

SEPTEMBER 8, 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 13

Mayor Kurt Brunger called the meeting to order at 7:05 PM followed by the Pledge of Allegiance. Attorney Primo arrived at 7:06 PM.

MAYOR'S COMMENTS

Restore New York Grant Award

Mayor Brunger reported the grant application has been approved with an award of \$2.5M for the redevelopment of properties located at 52-54 Main Street and 55 Main Street.

Mr. Tom Blair of Sweet Spot Development provided an overview of the plans and process for the redevelopment of the Camillus Cutlery property for which \$2.2M has been awarded. He said information on the project is available at [HYPERLINK "http://www.sweetspotdevelopment.com"](http://www.sweetspotdevelopment.com) www.sweetspotdevelopment.com.

Mr. Dick Kirk, owner of the 55 Main Street property, described his plans to use the \$200,000 grant award to develop a restaurant with a menu similar to the Dinosaur B-Q in Syracuse. He also provided members of the Board photos of the property taken in 1899.

Attorney Primo stated that a PUD or PDD (Planned Development District) would be included in the pending zoning overlay to give flexibility to the developers of the Cutlery property while maintaining control by the village.

Zoning Overlay Project

Mr. Greg Sgromo of Dunn & Sgromo provided an update on the status of the zoning overlay district process, architectural guidelines and a conceptual sketch of a plan for the overall appearance of the business district that includes landscaping, plantings, curb modifications, street amenities and parking areas. A lengthy discussion followed regarding the streetscape. Trustees Clancy and Hannon will provide their input on the plan to Attorney Primo at least two days prior to the September 22, 2009 meeting so the concept can be updated and colorized in time for review during the meeting.

Trustee Montero questioned the source of funding for improvements to the Main Street

corridor. Attorney Primo responded that Mr. Dick Donovan, Mayor of Minoa and member of the Dunn & Sgromo staff, is in charge of looking for grant opportunities.

Feederbank Road Property

Mayor Brunger confirmed that vacant parcel 08 (4.81 acres) located along the western bank of Nine Mile Creek is scheduled for auction for back taxes through Onondaga County on October 8, 2009. He spoke of concerns expressed by various village residents regarding a work session conducted by members of the board on August 25, 2009. The regular meeting scheduled to take place that evening was cancelled due to a lack of quorum. Deputy Mayor/Trustee Clancy, Trustee Montero and Attorney Primo participated in the work session that evening. During the work session, the availability of the land was discussed with subsequent polling of the Board on the possible purchase of the parcel by the village. He added that the polling that took place on the possible purchase as the matter was deemed an emergency due to a pending increase in the sale price that would be effective September 1, 2009.

Mayor Brunger said he is aware of a group of village residents who have expressed interest in obtaining the property, but said in his opinion the village should purchase the property yet remain sensitive to the preferences of the property owners in the area. He assured residents that there was nothing unethical going on at the time of the work session, and that Deputy Mayor Clancy was under the impression the cost of the purchase of the property was going to be inflated within a tight timeframe, so she polled members of the Board and got three (3) votes in favor of the purchase, but upon learning of residents in the area who were interested in purchasing the parcel, action on the matter by the board was stopped.

Trustee Palumbo spoke of past quality of life issues associated with the property citing countless times he and neighbors in the area have called the police department to resolve problems with people drinking and smoking marijuana on the vacant lot. He also spoke with concern regarding the emergency polling of the board to avoid a \$14 increase in the purchase price. He stressed the importance of the need for accurate information on matters brought before the board before jumping to conclusions. He added that in his opinion, if the village does elect to purchase the parcel, it should be written into law that the land should remain forever wild or forever green and open for fishing but with no organized trail system.

Trustee Hannon said the purchase of the vacant property has been discussed by the village board in years past and that she would also prefer to see the land kept forever green. She spoke of the trail system discussed several times in the past that would connect the Village of Camillus to the trail system already in existence in Marcellus. She said in her opinion the purchase of the property would put the village one step closer to providing another lasting green space that would truly belong to all citizens.

