

Village of Camillus  
Regular Meeting  
May 21, 2012

Present: Mayor Patricia J. Butler                      Attorney: Robert J. Allan  
Trustee Bridget Yule  
Trustee James Palumbo (absent)  
Trustee Ann Eckert  
Trustee Timothy Stapleton                              10 people in attendance

Deputy Butler opened the meeting at 7:00 p.m. by leading the “Pledge of Allegiance”.

**Camillus Fire Department**

Mayor Butler introduced Sergeant Burlingame who reported the statistics for the month of April. He stated that there was one dispute, one marijuana arrest, one missing person, one criminal mischief and one DWI. He stated about two weeks ago there was a false report to 911 of a robbery with a gun. The people were arrested for calling in a false report. Mayor Butler stated that the Village had vandalism done to our pickup truck where two front tires were slashed and the vehicle was egged. Sergeant Burlingame reminded the people in attendance to be sure to lock your cars to prevent vandalism.

Mayor Butler stated that the Village will be having fireworks Saturday, May 26, 2012 the police will stop in to patrol. Also, she needs volunteers to assist in selling tickets. Trustee Eckert stated she has a sign up sheet.

**Camillus Fire Department**

President Brian Raichlin presented the By-law change to change the percentage of out of district members into the department. Mayor Butler stated the fire department was holding a Special Meeting to address this change. Trustee Eckert stated that this was only the second month that the By-law change was read and it has to be read at three “Regular” meetings, not “Special” meetings. Attorney Allan stated the most recent By-laws were October 13, 2011 and he agreed that the By-laws state an amendment has to be brought up for three Regular Meetings, not a Special Meeting. The department will have to wait until the June Regular Meeting and then the By laws has to be approved by the Village Board.

**Code Enforcement**

Code Enforcer Bill Reagan addressed the Board by distributing a summary of his log of what he is doing. He stated that he has been working here about six weeks and he has received 20 complaints. He has sited 31 violations, for example unregistered, unlicensed cars, run down buildings, litter, etc. He is working on getting the office in order. Once he gets the violations under control he is going to start doing fire inspections. He is compiling a list of all the apartments and businesses in the Village. He stated some residents cooperate and others tend to drag their heels. He is giving two tickets tonight.

Mayor Butler asked how he was going to resolve the complaint regarding 7 North Street. Code Reagan stated two neighbors complained that they are tired of looking at trash cans across the street. The property does not have a garage or a backyard. He stated the simplest way to take care of this is to install one section of a stockade fence as a screening device and put the trash cans behind the fence. The law states the trash cans should not be seen from the street. Mr. Reagan stated there is the same problem at 28 North Street and also the Solvay Bank building. Trustee Eckert asked if he received the E-mail about 73 Genesee Street where there are couches behind the garage. Mr. Reagan stated yes, this was addressed. Trustee Eckert stated she spoke with the owner of 3 Green Street and he is in the process of selling the house. The house is in bad repair.

Mr. Reagan stated that there are two or three vacant houses that are up for sale where the lawns are not mowed. He has contacted the owners and also the real estate companies.

Trustee Palumbo entered the meeting at 7:30 p.m.

Pres. Raichlin stated he had presented a proposal for cleaning the fire station. This is a budgeted item and there is money in the budget. The bunk-ins are now gone and there is no one to clean the station. Trustee Yule questioned why the membership can not clean the fire station themselves. Members are hanging around waiting for a call, can't they clean. Mr. Reagan stated at the Marcellus Fire Department have people who have to do community service from the court system clean the fire station.

Trustee Palumbo stated that a few years ago they went through hiring a cleaning service. What happened to that cleaning service? President Raichlin stated they were not doing a good job. Trustee Palumbo stated that at that time the cleaners were related to firemen and that was a problem. Pres. Raichlin stated that is not the case with these cleaning services. Trustee Yule asked if any inactive members could do this cleaning, because at the Fairmount Fire Department they hire inactive members to clean at \$10 per hour. Trustee Yule asked Pres. Raichlin to prepare a report in writing that list exactly what the fire department asked to have the cleaning service to do. Mayor Butler asked Pres. Raichlin to prepare this report and also get additional bids, hopefully lower.

Upon motion of Trustee Yule, seconded by Trustee Stapleton and unanimously approved the minutes of the April 16, 2012 Regular Meeting were approved.

