

JANUARY 12, 2010 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

Absent: Trustee Jim Palumbo, Clerk/Treasurer Marie Stanczyk

Also Present: Attorney Steve Primo, Administrative Assistant Susan Clarke

Members of the Public: 2

Mayor Brunger called the regular meeting to order at 7:01 PM followed by the Pledge of Allegiance.

MAYOR'S COMMENTS

Restore New York Grant

Mayor Brunger reported that Mr. Kirk's plan is well underway for the renovation of the 55 Main Street building. He noted that Mr. Blair's Camillus Mills plan is still clear but his financing and tenants are uncertain.

Mayor Brunger said that he and Attorney Primo met yesterday with representatives of the Western Area YMCA (Y) organization. He reported the organization is looking to establish facilities somewhere in the areas of Camillus and Onondaga Hill. He said while not yet committed to any location, the Y is interested in the Camillus Mills (Camillus Cutlery) location along with a few other sites including the proposed Township 5 project in the vicinity of Hinsdale Road and Route 695.

Mayor Brunger reported the Y would love to come to the Village if the Village can help them secure grant dollars to help fund their project with cost estimates of \$25M. He said the Y is confident they can raise \$12-15M of their project costs, with the remainder to come from assistance from the developer and public dollars if grants are available.

Mayor Brunger said that parking in the Village is a concern the Y discussed during the meeting. Based on activity levels at their eastern area location, the Y estimates 2,000 – 3,000 people per day would be going through the new facility.

In summary, Mayor Brunger said that if the Village can find that there is a reasonable chance grant dollars would be available for the project, the Village would become a prime location for the Y.

KL Consulting Services

At the request of Mayor Brunger, Ms. Kristy LaManche of KL Consulting Services introduced herself to those present and provided a detailed description of the consulting services she provides area municipalities including the Village of Phoenix in the administration of their Restore New York Round 2 award.

Ms. LaManche also submitted a written proposal and a 2010 fee schedule for consulting services.

On behalf of the Village, KL Consulting is available to serve as the Project Manager and Contract Administrator for the Restore NY Round 3 project involving the Camillus Cutlery and 55 Main Street properties.

Per the detailed proposal, the fee for coordinating all aspects of the project is \$25,000 to be paid by the Village in installments over the course of the project with payment details to be determined upon review of the final project time schedule included in the application.

Per the fee schedule for the year 2010 as submitted, KL Consulting is available to help with grant writing and community development assistance with two payment options: a rate of \$65.00 per hour to be billed monthly, or a flat fee of \$3,750 to be billed quarterly with a minimum of 20 hours per month.

Ms. LaManche spoke of the need for action now or in the near future to get the Restore NY contract between the Village and the Empire State Development (ESD) executed including updating the application that was originally submitted. She noted that the Village received the award letter in the beginning of October, and per the letter there are a number of things that need to be submitted on behalf of the property owners. She advised that the application needs to be updated to include New York's State Historic Preservation Office (SHPO) reviews and New York's State Environmental Quality Reviews (SEQR) and approvals. Ms. LaManche noted there are a number of other items that need to be submitted and she said that she sent a letter to the Village in December outlining some of those things based on the conversation she had with Mr. Fitzgerald, the ESD grant administrator.

Ms. LaManche said she would be happy to take this project on for the Village noting that until the contract is executed, the Village does not have anything other than the contract award letter from ESD showing that we did receive the funding and the award. She explained that ESD has a series of internal reviews that need to take place including holding a public hearing here in the Village before the contract can be executed. Ms. LaManche also advised the board of directors of ESD would need to review the project once all of the amended paperwork and the SHPO and SEQR reviews have been submitted to them.

Ms. LaManche recommended the Village get all paperwork into ESD sooner rather than later so that the agency can continue to review and approve the application and schedule the public hearing which she could also take part in as she did in the Village of Phoenix. She said the biggest benefit of her services to the Village would be that she would provide staff time and resources and be that central go-to point of contact person - not only for the Board as the project sponsor responsible for implementation of the project - but also as the point of contact for the property owners to assist them to make sure they are doing everything up to par with the guidelines of the grant as well as making sure that they are collecting everything that is needed so that they can get their money in a timely manner when it is appropriate.

In regards to the topic of YMCA interest in the Cutlery property, she said this is the first she is hearing of it. She said it is an interesting idea, and it would be a challenge for her to find that much money (~\$10-12M), but the Y is a well-known organization that would add a lot to this community and the surrounding areas. She added she would welcome the opportunity to work with the Village and the Y to see what could be obtained to secure their business in the Village which would be a great asset and resource for the area.