Trustee Palumbo responded that neighbors in the area do not want an organized trail system

on the property and stated again for the record that the neighbors in the area would have to objection to the purchase of the land by the village if the property were to stay forever green and left as-is.

Mayor Brunger said the Board needs to decide whether or not to put together a subcommittee on the matter, perhaps with Trustees Hannon and Palumbo and some village residents. He said the board has until October 8, 2009 to make a decision on the matter, and encouraged the board to step back to consider the property and how it ties in with the vision and long-term strategic planning for the village.

Attorney Primo advised that while the property is scheduled for auction for unpaid taxes, someone could pay the taxes prior to the sale. He said that Mr. Tom Blair might also have the property included in his contract and long-term plan for the Cutlery property redevelopment project. He added that if the property can be purchased cheap, the village should be in position to control the land no matter what, to resolve to purchase it, and also as part of that resolution to commit to not making any definite plans for the property without going through a process first.

Mr. Mark Eckert spoke of the condition of the wetland property and problems with people doing drugs on the land. Trustee Clancy spoke in favor of making a motion to purchase the land for back taxes with the stipulation that it remain forever green and she mentioned the possibility that another parcel of Cutlery land located between McNamara's Pub and the creek may also be up for auction.

A lengthy discussion followed regarding the availability of the property, the purchase of the tax certificate, the method of purchase, and the need for more input from members of the community. Mayor Brunger again suggested the formation of a committee to discuss the matter with residents to gather their concerns. Trustee Palumbo said he cannot vote on the purchase and added that such a subcommittee could be formed after the decision to purchase the parcel is made. Trustee Clancy said she was in favor of the village moving on the purchase of the land now.

Clerk/Treasurer Stanczyk spoke of a sewage pump owned by Onondaga County that is located on the property, and that the village pays the electric bill associated with pumping sewage from the houses located on Feederbank Road. Ms. Belle Brown suggested a map of the 4.8 acre property should be made available to residents.

Mr. Eckert voiced his concern regarding what in his opinion was a backdoor approach to possible purchase of the parcel by the village through the actions a few weeks ago, that he has expressed his interest in purchasing the vacant property for a considerable amount of time, and said before it is taken off the tax rolls he would like to again voice his interest in purchasing the land.

Mayor Brunger took exception to the continuing comments that something unethical took place by the board. He explained that all trustees were notified via email sent by Town Councilman Bill Davern of the back taxes that were owed on the property. The mayor said there was nothing underhanded about the way the board approached the possibility of the purchase of the land and he has asked the Board to pause to ask for the opinions of citizens of the community and feedback from owners of properties adjacent to the vacant lot.

Trustee Palumbo questioned what the emergency was [at the time of the work session and subsequent polling of members of the Board]. Mayor Brunger responded the emergency was that Deputy Mayor/Trustee Clancy was given information that she thought that the village would lose its ability to pick up the land before it went to auction. Trustee Palumbo responded that the fact is the matter that the property was going up in price and there was never an emergency and that is what people are concerned about and added that polling of the board is applicable in emergency situations.

Attorney Primo advised polling is used in the event of emergencies and ministerial matters where there is a reasonable belief there will be consensus amongst the board. He added that in the matter of the purchase of the property, while there was a false alarm on the emergency nature of the purchase of the property, there was probably good faith belief that an emergency was involved, and as far as consensus goes, everybody on the board became aware fairly quickly afterwards that there was not consensus and that there was a real difference of opinion. He noted that the golden rule is after a board has been polled, the vote has to be ratified at the next public meeting. In this matter, the certificate of tax is not in hand as there are a few members of the board who are against the purchase and the polling of the board was not ratified. Mr. Eckert offered his apologies to the board. Trustee Clancy asked if the Board can vote on the other piece of property.

