

January 6th, 2021: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, January 6th, 2021 at 7:00pm thru a zoom meeting.

Present: Melissa Flint-Morgan, Mayor
Erin Goodfellow, Deputy Mayor
Roxanne Oliver, Trustee
Daniel Poellot, Trustee
Kathryn Vernay, Trustee
Ruth Van Buskirk, Clerk/Treasurer
Thomas Chartrand, Accountant
Ralph Lamson, Codes
Courtney Hills, Counsel

Absent: Harold Kiehl, DPW
Ken Teter, Engineer

Visitors: Frank Speziale
David Knapp
Benjamin Bibik

Pledge of Allegiance/Call to Order

Mayor Flint-Morgan led the Pledge of Allegiance and called the meeting to order at 7:00pm. Motion was made by Trustee Oliver, 2nd by Trustee Poellot to approve the minutes from the December 2nd, 2020 meeting. Ayes carried.

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

Upon motion by Trustee Vernay, 2nd by Trustee Oliver it was unanimous to approve the following transfers. Ayes carried.

January 6th, 2021 Transfer of Appropriations

GENERAL FUND

From: A5142.1	snow removal	personal services	2,000.00
A9042.8	employee benefits	workers comp	10.00
		TOTAL	<u>2,010.00</u>
			=====
To: A5110.1	street maintenance	personal services	2,000.00

A9050.8	employee benefits	unemployment ins.	10.00
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		TOTAL	2,010.00
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Upon motion by Trustee Poellot, 2nd by Trustee Goodfellow it was unanimous to accept and approve annual resolutions #1 – 24. All ayes carried.

Village of Tully

ANNUAL RESOLUTIONS

2021

OFFICIAL YEAR

RESOLUTION NO. 1

WHEREAS, the terms of elected and appointed officials end and begin with the “official year”, and the orderly transition of responsibility and continuity of government would appear to dictate the desirability of conducting an “annual” organizational meeting, as heretofore, on the first day of the “official year”. Now therefore be it,

RESOLVED, that the annual meeting of the Board shall be held on the first Wednesday of the month following the normal date of our annual village election in the usual public meeting place of the board at 7:00 o’clock, PM, with the provisions which meet the requirements of Article 7 of the Public Officer’s Law on open meetings.

APPOINTMENT OF VILLAGE OFFICIALS

RESOLUTION NO. 2

WHEREAS, it is necessary and required to appoint a Village Clerk/Treasurer, hired without benefits other than salary for 20 hours a week. WHEREAS, it is necessary and required to appoint Crossing Guard A, Crossing Guard B, Fire Marshal, Zoning Administration Officer, Village Counsel and Building Inspector, and Engineer; Now therefore be it, RESOLVED, that the following appointments are hereby made by the Mayor and approved by this board:

TITLE	APPOINTMENT NAME
Village Clerk/Treasurer	Ruth C. Van Buskirk
Village Accountant	Thomas Chartrand
Crossing Guard A	Jean Vulcano
Crossing Guard B	Lavina Hares
Alternate guards	David Morse
Fire Marshal/Building	Robert Lamson

Inspector
Village Engineer
Zoning Officer
Village Counsel

Kenneth Teter
Robert Lamson
Law Offices of Courtney M. Hills, P.C.

APPOINTMENT OF ZONING AND JOINT PLANNING
BOARD MEMBERS

RESOLUTION NO.3

WHEREAS, the Village Board of the Village of Tully is in need of members of the Zoning Board of Appeals and members of the Joint Planning Board, Now therefore be it, RESOLVED, that the following appointments are hereby made:

<u>MEMBER</u>	<u>TERM OF OFFICE</u>	<u>EXPIRATION</u>
ZONING BOARD OF APPEALS		
Matthew Daly	5 years	2024
Nancy Chawgo	5 years	2021
David Brown	5 years	2022
Maximo Flint- Morgan	5 years	2025
Daniel Irving	5 years	2023
VILLAGE REPRESENTATIVES TO THE JOINT PLANNING BOARD		
David Meixell	7 years	2027
Charles Wykstra	7 years	2022
Steve Breitzka	7 years	2021
BOARD OF FIRE COMMISSIONERS		
Jeffrey Rothery	5 years	2022
Craig Clemons	5 years	2022
Gary Malone	5 years	2025
Dan Cooter	5 years	2025
Edward Wortley, Jr	5 years	2023

