

**VILLAGE OF FAYETTEVILLE
BOARD OF TRUSTEES
10/14/14**

Minutes of the Village of Fayetteville Board of Trustees meeting held Tuesday, October 14, 2014 at 6:00pm.

PRESENT:

Mayor Olson	Clerk Corsette	Tom Goodfellow
Trustee Kinsella	Supt. Massett	Ryan Goodfellow
Trustee Small	Attorney Spencer	Hayleigh Gowans, Eagle Bulletin
Trustee Duggleby	Richard Greene	Mike Rowe
Trustee Randall		

Mayor Olson called the meeting to order at 6:00pm in the Board Room of the Fayetteville Village Hall.

Mayor Olson led those present in a recitation of the Pledge of Allegiance.

MINUTES SEPTEMBER 22, 2014

Trustee Randall made a motion to accept the minutes of the September 22, 2014 meeting. Trustee Duggleby seconded the motion and it was carried by a unanimous vote.

ABSTRACT #7

Trustee Kinsella made a motion to approve Abstract #7 in the amount of \$886,003.36. Trustee Small seconded the motion and it was carried by unanimous vote.

SOLICITORS PERMIT

Clerk Corsette submitted a Solicitor's License Application for board approval.

Trustee Kinsella made a motion to approve the Solicitor's License Application submitted by Brett Stagnitti, Edward Jones Investments, to go door to door, Monday – Saturday 9am -7pm (dusk), no solicitation on Sundays. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

FIRE DEPARTMENT – PURCHASES

Trustee Duggleby made a motion to authorize Chief Hildreth to purchase a Fire Saw from Station 2, LLC in the amount of \$1,300.00. Trustee Randall seconded the motion and it was carried by unanimous vote.

Trustee Randall made a motion to authorize Chief Hildreth to purchase (20) Station Duty Coats from United Uniform, the low bidder, in the amount of \$5500.00. Trustee Kinsella seconded the motion and it was carried by unanimous vote.

Chief Hildreth needs to purchase a new snow blower and a refrigerator. Chief Hildreth would like the board to authorize him to purchase these items with the Village Credit Card from whichever retailer he can get the best pricing from.

Trustee Randall made a motion to authorize Chief Hildreth to use the Village Credit Card to purchase a new Snow Blower and a new refrigerator for the Fire Department. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

Trustee Small arrived at 6:10pm.

EXECUTIVE SESSION

Trustee Duggleby made a motion to enter into an Executive Session, at 6:10pm, to discuss a legal matter, and to include Chief Hildreth, Richard Greene, Clerk Corsette and Attorney Spencer. Trustee Randall seconded the motion and it was carried by unanimous vote.

Trustee Kinsella made a motion to reconvene the Regular Village Board Meeting at 6:25pm. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

PUBLIC HEARING – LOCAL LAW 485-B REAL PROPERTY TAX EXEMPTION

Attorney Spencer provided an overview of the proposed Local Law that would allow a tax exemption for improvements made to a Business, Commercial or Industrial property. The exemption would be for 50% of the assessment, for improvements or new construction, for a period of 10 years with the exemption being reduced 5% each year.

Mayor Olson opened the Public Hearing at 6:30pm.

Tom Goodfellow asked if this exemption would apply to the development he is proposing on North Burdick Street.

Mayor Olson confirmed that this property would be eligible to receive the exemption.

No further comments.

Mayor Olson closed the Public Hearing at 6:35pm.

Trustee Small made a motion to adopt Local Law #6 of 2014 that would allow for a Real Property Tax Exemption pursuant to 485-B of the NYS Real Property Tax Law. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

PLANNED UNIT DEVELOPMENT- NORTH BURDICK STREET

Tom Goodfellow presented an amended Planned Unit Development for the North Burdick Street Property. Previously Mr. Goodfellow had proposed a larger structure but has had to reduce the size of the structures to comply with the DEC Regulations with regards to the floodway.

Trustee Randall made a motion to accept the amended Planned Unit Development Application as submitted by Tom Goodfellow for the North Burdick Street Property and to send the application to the Village Planning Board for their review and recommendation. Trustee Small seconded the motion and it was carried by unanimous vote.

Mayor Olson would like the Village Board to authorize the establishment of an escrow account for the North Burdick Street PUD, in the amount of \$5,000.

