

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

Members Present: Supervisor John Masters
Councilor John Snavlin
Councilor Frank Speziale
Councilor Christopher Chapman
Councilor David Meixell
Town Clerk Susan Vaccaro, RMC

Others present: Town Attorney Robert S. DeMore, Financial Officer Thomas Chartrand, Highway Superintendent John Herold, Parks & Rec Director Sarah Panzarella, *The Tully News* Editor Ben Bibik, Fire Commissioner Ed Wortley II

7:30pm

Supervisor Masters called the meeting to order and led in the Pledge of Allegiance.

Recognition of Stephen Bailey

Supervisor Masters said a few words in recognition of Judge Bailey's nearly 40 years as town justice for the town of Tully and presented him with a plaque.

Approval of Minutes

The minutes of the February 14th meeting were made available via email to all board members.

Motion was made by Councilor Snavlin and seconded by Councilor Chapman to approve the minutes. Motion carried.

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

Vouchers

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

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

Financial Report

Tom reported on receipts and disbursements for the month of February; briefly reported on NYCLASS and Money Market interest; Jamie Wortley has collected all of the taxes for the town; court fines are excellent, over \$16,000; ambulance recoveries are at \$32,841; we have received snow and ice removal monies; also on highway we have received from New York state \$739,119.06. John Herold suggested that was from FEMA. Brief discussion. We did receive the ambulance contract and the medicar charges from last year. Expenses were quiet other than abstract no. 2 which Tom mentioned briefly.

Motion by Supervisor Masters and seconded by Councilor Snavlin to approve the financial report. Motion carried.

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

Motion was made by Supervisor Masters and seconded by Councilor Speziale to approve the bank reconciliation. Motion carried.

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

(Continuing with the Financial Report) Mr. Chartrand also reported that he had turned over to the town clerk the Annual Update Financial Notes to be attached to each of the annual financial reports which were filed last month.

RESOLUTION 43-24

Motion that the Supervisor's Records for 2023 have been audited by the town board. Motion was made by Supervisor Masters, seconded by Councilor Meixell. Motion carried.

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

Tom also announced that a representative from NBT bank would be coming next month to address the town board regarding changes in the NYCLASS program. Brief explanation by Mr. Chartrand.

As an aside, Mr. Chartrand mentioned that at the Town of Otisco meeting he had attended, they had a representative from a windmill group in attendance who announced that they are proposing to install fifteen 600-foot tall windmills in Otisco and that three to five windmills would spill over into Tully. Brief discussion ensued.

Highway

John Herold reported on the following:

- We had a good month
- We went out 10 times sanding and plowing in February; 3 times so far this month
- We had no repairs on the equipment; we did have some problems with our two-way radios and hired a company in Cortland to fix them
- We've also been brush hogging, tree trimming and filling potholes
- Earth Day is Friday, April 12th; the garage will be open from 9 to 12pm on Saturday, April 13th for drop off of garbage and tires
- Spring Cleanup Day is May 11th from 9am to 3pm; John discussed some of the items accepted and some price changes on tires and mattresses; all information will be in this month's newsletter.
- The town clerk mentioned that she would be hosting a shredding event on the same day, May 11th, but it will be held at the town hall parking lot from 9am to 11am.

RESOLUTION 44-24

Motion to authorize John Herold to set the fee schedule for the tires and mattresses for the Spring Cleanup Day. Motion was made by Supervisor Masters, seconded by Councilor Speziale.

Motion carried.

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

Ambulance

Fire Captain Chad Wakula reported on ambulance activities:

- Number of EMS calls for February was 50
- Medic Car had service and inspection done
- Medicare and its clearing houses had a cyber attack on 2-21-2024; could affect certain payers contracted through Medicare; currently we have no claims affected

Parks & Recreation

Sarah Panzarella reported on parks and rec activities: We still have an open position, but we've had another board member stepping down, so there are two positions open for now. We will hold off doing anything until we can interview for both board seats.

Basketball program is done. Baseball and softball registrations have been open for awhile.