DESIGNATION BOARD MEETING NIGHTS
RESOLUTION NO.4

WHEREAS, the Village Board of the Village of Tully desires to meet once per month during the 2021 year, Now, therefore be it RESOLVED, that the regular meetings be held at 7:00pm. On the first (1st) Wednesday of every calendar month. In the event that the said meeting falls on a holiday, a meeting is to be held on the next Wednesday at the meeting room in the Municipal

Building, Meetinghouse Road, Tully, NY, with the provisions which meet the requirement of Article 7 of the Public Officer’s Law on open meetings. Joint Planning Board meetings are to be held on the fourth (4th) Wednesday of the calendar month, as needed at 7:30pm at the meeting room in the Municipal Building Meetinghouse Road, Tully, NY. The Zoning Board of Appeals meetings are held on the third (3rd) Wednesday of the calendar month, as needed at 7:30pm at the meeting room in the Municipal Building, Meetinghouse Road, Tully, NY and is further RESOLVED that a Special Meeting maybe called by any three (3) members of the Village Board desiring that a special meeting be held and signing in one document or three separate counterparts a notice of meeting or may be called for by the Village Mayor, and may be held subject to, and as required and permitted by law. Any such special meeting called in the foregoing manner shall be communicated to all other Board members and the Mayor by the Village Clerk and all special meetings whatsoever shall be duly posted and noticed as required under Article 7 of the Public Officer’s Law on open meetings; special meetings called on short notice shall be scheduled with due deference to having full board attendance and thus shall not except in emergency of similar urgent matters requiring immediate address be intentionally scheduled where known or probable work, education or training, or family or other personal commitments of the Village Board member or members may exist and result in time conflict; otherwise where reasonable efforts have been made to accommodate any such person(s) action subsequently taken by a duly constituted quorum of the Village Board shall be deemed valid and legally taken in all respects and this provision shall not by any means be interpreted to require continuous, repeated, or even sporadic accommodation or to require a change to the established Village Board regular meeting or to any already scheduled public hearing.

AUTHORIZING CLAIMS TO BE
AUDITED

RESOLUTION NO. 5

WHEREAS, it will become necessary for the Village Board to consider certain claims for payment during the year, Now therefore be it RESOLVED, that the Village Board of the Village of Tully be and hereby is authorized to audit and pay proper certified and authorized claims as may come before it during the year.

RESOLUTION FIXING SALARIES, ETC

RESOLUTION NO. 6

WHEREAS, the Village Board of the Village of Tully set the salaries of its officers and other elected and appointed officials as set up in said budget; Now therefore be it, RESOLVED, that the salaries of such officers and other elected and appointed officials shall be paid in said amounts set up in the budget as follows:

TITLE	FREQUENCY
Mayor, Trustees	Quarterly
Zoning Officer	Quarterly
Crossing Guards A & B	Monthly
Clerk/Treasurer	Monthly

Foreman (A)	Weekly
Workman B & C	Weekly
Fire Marshal/Bldg. Inspector	Quarterly

DESIGNATION OF DEPOSITORY OF FUNDS:

RESOLUTION NO. 7

Whereas, it is provided that the Trustees of the Village of Tully, shall designate by written resolution the banks or trust companies in which the Collector and Treasurer shall deposit the moneys coming into his hands by virtue of his office, Now therefore be it, RESOLVED, that the NBT Bank be and they are hereby designated as depositories in which the Collector and Treasurer shall deposit all money coming into his hands by virtue of this office.

