

**TOWN OF TULLY**  
**APRIL 10, 2013**

**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      Town Attorney Steven Primo

Others present: Financial Officer Thomas Chartrand, Highway Superintendent John Herold, Parks & Recreation Director Jayne Morse, Ambulance Captain Bryan Ramsay, *The Tully News* editor David Blatchley, Bill Coffin, John McMahon, Ann Marie Jones, Benjamin Jones, Sara Keller

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

**Resolution 24-2013**

**MOTION TO APPROVE THE MINUTES OF THE MARCH 13, 2013 MEETING AS WRITTEN. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 nays.**

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

**Financial Report**

Mr. Chartrand reviewed receipts and disbursements for the month of March 2013 including the following: on the general fund, justice court grant received and included in a transfer sheet for this month; on the highway fund, we received the first half of the snow and ice removal; ambulance monies continue to come in right on budget.

On the expense side, it was a quiet month. Tom also reviewed the following transfer sheet:

TOWN OF TULLY

April 10, 2013

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

| GENERAL  | Townwide          |                      | Amount     |
|----------|-------------------|----------------------|------------|
| From:    |                   |                      |            |
| A599     | Surplus           | State Grant          | 1,200.00   |
| A9060.8  | Employee Benefits | Hospital & Medical   | 200.00     |
|          |                   | Total                | \$1,400.00 |
|          |                   |                      | =====      |
| To:      |                   |                      |            |
| A1110.4  | Justices          | Equipment            | 1,200.00   |
| A9055.8  | Employee Benefits | Disability Insurance | 200.00     |
|          |                   | Total                | \$1,400.00 |
|          |                   |                      | =====      |
| HIGHWAY  | Townwide          |                      |            |
| From:    |                   |                      |            |
| DM599    | Surplus           | 2012 Budget          | \$7,000.00 |
|          |                   | Total                | \$7,000.00 |
|          |                   |                      | =====      |
| To:      |                   |                      |            |
| DM5130.2 | Machinery         | Equipment            | \$7,000.00 |
|          |                   | Total                | \$7,000.00 |
|          |                   |                      | =====      |

(Continued on next page)

|          |                 |             |             |             |
|----------|-----------------|-------------|-------------|-------------|
| HIGHWAY  | Outside Village |             |             |             |
| From:    |                 |             |             |             |
| DR599    | Surplus         | 2012 Budget | \$11,000.00 |             |
|          |                 |             |             | Total       |
|          |                 |             |             | \$11,000.00 |
|          |                 |             |             | =====       |
| To:      |                 |             |             |             |
| DM5110.4 | General Repairs | Contractual | \$11,000.00 |             |
|          |                 |             |             | Total       |
|          |                 |             |             | \$11,000.00 |
|          |                 |             |             | =====       |

**Resolution 25-2013**

**MOTION TO ACCEPT THE FINANCIAL REPORT FOR MARCH 2013. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

**Resolution 26-2013**

**MOTION TO ACCEPT THE TRANSFERS AS RECOMMENDED BY TOM CHARTRAND. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

**Resolution 27-2013**

**MOTION TO CHANGE ORGANIZATIONAL RESOLUTION NO. 4 REGARDING THE DESIGNATION OF DEPOSITORY OF FUNDS FROM ALLIANCE BANK TO NBT BANK. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

**Parks and Recreation**

Jayne Morse reported on the following:

- ❖ Baseball/softball program registrations – Mother Nature is not cooperating!!!
- ❖ Received another allotment of equipment from Mc Nerney Chevrolet
- ❖ Three places are offering lifeguard classes, so potential summer lifeguards will be taking classes

**Highway**

John Herold gave a brief report on highway activities including the following:

- ❖ There have been minimal breakdowns of equipment this winter season
- ❖ On Saturday, April 13<sup>th</sup>, the garage will be open from 8am to noon accepting bags of garbage, tires, etc. from groups participating in Earth Day activities
- ❖ In the process of getting proposals for dumpsters for Spring Cleanup Day which is May 11<sup>th</sup> this year
- ❖ There was an issue with the stake rack truck which John explained
- ❖ John also discussed the purchase of a new stake rack truck after which there were the following motions:

