything that uses grease, etc. needs to have a hood over it. Steam tables only need a vent to the outside of the truck. Mr. VeVone states that he has talked to the Health Department, and they were unaware of the change. The Town's code does not really have any guidance for food trucks, more discussion later with the attorney to see how the town will handle this change. So, now that they are under the NYS Fire Code the town will be responsible to make sure that they are compliant with the new regulations. The reason that the change was made is because there have been fires and explosions in food trucks. The owner states that he only has a two-foot frypan and does not have a hood. Mr. VeVone states that he could put a gas grill outside of the food truck. He also states that the location is okay for the use – similar to a restaurant, The food truck owners asks if he is good to operate as long as he doesn't fry inside the truck? Mr. VeVone also states that since it is not in the Town's code, we will decide what needs to be done. It is questioned if this is something that the planning board should determine/review. Mr. VeVone states that he has spoken to the Planning Board Chairman, and it is out in limbo. Whether it needs a vending license, other towns have vending permits, or different options, hopefully we will have a determination later this evening. The owner states that he does have a vending license from the City of Auburn. Mr. VeVone states that we want to create a pathway to handle these situations, for safety and the liability for all involved.

Councilman Gagliardi questions the owner – so, you just park it there? Yes, as opposed to driving it from location to location. Councilman Jeffers comments that is just a home base, so if you are not doing a gig at someone's property you set up there. Yes, usually the night before. Mr. VeVone explains that under the V&T law. If there is a vending permit, it gives us the right of entry. Realistically, we need a pathway, the State put it in their code, but did not mention how we can manage the change. The owner asks if the town needs any of his information, Mr. VeVone tells him no, he has copies of the information in his office. The issue of insurance is discussed. That will be discussed later, as part of the approval process. Ok, the board will discuss this later in the meeting and he can talk to Jerry in the morning. The Supervisor thanks the owner for coming. Hearing no other comments from anyone, the Public to be Heard segment is closed.

The minutes of the April meeting are approved on a motion made by Councilman Adrian, seconded by Councilman Jeffers, 5 ayes, 0 nays, carried.

Old business: Park Grant – Supervisor Gray states that he spoke to the representative in Senator Mannion's office and was told that those committees are just starting up again. They expect something in the near future. He calls them about every week now. So, that the town can recoup some of the \$68,00.00 they have invested in the park, out of the original \$75,000.00. As he has said in the past, the grant was held up because, A: The bathrooms were not install, but were in the original grant and B: because we had money left over, can we run the waterline under Franklin Street Road? Because of Covid-19, we have not heard anything since last March.

The Water Project for WD#3, easements are discussed. We are only lacking a few – one for Jericho Road, one for a family with four signatures required and they will come in soon to sign and one-half from someone who does not want to fill in the tax part. The Supervisor turns it over to Ron Schalck and Attorney Andino. Attorney Andino states that he does not have much to add. He did talk to Paul Chatfield, the Engineer recently and he felt a conference call with a couple of the Councilmen, himself, Ron Schalck and the Supervisor to discuss the Jericho Road situation would be helpful. Basically to determine what the board would like to do if that easement cannot be finalized. Also, Mr. Chatfield is going through some of the permits that will be needed to complete the project. The big thing is the Jericho Road section and what would become of the project, if that easement is not granted.

Building Upkeep and Maintenance: Highway Superintendent Kris LaPointe updates the board. The doors have been ordered, they are waiting for the glass, then they will be in touch with the time that they can install them. The lights have all been installed, and they do an excellent job of lighting up everything.

Cannabis Sales: The Supervisor turns it over to the Attorney. Attorney Andino states that there is an attorney within their office that has been working on this this legislation and would be willing to come to the next town board meeting and do a presentation for the board on this subject. There is discussion by the board. They agree that they would like this at the next Town Board meeting. She has it on her calendar. Basically she will provide an overview of what the legislation provides, what options are available and what authority the town has. The Supervisor states that the attorney cleared up something for him, He had heard on the news that the Villages of Manlius and Fayetteville were going to put it out to a referendum to allow residents the opportunity to vote on the subject. But, at present only villages are permitted to do that. Attorney Andino responds that for whatever reason the state made that only villages are allowed to do a referendum. That option is not available to towns. Councilman Jeffers asks if it is not available or is it not necessary? Can the town put it out to referendum if we choose to? No. Usually under the town law any act that is subject to referendum, the board can make a mandatory referendum. But the guidance so far is that this is not a permissive referendum under town law but, this is a referendum under this particular piece of legislation. So, the board does not have the option to put it out for referendum. Ultimately it could go to a referendum because any local law that you pass to prohibit the retail sale is subject to permissive referendum, so the residents could trigger a referendum. We can discuss this further at the next meeting.