RESOLUTION AUTHORIZING INVESTMENT

RESOLUTION NO. 8

WHEREAS, the Village of Tully would like to temporarily invest unneeded cash for the purpose of earning interest: Now therefore be it, RESOLVED, that the Village adopt the Village's investment policy. The policy may be viewed at the Village office during normal hours or may be seen on the Village website. Changes will be formally approved and ratified by resolution of the Village Board.

AUTHORIZING VILLAGE OFFICIALS TO BE PAID MILEAGE

RESOLUTION NO. 9

WHEREAS, certain Village Officials are required to use their privately owned cars while traveling on village business; Now therefore be it, RESOLVED, that the said Village Officials be reimbursed at a rate of \$.56 per mile for all traveling done on official business upon being authorized the use of such automobile.

AUTHORIZE PAYMENT IN ADVANCE OF AUDIT

RESOLUTION NO.10

WHEREAS, the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, and WHEREAS, all such claims shall be presented at the next regular meeting for audit. NOW THEREFORE BE IT RESOLVED: Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges, health insurance, phone services, State Insurance Fund, pager service and cell phone service and all such claims shall be presented at the next regular meeting for audit. Section 2. That this resolution shall take effect immediately.

THE APPOINTMENT OF LICENSING OFFICER

RESOLUTION NO. 11

WHEREAS, it is necessary for the Village of Tully to designate the official licensing officers; Now, therefore be it, RESOLVED, that the Village Clerk/Treasurer is hereby designated as the official licensing officer, official licensing, records and FOIL officer and as the Tax Collector for Village taxes, and the authorized officer for issuance of notices and billings for collection for water, sewer, refuse, and any other special assessments or charges/fees due Village.

AUTHORIZATION OF PETTY CASH

RESOLUTION NO. 12

WHEREAS, it is necessary for the Village of Tully to establish a revolving petty cash fund not to exceed \$100.00 for the Village Clerk/Treasurer, Now, therefore be it, RESOLVED, that the said Village Clerk/Treasurer is authorized to establish \$100.00 petty cash fund.

DESIGNATION OF VILLAGE TAX COLLECTOR

RESOLUTION NO. 13

WHEREAS, it is necessary for the Village of Tully to designate a Tax Collector; Now therefore be it, RESOLVED, that the Village Clerk/Treasurer is hereby designated as Tax Collector.

AUTHORIZING DESIGNATION OF OFFICIAL NEWSPAPER

RESOLUTION NO. 14

HEREAS, it becomes necessary for the Village of Tully to designate an official newspaper for publication of Village notices; Now therefore be it, RESOLVED, that the Post Standard will be used for all official publications.

AUTHORIZING DESIGNATION OF CABLE TV COMMITTEE

RESOLUTION NO. 15

WHEREAS, it becomes necessary to have a Cable TV Commission for the purpose of providing cable TV to the residents of the Village of Tully, Now, therefore be it, RESOLVED, that the following appointments are hereby made:
Daniel Poellot

AUTHORIZING DESIGNATION OF COMMISSIONERS

RESOLUTION NO. 16

WHEREAS, it becomes necessary for the Village of Tully to designate commissioners to represent various departments; Now therefore be it, RESOLVED, that the following appointments are hereby made:

Parks & Recreation Trustee Goodfellow

Public Works	Trustee Poellot
Public Safety	Trustee Vernay
Planning/Zoning	Trustee Oliver

RESOLUTION AUTHORIZING UNDERTAKING
RESOLUTION NO. 17

RESOLVED that pursuant to applicable provisions of law, including without limitation Village Law §3-306, the Village Clerk/Treasurer, any deputies, and such other officers and employees of the Village in subordinate positions to those specifically hereinbefore named as the Board of Trustees hereby requires including without limitation, all those with access to Village, governmental or taxpayer funds, records of and/or accounts or accounts information, shall provide or cause to be provided an undertaking or undertakings in such minimum amounts as maybe required by law or established by the Village Board from time to time and that the Village's insurance carriers, brokers or agents be hereby authorized to provide and/or continue to provide such undertakings and in such forms and coverage amounts as are described on the applicable blanket policies serving as such for the past Village year and in any event providing coverage for all such persons and exposures as the Village insurance provider advises should be covered under the blanket undertaking as permitted under applicable law.

