

VILLAGE OF CANASTOTA

MINUTES

March 4, 2013

Mayor DeShaw called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

PRESENT: Mayor Carla Deshaw; Deputy Mayor Scott Rapasadi; Trustees Margaret Peters, Bill Haddad and Rosanne Warner; Village Administrator Larry Carpenter; Police Chief Zophy; Officer Lowell; Fire Chief Massarotti; DPW Foreman/1st Assistant Fire Chief TJ Tornatore; Recreation Board Member Jason Evans; Bruce Burke from PAC 99.

ABSENT: None.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to approve the minutes of the last meeting. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to approve the following budget transfer from 19904.01 (Contingency); \$17.36 to 33204.01 (Street Signs). Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the following budget modification: Increase 34102.01.84 (Turn Out Gear) by \$19,235.00 for the purchase of 12 sets of turn out gear. **Discussion:** Mayor DeShaw asked Trustee Warner, liaison to the Fire Department, if she was aware of the request. Trustee Warner is aware. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to approve the General Fund Abstract in the amount of \$118,563.79. **Discussion:** The Mayor noted that she pulled the payment for the purchase of tasers by the Police Department from the abstract for later discussion. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to approve the Sewer Fund Abstract in the amount of \$40,902.42. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, to approve the Waste Water Treatment Plant Capital Upgrade abstract in the amount of \$114,738.59. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to approve payments totaling \$8,353.58 from the General Fund to MBI for health insurance debit card transactions from January 16, 2013 - February 28, 2013. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to authorize the Mayor to execute the attached Recreation Contract with the Town of Lenox in the amount of \$35,733.00 for year 2013. **Discussion:** Trustee Rapasadi asked if it was the correct amount. Administrator Carpenter confirmed the amount is correct. Trustee Haddad asked how this was reconciled to our fiscal year. Administrator Carpenter advised that while the contract is for calendar year 2013, the payment is received during our fiscal year 2012-2013. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Rapasadi, to authorize the Mayor to execute the attached Fire Contract with the Town of Lenox in the amount of \$90,150.00 for year 2013. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to authorize the Mayor to execute the attached Legal Services Agreement between the Village of Canastota and James T. Stokes, Esq., for legal services to be provided in connection with the Waste Water Treatment Plant Capital Improvement Project at the rate of \$165.00 per hour. **Discussion:** Trustee Warner asked if this was for the current project. Administrator Carpenter explained that this is to replace former Village Attorney Taylor with current Village Attorney Stokes for the project. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to authorize payment to Taser International in the amount of \$4,443.93 from 31202.01 (Police Equipment/Capital) for the purchase of tasers and accessories as referenced in Purchase Order 6313. **Discussion:** Trustee Peters spoke out against the Village's use of tasers and is concerned that they are not safe. She read that the use of tasers is not recommended by the Association of Cardiologists and Neurologists. Chief Zophy has information on research indicating that the use of tasers is safe. The Board discussed the matter with Chief Zophy at length. Chief Zophy explained to the Board situations under which a taser might be used and that any time it was even charged by an officer, that Officer would be required to complete a Physical Force Report. Any time a taser is turned on, an electronic record is created as to date, time, how it was used, etc., which record is tracked by the Chief. The department's Use of Force Policy was discussed. Trustee Rapasadi and the Mayor would like to approve payment of the invoice and have the officers trained on proper use of the device. Trustee Peters would like time for the Trustees to research this on their own and put the vote off until the next meeting. Chief Zophy noted that training is scheduled for tomorrow and Wednesday. Officer Steve Lowell gave a presentation to the Board on the use of the tasers and what affect the taser has on a suspect. He is certified by Tasers International to train officers on their use. Officer Lowell is also a full-time officer with the City of Oneida. He explained that the taser is a neuromuscular incapacitator that when the barbs are deployed takes out a suspects voluntary responses and does not affect involuntary responses. Officer Lowell showed the Board the cartridge and barbs. The Mayor asked Chief Zophy to get some more information on the effects. Chief provided the Board with a copy of his Use of Force Policy. He and the Mayor asked the Board members for the safety of our police officers, not to share this policy with the public. The Mayor asked Chief Zophy to be at the next meeting. Passed 4 to 1. Trustee Peters opposed.

### **Correspondence.**

- Letter from Canastota Community Chest enclosing a donation of \$3,000.00 to the Recreation Program.
- The Mayor received an invitation to the Fire Department's Annual Banquet.

### **Administrator.**

Administrator Carpenter noted that we received newspaper coverage regarding the Canal Corridor Grant - there was a nice picture and article in the Observer Dispatch. The Canal Cleanup will be held on April 20, 2013 at 10:00 a.m. Volunteers will meet at the Canal Museum to help. There will be a dedication for the Trail Town designation that morning at 9:30. We received notification from

American History Magazine that one of their writers traveled the entire length of the Erie Canal. He visited the Canastota Canal Town Museum and said that Canastota is a gem. He will write about his trip in an upcoming edition and will mention Canastota. Administrator Carpenter advised that we have been approved for the BOCES Program again this summer. He asked the Board to let him know what projects they would like to have done. Administrator Carpenter reported on the two (2) properties owned by the Village located at the end of the Terrace. The appraiser feels that the properties could go as one piece for \$5,000 - \$6,000. These properties cannot be used as building lots as sewer is not available. Administrator Carpenter believes that an adjoining property owner is the only one who would want the property since it can't be built upon. The property can be listed on Auctions International. Trustee Peters asked if we could put a minimum bid on the property. Administrator Carpenter said that we could, but he does not believe that it is necessary as we have the right to reject any and all bids.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to declare property owned by the Village and located on the Terrace bearing tax map numbers 36.70-1-33 and 37.70-1-34 of no value to the Village and directing them to be sold as surplus with a minimum bid of \$2,600.00 and the final acceptance of the purchase offer by the Village Board. Passed 5 to 0.

