

November 2nd, 2011: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, November 2nd, 2011 at 7:00pm in the Municipal Building.

Present: Theresa Flaherty, Deputy Mayor
Charles Yonko, Jr., Trustee
Daniel Poellot, Trustee
William Coffin, Trustee
Steve Primo, Counsel
Harold Kiehl, DPW Superintendent
Ruth Van Buskirk, Clerk/Treasurer
Ralph Lamson, Codes

Absent: Thomas Chartrand, Accountant

Visitors: Lyle Bodah
Lee Bodah
Jane Noble
Janet McKnight
Frank Speziale
Jeff Walker
Kim Cameron

Pledge of Allegiance/Call to Order

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

There is a correction to the October 5th, 2011 minutes. The \$7,718.00 that the Village received was not the records grant monies, but the amount for revenue sharing.

Upon motion of Trustee Poellot, 2nd by Trustee Coffin, it was unanimous to approve the minutes from the October 5th, 2011 meeting with the above change.

Upon motion of Trustee Coffin, 2nd by Trustee Poellot, it was unanimous to approve the transfers and to amend last month's transfers to remove grant funding to revenue sharing.

Upon motion of Trustee Coffin, 2nd by Trustee Poellot, it was unanimous to approve the treasurer's report, subject to audit.

Public Comment

Jane Noble, Janet McKnight and Jeff Walker expressed many concerns regarding Tully Ag. Areas of concerns were the amount of corn dust, what impurities are contained in the corn dust, the impudent speed and weight of the trucks, and the amount of noise that is generated. It was requested that the Board send a letter to Tully Ag reminding them that 24 hour operations are suppose to end on December 15th.

Trustee Yonko informed the Board and the Public that people needed to call the Sheriff's Department (435-2941) in regards to the speeding issue. The Deputy Mayor and Codes Officer will make contact with Tully Ag, in hopes of reaching a compromise.

Deputy Mayor Flaherty opened the Public Hearing on "Fireworks Displays" at 7:30pm and asked for any comments. Counsel reviewed the proposed law. As there were no other comments Trustee Poellot moved to close the Public Hearing, 2nd by Trustee Coffin, all ayes carried. Deputy Mayor Flaherty opened the Public Hearing on "Tax Levy Limit" at 7:40pm and asked for comments. Upon motion by Trustee Coffin, 2nd by Trustee Yonko it was unanimous to waive the reading of the "Tax Levy Limit". All ayes carried. Counsel reviewed the proposed law. As there were no other comments Trustee Poellot moved to close the Public Hearing, 2nd by Deputy Mayor Flaherty, all ayes carried.

Counsel presented a resolution on parking(see attached).

RESOLUTION

The Village Board of Trustees of the **VILLAGE 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 2nd day of November, 2011 at 7:30 p.m.

Theresa Flaherty, Acting Mayor, and the following Trustees were present:

Daniel Poellot
Charles Yonko, Jr.
William Coffin

Absent: None

Also present: Steven J. Primo, Village Attorney

The following resolution was moved, seconded and adopted:

WHEREAS, based upon the observations and determinations of the Board of Trustees of the Village of Tully ("Board") that parking on both sides of Route 80 (Clinton Street) between Railroad Street and Lincoln Avenue, obstructs sight distance from both Railroad Street and Lincoln Avenue, on or about August 9, 2011, the Board submitted a written request to the State of New York Department of Transportation ("Department of Transportation") for "No Parking Any Time" signs to be installed on both sides of Route 80 (Clinton Street) between Railroad Street and Lincoln Avenue; and

WHEREAS, by letter dated September 26, 2011 the Department of Transportation indicated it had completed its review of the location and opined that parking on the south side of that particular block should be restricted due to sight distance obstructions from both Railroad

Street and Lincoln Avenue, however that vehicles parked along the north shoulder did not obstruct sight distance from either Railroad Street or Lincoln Avenue, and recommended that the Village revise its request to restrict such parking only along the south side of Clinton Street rather than on both sides; and

WHEREAS, in such September 26, 2011 letter the Department of Transportation further advised the Village to amend its current parking restriction on Clinton Street to the west of Railroad Street established by Local Law No. 1 in the year 1989, to include the requested section, and that such amendment must be submitted to their office for approval as required by Section 1684 of the (NYS) Vehicle and Traffic Law (“VTL”); and

WHEREAS, VTL §1684 provides that “no local authority shall place or maintain any traffic-control device on any state highway maintained by the state, or at any location so as to prohibit, restrict or limit the movement of traffic proceeding along, entering or crossing such highway, nor shall any ordinance, rule or regulation affecting traffic or stopping, standing or parking on state highways maintained by the state be effective unless or until approval in writing has been obtained from the department of transportation...”; and

WHEREAS, in furtherance of the Department of Transportation’s September 26, 2011 written advisory, upon inquiry of the Village Attorney on October 31, 2011, the Department of Transportation confirmed that such approval would be limited to no parking restrictions along the south side of Clinton Street between Railroad Street and Lincoln Avenue, and that approval would not be granted for no parking restrictions along the north side; and

WHEREAS, the Village Board acknowledges that for the aforementioned reasons, the potential for motor vehicle and pedestrian accidents and injuries are substantially increased in such area and accordingly the Village Board desires to amend its Code, specially Section 103-6, entitled Parking Prohibited in Designated Areas,” to prohibit parking from the intersection of Lincoln Street along the south curblin to a point located 313 feet west of the centerline of Railroad Street; and

