

**VILLAGE OF FAYETTEVILLE
BOARD OF TRUSTEES
1/23/17**

Minutes of the Village of Fayetteville Board of Trustees meeting held Monday, January 23, 2017 at 6:00pm.

PRESENT:

Mayor Olson
Trustee Kinsella
Trustee Small
Trustee Randall
Trustee Duggleby

Clerk Corsette
Attorney Spencer
Mark Shattuck Sr.
Mark Shattuck Jr.
Marguerite Ross

Brian McAllister
Sara Bollinger
Adam Fumarola
Carmela Peters
Kim Butkins

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 JANUARY 9, 2017

Trustee Small made a motion to accept the minutes of the January 9, 2017 meeting. Trustee Duggleby seconded the motion and it was carried by a unanimous vote.

ABSTRACT #13

Trustee Kinsella made a motion to approve Abstract #13 in the amount of \$213,211.62. Trustee Small seconded the motion and it was carried by unanimous vote.

WATER FUND TRANSFER

Trustee Kinsella made a motion to authorize Clerk Corsette to transfer \$400,000 from the Water Fund to the General Fund. Trustee Small seconded the motion and it was carried by unanimous vote.

SKYLINE DEVELOPMENT ZONE CHANGE

Mark Shattuck, Skyline Development, submitted a petition to the Village Board requesting a change in zoning for property located at along North Burdick Street, Tax Map # 07.-01-19.0. The property, currently, has two zoning classifications, R-2 and O. Mr. Shattuck has asked the board to consider granting a zone change from R-2 to TB, he is not seeking a change for the portion of the property that is located in the Open Land (O) Zone.

Mr. Shattuck explained that the Village Board had previously adopted legislation changing the zoning of this property from R-2 and Open(O) to a Planned Unit Development (PUD), but was not able to get a No Rise Certificate from the NYS DEC so he has amended his proposal to only develop the property in the current R-2 portion.

Attorney Spencer reviewed the steps that the Village Board would need to take if they chose to proceed with Mr. Shattuck's request for a zone change.

Mayor Olson received an email from Marguerite Ross regarding the proposed N. Burdick Street Commercial Development. Mayor Olson asked that the correspondence from Ms. Ross be entered into the minutes.

Dear Sirs:

The agenda for tonight's meeting of the Village of Fayetteville Board of Trustees indicates that your Honorable Board will discuss a zone change request to allow the subject development. Please inform those at tonight's meeting as to how you will proceed to consider this request.

Specifically, for example, assuming you favor the proposed commercial use of the property and the zone change to allow it, when do you anticipate having a proposed local law amending the Fayetteville Zoning Code drafted? When do you anticipate holding the public hearing on said proposed local law?

Your Honorable Board will obviously need to allow time prior to the hearing to notify the public and adjacent property owners of the proposed local law and the public hearing regarding it. I believe that in addition you should properly allow time prior to the hearing for the Onondaga County Planning Board to review the proposed development as required by 239-L and 239-M of NYS General Municipal Law. I think the public needs to know what the County Planning Board recommends in order for us to comment intelligently at the hearing. Regardless, to be sure of complying with 239-M.5, of course, your Honorable Board needs to know whether or not the County Planning Board recommends modification or disapproval of "the proposed action" before you vote on any zone change.

For purposes of making the referral to the County Planning Board as well as overseeing the mandated environmental review, it is imperative that your Honorable Board clearly establishes what "the proposed action" entails. The necessary environmental assessment of said "proposed action" should be completed prior to the public hearing on said action. In general, you would be well advised to consider how you will ensure compliance with the State Environmental Quality Review Act (SEQRA) now.

As to what constitutes "the proposed action", State regulations and case law clearly define it as the overall approval by the Village of the proposed commercial development itself along with the zone change allowing such a commercial land use. Contrary to the Village's previous practice, State law prohibits deferring the environmental review of the proposed development itself until after the zone change is approved. As I understand, it is not permissible to enact a zone change before the environmental review of the whole action is completed. A so-called "conditional" zone change that would go into effect after the environmental review was completed would properly be viewed by the courts as an attempt to evade SEQRA. Surely I need not elaborate this point: it is unthinkable that your Honorable Board would deliberately flout the law in this respect and thereby invite further litigation by COR Rte. 5 and/or other adjacent property owners.

