

**REGULAR TOWN BOARD MEETING
TOWN OF TULLY
TOWN HALL
5833 MEETING HOUSE RD TULLY NY**

Members Present: Supervisor William A. Lund, Jr.
Councilor John Snavlin
Councilor Christopher Chapman
Councilor Frank Speziale

Absent: Councilor John Masters

Others present: Financial Officer Thomas Chartrand, Town Attorney Steven Primo, Highway Superintendent John Herold, Parks & Recreation Director Jayne Morse, Captain Bryan Ramsay, The Tully News Editor David Blatchley, and Bill Coffin, John McMahon, Mike Vaccaro, Sara Keller

7:30pm Supervisor Lund called meeting to order and led in Pledge of Allegiance.

RESOLUTION 17-2013

MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 13th MEETING AS WRITTEN. Motion by Councilor Chapman. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

RESOLUTION 18-2013

MOTION TO ACCEPT AND APPROVE THE VOUCHERS AS AUDITED. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Financial Report

Mr. Chartrand reviewed the receipts and disbursements for the month of February 2013 and reported that the taxes are paid in full; it was a fairly strong month for court fees; received monies for train station grant; the PILOT payment came in from the Village. As for the highway fund, the town received snow removal from the fire department for special districts; Otisco and Fabius paid for ambulance services; ambulance recoveries had a pretty good month.

On the expense side, fire taxes and trash district taxes pushed the general abstract #2 over \$679,000, but it's early in the year and the town is in good shape so far.

Tom also referred to a transfer sheet which is included as follows:

TOWN OF TULLY

March 13, 2013

To: Town Board
From: Tom Chartrand
Re: Budget Transfers

GENERAL	Townwide		Amount
From:			
A599	Surplus	County Grant	17,300.00
		Total	\$17,300.00
			=====
To:			
A7989.4	Other Culture (Train Station)	Contractual	17,300.00
		Total	\$17,300.00
			=====

RESOLUTION 19-2013

MOTION TO ACCEPT THE TRANSFER SHEET FOR THE TRAIN STATION MONIES. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

RESOLUTION 20-2013

MOTION TO ACCEPT THE FINANCIAL REPORT. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Consider Tentative Agreement with Local 317

After a brief discussion, the following motion was made:

RESOLUTION 21-2013

MOTION TO ACCEPT THE TENTATIVE AGREEMENT WITH LOCAL 317 (HIGHWAY). Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Agenda Item 5

RESOLUTION 22-2013

MOTION TO AUTHORIZE THE TOWN CLERK TO PUBLISH A NOTICE IN THE OFFICIAL NEWSPAPER ADVISING RESIDENTS THAT THE ANNUAL FINANCIAL REPORT AND THE S.O.T.S. UPDATE HAVE BEEN FILED WITH THE STATE COMPTROLLER AND THAT HARD COPIES OF THESE REPORTS ARE AVAILABLE FOR REVIEW DURING REGULAR BUSINESS HOURS. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Approve Bond Resolution for Final Payment to Aldi

RESOLUTION 23-2013

TOWN OF TULLY
ONONDAGA COUNTY, NEW YORK

March 13, 2013

The Town Board of the Town of Tully, in the County of Onondaga, State of New York, met in regular session in the Town of Tully, located at 5833 Meetinghouse Road, County of Onondaga, State of New York, on March 13, 2013 at 7:00 p.m.

William Lund, Supervisor, and the following Board Members were present, namely:

Chris Chapman
Frank Speziale
John Snavlin

Absent: John Masters

Also Present: Susan Vaccaro, Town Clerk
Steven J. Primo, Attorney for the Town Board

The following resolution was offered by Chris Chapman, who moved its adoption, and seconded by John Snavlin to wit:

BOND RESOLUTION OF THE TOWN OF TULLY, ONONDAGA COUNTY, NEW YORK, ADOPTED ON THE 13TH DAY OF MARCH, 2013, RATIFYING THE PAYMENT OF A SETTLED CLAIM WITH ALDI, INC. RESULTING FROM A PROCEEDING BROUGHT PURSUANT TO ARTICLE SEVEN OF THE NEW YORK REAL PROPERTY TAX LAW AT AN ESTIMATED MAXIMUM COST OF \$221,273, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$100,000 BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COST OF THE SETTLEMENT.