### **Department Heads.**

Chief Zophy has had discussions with the Sheriff's Department to get license plate readers in the police cars. The cost is \$16,000.00 for one car. The Sheriff has a Homeland Security Grant through which we may get approval for the purchase of the readers at no cost. We would have to submit monthly Federal reports as a condition. Mayor DeShaw thanked the Chief for his excellent work. Potential applications for the license plate readers was discussed.

Chief Massarotti is all set.

DPW Foreman Tornatore advised that things are going pretty good. His department is getting prices together for the opening of the rest rooms at the Recreation Field. The Mayor would like to do a walk through at the Recreation Field when the weather gets better.

### **Mayor.**

Mayor DeShaw has been working a lot on budgets. She is hoping to have a budget at the next meeting. Her meetings have been going very well. The Mayor noted that bonding for sidewalks has been discussed. She is looking for some money for the downtown to take care of trees, street lights and sidewalks at the same time. Trustee Rapasadi asked if we took the light in front of Dorothy Sember's property. DPW Foreman Tornatore advised that National Grid took that down - it fell down when National Grid was working on it. The Mayor and Trustee Peters will be going out to look at street lights in other communities. Mayor DeShaw explained that if we own the light pole, we can put anything on it we want - if National Grid owns the pole, we cannot put anything on it at all. The cost if we purchase the poles is less in the long run as opposed to leasing every pole every year. She is hoping to have an update in a couple of weeks.

The Mayor advised that the Food Hub project is moving along. She believes that the financing is in place. Mayor DeShaw is meeting with them again on Wednesday. A project director was hired by them. Restore New York needs to be rewritten and resubmitted for the new projects. The Mayor advised that during the Phase II environmental review, there was a small oil spill that was found that had not been discussed. The parties are working through that.

### **Trustee Comments.**

Trustee Haddad reported on the Earthlink phone service matter. Our account manager has not responded. Trustee Haddad left a message for the Senior Vice President and General Counsel and is waiting for a response.

Trustee Peters gave an update on the Stoneleigh Apartments computer project. She spoke with a gentleman in Syracuse and was told that there was concern from the girls in the office about putting in wi-fi. The FBLA students are partnering up with the seniors. The purchase of a wireless card that will service up to 6 computers was discussed. The cost is \$39.00/month. Trustee Peters is meeting with FBLA Advisor Liz Garafalo tomorrow.

Trustee Warner asked if it was mentioned to TJ the request that a cross walk near the school be moved. Chief Zophy had a discussion with Administrator Carpenter regarding the request and advised the Board that the cross walk was put where it is because of the controlled cross walk device at the corner of Peterboro and Robert Streets. Chief pointed out that the students are going to cross where they want to cross and not necessarily with the attendant. The Mayor asked that someone follow up with Ms. Vaselli. Trustee Warner asked if we have heard anything on the Boxing Hall of Fame REDC Grant. The Mayor noted that in the last conversation she had with Ed Brophy, she told him he could call her for any help he may need. Trustee Rapasadi reported that Ed Brophy is working on changing the project from \$5 million to \$3 million. Trustee Warner asked if there was any news on the Lit Zone. The Mayor advised that she heard through her staff that we should know something in April - there were over 2,000 applications submitted. Trustee Warner asked if we had any idea if we were going to exceed the tax cap. The Mayor does not know yet - it is something that we need to talk about. We should talk to Attorney Jim Stokes about tax cap legislation.

Trustee Rapasadi commented that the sewerage treatment plant still looks cluttered. Administrator Carpenter noted that it is a construction site and that there is a lot of equipment waiting to be installed. We also have items to surplus. Trustee Rapasadi has a memo from Chief Zophy about hiring Joseph S. McCormick as a part-time police officer. The memo was read for the Board.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to accept the Chief's recommendation and appoint Joseph S. McCormick as a part-time police officer. Passed 5 to 0.

### **Delegations.**

Jason Evans from the Recreation Commission presented three (3) proposals to the Board from Men's Softball. These proposals were reviewed by the Recreation Commission at its last meeting and

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approved. The first proposal was to approve the use of the fields for the Men's Softball League. The second was to allow the League to conduct a Memorial Day Softball Tournament on May 25 and 26, 2013 from 8:00 a.m. to 11:00 p.m. on the 25<sup>th</sup> and 8:00 a.m. - 5:00 p.m. on the 26<sup>th</sup>. The third was to allow the League to conduct the Onion Tournament on August 17 and 18, 2013 with a rain date of August 24 and 25, 2013, from 8:00 a.m. to 7:00 p.m. on the 17<sup>th</sup> and 8:00 a.m. to 5:00 p.m. on the 18<sup>th</sup>.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to accept the Recreation Commissions recommendations for the Men's Softball League and two (2) tournaments. Passed 5 to 0.

DPW Foreman Tornatore advised the Board the Jerry Cesario retired from the DPW on February 22, 2013. Administrator Carpenter thanked Jerry for his years of service.

Motion by Mayor DeShaw, seconded by Trustee Rapasadi, to enter Executive Session for personnel matters at 8:42 p.m. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Haddad, to exit Executive Session at 9:37 p.m. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to adjourn at 9:37 p.m. Passed 5 to 0.

Respectfully submitted,

*Catherine E. Williams/s*

Catherine E. Williams  
Clerk/Treasurer