RESOLUTION AUTHORIZING PROCUREMENT POLICIES
RESOLUTION NO. 18

RESOLVED that the procurement policies of the Village currently in effect and last reviewed by the Village Board at the 2015 – 2016 organizational meeting; further, if at anytime during the Village 2021 year New York State law is amended respecting Village procurement, purchasing, and or contracting so as to increase the maximum dollar limits for formal bid packages relative to purchase and public works contracts or effectively can permit the Village to relax, remove or relieve itself of any such formerly mandatory legal requirements such as, but without limitation, relative to prevailing wage, awarding of separate prime contracts and/or subcontracts, WMBE or EEO such procurement policies shall be deemed as amended to adopt same to the maximum benefit to Village effective from the effective date of any such legislation authorizing same or sunseting as the case may be, subject to ratification by the Village Board of Trustees at the next following regular or special Village Board meeting, or otherwise at the earliest opportunity for such formal ratification.

RESOLUTION AUTHORIZING SEXUAL HARASSMENT POLICY
RESOLUTION NO. 19

RESOLVED that the Sexual Harassment Policy of the Village currently in effect and last reviewed by the Village Board in November 7th, 2018 shall remain in effect with the following: Clerk/Treasurer, Mayor, and one trustee as the Review Board for the Sexual Harassment policy

and the Mayor as the Investigative Officer. In the event any complainant names any person or persons on the Review Board as the violating party or as a key witness, such person(s) shall immediately recuse themselves from any proceedings whereby any impropriety or mere appearance thereof might conceivably occur if such person does not recuse him/herself from such proceedings. In such event, the substituting person shall be named from amongst those remaining Trustees, the Village Attorney, by the remaining sole Review Board member and also requiring approval of the Village Mayor (if not the sole remaining Review Board member). In the event of an Investigative officer recusal, such person shall be replaced by appointment of the Review Board however subject to approval of the Village Mayor from the remaining Trustees, Village Attorney; to the extent same may be legally required, the Village Board hereby ratifies and confirms the foregoing effective as of January 6th, 2021.

RESOLUTION AUTHORIZING WORKPLACE VIOLENCE PREVENTION POLICIES

RESOLUTION NO. 20

RESOLVED that the Workplace Violence Prevention Policy currently in effect and last reviewed by the Village Board in April 2015 shall remain in effect with the following: Clerk/Treasurer, Mayor and one Trustee as the Review Board for the Workplace Violence Prevention Policy and the Mayor as the Investigative Officer. In the event any complainant names any such person or persons on the Review Board, as the violating party or as a key witness, such person(s) shall immediately recuse themselves from any proceedings whereby any impropriety or mere appearance thereof might conceivably occur if such person does not recuse him/herself from such proceedings. In such event, the substituting person shall be named from amongst those remaining Trustees, the Village, Village attorney, by the remaining sole review Board member and also requiring approval of the Village Mayor (if not the sole remaining Review Board member). In the event of an Investigative Officer recusal, such person shall be replaced by appointment of the remaining Trustees, Village Attorney; to the extent same may be legally required, the Village Board hereby ratifies and confirms the foregoing effective as of January 6th, 2021.

RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL OFFICER

RESOLUTION NO. 21

RESOLVED that in the event any state, federal, county or other authority, agency, foundation or other charitable or not for profit entity benefit or assistance program applied for/through and/or is pending, awarded, committed to, closed and/or drawn down on or otherwise acted on during the 2021 year, the terms and conditions thereof require(s) that a certain Village officer, employee or representative position be established for purposes of ensuring compliance with all terms and conditions of such assistance or other benefits, and as well as the appointment of a person to such officer, employee, or representative position, the Mayor shall be entitled to establish such office, employee or representative position and shall have sole discretion to appoint such person(s) of his choosing and in his sole discretion; unless otherwise required by law and affirmed as such by duly adopted resolution of the Village Board, such person(s) for serving in any such position, shall not be salaried or otherwise compensated including by hourly or other independent contract; the foregoing however shall not preclude the Village Board from providing for

compensation to an existing salaried or hourly employee or officer appointment to for performing such services where same are not required under the Officers/employees job duties description established by civil service or the Village Board; no person assuming such position upon appointment shall make any claim for compensation or consideration for services performed after appointment and acceptance of such position after the adoption of this resolution.