WHEREAS, the Town Board of the Town of Tully (the "Town") previously entered into a stipulation of settlement and order (the "Settlement") with Aldi, Inc. resulting from the commencement of judicial review proceedings pursuant to Real Property Tax Law Article 7 covering tax years 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 to review assessments on property Aldi, Inc. owns in the Town, located at 300 Route 281 and identified on the Town's tax rolls as Tax Parcel No.: 115.-01-17.2; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of

Environmental Conservation of the State of New York promulgated there under (collectively referred to hereinafter as "SEQRA"), the Town is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Town and the approval of this resolution constitutes such an action; and

WHEREAS, the Town Board of the Town of Tully desires to authorize the issuance of obligations of the Town to finance, in part, the cost of the Settlement.

NOW, THEREFORE BE IT RESOLVED THIS 13th DAY OF MARCH, 2013 BY THE TOWN BOARD OF THE TOWN OF TULLY, ONONDAGA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The Town as "lead agency" (as defined by SEQRA) has reviewed the Settlement to be financed with the proceeds of the bonds and notes authorized hereby and hereby determines that said project is a Type II Action in accordance with Section 617.5(c)(20) of the SEQRA regulations and therefore is not subject to review under SEQRA.

Section 2. The Settlement, at a maximum estimated cost of \$221,273, including all professional costs, equipment, machinery and other necessary appurtenances and all other necessary costs incidental thereto, which is estimated to be the total cost thereof, is hereby ratified and approved.

Section 3. The plan for the financing of the aforesaid specific object or purpose is by the application of certain available monies of the Town and the issuance of up to \$100,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay interest on said obligations.

Section 4. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town.

Section 7. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to subdivisions (a)33 and 33-a of paragraph 11 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is 5 years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and

- (c) The proposed maturity of the bonds authorized by this resolution shall not exceed five (5) years.
- (d) The Town reasonably expects to reimburse itself for expenditures made for the Project from the Town's General Account with the proceeds of the bonds or notes herein authorized.
- (e) This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Tully, Onondaga County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 12. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Town in relation to the issuance of the Bonds.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. Pursuant to paragraph (1) of subsection 2 of paragraph b of Section 35.00 of the Local Finance Law, this resolution is not subject to permissive referendum as the maturity of the bonds and notes authorized hereunder is not more than five years. This resolution shall become effective immediately. The Town Clerk shall cause the publishing and posting

of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town this 13th day of March, 2013, the result of which vote was as follows:

<u>BOARD MEMBER</u>	<u>VOTE</u>
William Lund, Supervisor	Yes
Frank Speziale, Councilperson	Yes
Chris Chapman, Councilperson	Yes
John Masters, Councilperson	Absent
John Snavlin, Councilperson	Yes

DATED: March 13, 2013

CERTIFICATE

I, the undersigned Town Clerk of the Town of Tully, Onondaga County, State of New York, **HEREBY CERTIFY**:

That I have compared the annexed extract of the minutes of a meeting of the Town Board of said Town including the resolution contained therein, held on March 13, 2013, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) proper notice was given relative to said meeting and said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Tully, Onondaga County, New York, this 28TH day of March, 2013.

