

VILLAGE OF CANASTOTA

MINUTES

July 15, 2013

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

PRESENT: Mayor Carla DeShaw; Trustees Bill Haddad, Margaret Peters and Rosanne Warner; Village Administrator Larry Carpenter; Village Mechanic Mark Maxwell; Code Enforcement Officer Mike Adsit; 2nd Assistant Fire Chief Lyle Chafee; Justine Mulford, Wendy Chiesa and Christopher Chiesa; Village Attorney James Stokes; and Bruce Burke of PAC 99.

ABSENT: Deputy Mayor Scott Rapasadi.

Presentation by Jere Taitch and Ryan Berry of the Elan Group regarding downtown revitalization. Mayor DeShaw advised the Board that this presentation came about based on conversations with business owners and the formation of a committee. They took feedback from the conversations and brought back information and suggestions about revitalizing our downtown. The Elan representatives explained that the previous Strategic Enhancement Plan that was developed is still valid now. Some items have been done already - painting the gateways, the parks in the downtown. Elan was tasked with deciding how to implement and develop tasks in the report. Plans to apply for a TEP Grant through DOT were discussed as was the process of developing the streetscape plan. The Village would set guidelines with the input of property owners. DOT is looking for small projects such as this - we already have a plan and have done some work which is in our favor as far as the grant application is concerned. Administrator Carpenter would like us to move forward with the plan for facade improvements. The Mayor has met with the property owners. Trustee Peters asked about the Architectural Review Board which is required by our Code. The Mayor advised that the property owners are interested in having this put together for uniformity, but we are not at that point yet. Jere reviewed the improvements that were suggested in the report and what has been completed to date. Tree replacements were discussed - they will look for the right type of tree to be planted and the right location so as not to block storefronts. Trustee Peters is concerned about the new trees interfering with the overhead wires. The Mayor wants to make sure that the new trees won't interfere with the sidewalks. Trustee Peters asked how much money we will be seeking in the grant application. Jere stated that we will be doing estimates, but believes that we will be looking at about \$1 million. Administrator Carpenter noted that there is a 20% local match and suggests that we seek \$300,000 - \$400,000 as any more would be too much - we need to have more discussions about this. It was noted that there are only \$30 million in grant funds available for the whole state. Trustee Peters asked if there are monies for Canal Street - Mayor DeShaw stated that there is not now. The Board discussed the target area for the work to be done under the grant. Administrator Carpenter noted that our recent designation as a Trail Town could help us with the TEP application if we look to tie the trail in with the downtown enhancement project. The decision to use the intersection of North Peterboro/Chapel and Diamond Streets as the north gateway to the community was discussed. Trustee Warner asked if we had contacted the owners of the proposed gateway properties that are not owned by the Village. The Mayor has had a conversation with one of the owners recently and believes that he will be supportive. The Mayor asked about the next step and when will we see what will be in the TEP Grant application. Jere noted that they will use the existing graphics for the application - won't spend any more money on that. The Mayor wants more information on where everything will be after the grant - the location of flower pots, trees, lighting. Jere noted that we do not need to have that determined for the grant application. The Mayor

questioned how a budget will be prepared without knowing what is needed. Jere explained that we need to know how many, not exactly where they will go. The Board discussed the possible locations for benches within the Village and the benefits/concerns that benches would bring. Mayor DeShaw believes that benches would need to be strategically placed to get the most benefit and the least problems - Trustee Peters agrees with the Mayor. Trustee Warner reminded the Board that the old benches were removed from the downtown because of loitering. Trustee Haddad thinks that two (2) benches on each side of the street is probably a good number and would like to see a camera system put in the downtown area so that we can find the people who are destroying property. The Board further discussed ideas and recommendations for the downtown. Jere will provide a list describing what the improvements are and a cost estimate. Ryan noted that there will be opportunities to review drafts. The Mayor asked Ryan if he would like to see anything. Mayor DeShaw discussed with the Board and Elan the matters that she discussed with the property owners from her meetings with them in early July regarding facade improvements and grants. The Mayor will send Ryan an overview of her notes from those meetings. Jere will put together a list of the next steps. Trustee Peters asked when we will hear on the results of the applications. Administrator Carpenter advised that the applications are due in August and the awards will be made in December or January. The Mayor asked about when the in-kind work can be counted - before or after the award of the grant? Mayor DeShaw is excited to be working with Elan on this project. Mayor DeShaw thanked Jere and Ryan and asked them to keep Administrator Carpenter posted.

