

Town of Tully
March 11, 2015

PUBLIC HEARING ON

LOCAL LAW NO. ONE (1) OF THE YEAR 2015

Supervisor Lund made a motion to declare the public hearing open at 7:15pm. Mr. Lund read from the Notice that this hearing is being held "to consider . . . enactment of proposed Local law No. 1 for the year 2015, providing for an amendment to Chapter 280 of the Town of Tully Code to exempt small-scale solar systems which qualify for the New York State Unified Solar Permit expedited permitting process, from the Town's permitting procedures for Small Wind Energy Systems and Solar Collection Systems pursuant to Section 280-11.1."

The Town board has determined this a Type II or Unlisted Action pursuant to SEQRA, and any review of the foregoing and proposed Local law No. 1 shall be in the context of consideration of Local Law No. 1 (proposed) under SEQRA and as a Type II or Unlisted Action.

Motion to close the Public Hearing at 7:25pm was made, seconded and carried unanimously by the Town Board 4 ayes (Lund, Speziale, Chapman, Snavlin) 0 naves.

The regular meeting of the Tully Town Board was convened at 7:30pm.

**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, Ambulance Captain Bryan Ramsay, Fire Commissioners Mike Bridenbaker, Ed Wortley, Jr and Sonny Battle, John McMahon, Sara Payne, Joe Puccia, Court Rutherford from Tag Mechanicals, Chris Straile

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

MOTION TO ACCEPT THE MINUTES OF THE FEBRUARY 11TH, 2015 MEETING AS WRITTEN.

Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

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

Financial Report

Mr. Chartrand reviewed the February 2015 report including court fines; the 2014 state contribution to the youth program which has been received; the highway fund; the ambulance fund; and all taxes which have been received.

RESOLUTION 15-2015

MOTION TO ACCEPT THE FINANCIAL REPORT FOR FEBRUARY 2015. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

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RESOLUTION 16-2015

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 NEW YORK STATE AND THAT COPIES OF THESE REPORTS ARE AVAILABLE FOR REVIEW DURING THE TOWN CLERK'S REGULAR BUSINESS HOURS. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 17-2015

MOTION THAT THE BOARD HAS AUDITED THE SUPERVISOR'S RECORDS FOR THE YEAR 2014 AND VERIFIED THAT ALL MONIES COLLECTED HAVE BEEN TURNED OVER TO THE PROPER TOWN OFFICIALS. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Mr. Chartrand also explained that there is a new bank program that the board needs to consider. Brief discussion followed after which Mr. Primo advised he would have to review the investment policy and get back to the board on that.

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 (handout)
- ✚ John would like to auction the old truck in the Fall
- ✚ Ice festival is Sunday, February 21st

RESOLUTION 18-2015

MOTION TO AUTHORIZE JOHN HEROLD TO PURCHASE THE TEN-WHEEL SNOW PLOW EQUIPMENT AT A COST OF \$263,000 AND ALSO TO AUTHORIZE THE TOWN CLERK TO WRITE A LETTER OF INTENT FOR THE AFOREMENTIONED TRUCK. Motion by Councilor Speziale. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

Ambulance

Captain Bryan Ramsay gave an ambulance report including:

- ✚ 67 calls for February; 117 year to date
- ✚ A-1 ambulance brought to D&W Diesel in Auburn again for mechanical problems
- ✚ Bryan did a presentation for the seniors at the Tully Community Church
- ✚ Dr. Deshaies, a physician from Crouse Hospital, will be presenting a program on stroke care

There was also a discussion regarding the purchase of an ambulance, how much is in reserve for that ambulance, the necessity for a permissive referendum and a bond resolution. Mr. Primo discussed with the board the fact that the notice needs to be published and also advised that he would call Bill Marquart to obtain a quote for legal services and necessary paperwork started for the bond.

Subsequent to that discussion, the following motion was made:

RESOLUTION 19-2015

MOTION TO AUTHORIZE THE PURCHASE OF AN AMBULANCE WITH A RELEASE FROM THE RESERVE FUND OF \$54,600 SUBJECT TO PERMISSIVE REFERENDUM.

Motion by Supervisor Lund. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves.

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Fire

Mike Bridenbaker reported that he had spoken to the representative from FEMA regarding the Lifepack grant for \$90,000. He also mentioned a matching grant from the town for \$5,000. Brief discussion followed.

Floor

No comments this evening. However, Supervisor Lund advised everyone, John McMahon in particular, that we are moving forward to have the building permit report on line. We would like that report to include the certificates of occupancy which it does not at this time. Ralph will work on that, but in the interim, we will publish a quarterly report on the building permits alone.

