

June 6th, 2012: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, June 6th, 2012 at 7:00pm in the Municipal Building.

Present: Elizabeth Greenwood, Mayor
Theresa Flaherty, Deputy Mayor
Charles Yonko, Jr., Trustee
Daniel Poellot, Trustee
William Coffin, Trustee
Courtney Hills, Counsel
Ruth Van Buskirk, Clerk/Treasurer
Thomas Chartrand, Accountant

Absent: Ralph Lamson, Codes
Harold Kiehl, DPW
Ken Teter, Engineer

Visitors: Mike Hoke
Frank Speziale
David Knapp
Connor Wheeler
Garrett Thompson
Tim Chatfield
Dalton Wenzel
Amy Kida
Karen Puccia
Jeff Walker
Katina Sayers-Walker

Pledge of Allegiance/Call to Order

Mayor Elizabeth Greenwood led the Pledge of Allegiance and called the meeting to order at 7:00pm.

Upon motion of Trustee Flaherty, 2nd by Trustee Poellot, it was unanimous to approve the minutes from the May 2nd, 2012 meeting.

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

Opened Public Hearing regarding granting a cable television franchise agreement by and between the Village of Tully and Time Warner Cable at 7:04. There were no written or oral statements offered at that time.

Public Comment

Amy Kida would like to start a farmers market in August. The vendors would need to list the property owners for liability insurance.

Ms. Kida also brought up the issue of a dog barking late at night. She has left two messages with the dog control officer (Laura Holt) but there has been no response. The Mayor will speak with the Edingers (5-7 State Street).

David Knapp, our county legislator, spoke for a few moments. He also offered his advice and help on some issues with NYS DOT and FEMA.

DPW

There was no report from DPW due to illness.

The Board authorized DPW to accept Dale Wilson's Tree Service estimate for removal and clean-up of two trees on Lincoln Street. The tree on Onondaga is on private property and therefore the Village cannot take it down. Mr. Rothery may want the wood from 2 Lincoln. Hopefully a discount will be offered since Wilson will not have to dispose of the wood.

Counsel:

Some residents have expressed concern over the new sign that First Niagara Bank put up. Counsel stated that her understanding of the issue was that First Niagara Bank had reopened a HSBC Bank and replaced the existing HSBC signage with a new one that does not conform to Village Code requirements and apparently neither did the old signage. She stated the issue was rather complicated because it could involve either a legally nonconforming use issue or an area variance issue. If the old sign was only permitted by the grant of an area variance, then we would need to take a look at the approval resolution. As a general rule variances run with the land and only under very narrow circumstances can they be limited or conditioned to change that general rule. Such limitations or conditions would have to be spelled out in the approval resolution, and if this is the case then we would need to look into that issue further (i.e., resolution would need to be located). Assuming however the prior sign was legally nonconforming sign, we would have a different set of factors to consider. The Village Code provisions on nonconforming uses references "use", "structure", and "building". A "sign" by Code definition is not a "structure" or a "building". And it is not a "use" issue either. However, the Code, although defining the term "use", seems to also use the plain English meaning and usage in this section liberally. Even if this is the case (a sign is to be considered a use). There only seems to be support for the continuation (i.e., it has been less than a year so no abandonment issues, and alteration provisions don't seem to apply because it only refers to buildings and structure. Counsel also pointed out that where ambiguities exist in the Code, the law lands on the property owner's right to use the land as they see fit. There was some discussion on whether or not the replacement sign is substantially similar in dimension/square footage, appearance, etc. to the prior signage. Counsel will conduct research and report back next month.

Engineer

Upon motion by Trustee Poellot, 2nd by Trustee Coffin it was unanimous to accept the lowest bid for the Grove Street project, contingent on attorney review and approval.

LRS Excavating submitted a bid for \$37,500.00. Ken Teter will notify them.

CODES:

No report at this time.

Unfinished Business:

Upon motion of Trustee Coffin, 2nd by Trustee Poellot, it was unanimous to change the Village's workers comp to Comp Alliance.

The meter test report came back from MBS shop. The Lamont meter test was in acceptable parameters. Therefore, the Lamonts will be billed the \$50.00 for testing.

New Business

Upon motion of Trustee Poellot, 2nd by Trustee Flaherty is was unanimous to authorize the Mayor to apply for the Round II Urban and Community Forestry Grant.

The tax warrant was presented to the Board.

The annual water report has been mailed and posted.

Village property taxes have been sent out.

Due to miscommunication from the assessor, the taxable value was not corrected or sent to Onondaga county finance department in a timely fashion. The Village will now be short around \$3000.00 for the 2012 – 2013 budget.

Public Comment

The public hearing was closed at 7:47pm.

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 Poellot it was unanimous to adjourn at 8:08pm.

Respectfully Submitted

Ruth C. Van Buskirk
Clerk/Treasurer