



## Village of North Syracuse

600 South Bay Road

North Syracuse, NY 13212

### REGULAR BOARD MEETING

September 8, 2011 @ 6:30 PM – N. Syr. Comm. Center

700 South Bay Road

North Syracuse, NY 13212

### Public Hearing: Re: Tree Code 219-13

Mayor Atkinson opened the Public Hearing at 6:29PM inviting those present to join in the pledge of allegiance. Mayor Atkinson stated the purpose of this Public Hearing was to discuss the repealing of portions of section 219-13 of the Village Code relating to maintenance of trees on private property.

The Mayor stated that basically the Village is looking to repeal the first and last sentence of that Paragraph – Section 219-13, “eliminating the Village from having the right to cause removal of dead or diseased trees”. The Mayor asked if there was anyone to speak in favor of this. Pat Ferguson, 215 South Main Street, stated that since 1989 the Village has had Arbor Day which is a part of the Tree Code. She referenced the application process and how this is due on or around December 1<sup>st</sup>. She continued to speak that whatever the Village decides to do, to be sure to look out for the trees and the greenery within the Village. Pat continued to speak on the expenditures relating to Trees and how this all ties in to the application submittal process and the significance of the greenery, keeping the Village’s tree status and Arbor Day going. The Mayor thanked her for her input. The Mayor asked 3 times if anyone wished to speak in favor of this. The Mayor spoke of the (4) standards of the Tree City status – tree board, tree care ordinance in the Village law, percentage of funds to be used for tree maintenance and an Arbor Day proclamation. The Mayor spoke of what is in the best interest for the trees; we do not have the professionalism on staff to go on property to detect if a tree is healthy or not. The Mayor feels this is best for the forest and will not hurt the Village in any way. The Mayor asked three times if anyone was against this and noone chose to speak. The Mayor opened this up for discussion. Trustee Ferguson questioned the intent of the first sentence being removed. Attorney Chatfield referenced the issue of going on private property to remedy the situation. The Village has the right to advise the homeowner in 219-12, to advise the landlord/homeowner of the circumstances. Attorney Chatfield spoke of the constitutional right – going on their property, which is the obligation of the homeowner itself. Therefore, removing the 1<sup>st</sup> and last sentence will allow the Village Board to notify the homeowner as stated in 219-12. Mayor spoke of 219-12 clarifying the “owner of trees: referred to in section 219-12. Attorney Chatfield explained the the recourse if the homeowner does not want to remove; a citation would follow, then an appearance ticket, or if the need be a proceeding in supreme court. Trustee Ferguson spoke of the mowings the Village had done and the removal of a tree on private properties. Attorney Chatfield suggested it is a problem going on the private property. The Mayor spoke of the abandoned homes and overgrown grass. The Board agreed to have a separate public hearing for the overgrown grass being mowed at a future date. Dep. Mayor Henry questioned if there were



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many properties that needed the Village to remove trees. Sup't. Gary Wilmer stated that he has only had one this year, and this is the first time in many years that he is aware of. The Mayor spoke of removing trees in right-aways, and many times the Village will contract this out based upon the size of the tree. The Mayor closed the Public Hearing at 6:48 PM.

**Roll Call:** Mayor Mark Atkinson, Deputy Mayor Chuck Henry, Trustee Fred Ferguson and Trustee Paul Linnertz were present. Trustee Gary Butterfield had another commitment.

**PERSONNEL PRESENT:** Clerk-Treasurer Dianne Kufel, Police Chief Tom Connelly, DPW Superintendent Gary Wilmer, Parks Director Teresa Roth, Fire Chief Pat Brennan, Codes Enforcement Officer Wayne Dean, Codes Enforcement Officer, Pam DiCarlo, Village Engineer James Trasher, Village Attorney Scott Chatfield.

**RESOLUTION #: 167-11**

**APPROVAL OF MINUTES**

Trustee Fred Ferguson made a motion to approve the minutes from the August 25<sup>th</sup>, 2011 Abstract Meeting. Deputy Mayor Henry seconded the motion; the motion was carried unanimously.

**RESOLUTION #: 168-11**

**APPROVE GENERAL FUND ABSTRACT #7**

Trustee Fred Ferguson made a motion to approve the General Fund Abstract #7 in the amount of \$102,813.07 covering Voucher #336 to Voucher #405; seconded by Deputy Mayor Henry. The motion was carried unanimously.

**RESOLUTION #: 169-11**

**BUDGET TRANSFER**

Trustee Fred Ferguson made a motion to approve the following budget transfer; seconded by Deputy Mayor Henry. The motion was carried unanimously.

