

Town of Tully
February 11, 2015

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

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

Absent: Councilman John Masters

Others present: Financial Officer Thomas Chartrand, Town Attorney Steven Primo, Highway Superintendent John Herold, Ambulance Captain Bryan Ramsay, The Tully News Editor David Blatchley, Fire Commissioner Mike Bridenbaker, and Mike Greenwood, John McMahon and Sara Payne

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

MOTION TO ACCEPT THE MINUTES OF THE JANUARY 14, 2015 MEETING AS WRITTEN. Motion by Councilman Chapman. Second by Councilman Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

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

Financial Report

Mr. Chartrand reviewed the December 2014 report including the General Fund, the General Reserve, Bonds Payable, Highway and the Ambulance District Funds.

Tom also referred to a transfer sheet dated February 11th which is included here as follows:

TOWN OF TULLY

February 11, 2015

To: Town Board

From: Tom Chartrand

Re: Budget Transfers

HIGHWAY	Townwide		Amount
From:			
DM599	Surplus	2014 Closing Balance	\$9,000
DS599	Surplus	2014 Closing Balance	\$6,000
		Total	<u>\$15,000.00</u> =====
To:			
DM5130.2	Machinery	Equipment	\$9,000.00
DS5142.5	Snow Removal	Contractual	\$6,000.00
		Total	<u>\$15,000.00</u> =====
HIGHWAY	Outside Village		
From:			
DR599	Surplus	2014 Closing Balance	\$14,000.00
		Total	<u>\$14,000.00</u> =====

To:			
DR5110.4	General Repairs	Construction	\$14,000.00

		Total	\$14,000.00
			=====

RESOLUTION 7-2015

MOTION TO APPROVE THE FINANCIAL REPORT FOR DECEMBER 2014. Motion by Councilman Snavlin. Second by Councilman Speziale. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 8-2015

MOTION TO APPROVE THE TRANSFERS DATED FEBRUARY 11TH, 2015. Motion by Supervisor Lund. Second by Councilman Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

Next, Tom reviewed the monthly statement of supervisor dated January 2015 including receipts and expenditures.

RESOLUTION 9-2015

MOTION TO ACCEPT THE SUPERVISOR'S REPORT FOR THE MONTH OF JANUARY 2015. Motion by Councilman Snavlin. Second by Councilman Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Parks and Recreation

No report

Highway

John Herold reviewed highway activities as follows:

- ✚ Plenty of plowing this winter, but plenty of material left
- ✚ Equipment holding up well, just a few breakdowns
- ✚ Quite a bit of flu and sickness this month; had to use our part-timer
- ✚ Putting specs together for a new truck
- ✚ Ice festival is Sunday, February 21st

Ambulance

Captain Bryan Ramsay gave an ambulance report including:

- ✚ 49 calls for January
- ✚ A-1 ambulance brought to D&W Diesel in Auburn again for mechanical problems
- ✚ Discussion about possibly applying to FEMA for a grant in the Fall for a vehicle replacement
- ✚ New member from the Otisco Fire Department who is now in the EMT class would come on as a regular member of our department
- ✚ Ebola training again
- ✚ Supplemental reimbursement through Medicaid -- Mr. Chartrand explained

Fire

Mike Bridenbaker advised the board that the fire commissioners' meetings had been changed from the third Wednesday to the third Thursday of each month.

Bids went out for the apparatus and the breathing apparatus. Those bids will be opened up on the 19th at 7pm.

Grants for this year are in the process, but we do not know anything at this point in time.

RESOLUTION 10-2015

MOTION TO APPOINT MIKE GREENWOOD TO THE BOARD OF ASSESSMENT REVIEW FOR FIVE YEARS. Motion by Councilman Speziale. Second by Councilman Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Floor

No comments this evening.

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Legal

Attorney Steven Primo suggested the first order of legal business be the adoption by the board of a blanket undertaking. There was a lengthy discussion after which the resolution included below was adopted.

RESOLUTION No. 11-2015

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 11th day of February, 2015 at 7:30 p.m.

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

Chris Chapman
Frank Speziale
John Snavlin

Absent: John Masters
Also present: Susan Vaccaro, Town Clerk
Steven J. Primo, Attorney for the Town

The following resolution as drafted and proposed by the Attorney for the Town, was moved, seconded and adopted:

WHEREAS, at the 2015 Organizational Meeting of the Town of Tully Town Board ("Town Board") held on January 14, 2015, the Town Board approved a blanket undertaking bond covering all Town officers, clerks and employees as required by Section 25 of the Town Law resolving specifically that an official blanket undertaking be procured instead of individual undertakings covering the Town Supervisor, Town Clerk, Collector and Receiver of Taxes, Justices of the Peace, Town Superintendent of Highways, Town Bookkeeper and Budget Officer, Town Zoning and Enforcement Officer, Fire Marshall, and that such undertaking contain provisions indemnifying against losses: (a) through the failure of the officers, clerk and employees covered there under to faithfully perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and (b) through fraudulent or dishonest acts committed by the officers, clerks and employees and covered there under