In regards to her fee schedule, Ms. LaManche pointed out that grant administrative services were rolled into the project application, so she took that into consideration when she prepared her proposal as this was likely above and beyond what the Village anticipated in the regular budget for this fiscal year. She noted she works alone and primarily from home and therefore makes her services available with lower overhead costs than larger companies.

In response to a question from Trustee Montero in regards to the funding the Y said they would need, Mayor Brunger said the Village is not the primary target for them, but they were sincere in saying developers would have difficulty getting them land for free, and given the state of the economy there are not a lot of development projects and they are looking to see if public money would be easier to find. Mayor Brunger said he wanted to make it clear for the record that the YMCA is not committed to coming to the Village, they are just seeking different sites that may be possible.

In response to a question from Trustee Hannon, Mayor Brunger verified that those present during the meeting with the Y yesterday included himself, Trustee Montero, Mr. Joe Flynn, Mr. Sam Samarco, Mr. Dewey Rhinehart, and Mr. Jim McNamara.

Attorney Primo said his impression is that the Y has three sites. He said one they have really considered is Township 5, but there are serious issues with the viability of that project because the Cameron group has a lot of other projects that they are having problems with, and the Y is not sure if they are going to have to pay for the land or not. Attorney Primo noted that from the Y's perspective, they like the central location of Township 5 and they did their study based on that, but they are looking at the Village with the Restore NY grant award, and that the Village may have the ability to seek grants for infrastructure improvements and other things the Y could piggyback on.

Attorney Primo advised that there are immediate issues with the Restore NY grant, and that Mr. Kirk is moving ahead with his restoration project, and that the Cutlery property is "pie-in-the-sky". He said that if the Board retains Ms. LaManche, perhaps the Board would like her to allocate a lot of her efforts towards looking at the synergies of what we want to do here land use-wise with the Restore NY deal, with the required infrastructure improvements that would help show Mr. Kirk's equity in his project, and with the YMCA in helping them indirectly by seeking grants that may be available.

Mayor Brunger said that Mr. Tom Blair is on-board with the YMCA concept and that he is willing to sideline his original project and give the Y the benefit of the Restore NY grant to use towards their build-out. Attorney Primo said the Y would basically buy Mr. Blair's deal at some point, or he would say for some figure they could just take over the grant with the guidelines per the application.

Trustee Hannon questioned Ms. LaManche on the content of the previously-referenced

letter she sent the Village in December. Ms. LaManche said the letter was based on a meeting she attended earlier in December, the discussions that took place during the meeting, and the follow-up phone calls she made to the ESD on behalf of the Village. She said she contacted the EST to understand more about the award letter that was issued in October, exactly what they were waiting for, and to clarify some of the confusion between what was discussed and what she thought was going on, and what Mr. Blair had been telling us and things like that, and also to help Mr. Kirk understand where he was at and what was needed for him.

Trustee Hannon asked if the trustees had received copies of that letter. Mayor Brunger responded that he did not think trustees were provided copies of the letter. He said that he did not know whether the trustees should have or shouldn't have been copied, but rather the letter was more of a summary of what had transpired.

Trustee Hannon commented that she is hearing a lot of new things today of what has been going on. Mayor Brunger reported that the discussion with the Y took place less than 24 hours ago and that everything is very fluid, adding that the Y doesn't want a lot of publicity on the matter of site selection, and that they have not made a commitment yet, and that they want to make sure that they have what will be best for the residents they are serving.

Trustee Hannon said her point is that sometimes the trustees seem to be out of the loop on things. Mayor Brunger said that there are things that happen, such as the roof leaking in the Clerk's office, but the idea was to bring them up tonight for discussion.

Attorney Primo said that the December meeting was his suggestion, and the intention was to determine where Mr. Blair was with his project. He noted that Ms. LaManche was asked to attend the meeting at his request because of her experience. He said Mr. Doug Sgromo was also asked to attend the same meeting to get a handle on what Mr. Blair is planning on doing as Mr. Sgromo would be overseeing the project on the behalf of the Village at grant expense. Mayor Brunger noted that the meeting was discussed at the last meeting and should be noted as such in the minutes of that meeting.

Trustee Clancy questioned the source of funding for the hiring of Ms. LaManche. Mayor Brunger said that this is where the whole conversation came in during the last meeting when the Board was talking about the trash collection fees schedule and how dollars would be allocated from the budget to pay for her services.

Trustee Clancy said she is questioning the source of the immediate funding that we would have to do to help with the grant for the Cutlery property project, or would that come out of the grant money. Attorney Primo responded that if Ms. LaManche has a contract with the Village, in a sense the Village would be "rolling the dice" a bit. He explained that Mr. Kirk has a viable project, but he has a very small portion of those fees. He said the SEQR approvals and the SHPO reviews are all things that are necessary to finalize the contract for the two projects. He said we know the 55 Main Street project will come to fruition, but the

Cutlery project has yet to come and may never go.