**Resolution 28-2013**

**MOTION TO ACCEPT THE BID FOR \$48, 235.99 FOR THE ONE-TON TRUCK. Motion by Councilor Snavlin. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

**Resolution 29-2013**

**MOTION TO EXPEND \$4100 FOR THE PLOW FOR THE AFOREMENTIONED TRUCK. Motion by Councilor Speziale. Second by Supervisor Lund. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

(Continuing with Highway) John asked the board to consider moving some surplus monies from the 2012 budget to equipment and general repairs. Tom advised John that the transfer sheet (included in these minutes) discussed during the financial report covered those monies.

**Ambulance**

Bryan Ramsay reported on ambulance activities as follows:

- ❖ 42 ambulance calls in March bringing the total to 151 for the year to date
- ❖ Staff has completed refresher classes so will be getting money back from the state
- ❖ New staff member is up and running and refreshing classes that he presently had
- ❖ Medicare reimbursement issues

**Board of Assessment Review Appointments**

There are two open positions on this board and three interested candidates. After a brief discussion among the town board members, the following motions were made:

**Resolution 30-2013**

**MOTION TO APPOINT ROBERT HYNES AND JOHN CONSLER TO THE GRIEVANCE BOARD OF REVIEW. Motion by Councilor Chapman. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.**

**TOWN OF TULLY**  
**APRIL 10, 2013**

**Resolution 31-2013**

**MOTION TO AUTHORIZE ROBERT HYNES AND JOHN CONSLER TO ATTEND THE TRAINING ON APRIL 30<sup>TH</sup> FOR THE GRIEVANCE BOARD.** Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 nays.

**Floor**

John McMahon asked about the executive session that took place at the last meeting in which the moratorium on hydrofracking was to be discussed and wondered what the status of the moratorium is at this point. Mr. Lund responded that the plan was to discuss that during the legal portion of the meeting this evening. Thus far, though, Mr. Lund reported that the moratorium was extended by local law to April 5<sup>th</sup>. John also asked the status of the sale of firewood on Rt. 11. Mr. Lund responded that the land is zoned for business, though the owner still needs to obtain a permit for a driveway. The work itself is not a zoning problem, but rather a DEC issue as it relates to the emerald ash borer. Brief discussion continued after which Mr. Lund suggested that he would call the DEC himself.

Next, Bill Coffin asked about groups advertizing in The Tully News. Lengthy discussion followed. It was agreed that some research should be done and discussions had to reach an agreement on size of ads and who should be allowed to advertize without going overboard on the cost of the newsletter.

**Legal**

There was discussion on extending the moratorium on hydrofracking. Councilor Chapman spoke at length about the difficulty of making a decision whether to allow gas exploration and extraction when the state has not been able to make a decision up to this point. There were additional comments by board members. Both Councilor Chapman and John McMahon spoke in favor of extending the moratorium after which the following resolution was made, seconded and adopted:

**RESOLUTION 32-2013**

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 10<sup>th</sup> day of April, 2013 at 7:30 p.m.

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

Chris Chapman  
Frank Speziale  
John Snavlin

Absent: John Masters

The following resolution was moved, seconded and adopted:

**WHEREAS**, on June 13, 2012 the Town Board adopted Local Law No. 1 of 2012, imposing a Six (6) month moratorium on Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes and terminated the then existing moratorium provided for under Local Law No. 5 of 2011; and

**WHEREAS**, Local Law No. 1 of 2012 took effect on July 5, 2012 upon its filing in the Office of the Secretary of State and its initial six (6) month term expired on January 5, 2013; and

**WHEREAS**, Local Law No. 1 of 2012 further provided that the moratorium and prohibition established there under could be extended, for (up to) two additional periods of three (3) months each, upon a finding of good cause therefore, and resolution of the Town Board adopting such extending the term(s) hereof; and

