

TOWN OF TULLY
January 13, 2016

ORGANIZATIONAL MEETING

Supervisor Lund opened the meeting at 7:00pm. In attendance were department heads listed below as well as the new Tully News Editor Ben Bibik. Notice of the organizational meeting was published in the Post Standard on December 27, 2015 and posted on the sign boards at the town hall as well. Mr. Lund called for comments.

Councilor Speziale asked about the early monthly payroll which is usually approved and paid at the December meeting and suggested that it be added as an organizational resolution since it's done every year anyway. The board agreed and decided it should be added as Resolution 21. The Town Clerk will make that change and, as always, will include the **Organizational Resolutions** in their entirety at the end of these minutes.

RESOLUTION 1-2016

MOTION TO ACCEPT THE 2016 ORGANIZATIONAL RESOLUTIONS WITH THE PROPOSED CHANGE. Motion by Councilor Speziale. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 2-2016

MOTION TO CLOSE THE ORGANIZATIONAL MEETING AT 7:05PM. Motion by Councilor Snavlin. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

**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: Town Attorney Steven Primo, Financial Officer Thomas Chartrand, Highway Superintendent John Herold, Ambulance Captain Bryan Ramsay, The Tully News Editor Ben Bibik, and John McMahon and Sara Payne

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

MOTION TO APPROVE THE MINUTES OF THE DECEMBER 9th, 2015 MEETING. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

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

TOWN OF TULLY

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Financial Report

Tom Chartrand reviewed the receipts and disbursements for the month of December including court fees, mortgage tax, the host community fee from Cranesville Bloc which was \$25,000, as well as the highway fund CHIPS program for which \$45,854.61 was received, and the special ambulance fund for which over \$12,000 was received. On the expense side, it was a quiet month.

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

RESOLUTION 3-2016

MOTION TO PAY THE HRA PORTION OF THE TEAMSTERS CONTRACT. Motion by Councilor Snavlin. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 4-2016

MOTION TO APPROVE THE LEASE AGREEMENT AND SERVICE CONTRACT FOR THE NEW POSTAGE METER. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 5-2016

MOTION TO DESIGNATE JOHN MASTERS AS THE VOTING DELEGATE FOR THE ASSOCIATION OF TOWNS BUSINESS MEETING IN NEW YORK CITY IN FEBRUARY. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 6-2016

MOTION THAT THE BOARD HAS AUDITED THE JUSTICE COURT RECORDS FOR 2015 AND VERIFIED THAT ALL MONIES COLLECTED HAVE BEEN TURNED OVER TO THE PROPER TOWN OFFICIALS. Motion by Supervisor Lund. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

Parks and Recreation

No Report.

Highway

John Herold gave a brief report on highway activities including:

- ✚ We've saved money with less plowing due to good weather
- ✚ New truck discussed briefly
- ✚ One breakdown this past month with the old stake rack truck
- ✚ We've done some preventative maintenance on other equipment
- ✚ A federal project was discussed
- ✚ John also discussed a shared services agreement with our town attorney, Steven Primo

Ambulance

Captain Bryan Ramsay reported on ambulance activities as follows:

- ✚ 46 calls for December bringing our 2015 total to 581
- ✚ New heart monitors have been received; orientation on Wed. January 20th

- ✦ Received donation of three unused Cardiac Life AED's; only expense to the town is a 5-year annual maintenance contract plus the cost of freight for a total of \$1554.00; Bryan recommended to the Board that we purchase the maintenance agreement. If approved, he would like to place one in the Town Hall, one at the Town DPW garage, and one for use by the Parks & Recreation Department. There are three ambulance staff that are certified CPR/AED instructors for the American Heart Association, and they would be happy to set up training for any Town and Village employees who wish to be trained in the lifesaving course
- ✦ Bryan informed the Board that he had met with the Tully School Superintendent on December 30th with regard to an ambulance call involving a missing student; he had some concerns about the way the school handled the call. Brief discussion followed.

RESOLUTION 7-2016

MOTION TO APPROVE PURCHASE OF THE ABOVE-REFERRED-TO MAINTENANCE AGREEMENT. Motion by Supervisor Lund. Second by Councilor Speziale. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

Agenda Item No. 8

RESOLUTION 8-2016

MOTION TO APPROVE THE CONTRACT BETWEEN THE TEAMSTERS AND THE TOWN OF TULLY. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

Fire

No report.