Trustee Duggleby made a motion to authorize Clerk Corsette to establish an escrow account for the North Burdick Street PUD in the amount of \$5,000.00, funded by the developer/applicant Tom Goodfellow. Trustee Small seconded the motion and it was carried by unanimous vote.

CNY STORMWATER COALITION STAFF SERVICES AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM

Trustee Small made a motion to adopt the following resolution:

WHEREAS, the Village of Fayetteville herein called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY the Village Board of Trustees

1. That Mark A. Olson, Mayor or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;
2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.
4. That this Resolution takes effect immediately.

Trustee Duggleby seconded the motion and it was carried by unanimous vote.

BUDGET TRANSFERS

Trustee Small made a motion to authorize Clerk Corsette to make the following transfers:

FROM:	TO:
A 231-16- \$140,000	A3411.216R - \$140,000
A 231-23 -\$102,000	A3411.216R- \$102,000

Trustee Duggleby seconded the motion and it was carried by unanimous vote.

Trustee Kinsella made a motion to authorize Clerk Corsette to make the following transfers:

FROM:	TO:
A 5010.226R - \$88482.95	A5010.2 - \$88482.95

Trustee Kinsella made a motion to authorize Clerk Corsette to amend the 2014-15 Budget as follows:

Increase	
A4889- Federal Assistant Grant	\$253,445
A3410.2 Fire Capital	\$253,445

Trustee Small seconded the motion and it was carried by unanimous vote.

NYS LEGISLATIVE GRANT – RESOLUTION TO SIGN LEGAL DOCUMENTS

Trustee Duggleby made a motion to adopt the following resolution:

WHEREAS, this organization has received a Legislative Initiate Grant in the NYS Budget AND WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;

NOW, THEREFORE, this body resolves the following:

1. Administration of all funds under this grant will be in accordance with all terms and conditions contained in the GUIDELINES for Non-Construction Projects \$50,000 and underprovided by the New York State Office of Parks, Recreation and Historic Preservation;
2. That Mark Olson, as the Mayor of our organization is hereby authorized to sign legal documents on behalf of our organization and that such signature is acknowledgement of the acceptance by this body of compliance with all terms and conditions of the Master Contract for Grants Contract Number #TM14C008, to be executed for the grant.

Trustee Small seconded the motion and it was carried by unanimous vote.

FAYETTEVILLE SENIOR CENTER FENCING PROPOSAL

Trustee Kinsella made a motion to accept the proposal from Atlas Fence, the current Onondaga County Bid Holder, to install an 8-foot chain link fence, with a gate, around the gardens at the Fayetteville Senior Center, in the amount of \$4,472. Trustee Randall seconded the motion and it was carried by unanimous vote.

NEW YORK STATE UNIFIED SOLAR PERMIT APPLICATION

Trustee Small made a motion to adopt the following resolution:

Whereas, the Village of Fayetteville adopted Chapter 78 Fire Prevention and Building Construction Administration on February 13, 1995 by Local Law No. 3-1995 with subsequent amendments on March 10, 2008 by Local Law No. 2-2008 that appoints a Codes Enforcement Officer to administer and enforce Chapter 78, the New York State Uniform Fire Prevention and Building Code and all building-related codes as apply in the Village of Fayetteville, and

Whereas, the Village of Fayetteville adopted Chapter 78 Fire Prevention and Building Construction Administration on February 13, 1995 by Local Law No. 3-1995 which requires and

Building Permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure, and

Whereas, the New York State Uniform Fire Prevention and Building Code regulates (Chapter 23 of the Residential Code of New York State) the design, construction, installation, alteration and repair of equipment and systems using solar systems, and

Whereas, the New York State Energy Research and Development Authority (NYSERDA) is providing incentives to municipalities to adopt a New York State Unified Solar Permit to facilitate the installation of small-scale photovoltaic systems.

Whereas the Village of Fayetteville would also like to promote the streamlining of the application process for small-scale photovoltaic system installations and receive the \$2,500 incentive for small communities to adopt the New York State Unified Solar Permit and procedures for the installation of small-scale photovoltaic systems; now, therefore be

RESOLVED, that the Village of Fayetteville hereby approves and adopts the New York State Unified Solar Permit Application and procedures for the installation of small-scale photovoltaic systems; and, be it further

RESOLVED, that the Village's Code Enforcement Officer is hereby directed to use said Unified Application in issuance of Building Permits for the installation of small-scale photovoltaic systems.

