

Town of Tully
June 9, 2021

REGULAR TOWN BOARD MEETING
TOWN OF TULLY
TOWN HALL
5833 MEETING HOUSE RD TULLY NY

Members Present: Town Supervisor John Masters
Councilor Frank Speziale
Councilor John Snavlin
Councilor Christopher Chapman
Councilor Catherine Goodwin

Town Clerk Susan Vaccaro

Others present: Financial Officer Thomas Chartrand, Town Attorney Robert S. DeMore, Highway Superintendent John Herold, Parks & Rec Director Ryan Dando, Fire Captain Chad Wakula, David Khasidy from ClearPath Energy, David Knapp – Onondaga County Legislative Chairman

7:30pm Town Supervisor John Masters led in the pledge of allegiance.

ClearPath Energy Presentation – David Khasidy

David Khasidy stated that his company is the developer of three community solar projects up on Route 11 in Tully. He went on to discuss the potential savings on your monthly utility bills for customers who sign up. They will be advertising on Syracuse.com, on the Tully website and in the Tully newsletter. And the savings will be for National Grid electric customers. Brief discussion followed with questions and comments by board members.

Updates from David Knapp – Onondaga County Legislative Chairman

David Knapp advised the town board that \$30,000 from Community Development had been obtained for the roof on the train station. It is through the Streetscape Improvement Program and will be used to replace the entire roof.

In addition, Mr. Knapp reported that we are one of the only counties in the state that passes on the mortgage tax collected to the towns and villages. We are up dramatically this year, so instead of \$32,000 in mortgage tax, we're writing a check for \$54,000. Discussion followed.

Minutes

The minutes of the May 12th meeting were made available via email and regular mail. Motion was made by Councilor Speziale and seconded by Councilor Chapman to approve the minutes.

(Masters, Speziale, Goodwin, Chapman, Snavlin) Ayes 5 Nays 0

Vouchers

Motion was made by Councilor Goodwin and seconded by Councilor Speziale to pay the audited bills out of the proper funds.

(Masters, Speziale, Goodwin, Chapman, Snavlin) Ayes 5 Nays 0

Financial Report

Tom Chartrand reported on receipts and disbursements for the month of May:

- Mortgage tax is two payments per year; the town could be as much as \$40,000 to the good which is excellent for us
- Town clerk's report this month was \$3500 which is good
- Tom also discussed court fines, NYCLASS, tax penalties which were up \$900 from last year, and ambulance recoveries which were at 62%.

RESOLUTION #40-2021

Motion was made by Councilor Snavlin and seconded by Councilor Chapman to accept the May 2021 financial report.

(Goodwin, Speziale, Snavlin, Chapman, Masters) Ayes 5 Nays 0

Mr. Chartrand advised that our bond sale for the new truck went through. Fiscal advisors estimated a 2% interest rate, but we came in at 1.282%, so we did really well. Discussion followed.

Next, Mr. Chartrand asked if the town supervisor had signed the new contract for the postage meter, which he had. Tom advised that it was a 57-month contract at \$81.64 a month, so a few dollars more than the last contract.

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RESOLUTION #41-2021

Motion was made by Councilor Snavlin and seconded by Councilor Goodwin to approve the contract for the new postage meter.

(Snavlin, Goodwin, Speziale, Chapman, Masters) Ayes 5 Nays 0

Highway

John Herold reported on the following:

- Busy month; very productive; few minor repairs
- New truck should be delivered in Syracuse July 4th; will need a check for Tracy Road Equipment next month
- We've done some roadside mowing, first time around; done some paving for the year
- Starting next week, we'll be doing some oil and stone on some of our roads
- There's a new 284 agreement to be signed this evening. They're increasing CHIPS this year, and we're getting PAVENY again and our winter recovery for a total of \$55,000. Brief discussion followed regarding mowing around the baseball field.