Motion by Trustee Peters, seconded by Trustee Haddad, to approve the minutes of the April 22, 2013, meeting, as amended. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the minutes of the May 20, 2013, meeting. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to approve the minutes of the June 3, 2013, meeting. Passed 4 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, to approve the minutes of the June 17, 2013, meeting. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Peters, to approve the minutes of the July 1, 2013, meeting. **Discussion:** Trustee Peters noted that on the 2nd page of the minutes regarding the Kilts License Agreement, she seconded the motion “for the purpose of discussion only” and it was not reflected in the minutes. The minutes will be revised. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Haddad, to approve the following modifications to the 13-14 General Fund Budget for carryover encumbrances from the 2012-2013 budget: Increase 14204.01 (Attorney Fees) by \$2,293.50; increase 34102.01 (Fire Department Capital) by \$732.00; increase 34104.01 (Fire Department Contractual) by \$8,228.72; increase 51104.01 (Street Contractual) by \$59,600.35; increase 73104.01 (Youth Programs Contractual) by \$466.00; for a total of \$71,320.57. **Discussion:** Trustee Peters asked if they were all encumbered from the previous year. Clerk/Treasurer Williams confirmed that they were. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to approve the following modifications to the 13-14 Sewer Fund Budget for carryover encumbrances from the 2012-2013 budget: increase 14204.02 (Attorney Fees) by \$165.00; increase 81304.02 (WWTP Contractual) by \$4,985.00; for a total of \$5,150.00. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the General Fund Abstract in the amount of \$70,816.20. **Discussion:** Trustee Peters asked about the bills for cold mix. Administrator Carpenter advised that that was for repairs that were done by DPW on the south side - also some was used for the capital project - both POs were combined. The planters and watering schedule were discussed - there was an increase in the cost of watering and for the flowers. Trustee Peters asked if we were paying for the planters on Main Street - Administrator Carpenter advised that we are not. The picnic tables at the pool were discussed. Trustee Warner asked about the broken shaft on a piece of DPW equipment. Mechanic Mark Maxwell advised that this is what he spoke to the Board about at the last meeting. Trustee Peters commented that the millings from the road project are a "hot topic" in the community. Mayor DeShaw asked for an explanation. Administrator Carpenter advised that the Town Highway Department has been helping us with labor and trucking for the paving project. In consideration of the Town's assistance, they were given some of the millings from the project. Trustee Peters asked what we were being charged for with regard to the millings. DPW Foreman Tornatore advised that we pay for the use of the machine. The Board discussed what happened to the millings that were given to the Town. The discussion was tabled. Passed 4 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, to approve the Sewer Fund Abstract in the amount of \$28,683.28. **Discussion:** Trustee Peters questioned the payment to National Grid for the Rec Field pump station. Administrator Carpenter noted that the bill is for just the pump station. Trustee Peters asked for an explanation of the difference between the electric at the pump station and the Rec Field electric payment in the General Fund. Clerk/Treasurer Williams advised that the payment in the General Fund is for the electricity at the park. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Haddad, to approve payment from the Sewer Fund to USDA as follows: \$9,000.00 for principal (97106.02 Debt Service) and \$9,720.00 for interest (97107.02 Interest on Debt Service) owed on the 2003 Interceptor Project Bond. **Discussion:** Trustee Peters asked if this was a late payment. Clerk/Treasurer Williams advised that it is not - these payments are taken by Rural Development through ACH automatically. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve payment from the Sewer Fund to M&T Bank as follows: \$7,984.66 for interest (97107.02 Interest on Debt Service) owed on the 2004 EFC Phase 3 and 4 Bonds. Passed 4 to 0.

Motion by Trustee Warner, seconded by Trustee Haddad, to approve payment from the General Fund to Oneida Savings Bank as follows: \$2,900.00 for interest (97107.01 Interest on Debt Service) owed on the 2011 General Obligation Bond. (Note: This was for the purchase of the Triple Combo Pumper.) Passed 4 to 0.

Motion by Trustee Warner, seconded by Trustee Peters, to approve payments totaling \$5,266.91 from the General fund to MBI for health insurance debit card transactions from June 1, 2013 - June 30, 2013. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Haddad, to approve the attached application for Corrected Tax Roll for parcel 35.8-1-8.-1, eliminating the taxes owed due to an error in essential fact. (Note: Upon research by the County it was found that the billboard is not on the property and, therefore, no tax is due.) **Discussion:** Trustee Warner asked where the billboard was located and who owns the property. Trustee Haddad asked if we were getting the money from someone else. Mayor DeShaw asked Administrator Carpenter to do some more research on this. Trustee Haddad and Mayor DeShaw voting Aye. Trustees Warner and Peters voting Nay. The motion failed.