Attorney Primo said that if Ms. LaManche is contracted by the Village, she would be paid by the Village, and eventually her costs would be reimbursed to the Village to the extent both projects come to fruition. He said by way of example, if her bill was \$1,000.00, with Mr. Kirk's portion of the grant at ~12%, we know right now that we would get back 12%, but that the Village would be at risk for receiving the balance. He recommended that at some point the Village has to tell Ms. LaManche what the Village needs her to work on – such as we want Restore NY to represent 20% of her work right now with the remaining 80% of her time spent on work on the more global things that tie in with what can we do for grants for not-for-profits such as the Y, the Village infrastructure that will assist Mr. Kirk with his project paperwork that we have talked about regarding the sewer or water main that will add to his equity, the canal and other such things. He said there is always some risk involved when you are working with grants.

Trustee Clancy said she is getting nervous about funding based on a conversation she had today with Onondaga County regarding sales tax revenue. She reported that last year the Village received \$168,959.95 in sales tax revenue and until January 1, 2011, we will definitely recognize half of that amount but it is uncertain what percentage will be allotted after that time. She said in her opinion she would not be surprised to see a \$40,000-\$60,000 loss of sales tax revenues in the next year.

Trustee Clancy said she was excited at the last meeting with the trash collection fees coming in and the hiring a grant writer, but she thought Ms. LaManche's fee for working on the Restore NY grant would have been paid in full by the grant, and that she did not realize reimbursement is not assured unless Mr. Blair moves forward with his project.

Attorney Primo said he will verify if the Village has the ability, pursuant to the professional fees local law through local code, to charge a developer certain amounts of money separate from the Restore NY grant. He said that with the Restore NY grant, administration costs absolutely will only be recovered if we get the grant, and we only get the grant if some project or the entire project "goes".

Attorney Primo advised he has drafted all of the contracts for each of the municipalities Ms. LaManche has worked with, and in each one of those contracts there is a termination clause with 30-day notice. He suggested the Village determine how much money is available and the activity Ms. LaManche should work on.

Trustee Montero said he thinks this is a good approach but questioned where the money to pay Ms. LaManche would come from. Mayor Brunger suggested the Board look at line items in next year's budget - such as engineering costs - to see if there are any costs we can forego.

Discussion followed regarding the current and 2010-2011 budgets. Trustee Montero pointed out that \$21,000 may be available from the first bond payment budgeted for this year for the First and Leroy intersection project.

TRUSTEE COMMENTS

Mitson Training

Trustee Clancy reported that despite previous discussions by the Board regarding termination of the training services, Mitson provided training to members of the fire department during the first week of this month. She suggested the matter should be discussed further during executive session.

Attorney Costs

Trustee Montero asked Attorney Primo when he plans to submit his invoice for the litigation costs incurred during the month of November. Attorney Primo said he would like to discuss that matter in executive session.

Clerk's Office and 2nd Floor Office Damage

Mayor Brunger reported an insurance claim has been made with Mr. Tim O'Hara of Eastern Shores Associates for damages to the clerk's office caused by water leaking through holes in the roof, the largest of which was the size of a silver dollar. The Mayor said a roofing company has repaired the leaks for now but they have advised the flat rubber roof above the ceiling will require attention in the spring.

Mayor Brunger said in his opinion, the office for now will require new carpeting, the plaster removed from the underside of the roof above where the fallen ceiling tiles were, and repairs to the drop ceiling itself. He also reported water damage on the second floor of the building in the area of the rear window and floor caused in part by ice buildup on the interior surface of the glass window.

Mayor Brunger said he has discussed the damages to both floors of the building with an adjuster with NYMIR who advised the Village should take pictures of the damages and then proceed with the necessary repairs.

Trustee Clancy voiced concern about heat loss in the clerk's office due to the missing ceiling tiles. Trustee Hannon said mold formation in the clerk's office could be a real danger and health risk.

Mayor Brunger said he will request a letter from NYMIR verifying what can be done before proceeding with the repairs, and it was agreed that estimates to include detailed descriptions of the scope of work quoted for repairs will be obtained.

FebFest 2010

Mayor Brunger reported the first meeting for the event was held last night and was very well-attended and productive. He advised the “let’s shake the winter blues” theme was accepted and one horse-drawn carriage will be reserved to provide rides throughout the Village. He said the tram from Onondaga Park may also be available to provide transportation during the event.

FIRE DEPARTMENT

Engine 5 Repair Costs

Trustee Montero presented an invoice received from Jerome Fire Equipment in the amount of \$2,530.27 for work they performed on Engine 5 including body work, painting and a chevron package.