RESOLUTION 9-2016

MOTION TO REAPPOINT WILLIAM RALBOVSKY TO THE ZBA FOR A FIVE-YEAR TERM BEGINNING JANUARY 1, 2016. Motion by Councilor Speziale. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

RESOLUTION 10-2016

MOTION TO REAPPOINT DAVID COURTWRIGHT TO THE PARKS & REC BOARD FOR A SEVEN-YEAR TERM BEGINNING JANUARY 1, 2016. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 4 ayes (Lund, Snavlin, Speziale, Chapman) 0 naves.

Floor

John McMahon discussed some issues with Feher over the last few years. The Feher driver has expressed concerns about not being able to turn around on John's road and also about the truck occasionally getting stuck. Some discussion followed.

Legal

Mr. Primo recommended that the Board amend the contract of sale between the Town of Tully and Matthew Doody. The following resolution addresses that issue and is as follows:

RESOLUTION 11-2016

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 13th day of January, 2016 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, the Town of Tully ("Town") was offered and accepted a donation of certain premises above described ("Premises") under contract to purchase dated April 2, 2015 between the premises mortgagee, Wells Fargo Bank, N.A. ("Wells Fargo"), who had foreclosed on the premises, determined it abandoned, in a steady state of deterioration, and presumably not readily marketable for sale, and accordingly, the Town Board resolved to accept such offer together with a contribution of \$20,000.00 from Wells Fargo representing consideration for incurring the costs of and any potential exposure to the Town resulting from ongoing post-closing ownership, maintenance and repair of the premises and other carrying costs for which Wells Fargo then in possession and control of the premises may have otherwise been held liable for; and

WHEREAS, due to the condition of the Premises the Town arguably would have had the right and obligation to exercise certain rights and remedies to address the condition of the property under the Town Code's property maintenance provisions and/or as well, to address increasing blight to a residential area in otherwise favorable condition by exercise of eminent domain or other legal proceedings providing for acquisition and/or control of the premises by the Town or the remedying of any such violative conditions, and

WHEREAS, Wells Fargo, presumably recognizing such exposure and accordingly having offered to transfer title to the Premises upon the foregoing terms and conditions, did pursuant to such Contract to Purchase close and transfer title to the Premises to the Town of Tully on or about May 21, 2015; and

WHEREAS, following such closing and title transfer, the Town Board having determined and resolved that the Premises were not needed for proper Town purposes declared same to be surplus and to list the Premises for sale with a realtor, specifically the "Lynch Team" of John Arquette Properties, and which realtors thereafter having listed the Premises for sale and soliciting offers to purchase the Premises on, amongst other things, condition that any such sale contract include that the Premises are to be sold in as-is condition as of the date of sale and with no warranties or representations; and

WHEREAS, although not specifically provided in writing, prospective purchasers were made aware of the fact that title to the Premises had transferred to the Town of Tully on May 21, 2015 and accordingly that the Town Assessor had determined the Premises would be exempted from certain property taxes possibly for the 2015-16 school taxes and, however, certainly for 2016 NYS mandated, County and Town taxes; and

WHEREAS, therefore, the Town Supervisor in discussions with the realtors and several prospective buyers, confirmed that the property had been determined as exempt from the property taxes aforementioned based upon the transfer to the Town and as confirmed by an email correspondence addressed to the Town Supervisor from the Town Assessor; and

WHEREAS, thereafter the Town Board having appeared and entered into a contract for the sale of the Premises from the Town to Matthew S. Doody ("Doody") and which contract, although not containing any reference to the premise's tax exempt status, was entered into with the express understanding that the Premises would be exempt from certain 2016 NYS mandated, County and Town taxes; and

WHEREAS, unbeknownst to the Town Supervisor and Town Board and to Doody, upon and based on the sale and transfer of title in accordance with such Contract to Purchase from the Town to Doody occurring on July 10, 2015 the Premises were restored to the tax rolls by the Town Assessor, thus making the Premises subject to the 2016 NYS County and Town taxes which all parties had assumed would be exempted; and

