

VILLAGE OF CANASTOTA

MINUTES

April 1, 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; Fire Chief Massarotti; Village Historian David Sadler; Justine Mulford; Peter Finocchiaro, Jacob Morris, Christal O'Hern and Chris O'Hern; Margo Frink of M3P Publications; and Bruce Burke from PAC 99.

ABSENT: None.

Motion by Trustee Warner, seconded by Trustee Peters, to approve the minutes of the March 18, 2013, meeting. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to approve the minutes of the March 27, 2013, special meeting. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to appoint Gustafson & Co, CPA as the Village Auditor. **Discussion:** Trustee Peters asked about the increase in the budget for the Auditors. Clerk/Treasurer Williams advised that the budget also includes the cost of additional services for the GASB 45 valuation. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to appoint James Stokes, Esq. as the Village Attorney. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to appoint the following:

|                       |                                 |
|-----------------------|---------------------------------|
| Catherine E. Williams | 1 Year Records Officer          |
| Catherine E. Williams | 1 Year Receiver of Taxes        |
| Larry Carpenter       | 2 Years Village Administrator   |
| Robert Sturdevant     | 1 Year Acting Village Justice   |
| David Sadler          | 1 Year Village Historian        |
| Robert Napoli         | 1 Year Fair Housing Officer     |
| Stacey Stagnitti      | 5 Years Zoning Board of Appeals |
| Vic J. Kopnitsky      | 5 Yec Planning Board            |

**Discussion:** Trustee Peters asked about terms of office for Clerk/Treasurer Williams and Village Administrator Carpenter. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to appoint the Oneida Daily Dispatch as the official newspaper. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Peters, to hold regular meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month at 7:00 p.m., except as follows: Monday, September 2, 2013 to Wednesday, September 4, 2013; Monday, January 20, 2014 to Wednesday, January 22, 2014; Monday, February 17, 2014 to Wednesday, February 19, 2014. Passed 5 to 0.

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Motion by Trustee Rapasadi, seconded by Trustee Warner, to set Village office hours as 8:00 a.m. to 4:00 p.m., Monday thru Friday, except holidays; window hours are 8:30 a.m. to 4:00 p.m. **Discussion:** Trustee Peters asked if this is the way that it has always been. Clerk/Treasurer Williams confirmed that it is. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to set next Organizational Meeting for April 7, 2014. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to authorize the Mayor as the appointing officer for all budgeted and authorized positions. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to adopt the attached Deposition Resolution naming NBT Bank and Oneida Savings Bank as the co-official depositories of the Village. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to adopt the attached Audit Resolution. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Warner, to adopt the attached Mileage Resolution. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Warner, to a adopt the attached Training Resolution. **Discussion:** Trustee Peters asked if we should amend the motion to include the Court Clerk training. Clerk/Treasurer noted that the resolution referenced NYCOM training which does not pertain to the Court Clerk. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Rapasadi, to set the daily per diem rate at \$30.00 for meal reimbursement for all Village employees and volunteers who are traveling for Board-approved purposes. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Rapasadi, to authorize Clerk/Treasurer Catherine E. Williams and Mayor Carla M. DeShaw as signatories on all Village accounts. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to approve the General Fund Abstract in the amount of \$25,470.43. **Discussion:** Trustee Peters asked about the payment to Hancock Estabrook. The Mayor noted that this is regarding a personnel matter. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to approve the Sewer Fund Abstract in the amount of \$6,001.59. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, to approve the WWTP Capital Upgrade Abstract in the amount of \$161,432.55. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to approve the Capital Fund Abstract in the amount of \$473.62. **Discussion:** Trustee Warner asked if this was for the mural project and if so, are these costs included in the contract. Administrator Carpenter noted that supplies were a separate line in the contract. Passed 5 to 0.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to approve payments totaling \$5,386.14 from the General Fund to MBI for health insurance debit card transactions from March 1, 2013 - March 26, 2013. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to approve the wire transfer sent to M&T Bank on March 28, 2013, from the Sewer Fund (97107.02 Interest on Debt Service) in the amount of \$1,575.00 for payment of administrative fees owed on the 2004 EFC Phase 3 and 4 bonds. **Discussion:** Trustee Warner asked if we pay any fees for wire transfers. Clerk/Treasurer Williams noted that we do not. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Rapasadi, to approve the wire transfer sent to Chase Bank on March 28, 2013, from the General Fund (97106.01 Debt Service) in the amount of \$20,000.00 for payment of principal owed on the 2009 Bruno Road Infrastructure Bond. **Discussion:** Trustee Peters asked if this was for the sewer part of this project. Clerk/Treasurer Williams advised that it is for the road part of the project. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Haddad, to approve the wire transfer sent to Hasler, Inc, on March 28, 2013, from the General Fund (11304.01 Court Contractual) in the amount of \$500.00 for postage. Passed 5 to 0.