Motion by Trustee Warner, seconded by Trustee Peters, to approve the request of the Fire Department to attend training at the Griffis training building on July 28, 2013, from 9:00 a.m. until 1:00 pm. at no cost, and to use T-124 and the van for transportation. **Discussion:** Trustee Peters asked Chief Chafee how many men are going. Chief Chafee responded approximately 14. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, approving the attached Resolution Approving the Designation of the New York Secretary of State as the Village of Canastota's Agent for Service of Notices of Claim as required by the Uniform Notice of Claim Act. **Discussion:** Trustee Peters asked if we should add Administrator Carpenter to the resolution. Clerk/Treasurer Williams advised that he is not authorized under law to receive service of process on behalf of the Village. Attorney Stokes also advised that the Administrator is not authorized under law. Passed 4 to 0.

Motion by Trustee Peters, seconded by Trustee Warner, to authorize the Mayor to execute the attached Contract with the International Boxing Hall of Fame for the 2013 Summer Concert Series. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the attached 2013 Summer Concert Series schedule and to authorize the following: Mayor DeShaw is authorized to execute the Artist Performance Contract for each performance; and Clerk/Treasurer Williams is authorized to issue payment to each performer as noted on the attached 2013 Summer Concert Series Schedule from the General Fund (73104.01.117 Summer Music) in the total amount of \$4,250.00. Passed 4 to 0.

Correspondence.

- Request from the Recreation Commission to use the Fire Hall for Zumba.

Motion by Trustee Peters, seconded by Trustee Haddad, to allow Zumba to use the Fire Hall. Passed 4 to 0.

Department Heads.

DPW Foreman Tornatore reported that they black topped Wilson Avenue and Elm Street today - Lewis and West Center Streets will be done tomorrow. The BOCES kids will be painting the pool tomorrow. Administrator Carpenter noted that we will be having them do some other work as well.

Administrator.

Administrator Carpenter followed up on a concern from our last meeting regarding the catch basin at Main and Maple Streets - there is a French drain in that location, not a catch basin. It will take what it can take and no more. We are looking at it. Trustee Peters commented that a lot of our catch basins have sunk. DPW Foreman Tornatore noted that his department is working on them. Administrator Carpenter reported that the WWTP project will be substantially complete at the end of July. A problem has been discovered that needs to be fixed. We have been advised to fix the problem even though it will cause a delay in completion of the project. There is an underground line that is plugged. We will need to take down the clarigester. DEC has agreed to let us go ahead with the repair. Trustee Peters asked if we had anything in writing. Administrator Carpenter believes that he has an email. He will be coming to the Board at the next meeting regarding the WWTP project budget to move some money. We may be a little bit over, but it will be close. Trustee Peters asked who we were asking for permission to move the money. Administrator Carpenter advised that we are asking the USDA - they want us to spend every bit of money.

Administrator Carpenter advised that the kids are doing some painting and working on the Main Street bridge. They may be able to help on the work at the rec field.

Administrator Carpenter advised the Board that they are working on scheduling another joint meeting with the school and town of Lenox regarding the joint fuel facility.

Our trash collector, Jeff Bristol, called today to let us know that residents have been very kind during the heat offering him and his workers cold drinks and cold towels.

Administrator Carpenter will get back to the Board next month regarding the loader - there is another loader that has been put on State bid since the last meeting. Village Mechanic Mark Maxwell spoke with the Board and compared the loaders. Mark explained that if we add a part to the loader it will save money in the long run as it will limit "galloping" down the road which causes wear and tear on the parts. Trustee Peters asked about leasing a loader. Administrator Carpenter does have some information which he will share with the Board. Mark also explained that loaders are made to run on dirt - we use them on asphalt which doubles the hours. The Mayor thanked Mark for his time and the information.

Mayor.

The Mayor has been spending time with property owners in the downtown and meeting with them regarding facades.

We held our first swim meet - Justine Mulford commented that it went great. It was reported that there were over 100 spectators and 30 participants. The next meet is on July 25. The Mayor invited everyone to attend. Justine Mulford also commented that Marge Morgan did a great job!

The Mayor advised the Board that there could be a new business coming to town. She will let the Board know when she hears more.

