

December 2, 2009: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, December 2nd, 2009 at 7:00pm in the Municipal Building.

Present: Elizabeth Greenwood, Mayor
Theresa Flaherty, Deputy Mayor
Charles Yonko, Jr., Trustee
Daniel Poellot, Trustee
Kathryn Vernay, Trustee
Kevin Gilligan, Counsel
Harold Kiehl, DPW Superintendent
Kenneth Teter Engineer
Ruth Van Buskirk, Clerk/Treasurer
Thomas Chartrand, Accountant
Ron Ryan, Code Enforcement

Absent: None

Visitors: Matthew Napierala, P.E.
Tia Hastings
Lee Bodah
Lyle Bodah
Mike Shafer
William Coffin
Bruce Graham
Sean Foran
Frank Speziale

Pledge of Allegiance/Call to Order

Mayor Greenwood led the Pledge of Allegiance and called the meeting to order.

Upon motion of Trustee Poellot, 2nd by Trustee Flaherty it was unanimous to approve the minutes for the November 4th, 2009 meeting.

Upon motion of Trustee Flaherty, 2nd by Trustee Yonko, it was unanimous to accept the Treasurer's Report, subject to audit.

Public Comment

Bill Coffin had a broken waterline. It is now operational. Harold will check it for leaks and then disconnect the line.

General

Upon motion of Trustee Flaherty, 2nd by Trustee Poellot, it was unanimous that there shall be no registration day for the General Village Election to be held on March 16, 2010. In accordance with the attached full resolution.

Upon motion of Trustee Vernay, 2nd by Trustee Poellot, it was unanimous to accept the voter registration list of the Onondaga County Board of Elections as the official voter registration list to be used by the official inspectors of the March 16, 2010 Village Election. In accordance with the attached full resolution.

Upon motion of Trustee Poellot, 2nd by Trustee Vernay, it was unanimous to authorize the use of Town of Tully voting machines at the March 16, 2010 Village Election. In accordance with the attached full resolution.

Upon motion of Trustee Poellot, 2nd by Trustee Vernay, it was unanimous that the annual election shall be on the 16th day of March, 2010; that the Village constitutes one election district and the polling place for the district shall be the Municipal Building located at 5833 Meetinghouse Road, Tully NY; and the hours during which polls will be open shall be from noon to 9:00pm. In accordance with the attached full resolution.

DPW

Harold reported that the dump body is in the works. The Board approved the 12,000.00 truck body from Kurtz welding subject to warranty info.

Upon motion by Trustee Vernay, 2nd by Trustee Flaherty, it was unanimous to approve the replacement of the hydrant at the end of Sunny Drive. Bat-Con will do the work for 4,000.00.

It was approved for Harold to purchase the tires for the 08 Ford locally at a cheaper price.

Upon motion by Trustee Poellot, 2nd by Trustee Yonko, it was unanimous to approve the purchase of 40 tons of lime, at 1500.00, to get the farm ready for spring.

Counsel

Earley's have the opportunity to hook into the sewer line. The Village is waiting to hear from Mr. Earley regarding his intentions.

Upon motion by Trustee Flaherty, 2nd by Trustee Poellot, Counsel was given authority to prepare closing documents with M&T Bank for a 5-year, Statutory Installment Bond at 4.45% rate of interest and the Treasurer is authorized to execute such bond on behalf o the Village with respect to the new truck and tractor purchase by the DPW.

Tully Ag is not looking for a return of its second building permit fee.

There was a presentation by Napierala Consulting and Hueber- Breuer Construction about the new fire house.

Upon motion by Trustee Poellot, 2nd by Trustee Vernay, it was unanimous to waive the application fee for the new fire house.

Code Enforcement Officer and Counsel will conduct a preliminary review of the plans for the new fire house.