\$325.00 FROM: A3120.12 -- Police Dept. FT Personal Services  
TO: A3120.25 -- Police Dept. Vehicle

The Mayor explained the need for additional monies to outfit the new 2011 Crown Vic. due to corrosion that was unforeseen. The Mayor explained that they previously approved \$2,300 to outfit the new 2011 Crown Victoria whereas costs incurred will be \$2,625.

**RESOLUTION #: 170-11**

**BUDGET TRANSFER**

Trustee Fred Ferguson made a motion to approve the following budget transfer; seconded by Deputy Mayor Henry. The motion was carried unanimously.



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\$1,000 FROM: A2705 – Gifts and Donations (Revenue)  
TO: A7181.22 – Community Center Chairs

The Mayor explained that Lakewood Development donated \$1,000 to the Village for the use of the Community Center to interview applicants for Toll Road and it was requested to use this to increase the Park Budget to accommodate the need for additional chairs for the 1<sup>st</sup> floor rental facility.

**CITIZENS' VOICE:**

Pat Ferguson, 215 South Main Street, spoke of work being performed at their residence by Bartlett Tree Service; whereas they would offer their expertise of service if the Village had questions or needed an opinion. DPW Sup't. Gary Wilmer would follow up with Pat Ferguson to obtain a contact name and number.

**OLD BUSINESS:**

The Mayor spoke of the Senior Advocate position that was spoke of at the last meeting and perhaps establishing a Senior Advocate Office based on the high percentage of seniors in the Village. The Mayor spoke of some concerns from the Board creating this "new" position and did his research with the Town of Cicero and Town of Clay as well as the Office of the Aging. The Mayor spoke of his contacting Katie Bloss with Catholic Charities (through Office of the Aging) and how she works with them filling out forms, assisting them with forms, giving them briefings on different programs that are coming down. Therefore, the Mayor is not prepared to make a motion to expend funds from the Village for an enhanced service, whereas the basic service is available right now. Trustee Linnertz suggested that the residents' could call their prospective Town to obtain the service from them directly; whereas they would be referred to Catholic Charities/Office for the Aging. The Mayor suggested that Village Hall will have a fact sheet for information regarding their services that they have to offer. The Mayor also suggested that Katie Bloss will visit the Senior Group that meets at the Community Center once a month on a Thursday and this will be a nice informative service for the older adults in this community. The Mayor spoke how he intends to see how this goes this year, with this basic service, and will revisit this at the end of this year.

**NEW BUSINESS:**

**RESOLUTION #: 171-11**

**ACCEPTANCE OF TOLL RD. SENIOR COMMUNITY**

Mayor Atkinson spoke of this acceptance/approval of the final plans for the Toll Road Senior Community, although did not see the proper paperwork and documentation to accomplish this task. The Mayor stated that just today more information had just been received. Mayor Atkinson asked Village Engineer to speak on this. Engineer James Trasher spoke of the



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dedication of services, the road, sewers, and drainage facility. James spoke of the punchlist items that the Board received, which needed to be completed 100%, prior to final acceptance and secondly, the final subdivision approval with the Planning Board and other documents approved by the Village Board accepting the roadways and easements. James spoke that the map submitted was not accurate as far as what would be accepting as road right-away and acceptance. James spoke with the surveyor and he will not have this completed until beginning of next week. James advised that this should be pushed off to the next meeting until the developer and professionals have had a chance to review with the developer, attorney and the Village Board that would not have a punchlist of (21) bullets and (10) items of paperwork that need to be filled out. Attorney Chatfield spoke of the process and the Village Board's involvement is the ultimate acceptance and dedication of the utilities and other infrastructure. Attorney Chatfield also spoke of the construction, inspection and certification and acceptance by the Engineer. Attorney Chatfield then referenced that there is still the contractual obligations in terms of the guarantee which is typically one-year which would be backed up with securities from the developer. Those contract documents do not exist as of yet, although the developer has substantial funds on deposit with the Village although they have not been specifically linked to the specific guarantee agreement. Attorney Chatfield spoke with the developer's legal counsel with respect to this process. Attorney Chatfield spoke of how once all of this has final approval through the planning, the Village Board would place this on their agenda for their final acceptance of utilities and infrastructure. Trustee Linnertz suggested this to be tabled until the September 22, 2011 meeting whereas hopefully the Planning Commission would have enough time to review and approve the items needed for final completion. Trustee Linnertz made a motion to table this until the September 22, 2011 meeting, seconded by Mayor Atkinson. Deputy Mayor Henry inquired regarding once the Village accepts the infrastructure, regarding the limited warrantee for one year, and how this works. Attorney Chatfield stated that the developer will be required to execute an agreement that states the Village will accept the utilities on the condition that the Village will not have to go out and repair within a one-year term; if a repair is needed, it would be earmarked from the security. Engineer Trasher stated that after the one year, a letter would be issued to the developer with any punchlist items, and give them the opportunity to fix them to the satisfaction of the Board and if not the securities in place would offset. Clerk-Treasurer confirmed the amount of 25% of the initial securities would be retained for this type of security/warrantee. Attorney Chatfield spoke of the legal work involved that is beyond the normal scope of his retainer and the developer's attorney, whereas he would submit a bill for his services and receive confirmation or agreement to pay from the developer's attorney. Attorney Chatfield stated that he would then bill the Village and the Village would in turn bill the developer's attorney for this same amount. The motion was carried unanimously.