### **APPROVAL OF VOUCHERS**

Upon motion of Trustee Yule, seconded by Trustee Stapleton and unanimously approved the Board approved Abstract #09 as follows:

	<u>Abstract #09</u>
General Fund	\$ 12,774.49
Sewer Rent	\$ 27.90

## **MAYOR'S ANNOUNCEMENTS**

Mayor Butler stated the Memorial Day Parade will be one week from today. Wheelock Rides will start Friday night through Monday at 5:00 p.m. Mayor Butler stated that through the generous contributions of the merchants in Camillus we have raised enough money to have fireworks. Mayor Butler asked who would be available to ride in the parade with her. Trustee Stapleton and Trustee Eckert will be in the parade but not with the Village. Also, Mayor Butler asked if any trustee would be available to sell tickets for the rides.

A discussion was had regarding a food vendor. Trustee Yule stated she will speak with her friend and Trustee Eckert stated she has a few names. Mayor Butler stated she has been putting up many posters for the rides and Trustee Yule recommended that Dick Kirk could put this on the LED sign.

Trustee Eckert asked about porta-a-potties. Trustee Eckert stated that the Parade Committee is renting three potties from Sabre Porta at \$70 per potty, one at the library and two at the church were the parade starts. She suggested that the Village get three potties, two regular and one handicapped accessible.

Upon motion of Trustee Palumbo, seconded by Trustee Stapleton and unanimously approved the Board authorized Mayor Butler to rent up to five porta-a-potties for the Memorial Day Parade for Friday to Tuesday at the same rate that the Town of Camillus is paying.

## **OLD BUSINESS**

Mayor Butler stated that there is progress on the Camillus Cutlery Project. Onondaga County came in and televised the sewer lines. The Village has not received a report in writing yet. Our engineer will look at the results. Verbally, the county stated one lateral had a crack and one sewer manhole has to be totally replaced. Mr. Tom Blair has two weeks by his bank to close on the project.

Attorney Allan stated that one of the issues that Tom Blair has was the maintenance of the sewer laterals from nine houses on North Street which are gravity feed and are on private property. These people do not have easements across the Cutlery property because at the time those houses were owned by Camillus Cutlery. The easement for the sewer main is inaccurate. There will be an easement coming to the Village after Mr. Blair takes title. Mr. Blair is requesting that the Villages take responsibility of the laterals from the property lines for the houses on North Street to the sewer main. Attorney Allan presented a prepared resolution stating that the Village would do that. The problem that Mr. Blair has is that the laterals come from their rear property line under private property (cutlery property). Mr. Blair has requested that the Village treat the laterals from the property line to the main just as you would had it been in the right of way in the street. The easement will include, once the locations are determined, all nine sewer laterals and the sewer main. The Village will be responsible to maintain, improve, repair and replace if necessary the sewer main and the nine laterals up to the property line. This is what is included in the resolution.

Trustee Palumbo asked if Attorney Allan can put in the language that if Mr. Blair damages any of these laterals or the main that he would be his responsible. Attorney Allan stated that was a very good point and that he can put this language in the easement.

Trustee Yule stated that Mr. Blair should put money in an escrow account for engineer and attorney fees or any other professional fees that occur. Attorney Allan stated once the project is started Mr. Blair will have to put money in an escrow account. This easement problem is really a village issue and would not qualify to be reimbursed. The Village would have to prepare this easement no matter who buys the property. Attorney Allan stated the Village doesn't even have a site plan from Mr. Blair yet. Attorney Allan stated that this resolution allows Mr. Blair to move forward with his closing. Attorney Allan stated he will change the language in the second Resolve paragraph to read Easement shall provide the village will be responsible for the maintenance, repair or replacement if necessary "except for any maintenance, repair or replacement cause by owner's development of the site".

**RESOLUTION**  
**May 21, 2012**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF CAMILLUS, NY

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Resolution to authorize the Mayor of the Village of Camillus to accept a Corrective Sanitary Sewer easement over, across and under lands now or formerly of Camillus Cutlery Company.

**WHEREAS**, the Village of Camillus, many years ago, constructed a sanitary sewer main over, across and under lands then owned by Camillus Cutlery Company; and

**WHEREAS**, several 10 foot wide sewer easements were then granted to the Village of Camillus recorded in the Onondaga County Clerk's Office Deed Book 606 page 535, Deed Book 606 page 555, Deed Book 606 page 438, Deed Book 606 page 503, and Deed Book 972 page 402; and

**WHEREAS**, said recorded easements appear to be incomplete and the location of the sewer pipe may not exactly lie within the recorded easements; and

**WHEREAS**, the Village has learned that nine (9) improved residential properties fronting on the east side of North Street in the Village have sanitary sewer laterals that extend east of each property's easterly line under and through lands (now or formerly) of Camillus Cutlery Company and each lateral ties in directly to the Village's sanitary sewer main; and

**WHEREAS**, it appears that the Village of Camillus consented that the nine (9) laterals could be tied into the Village's sanitary sewer main, even though the main is on private property; and