**RESOLUTION
VILLAGE OF TULLY
December 2, 2009
Montrose Properties LLC
Acceptance of Easements, Water & Sanitary Sewer Facilities**

The following resolution was offered by Trustee Poellot, who moved its adoption, seconded by Trustee Flaherty, to wit:

WHEREAS, certain property owned by Montrose Properties, LLC (hereinafter, “Montrose”) was duly annexed into the Village on February 13, 2008; and

WHEREAS, on the same date, the Village Board performed an environmental review in connection with said annexation; and

WHEREAS, in connection therewith, on the same date, the Village Board authorized and entered into an Agreement with Montrose related to the construction and installation of

improved water and sanitary sewer facilities to the Montrose property, including the requirement that Montrose post security in favor of the Village to guarantee performance of its obligations under said Agreement; and

WHEREAS, that Agreement was amended on March 4, 2009 to extend the period within which Montrose was obligated to perform until June 1, 2010; and

WHEREAS, Montrose has completed construction of the involved improvements and is prepared to convey said improvements by bill of sale, along with necessary easements in connection therewith to the Village; and

WHEREAS, the Village is prepared to conditionally approve and accept these improvements, bill of sale and easements.

NOW, therefore be it

RESOLVED, that this board, having reviewed the EAF submitted in connection with this request, hereby ratifies the Negative Declaration issued by this Board on February 13, 2008 and finds that there will be no adverse environmental impacts associated with the acceptance of these facilities and easements; and it is further

RESOLVED, that this negative declaration is based upon the following findings:

- The system is being upgraded from a former extraterritorial use with respect to both water and sanitary sewer.
- A 2006 capacity study prepared by Barton & Loguidice Engineers determined that there was adequate water and sewer capacity to serve the Montrose properties and uses and, in fact these properties are currently being served by the Village with both water and sanitary sewer service.
- Construction of the improvements has already been accomplished and the action involves a conveyance of such improvements at no cost, to the Village.
- As the Montrose property lies within the Village, the Village wishes to provide water and sanitary sewer service to the property owner; and it is further

RESOLVED, that the Village accepts the water and sanitary sewer facilities that have been constructed by Montrose, along with easements, the bill of sale and related documents subject to Village Counsel's approval and the Mayor is hereby authorized to sign any and all documents necessary to give full force and effect to this approval, subject to the following conditions:

- The Agreement between the Village and Montrose, dated December 5, 2007, approved by the Village on February 13, 2008, as amended on March 4, 2009 shall be further amended to include a one-year warranty period for all infrastructure improvements being conveyed by Montrose to the Village, including any reclamation work.
- The security required pursuant to the December 5, 2007 Agreement, approved by the Village on February 13, 2008 and as amended by the parties on March 4, 2009, shall be reduced from \$283,370.00 to \$50,000.00 for the duration of the warranty period, which shall expire one year from this date.
- That said security shall warrant and guarantee the safe and good operation of the infrastructures constructed by Montrose and conveyed to the Village along with any consequent needed reclamation.
- Subject to final sign off on the "punch list" items by the Village Engineer and DPW Superintendent.
- Approval of the Final Subdivision Plan by the Village Planning Board.
- Delivery to the Village of County Health Dept. approvals for both water and sanitary sewer improvements, for public use.
- Village receipt of a final approval and sign-off from the NYSDOT with regard to highway work permits in connection with the Montrose water and sanitary sewer project.
- The Village will not be accepting at this time a 40'+/- section of 8" sanitary sewer line, running off the manhole located on lot 8, near the current Kinney's Drug Store and intended to serve future development of the vacant lot 8

nor will it be accepting a 13' +/- section of 6" water line, at lot 8, from the 6" valve, which section is intended to afford future water service to lot 8.

· Certification that all contractors have been paid in full and that there are no liens against the project.

· Reimbursement to the Village of any and all fees incurred by the Village in connection with this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Kathy Vernay	Trustee	Voted	Yes
Charles Yonko	Trustee	Voted	Yes
Theresa V. Flaherty	Trustee	Voted	Yes
Daniel Poellot	Trustee	Voted	Yes
Elizabeth Greenwood	Mayor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

DATED: December 2, 2009

**Ruth Van Buskirk
Village Clerk
Village of Tully**

Engineer

Upon motion by Trustee Poellot, 2nd by Trustee Vernay, it was unanimous to authorize the Mayor to pursue USDA grant to replace and repair the water mains and water system in general. Ken Teter would work up the Preliminary Engineering Report(PER) at a cost of 3500.00.