**DISCUSSION/AUTHORIZATION OF MEDICAL COVERAGE TRANSITION**

Mayor Atkinson spoke of how the DPW group has Excellus BC BS coverage and the Village received notification that the old plan will be obsolete as of January 1<sup>st</sup>, and how they are



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offering a new replacement plan; whereas the new plan has a few differences from the old plan. The Mayor mentioned that he is coordinatin to have a representative come in and host an informational meeting to show the group a few different plans, other than the one that they recommend. The Mayor spoke of his intention of maintaining the same cost for coverage or a savings for the same basic health insurance, if at all possible, and is focusing on the contract language of maintaining a similar plan.

**RESOLUTION #: 172-11**

**TREE CODE SECTION 219-13**

Trustee Linnertz made a motion to amend Under Section 1 of Local Law No. 2 – 2011 the following language - adding a comma, and replacing the phrase “such trees” in the second sentence with the phrase “trees referred to in section 219-12 above”; seconded by Mayor Atkinson. The motion was carried unanimously.

**RESOLUTION #: 173-11**

**DETERMINE THE AMENDMENT FOR SEOR**

Trustee Linnertz made a motion to amend Village Code Section 219-13 by the adoption of Local Law #2 of 2011 is an unlisted action and will not have a significant adverse environment impact; seconded by Mayor Atkinson. The motion was carried unanimously.

**RESOLUTION #: 174-11**

**ADOPTION OF LOCAL LAW #2 – TREE CODE**

Mayor Atkinson made a motion to adopt Local Law # 2 as amended, seconded by Trustee Linnertz. The motion was carried unanimously.

**RESOLUTION #: 175-11**

**MOA FOR MS4/CNY STORMWATER COALITION**

Mayor Atkinson explained whereas the Village is a member of the CNY Stormwater Coalition, and the Village signed an amendment in November 2010 which was basically generic and they have since modified this to add some quantitative guidance in the agreement. Engineer Trasher suggested that this was necessitated for the DEC and it was a stronger impact as a coalition rather than separate from each municipality. Trustee Ferguson made a motion authorizing the Mayor to sign the MOA for the CNY Stormwater Coalition; seconded by Deputy Mayor Henry. The motion carried unanimously.

**RESOLUTION #: 176-11**

**PARKS EMP. SEASONAL PT-TIME TO PERM. PT-TIME**

Trustee Linnertz made a motion to authorize the Parks Dept. to change the classification of C. Wilmer from seasonal part-time to permanent part-time as needed, seconded by Trustee Ferguson. The motion was carried unanimously.



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### **ATTORNEY REPORT:**

**Attorney Chatfield** spoke of correspondence received just this week from Crown Castle, the company that has a lease on the cell tower over at Lonergan Park. This agreement is with Crown Castle and the Village and expires in 2023. Attorney Chatfield spoke of an interest from Crown Castle in buying out the lease and discussed a significant amount of money in this letter. Attorney Chatfield spoke of potential divestiture real property owned by the Village and would like to go into Executive Session.

### **ENGINEER REPORT:**

**Engineer Trasher** spoke of the punchlist on the Community Development Sidewalk Project and the contractor has a few items to complete although he is 99% complete.

### **DEPARTMENT HEAD REPORTS:**

**Codes Department** has no report.

**Department of Public Works** – DPW Sup't. Gary Wilmer spoke of an underground spring leak in a pipe at 119 Oakley Drive and how they had a camera there. He spoke of the heavy trash starting this next week and was looking to the Board for some assistance and perhaps revisiting this process whereas they find much of the items being placed to the curb could be put out on a weekly basis with their regular garbage. Mayor Atkinson stated that he plans to revamp this process within the near future. Trustee Linnertz suggested that paper, cardboard, books, should not be placed at the curb and spoke of this being placed on the revolving window of the website - in the center of the website, much more visible.