**WHEREAS**, it does not appear that any of the nine (9) residential properties has a recorded easement to cross the private property (now or formerly) of Camillus Cutlery Company; and

**WHEREAS**, it does not appear that Camillus Cutlery Company, or its successor in title has any

responsibility to repair, maintain, replace, or to allow anyone to enter property to repair, maintain, or replace any of those nine (9) sewer laterals that cross its property; and

**WHEREAS**, it is a generally well accepted principle that a property owner’s responsibility for his sewer lateral stops at his property line, and that the municipality’s responsibility for the sewer lateral starts at the property line; and

**WHEREAS**, the Village chose to place its sanitary sewer main on private property as opposed to a public right of way; and

**WHEREAS**, it appears that no one has the responsibility, or the right to repair, maintain, or replace the portion of these nine (9) sanitary laterals that cross the private lands (now or formerly) of Camillus Cutlery Company; and

**WHEREAS**, it will serve a public purpose of the Village and will serve the public health interests of the people of the Village of Camillus to have the Village responsible for the nine (9) sewer laterals from the property line to the tie-in at the main;

**NOW THEREFORE, BE IT RESOLVED** the Village of Camillus shall enter into an agreement with the current or future owners of lands now or formerly Camillus Cutlery Company, in form and content approved by the Attorney for the Village, accepting a 10 foot wide sanitary sewer easement to include the sanitary sewer main and the nine (9) laterals from the tie in at the main to the property line; and it is further

**RESOLVED**, the easement shall provide that the Village shall be responsible for the maintenance, repair and replacement, if necessary, of the sanitary pipes within the easement area, except for any maintenance, repair and replacement caused by the actions of the Grantor of the easement and Grantor’s successors and/or assigns.

Upon motion made by Patricia J. Butler, Mayor, and seconded by Ann Eckert, Trustee, the foregoing resolution was put to a roll call, which resulted as follows:

Patricia J. Butler, Mayor	<u>Yes</u>
Bridget Yule, Trustee	<u>Yes</u>
Timothy Stapleton, Trustee	<u>Yes</u>
James Palumbo, Trustee	<u>Yes</u>
Ann Eckert, Trustee	<u>Yes</u>

Resolution was adopted on May 21, 2012.

Mayor Butler brought up the discussion of the roof on the Village Hall. She contacted Rodney Holbrook who will go up and attempt to diagnose the problem with the roof. He will not be able to repair it for \$200, but could inspect to try to determine the problem. Trustee Stapleton stated the problem was that he did not define what he was going to do. Trustee Palumbo stated he

would like to have the Mr. Reagan inspect the roof with Rod Holbrook.

Mayor Butler asked if the Board read the “trash fee resolution”. Attorney Allan stated that the resolution that was passed was unclear. First a Local Law was passed changing and combining several local laws in 2009. Part of Local Law #2 – 2009 is a paragraph that says “...from time to time, by resolution, designate, impose and modify such fees as it deems reasonable and appropriate in relation to the collection and disposal of any solid waste and any other matter or issue arising under this Chapter 61...” After the fees are imposed the manner of implementation and collection shall be by further resolution of the Village Board or at the direction of its designee such as the Village Clerk or Code Enforcement Officer.

Attorney Allan stated he thought the imposition of the fee should be by local law. The first resolution that was passed says that there are fees to be charged of \$120 per unit. If there is an owner occupied unit there is a credit for the first unit. There is a \$275 for commercial business, \$350 for restaurants, \$350 for gas stations and \$350 for Industrial/manufacturing. There were problems so many problems with the resolution no one prepared the bills. After that time there was another resolution was presented, but was never passed. Apparently, Mike Montario’s resistant to paying \$275 for his business the second resolution was only going to enforce the residential portion of the prior resolution.

Attorney Yule stated she feels the Village should get out of the trash collection for any commercial properties.

Attorney Allan stated he feels the Board should go back to the drawing board because there are so many problems.

Attorney Allan stated that Mayor Butler received a letter from Mr. Jim McNamara’s attorney, Dirk Oudemool.

Trustee Yule asked if the Board could contact Jim McNamara in to see what he is doing. She stated he is doing breakfast, catering and other things. Attorney Allan asked what his permit allows? The proper procedure is to have your Code Enforcement Officer look at his permit and look at his operation. You now have a new Code Enforcement Officer. The prior Code Enforcement Officer had Mr. McNamara on a 30 day month to month Certificate of Occupancy. Mr. Reagan will probably not allow a month to month Certificate of Occupancy.

Upon motion of Mayor Butler, seconded by Trustee Stapleton and unanimously approved the meeting adjourned at 9:31 p.m.

Sharon Norcross  
Village Clerk/Treasurer