Unfinished Business

Trustee Flaherty finished the employee handbook. Counsel will review it.

Monies for the Precinct House, on Lincoln Street, were deposited on 12/1/09, for 60,000.00. The project will move forward. Monies involved came from a State Grant.

New Business

Tree lighting will be this Friday, December 4th at 8pm. Dick Potter donated the tree. George Hand's wagon will bring Santa. The Fire Department and the Masons will be supplying cookies and cocoa.

The School has asked for the Village's help in regards to a crossing guard, or sidewalk thru the Tully Building Supply and Tully Ag area. Some concerns have been raised as to the children walking through that area on the way to school. The Mayor is going to let the school know the expense of the various options open to us at this time.

Public Comment

Trustee Vernay asked what the status was regarding the unpaid balance incurred by Scott Clark. The Mayor reported that Scott was not willing to pay the outstanding balance, therefore the Mayor is reviewing past credit card charges.

Upon motion by Trustee Flaherty, 2nd by Trustee Poellot, it was unanimous to give approval to Tom Chartrand to pay the November health insurance and legal bills that were received by the Village in December, after the meeting.

Upon motion by Trustee Poellot, 2nd by Trustee Yonko, it was unanimous to move the payroll date to the 23rd for the month of December.

Upon motion by Trustee Poellot, 2nd by Trustee Vernay, it was unanimous to appoint Theresa Flaherty as Deputy Clerk to sign checks in case the Clerk/Treasurer is unable to. This would be an unpaid position.

Audit Bills

Upon motion of Trustee Flaherty, 2nd by Trustee Vernay, it was unanimous to adjourn at 9:12pm.

Respectfully Submitted

Ruth C. Van Buskirk
Clerk/Treasurer

IN THE MATTER OF
AUTHORIZING THE USE
OF VOTING MACHINES

The Board of Trustees of the Village of Tully, met in regular session at the Municipal Building located at 5833 Meetinghouse Road in the Town of Tully, Onondaga County, New York, on the 2nd day of December 2009, commencing at 7:00 o'clock PM, local time and place, the following members were:

PRESENT:	Elizabeth Greenwood	Mayor
	Theresa Flaherty	Trustee
	Charles Yonko, Jr	Trustee
	Daniel Poellot	Trustee
	Kathryn Vernay	Trustee

The following resolution was moved, seconded and adopted.

WHEREAS, all interested persons had due notice of said meeting, and pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law, and

WHEREAS, the annual elections for the Village of Tully will be held on March 16, 2010 and

WHEREAS, the Board of Trustees of the Village of Tully deems it advisable to use voting machines in connection with said election: and

WHEREAS, the Town of Tully has available for the Village of Tully certain voting machines owned by it, now therefore be it

RESOLVED, that the Village Board of the Village of Tully hereby authorizes the use of Town of Tully voting machines at the annual election for the Village of Tully on March 16,2010, and authorizes the Mayor to execute the necessary contracts and documents in connection with the lease of said machines from the Town of Tully.

The question of the adoption of the foregoing resolution was duly put to a roll call vote, which resulted as follows:

Elizabeth Greenwood _____ voting ____yes_____

Theresa Flaherty _____ voting ____yes_____

Charles Yonko, Jr _____ voting ____yes_____

Daniel Poellot _____ voting ____yes_____

Kathryn Vernay _____ voting ____yes_____

The resolution was thereupon declared to be duly adopted.

I, the undersigned Clerk of the Village of Tully, DO HEREBY CERTIFY, that the proceeding resolution was duly adopted by the Board of Trustees of the Village of Tully at a regular meeting of said Board duly called and held on December 2, 2009, that the said resolution was entered in the minutes of said meeting; that I have

compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tully, the day and year written below.

