

**Town of Sennett Board Meeting**  
**October 16, 2018**

Minutes of the Town of Sennett Town Board held on Tuesday October 16, 2018 at 7:00 PM at the Sennett Town Office Building,

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

Meeting opened with the pledge to the flag.

The Bookkeeper's report is read and reviewed.

Old Business: The Tentative 2019 Town Budget has been completed and is on file in the Town Clerk's office. The Budget Public Hearing will probably be held in early November. Also, two grants have been applied for (if they are granted it would cover 60% of the total cost) Nothing in reply yet.

New Business: Attorney Andino updates the Town Board regarding the proposed amendment to the Sroka PDD. The following resolution was made by Patrick Leamy, seconded by Michael Szozda at the Sennett Planning Board's October meeting:

**RESOLUTION OF THE TOWN OF SENNETT PLANNING BOARD**

WHEREAS, A-1 Pumping, LLC (the "Applicant"), has sought approval from the Town Board of the Town of Sennett to modify the Planned Development District ("PDD") located at 2682 Turnpike Road, Auburn, New York, in order to allow certain land uses not currently permitted under the existing PDD; and

WHEREAS, the Town Board has referred the Applicant's plan and written report depicting the proposed modifications to the existing PDD to the Town of Sennett Planning Board, pursuant to Section 403 (B) of the Sennett Zoning Code; and

WHEREAS, in accordance with that Zoning Code, the Planning Board is charged with reviewing the Applicant's site plan and written report for the purposes of providing the Town Board with a recommendation as to whether the proposed modifications to the existing PDD conform to the Town of Sennett's comprehensive plan; and

WHEREAS, the Planning Board duly reviewed and discussed the Applicant's plan and written report at its regularly scheduled meeting on September 6, 2018, upon which time

the Planning Board reserved any recommendation until the next regularly scheduled meeting; and

WHEREAS, notice of a public hearing on the matter was duly published according to law, and said Planning Board did meet at its offices at 6931 Cherry Street Road, Auburn, New York, on October 4, 2018, at 7:00 p.m., the time and place specified in said notice, and did then and there hear all persons interested in the subject matter concerning the Applicant's proposed modifications to the existing PDD; and

WHEREAS, Joe Durand, Engineer for TDK Engineering Associates, P.C., with offices at 19 Genesee Street, Camillus, New York, on behalf of the Applicant, did present and discuss the plan and written report reflecting the proposed modifications to the Applicant's existing PDD; and

WHEREAS, the Applicant's proposed modifications to the existing PDD seek to expand the permitted use of the land to allow for additional uses that are wholly permitted in the Commercial Overlay District, created by the Town in 2014, and which entirely surrounds the existing PDD of Applicant located at 2682 Turnpike Road.

NOW, THEREFORE, be it resolved by the Sennett Planning Board as follows:

That the Applicant's proposed modifications to the existing PDD appear consistent with the intent of the Town of Sennett's comprehensive plan; and

The Planning Board hereinafter directs that this recommendation and resolution be provided to the Sennett Town Board in order for it to consider final approval of the Applicant's proposed PDD and/or modifications thereof.

The above Resolution was approved by Roll Call Vote: Robert Edmunds yes, Jeremy Bacon yes, Susan Foster yes, Jerry Sankey yes, Richard Phillips yes, Patrick Leamy yes, and Michael Szozda yes, carried.

This would amend the 2011 Sroka PDD.

**TOWN OF SENNETT TOWN BOARD RESOLUTION - OCTOBER 16, 2018**  
**TOWN OF SENNETT PROPOSED LOCAL LAW C-2018**

(A Local Law to Amend the Sroka Planned Development District (Created by Town of Sennett Ordinance No. 2-2011) to Permit the Use of Convenience Store with Gasoline Pumps/Fueling Station)

Councilor Eades introduced proposed Local Law C-2018, "A Local Law to Amend the Sroka Planned Development District (created by Town of Sennett Ordinance No. 2-2011) to Permit the Use of Convenience Store with Gasoline Pumps/Fueling Station," which local law would approve the application of Ken and Diane Sroka, A1 Concrete Pumping, LLC, to amend the existing Sroka Planning Development District, located at 2682 Turnpike Road (Tax Map No. 102.00-1-24.122), consisting of approximately 13 acres, to permit a new use of convenience

store with gasoline pumps/fueling station, and made the following motion, which was seconded by Supervisor Adams:

WHEREAS, on or about May 23, 2011, the Town Board of the Town of Sennett adopted Ordinance #2 of 2011 Creating the Sroka Planned Development District ("Sroka PDD") on a parcel containing approximately 13 acres, located at 2682 Turnpike Road (Tax Map No. 102.00-1-24.122); and

