

September 1st, 2010: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, September 1st, 2010 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
Steve Primo, Counsel
Harold Kiehl, DPW Superintendent
Ruth Van Buskirk, Clerk/Treasurer
Ralph Lamson, Code Enforcement
Thomas Chartrand, Accountant

Absent: None

Visitors: Jeff Walker
Lee Bodah
Lyle Bodah
William Coffin
Bruce Graham
Frank Speziale
Elsie Fuller
Don Fuller

Pledge of Allegiance/Call to Order

Mayor Greenwood led the Pledge of Allegiance and called the meeting to order at 7:04pm.

Upon motion of Trustee Vernay, 2nd by Trustee Yonko, it was unanimous to approve the minutes for the August 4th, 2010 meeting.

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

Upon motion of Trustee Flaherty, 2nd by Trustee Yonko, it was unanimous to reverse two checks that were not cashed. Check #7046 for \$58.00 and check #8116 for \$75.00.

Upon motion of Trustee Vernay, 2nd by Trustee Yonko, it was unanimous to hire a new crossing guard at \$14.00/hour.

Upon motion by Mayor Greenwood, 2nd by Trustee Flaherty it was passed that the Village Board has audited the books. Mayor Greenwood, Trustees Flaherty and Trustee Vernay agreed.

Thomas Chartrand sent a questionnaire to Alliance and HSBC banks and recommended that a change be made. The following resolution was offered by Trustee Vernay, and 2nd by Trustee Flaherty to shift all accounts to Alliance Bank by October 1st, 2010. All ayes carried. Tom Chartrand will notify both banks of the change.

Public Comment

Certain residents expressed concerns about the increased truck traffic and excessive speed on Onondaga Street. Harold is looking into putting up "Child at Play" signs.

DPW

Harold requested that the Attorney send a letter to Custer/Kurtz about the cost of repairing the east water line meter.

Repaving on Onondaga Court is completed and the DPW supervisor is satisfied. We are awaiting the oil truck for Douglas Street. Harold will work on getting three quotes for the removal &/or trimming of two trees on Lincoln and one tree on Warren.

Upon motion by Trustee Poellot, 2nd by Trustee Vernay it was unanimous to replace the fax machine which is over eight years old and not working properly. No more than \$200.00 is to be spent.

Community Block grant has been accepted and we will move the water main to the west side of State Street due to the multiple lines that are on the east side. An extension was granted on the Precinct Project, all monies must be spent by March 31st, 2011.

Due to the changes to the Fema Flood Map many homes in the Village will need flood insurance. The Mayor and the Village Board will submit a protest postmarked September 15th, 2010 due to the additional areas that were added on the map that have not flooded for over fifty(50) years.

Counsel

Counsel will review and make recommendations to the Employee Handbook and the zoning, codes and engineering fees.

Upon motion by Trustee Flaherty, 2nd by Trustee Poellot the Board authorized Counsel to use Trespaz and Marguardt, LLP as bond counsel for \$3000-5000 depending on the state of the prior record. All ayes carried.

The following resolution was offered by Trustee Poellot, who moved its adoption, seconded by Trustee Vernay,

**RESOLUTION
VILLAGE OF TULLY
SEPTEMBER 1, 2010
MONTROSE PROPERTIES, LLC**

WHEREAS, the Village of Tully and Montrose Properties, LLC entered into an Extraterritorial Water and Sewer Agreement dated November 13, 1997 with respect to property located on NYS Route 80, at the northeast corner of its intersection with NYS Route 281 (hereinafter “Premises”); and

WHEREAS, said November 13, 1997 Agreement superceded and replaced a prior Extraterritorial Water and Sewer Agreement entered into between the Village of Tully and Montrose Properties, LLC’s predecessor in interest, dated August 16, 1980; and

WHEREAS, the Premises owned by Montrose Properties, LLC was annexed into the territorial and jurisdictional limits of the Village of Tully on February 13, 2008; and

WHEREAS, Montrose Properties, LLC entered into an Agreement with the Village of Tully dated December 5, 2007 to construct certain sanitary sewer and water facilities to serve the Premises; and