A lengthy discussion followed in regards to an earlier invoice received from Jerome in the amount of ~\$19,000 for repairs to the same engine as previously approved and paid. Attorney Primo advised that the Village should take care in reviewing quotes, proposals, contracts and authority for items not paid by the department’s 35% funds. Mayor Brunger said to hold off on payment of the latest invoice and to ask for more detailed documentation from Jerome.

North Syracuse Fire Engine

An invoice in the amount of \$1,546.55 for maintenance costs associated with the North Syracuse truck being borrowed by the CFD was discussed at length. Attorney Primo confirmed that the language in the contract with the North Syracuse Fire Department includes maintenance costs. Mayor Brunger said the invoice is for routine maintenance items such as an oil change and replacement of the oil filter. Attorney Primo advised that payment for such items should be approved by the Board.

Local Law No. One (1) for the year 2009 Correction

During a lengthy discussion regarding the lack of a line item for payment of repairs to the North Syracuse fire engine, it was discovered that an error was made in the list of line items contained in Local Law No. One (1) of the year 2009 – Fire Department Rules & Regulations. Specifically, Article VIII Purchasing Policy, §13-16. Purchasing Procedures, Item H, budget line item: clerk’s assistance (.100) should be (.4). Attorney Primo said he will make the necessary amendment to the local law.

Resolution 01122010-1: New Line Item and Budget Transfer

Trustee Montero moved to create new Line Item A3410.4428 – North Syracuse Engine 6, and to transfer from Line Item A3410.4421 – Squad 2 1999 Ford F350 the amount of \$1,546.55 into the new line item. Trustee Clancy seconded the motion that was approved by majority vote of members present.

ATTORNEY COMMENTS

Overlay District

Attorney Primo said he has completed work on the planned development district for the Cutlery property, the non-conforming use and zoning change issue areas previously discussed, as well as some other items.

He said the Village currently has both administrator and special permits issued by the Village Board and traditionally by the building inspector. He said he has melded those activities together and what he recommends is that they continue to be issued by the Village Board and revisit the Zoning Board of Appeals and Planning Board and get everything in line with those items. He said currently the ZBA makes recommendations to the Village Board and he would like the ZBA to grant variances.

He also recommended the Planning Board should have a greater role in site plan reviews and subdivision approval, with the Village Board still having jurisdiction. He said he would look at training for the boards, and in his opinion it is necessary to get a secretary for their meetings so the minutes are kept by a third party.

At Attorney Primo's request, a working session on the zoning amendments was scheduled to take place on Thursday, February 4, 2010 at 7:00 PM. Clerk/Treasurer Stanczyk will post and advertise the official notices as such.

Regular Meeting Schedule Change

Following brief discussion, it was determined that the second regular meeting normally held the fourth Tuesday of each month will be reserved for working sessions or special meetings if needed, with the need to hold a second meeting during the month to be determined during the first meeting of the month. Notice as such will be advertised in the official newspaper and posted in the appointed locations.

Zoning Board of Appeals & Planning Board Members

In response to a question from Trustee Hannon, Attorney Primo will revisit the status and terms of members of each board.

Resolution 01122010-2: Zoning Board of Appeals & Planning Board Member Training Opt-Out

Trustee Clancy moved to opt-out of the required training for members of the Planning Board and Zoning Board of Appeals under New York State law. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 01122010-3: Zoning Board of Appeals & Planning Board Member Training

Trustee Hannon made a motion that the Village of Camillus agrees to provide their own yearly in-house training for the members of the Planning Board and Zoning Board of Appeals, and to strongly recommend that all members of the Planning Board and Zoning Board of Appeals attend such training. Trustee Montero seconded the motion that was approved by majority vote of members present.

Resolution 011220010-4: Upcoming Election Day & Polling Place

Trustee Clancy moved that Election Day will be held on March 16, 2010, and that Village Hall will serve as the official polling place for voting from 12:00 noon through 9:00 PM, and that Village Hall will be the only polling place in the Village of Camillus. Trustee Hannon seconded the motion that was approved by majority vote of members present and Clerk/Treasurer Stanczyk will post and advertise official notices as such.

Term of Office Change

Trustee Clancy moved to change the term of office of the Clerk/Treasurer from a four (4) year appointment to a one (1) year appointment. Attorney Primo advised such a change would have to be done by local law. There was no second to the motion.

PUBLIC COMMENTS

55 Main Street

Mr. Richard Kirk, the owner of the property, provided an update on the status of the renovation of the building and he reported the menu as previously discussed has been shortened. He also said that he is currently waiting for community development for a rendering that will show the front porch.

Trash Collection Fee

Mr. Kirk spoke in opposition to the recently adopted trash collection fee schedule. He noted an estimate of the current amount of Village taxes he pays, and suggested the use of parking meters and fees for long-term parking in the municipal lot may be an alternative way for the Village to increase revenue.