**WHEREAS**, by duly adopted resolution dated December 12, 2012, the Town Board extended such moratorium and prohibition by an additional three (3) month period, to be effective upon expiration of the initial six (6) month term on January 5, 2012 and expiring on April 5, 2013; and

**WHEREAS**, the Town has proceeded diligently with respect to studying the impacts, effects, and possible controls over such activities, as well as considering amendments to the Town's zoning laws to address same; and

**WHEREAS**, more specifically, in connection with same a committee of the Town Board has been specifically charged with and has been researching the

issues relevant to consideration of a local regulatory scheme, and continues in earnest with same; and

**WHEREAS**, delay in issuance of a proposed permitting scheme by the New York State Department of Environmental Conservation, and its underlying delay in connection with its review of environmental impacts, has thereby delayed the Town Board in reaching any decision, based in part on not as yet having an understanding of the proposed regulatory scheme of the NYS DEC, and as a result, of the Town's authority to regulate such land use(s) and operations under its zoning and police powers, and accordingly warrants the Town Board continuing its research, evaluation and consideration of a proper local regulatory scheme; and

**WHEREAS**, to enable the Town to continue to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building occupancy, certificates of compliance, temporary certificates and other Town-level approvals respecting, the activities prohibited by Section 4 of such Local Law No. 1 of 2012, for an additional reasonable time, and so as to allow the Town Board such additional time to study the impacts, effects, and possible controls over such activities and amendments to the Town's zoning laws to address the same, the Town Board finds that an additional three (3) month extension of the moratorium established in Local Law No. 1 of 2012, subject to the same provisions, terms and conditions of such Local Law No. 1 of 2012, and for the reasons and rationale hereinbefore set forth, will achieve an appropriate balancing of interests between (on the one hand) the public need to safeguard the character and other resources of the Town of Tully and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during such period; and

**WHEREAS**, within the past couple of months it has again been indicated that there will likely be considerable additional delay with respect to New York State adopting a position relative to permitting and regulation of such industry and practices; and

**WHEREAS**, nevertheless the Town Board remains concerned that final action from the NYS DEC could come quickly and suddenly following close of the public comment period in the next few weeks and as a result determine there is an urgency to continuing this moratorium at this time and prior to any change in circumstance that could adversely affect the health, welfare and safety of Town residents and property; and

**WHEREAS**, the Town Board has determined, based upon the foregoing, that there is the requisite just cause for such additional three (3) month extension; and

**WHEREAS**, the Town Board directed that the moratorium be extended and the appropriate resolution prepared provide for same at its March 13, 2013 meeting; and

**WHEREAS**, the Town Board has likewise determined that in relation to review under the State Environmental Quality Review Act, the prior determinations of the Town Board are likewise affirmed and accordingly, has determined this a Type II action, not subject to SEQRA review; and

**NOW THEREFORE, be it**

**RESOLVED**, the Town Board subject and pursuant to all such provisions of Local Law No. 1 of 2012, hereby extends the moratorium on Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes established by Local Law No. 1 of 2012 for an additional three (3) months effective from April 5, 2013 and expiring on July 5, 2013;

Upon motion made by Councilor John Snavlin, and seconded by Councilor Christopher Chapman, the foregoing resolution was put to a roll call, which resulted as follows:

|                               |        |
|-------------------------------|--------|
| William Lund, Supervisor      | YES    |
| Frank Speziale, Councilperson | YES    |
| Chris Chapman, Councilperson  | YES    |
| John Masters, Councilperson   | Absent |
| John Snavlin, Councilperson   | YES    |

Resolution was adopted on April 10, 2013.

**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 April 10, 2013.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Town this 24th day of April 2013.

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Susan Vaccaro, Town Clerk  
Town of Tully

**RESOLUTION 33-2013**

**MOTION TO ADJOURN THE MEETING AT 8:15PM. Motion made by Councilor Chapman. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Chapman, Snavlin, Speziale) 0 naves.**

Respectfully submitted,

Susan Vaccaro,  
Town Clerk