Motion by Trustee Peters (for the purpose of discussion), seconded by Trustee Rapasadi, to authorize the reimbursement of \$2,657.04 to PERMA for funds erroneously paid to the Village under the Worker's Compensation claim of Giuseppe Saverino. **Discussion:** Trustee Peters asked if this has been turned over to our attorney. The Board discussed the matter. Trustee Peters withdraws her motion.

Motion by Trustee Haddad, seconded by Trustee Rapasadi, to authorize the reimbursement of \$2,657.04 to PERMA for funds erroneously paid to the Village under the Worker's Compensation claim of Giuseppe Saverino, pending attorney approval. Passed 5 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to authorize the Mayor to execute the attached Section 105(h) Medical Expense Reimbursement Plan Services Agreement with P&A Administrative Services, Inc., including the Business Associate Agreement attached thereto as Exhibit 1, in the amount of \$1,750.00 for plan year December 1, 2012 - November 30, 2013. **Discussion:** Trustee Haddad asked if our attorney had approved this Agreement. Clerk/Treasurer Williams advised that this is the same agreement that we signed last year - the only change is that we went from two pots to one. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to authorize the Mayor to execute the attached Medical Expense Reimbursement Plan for Non-Police Employees for the plan year December 1, 2012 - November 30, 2013. Passed 5 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to authorize the Mayor to execute the attached Medical Expense Reimbursement Plan for Police Employees for the plan year December 1, 2012 - November 30, 2013. **Discussion:** Trustee Haddad asked why we were doing this now when the plan year started in December. Clerk/Treasurer Williams advised that with the revision from two pots to one and with the changes coming during open enrollment period, it took P&A time to revise the Agreements. Passed 5 to 0.

Peter Finocchiaro of the Canastota Rotary Club introduced Jacob Morris and Christal O'Hern of the Interact Club, which is a student extension of the Rotary Club, who gave a presentation regarding their proposal for a handicap park at Spencer Street. A PowerPoint presentation was made. The students explained the proposed equipment and required modifications to the location. A budget of approximately \$120,000 is planned. The park would service the approximate 11,000 residents of the Village of Canastota, Town of Lenox, Town of Lincoln and Village of Wampsville. The students hope to be awarded grant monies to purchase the equipment and are looking for donations of in-kind services from the Village of Canastota, Town of Lenox and volunteers for the labor and equipment. Trustee Peters asked if the park will be constructed in phases. Mr. Finocchiaro explained that the barrier free park is an all-inclusive park and in order to be eligible for the grant funds that they are seeking, it will need to be constructed all at one time. Possible funding sources were discussed. Mr. Finocchiaro also explained that this park is the "baby" of Jacob Morris and Christal O'Hern. In order for them to pursue funding sources, they need to know that they have the commitment for the land, insurance and maintenance of the park once it is completed. The equipment should be maintenance free. There are people and agencies in our community that would use and benefit from the proposed facility. This will help with the grant applications if we can show community need. Mr. Finocchiaro advised that the Rotary Club will commit to raising the money, but they need the commitment of the land, security, insurance and maintenance first. Mayor DeShaw has questions about the site and asked if other locations had been considered such as the schools. Mr. Finocchiaro explained that the schools cannot be used and advised that Superintendent Bragan and Assistant Superintendent Clarke are Rotary members and are well aware of the proposed project. Administrator Carpenter asked about the time line for the project. Mr. Finocchiaro believes that they can construct next year. Money is also needed for engineering. The Mayor supports this project but is concerned about green space in the Village and asked Administrator Carpenter to look into minimum requirements in the Village. Trustee Rapasadi is concerned about the potential additional insurance costs. Trustee Peters asked if the other communities would be willing to participate in funding this project. Mr. Finocchiaro noted that the park is very limited and that it took a lot of time to consider what would go into the park because of the size. Trustee Peters asked about ADA compliance. Mr. Finocchiaro noted that everything has been approved by ADA. Mayor DeShaw thanked Mr. Finocchiaro, Mr. Morris and Ms. O'Hern for the presentation. She would like the Trustees to take some time to think it over and asked Administrator Carpenter and Clerk/Treasurer Williams to work on the questions of insurance and green space requirements. She also asked Trustee Haddad to consider if this park may go with future plans for the Recreation Park. Trustee