Legal

Supervisor Lund asked for advice on a surety bond relating to a NYS highway work permit. Mr. Primo suggested to the board that they might want to cancel the surety bond. Discussion followed after which there was the following motion:

RESOLUTION 20-2015

MOTION TO CANCEL THE SURETY BOND FROM 2009 IN RELATION TO THE NEW YORK STATE D.O.T. HIGHWAY WORK PERMIT AND REQUIRE THAT IT NOW BE PICKED UP UNDER THE BLANKET UNDERTAKING WITH NYMIR. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 naves

Attorney Steven Primo discussed proposed Local Law No. 1 of 2015 which relates to small-scale solar permitting.

Court Rutherford from Tag Mechanicals did a presentation on Kevin Stack's solar panel install. He informed the board that NYSERDA will fund the project once a building permit is issued. However, he was advised that a building permit cannot be issued until the County approves the project. Mr. Primo advised the board that he felt comfortable having Ralph Lamson issue a conditional building permit based upon the conditions set forth in resolution 21-2015 following. He also advised the board that the following resolution would become unconditionally effective upon the effective date of the adoption of what is now proposed Local Law No. 1 of 2015, thus permitting unconditional issuance of building permits at that point.

RESOLUTION 21-2015

(Adoption of NYS Unified Solar Permit and Procedures)

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 March, 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, pursuant to Section 10 of the Municipal Home Rule Law, the Town of Tully Town Board ("Town Board") duly adopted Chapter 136 entitled "Construction Codes, Uniform" of the Town of Tully Code ("Town Code") on November 8, 2006 by Local Law No. 3 of 2006, to provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code in the Town of Tully; and

WHEREAS, said Chapter 136 of the Town Code created the office of Code Enforcement Official who shall administer and enforce all the provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code; and

WHEREAS, said Chapter 136 requires the issuance of a building permit for any work which must conform to the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code, including small wind energy systems and small solar collection systems permitted by special authorization by the Town Board (STB) pursuant to Town Code §280-11.1; and

WHEREAS, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, the New York State Energy Research and Development Authority ("NYSERDA"), together with the New York Power Authority ("NYPA") and City University of New York ("CUNY"), developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and

WHEREAS, municipalities across the state that adopt the New York State Unified Solar Permit are eligible to receive between \$2,500 and \$5,000 depending on the population, through the New York State Cleaner, Greener Communities Program to implement the new procedures; and

WHEREAS, the Town Board desires to promote the streamlining of the application process for small-scale solar system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures, and to receive any monetary incentive the Town of Tully may be entitled to from New York State Cleaner, Greener Communities Program; and

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale solar systems, effective upon the effective date of filing of proposed Local Law No. 1 of 2015; and it is further

RESOLVED, the Town of Tully Code Enforcement Official is hereby directed to use said New York State Unified Solar Permit application form and procedures in issuance of building permits for the installation of small-scale solar systems and pending the effective date of the aforementioned Local Law No. 1 of 2015 to issue conditional building permits conditioned upon such local law becoming adopted and effective and thus any action based upon such issuance being at the owner/contractor's own risk; and it is further

RESOLVED, any further actions required of Town to effect the foregoing are hereby authorized and the Town Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

Upon motion made by _____, 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 Snavlin, Councilperson _____

Resolution was adopted on _____, 2015

CERTIFICATION

I, the undersigned, 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 Town of Tully Town Board on March 11, 2015.

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

Susan Vaccaro, Town Clerk of
the Town of Tully

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March 11, 2015

RESOLUTION 22-2015

MOTION TO ADOPT THE RESOLUTION ENTITLED "ADOPTION OF NYS UNIFIED SOLAR PERMIT AND PROCEDURES" AS PRESENTED EFFECTIVE UPON THE EFFECTIVE DATE OF FILING OF PROPOSED LOCAL LAW NO. 1 OF 2015. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 nays

RESOLUTION 23-2015

MOTION AUTHORIZING OUR CODE ENFORCEMENT OFFICER, RALPH LAMSON, TO ISSUE A PROVISIONAL BUILDING PERMIT FOR KEVIN STACK UP ON 724 STRONG ROAD. Motion by Councilor Speziale. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Chapman, Speziale) 0 nays

Continuing with Legal, Mr. Primo next discussed a memo handed out to the board relating to the Cornfield Classic which we had talked about in the past. One of the situations here deals with unconstitutional gifting issues, the liability issue, and the need for very specific insurance coverage. Brief discussion followed after which Mr. Lund said he would like to send out a copy of the handout with a cover letter to the appropriate people involved including the chief administrator of the school.

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

Respectfully submitted,

Susan Vaccaro,
Town Clerk