Negotiations: The Supervisor asks Councilman Adrian to update the board. Councilman Adrian states that he believes that the board has a tentative agreement with the union. All board members have a copy of the agreement. The way it is setup up, Bill Feocco signed it today, Michael will sign it because he was the one that negotiated it, and then when the final copy is printed Bill Feocco and the Supervisor will sign it. There is only one change from what I sent you the other day. In the last paragraph the Medicare gap was removed, so that this reads similar to the previous ones. His whole involvement with the union was today, the first time ever that he spoke to them. He typed in the change and sent copies to Mike, Ed and Bill, and they said that was what was agreed to. The basic changes that you see are Article 12, the hire rate and the very last paragraph which is in line with the old contract. Any questions? Attorney Andino figured that based on the numbers the change in salary is only \$1.00. Councilman Jeffers has questions – do we have to vote on this? are we voting on the tentative or the approval? Councilman Adrian states the approval. Councilman Jeffers – technically we don't have an approval from them? No it is signed. We have a tentative signed agreement. So, they voted, signed it and we will sign it once it is all typed up. Once it is typed up it will be reviewed, and Bill Feocco and the Supervisor will sign it. Councilman Jeffers would rather not go through the effort of voting on it, and then find a typo in the final copy and

have to redo it. The Supervisor replies that it would just be retyped based on the agreement. Any other questions? A motion is made by Councilman Adrian to sign and approve the contract agreement that is tentatively in front of them, seconded by Councilman Gagliardi. Roll call vote: Councilman Adrian yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers no and Supervisor Gray yes, carried. The Supervisor will sign it and give a copy to Bill Feocco. Any more old business?

New Business: Mobile and Food Trucks – Supervisor Gray states that it should start with Zoning then it is determined where it fits into the Code and then it is determined if it goes to the ZBA or to the Planning Board and then the Town Board has the final approval, but we certainly can give guidance. The Supervisor asks the Zoning Officer, Jerry VeVone if he has any recommendations on the subject. He states that other municipalities have it, the City of Ithaca just passed one. He does not feel that we have to get as complex, he feels something more like a vending license, something that would give him an avenue to do an inspection, because it is a motor vehicle. By giving them a vending permit it gives me an opportunity to do an inspection. Attorney Andino states that he sent a number of Local Laws to Tom Passarello on this subject. He would talk to Jerry and Tom to review these laws and talk to them about what would fit the Town's needs. He also says that there are additional regulations about location (distance from existing restaurants, etc.), various setback regulations, what areas they can be located in, hours of operation. He does not know if they want to get into that much detail, but that is something that can be discussed. Councilman Jeffers asks we are just talking about a vendor's license just for a mobile food unit? Yes. Supervisor Gray said that he will forward those laws to the board members for their review. Councilman Jeffers asks how that works if it is not in the Town's zoning law? So a vendor's license would cover the fire regulations but nothing about zoning unless we rewrite the zoning law. Jerry VeVone says that zoning is difficult because it is not brick and mortar. If it were brick and mortar we could regulate this district and this district is covered by this, but vending trucks go wherever. They could set up in our parking lot, then sell over at the playground. Owasco has some at their Farmer's Market, but never before have we had a right of inspection. So, technically we don't until we come up with something in the town law. The State says that we have to do this, so right now we don't have an option to inspect them. Councilman Jeffers questions what would be the avenue, we don't have a law, right, so you say I want to inspect you, because it is state law, you don't have an avenue to get in there, they say no, then where does it stand? Jerry VeVone replies – the thing blows up, "I wouldn't want to be in the middle of it". That's my question, would we be in the middle of it? Yes. Attorney Andino states that there are provisions, he is sure that you could get a warrant, but by that time the season would be over. Supervisor Gray questions of that could be part of a thirty- or a sixty-day vending permit, while we wait to see what we would want for the future? Jerry