Attorney Primo suggested that if the board feels they can make a decision on the properties prior to October 8th, he will call Onondaga County tomorrow to confirm if the tax certificate for both properties will be available for the village to take before October 8, 2009. Mayor Brunger asked members of the board to share input with each other and be ready to make an informed decision on the matter during the meeting of September 22, 2009. Clerk/Treasurer Stanczyk confirmed that the 2009 taxes on the 4.8 acre property have been paid, but not the taxes for the years 2006, 2007, and 2008.

Main Street Paving

Attorney Primo advised the bids for the paving project are not out. He reported the bid package was sent back to TDK and this past Friday afternoon he received a red-line back from them and there was confusion regarding the publication which has been straightened out. He said the bid opening is scheduled to take place on September 25, 2009 at 4:00 PM and that publication of the notice will be this Thursday [September 10, 2009]. He added there is one outstanding item as we are waiting on prevailing wage information from the

Department of Labor which will be part of the bid package. In the meantime, anyone requesting a bid package will receive a notation on their package that wage information will follow.

Union Street Drainage Project

The request for Community Development grant monies for the project has been denied. Mayor Brunger said DPW Crew Leader Gary Martin has cutouts for the asphalt and will secure the drains in tandem with sidewalk repair work.

Resolution 09082009-1: Salt Spreader

Trustee Clancy moved to allow Henderson Corporation to supply a salt spreader [per their quotation as received] at a price of \$8,125.75 plus installation not to exceed \$1,500.00. Trustee Montero seconded the motion that was approved by majority vote of members present.

Tree Audit

Trustee Hannon reported the survey of trees on Village property took place on August 30, 2009. A detailed report and plan should be received in November for presentation to the board in December.

Main Street Banners

Mayor Brunger and Trustee Hannon will meet to review the banner project and the mayor advised that DPW Crew Leader Martin has made the brackets that will be used to hold the banners.

Maps, Indexing and Storage

Trustee Clancy reported the maps that have been moved to the second floor, have been indexed, and the most frequently requested maps will be scanned and placed on the village website. Pricing for flat or circular storage containers will be investigated. Attorney Primo suggested the board also consider putting the village code, with a disclaimer that it is not the official code, and the zoning, water and sewer maps on the official village website.

First Street and Leroy Street Project Funding

Trustee Montero reported a member of Senator DeFrancisco's office has advised the pre-approval process for funding has been completed and a contract package is being prepared for review, signature and return to the state comptroller in Albany for approval. The village will be reimbursed after the paperwork has been sent back to the DOT and then back to Albany for processing. Trustee Montero has been told the money is not in jeopardy of being lost.

Newsletter

Mayor Brunger will contact Administrative Assistant Susan Clarke tomorrow to discuss an end-summer/fall newsletter and he asked board members to send their content to him in the

next few weeks.

Proposed CFD Fire Truck Purchase Plan

Mayor Brunger reported he has spoken at length with Town Supervisor Coogan regarding the proposed plan to sell four trucks and purchase two new trucks and to do it without any type of increase in the town budget. He said the matter will be discussed by the town board during their meeting tonight following which he will contact the supervisor for the input from their board. The mayor said that hopefully the village board will be able to act swiftly on the matter during the next regular meeting to be held September 22, 2009.

Trustee Palumbo said that the last he knew the town was not in support of purchasing the trucks. Mayor Brunger responded that the matter will be discussed in greater detail later on and that the matter is still in the works. Trustee Clancy said she had been advised the town initially said no to the matter but that they wanted to talk to us again once the bids were opened. Trustee Palumbo said that is not what he was told by her and he has been telling people we are not getting the fire trucks. He added that accurate information is critical at all times.

CFD/Village Audit

Mayor Brunger said Town Supervisor Coogan has spoken highly of the auditors they use and to satisfy the fire contract, the town is looking for a calendar year audit, not an oversight of the 35% monies. Attorney Primo said his concern was an email he had seen that the town wanted an ongoing audit with an annual compilation. He said he will continue to work on a letter of contract with the firm of Testone, Marshall & Discenza to provide an annual audit, the scope of which will be well-defined.