I would urge your Honorable Board to conduct a coordinated environmental review of the proposed action as a whole. Since it appears that the proposed action is an "unlisted" rather than a "Type 1" action, a coordinated review would not seem to be required by SEQRA. Nevertheless, there are real advantages to including all the involved agencies in a single coordinated review. Otherwise, the Village Planning Board,

the Onondaga County Department of Transportation, the NYS Department of Environmental Conservation and perhaps the OCWA/Onondaga County Water Environment Protection will likely all have to conduct separate environmental reviews.

Very truly yours,
Marguerite A. Ross, M.L.A.

LOCAL LAW CHAPTER 187-7 (C) R-3 DISTRICT

Attorney Spencer presented a draft local law to amend Chapter 187-7 (C) in the R-3 district that a Bed and Breakfast would be a permissible use. Attorney Spencer will need to send the draft local law to SOCPA for a GML 239 Review once the Village Board has made any revisions.

Trustee Small made a motion to hold a Public Hearing on February 21, 2017 on or around 6:00pm to hear comment on the proposed local law to amend Chapter 187-7(C) that would allow a Bed and Breakfast as a permissible use in the R-3 District. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

THIRD PARTY INDEPENDENT ENERGY CODE COMPLIANCE LOCAL LAW

Trustee Randall made a motion to hold a Public Hearing on February 21, 2017 on or around 6:00pm to hear comment on the proposed local law to add Chapter 72 entitled Energy Inspection Standards to the Village of Fayetteville Codes. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

DPW – SUPERINTENDENT MASSETT

Superintendent Massett submitted the following report:

Comments: Surplus Equipment for auction: Truck 09 (Grapple), Holder 1999 with plow and snow blower and small items (Old 500gal. tank) some items could be sold to other Municipalities without auction. New grapple truck is in service.

Purchases: 4500 gallons of additive for brine. See Quote

Open Projects:

1. Tree trimming and removal: Bartlett has 85% of the trees done. DPW has most all of the stumps removed.
2. Lights under Rt. 5 Bridge: Working on this project.
3. Hanukah (Menorah) DPW has stored the Menorah at the garage, Rabi will pick it up next season.
4. S. Burdick St.: Signage on hold.
5. Thompson St.: Need to put a no parking here to corner sign at the North West corner going to S. Burdick St. Cars parking on both sides of the street.

6. Leaf season 2016: See report.
7. Winter season 16-17: Ordered 400 tons Rock Salt. DPW has produced over 107,000 gallons of Brine with additive. See report
8. New sidewalk machine is working out well. Have not used it on the pond yet.

Trustee Small made a motion to authorize Superintendent Massett to install “No Parking Signs” on Thompson Street 30 feet back from the South Burdick Street. Trustee Kinsella seconded the motion and it was carried by unanimous vote.

Trustee Small made a motion to authorize Superintendent Massett to purchase 4500 gallons of Magic Minus Zero Additive for Salt Brine from Innovative Municipal Products under State Contract #PC66749 for a total cost of \$5,760. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

The Board discussed the Surplus Equipment for auction and asked Superintendent Massett to contact other municipalities and see if they are interested in purchasing any of the equipment before we send it to Auctions International.

FIRE DEPARTMENT

Chief Hildreth presented the contract for the SUNY Upstate Medical University’s Paramedic Training Program. SUNY Upstate would like to renew their Emergency Medical Paramedic Training Services Affiliation Agreement with the Fayetteville Fire Department.

Trustee Duggleby made a motion to authorize Mayor Olson to sign the Emergency Medical Paramedic Training Services Affiliation Agreement with SUNY Upstate. Trustee Small seconded the motion and it was carried by unanimous vote.

Chief Hildreth requested authorization to send members to Montour Falls Academy for Training for a cost of \$1,050.

Trustee Kinsella made a motion to authorize Chief Hildreth to send FFD Members to the Montour Falls Academy for a cost not to exceed \$1,050. Trustee Randall seconded the motion and it was carried by unanimous vote.

FIRE DEPARTMENT PURCHASES

Trustee Kinsella made a motion to authorize Chief Hildreth to purchase various length of Fire Hose from JPB, low bid, for a cost of \$7062.52. Trustee Small seconded the motion and it was carried by unanimous vote.