A lengthy discussion followed regarding parking space shortages and issues, how to improve parking, and the potential for a parking pass system. Trustee Clancy said she liked the idea of a parking pass system.

Mr. Kirk asked if people will have an option of contracting with a commercial hauler for trash removal as an alternative to paying the Village trash collection fee. Attorney Primo confirmed that topic was discussed specifically by the Board and that people will not be able to opt-out of the fee.

Trustee Clancy said her understanding was that the property owners discussed would have an option of arranging for their own dumpster and hauler and not paying the fee, or having

the Village provide the trash pick up for a charge per the fee schedule.

Attorney Primo said his opinion is you either charge the fee to everybody [per the property categories on the schedule] or you don't charge at all. A lengthy discussion followed the trash fee schedule, volume levels of trash amongst various properties, and the storage of trash cans and dumpsters.

Trustee Montero said he does not understand how we can say to property owners that whether the Village collects their trash or not the Village will charge the collection fee. Attorney Primo said this concept applies to other Village services such as sewer charges to property owners who do not utilize a sewer hook up. He explained that what property owners are paying for is the opportunity to take advantage of the benefit of the service.

Trustee Montero asked if anyone has looked at how much trash is produced at locations such as the larger apartment buildings, and how much the extra trash may add to items such as tipping fees and additional costs to make sure we are not going to be losing money with the program.

Mayor Brunger said when the Board first talked about the fee schedule back in the spring of 2009, those costs were studied. He reported that up until 3 years ago, the Village was collecting trash from the Villager Apartments. He said DPW Crew Leader Gary Martin said the crew used to pick up the trash from the apartments and per his recollection they did not see a huge difference in weight consumption [tipping fees] when Clerk/Treasurer Stanczyk pulled out previous records. He said the Board considered the extra costs at that time to make sure the tipping fees and costs would not outweigh the trash fee.

Mayor Brunger said he has also spoken with the DPW crew about how much of a burden it would be to pick up the trash at the Villager Apartments. He recalled CEO Williams bringing up a concern that the trash at the apartment building might have to be picked up more than once a week and so he followed up with the entire DPW.

Mayor Brunger said that the DPW crew recalled that during their pickups, there were two trash containers on either side of each entry port in the front of the building, and that it took the crew 16-20 minutes per route to collect the trash at the Village Apartments. Mayor Brunger noted the Villager went with a private hauler and dumpster when the ownership changed and after they were cited for unsightly trash on the properties.

Mr. Kirk cautioned that dumpsters are not wise in the Village unless they are emptied frequently to avoid unpleasant odors.

Attorney Primo suggested a cap on trash fees could be adopted for apartment buildings.

Mayor Brunger said the Board knows surgery is needed in the Village and we need to be

progressive with items such as grant-writing which will have to be funded somehow.

Mr. Kirk said that as a property owner, you reach a point that if you keep paying a lot of money out in Village taxes and you are not getting anything back in return, then why should you have a village – you could be picked up by the town and abolish the village. Mr. Kirk encouraged the Board to consider alternative ways to raise revenue.

Attorney Primo said of the villages he represents, one of the best services villages provide is that they pick up anything left at the curb. He said that what has been happening in the Village is abuse of what is being left out for collection, so a local law was adopted, but between properties, the residential users are really paying an inequitable amount of money to cover the properties that abuse the service.

Attorney Primo said that while the knee-jerk reaction to the trash fee may be that taxes have increased, in reality what happens is that in the long run - the Village tax bill does not increase because of the increases in costs such as fuel and replacement equipment - so in the long run there should be an offset.

Trustee Clancy said that the Board had discussed in the past a charge per bag of trash, and with that system the person who generates the trash pays for removal of the trash.

Trustee Montero spoke in favor of a fee/tag system for collection of large items such as couches.

A lengthy discussion followed regarding trash and recycling costs and commercial, residential and mixed-use properties. Mayor Brunger said in his opinion businesses should help boost the revenue stream.

TRUSTEE COMMENTS

Trash Fees

Trustee Clancy asked when the program would begin with the distribution of the letter as planned. Attorney Primo noted there were three board members at the last meeting during which the resolution was adopted, and since that time he has made several revisions to the resolution in response to questions he received from Ms. Clarke:

- in regards to the not-for-profit properties and tax-exempt properties - a not-for-profit has to be tax-exempt
whether or not this fee included the collection of recycling materials - any person paying for removal of refuse will have recycling done for free, and the reason is the local law that established the ability of the Board to establish a fee schedule only applies to refuse and not recycling, therefore a charge cannot be charged for removal of recycling materials and the resolution will be changed to show recycling for free for

those who are paying for refuse removal
the lack of a fee category for mixed use buildings as in the business district - will be addressed by an amendment showing that the ground floor use will pay the fee relative to their business category and the upper floors that are fit for residential occupancy will be assessed that fee

Trustee Montero said the building he owns in the business district has commercial on the first floor and an apartment on the second floor that he will never rent and is simply used as an office space and for his family members to stay in during visits. He spoke of the fact that he does not generate trash from the second floor and less trash than a single-family residential property on the first floor. Attorney Primo said the concept is that if the premises are capable for occupancy on a fixed date then you pay the charge for the entire year.