Resolution 09082009-2: Audit Letter

Trustee Clancy moved to accept the audit letter of understanding subject to legal review. Trustee Montero seconded the motion that was approved by majority vote of members present.

New Fire Trucks Bid Opening

Mayor Brunger reported that one company bid on the new fire trucks. He noted there was concern by all bidders that this came up too soon and they did not have enough time to put their offerings together, and that Har-Rob Fire Apparatus and Jerome Fire Equipment Co. sent letters to the village indicating that it looked like our minds were already made up on a vendor and to keep them in mind for future bids. Attorney Primo added that Empire Emergency Apparatus was a bit more aggressive in a letter they sent that conveyed six (6) points of concern and that we had already made up our minds to go with Sutphen Corporation.

Attorney Primo explained that based on his experience when buying specialized equipment, you have to go to one of your vendors for assistance in writing the specifications. He said

once the truck specifications were received from Sutphen, he made sure there was no bar to condition of exceptions for any component of those specifications.

He also reported that Empire cited inconsistencies in the warranty language, proprietary equipment components contained in the specs, the fast timing of the bid deadline, and lack of specifications for one of the cabs.

Attorney Primo said he interprets the Empire letter as the vendor was looking for more time to submit a bid and they wanted the village to extend the bid date. He said he left a message for the owner of the company. He added that in his opinion Sutphen seems to be able to grab a lot of the bids in the area, even at a higher price, because they seem to have a better ability to deliver quality equipment and service, so his opinion is they are probably beating up a lot of other vendors in what has become a competitive business environment.

Attorney Primo commented that as far as the legality of the bid, he has no issue with the way things went down, and we did have a shorter timeline than normal but the reason was avoiding the new emission standards, plus Sutphen said the price of Squad 2 was based on ordering the trucks before September 22, 2009 which he said may have something to do with the emission standards.

Attorney Primo said we had only one qualified bidder and that was Sutphen Corporation and he has no problem that there were objections as this is normal. He said in his opinion, the board should consider the three (3) year warranty package as worded in the contract or deduct the \$7,000 per truck and go with the standard one (1) year warranty as contained in the specifications noting specifications control over the terms of the contract as it relates to the warranty. He advised the board review the matter and be prepared to make a decision with the purchase at the September 22, 2009 meeting.

ATTORNEY COMMENTS

Proposed Local Law No. 4 for the Year 2009: Property Maintenance

Attorney Primo presented a draft of the proposed law that would give the Village authority as it relates to quality of life. He said the process for initiating action according to this law is something that could be initiated through the clerk's office by a trustee, but he noted selective enforcement could be problematic. He reviewed the process explained in the proposed law noting it has been very successful in other municipalities. He asked for comments and suggestions from the board during the next meeting.

South Street Continuous Yard Sale Issue

Attorney Primo believes there may be a way to address the problem of the continuous sale through the zoning district. He said according to the definition of a home occupation or retail business, such uses are not permitted in the zoning district of the property in question

which is located on South Street. Mayor Brunger said he will contact CEO Williams to discuss this approach to the issue.

Local Law No. 1 for the Year 2009: Revisions

Attorney Primo presented for consideration of the board the proposed resolution with revisions to the local law as it relates to Chapter 13 relative to finalizing a procedure for the fire department to following the processing of purchases using the 35% monies. He presented for board consideration a procurement policy documentation sheet that is a checklist for the fire department in each permissible purchase. He also suggested the fire department and village board revisit the hiring of a clerk assistant, perhaps to be discussed further during executive session. He asked members of the board to review the checklist and submit formalized comments to him as soon as possible.

Trash Fee Resolution

Attorney Primo distributed copies of the proposed resolution that calls for a \$120 fee per unit for all multi-unit residential properties with a credit for one (1) unit for an owner-occupied multi-unit residence. He recommended the assessment of the yearly charges be based on the village fiscal year and therefore the charges would be assessed effective the first day of the fiscal year.