Ambulance

Fire Captain Chad Wakula reported on the following ambulance activities:

1. Number of EMS calls for May was 34.
2. I was able to obtain some PPE in bulk from Emergency Management at no cost.
3. The Ferno ProFlex Ambulance cot can now be put to surplus and sold.
4. I am currently looking into putting in a SAM grant through NYS; getting more information on it.
5. NYS DOH ambulance operating certificate renewal has been submitted and processed. I'm awaiting receipt of the certificate. Our controlled substance license is being processed at this time. That one takes a bit longer to process.

RESOLUTION #42-2021

Motion was made by Supervisor Masters and seconded by Councilor Snavlin to declare surplus the ambulance cot and to be sold for a residual value of \$500 and authorize Chad Wakula to sell it.

(Snavlin, Goodwin, Speziale, Chapman, Masters) Ayes 5 Nays 0

Marijuana Sales

Supervisor Masters raised the issue of marijuana sales in the Town of Tully. Mr. Chartrand advised the board that he had attended several presentations regarding marijuana sales in towns and villages in Onondaga County. Tom stated that there are two things you can do if you choose to allow sales in your town. You can be a dispensary and/or a consumption area. You would need to pass a local law to prohibit, and it's subject to a 30-day permissive referendum. Discussion followed after which it was decided to table it for now and continue the discussion over the next month or two.

Parks & Recreation

Ryan Dando reported that the Parks and Rec board had met and decided to appoint Jeff Proulx as their chairperson and John D'Antonio as a new member.

Green Lake Beach will be opening June 26th and will have occupancy limits. We will be bringing back swim lessons. Ryan also reported that they will be allowing the after-school program to come in, but will be limiting hours and days they come to adhere to capacity limits. John Herold and his crew went down to Green Lake and dumped some sand, got everything cleaned up and ready to go so we should be all set.

Ryan also reported that he had been approached by a resident to hold yoga classes on Saturday and Sunday mornings down at the lake before they open up. He thought it was a creative idea. Discussion followed and it was decided to run it by the Parks and Rec board and see what they think.

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(Continuing) Ryan was approached by Partners in Motion to keep the concerts going at Cornerstone Park this summer. He reported that Parks and Rec gives a \$1,000 donation from their budget to those musical events each summer. Brief discussion followed regarding insurance.

Fire

No report.

Floor – Public Input

Councilor Speziale led a discussion prompted by a call from a resident, Dick Phillips, who is asking for a burning ordinance in Vesper. Brief discussion followed.

Councilor Speziale also asked about a house on Lake Road with a driveway down to the lake. He wondered if it could be used for dive team practice. Brief discussion followed, and it was agreed to allow the dive team to use the driveway to get down to the lake.

Information from Supervisor

Supervisor Masters advised that Sky High Solar never followed through with the solar farm, and a new company, Boralex, has filed an application with Ralph. Brief discussion followed. Town Attorney Robert DeMore spoke to a representative of Boralex who was looking for a PILOT agreement. Mr. DeMore suggested they go through the planning board first with their application and then discuss a possible PILOT.

Legal

Next, Mr. Masters discussed a meeting he had recently on the water district and also that he had spoken with a representative of Honeywell suggesting that if they would commit to \$2.4 million that that would be sufficient to close on the deal. Brief discussion ensued after which came the following motion:

RESOLUTION #43-2021

Motion was made by Supervisor Masters and seconded by Councilor Snavlin to form the Rt. 11A Water District contingent upon securing \$2.4 million in funding to make the necessary improvements.

(Masters, Snavlin, Goodwin, Speziale, Chapman) Ayes 5 Nays 0

(The full text of the Resolution begins on the next page.)

Resolution 43-2021

TOWN OF TULLY ROUTE 11 A WATER DISTRICT

RESOLUTION AND ORDER ESTABLISHING DISTRICT AND AUTHORIZING TOWN SUPERVISOR TO EXECUTE DOCUMENTS

Whereas; the Town Board of the Town of Tully (Board), Onondaga County, New York in relation to the establishment of a proposed water district to be known as Route 11 A Water District(District), pursuant to Article 12 of the Town Law, has received a petition purporting to be executed by more than 50% of all the owners of taxable real property within the proposed district and also executed by more than 50% of all the resident owners of taxable real property within the proposed district, a copy of which petition is on file with the Town Clerk's Office, and