Moo Run is scheduled for June 22nd. Jim Paccia will be the master of ceremonies.

Lafayette and Fabius have tentatively committed to the swim program this summer. Pompey has not committed yet. There will be no swim lessons this year, just open swim on Monday, Wednesday and Friday. Sarah also checked into CPR for our lifeguards.

Fire

Ed Wortley reported that Dave Battle is the new fire chief. Frank Speziale reported that there will be a traffic incident management class this week in the town hall, large meeting room.

Updates Recommendation of ZBA interview committee

Supervisor Masters announced that they are recommending Don Titus for the position on that board and called for a motion:

RESOLUTION 45-24

Motion to approve Don Titus filling the open seat on the zoning board of appeals. Motion was made by Councilor Speziale and seconded by Councilor Chapman. Motion carried.

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

Updates (cont'd)

There is also an open position for a recording secretary on the zoning board of appeals and for the joint planning board. Mr. Masters said he had not heard back from the interested party so he adjourned that issue to next month.

Mr. Masters also announced that he had received a response from the NYS DOT regarding a speed limit change we had requested on Assembly Park Road and adding no parking signs on Route 11 north. They agreed to lower the speed limit to 25mph on that road and to add some no parking signs on Route 11 near Route 80.

Public input from Floor

Marian J., a member of the Tully Action Group, asked if the town has any plans for the eclipse. Mr. Masters responded that plans for the eclipse have not been discussed. Marian also mentioned that she continues to work out a planned route for a sidewalk from the center of Tully out to Route 281 and Lake Road and down to the lake, but has not been able to contact Dave Knapp. Brief discussion followed regarding collecting donations for an engineering report for that project.

Legal

Town Attorney Robert DeMore reported on two issues: one, that an Undertaking was needed for the Rt.11A Water District. It is included in part below. The full Undertaking is included at the end of these minutes. The second issue involves a resolution creating an advisory committee which is also included below.

UNDERTAKING

WHEREAS, the undersigned Rt.11A Water District, Tully, NY (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities . . .

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions . . .

IN WITNESS WHEREOF, Rt.11A Water District, Tully, NY (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

RESOLUTION 46-24

Motion to establish the Undertaking as indicated above per NYSDOT PERM 1. Motion was made by Councilor Snavlin and seconded by Councilor Chapman. Motion carried.

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

RESOLUTION 47-24

I move the creation of an advisory committee to make recommendations to the town board for the updating and revision of our current zoning regulations as a follow-up to our recently updated comprehensive plan.

This committee will meet as needed and has been meeting and will be acting in an advisory role in relation to any changes or modifications to our zoning law. No quorum is needed for this committee to meet. (Cont'd on next page)

It is anticipated that this group will make recommendations to the town board for possible changes to our zoning regulations which the town board is free to accept or decline based on the best interest of the town.

I move the appointment of the following members: TJ Shaw, Dennis Daly, Steve Bielecki, Sarah Panzarella, Dave Meixell and Tony Iozzo.

Motion was made by Supervisor Masters and seconded by Councilor Snavlin. Motion carried.

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

There being no further business, the following motion was made:

Close of Meeting

Motion was made by Councilor Speziale and seconded by Councilor Snavlin to adjourn the meeting at 8:00pm.

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

Respectfully submitted,

Susan Vaccaro, Town Clerk

PERM 1 (2/12)

UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways (For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Rt.11A Water District, Tully, NY

(Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as

"Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance

with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume

all responsibility for (a) the temporary control of all modes of traffic (including motorized and

non-motorized travel) affected by Permittee's operations, (b) complete restoration of state

facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of- way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to

substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

NYSDOT PERM 1

(rev. 2/12)

PERM 1 (2/12)

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may Insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, Rt.11A Water District, Tully, NY (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

John Masters
Authorized Agent Town Supervisor
5833 Meetinghouse Rd
Tully, NY 13159

Date 3-13-2024
Phone 315 696-4693

NYSDOT PERM 1

(rev. 2/12)