Trustee Duggleby seconded the motion and it was carried by unanimous vote.

STREET LIGHTS

Trustee Randall informed the board that the street lights for Brooklea Drive are anticipated to be delivered around the end of November. Trustee Randall has filed with National Grid for two (2) service meters and has ordered the wire and pedestals that will be needed to install the two (2) services.

Trustee Randall would like to purchase three (3) LED Retrofit Kits for three (3) of the decorative street lights that have not been converted. The cost of the three (3) kits is \$1,905 from Sternberg, a Sole Source Vendor.

DPW GARAGE ADDITION RENOVATION UPDATE

Mayor Olson provided the board with an updated work schedule for the DPW Garage Project. A meeting that included the Mayor, Craig Polhamus, Jim Palolini, Jim Alibrandi, Superintendent Massett and Clerk Corsette, was held at the garage early this morning to review the progress and review any change orders that were still open.

Mayor Olson reviewed the additional change orders with the board that will need their approval.

Trustee Small made a motion to authorize Mayor Olson to approve the following Change Orders for the DPW Garage Renovation/Addition

1. Oil Water Separator - \$5,188.61
2. 2 Exterior Doors – Time & Materials not to exceed - \$4,435
3. Data Drops - \$642
4. Access Control System - \$11,727

Trustee Duggleby seconded the motion and it was carried by unanimous vote.

Mayor Olson requested that the board reset the number of change orders that they authorize him to approve.

Trustee Duggleby made a motion to authorize Mayor Olson to approve an additional five (5) change orders not to exceed \$5,000 in total. Trustee Small seconded the motion and it was carried by unanimous vote.

DPW LEAF SEASON – OVERTIME

Superintendent Massett told the board that leaf pick up will be shortly and he will be having the employees work overtime to keep up with the leaves that the residents place at the curb.

SNOWPLOW PERMITS

Mayor Olson received a letter from David Vickers, a village resident, regarding the Snowplow Operator Law. Mayor Olson asked that the letter from Mr. Vickers, dated October 7, 2014 be entered into the meeting minutes.

To: Village of Fayetteville Trustees
From: David Vickers, Fayetteville village home-owner and resident
Date: October 7, 2014
Re: Snowplow operator law.

Dear Village of Fayetteville Trustees:

I would like to make the following points concerning the snow plow operators' licensing law.

- 1.) Freedom to contract is being interfered with for no rational purpose. There is no reason why the village of Fayetteville needs to issue licenses for snow-plowing that is an entirely private matter between homeowner and snowplow operator. To my knowledge and belief, the village does not issue licenses for grass-cutting or gardening or virtually any other outdoor maintenance service. There is no justification under the rubric of "promoting the health, safety, morals and general welfare of the inhabitants" that would require a license to plow snow.
- 2.) The possible harm done by a person plowing snow can be dealt with through existing ordinances.
 - a.) Early morning noise. Many times, a person plowing snow from a property makes noise that disturbs a person whose driveway is not being plowed. The point of plowing snow is to do it early enough in the morning so that the owner / resident can still make it to work on time. Being to work on time usually means anywhere from 7:30 a.m. on. If I plow snow on my property and disturb my neighbor at 5:30, it seems that this activity is already listed as an exception to the noise ordinance in Fayetteville. If I make excessive noise and it falls outside of the provisions of the exception, then my neighbor can use those ordinances to make me cease my conduct.
 - b.) Plowing snow that blocks sidewalks. The code at 148-7 already covers this issue. If the home-owner / resident persistently blocks a sidewalk, other existing law is in effect to remedy this situation; the snow-plow operator license law is unnecessarily redundant.
 - c.) Dumping snow on my neighbor's property. This would be an issue covered by trespass laws.
- 3.) Applications and fees. This is an unnecessary burden on people who plow snow as part of their occupation and way of earning a living. It is a waste of time and money to obtain a license that has no enforcement mechanism attached to it anyway.
- 4.) Unwarranted exceptions. The village has arbitrarily exempted machines powered by less than 20 horse-power engines, regardless of noise (?). And, it is legal in Fayetteville to pay a 17-year old to plow my driveway, but not an 18 year old. This also seems arbitrary and capricious.
- 5.) No penalties. If I do hire a person to plow my driveway, the existing law provides for no fine and no other penalty for doing so. The homeowner is not penalized and the only penalty for the snow plow operator is to have his license revoked. This assumes he has one to begin with. If he is plowing snow without a license, there seems to be no penalty for that. Having an "unlicensed" snow-plow operator seems to be illegal conduct that has no negative consequence for being illegal. If there are general provisions for violations of the code in general, I am not aware of how they would attach to this specific law. Any attempt made by any village official to prevent by force a snow-plow operator from conducting his contracted business for a paying client simply because the operator fails to produce a village license would be easily challenged in court as an abuse of power. These flaws seem to make the licensing law both unwise to keep on the books and unenforceable.

