

**RESOLUTION**  
**(BALLFIELD)**

The Town Board Members of the **TOWN OF TULLY**, in the County of Onondaga, State of New York, met at a regular meeting held in the Municipal Building, located at 5833 Meetinghouse Road, Tully, on the \_\_\_\_ day of \_\_\_\_\_, 2016 at 7:30 p.m.

William Lund, Supervisor, and the following board members were present:

John Masters  
Chris Chapman  
Frank Speziale  
John Snavlin

Absent:           None

Also present: Susan Vaccaro, Town Clerk  
Steven J. Primo, Primo & Hills Law Firm, Attorneys for the Town

The following resolution as drafted and proposed by the Supervisor, was moved, seconded and adopted:

**WHEREAS**, a Resolution of the Town Board adopted on February 8, 1988 subject to permissive referendum was duly adopted authorizing the purchase of approximately 42 acres of vacant real property from William Underwood to be used for town purposes specifically “for public parks, playgrounds and recreational areas and for necessary town buildings” and the same upon filing of the required petition of town electors was approved at a special town election held on March 22, 1988; such premises generally described in the proposition approved by Town electors as located and bounded on the east by former Roessler and other Village residences, on the north by the former College of Forestry and Tully Central School properties, on the south by lake road and to the west by NYS Route 281 (see attached); and

**WHEREAS**, subsequent thereto, certain of such lands have been improved and are utilized as the Town and Village municipal offices, with the remainder of same remaining vacant and unimproved except for certain minor recreational facilities and a walking trail area along the perimeter of same;

**WHEREAS**, upon recommendation of the then Town Parks and Recreation Director, a proposal and presentation was made to the Town Board at its regular meeting held on August 12, 2015 by Doug Clay, Tully High School varsity baseball coach together with Don Mohat, junior varsity coach and a well recognized volunteer in the Tully Parks and Recreation Programs; amongst other relevant issues, it was noted that the existing varsity baseball field located on school district property, had frequent and significant maintenance issues, its location resulting in errant balls into neighboring yards, that parking was inadequate and no restroom facilities existed; and

**WHEREAS**, as a result, a detailed proposal for a newly constructed ballfield on a portion of the Town property referenced herein was made to be constructed at no cost whatsoever to the Town and with moneys raised by Town of Tully volunteer organizations and individuals;

**WHEREAS**, discussions included acknowledgement that any improvements to the property would be and remain Town property and exclusively under the control of the Town Board, that any such plans for construction and ongoing use shall not result in destruction of the existing tree line, not interfere with use or enjoyment of the walking trail and in consideration of use by the varsity baseball team might also benefit from additional landscape improvements through the horticulture programs and classes at the high school; and

**WHEREAS**, it was also acknowledged that as public lands intended for recreational and parklands use, any standardized use arrangements would be subject to the provisions of a written priority use agreement establishing scheduled times and usage by various parties, detailing maintenance and repair responsibilities, respective liabilities and insurance requirements, and preserving the rights of the general public to such use based upon fairly imposed and applied rules, all as required by law; and

**WHEREAS**, in order to minimize any potential adverse environmental impacts, and notwithstanding any sovereign exemption from its own local zoning and land use requirements the Town Board nevertheless has been advised by legal counsel that such use as proposed is permitted within the proposed zoning, and also agrees to conduct a review pursuant to the State Environmental Quality Review Act and at regular or duly noticed and scheduled Town Board meetings for the purpose of keeping residents totally informed and minimizing any potential adverse environmental impacts; and

**WHEREAS**, the Town Board shall retain all jurisdiction and authority over final approvals and future operations of said project and shall without further requirement of documentation have sole ownership of any improvements to the premises and no right to lien or encumber same shall vest in any party improving or maintaining same; and

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the above premises paragraphs and acknowledgements are hereby incorporated in these resolutions as if fully set forth hereinafter, and it is

**FURTHER RESOLVED**, that subject to the foregoing conditions, the Town Board hereby elects to permit the proposed project to proceed and further subject to execution of a written agreement reflecting the foregoing and any other terms and conditions as legally or otherwise required by the Town Board prior to commencement of any work at the premises.

\_\_\_\_\_, and seconded by \_\_\_\_\_, the foregoing resolution was put to a roll call, which resulted as follows:

William Lund, Supervisor \_\_\_\_\_  
Frank Speziale, Councilperson \_\_\_\_\_

Chris Chapman, Councilperson \_\_\_\_\_  
John Masters, Councilperson \_\_\_\_\_  
John Snavlin, Councilperson \_\_\_\_\_

Resolution was adopted on \_\_\_\_\_, 2016.

**CERTIFICATION**

I, the undersigned, Town Clerk of the Town of Tully, Onondaga County, New York, do hereby certify that the above is a true copy of the original resolution passed at a meeting of the Tully Town Board on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Town this 8th day of June 2016.

\_\_\_\_\_  
Susan Vaccaro, Town Clerk  
Town of Tully