Whereas, the Town Board has appropriated money from the general fund of said Town to compensate the Town Engineer for preparation of report, plan and map outlining the proposed district, and

Whereas, said map, plan and report, including an estimate of cost, were duly prepared by C&S Engineers, engineers duly licensed under the laws of the State of New York, and

Whereas, said map, plan and report have been filed in the office of the Town Clerk of the Town of Tully, were the same as available for inspection during regular business hours, and

Whereas, the district shall be bounded and described as set forth in Schedule A,
and

Whereas, the improvements proposed for the District includes the construction and replacement of waterlines, installation of water meters for each landowner in the District and performance of any repairs deemed necessary by the Town Board for the proper functioning of the system, and

Whereas, said improvements will be financed wholly by a capital contribution from the Honeywell Corporation, and said District is being formed contingent on such funding, the transfer of all necessary property which forms the East Side

Water Line to the District and all necessary easements , the assumption by OCWA of the operation and management of all District facilities and the entering into of an Intermunicipal Agreement between the Towns of Tully and Lafayette and or the Districts for the initial construction of all contemplated improvements and

Whereas, the annual estimated average cost of the District (OCWA) to the typical residential property there in is \$260, which represents the annual average charged to residential water users served by the Onondaga County Water Authority (OCWA), which will operate the system upon the completion of the anticipated improvements, and

Whereas, an explanation of the matter by which said figure was computed being said estimated annual cost to the typical residential property in said District has been duly filed in the office of the Town Clerk were the same is available during regular office hours for examination by any person interested in the subject matter thereof, and

Whereas, the establishment of said District and the improvements proposed therein have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, implementation which as proposed, the Town Board has determined will not result in any significant environmental effect, and

Whereas, an Order was duly adopted by the Board on 2/10/2021, containing a legal description of the boundaries of the District, the improvements to be constructed, the maximum amount to be expended by the Board for said improvements, the method of financing to be employed, the fact that a map, plan and report were on file in the office of the Town Clerk during the pendency of this proceeding for public inspection, and specifying the 25th day of February 2021 at 7 PM, at the Tully Town Hall, Tully, New York as the time and the place where the Board would hold a public hearing to hear all persons interested in the subject thereof; and

Whereas, said Order issued by the Board directed the Town Clerk to publish the Order in the official newspaper of the Town of Tully, within the time prescribed by the Town Law and proof of such publication having been duly presented to the Board; and

Whereas, said Order issued by the Board directed the Town Clerk to duly post the Order on a designated signboard at the Town Hall within the time prescribed by Town Law, and proof of such posting having been duly presented to the Town Board; and

Whereas, the Board determined that the notice of public hearing was published and posted as required by law, and was otherwise sufficient, and

Whereas, the Board determined that all the property owners included in the District are benefited thereby, that all property owners benefited by the District are included in the District and the establishment of the District is in the public interest, all as more particularly set forth in a record of the proceedings, and

Whereas, said public hearing was duly opened at the time and place set forth in said order at which time all persons desiring to be heard were early were duly heard, and

Whereas, following said public hearing, and based upon the evidence given thereat, the Board on 6/9/2021 duly adopted this resolution determining in the affirmative all questions set forth in Section 1941 (1) of the Town Law and approving the establishment of said District.

Also attached hereto and made a part hereof, is a copy of the Petition submitted to the Town Board to establish the District.

Now, therefore, it is ordered, pursuant to the provisions of the Town Law, that the Town Board of the Town of Tully herein specifically finds that:

1. The petition was signed and acknowledged or approved or authenticated as required by law and was otherwise sufficient.
2. The notice of hearing was duly published and posted as required by law and notice of the public hearing otherwise complied with the due process requirements.
3. All the property and property owners within the proposed district are benefited thereby.
4. All the property owners and property owners benefited are included within the limits of the district.
5. The formation of the district is in the public interest, and is further

Ordered by the Town Board of Tully, Onondaga County, New York, as follows:

Section 1. The District is hereby established, subject to the conditions in number two below and shall be known as the Route 11 A Water District and shall be bounded and described as set forth more fully in the map, plan and report on file in the office of the Town Clerk and as further described in Sched. A. .

