

SEPTEMBER 22, 2009 REGULAR MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF CAMILLUS, COUNTY OF ONONDAGA, STATE OF NEW YORK, HELD AT THE CAMILLUS VILLAGE HALL.

Present: Mayor Kurt Brunger, Trustee Anne Clancy, Trustee Sharon Hannon, Trustee Mike Montero, Trustee James Palumbo

Staff Present: Attorney Steve Primo, Clerk/Treasurer Marie Stanczyk

Members of the Public: Approximately 4

Mayor Kurt Brunger called the meeting to order at 7:00 PM followed by the Pledge of Allegiance. Trustee Palumbo arrived at 7:10 PM.

MAYOR'S COMMENTS

Sale and Purchase of Fire Trucks Plan

Trustee Clancy submitted for discussion an updated plan for the purchase of two (2) new fire trucks with the sale of four (4) fire trucks, satisfaction of the bonds for Engine 5, and diversion of a number of line item expenses that total \$47,250. Various options outlined in the plan were also reviewed and include: take no action, sell two (2) vehicles and buy one (1) vehicle, or sell four (4) vehicles and buy two (2) vehicles.

A lengthy discussion followed regarding the plan. Assistant Chief Doug Groesbeck confirmed that the purchase plan would result in no tax increase to the public and Mayor Brunger reported that Town Supervisor Coogan has given him a commitment of a three (3) year fire contract. Other items discussed included imminent new emission requirements for fire vehicles, fire coverage for the district, vehicle bid specifications and warranties, and quotes and purchase offers received to-date for the existing equipment to be sold.

Resolution 09222009-1: Engine 4 Truck Bid Approval

Trustee Clancy moved to accept a bid from Sutphen Corporation for the Engine 4 rescue/pumper pursuant to their letter of August 31, 2009, and subject to them conforming to bid specifications, and subject to any discounts the village might be eligible for as indicated by Sutphen Corporation and Republic First National, the proposed finance company, for a total amount of \$604,739.81. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 09222009-2: Squad 2 Truck Purchase Approval

Trustee Clancy moved to accept a bid from Sutphen Corporation for an International squad truck pursuant to their letter of August 31, 2009, and subject to them conforming to bid specifications, and subject to any discounts the village might be eligible for as indicated by Sutphen Corporation and Republic First National, the proposed finance company, for a

total amount of \$296,359.21. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 09222009-3: Sale of Heavy Rescue Truck #3

Trustee Clancy moved to accept the sale of the 1996 Spartan Smeal Heavy Rescue Truck #3 pursuant to a letter and bid dated September 15, 2009 from Green River Volunteer Fire & Rescue of Zirconia, North Carolina in the amount of \$125,000.00, subject to the terms and conditions of the notice to bidders. Trustee Montero seconded the motion that was approved by majority vote of members present. A document will be obtained to confirm the 5% commission on the sale that will be payable to Fenton Fire Equipment.

Resolution 09222009-4: Sale of Mini Truck #7

Trustee Clancy moved to accept the sale of the 1999 Ford F-350 Light Rescue Squad Truck #7 for \$10,111.00 pursuant to a letter and bid received from the Munnsville Fire Department, Munnsville, New York in the amount of \$10,111.00, subject to the terms and conditions of the notice to bidders. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 09222009-5: Lease Financial Agreement

Trustee Clancy moved to approve the lease finance arrangement with Republic First National pursuant to a letter dated September 21, 2009 for the purchase of one (1) Sutphen Monarch Rescue Engine and one (1) Sutphen International Squad Truck for a total of \$901,099.02 with 100% pre-pay discount of \$23,540.71, with a net amount to finance of \$877,558.31, frequency of payments is annual, the term is 15 years, payments of \$88,301.73, the factor is .10061, and the annual percentage rate is 5.65%, prepaid date is October 2009, and with the first lease payment due September 2010. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Resolution 09222009-6: Contract Signature Authorization

Trustee Clancy moved to authorize Mayor Brunger to execute the contract with Sutphen tonight, with the signed document to be faxed to them. Trustee Montero seconded the motion that was approved by majority vote of members present.

Vacant Feederbank Road and Newport Road Properties Subcommittee Analysis

Trustee Palumbo presented the findings of the subcommittee appointed on the matter of the pending tax auction of two Camillus Cutlery properties. The auction is scheduled to take place on October 8, 2009. Members of the committee include Trustees Hannon and Palumbo, Betty VanGelder, Chairperson of the Zoning Board of Appeals, and village residents Sharon Goodwin and Mark Eckert.

The subcommittee surveyed residents asking for input on possible uses for the vacant parcels. In regards to the parcel located behind Village Hall that runs parallel to Nine Mile Creek scheduled for auction for taxes in the amount of approximately \$1,600 [\$1909.74 as

of October 1, 2009], suggestions included the land be used for flood mitigation, greenspace, picnic area, a park, footpath, front space, forever wild, or designation as wetland.

