

TOWN OF TULLY
July 8, 2015

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 John Masters
Councilor Frank Speziale

Others present: Financial Officer Thomas Chartrand, Town Attorney Steven Primo, Highway Superintendent John Herold, Parks & Recreation Director Jayne Morse, The Tully News Editor Dave Blatchley, Ambulance Captain Bryan Ramsay, John McMahon, Michael Vaccaro, and representatives from CEC Energy Alex Fox and James Van Deuson II

Supervisor Lund called meeting to order and led in Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE JUNE 10TH PUBLIC HEARING AND TOWN BOARD MEETING. Motion by Councilor Speziale. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 nays.

MOTION TO APPROVE THE VOUCHERS. Motion by Councilor Masters. Second by Councilor Chapman. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 nays.

Financial Report

Mr. Chartrand reported on court fines; received the County reimbursement for utilities on the old highway garage for the winter; received some small fees including DWI and franchise fees; ambulance recoveries continued to come in "very strong." On the expense side, Tom reported it had been fairly quiet. Tom also mentioned that for the ambulance purchase of \$130,000, the bond sale will be July 15th.

RESOLUTION 44-15

MOTION TO ACCEPT THE FINANCIAL REPORT FOR JUNE 2015. Motion by Councilor Snavlin. Second by Councilor Masters. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 nays.

During the financial report, Supervisor Lund mentioned that there would be additional monies coming in this month for the sale of the property on Route 11, and this would be discussed later on in the meeting.

Parks & Recreation

Jayne Morse reported on the following activities:

- Group of boys that regularly plays basketball on the town courts asked if it was possible to acquire new nets as well as new backboards and baskets; the parks and rec board decided they would do it at a cost of \$2,000 per basket. Brief discussion followed.
- Registrations for all parks and recreation activities are now available on the Tully website
- The "Girls of Summer" lacrosse tournament was the first weekend in June and was a success; Mark McNerney, on behalf of McNerney Chevrolet, mentioned giving back to

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Parks & Rec Report Cont'd

- the kids and the community, and it was decided that the town could use some new ropes and buoys at Green Lake Beach, so that's what will be purchased and donated
- Green Lake employs 10 lifeguards for the beach, 3 gate guards, 4 WSI lifeguards; the swim lessons started on Monday, July 6th and classes were full
 - Moo Run Update: The Moo Run, which will now be held in conjunction with the Tully Community Fair, will be on Saturday, Sept. 12th and will follow the same route as the Turkey Trot

Highway

John Herold reported on the highway department's activities:

- It was a good month, though quite rainy
- Ditching and mowing roadsides
- Still don't have steel prices from Robinson for Cleanup Day; that is pending
- Discussion on town shop renovations
- The old town highway barn is structurally sound, but needs insulation, two overhead doors, a roof, maybe siding; discussion followed regarding sharing the cost with the county

RESOLUTION 45-15

MOTION TO AUTHORIZE THE HIGHWAY SUPERINTENDENT AND TOWN SUPERVISOR TO SOLICIT THREE QUOTES FOR THE ROOF FOR UNDER \$35,000. Motion by Councilor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 naves.

RESOLUTION 46-15

MOTION TO APPROPRIATE \$20,000 FROM THE SALE OF PROPERTY INTO A5132.2 WHICH IS THE HIGHWAY ACCOUNT TO HELP PAY FOR THE ROOF. Motion by Councilor Masters. Second by Supervisor Lund. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 naves.

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Date: July 8, 2015
 To: Town Board
 From: Tom Chartrand
 Re: Budget Transfers

GENERAL	Town wide		Amount
From:			
A599	Surplus	Sale of Property	20,000.00
		Total	<u>\$20,000.00</u>
To:			
A5132.2	Garage	Equipment	20,000.00
		Total	<u>\$20,000.00</u>
			=====

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Highway Report Cont'd

- John and his crew will put up the tennis court windscreen which was taken down when the fence was repaired after last winter's destruction
- Suit-Kote would like to rent the old shop while paving Truxton-Tully Road; more info to follow

Ambulance

Captain Ramsay reported on the following:

- 31 calls for June - 289 year to date total
- In receipt of the NYS DOH narcotics license renewal
- New ambulance placed into service on July 1, 2015 at 7:30am; some minor issues found and have been corrected by the dealer
- New member who is interested in driving; he will be starting his in-service training; he is also a member of the hose company
- Chemical suicide is on the increase in upstate New York; all staff advised of this type of suicide attempt

Fire

No report

Agenda Item No. 8

RESOLUTION 47-15

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 8th day of July, 2015 at 7:30pm.