RESOLUTION AUTHORIZING SEQRA DETERMINATION
NO. 22

RESOLUTION

RESOLVED that except as maybe otherwise indicated or acknowledged by the Village Attorney, all acts of the Village Board which constitute “actions” under NYS Environmental Quality Review Act shall be deemed Type II actions and thus not subject to SEQRA review.

RESOLUTION REGARDING PAYROLL DATE FOR DECEMBER
RESOLUTION NO. 23

It is hereby RESOLVED that the date of the monthly and quarterly payroll will be set as December 17th, 2021.

RESOLUTION FOR CLERK’S PAY
RESOLUTION NO. 24

It is hereby RESOLVED that the clerk’s pay will be \$18,477.00/year for 2021.

The budget request forms will be sent out shortly. Public hearing for the budget should be April 7th, 2021 and budget workshops will be decided at the March 3rd, 2021 meeting.

Public Comment

David Knapp was able to obtain \$25,000.00 more monies to add to our grant to fix the sewer pump controls. The Board was extremely pleased to hear this. Mr. Knapp has also scheduled a rapid testing site for the village. He will notify us as soon as the place and time are determined.

DPW

'99 backhoe & '08 pickup: Upon motion by Trustee Vernay, 2nd by Trustee Oliver it was unanimous to set up the ad for the backhoe and truck with Auctions International. Upon Trustee Vernay, 2nd by Trustee Goodfellow it was unanimous to set the minimum amounts acceptable as \$8,000.00 for the backhoe and \$10,000.00 for the pickup. All ayes carried.

Overhead door replacement: The project is finished and Harold is pleased with the results.

COUNSEL:

The board will need to set the hearing for the tax cap override. This will need to be done before the budget is passed.

CODES:

No report

Engineer:

Sewer Pump Control Replacement Project: The Village Engineer previously presented to the Village Board of Trustees (“Village Board”) a proposal for Predesign Services related to the replacement of certain components of the existing sewer pump control equipment; as more specifically described in the Scope of Services description within that proposal and incorporated herein by reference (“Project”). The Village Board having proceeded with the Predesign Services scope and undertaken the study described therein, having been presented with an overview of the Project by Village Engineer, Kenneth Teter, and having been advised by the Village Attorney that same qualifies as a Type II action under SEQRA; the Village Board designated itself to act as Lead Agency for the Project; determined upon initial review of the action under 6 NYCRR 617.5 (c) , the action as described is a Type II action; and as such determined no further review under SEQRA is required. Upon motion made by Trustee Oliver, and 2nd by Trustee Poellot, the foregoing resolution was put to a roll call and all were in favor.

NEW BUSINESS:

Due to the assessments on properties the Village has lost almost \$5,000.00 in the general fund under the pilot program with the Meadows.

Upon motion by Mayor Flint-Morgan, 2nd by Trustee Goodfellow it was unanimous to allow Honeywell personnel access to the Banner Farm property to survey their land. All ayes carried. Harold will put up new “Welcome to Tully” signs when they come in. The dog poop way stations, and the new benches for the Village should be here by Spring. Charges for these items will be paid using grant monies that the Mayor obtained.

Public Comment

Chief Speziale mentioned that open burning of suspicious items have been reported. The fire department will monitor.

Audit Bills

Upon motion by Trustee Oliver, 2nd by Trustee Goodfellow, it was unanimous to review and authorize the accountant to pay the bills, subject to audit.

Upon motion of Trustee Poellot, 2nd by Trustee Vernay it was unanimous to adjourn at 7:40pm.

Respectfully Submitted

Ruth C. Van Buskirk

Clerk/Treasurer