

**Special Town Board Meeting  
February 28, 2008**

**Call to Order:** The regular Town Board Meeting was called to order at 10:30 PM by Supervisor David Kaiser.

<b>Roll Call:</b>	Councilman Robert Gerlach	Present
	Councilman Ralph Walborn, Jr.	Present
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinsworth	Present
	Supervisor David Kaiser	Present

**Others Present:** Highway Superintendent, Jim Williamson  
Town Attorney, James Gabriel  
Mike Coia, Seneca BioEnergy, LLC  
Jeff Warren, Top Quality Hay Processing, LLC

**Old Business:**

- A. Community Development Block Grant
  - a. Jim Gabriel was in attendance and able to answer questions the board members had with reference to the legal process of obtaining delinquent funds. Jim explained that the note holder would receive a subpoena, which would include an invitation to court. The Town would request a judgment or lien against this individual personally. The individual is ten months in default. The board request Mr. Gabriel to pursue this process. As of this day, all questions and payment arrangements will be addressed through the town attorney and the board will put a resolution up addressing this at the resolution section of the agenda.

**New Business:**

- A. Loan Advisory Board Recommendations-Top Quality Hay Processing, LLC
  - a. Jeff Warren was in attendance and therefore the board members were able to address the questions they had directly with Mr. Warren. The board members with their attorney present addressed each contingency the Loan Advisory Board had recommended as follows:
    - i. Personal guarantees of both partners – this was acceptable to Mr. Warren and his partner.
    - ii. Commitment letter of grant from Senator Nozzolio – this was included in the loan application packet
    - iii. Commitment letter of grant from Restore NY – this has received a verbal approval, however, this application was submitted by the Town of Romulus. Therefore, the town will receive the commitment letter from New York State.
    - iv. Documentation showing investment by partners – Mr. Warren had this with him and provided a copy to the town.
    - v. Documentation indicating a 49-year lease for \$1.00 per year- Mr. Warren and Mr. Coia explained the lease situation to the board and Mr. Gabriel. In light of the current deed transfer situation at the depot, which the town is very aware of, Mr. Warren has asked the board to consider removing this contingency. At the recommendation of Mr. Gabriel, this will be removed.

- vi. Commitment to provide employment-hiring forms as required by HUD – This is acceptable to Mr. Warren and he will provide the main office with the completed forms as jobs are formed and filled.
- vii. Proof of Empire Zone Tax Credit – Mr. Warren explained this is being worked on, but must come from the IDA and the Army. The empire zone tax credit can't be completed until the transfers are complete. Again, as the board is only to aware of, this could take a very long time. Mr. Gabriel recommends this be deleted from the requirements.
- viii. Commitment letter from Chemung Canal & NYBDC - Mr. Warren explained these two companies are working together to produce a commitment for these funds. They have a verbal and are awaiting the official commitment letter. Mr. Gabriel explains that upon his receipt of this, copy should be given to the Town of Romulus.
- ix. UCC1 filing - Attorney recommends we remove this filing.

So as to not keep Mr. Coia and Mr. Warren for our entire meeting and provide them with the option to complete their business, at this time the board introduced the resolution for their needs. Resolution #29-08 stood as written, with one exception; at the very end as amended should be added.

**Resolution:**

29-08 Authorize Loan to Top Quality Hay Processors, LLC  
 Motioned by: Kyle Collinsworth  
 Seconded by: Robert Gerlach  
 Carried Unanimously

**New Business:**

- B. Recreation Center Located on the Former Seneca Army Depot
  - a. Jim Gabriel spoke with seller's attorney with regards to donating this property to the Town of Romulus. Jim spoke with Mike Karlsen who will be the surveyor for this transfer and will meet with Mike to discuss the needed road access. Jim also recommended we request an inspection by the Department of Health and possibly Jason McCormick, the County Engineer. It is imperative we assure the building is safe for occupancy and free from any toxins. Jim recommends the board accept this offer with the contingencies.
- C. Skid Steer Purchase Request
  - a. The purchasing price came from New York State bids, which included John Deere, New Holland, Gehl and Milton Cat. The Milton Cat was the best price for all the equipment that came with it. Jim Williamson expressed his desire to purchase the Milton Cat, which comes with a pickup broom and forks for picking up pallets. He shared with the board the amount of money that the Town and County have paid out over the past few years in rental fees for this particular piece of equipment. He explained that the Highway Dept. could rent this piece of equipment to the town and county for less than what they paid in prior years and still make money to pay for the piece of equipment. Jim also explained this came with a 1-year warranty for 1500 hours and a 2<sup>nd</sup> year could be purchased for \$950.00.

- D. CDBG Application for Depot Infrastructure Project
  - a. David Kaiser explained to the board the upcoming resolution to request Seneca County apply for a \$750,000.00 grant on our behalf to be applied to the infrastructure of the Depot. This grant is being offered through New York State Small Cities. He also explained this grant application would be with the understanding the Town of Romulus would be the sub-recipient and responsible for the administration of the grant, project monitoring and the grant closeout.
  
- E. Sidewalks Grant – Romulus/Varick Joint Application
  - a. The New York State Department of Transportation is offering a grant called, “Safe Routes to School”. The areas that expand over a 2-mile radius of an elementary school qualify to participate in the application process. The Town of Romulus would be the applicant for this joint project and included in this application packet we would like to include a resolution, which indicates Romulus’ support for sidewalks and other items, which would ensure a safe route to school for our children.
  
- F. Contracts
  - a. Jim Gabriel explained that it is common practice for a law firm to place on record a “Letter of Engagement”. The document is to protect all parties by clearly outlining procedures and the costs involved with the use of services from the practice.

**Resolutions:**

- 26-08 Authorize County to Apply on Behalf of Town  
Moted by: Councilman Robert Gerlach  
Secoded by: Councilwoman Barbara McCall  
Carried Unanimously
  
- 27-08 Support for Sidewalk Grant Application  
Moted by: Councilman Ralph Walborn  
Secoded by: Councilman Robert Gerlach  
Carried Unanimously
  
- 28-08 Engage Services of Town Attorney  
Moted by: Councilman Robert Gerlach  
Secoded by: Councilman Ralph Walborn  
Carried Unanimously
  
- 30-08 Authorize Supervisor to Execute Agreement to Accept Recreation Center  
Moted by: Councilman Ralph Walborn  
Secoded by: Councilman Robert Gerlach  
Carried Unanimously
  
- 31-08 Authorize Purchase of 2008 Skid Steer  
Moted by: Councilman Robert Gerlach  
Secoded by: Councilman Kyle Collinsworth  
Carried Unanimously

Meeting Adjourned at 11:25 a.m.