Code Enforcement Officer, Richard Greene, explained why the Village should be proactive with enforcing the already existing law that requires Snowplow Operators to register with the Village of Fayetteville and that a minimal fee of \$25 for the first snowplow truck that an operator registers and \$10 for each additional snowplow truck owned and used by the same operator or company.

Mr. Greene explained the issues that he has had to handle, mainly snowplow operators pushing snow onto someone else's property and in the streets and sidewalks only for

the Village DPW to have to clean-up at the expense of the entire Village. Mr. Greene believes that issuing permits and stickers for the snowplow operators to display in the truck will help reduce the number of violations that he has had to contend with over the past several years.

Trustee Kinsella made a motion to accept and adopt the proposed Snowplow Operator Permit fee of \$25 for the first vehicle and an additional \$10 for any other snowplow truck owned by the same operator or company. Trustee Randall seconded the motion.

Poll of the Board:

Trustee Kinsella – aye

Trustee Small – aye

Trustee Randall aye

Trustee Duggleby – nay

Motion Carried.

FAYETTEVILLE SENIOR CENTER WINE AND CHEESE TASTING EVENT

Trustee Small informed the board that the Senior Center will be holding their annual Wine and Cheese Tasting and Silent Auction Event on Friday October 24, 2014.

Trustee Small inquired about the Political Sign that is in front of the Nice & Easy Convenience Store and suggested that we ask that the sign be removed because it does not conform to the size that is allowed in the Village Code.

2015 HOLIDAY SCHEDULE

The board approved the Holiday Schedule for 2015 as follows:

Thursday, January 1, 2015	New Year's Day
Friday, January 2, 2015	Floating Holiday
Monday, January 19, 2015	Martin Luther King Jr. Day
Monday, February 16, 2015	President's Day
Friday, April 3, 2015	Good Friday
Monday, May 25, 2015	Memorial Day Observed
Friday, July 3, 2015	Independence Day
Monday, September 7, 2015	Labor Day
Monday, October 12, 2015	Columbus Day
Wednesday, November 11, 2015	Veteran's Day
Thursday, November 26, 2015	Thanksgiving Day
Friday, November 27, 2015	Day after Thanksgiving
December 25, 2015	Christmas

NYCOM LEGISLATIVE MEETING- NOVEMBER 17, 2014

Mayor Olson told the board that he has been asked to sit on a panel at NYCOM'S Legislative Meeting that will be held on November 17, 2014, in Albany. Mayor Olson said that he would not be staying overnight; he is just going for the day.

FAYETTEVILLE FIRE DISTRICT BUDGET HEARING- TOWN OF MANLIUS

Mayor Olson told the board that he will be attending the Fayetteville Fire District Budget Hearing on October 22, 2014 at the Town of Manlius Town Hall.

ONONDAGA COUNTY BUDGET- VIP FUNDING

Mayor Olson was notified by County Legislator Kevin Holmquist that the County passed their 2015 budget and the Village Infrastructure Program (VIP) was funded at the same level as it was for 2014, which provided an additional \$55,000 to Fayetteville.

ONONDAGA COUNTY MAYORS ASSOCIATION MEETING

Mayor Olson invited the board members to attend the Onondaga County Mayors' Association Meeting on October 15, 2014. The meeting will be held at the Village of Liverpool.

EXECUTIVE SESSION

Trustee Kinsella made a motion to adjourn the regular meeting at 7:30 pm and move to Executive Session for employee matter and to include Attorney Spencer and Clerk Corsette. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

Trustee Small made a motion to come out of Executive Session and reconvene the regular Village Board Meeting at 7:45pm. Trustee Kinsella seconded the motion and it was carried by unanimous vote.

Trustee Duggleby made a motion to adjourn the meeting. Trustee Small seconded the motion, aye by all members. Meeting adjourned at 7:45pm.

Respectfully submitted,

Lorie C. Corsette
Village Clerk-Treasurer