The second parcel of property scheduled for auction for taxes of approximately \$1,000 [\$1,308.91 as of October 1, 2009] located by McNamara's Pub on Newport Road was also discussed.

Trustee Palumbo noted a third parcel of property in the vicinity of Ryan's Way and located in the town is also for sale. He suggested that if the parcel were obtained by the village and developed it would increase the village tax base. Attorney Primo advised the village is prohibited from buying property other than for village purposes, but a developer could purchase the tax certificate and petition the village for annexation of the parcel into the village for purposes such as to avail themselves of village utilities.

In regards to the vacant parcel of land located behind Village Hall, Mr. Chris Garcia of 27 South Street spoke of concerns regarding the impact on wildlife if brush and trees are cleared for trails or walkways.

Trustee Palumbo reported the biggest point of contention discovered during the public survey taken by members of the committee is that people are opposed to the village purchase of the property based on there is no plan for the use of the land.

Trustee Montero suggested that since people already use the property to fish and there is already foot traffic, it may be possible to clean up the existing foot path and let people hike to wherever the current path ends.

Trustee Palumbo suggested that if the village decides to purchase the property, engineers should be contacted to determine if the land can be used for flood mitigation. He said such flood control would be an advantage for the village owning the property. In addition, he said the parcel next to McNamara's Pub could also be used for flood mitigation if purchased by the village.

Mr. Garcia spoke of the possibility that hazardous materials could have been dumped by the Camillus Cutlery business and he also voiced concern about the maintenance of the property. In regards to maintenance of the creek, Mr. Garcia said there is a contract between the village and the Army Corps of Engineers with the obligation of the village to maintain the creek for which the village receives monies from the federal government. Attorney Primo questioned what the advantage would be for the village to have entered into such an agreement and said someone would need to locate such a contract. Clerk/Treasurer Stanczyk will investigate the existence of a contract and confirm if payments have been received by the village for such an agreement.

Trustee Palumbo mentioned concerns with property lines, easements and accessibility issues. He also described the banks and windings of the creek. He reported the results of the limited survey performed by Mr. Eckert of 11 residents in favor of private ownership, 3 residents in support of village ownership, and 3 residents undecided. Of those surveyed, 2 residents asked after the survey if they could change their opinion. Trustee Palumbo reported the initial opinions were left unchanged.

Trustee Palumbo concluded the report of the subcommittee with their recommendation the village obtain both properties. In addition, he said if that is what is going to happen, the subcommittee would also recommend the neighbors in the area should be provided a very clear decision about the future use of the property and the forever wild or green issue should be discussed as part of the issue.

Attorney Primo advised that it may take a few thousand dollars to resolve title issues through a title company to verify who owns what. He added that as far as restricting the land and greenspace, he has had bad experiences. He recommended as an alternative imposition of a restrictive covenant on the land that could be for a period of years and could include a mechanism for modification or not.

Discussion followed regarding environmental assessment(s) of the property and possible costs. Attorney Primo said there is an opportunity for the board to control two parcels of land by acquisition of the tax certificates prior to October 8, 2009. The village would then, pursuant to a county law, send a formal notice to whoever has interest in the property stating that the village has the certificate. The interested party would then have six (6) months to redeem that. At the end of the six (6) months, the village has the ability to go to the county and demand the tax deed for the parcel and at that time we would also get some title work done. He added there would be some out-of-pocket expense for that work. He noted that perhaps Mr. Tom Blair, the developer of the Cutlery property may have plans for the parcels being discussed.

Trustee Clancy noted that even if the village does purchase the tax certificate, the village would not yet own the property. Attorney Primo reviewed the process that would take place at the end of six (6) months following acquisition of the tax certificate noting that during that period an interested buyer could pay the taxes, and the village would be reimbursed for what was paid for the tax certificate plus interest of 1% per month. Attorney Primo estimated the village would spend a total of perhaps \$10,000 to acquire the property. Mr. Garcia said in his opinion, purchasing the property would be a waste of money.

Trustee Montero questioned the ability of the village to clear and maintain the land, if purchased, with current staffing and questioned if there is a better way to direct resources towards other things such as the comprehensive plan and improvements of the downtown area. The possibility of imposing zoning restrictions for the use of the land was also

discussed.

Mayor Brunger spoke in consideration of the question of whether the village has the monetary ability to purchase the property in the short-term and then the ability to keep investing in it in the long-term. He asked Attorney Primo to provide an estimate of the hard costs associated with the purchase of the tax certificates and property. A discussion followed regarding the process for obtaining the tax certificate, obtaining property deeds and associated costs.