WHEREAS, as to such undertakings, Section 25 of the Town Law specifically provides: "Each supervisor, town clerk, collector, receiver of taxes and assessments, town justice, constable, town superintendent of highways, and such other officers and employees as the town board may require, before entering upon the duties of his or her office, and within thirty days after commencement of the term for which he or she is chosen, shall execute and file in the office of the clerk of the town, an official undertaking, conditioned for the faithful performance of his or her duties, in such form, in such sum and with such sureties as the town board shall direct and approve and such approval shall be indicated upon such undertaking. Unless the town board of his or her town has procured a blanket undertaking pursuant to subdivision two of section eleven of the public officers law that covers him or her, each town justice shall also file such undertaking as provided by section one hundred four of the uniform justice court act with the county clerk. Such undertaking shall not be recorded unless the town board of the town shall adopt a resolution so requiring and shall indicate such requirement upon such undertaking"; and

WHEREAS, Section 11(2) of the Public Officers Law provides specifically that "Notwithstanding the foregoing provisions of this section or any other law, general, special or local, requiring an official undertaking to be conditioned substantially to the effect that an officer, clerk or employee will faithfully discharge his duties and promptly account for and pay over all moneys or property received by him in his official capacity, it shall be permissible in lieu thereof, with the consent and approval of the officer or governing body authorized to require the undertaking, for any department or agency of the state or any municipal corporation or district corporation or department or agency thereof to procure a blanket undertaking from any duly authorized corporate surety covering officers, clerks and employees"; and

WHEREAS, the Town Board desires to make clear those officers, clerks and employees covered under such blanket undertaking approved at the January 14, 2015 Organizational Meeting including as permitted under Section 25 of the Town Law and as required by Section 11(2) of the Public Officers Law; and

NOW THEREFORE, BE IT RESOLVED, the blanket undertaking approved at the January 14, 2015 Organizational Meeting of the Town Board is intended to and shall cover all officers, clerks and employees of the Town so required to post undertakings and in addition, as permitted under Town Law Section 25, all such employees, clerks and officers of each department or part of Town government, including without limitation the Town Justices and Town Justice court, each of the foregoing department, part and justice courts respective deputies, clerks, secretaries, assistants and the like having access to Town, resident or other funds and property held by the Town and thus subject to theft, misappropriation, defalcation, loss or waste and otherwise intended, contemplated or eligible for coverage thereunder and including without limitation that such undertaking contain provisions indemnifying against losses: (a) through the failure of such officers, clerks, employees and other persons aforementioned to faithfully perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and (b) through fraudulent or dishonest acts committed by such officers, clerks, employees and other persons aforementioned it having been and being the intent of the board to extend such coverage in the broadest and most comprehensive manner to all such officers, clerks, employees and other persons aforementioned and to ensure its blanket undertaking provides such coverage; and it is

FURTHER RESOLVED, a copy of this resolution be delivered to the surety or insurer's representative for the Town for the purpose of ensuring and confirming such coverage has been and remains in place, full force and effect from its effective date, not later than January 1, 2015.

Motion by Councilperson Snavlin, and seconded by Councilperson Chapman, the foregoing resolution was put to a roll call, which resulted as follows:

William Lund, Supervisor _____
Frank Speziale, Councilperson _____
Chris Chapman, Councilperson _____
John Snavlin, Councilperson _____

Resolution was adopted on February 11, 2015.

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 February 11, 2015.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Town this ____ day of February 2015.

Susan Vaccaro, Town Clerk
Town of Tully

Next, there was a lengthy discussion regarding an application for a solar panel residential installation as well as a wind turbine installation.

RESOLUTION 12-2015

MOTION TO REFER THE WIND TURBINE APPLICATION TO THE PLANNING BOARD FOR THEIR REVIEW AND RECOMMENDATION TO THE TOWN BOARD TO TAKE PLACE BY THE MARCH TOWN BOARD MEETING. Motion by Councilman Snavlin. Second by Supervisor Lund. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

RESOLUTION 13-2015

MOTION TO SCHEDULE A PUBLIC HEARING AT 7:15PM ON MARCH 11TH FOR PROPOSED LOCAL LAW NO. 1 OF 2015 CONCERNING SOLAR PANEL PERMITTING. Motion by Supervisor Lund. Second by Councilman Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

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Next, there was a lengthy discussion regarding building permits and uploading them to the Tully website. Mr. Primo also discussed the Certiorari cases, particularly the Aldi case, and suggested that it be kept with Ted Williams at Harris, Beach subject to a reasonable hourly fee.

RESOLUTION 14-2015

MOTION WAS MADE BY COUNCILMAN SNAVLIN, SECONDED BY COUNCILMAN SPEZIALE THAT IN COMPLIANCE WITH SECTION 2019-A OF THE UNIFORM JUSTICE COURT ACT, THE TOWN BOARD HAS REVIEWED THE JUSTICE COURT RECORDS FOR FISCAL YEAR 2014 AND THE FINES THEREIN COLLECTED HAVE BEEN TURNED OVER TO THE PROPER OFFICIALS OF THE TOWN AS REQUIRED BY LAW. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 nays.

MOTION TO ADJOURN THE MEETING AT 9:00PM. Motion by Supervisor Lund. Second by Councilman Speziale. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 nays.

Respectfully submitted,

Susan Vaccaro,
Town Clerk