Haddad is concerned about lighting, bathrooms and connecting to the neighbor's fence. Mayor DeShaw would like to see this park in Canastota and offered her assistance with grant applications.

Motion by Trustee Rapasadi, seconded by Trustee Peters, to authorize the following road closing on April 27, 2013, from 8:30 a.m. to 9:45 a.m. at the request of Chief Zophy for the Little League Parade: northbound lane of North and South Main Streets from Hickory Street to the Thruway Bridge and Hickory Street between Peterboro and Main Streets. **Discussion:** Trustee Warner noted that she witnessed issues last year with cars speeding around the parade and is concerned about closing only one lane of traffic. Chief Zophy assisted with the parade last year and did not see anything. The Mayor asked Chief Zophy if he is comfortable with the arrangement. He is. Passed 5 to 0.

Motion by Trustee Peters (for the purpose of discussion), seconded by Trustee Rapasadi, to allow Canastota Little League use of the Recreation Park, fields, common areas and concession stand from April 1, 2013 to October 27, 2013, as requested in their letter to the Board of March 26, 2013. **Discussion:** Trustee Peters asked if the concession stand would be used solely by Little League. Trustee Haddad stated that it would only be used by Little League during Little League events or when asked by another organization. Trustee Peters asked if anyone else using the field is entitled to use the concession stand. Trustee Haddad confirmed this. Passed 4-0-1 (Trustee Haddad abstaining).

Discussion regarding Canastota Little League's proposal to take over maintenance of the Recreation Park for the 2013 season. Mayor DeShaw and Administrator Carpenter have had many discussions regarding this matter. The Board discussed this matter at length. It was determined that the Village would continue to maintain the grounds at the Recreation Park. A seasonal laborer will be hired and placed under the supervision of the DPW. This worker's primary responsibility will be mowing, maintaining and cleaning of the facilities at the Recreation Park. Little League will continue to line the baseball and softball fields for their use. When the duties at the Recreation Park are complete, the worker will be available to assist the DPW with other tasks as necessary. Trustee Haddad commented that Little League recognizes the partnership with the Village and they are glad to be able to be at the Recreation Field. They will continue to try to make improvements as they go. Little League will be conducting its annual clean up over the next three (3) weekends - they are getting ready for opening weekend. Mayor DeShaw noted that their volunteers will be valuable in other areas as well - putting a committee together for a new concession stand. Insurance and Health Department concerns were discussed. Trustee Haddad advised that Little League has the Health Department inspect the concession stand every year. Administrator Carpenter shared that Trustee Haddad had provided us with some plans for a concession stand from another community. The plans have been sent to BOCES where the students are looking at the plans to propose something that works for our community. Trustee Haddad asked who the contact will be if Little League needs something from the Village. Administrator Carpenter advised that for matters of maintenance, the contact would be DPW Foreman Tornatore. Trustee Haddad thanked the Board on behalf of Little League.

**Correspondence.**

- Tree letter from Debbie Tornatore of 205 Spencer Street. This has been turned over to the DPW.

**Administrator.**

Administrator Carpenter updated the Board on the Prime Materials assessment matter. The attorney will be Peter Finocchiaro, who is the attorney for the Town of Lenox. This is the last step in the process - it goes to a judge and the judge's decision lasts for a period of three (3) years. All the municipalities, including the school, are participating. It was noted that there are other assessments being challenged but this is the only one in the Village.