Special Public Meeting

A special public meeting to consider the possible purchase of the tax certificates for the properties discussed earlier was scheduled to be held at Village Hall on September 30, 2009 at 7:00 PM.

Website Update

Mayor Brunger reported Mr. Steven Boss has volunteered quite a bit of time and has offered renderings of updates to the official village website. The mayor added that Mr. Boss is also interested in providing complementary website maintenance training.

Zoning Overlay Update

Attorney Primo asked members of the board to review the draft of the overlay and offer local information as content to be included in the overlay.

Audit Services per Village of Camillus and Town of Camillus Fire Contract

Attorney Primo will provide the town supervisor and attorney a copy of the updated village contract with Testone, Marshall & Discenza, CPAs prior to execution of the contract by Mayor Brunger.

Resolution 09222009-7: Public Hearing on Proposed Local Law No. 4

Trustee Montero moved to schedule a public hearing on proposed Local Law No. 4 for the Year 2009 - General Property Maintenance to be held at 6:55 PM on October 13, 2009 at Village Hall. Trustee Palumbo seconded the motion that was approved by majority vote of members present.

Resolution 09222009-8: Destruction of Records

Trustee Montero moved to approve the destruction of records from the General Fund, Capital Reserve, Sewer Fund and Trust and Agency as destroyed August 12-27, 2009. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Solvay Bank

Attorney Primo reported that Clerk/Treasurer Stanczyk received letters from Solvay Bank regarding four accounts. The letters were addressed to the Camillus Volunteer Fire

Department, which Attorney Primo said may be an incorrect name referring to the old corporate entity. He said if that is the case, access to the accounts is limited to officers of the old corporation.

Attorney Primo suggested a letter could be sent to Mr. Brian O'Hara or Mr. Scott Mendzef, Past Chief and Past President respectively of the old corporation, indemnifying them of any personal liability, and saying they should visit the bank, sign the documents mentioned in the letters, withdraw the monies estimated to be \$15,000 as of records of 5 years ago, deposit the monies in an escrow account, and then the village and department can sort out what should be done with the monies.

Trustee Montero suggested it may be helpful to have one of the current fire chiefs deliver the letters and discuss the matter with the former officers. Mayor Brunger suggested a phone call in advance of the letters being mailed out might also be helpful. A member of the audience questioned what would prevent the former officers from making the withdrawals and doing whatever they like with the money. Trustee Clancy said she would contact Past President Mendzef to discuss the matter and Attorney Primo will draft the letters to be sent to the officers of the former corporation.

Main Street Paving Project

Clerk/Treasurer Stanczyk reported the bid packages were completed with prevailing wages and have been distributed with no responses at this time.

Fire Department By-Laws

Attorney Primo recommended the board obtain a copy of the current by-laws and for approval by the board. The matter of a requested amendment relative to member residency requirements will be continued to another meeting.

PUBLIC COMMENTS

Camillus Cutlery Property

In response to question from Mr. Leland Vogelsang regarding the status of the restoration of the Camillus Cutlery property, Mayor Brunger noted the Restore NY grant has been awarded and the closing on the property has not yet taken place.

Green Gate Property

In response to question from Mr. Vogelsang, Mayor Brunger said he has heard a few people have looked at the property and that the foreclosure process was stopped by the bankruptcy filing as cited in the newspaper.

TRUSTEE COMMENTS

Proposed Sales Tax

In response to conversation with Mr. Brian Bush, Trustee Palumbo suggested the village may want to look into the impact of the proposed change in county sales tax and the potential financial impact on small villages. A brief discussion followed on the topic.

NEW BUSINESS

Resolution 09222009-9: Approval of Vouchers

Trustee Montero moved to approve payment of Abstract #007 [General Fund (A), Vouchers #0119-0135, totaling \$15,428.80, and Sewer Fund (G), Voucher #005, \$23.01 total]. Trustee Clancy seconded the motion that was approved by majority vote of members present.

Resolution 09222009-10: New Fire Department Member

Trustee Clancy moved to approve the membership of previous member and firefighter Rich Molta. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 09222009-11: New Fire Department Member

Trustee Clancy moved to approve the membership of Melissa McEnaney, RN. Trustee Montero seconded the motion that was approved by majority vote of members present.

Maps and Applications

Trustee Clancy reported maps saved on CDs and are available for posting on the website and printing. She also mentioned the request of CEO Williams to have code permit applications, the rental law and rental property registration applications placed on the website. Trustee Clancy also noted a suggestion to have storage shelves built for original maps as an alternative to tubes.

Executive Session and Adjournment

The board moved to executive session at 10:15 PM to discuss personnel matters. The board came out of executive session at 11:00 PM and the regular meeting was adjourned at 11:01 pm.

Respectfully Submitted,

Susan J. Clarke
Administrative Assistant
Clerk/Treasurer's Office

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Minutes APPROVED by Resolution 10272009-7

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