WHEREAS, the same having recently been brought to the Town Supervisor's attention by Doody, and the Town Board having now discussed the foregoing and desiring to abide by the representations made by Town, its listing realtors and which representations induced and were relied upon by Doody in offering to purchase the premises for the price and upon the other terms and conditions as were offered by Doody and accepted by Town; and

WHEREAS, of the original \$20,000.00 contribution made to the Town by Wells Fargo the Town has remaining unencumbered and non-appropriated funds sufficient to pay the above described 2016 State mandated, Town and County tax bill, (excepting certain minor charges thereon, as hereinafter described) and which sums the Town Board has been advised by its counsel Steven J. Primo may pay or reimburse such sums, in that this was agreed to as part of the Town's original deal with Wells Fargo, same being originally paid to the Town for precisely such purposes as the payment of any carrying costs such as property taxes due, and especially in light of the fact that Doody agreed to and paid a purchase price that took into account that the premises would be tax exempt; thus same may be appropriated for the purpose of payment or reimbursement to Doody for such property taxes paid or to be paid as above and hereinafter described and due to the property not being exempt from such property taxes as previously represented; and

WHEREAS, the Town Board accordingly desires to encumber and appropriate same for the purposes of payment of or reimbursement for such property taxes due or to become due;

NOW THEREFORE, BE IT RESOLVED, Section 26 entitled "Other Contingency" shall be modified so as to read:

"It is understood and agreed that Buyer's obligations under this Contract are made contingent upon the Premises being removed from the tax rolls so as to be exempt from 2016 State mandate, County, Town, Highway, Ambulance and Fire District real property taxes (but not "County water" or "trash single" district charges). In the event same become due and payable due to loss of such exemption, Seller shall pay or reimburse Buyer for all such taxes and charges due and payable or paid in a sum not to exceed \$1,492.93. This provision shall survive closing and passing of title," and it is further

RESOLVED, that the Town is hereby authorized to reimburse Buyer for all such taxes and charges due and payable or paid in a sum not to exceed \$1,492.93 for 2016 State mandate, County, Town, Highway, Ambulance and Fire District real property taxes;

Supervisor Lund, and seconded by **Councilor Snavlin**, the foregoing resolution was put to a roll call, which resulted as follows:

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

Resolution was adopted on January 13, 2016.

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 January 13, 2016.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Town this ____ day of January 2016.

Susan Vaccaro, Town Clerk
Town of Tully

TOWN OF TULLY
January 13, 2016

Legal (Cont'd)

Mr. Primo also discussed the moratorium on small scale wind power as well as the major solar project on the Potter farm. Steve said he would like to revisit the wind and solar as separate legislations. Lengthy discussion followed.

MOTION TO ADJOURN THE MEETING AT 8:30PM. Motion by Councilor Speziale.
Second by Councilor Snavlin. Motion carried 4 ayes (Lund, Chapman, Speziale,
Snavlin) 0 naves.

Respectfully submitted,

Susan Vaccaro,
Town Clerk

ORGANIZATIONAL RESOLUTIONS

Rules of Procedure: Resolution #1

Whereas, the Town Board adopted certain rules of procedure for this Board, now therefore be it resolved that the said rules adopted during 1959 and as amended be, and are hereby, adopted in their entirety by this Board for the year 2016

Appointment of Town Officials: Resolution #2

Whereas, the Town Board of the Town of Tully requires the appointment of certain officials, now therefore be it resolved that the following appointments are hereby made by this Board with the following salaries:

Dog Control:	Laura Holt	\$6930.00
Deputy Supervisor:	John Masters	
Town Historian:	Nancy Chawgo	\$3,050.00
Justice Clerk:	Catherine Goodwin	\$21,320.00
	Linda Tague	\$21,320.00
Deputy Town Clerk:	Aurelia Pellettiere	\$2120.00
Assessor:	Cristine DeFuoco	\$24,210.00
Part time deputy codes enforcement officer	Ralph Lamson	\$10,000.00
Custodian	Betty Fairchild	\$10/hr

Appointment of Zoning and Planning Board members: Resolution #3

Whereas, the Town Board of the Town of Tully is in need of members for the Zoning Board of Appeals and members for the Planning Board, now therefore be it resolved that the following appointments are hereby made at the following salaries with terms ending 12/31 of fiscal year...