Motion by Trustee Haddad, seconded by Trustee Peters, to award the bid for the completion of the proposed sidewalk construction at various locations throughout the Village of Canastota to Sgarlata Concrete, Inc., based on the sealed bid dated June 29, 2013, in the following amounts: \$7.19 per sq. ft. for sidewalks, \$8.50 per sq. ft. for sidewalks crossing driveways, and \$22.00 per linear foot of machine formed curbing, and to authorize the Mayor to execute any and all documents required to effect said award. **Discussion:** Trustee Peters noted that because we re-looked at the specs, this award meets everything that was required of everyone from last year. Administrator Carpenter noted that in the spec we asked for 3500 psi but that the code required 4000 psi. Sgarlata bid using 4000 psi. Attorney Stokes said that we could make it a condition of the award. Trustee Haddad amended his motion, and Trustee Peters seconded the amendment, that it is a 4000 psi concrete mix. Passed 3 - 0 - 1. Trustee Warner abstained.

Attorney Jim Stokes addressed the Board regarding questions raised at the July 1, 2013, meeting regarding the License Agreement with Kilts. He addressed the concerns that the Village does not own the street. The surveyor showed it as a Village street. Attorney Stokes is not sure what it was based upon, but there is some indication of record that it is a Village street. Trustee Peters stated that the Village does not own that street and that there is a process to follow to accept it as a Village street. Attorney Stokes advised the Board that there was an Order in 1969 that deemed MacPherson Street as a Village street. Because of the Order, it is a Village street. The Village would have to go through an abandonment which could be problematic. Attorney Stokes and the Board discussed how this came to be a Village street and the Village's responsibility as a result. Attorney Stokes noted that it is a Village street by use as per the 1969 order and does not have anything to do with its size, construction or acceptance by the Village. It is a public street by use not dedication. Trustee Peters asked for a copy of the order. Attorney Stokes pointed out that this License Agreement is revocable and if the Village does not own the street, then we are giving nothing. Trustee Peters asked if this gave other adjoining property owners rights as a street. Attorney Stokes stated that the License Agreement does not but that the Order potentially does. Trustee Warner asked if we did something in the future could we be sued. Attorney Stokes noted that we can be sued for anything.

Motion by Trustee Haddad, seconded by Trustee Warner, to approve the License Agreement with Kilts that our attorney has prepared. Passed 3 to 1. Trustee Peters dissenting.

Discussion regarding the request of the Code Enforcement Officer to declare the structure at 105 Tuttle Avenue a public nuisance and unfit for human occupancy and that action be taken against the property and its owner, to bring the property into compliance. Administrator Carpenter advised the Board that this is a property that is in complete disrepair. CEO Adsit has worked with the property owner to try to repair and remain in the property. Rain goes right through into the kitchen and cellar.

CEO Adsit did an inspection on July 3 of the interior and exterior of the structure. It is collapsing and falling. CEO Adsit tried to get the owner help - the owner does not qualify for grants. The owner stated to CEO Adsit that he did him a favor in getting him out. The property was secured by the Village. It was also placarded and posted. The Board has to take action to declare the property a nuisance. The Board discussed the process for declaring the property a nuisance. Trustee Peters asked what agencies we spoke to. CEO Adsit advised that he spoke with the Office for the Aging, Stoneleigh Housing and Community Action. Trustee Peters asked how long the process will take. Attorney Stokes advised that we could have the hearing next month and give the owner time to make repairs. CEO Adsit received a call from someone willing to purchase the property and renovate the house. Trustee Warner is concerned that any action by the Board could make it hard for someone to buy the property. CEO Adsit advised that the property owner is behind on taxes. He suggested that the Board table the discussion until next meeting to give him a chance to speak with the person who wants to buy the property. Administrator Carpenter noted that the building is dangerous. Mayor DeShaw asked Attorney Stokes if there was a problem with waiting. Attorney Stokes asked if the building were secure. CEO Adsit advised that it is. Administrator Carpenter is concerned about fire. CEO Adsit will call National Grid about turning off the utilities. The Board discussed where the owner would go to make sure that he is not on the street. Attorney Stokes does not see a problem with waiting until the next meeting as long as National Grid and the water were contacted. Trustee Haddad is not comfortable waiting until our next meeting. CEO Adsit will come back to our next meeting with more information.

2nd Assistant Fire Chief Chafee asked the Board for permission for the Fire Department to attend a parade this Saturday in Sylvan Beach at 11:00 a.m. and to bring the ladder truck 127.

Motion by Trustee Warner, seconded by Trustee Haddad, that the Fire Department can attend the Sylvan Beach parade and use Truck 127. Passed 4 to 0.

Trustee Comments.