Trustee Montero said he would be in favor of capping residential fees but he voiced concern about the fees for the commercial and mixed-use properties. Mayor Brunger responded that he understands Trustee Montero's opinion, but said that if you are going to be in the business district and you are going to be on the receiving end of grants that the Village is footing the bill for with residents' tax dollars, is it right for residents to pay to better the downtown area or is it that businesses should pay residence fees to help offset the cost of hiring a grant writer to help get funds to help rebuild the downtown area. Mayor Brunger said he thinks it is a mix of both and there needs to be a set of guidelines to offset the costs of what the Board wants to do in the downtown area or else we should say the business district will continue to look like this because we won't have the tax dollars to pay the grant-writer to do any work for us.

Mayor Brunger said another approach is to continue to let things slide. Trustee Montero responded that that is not what he is suggesting, that he would like the Board to revisit the commercial and mixed-use policies and make sure that everything is as close to being fair as we can make it. Mayor Brunger said he does not disagree with that.

Attorney Primo asked what the residential number [dollar amount] was based on. Trustee Clancy responded that the Board had a high number and then the Board had a low number. Mayor Brunger said the fee was based on a comparison study the Village did with a private hauler who came out to give an estimate of what it would cost for them to do hauling for the Village - per residence. He said the hauler was asked what their pro-rated charge would be per rental unit if there were five (5) people occupying a rental unit. He said the hauler would not just charge for just one (1) unit when charging the Village for the cost.

Attorney Primo said that per the Mayor's comments, the residential charge was rationally based on an analysis that Mayor Brunger said was based on the low side of the pricing. Attorney Primo said the fees for the commercial/industrial properties were assigned somewhat arbitrarily with the Board picking numbers, and based on his observation in

other municipalities you would be splitting hairs if you tried to tailor-make your fees to fit every situation. He advised that there will be some inequities in the program, so if you have to revisit your numbers for other than residential uses, so be it, but the timeframe for doing that is very soon because the resolution has been adopted and the fee collection program is scheduled to start by January 31, 2010.

Trustee Montero suggested a committee should be established immediately to go over the schedule for commercial properties.

Mayor Brunger said there is no way the fee program can be implemented by January 31st.

Attorney Primo suggested someone study commercial property pickup fees. He said in his opinion the distinctions of classifications of other than residential properties are good, but the question is whether or not the fees are consistent with the market and the easiest way to determine that is to go on-line and look at fees.

Attorney Primo said he will give thought to the cap for apartment buildings, and advised the Village charges should represent on average the cost of the service. He recommended the Board should shoot for the earliest meeting to finalize the fee schedule, and suggested it could be addressed during the February 4, 2010 meeting. He advised that once the program is out on the street, it will have to be defended. He said that there is nothing wrong with revisiting it again and again and added that in the meantime he will look into how municipalities downstate handle in-house refuse service through their local laws. He also recommended Trustee Montero contract various individuals and agencies for additional information. A lengthy discussion followed regarding trash fees.

Trustee Montero and Trustee Clancy volunteered to research what commercial haulers charge municipalities for commercial trash pickup. Trustee Montero said he wants to make sure the Board thinks things through.

Administrative Assistant Clarke asked if it would be appropriate to discuss with Trustee Montero and Trustee Clancy the needs of the Clerk's office regarding implementation of the fee program. Trustee Montero said he would be pleased to meet any time to go over the issues. Attorney Primo responded that given the previous discussions about the program, he wishes issues with implementing the program had been brought up during previous discussions. He said that there are always bookkeeping issues with new programs that need to be worked through, but in his mind he did not think it would be a big deal to put the fees on the Village tax bills.

Attorney Primo asked Ms. Clarke if she was aware of some of the issues with implementing the program. Ms. Clarke responded that there are quite a few items the Clerk's office will need to implement the program. She said the first task for the office was

to obtain a clear understanding of the original trash collection fee schedule resolution, and then to obtain a clear understanding of the details of the resolution as modified after adoption.

Ms. Clarke said that the next issue will be to develop an accurate method for accurately applying fees to the different property classifications and buildings. She reported encountering significant problems in applying the trash fees to the different property categories as listed in the fee schedule using the current Williamson tax database, and additional problems with the property database provided by Onondaga County that contains incomplete and/or incorrect information for numerous Village properties.