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

John Masters
Frank Speziale
John Snavlin
Chris Chapman

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, the Tully Town Board has acquired property commonly known as: 1342 Route 11, Tully, NY 13159; Parcel No.: 112.-02-21.0

WHEREAS, the above-mentioned property was acquired by the Grantor by instrument and recorded in Book 05276, Page 0654, Onondaga County, State of New York, and

WHEREAS, the Town Board ratifies and confirms the prior resolution that it is surplus property not needed for any public purpose,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and ratifies the telephone poll of the Town Board Members on June 17, 2015 regarding the sale of property at 1342 US Route 11 Tully NY to Matthew S. Doody for \$30, 200.00, and it is further

RESOLVED, that the town supervisor is authorized to execute and deliver the deed and any other transfer documents.

Upon motion made by Councilor Masters and seconded by Councilor Speziale, the foregoing resolution was put to a roll call which resulted as follows:

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William Lund, Supervisor _____
John Masters, Councilman _____
Frank Speziale, Councilman _____
John Snavlin, Councilman _____
Chris Chapman, Councilman _____

Resolution was adopted on July 8th, 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 Tully Town Board on July 8th, 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

Floor

No comments this evening

Legal

Mr. Primo first addressed the Reed Doody wind turbine application and the ZBA public hearing that took place involving the setback issue. Mr. Primo suggested that the town board proceed with the waiver authority extending to the 40-foot setback issue by rescinding the referral to the ZBA and moving this forward. The height requirement was also discussed. Continuing, Steve explained that the original intent was to have this board consider everything with a planning board recommendation. He went on to say that it was a "glitch" in the local law that that waiver authority was not clearly set forth in that code section as being within this board's authority, but felt comfortable after discussions with the ZBA that this board could proceed with the waiver authority also extending to the 40-foot setback issue. He asked the applicant to consent to that as well.

Alex Fox, from CEC Energy, joined with the board's rescission of that waiver authority.

There were questions and comments by town board members, Mike Vaccaro as acting chairperson of the ZBA, as well as residents. A lengthy discussion followed.

Next, there was discussion regarding the particular waivers: the 100-foot height, the 40-foot setback and the 125% of the height waiver. Steve asked Alex Fox to go through the issues that were included in the email from him to Melissa Hinman. They were as follows:

- 1) It was represented at the last meeting that a 10 MHz kW facility is not manufactured at the height required by our code. Proof of that was agreed to be provided.
- 2) It was represented that there was a law or regulation requiring the location in the event of a tip over not impact the dwelling. The garage was ok, but not the dwelling proper.
- 3) The power lines were also referred to, but that was kind of lost on me. I got the impression overall that the map showing various references and radius's was relevant on all these points, but it wasn't clear.
- 4) I asked questions relative to the wind direction and the present and eventual height of the trees. This would be helpful.

- 5) Mr. Doody remarked that all of the vacant land appearing on the map was a working farm. Obviously, if the facility were located in another location in the middle of crops, he loses valuable farmlands for the footprint and as well for access and egress to the facility.

As each one was read, Alex explained each issue to Steve and to the board and the discussion continued after which, the following motion was made:

RESOLUTION 48-15

Motion by Supervisor Lund, seconded by Councilor Snavlin, to determine the action is a type one action under the SEQRA, and that based upon the short form EAF submitted by the applicant, the Board determines to conduct an uncoordinated review and issues a negative declaration of significance, to rescind the referral to the ZBA on a waiver of the 40-foot side yard requirement, to grant the requested waivers to permit a height of 133.5 ft, and location 111 feet from the rear lot line, and 21 feet from the side lot line and grant a special authorization subject and pursuant to Town Code Section 280-11.1 and, in particular, the requirements of Sections 280-11.1B and C, and to refer the application to the planning board for site plan review. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 naves.

RESOLUTION 49-15

MOTION TO AUDIT THE TAX COLLECTOR'S RECORDS FOR 2015. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 naves.

Having no further business, a MOTION TO ADJOURN THE MEETING AT 10:00PM was made by Councilor Speziale, seconded by Councilor Masters, and carried 5 ayes (Lund, Snavlin, Chapman, Masters, Speziale) 0 naves.

Respectfully submitted,

Susan Vaccaro