WHEREAS, the Code of the Village of Tully (§103-B) permits such designations to be made pursuant to “order” or “regulation” by duly adopted resolution without requirement of notice or public hearing; and

WHEREAS, Section 20-2002 of the (NYS) Village Law provides that in the event the board of trustees of a village adopts any order, rule or regulation pursuant to the authority of the VTL, such orders, rules or regulations adopted by the board of trustees shall take effect immediately upon adoption, subject to the limitations imposed by VTL §1684, without notice or hearing; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, Section 103-6, entitled Parking Prohibited in Designated Areas” of the Village of Tully is hereby amended so as to delete the following restriction for the south side of Clinton Street: “From the intersection of Railroad Street along the south curblin to a point located 313 feet west of the centerline of

Railroad Street,” and replace it with “From the intersection of Lincoln Street along the south curblineline to a point located 313 feet west of the centerline of Railroad Street”; and it is further

RESOLVED, that pursuant to VTL §1684, the foregoing parking prohibition shall not take effect until approved by the NYS Department of Transportation and signage indicating same has been duly posted.

Upon motion made by Trustee Yonko, and seconded by Trustee Poellot, the foregoing resolution was put to a roll call, which resulted as follows:

Theresa Flaherty, Acting Mayor	yes
Daniel Poellot, Trustee	yes
Charles Yonko, Jr., Trustee	yes
William Coffin, Trustee	yes

Resolution was adopted on November 2, 2011.

CERTIFICATION

I, the undersigned, Clerk-Treasurer of the Village 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 Village of Tully Board of Trustees on November 2, 2011.

Date: November 2nd, 2011

Ruth Van Buskirk, Clerk-Treasurer

Jane Noble requested that the Village take care of a pine tree that is blocking her vision when leaving her driveway. The tree is located on private property therefore the Village has no authorization to elevate the issue.

DPW

Maintenance at the Plant: Trustee Coffin recommended that the DPW look into purchasing heat sensing equipment and test meters and etc. on a regular basis. We may be able to borrow one from the school. Heat testing would hopeful give us a heads up on the productive of our equipment.

Lab Refrigerator: Bill Lund will contact someone at Home Depot. Limit: \$1000.00.

Waste Sludge Pump: We expect to be able to pick it up within the next couple of weeks.

Pumphouse Floor: Board received two quotes (see attached).

Upon motion by Trustee Poellot, 2nd by Trustee Yonko it was unanimous to accept the quote from Integrated Industrial Services. Sodium Hypochlorite Room with sloping \$3,897.00

Fluoride Room without sloping \$1,297.00

Purchase of Sniffer: We received two quotes for the air monitor: \$483.00 from Tyler and \$760.00 from Jerome. Harold will research the cost of replacement sensors and recalibration costs.

Precinct: A few items still need to be finished at the Precinct. Priority will be placed on insulating the building.

Clarifier: The clarifier is almost completed. Aeration tank should be finished in two more days.

Christmas Tree Lighting: The firehouse will be doing the tree lighting ceremony this year, date to be determined.

Tree Removal Lincoln: Resident on Lincoln Ave. has requested that the Village remove three trees. National Grid and Dale Wilson's Tree Service have both declared the trees in good shape. Therefore the Village will not be removing them at this time.

Counsel:

Southern View: Resolution to accept the roads in Southern View Project is not in the minutes. Previous Counsel says it was done, he is searching his records. There has been no paperwork filed with County.

Engineer

No report at this time.

CODES:

Code Officer will contact Tully Ag about previous listed concerns.

Unfinished Business:

Clerk is still awaiting signatures on employee handbooks.

Chuck Moyihan is working on quotes for workers comp and health insurance.

Trees: Two new trees will be planted on Railroad Street 11/3/2011 by Cornell Extension.

Cornell determined that this would be the best stop to start.

Street Lights: All street lights appear to be in working order.

Training Report: Training for Mike Hoke and Richard Patterson is ongoing.

Water Rates: Trustee Poellot is working on restructuring the water rates. If we bill by usage only the average homeowner's cost would jump from \$90.00 to \$114.00 per cycle, more research needs to be done at this time.

New Business

Hunting: No hunting is allowed on the old Banner Farm. No Trespassing signs have been posted.

Upon motion by Trustee Poellot, 2nd by Trustee Yonko it was unanimous to enact Proposed Local Law No. 5 2011 with respect to "Fireworks Displays".

Upon motion by Trustee Coffin, 2nd by Trustee Yonko it was unanimous to enact Proposed Local Law No. 6 2011 with respect to "override the tax levy limit".

Public Comment

Trustee Yonko wished to express his appreciation to the Tully Hose Company and the local Sheriffs and State Troopers for their efforts on making Halloween a safe and uneventful evening.

Upon motion of Trustee Coffin, 2nd by Trustee Poellot it was unanimous to enter executive session in regards to a legal issue on Clinton Street.

Upon motion of Trustee Coffin, 2nd by Trustee Poellot it was unanimous to close executive session and resume the regular meeting.

Trustee Coffin asked the Board to review paperwork on fluoride treated water. It will be added to December's agenda.

Audit Bills

Upon motion by Trustee Poellot, 2nd by Trustee Yonko it was unanimous to review and authorize the accountant to pay the bills.

Upon motion of Trustee Yonko, 2nd by Trustee Coffin it was unanimous to adjourn at 9:15pm.

Respectfully Submitted

Ruth C. Van Buskirk
Clerk/Treasurer