WHEREAS, the approved uses within the Sroka PDD included Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair and Sales and/or Rental; and

WHEREAS, on or about July 13, 2018 the Town received an application to amend the Sroka PDD to allow for a new use, specifically Convenience Store w/Gas Pumps/Fueling Station; and

WHEREAS, said application materials consist of a Sroka PDD Modification Application Package dated July 11, 2018 which sets forth information related to the (1) Project Description; (2) Type of Development; (3) Staging of Development; (4) Natural Site; (5) Site Planning and Design; (6) Transportation and Traffic; (7) General Market Information; (8) Projected Fiscal Impact on the Town; (9) Utilities and Related Services; (10) General Effects of Development on Neighborhood and Community Appearance and Land Use; (11) Relationship of PDD to Development Policies; (12) Development, Operation and Maintenance of Open Space and Common Properties; and (13) Developer Competence; and

WHEREAS, the Application Package also included numerous appendices including (1) Town Board Resolution dated May 10, 2011; (2) PDD Boundary Plan (Sheet SP-1); (3) Adjacent Property Owners; (4) Conceptual Site Plan (Sheet CP-1); and (5) Transportation materials including a Traffic Impact Study, prepared by GTS Consulting dated August 2017 and Correspondence from the NYSDOT; and

WHEREAS, a Full Environmental Assessment Form, Part 1, dated July 11, 2018 was also submitted; and

WHEREAS, on or about August 13, 2018 the Applicant submitted a revised Site Plan Drawing (SP-1) dated August 10, 2018 and a revised Full EAF, Part 1, dated August 10, 2018; and

WHEREAS, on or about August 21, 2018 the Applicant submitted Correspondence from the Cayuga County Department of Transportation; and

WHEREAS, pursuant to Section 403 ("Application Procedures for PDD Approval") of the Town of Sennett Zoning Law, upon receipt of a complete PDD application, the Town Board is required to refer the application to the Town of Sennett Planning Board for the purpose of review and recommendations; and

WHEREAS, on or about August 21, 2018 the Town Board of the Town of Sennett referred the application to the Town of Sennett Planning Board for review and recommendation; and

WHEREAS, the Planning Board conducted its review of the proposed PDD amendment and by resolution adopted at its October 4, 2018 meeting, recommended approval of the proposed PDD amendment; and

WHEREAS, Volume 6, N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sennett, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an Unlisted Action for purposes of environmental review under SEQRA; and

NOW, THEREFORE, it is

RESOLVED, that the enactment of proposed Local Law C-2018 is an Unlisted Action, the Town Board shall act as lead agency in this matter for purposes of SEQRA review and this action shall consist of a review of the Full Environmental Assessment Form submitted by the Applicant; and it is further

RESOLVED, that the Town Board shall refer the application materials, the Full Environmental Assessment Form, this introductory resolution and proposed Local Law C-2018 to the Cayuga County Department of Planning and Economic Development pursuant to General Municipal Law Section 239; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law C-2018 at the Town of Sennett Town Hall, 6931 Cherry Street Road, Auburn, NY 13021 on November 20, 2018 at 7:00 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers yes. The foregoing resolution was thereupon declared duly adopted.

The Cayuga County Health Department recently reviewed the Town's water system. They commented about the need for the water tank in WD#3 and the need for generators (in case of an emergency) at the Franklin Street Road Pump Station. They strongly encourage the town to move forward to complete the WD#3 water tank project. They want the

generator installed by December 31, 2018 at the pump station. Ron Schalck states that he has spoken to contractors about the cost and other needed requirements about the generator. There is discussion on this. Ron will get quotes and more information on the generator and there will be more discussion at the next meeting.

Ron Schalck also brings up a letter that was received from Lyons Bank regarding their latest water/sewer bill that totaled \$11,648.17 for the last quarter. This was because of the sprinkler system that was used to water the new grass that was recently planted. When the sprinkler system was not running, they used an average of 200 to 300 hundred gallons per day and when it was running, they averaged 9,000 gallons per day. The water that goes through the sprinkler system does not go through the sewer. He recommends charging them the minimum for the sewer this time. Ron also recommends that they split the system with two meters. A motion is made by Councilman Jeffers to reduce the bill, one time only , with one meter, seconded by Councilman Rizzo. There is discussion on this: two meters – one for the sprinkler and one for the building for both water ns sewer. The motion is withdrawn after much discussion. A motion is made by Councilman Jeffers to waive the sewer charges over the minimum charge and retain the full water charge for this bill only, seconded by Supervisor Adams. Roll Call Vote: Councilman Eades abstains, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried.