Town Clerk

[SEAL]

NOTICE OF BOND RESOLUTION

The resolution, a summary of which is published herewith, was adopted on March 13, 2013. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Tully, Onondaga County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Susan Vaccaro, Town Clerk

SUMMARY OF BOND RESOLUTION

A Bond Resolution adopted by the Town Board of the Town of Tully, Onondaga County, New York (the "Town") on March 13, 2013 ratified a stipulation of settlement and order (the "Settlement") with Aldi, Inc. resulting from the commencement of judicial review proceedings pursuant to Real Property Tax Law Article 7 covering tax years 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 to review assessments on property Aldi, Inc. owns in the Town, located at 300 Route 281 and identified on the Town's tax rolls as Tax Parcel No.: 115.-01-17.2, at a maximum estimated cost of \$221,273. The plan for the financing of the aforesaid specific object or purpose is by the application of certain available monies of the Town and the issuance of up to \$100,000, or such lesser amount as may be necessary, of serial bonds or bond anticipation notes and the levy of a tax for the foregoing object or purpose in an amount not to exceed \$100,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board. Under the Local Finance Law, the Settlement has a period of probable usefulness of five years. Such resolution shall be kept available for public inspection in the Town Clerk's Office during regular business hours for twenty days following this publication.

Parks & Recreation

Jayne Morse reported on the following:

- Open registration this Saturday at the town hall from 9 to Noon for baseball and softball registrations
- Moo Run will be Saturday, June 1st
- Open registration for summer activities on Saturday, June 8th
- Tentative opening for Green Lake this summer season will be Sunday, June 23rd – that date may be subject to change. Jayne is contacting lifeguards at this time
- New town website has lots of information on parks and rec activities, and the school website has a link to parks and rec activities as well

Highway

John Herold gave a brief report on highway department activities as follows:

- Been out plowing 32 times in February, 9 times in March so far
- Still working on prices for new stake rack truck
- Crew has been out filling potholes
- Earth Day activities are going to take place the weekend of April 12th and 13th this year, so there will be a person at the garage from 8 to noon. Sally Green is the contact person if interested in participating
- Semi-annual Cleanup Day will be May 11th – Dave Blatchley will advertise in The Tully News and the town clerk will put an announcement on the website

Ambulance

Bryan Ramsay reported on ambulance activities. Below are some of the highlights:

- the year to date for ambulance calls is 107; call volume includes suicide attempts and drug overdoses involving young kids
- four new volunteers brought on board
- Wednesday, March 27th the firehouse is hosting a daytime regional protocol update. Central New York counties are doing this, so there are going to be eleven counties with the same protocols. It would make things more uniform rather than going into different areas with different protocols in place.

Legal

Attorney Steve Primo responded to a question from Counselor Snavlin regarding the status of the Lowell property on Green Lake. Steve explained that he had sent a letter to Damon Lowell and Duane Wright and was asked that a copy be given to Mrs. Lowell. But he has not had a response yet. Steve asked that the assessor take the property off the tax roll to avoid any issues. Supervisor Lund said he would follow up with Cris DeFuoco.

Next, Steve asked the board for a brief executive session for advice of counsel on the moratorium.

Floor

Nothing from the floor, but Councilor Snavlin asked about Honeywell coming to the Village to ask about taking over the water in the valley. Mr. Primo explained his understanding of the situation, and a brief discussion followed.

There was also brief mention regarding citizen of the year being put into The Tully News. Additionally, there was discussion as to Eleanor Preston's concern regarding advertizing now that the Pennywise is no longer going to be published and the Post-Standard has cut back the number of days it is published in hard copy. Dave Blatchley asked if the board would consider putting advertising in the town newsletter. The feeling is that the town would have to charge for that. Discussion followed.

John McMahon asked what was going on behind the shale hill. There was discussion about Nate Shirley selling firewood from that property. Mr. Lund has asked Ralph Lamson to keep track of the property. Discussion followed regarding movement of firewood as it concerns the emerald ash borer and the DEC.

MOTION TO MOVE INTO EXECUTIVE SESSION AT 8:30PM FOR ADVICE OF COUNSEL, SUBJECT IS THE MORATORIUM. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

EXECUTIVE SESSION

MOTION TO MOVE OUT OF EXECUTIVE SESSION WITH NO ACTION TAKEN AND ADJOURN THE MEETING AT 9:03PM. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Chapman, Snavlin, Speziale) 0 naves.

Respectfully submitted,

Susan Vaccaro,
Town Clerk