Trustee Kinsella made a motion to authorize Chief Hildreth to purchase 9 Video Event Recorders for the Fire Department Emergency Vehicles for a cost of \$525.00 each and

to use the Village Credit Card. Trustee Small seconded the motion and it was carried by unanimous vote.

FIRE DEPARTMENT PART TIME HIRE

Chief Hildreth informed the board that Paul Lukas will not be joining the Fayetteville Fire Department as a Part-Time FF/EMT. Chief Hildreth requested that the Village Board hire Scott Burbidge, Jr., a City of Oneida Firefighter EMT to work Part-Time, as needed with the Fayetteville Fire Department.

Trustee Small made a motion to hire Scott Burbidge Jr., as a Part-Time Firefighter-EMT at \$19/hour. Trustee Kinsella seconded the motion and it was carried by unanimous vote.

FIRE DEPARTMENT SURPLUS EQUIPMENT

Chief Hildreth requested that the Village Board classify the following equipment as surplus and allow him to list the equipment with Auctions International.

- 27 SCBA Face Pieces
- 46 SCBA Cylinders
- 13 SCBA Packs
- 1 2005 Ford Expedition

Trustee Kinsella made a motion to accept the list of equipment from Chief Hildreth and classify the items as surplus equipment and to list the surplus equipment with Auctions International for sale. Trustee Small seconded the motion and it was carried by unanimous vote.

CANAL LANDING PHASE IV SEQRA REVIEW

Clerk Corsette presented Parts 2 & 3 of the Full Environmental Assessment Form as completed by Village Engineers, Barton & Loguidice.

Trustee Small made a motion to pass the following resolution

RESOLUTION VILLAGE OF FAYETTEVILLE BOARD OF TRUSTEES RESOLUTION DETERMINING THAT THE PROPOSED CANAL LANDING PARK PHASE IV PROJECT IS A TYPE I ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village of Fayetteville Board of Trustees (Village) is progressing the Canal Landing Park Project Phase IV (Project); and

WHEREAS, the Project has been classified as a “Type I Action” as determined in accordance with the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and **WHEREAS**,

the Village completed and sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to potentially “Involved Agencies” (as this term is defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to initiate completion of a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, a minimum of 30 calendar days were provided for comment during the coordinated review, and each of the identified Involved Agencies has agreed to, or raised no objections to, the Village serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Village has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, including a Wetland Delineation Memorandum (B&L, 2016), Asbestos Survey Report (B&L, 2016), Phase I Environmental Site Assessment (B&L, 2016), and a Threatened and Endangered Species Habitat Assessment (B&L, 2016), to identify the relevant areas of environmental concern.

NOW, THEREFORE, BE IT RESOLVED that, the Village of Fayetteville Board of Trustees hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village’s knowledge of the area surrounding the Project, the Village of Fayetteville Board of Trustees makes the determination that the Project will not have a significant adverse environmental impact on the environment, and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a result of such findings and declaration, and in compliance with the requirements of the SEQRA, the Village of Fayetteville Board of Trustees, as Lead Agency, hereby directs the Village Mayor to complete and sign the Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately

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

NYCOM LEGISLATIVE MEETING

Mayor Olson requested authorization to attend this year’s annual NYCOM Legislative meeting February 13th and 14th in Albany.

Trustee Small made a motion to authorize Mayor Olson to attend the annual NYCOM Legislative Meeting in Albany on February 13th and 14th and to use the Village Credit Card. Trustee Duggleby seconded the motion and it was carried by unanimous vote.

EXECUTIVE SESSION

Trustee Duggleby made a motion to enter into an Executive Session at 7:10 pm for a Personnel Matter and advice of counsel. Trustee Small seconded the motion and it was carried by unanimous vote.

Trustee Duggleby made a motion to come out of Executive Session at 7:20 pm. Trustee Small seconded the motion and it was carried by unanimous vote.

CODE ENFORCEMENT OFFICER

Trustee Small made a motion to hire Mike Jones as the Code Enforcement Officer for the Village of Fayetteville for an annual salary of \$55,000 and a 52 week probationary period as allowed by Onondaga County Civil Service. Trustee Kinsella seconded the motion and it was carried by unanimous vote.

Trustee Duggleby made a motion to adjourn the meeting at 7:20 pm. Trustee Small seconded the motion and it was carried by unanimous vote.

Respectfully submitted,
Lorie Corsette, Village Clerk