Quincy Hill Drainage District – Supervisor Adams updates the board on this. It was created in 2011, but never added to the taxes. It will be added to taxes this year. A motion is made by Councilman Eades to add \$3,000.00 as the amount to be raised by taxes for the 2019 budget (This amount will be decided yearly at budget time), seconded by Councilman Jeffers. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried.

Proposed Local Law B – 2018: Attorney Andino updates the board on this: this applies to special districts too. If it is determined that the local law is not needed, it can be rescinded. The Public Hearing on Proposed LL B – 2018 is opened on a motion made by Councilman Jeffers, seconded by Supervisor Adams, 5 ayes 0 nays, carried. Councilman Jeffers questions rescind if only one district goes above tax cap, Attorney Andino will research and have more information next month. There are other questions – the tax cap law is done/set by NYS. The Public Hearing is closed on a motion made by Councilman Eades, seconded by Councilman Gagliardi, 5 yes 0 nays, carried.

TOWN OF SENNETT TOWN BOARD RESOLUTION - October 16, 2018

TOWN OF SENNETT LOCAL LAW B OF 2018  
("A Local Law Overriding the Tax Levy Limit Established  
in General Municipal Law §3-c in the Town of Sennett")

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2018, "A Local Law Overriding the Tax Levy Limit Established in General

Municipal Law §3-c in the Town of Sennett," was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on September 18, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 16th day of October, 2018, 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. B-2018 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2018.  
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. B-2018 as Local Law No. 2-2018 as follows:

"TOWN OF SENNETT LOCAL LAW NO. 2 OF 2018 - A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C  
IN THE TOWN OF SENNETT

Be it enacted by the Town Board of the Town of Sennett as follows:

#### Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sennett, County of Cayuga pursuant to General Municipal Law §3-c, and to allow the Town of Sennett to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

#### Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

#### Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Sennett, County of Cayuga, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

#### Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### Section 5. EFFECTIVE DATE

This Local Law shall take effect 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: Supervisor Adams yes, Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes and Councilman Jeffers yes. The foregoing resolution was thereupon declared duly adopted.

Department Reports: Highway Department reports that they filled eight dumpsters this year. Also, the cost of road salt is increasing by \$10.00 per ton. They also want to tank the W&S Department for the use of the extra man for help with brush pickup. They also sent trucks to help the Towns of Brutus, Skaneateles, Niles and Owasco to assist with paving/road work, mowed roadsides and the cemetery, replaced pipe and installed a catch basin on Butera Drive, tree work, ditched out two spots on Butera Drive and Barrington Way, did shop work, salt was delivered, hauled 1B's to mix with the salt, worked dumpster days, hauled scrap to the junk yard, got rid of all the gas operated items collected at the dumpster days, installed a driveway on Horan Avenue, and repaired a shoulder on Baker Road. The Water & Sewer Department reports that monthly water samples were done, monthly water operations reports were done and given to DOH by the 10<sup>th</sup>, water meters were read and bills were sent out, have done data logs for people with leaks or high usage, replaced a main valve and upper and lower seat rings on a leaking hydrant on Mutton Hill Road, scraped and painted fire hydrants in WD#3, did an inspection of the 6-inch sprinkler line for the old 84 lumber property, a relay switch went bad and was replaced at Pizza Hut sewer pump station, a float went bad at Butera Drive pump station and was replaced, daily checks of Franklin Street pump station, weekly checks of sewer pump stations and reading of sewer meters, fixing bent and broken curb stands, still getting many locate requests and the DOH did an inspection of our water system. Judge Timian reports \$5,283.00 for September. Judge Riley reports \$2,678.00 for September. The Town Clerk reports \$2,060.29 for September. The Court report was read and reviewed. The CEO's reports were read and reviewed.

The Town Board will meet and hold a special meeting and the Public Hearing on the 2019 Budget on October 29, 2018 at 6:00 PM.

The Public To be Heard segment is opened on a motion made by councilman Jeffers, seconded by Supervisor Adams, 5 ayes 0 nays, carried. Ron Dennis, Cherry Street Road, questions if the down can force special districts on residents. There is discussion on the various ways that special districts can be formed. Drainage concerns were also discussed. The Public To Be Heard segment is closed on a motion made by Councilman Jeffers, seconded by Councilman Eades, 5 ayes 0 nays, carried.

The abstract in the total amount \$112,212.52 is approved for payment on a motion made by Gagliardi, seconded by Councilman Jeffers. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried.

The minutes of the previous meeting area approved on a motion made by Councilman Jeffers, seconded by Councilman Gagliardi, 5 ayes 0 nays, carried.

The meeting is adjourned on a motion made by Councilman Jeffers, seconded by Councilman Gagliardi, 5 ayes 0 nays, carried.

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