Zoning Board of Appeals	2019	John McMahon	\$400.00	appt. 11/14
	2016	Brian Albro	\$400.00	appt. 12/11
	2017	Michael Vaccaro	\$400.00	appt. 12/12
	2018	Tom Cantwell	\$400.00	appt. 12/13
	2020	William Ralbovsky	\$600.00	appt, 1/16

Planning Board	2017(T)	Hans Christopherson	\$1000.00	appt. 11/10 7yrs
	2018(T)	William Marinich	\$1000.00	appt. 12/11 7yrs
	2021(T)	Anthony Battle	\$1000.00	appt. 11/14 7yrs
	2020(T)	Joseph Puccia	\$1200.00	appt. 12/2013 7yrs
	2019(V)	Dave Meixell		
	2021(V)	Steve Breitzka		
	2016(V)	Charles Wykstra		

Designation of Depository of funds: **Resolution #4**
Whereas, it will become necessary during the year **2016** for the Town officials to deposit monies in bank during the year, now therefore, it is resolved that the **NBT Bank** be designated as the proper bank for deposit of funds of the said Town of Tully for the maximum amount of \$2,000,000.00

Authorizing designation of official newspaper: **Resolution #5**
Whereas, it is necessary for the Town of Tully to designate an official newspaper now, therefore, it is resolved that the **Syracuse Post Standard** be and hereby is designated as the official newspaper for the Town of Tully, and it is further resolved that every official notice may be published in the **Tully Newsletter** for informational purposes only and at the discretion of the Board

Authorizing Town officials to be paid mileage: **Resolution #6**
Whereas, certain Town officials are required to use their privately owned cars on official Town business and, whereas, it is desired to reimburse said Town officials for the use of their privately owned cars while traveling on Town business, now, therefore, it is resolved that said Town officials be reimbursed at the rate of **.54 cents** per mile for all traveling done on official Town business upon being authorized the use of such automobile

Authorizing Town Highway Superintendent to purchase tools, equipment etc: **Resolution #7**
Whereas, it is necessary for the Town Highway Superintendent to make purchases of certain tools, equipment and implements and whereas, because of emergencies arising, said purchase may be made without prior approval of the Town Board now, therefore, it is resolved that the Town Highway Superintendent be and hereby is authorized to make purchases of tools, equipment and implements without prior approval of the Town Board in

Changing reporting time of Supervisor's Year-end report: **Resolution #13**

Whereas, the Town Law Section 29(10A) provides an alternate method of preparing and publishing the supervisor's annual report,
now, therefore, be it
resolved that the Supervisor shall submit to the Town Clerk within 60 days after the close of the fiscal year his annual report pursuant to provision of Section 29(10a) of the Town Law

Appointment of Parks & Recreation Commission: **Resolution #14**

Whereas, the Town of Tully is in need of members for the Parks & Recreation commission,
now, therefore, be it
resolved that the following appointments are hereby made with terms ending 12/31 of fiscal year...

2019	Lucas Erno	appt. 12/12
2020	Gary Heymann	appt. 12/2013
2021	Ryan Dando	appt. 11/2014
2022	David Courtwright	appt. 1/2016
2023	William Donald	
2024	John Pellettiere	
2018	Randy Drzewicki	appt date 2/2012

Resolution fixing salary of Parks & Recreation Coordinator: **Resolution #15**

Whereas, the Town Board of the Town of Tully formed a Parks & Recreation commission and so designating a coordinator,
now, therefore, be it
resolved that the Town of Tully is desirous of paying said coordinator
Jayne Morse the annual salary of \$12,580.00 payable monthly

Authorizing payment of Highway employees and Ambulance district employees:

Resolution #16

Whereas the Town Board of the Town of Tully is desirous of paying Town of Tully employees bi-weekly,
now, therefore, be it
resolved that the Town of Tully Highway employees and the Ambulance District employees be paid bi-weekly at the following base rates:

Highway employees	2@ \$46,696.00
	2@ \$46,384.00
	1@ \$46,072
Ambulance	1@ \$64,520.00 Chief FF/EMT
	4@ \$42,370.00 FF/EMT
	2@ \$38,900.00 EMT
P.T. EMS Training Coordinator	\$30.00/hr.
Part-Time Staff	\$17.00/hr.