**Parks and Recreation** – Parks Director Teresa Roth spoke of the closing of the pool and the summer parks have ended. She spoke of the conflict with the adult basketball that the Village offers, whereas Main Street School has substantial cutbacks and does not have the staffing or custodial to support us; therefore, she is approaching a few other schools. Teresa also spoke of a fee that is being requested due to the school budgets, being in their contingency budget, and may have to charge a nominal fee in order to maintain this. Teresa mentioned a senior trip that she went on with the senior group this week, as well.

**FIRE DEPARTMENT** - Fire Chief Pat Brennan spoke of it being a very busy month in August for his department with 127 calls to date – with (73) as Fire and (54) for Rescue. He spoke of two motor vehicle accidents at the intersection of Taft Rd. and Northern Blvd. with injuries to individuals and appeared to be the running of red lights. Chief Brennan spoke of an incident at Smith Road Elem School, a few weeks ago on a Tuesday evening, and how fortunate it was that



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they were able to save and prevented potential damage to a new roof that was recently replaced. Chief Brennan spoke of the recent maintenance of the aerial inspection (requirement that they have to do) of Truck 1 and Engine 2 (housed at Station 2). He continued to speak of how Engine 2 passed with no issues, although Truck 1, the newer piece of equipment, passed with some required actions that need to take place. Chief Brennan stated that it was not needed to be taken out of service; although as a precautionary measure, there appears to be a programming issue because the ladder can extend and cause damage. Chief Brennan is working to have these covered under the warrantee. Mayor Atkinson spoke of how, and speaks for the full Board, thankful they are to the Fire Department for all that they do and their efforts and how much they are appreciated.

**POLICE DEPARTMENT** – Police Chief Tom Connelly stated that the new 2011 Crown Victoria has been received and outfitted, many parts being stripped from the old car – it is now in service, whereas they saved any and all parts for future use. Chief Connelly also stated that the surplus 2006 unoperable vehicle is ready for the Fire Department to take possession as it is ready and available.

**Village Clerk/Treasurer** - Dianne Kufel had no report.

**MAYOR'S REPORT:**

**Mayor Atkinson** spoke of where we are financially and some basic facts. The Village has converted 5 full-time positions to part-time positions, 3 clerks to 2 clerks, eliminated 2 part-time positions, a major change in our legal representation, as well as a benefit from the NYS Retirement System. Mayor spoke of the savings of \$400,000. The Mayor spoke of hoping to continue in this direction without comprising services. The Mayor spoke of a few other significant changes from Coyne Textile saving money (thanking DPW Sup't. Gary Wilmer), a Verizon Wireless cell phone plan change savings (thanking Clerk/Treas. Dianne Kufel), as well as the Public Liability Insurance that saved the Village money (thanking Clerk/Treas. Dianne Kufel). The Mayor wanted this information known so that these facts are all most recent and these are facts. The Mayor spoke of continuing to check into any new ideas that may have merit. The Mayor spoke of the Senior Advocate position, perhaps having merit, but could not justify an expense for this service. The Mayor spoke of the Building Committee that he served on, whereas they looked at doing nothing to Village Hall or build a new Village Hall. Mayor Atkinson also spoke that a motion was not made to build a new Village Hall, but a risk assessment was done and as a compromise they did some essential work that was necessary for Workplace Violence.

**DEPUTY MAYOR/TRUSTEES REPORT:**



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**Trustee Linnertz** mentioned the heavy trash and educating what should not be placed in the heavy trash, and Fire Safety Day is October 8<sup>th</sup>. Trustee Linnertz stated that the Fire Dept. will be sending out flyers to all the schools and has historically been very well attended.

**Trustee Ferguson** reminded of the next Public Safety Committee would be at 5:00 PM at Station 1 – Fire Dept. on Monday, September 12<sup>th</sup>, 2011, as well as school is back in session and to drive safely. Trustee Ferguson reminded that Sunday is the tenth anniversary of 9/11 and additionally is grandparents day.


**Deputy Mayor Henry** wanted to reminded everyone that the new police vehicle was at no additional cost to the residents due to the savings of monies realized in several different areas. Deputy Mayor Henry spoke of the heavy trash being placed to the curb earlier than it is permitted. Codes Enforcement Officer spoke of the violation comes within 15 days and at this time it has already been picked up. Mayor Atkinson again stated that the whole process here needs to be revisited and changed.

Trustee Linnertz made a motion to go into Executive Session regarding a real estate issue to include the Parks Director at 7:27 PM, seconded by Trustee Ferguson. The motion was carried unanimously. Mayor Atkinson spoke that the Board does not anticipated any action when they return.

The Board remained in Executive Session until 7:45PM.

Deputy Mayor Henry made a motion to adjourn the meeting; seconded by Trustee Linnertz. The motion carried unanimously.

Respectfully submitted,

  
Dianne Kufel  
Village Clerk Treasurer