VeVone says yes. Councilman Jeffers does not want to go in that direction because he feels that it opens up a whole can of worms. He feels that a lot of people would raise concerns. Attorney Andino tells the board that he will forward the copies of the laws to them, also it would specifically only cover food trucks. How would that effect your job, now someone wants a vendor's permit, and now you have to inspect it, they have everything outside, you inspect it, then you leave, and they put everything inside. Jerry VeVone replies that the State law states that if you cook with grease you have to have an Ansel system. That is going to put a lot of food trucks out of business due to the cost of the system. Councilman Jeffers, when would you do the inspections? Before setting up, when they request a license, etc. Jerry VeVone states that after they set up at a location in Sennett and before they start serving food. There is more discussion. Supervisor Gray asks for a recommendation for this owner. Jerry VeVone feels that possibly the town could do a resolution for 120-day permit until we can come up with a plan for future applications. That way he could do an inspection. Supervisor Gray feels that there should be a fee, nominal at least. Councilman Adrian feels that something should be done now, we don't want this owner to have to wait. There is more discussion – if he had not moved the truck would he have had to have an inspection? Yes. Liability was also discussed – the town would be liable. Also it is felt that there will be more food trucks around this year. Ninety-day permits are suggested. Councilman Jeffers feels that we would be operating outside the law. The permit would come with the need for an inspection, and it would need to be inspected before they could start operating in the town. Plus, the Health Department inspects them also, but does not do the fire inspections. Councilman Jeffers feels that the town should do it like they have done in the past, take the correct steps and create and enact a law/permit process. Not to do it piece meal, with a 20 day permit here and 90-day permit, but to do it right, Jerry VeVone states that as long as the town has a resolution that he has the right to inspect them. That he has the right to do fire inspections on food trucks, it just gives him the right to enter the food truck. Supervisor Gray volunteers to make that motion. Attorney Andino states that he does not feel that a resolution/motion to allow that is sufficient, he feels that there needs to be a law on the books first. Jerry VeVone questions how do you want to proceed with this owner? Attorney Andino states that he cannot operate. Councilor Jeffers feels that he can because the town does not have anything that says he cannot set up his truck. Other trucks have set up temporarily within the town. For example – Doug's Fish Fry sets up at the church. It is felt that until the town has its own law, they are not in violation. Attorney Andino states that he has not seen the State's law yet, this is the first time that he is hearing about it, so he is not sure on it. Councilman Jeffers asks, the fire code regulations, they are state laws, that need to be enforced by the town? Jerry VeVone responds that yes the fire code needs to be enforced by the town. Attorney Andino questions if the town has a law on the books that authorizes them to enforce the State Uniform Code? Attorney Andino asks if the owner will

give him permission? Yes, but if he does not, then you are trespassing. Councilman Jeffers recommends that if somebody is doing a food truck, and there is knowledge of it, then go and try to do an inspection, then inspect it, then if there is a problem we will have to deal with it. Jerry VeVone agrees with him, he does not want to put anybody out of business. Then the town can act quickly to come up with a plan on how to handle this situation in the future. There is discussion on this. Jerry VeVone feels that for this particular owner, he will listen, he has given him a sheet from the National Fire Safety regulations, that lists the regulations and what he would be checking for if and when he does an inspection. We are operating on something that we have not done in the past, so that is why I am appraising the board. What happens in this situation – if someone has a private event and hires a food truck – what happens in that situation? Whose responsibility is it? Jerry VeVone explains similar situations to the board. If the county inspects a food truck, what county is it good in? Only in the County that did the inspection. Jerry VeVone states that there are a lot of things on the code that people are not aware of. Supervisor Gray questions, with this owner, he can operate with an inspection, and the town will start the process if creating a law or whatever is needed to handle this state mandate. Attorney Andino states that he will work with Jerry VeVone on this. Anything else?