Section 2. The improvements contemplated in the map, plan report, the associated appurtenances, machinery, apparatus, public works and incidental improvements, and expenses in connection therewith, as more fully described in the map, plan and report, are hereby authorized and approved subject to funding of the District improvements by the Honeywell Corporation, the transfer of the East Side Water Line, all necessary easements and real property , the follow-up takeover and assumption of all operations of the District by the Onondaga County Water Authority and the execution of an Intermunicipal Agreement as previously set forth herein, then under these conditions, and the District formation is conditioned upon and shall not take place nor become effective without same, then the above are hereby authorized and approved.

Section 3. The supervisor of the Town of Tully, or his designee, is hereby authorized and directed to take such action is necessary and proper and/or incidental to form the District subject to the conditions in paragraph two above and negotiate operations and maintenance agreements with the Onondaga County Water Authority which shall be submitted to the Town Board for final approval.

Dated: 6/9/21,
Tully, New York

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RESOLUTION #44-2021

Motion was made by Supervisor Masters and seconded by Councilor Chapman that the Town Board committee comprised of John Snavlin and Christopher Chapman has audited the town clerk records for the year 2020 and found them to be acceptable.

(Goodwin, Speziale, Snavlin, Chapman, Masters) Ayes 5 Nays 0

Next, Town Attorney Robert DeMore handed out copies to the board of a resolution entitled Conditional Consent of the Tully Town Board to Layout a Highway in the Town of Tully. Mr. DeMore explained that this is the highway on Ted Shaw's property on Route 281, the old Tully Center Road, and this consent is conditioned upon Mr. Shaw and his partner providing a legal description of the road as well as several other documents including a survey, a deed, title insurance, and \$30,000 in escrow. Further discussion ensued.

RESOLUTION #45-2021

Motion was made by Councilor Speziale and seconded by Councilor Chapman to adopt the aforementioned resolution which is included in its entirety on the next page.

(Goodwin, Speziale, Snavlin, Chapman, Masters) Ayes 5 Nays 0

Motion to **adjourn the meeting** at 8:50pm was made by Councilor Speziale and seconded by Councilor Snavlin.

(Goodwin, Speziale, Snavlin, Chapman, Masters) Ayes 5 Nays 0

Respectfully submitted,



Susan Vaccaro, Town Clerk

CONDITIONAL CONSENT OF THE TULLY TOWN BOARD TO LAYOUT A
HIGHWAY IN THE TOWN OF TULLY

Whereas, the Town of Tully has received an application to lay out a town highway, being part of Military Tract # 48, all executed by Theodore V Shaw, dated 6/4/21 and Self-Storage Meeting House Road, LLC, Tully New York, dated June 7, 2021 duly acknowledged, proposing the conveyance, dedication and release of damages necessary for lands for a proposed town highway as set forth therein and attached hereto;

Now, therefore, be it

Resolved, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, conditional consent be, on the same hereby is given, that the Town Superintendent of Highways in the Town of Tully make an Order laying out the proposed highway described in said application as may be delineated in a survey and street profiles to be provided hereafter and that the parties enter into an agreement for the construction of said highway and be it further

Resolved, that the Town Board of the Town of Tully hereby conditionally accepts the conveyance of said lands; and be it further

Resolved, that the Town Clerk, upon receipt of an Order, with survey and street profiles attached thereto, made and signed by the Town Superintendent of Highways laying out said highway, shall file and record said Order in the Town Clerk's Office, shall note the time of recording thereon, shall enter the Order in the highway book, and shall record any release of damages and/or legal conveyance in the office of the Clerk of the County Onondaga and attach a copy of same to the Order.

The above conditional consent having been moved by the Town Supervisor, John Masters, at a regular meeting of the Tully Town Board on June 9, 2021 and a vote having been taken and the Board having voted in the affirmative on adopting this conditional consent.

John Masters, Supervisor of the Town of Tully.

Dated 6/9/21 Tully, New York