Ms. Clarke reported that according to the two databases, there are 479 properties in the Village, and those properties are coded with only one of the 32 different property codes that should indicate the use of the property. She explained that in many cases there are errors in the current coding, and that often properties have more than one use but are not coded as such. She cited as an example of a number of single-family residences – which would not be subject to a trash fee – yet they are assessed with more than one sewer unit and it is known these single-family dwellings also have rental units on the property. She said that due to these particular coding errors, such properties would not be assessed a fee, and the owners of the properties would not be sent a notice about the program or an invoice.

Attorney Primo said he thought what would happen was that a notice would go out the appropriate property owners explaining that the reason for the fee schedule is to reimburse the Village for a value charge that is reflected in the service, and by doing that correct some of the inequities, and in the long run it should have a positive affect on the budget and therefore the tax levy and proposed taxes. He said attached to the notice about the fees would be an errata sheet so that someone who finds incorrect information regarding their property information could complete the sheet and return it to the Village for correction.

Trustee Montero said if you ask residents what services are provided by the Village, his opinion is that many will say trash pickup and street maintenance. Trustee Hannon noted that the Village also provides community parks. Trustee Montero said that residents may ask the question that if trash service is already provided and included in their taxes, why should they pay an extra fee. He asked how he should respond to such a question. Attorney Primo suggested that Trustee Montero check the NYCOM booklet from two months ago that contains a list of village services, an explanation of town taxes and what services the town performs for the village and a listing of village services.

A discussion followed regarding water and sewer arrangements, sewage treatment, sewer repairs, the Village infrastructure, town charges and county charges and assessments. Trustee Montero suggested the notice on the fee program could include the services provided to property owners.

Trustee Clancy said that since joining the Board, she has felt that eventually the taxpayers may decide they want to roll into the Town - and she said this may be the year they say that.

Ms. Clarke asked if the terms of payment have been established for the trash fee program. Attorney Primo responded that the payment terms could be something like the 30-days before penalty as provided in the village taxes. Mayor Brunger said he thought the Board was going to work out some type of a payment schedule. Attorney Primo confirmed the Board had discussed a payment schedule.

Ms. Clarke reported that the Clerk has said the office will need a utility software package. Ms. Clarke also said that given the lack of accurate property information as well as the software package needed to implement the program, it is her opinion that revenue from the trash collection fees will not come in before the end of the current fiscal year. Trustee Montero responded that the Village has counted on receiving revenue from trash collection as there is an income line in the current budget that assumes we will get that money in this fiscal year.

Attorney Primo said the fees may not happen until concurrent with the issuing of the Village tax bills. Mayor Brunger asked if the fees could be added onto the county tax bills rather than separate invoices.

Ms. Clarke said the Clerk's office also needs to receive accurate information on property coding, the number of trash fee units within each property classification for each property in the Village, and she noted that at this time there is no known source for that correct information.

Attorney Primo asked if the codes on the spreadsheets do not help with that. Ms. Clarke responded that the codes are often in error. She added this project presents a very interesting opportunity for the Village to somehow obtain the correct property information and provide the corrected information to the Town who would then have to correct their database and then pass the corrected information on to Onondaga County for them to correct their database.

Ms. Clarke reported that categories for the trash fee property classifications and fees have been entered into a sample spreadsheet using the same format the County uses to hopefully ease the update process amongst the three organizations. She said applying the fee schedule to the current databases will be an interesting process, but as with any data and database, it will be a case of trash-in/trash-out.

Attorney Primo said his feeling was, whatever we can get, even if it is fraught with errors, the best documentation we can get without eyeballing each property... at which point Ms. Clarke interrupted confirming the data is fraught with errors... Attorney Primo continued that if we send the initial bill out with a notice telling people that if the property information

is in error, please let us know.

Ms. Clarke said if you follow that train of thought and utilize the existing County spreadsheet, the Olympus building would not receive a trash fee notice or a bill because the property is listed as a detached row commercial building but without any other helpful data and is listed with no sewer units. She repeated that in her opinion the database is seriously flawed.

Attorney Primo said most municipal codes say that whether you are hooked up to a sewer or not you are assessed a charge. Trustee Clancy said she does not believe that is the case in the Village. Mayor Brunger reported that Clerk/Treasurer Stanczyk had previously reported problems with the property data received from the County.

Mayor Brunger asked if we would not get a better understanding of the number of trash fee units if CEO Williams were to complete the evaluation of rental units per the rental law. Ms. Clarke replied that after thoughtful review of the rental law and the trash fee schedule, in her opinion rental, trash and sewer units are separate categories that often do not correlate with each other. She said that her understanding of the two programs is that rental units apply to single-family residential units, multiple-family residential units as well as business and commercial rental units. She also said that her understanding is that trash fee units apply to multiple-family residences, some types of commercial properties, all other commercial and industrial/manufacturing properties and tax-exempt properties. She added that often sewer units are based on volume of water usage, not necessarily occupancy or the current property coding.