A lengthy discussion followed regarding the need for accurate information identifying multi-family dwellings, methods of billing the fees, the possible listing of unpaid fees on property tax bills, the potential volume of tipping fees, the rental property registration and a November 1, 2009 target date for the billing to be sent out. Attorney Primo said it is important to correctly identify the multiple family residences as it will relate to the new zoning and property uses. The matter will be considered further at the next regular meeting.

DEPARTMENT REPORTS

POLICE DEPARTMENT

August Report

Sgt. Mark Eckert reported that during the month of August the police department reported to: 4 disputes, 3 motor vehicle collisions, 3 parking complaints, 1 animal complaint, 2 harassment complaints, 4 ambulance calls, 6 domestic incidents, 19 traffic details and 43 traffic stops.

North Street Traffic Survey

Sgt. Eckert presented a report based on traffic survey data gathered on North Street from August 25 – September 2, 2009. The results of the survey show 98% compliance from 1-34 mph speed limit with sporadic incidences of speeds up to 54 mph. Based an average speed of 29.7 mph, the department recommends targeting traffic enforcement between the

hours of 7-9 AM and 3-5 PM and he added that traffic officers and road patrols have been notified. Sgt. Eckert also mentioned for consideration a neighborhood speed watch program described on the Town of Camillus website was discussed for consideration.

PUBLIC COMMENTS

Fire Truck Bids

Ms. Belle Brown questioned the timing of the mailing of bid packages to vendors. Attorney Primo responded that the same specs were sent out to all companies, that he did not know offhand the exact mailing date(s), and that Sutphen knew the needs of the department as they had assisted in preparing the detailed specs. He said he made sure the specs included the ability for vendors to take exception to details and that he is comfortable everything was done legally.

TRUSTEE COMMENTS

Fallen Tree

Trustee Palumbo reported neighbors on South Street are concerned about a tree that is in the creek. Mayor Brunger responded that DPW Crew Leader Martin plans to hook onto the tree with the back of the trash truck and using a winch will pull it onshore and cut it up enough to remove it. A discussion took place regarding safe removal of the tree with the proper equipment, and legal and financial responsibility for removing the tree. Attorney Primo said that normally, with some exceptions, whoever owns a right-of-way is responsible for removing a tree that falls from that right-of-way onto private property and suggested we stay in a cooperative mode with the state of New York on the matter.

77 Main Street

Trustee Montero reported a sports memorabilia store will be opening soon at the location.

Munro Park

Trustee Hannon reported she discussed the possible repair of the drinking fountain with Mr. Eric Bacon, Supervisor of the Town of Camillus Parks & Recreation Department, and according to Mr. Bacon, the town is not in favor of the repairs given past vandalism in all of the town parks.

Resolution 09082009-3: DOT Application

Mayor Brunger moved to approve submission of the Perm 17 performance bond to New York State and to pay the annual premium for the OCP policy as well as the bond premium. Trustee Clancy seconded the motion that was approved by majority vote of members present.

Resolution 09082009-4: Approval of Abstracts, Minutes, and Polling of the Board

Trustee Montero moved to approve payment of Abstract 006, the minutes of the June 9, 2009, July 14, 2009 and August 11, 2009 regular meetings, the telephone poll of Abstract 005 for the sewer fund and the general fund and to amend the minutes of the August 11, 2009 meeting to reflect approval of the resolution approved following the executive session authorizing the Village to go out for bid relative to purchases of Engine 4 and Squad 2 for the fire department pursuant to the bid packages as verified by the village attorney. Trustee Hannon seconded the motion that was approved by majority vote of members present.

Executive Session

The Board moved to executive session at 10:00 PM and came out of executive session at 10:45 PM.

Adjournment

The regular meeting was adjourned at 10:46 PM.

Respectfully Submitted,

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