Department Reports: Water and Wastewater Superintendent Schalck reports that they flushed dead end water mains, replaced a service saddle and installed a new water service; replaced a repair clamp (installed 10 years ago); monthly water reports were done; monthly and quarterly water samples were done; the annual water quality report was done and approved by the DOH; fixed a clogged sewer line under Rte. 5 with help from the City; easements are almost done; cut grass at pump station and tower; marked out dig requests; and our new truck came in two weeks ago. Councilman Jeffers moves to declare the F450 dump truck with plow surplus and to advertise for sale, seconded by Councilman Adrian, 5 ayes, 0 nays, carried. Councilman Jeffers asks what he would like to get for the truck? Ron Schalck states that the bids should be in a few days before the next meeting, so we can decide then. Plus let other municipalities know that it is available. Highway Department: Kris LaPointe, Highway Superintendent reports that they have been hauling mulch; patching roads; mowed and trimmed, put sander in Truck #2; plowed and sanded; mowing lawn; hauled wood chips; picked up brush; mowed the park; hauled in stone for chipping; shop work; and truck repairs. Also, he has replaced street signs. Street-lights – there are ten that need to be replaced by NYSEG. Dumpster Days gathered 24.5 tons of junk, and 4 ton of metal, we have not gotten the credit for that yet; we had 2 less dumpsters than last year. But there is something that we have to address: When residents are tearing down their house and bring all the construction debris here, it is getting out of hand. Plus, there should probably be a two-load limit. Also, there was a \$20.00 fee to

dispose of a mattress and we had eight of them. The trash hauler will not take them either. When we advertise this for the next time he wants it to add that there will be a \$20.00 charge to dispose of a mattress. He has switched the salt contract from Cayuga County to Onondaga County at a savings of \$12.00 per ton which will be a savings of \$12,000.00. I gave everyone a price on a new lawnmower. The old one is fifteen years old and is having drive problems, the steering clutch is expensive. The quote is from Main Pinckney, and it is the state bid price, it shows the discount. If you did agree to the new mower, he feels that we could get about \$2,500.00 for the old one on auction. He informs the board that John Szozda is leaving the first of June, he has taken a job at NYSEG. He has put and in the Citizen for a new hire, he has gotten back three responses so far, all from out of town. There are numerous towns looking for help. He wants to thank Ron for letting them use Kris to help with brush pickup. We were supposed to get a new ten-wheeler this year, we will not be able to get one until probably June of next year though. Plus, the department is supposed to get a new pick-up truck next year but get it this year, so we only buy one truck each year, and the money is in the reserve account. Plus he would like to downsize his truck from a three-quarter ton to a 150, because they do not need a three-quarter ton anymore and it would probably be a wash in price do to circumstances. Councilman Jeffers makes a motion that the Highway Department purchase a new mower for \$12,035.00 and to declare the old mower as surplus in order to sell it, seconded by Supervisor Gray. Roll call vote: Councilman Adrian yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Gray yes, carried.

A motion is made by Councilman Jeffers to reopen the Public to be Heard segment, seconded by Councilman Adrian, 5 ayes, 0 nays carried. Kris LaPointe questions the issue of the food trucks. Like the gentleman on Grant Avenue, how are you going to handle other food trucks/trailers? There are some that come to Sennett on weekends or for one day sales? Are you going to inspect them or wait for someone to complain? If they have a permit from the City, that should be helpful, seeing how that is a larger entity. Councilman Jeffers feels that it comes down to how are we going to handle this, who is going to do the enforcement? There is discussion on this. The board will have to come up with a local law/or some way to handle the situation. Jerry VeVone and Attorney Andino will work on this. Tom Blair has a question for Attorney Andino, as a vendor consultant for a town, I have an issue with food trucks or any kind of temporary sales that exempts farm stands, unless they are above a certain square footage, In this town they let the Code Enforcement to issue the permits, as opposed to the Town Board or the ZBA. They delegated the authority because of their trust. It does not need to be complicated. Councilman Jeffers asks if they are fee based, Yes there is a small fee. How do they enforce it? By the Code Officer. There is some discussion on this. Councilman Jeffers makes

a motion to close the Public to be Heard segment, seconded by Supervisor Gray, 5 ayes, 0 nays, carried.

A motion is made by Councilman Jeffers to pay the abstract in the amount of \$112,286.24, seconded by Councilman Gagliardi. Roll call vote: Councilman Adrian yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes (he would like a copy of the abstract) yes and Supervisor Gray yes, carried.

Councilman Jeffers moves to close the meeting, seconded by Supervisor Gray, 5 ayes, 0 nays, carried.

Respectfully submitted,
Penelope Dennis, Town Clerk
Town of Sennett