Attorney Primo asked if we have any record that would tell us how many units are in a building and whether they are residential or some other use. Ms. Clarke responded that she is not aware of such a record and she asked what type of units he was speaking of – rental units, trash units or sewer units. Attorney Primo said he was thinking of units such as two-family, three-family or six-family units. Ms. Clarke said it would be nice to depend on the property classifications generated by the County for that type of information, but showed numerous properties that are classified as single-family - yet according to the County data they have two or more sewer units. She confirmed those are just some of properties that, if following the current database, the property would not be assessed a trash fee and therefore the owner would not be notified of the trash fee and they would not receive an invoice.

Attorney Primo asked how many structures there are in the Village. Ms. Clarke said she knows there are 479 properties in the Village, but she does not know how many structures are on those properties in the Village.

Note: Mayor Brunger left the meeting at 9:45 PM. Deputy Mayor/Trustee Clancy chaired the meeting.

Resolution 01122010-5: Approval of Abstract #013

Trustee Montero moved to approve payment of Abstract #013 [General Fund (A), Vouchers 0228-0255 totaling \$46,266.95, and Sewer Fund (G), Vouchers 9 and 10 totaling \$1,209.07] as presented. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Resolution 01122010-6: Approval of Minutes

Trustee Montero moved to approve the minutes of the October 27, 2009 meeting. Deputy Mayor/Trustee Clancy seconded the motion that was approved by majority vote of members present. Approval of the minutes of the November 10, 2009 and December 8, 2009 meetings will have to be considered by the Board at a future meeting due to the number of trustees present at those meetings and the lack of trustees eligible to vote on the minutes at this time.

Resolution 01122010-7: Revoke Resolution 12082009-2: Trash Collection Fee

Trustee Montero moved to revoke previous approval of Resolution 12082009-2: Trash Collection Fee. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Attorney Primo recommended that between now and the February 4, 2010 meeting, what we need to look at is something that is concurrent with the Village tax bill, get the charges established, give the Clerk's office time to let the Board know the issues and what they need, and to give the Board time to respond to those issues and needs, and between now and the February 4th meeting get the charges established.

Ms. Clarke asked if the launch date is now June 1, 2010. Trustee Hannon asked if the trash fee charge would go on the tax bills or be billed separately. Attorney Primo said in his opinion it should go on the Village tax bill as a separate charge. Ms. Clarke said the new charge cannot go on the upcoming tax bills in that there is a deadline for when the accurate information would have to be provided to the Town.

Attorney Primo said the new charge may not be able to be on the tax bills this year, but the fees could be included in the 2011-2012 tax bills. Ms. Clarke also questioned the payment in two installments per year as worded in the now-revoked resolution. Attorney Primo said that we may not be doing that.

A discussion followed regarding a proportionate capping formula and trash volume.

Executive Session

Deputy Mayor/Trustee Clancy moved to enter into an Executive Session to discuss a litigation matter. Trustee Hannon seconded the motion that was approved by majority vote

and the Board moved into Executive Session at 9:50 PM.

Resolution 01122010-8: Voucher Correction

Trustee Clancy moved to adopt a resolution noting the discrepancy for the record that upon additional review of the numbering order of the vouchers in Abstract #103 as presented and approved earlier in the meeting, Administrative Assistant Clarke has verified that Voucher #0287 is for the same supplies as Voucher #0248 and that Voucher #0248 is the correct voucher number of record for those supplies and charge. Trustee Hannon seconded the motion that was approved by majority vote of members present.

The Board moved from Executive Session at 10:15 PM and resumed the regular meeting.

Resolution 01122010-9: Payment Authorization

Trustee Clancy moved to authorize the payment of Application #1 for the Main Street milling and paving project to James V. Spano, Inc. in the amount of \$6,172.15 upon confirmation with the Village engineers that same are approved and subject to submission of a proper voucher representing that application for payment. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Executive Session

Trustee Clancy moved to enter into an Executive Session to discuss a personnel problem. Trustee Montero seconded the motion that was approved by majority vote and the Board moved into Executive Session at 10:15 PM.

Regular Meeting

Trustee Clancy moved to close the Executive Session and for the Board to return to the regular meeting. Trustee Hannon seconded the motion that was approved by majority vote of members present and the Board returned to the regular meeting at 10:43 PM.

Adjournment

Trustee Hannon moved to adjourn the meeting. Trustee Clancy seconded the motion that was approved by majority vote of members present and the meeting was adjourned at 10:43 PM.

Respectfully Submitted,

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