Appointment of Grievance Day Board of Review:

Resolution #17

Whereas, the Town Board of the Town of Tully is in need of a Grievance Day Board of Review, now, therefore, be it resolved that the following appointments are hereby made at the following salaries and with terms ending 9/30 of fiscal year...

2020	Joseph Pellettiere	\$100.00	reappointed 10/2015
2016	Millie Elgaway	\$100.00	reappointed 1/2012
2017	Robert Hynes	\$100.00	reappointed 4/2012
2018	John Consler	\$100.00	appointed 4/2013
2019	Michael Greenwood	\$100.00	appointed 2/2015

Resolution adopting and specifying particulars of and persons covered under official undertakings: Resolution #18

Whereas, official undertakings are required under Section 25 of the Town Law and Section 11 of the Public Officers Law for certain Town officials, and are optional for others, unless specifically provided for by resolution of the Town Board, and likewise the law provides for any or all such persons to be covered under a blanket surety bond or insurance product rather than the traditional secured or bonded undertaking:

now, therefore, be it resolved that an official blanket undertaking be procured instead of individual undertakings covering the Town Supervisor, Town Clerk, Collector or 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 defending and indemnifying against such claims and losses arising from, out of or:

- 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, dishonest or similar acts or omissions committed by the officers, clerks and employees and covered there under, and further, that
- c. such blanket undertaking hereby approved as required is intended to and shall cover all such officers, clerks and employees of the Town as aforementioned and so required to post undertakings and, in addition, as permitted under Town Law Section 25, all such associating and subordinate employees, clerks and officers of each such department or part of Town government, including without limitation the Town Justices and Town Justice court;
- d. each of the foregoing department, part and justice court's respective deputies, clerks, secretaries, assistants and the like having claims made or liability arising from failure to properly perform such duties, and having access to Town, resident or other funds and property held by or for which the Town is responsible, or any records thereof, and thus subjecting such funds to potential theft, misappropriation, defalcation, loss or waste and otherwise as are intended, contemplated or eligible for coverage under such comprehensive blanket undertaking or coverage and including without limitation that such undertaking contain provisions indemnifying, defending and holding the Town against claims or 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/or (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, deputies, employees and other persons capable of being covered there under, as aforementioned and to ensure its blanket undertaking provides such broad and comprehensive coverage; and, it is

FURTHER RESOLVED, a copy of this resolution be delivered to the surety or insurer's representative for the Town with correspondence advising that unless promptly notified in writing to the contrary, such submission is for the purpose of ensuring and confirming such undertakings as now or previously provided for had been in place prior to thirty days of the date of commencement of office for any public officer, appointed or elected, that coverage has been and remains in place, full force and effect from its effective date, not later than January 1, 2016, and that this resolution and the undertaking(s) and or blanket undertakings/policies be filed at the office of the Town Clerk and at such other place(s) as may be required by law.

Make Application to the NYS Division of Youth: **Resolution #19**
Whereas, the Town Board of the Town of Tully so desires to make application to the NYS Division of Youth,
now, therefore, be it
resolved that the Town Board of the Town of Tully makes application to the NYS Division of Youth (Syracuse-Onondaga County Youth Bureau)

Authorizing the Supervisor to enter into contracts: **Resolution #20**
Whereas, it is desirable for the Town Board of the Town of Tully to enter into contracts,
now, therefore, be it
resolved that the Supervisor is authorized to enter into contracts with the following:
a) Legal
b) Accounting
c) Tully Area Historical Association
d) Tully American Legion Post 936
e) Senior Citizens of Tully
f) Dog Shelter Services

Authorizing an early monthly payroll in December of each year: **Resolution #21**
Whereas, it is the Town Board's desire to pay its employees earlier in December than other months during the year due to the holidays,
now, therefore, be it
resolved that the Town Board authorizes the final monthly payroll of the year to be paid at the Town Board meeting in December.

(Note: Dissolved Ambulance Commission @ 12/2011 Meeting so original resolution 19 (appt. of Amb. Comm.) deleted from Organizational Resolutions)