WHEREAS, said Agreement was subsequently amended on March 4, 2009 and again on December 2, 2009; and

WHEREAS, as of December 2, 2009 Montrose Properties completed the required sewer and water infrastructure work and the Village of Tully accepted same, subject to a guarantee of the safe and good operation of the water and sewer facilities and site restoration and continued

security in the amount of \$50,000, until December 2, 2010; and

WHEREAS, with the annexation of the Premises construction of new water and sewer facilities and conveyance of easements, the Extraterritorial Agreement of November 13, 1997 is no longer pertinent or required; and

WHEREAS, it is the intent of Montrose Properties, LLC and the Village to terminate the 1997 Extraterritorial Agreement.

NOW, THEREFORE IT IS

RESOLVED AND DETERMINED that the November 13, 1997 Extraterritorial Agreement between the Village of Tully and Montrose Properties, LLC is no longer needed and that the respective duties of the parties should be released and discharged; and it is further

RESOLVED, that the Mayor be and she is hereby authorized to execute a mutual release of the November 13, 1997 Extraterritorial Agreement between Montrose Properties, LLC and the Village of Tully, together with any guarantees related thereto.

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.

All ayes carried.

The following resolution was offered by Trustee Flaherty, who moved its adoption, seconded by Trustee Yonko,

RESOLUTION
VILLAGE OF TULLY
SEPTEMBER 1, 2010
MONTROSE PROPERTIES, LLC
ACCEPTING UTILITY, SEWER & DRAINAGE EASEMENTS

WHEREAS, Montrose Properties, LLC (hereafter “Montrose”) entered into an agreement dated December 5, 2007 with the Village of Tully (hereafter “Village”) relating to construction of certain sanitary sewer and water facilities at property owned by Montrose, located at the northeast corner of the intersection of NYS Route 80 and NYS Route 281

(hereafter “Premises”); and

WHEREAS, said agreement was amended on March 4, 2009 and again on December 2, 2009; and

WHEREAS, the Premises was annexed into the territorial and jurisdictional limits of the Village on February 13, 2008; and

WHEREAS, the Village Board of Trustees considered the Montrose project and annexation as a whole at its February 13, 2008 meeting and rendered a negative declaration for purposes of SEQR; and

WHEREAS, subsequent thereto the Village Planning Board rendered a negative declaration in connection with its review and approval of a subdivision plan for the Premises, which also contemplated a utility, sewer and water easement and related facilities which were to be constructed by Montrose and deeded to the Village; and

WHEREAS, all work in connection with the December 5, 2007 agreement, as amended has been completed and Montrose wishes to convey the utility, sewer and water easement to the Village along with ownership of the related facilities; and

WHEREAS, the Village is willing to accept the proffered easement and bill-of-sale for these facilities, subject to the December 2, 2009 amendment to the December 5, 2007 Agreement between the parties which provides that Montrose will continue to guarantee safe and good operation of the water and sewer facilities and to maintain \$50,000 security to guarantee

performance of said guarantee until December 2, 2010.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Village hereby accepts the utility, sewer and water easements from Montrose and its neighbor, Tully Hill Corporation relating to the sewer and water facilities constructed by Montrose pursuant to the December 5, 2007 Agreement, as amended: and it is further

RESOLVED, that the Village further accepts ownership of said facilities pursuant to the Bill-of-Sale, subject to the aforementioned safe and good operation guarantee which runs until December 2, 2010; and it is further

RESOLVED, that the Mayor be and she hereby is authorized to sign any and all documents necessary to give full force and effect to this resolution and subject to the review and approval of these and all related documents by Costello, Cooney & Fearon, PLLC and payment of any and all fees owed by Montrose to the Village by way of reimbursement for engineering and legal fees.

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.

All ayes carried.

The stipulation that the part for the lift station be installed properly and that the two water shut offs be corrected by September 20th, 2010 was added.

Upon motion by Trustee Flaherty, 2nd by Trustee Vernay it was unanimous to approve the bills for payment.

Upon motion by Trustee Flaherty, 2nd by Trustee Vernay it was unanimous to adjourn at 9:01pm.

Respectfully Submitted
Ruth C. Van Buskirk
Clerk/Treasurer