DATED: December 2nd, 2009
Tully, New York

Ruth C. Van Buskirk, Village Clerk
Of Tully, Onondaga County
New York

IN THE MATTER OF THE GENERAL ELECTION
OF THE VILLAGE OF TULLY, NEW YORK
TO BE HELD ON MARCH 16, 2010

The Board of Trustees of the Village of Tully, met in regular session at the Municipal Building located at 5833 Meetinghouse Road in the Town of Tully, Onondaga County, New York on the 2nd day of December 2009, commencing at 7:00 o'clock PM, local time and place the following members were:

PRESENT:	Elizabeth Greenwood	Mayor
	Theresa Flaherty	Trustee
	Daniel Poellot	Trustee
	Charles Yonko, Jr	Trustee
	Kathryn Vernay	Trustee

The following resolution was moved, seconded and adopted:

WHEREAS, all interested persons had due notice of said meeting and pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law; and

WHEREAS, Section 15-104 (3) (c) and (4) Election Law requires that January 15, 2010 is the last day for the Board of Trustees to publish a resolution stating (1) polling place in each district (2) hours during which polls are open (at least noon to 9:00 PM) (3) names and addresses of candidates, offices and term nominated for, and (4) abstract of any proposition

Now therefore be it

RESOLVED:

1. The date of the annual election for the Village of Tully shall be on the 16th day of March 2010;
2. That the Village of Tully constitutes one election district and the polling place place for such district shall be the Municipal Building located at 5833 Meetinghouse Road in the Town of Tully, New York;
3. The hours during which the polls shall be open for voting shall be from Noon to 9:00 PM in the evening.

The question of the adoption of the foregoing resolution was duly put to a roll call vote, which resulted as follows:

Elizabeth Greenwood _____ voting ____yes_____

Theresa Flaherty _____ voting ____yes_____

Charles Yonko, Jr _____ voting ____yes_____

Daniel Poellot _____ voting ____yes_____

Kathryn Vernay _____ voting ____yes_____

The resolution was thereupon declared to be duly adopted.

I, the undersigned Clerk of the Village of Tully, DO HEREBY CERTIFY, that the proceeding resolution was duly adopted by the Board of Trustees of the Village of Tully at a regular meeting of said Board duly called and held on December 2, 2009, that the said resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tully, the day and year written below.

DATED: _December 2nd, 2009
Tully, New York

Ruth C. Van Buskirk, Village Clerk
Of Tully, Onondaga County
New York

IN THE MATTER OF

ADOPTING TOWN

REGISTRATION LIST

The Board of Trustee of the Village of Tully, met in regular session at the Municipal Building located at 5833 Meetinghouse Road in the Town of Tully, Onondaga County, New York on the 2nd day of December 2009, commencing at 7:00 o'clock PM, local time and place the following members were:

PRESENT:	Elizabeth Greenwood	Mayor
	Theresa Flaherty	Trustee
	Charles Yonko, Jr.	Trustee
	Daniel Poellot	Trustee
	Kathryn Vernay	Trustee

The following resolution was moved, seconded and adopted:

WHEREAS, all interested persons had due notice of said meeting, and pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law, and

WHEREAS, Section 15-118 (6A) indicates that the Village may adopt a resolution accepting the County Board of Elections registration list as its own; now therefore be it

RESOLVED, that the Board of Trustees of the Village hereby accepts the voter registration list of the Onondaga County Board of Elections and adopts said list as the official voter registration list to be used by the official inspectors of election in the registration of Village voters for the 2005 General Village Election.

The question of the adoption of the foregoing resolution was duly put to a roll call vote, which resulted as follows:

Elizabeth Greenwood _____ voting ____yes_____

Theresa Flaherty _____ voting ____yes_____

Charles Yonko, Jr _____ voting ____yes_____

Daniel Poellot _____ voting ____yes_____

Kathryn Vernay _____ voting ____yes_____

The resolution was thereupon declared to be duly adopted.

I, the undersigned Clerk of the Village of Tully, DO HEREBY CERTIFY, that the proceeding resolution was duly adopted by the Board of Trustees of the Village of Tully at a regular meeting of said Board duly called and held on December 2, 2009, that the said resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tully, the day and year written below.

DATED: _December 2nd, 2009
Tully, New York

Ruth C. Van Buskirk, Village Clerk
Of Tully, Onondaga County
New York