Motion by Trustee Peters, seconded by Trustee Rapasadi, that we participate in the defense of the Prime Materials assessment reduction, limiting our cost to 23% of the legal fees. **Discussion:** The Board discussed whether to add a not to exceed figure in the limitation and determined that it will just limit our exposure to 23% of the total cost as the motion was made. Passed 5 to 0.

Administrator Carpenter received a late request for training from David Sadler, our Village Historian, to attend the APHNYS conference from April 17 - 19, 2013, at the Syracuse/Liverpool Holiday Inn at a cost of \$101.00. Mr. Sadler noted that this is the first time that the conference has been local in a long time.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to approve David Sadler's request to attend training in Liverpool from April 17 - 19, 2013, at a cost of \$101.00, including mileage. Passed 5 to 0.

Administrator Carpenter also received a late request for mechanic Mark Maxwell to attend an air brake clinic on April 30, 2013 from 9:00 a.m. - 3:30 p.m. in Whitesboro at a cost of \$80.00. We would also need to authorize the use of a Village vehicle.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, to approve Mark Maxwell for the air brake clinic on April 30, 2013, at a cost of \$80.00 and to authorize the use of a Village vehicle. Passed 5 to 0.

**Mayor.**

The Mayor updated the Board on the Joint Fuel Facility Project. There was a meeting recently attended by the Mayor, Administrator Carpenter, Trustee Peters and DPW Foreman Tornatore for the Village, along with representatives of the school and Town of Lenox. The committee reviewed the Lyons Project and the next steps to move our project along. Superintendent Bragan and Business Manager Stevens are taking the lead - the Village and Town are sending their needs to Matt Stevens to be collected for the group. There will be a list of needs compiled for the next meeting which is scheduled to take place in April. The Mayor will continue to provide updates for the Board.

Mayor DeShaw has been working a lot with Upstate Food Hub on the Barlow Street Project. They have been working on amending the grant paperwork for the Restore New York Grant and making sure the REDC money is ready to go. Trustee Warner asked about the environmental issue. The Mayor believes that it should be okay.

The Mayor has done a lot of budget work since our last meeting - she will get the budget narrative to the Board. Trustee Rapasadi commented that we did a great job on the budget.

### **Trustee Comments.**

Trustee Rapasadi asked how long it would be before the street sweeper would be out. Administrator Carpenter believes that it should be out this week. Trustee Rapasadi has noticed a lot of leaves on the side of the roads. He has also noticed a lot of dirt on the sidewalks that were replaced this year and asked if we had a brush to put on the bobcat to clean it up. Trustee Peters noted that we also have a lot of work to do with topsoil and seeding where the sidewalks were replaced. Trustee Rapasadi noticed that there is still a form left in the sidewalk near Mariano's house on North Main Street. Administrator Carpenter will check on this.

Trustee Haddad is happy to report movement on the Earthlink matter. They admitted that they have overcharged us for State and Federal excise taxes since 2005 and will agree to credit the full amount even though Earthlink cannot get those monies back themselves. They have already given a credit of \$245.21 and are willing to give us \$4501.20. They need a statement that the dispute has been resolved. Trustee Haddad recommends that we take the money through April 1 and reserve the right to dispute going forward. He will send the information to Administrator Carpenter and Clerk/Treasurer Williams to be researched.

Trustee Warner asked for an update on the light poles. The Mayor advised that we are still researching this. She has a meeting this week with a company that sells the poles - the meeting is Thursday morning at 10:00 a.m. Trustee Warner asked for an update on the sale of the Terrace Property. Administrator Carpenter advised that there are currently 6 bidders and the bidding was up to nearly \$2,500.00. Trustee Peters thought that the bidding started at a certain amount. Administrator Carpenter explained that a reserve was put on the sale. The account will note that the reserve has not been met until the bid reaches \$2,600.00 then it will note that the reserve was met. The bidding will close soon. Trustee Peters believes that the property could be used for a community garden. Administrator Carpenter noted that the property has no public access - it is landlocked and on a private road. The Board discussed the location of the property. Trustee Warner asked about the OCWA building. Administrator Carpenter advised that the contract with OCWA expires in 2014. He has spoken with the Executive Director to start negotiations. Trustee Warner asked about the Downtown Revitalization Committee. The Mayor noted that there is a meeting scheduled for April 16. Trustee Warner spoke with Gary Debrucque and was told that there would be a price increase to water the flower pots. The Mayor has noted that she has not heard anything from him yet. There are phone calls being made to people who volunteered last year for the Beautification Committee. A meeting will be scheduled in April.

Trustee Peters asked if we are doing rec background checks. Administrator Carpenter advised that we are waiting for the Recreation Board to give us a proposal. Trustee Haddad noted that Little League had offered to do the same search that they do and they gave all of that information to the Recreation Board. Trustee Peters asked for an update on the reduction on Queensboro fines. The Mayor advised that we cannot reduce the fines. Our local law states that we can charge between \$50 - \$1,000 per violation. Trustee Peters believes that the fines were a part of the grant funding back in the 1980s. Trustee Peters asked about the status of the building at the end of Center Street. Administrator Carpenter does not have anything new to report. He knows that Code Enforcement Officer Adsit has spoken with the owner - it is out of the Village's control. The DOL has been involved because of the potential for asbestos. Trustee Peters reported that the FBLA kids went to Stoneleigh to help the seniors with computers- six (6) students participated. They set up one room for beginners and another room for more advanced users. The students prepared a packet for the seniors. There will be another formal lesson - the seniors were encouraged to use the computers between lessons. Trustee Peters talked about supplies and equipment that may be needed. Mayor DeShaw suggested that Trustee Peters check with Canastota Publishing to see if they have any cardstock and told her to look in the computer bags - each computer should have a mouse. She also suggested that Stoneleigh could provide a printer for the seniors to use. Trustee Peters asked the FBLA students for copies of the pictures that were taken during lesson - perhaps we could use the pictures in the newsletter. Trustee Haddad would like to have the students here at our next meeting for recognition. Trustee Peters will contact their advisor, Liz Garafalo. The Mayor suggested a completion ceremony at the end of the lessons.

### **Delegations.**

Chief Massarotti advised the Board that he will be taking the van to Troop D for a ceremony and will be taking the bus to the County for training. Elections are tomorrow night and the Chiefs' Convention needs to be approved by the Board either at the next meeting or at a special meeting. The Chiefs' Convention is Thursday night. The Board will hold a special meeting on Friday, April 5, 2013, at 8:00 a.m. to ratify the results of the Chiefs' Convention. The meeting will be held in the Mayor's Office.

Motion by Trustee Haddad, seconded by Trustee Warner, to enter Executive Session regarding Police Department policy on the use of tasers at 8:58 p.m. **Discussion:** Trustee Rapasadi does not believe that this Board should have anything to do with this policy. The Board discussed whether this is an executive session matter. Trustee Haddad would like to withdraw his motion.

Trustee Haddad would like to discuss policies and how they are approved. The Mayor asked Trustee Rapasadi how policies and procedures are approved by the Village Board. Trustee Rapasadi has not approved Department policies in the past. The Board various matters relating to Village Policies such as those contained in the Employee Handbook and Department Policies such as those regarding use of equipment. Trustee Peters is not in support of this policy regarding tasers and does not think that tasers are a necessary tool. The Board discussed, at length, how and when department policies are implemented and whether the Board has any input in those policies and standard operating procedures. They discussed what happens when the Board does not agree with a Department Policy.



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For the safety of his officers, Chief Zophy does not want the Use of Force Policy made public. He has no issue with the public knowing what weapons his department is armed with, but for the safety of his officers, he does not want the public to know when and which weapons will be used under what circumstances.

Motion by Trustee Rapasadi, seconded by Trustee Haddad, that the Chief can implement his own policy and if there are any changes to that after the Mayor's discussions with Attorney James Stokes, we will bring this back to the Board. **Discussion:** Trustee Peters believes that the policy should be available under FOIL. Passed 4 to 1. (Trustee Peters dissenting.)

Motion by Trustee Peters, seconded by Trustee Haddad, to enter Executive Session at 9:22 p.m. regarding personnel matters. Passed 5 to 0.

Motion by Trustee Rapasadi, seconded by Trustee Warner, to exit Executive Session at 9:37 p.m.

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

Respectfully submitted,

*Catherine E. Williams/s*

Catherine E. Williams  
Clerk/Treasurer