Trustee Peters asked if we were certified for commercial vehicle inspections. Administrator Carpenter stated that we are certified and will begin enforcing soon. Trustee Peters asked how many officers. Administrator Carpenter advised 3. Trustee Peters asked if the value of the grindings was \$6.80 per ton. The Mayor stated that we utilized the Town of Lenox Highway Department and gave them grindings. DPW Foreman Tornatore explained that we will put fuel in the Town of Lenox trucks for the use of the trucks. Instead this time we gave them grindings from Center Street, Elm Street and Wilson Avenue in lieu of putting fuel in their trucks. Mayor DeShaw asked what they used them for. DPW Foreman Tornatore does not know specifically, but believes that they use them for the same things that we use them for. Trustee Peters asked who authorized to give away Village assets. She thought they were being used back in the paving mix and asked how much did the Town get. DPW Foreman does not know exactly how much they got. Trustee Peters asked if the grindings went from the Town to private use. DPW Foreman does not know what the Town did with the grindings. Trustee Peters stated that the Village is part of the town of Lenox and does not understand why when they come to do something for us we have to pay for their help. DPW Foreman Tornatore noted that this is past practice. The Mayor would like this to be a subject for discussion during our

next joint meeting with the Town of Lenox. Trustee Peters stated that she would have thought that the Village Administrator would have been aware that we were getting rid of Village assets. Attorney Stokes suggested that the Board adopt a resolution that the grindings are surplus and not needed and authorize the DPW Superintendent to give them in exchange for the help and use of the equipment. Administrator Carpenter believes that we need to maintain a spirit of cooperation between the highway departments. The Mayor asked if anyone had discussed this with Supervisor DiVeronica to let him know what is going on with the millings. Trustee Peters feels that the Village residents pay a Town tax and that the Town should do something for the Village when we ask for it. The Village may have a use for the millings in the future. DPW Foreman Tornatore noted that he has a pile of millings behind the DPW. Mayor DeShaw will make a phone call to Supervisor DiVeronica. Mayor DeShaw is glad that this was brought up. She will draft a resolution dealing with this and will bring it to the Board for adoption. The Board discussed with DPW Foreman Tornatore the process of residents using millings. Attorney Stokes discussed the payment of Town taxes by Village residents. Our Town taxes do not include highway costs.

Trustee Peters asked about the sludge removal agreement - can we still do it with the problems in the City of Oneida? Administrator Carpenter advised that it is not a problem. Trustee Peters asked about sidewalk sealing and top soil schedule. Administrator Carpenter advised that as soon as we are done with blacktop we will put some guys on this. Mayor DeShaw asked if this were something that the BOCES kids could do. Administrator Carpenter is looking at this.

Trustee Warner asked if we made any headway about vendor permits that were previously discussed. Administrator Carpenter is checking with other municipalities and is waiting for information. Trustee Warner asked about the Firemen's Park. The Mayor is scheduling a meeting to go over designs. Trustee Warner asked about County owned properties - the county has had trouble with Canal properties. There is no recourse for properties owned by the County not doing maintenance. CEO Adsit advised that the blue house on Canal Street is coming down next month and they are cutting trees down. Trustee Warner is concerned about lawn mowing. CEO Adsit has 15 - 17 properties in the Village under foreclosure. The Mayor asked DPW Foreman Tornatore if his work crew could mow the lawns. DPW Foreman Tornatore noted that that is up to the County. CEO Adsit will call the County tomorrow. Trustee Peters wants us to treat everyone equally and fairly. Trustee Peters noted that there is a property on First Street that needs mowing. CEO Adsit addressed that with the owner - it was supposed to be done - he will send a letter. The Mayor asked if the lot on South Main Street near NAPA was mowed. CEO Adsit noted that it was done recently. Trustee Warner asked how Hailie Chandler was doing. The Mayor stated that she is having a great time and is working with Marge Morgan, the pool director. Trustee Warner asked about the Fire Department parking lot. Administrator Carpenter noted that we are going to do that. He reached out to the contractor doing the work for the County. That is not a hot asphalt contractor. We need hot asphalt. Trustee Warner is concerned about the flooding in neighboring communities - the water was dangerously close to us. She knows that the bridges are the responsibility of the Town and wants to know when they were reviewed recently. The Mayor stated that these are questions for Supervisor DiVeronica at a joint meeting.

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Trustee Haddad asked when the joint meeting will be. The Mayor noted that Administrator Carpenter has reached out to the Town and is waiting for a call back. Trustee Haddad asked if the baseball team could come to the next meeting on August 5. The Mayor would like them here at the August 19 meeting and asked for a list of names.

Delegations.

Wendy Chiesa asked about the skate park noting that the painting is not finished. The Mayor suggested that she ask the Town Board about that because the Village has no authority over the skate park - it is owned and operated by the Town. We can also ask about it.

Motion by Trustee Haddad, seconded by Trustee Peters, to adjourn at 9:17 p.m. Passed 4 to 0.

Respectfully submitted,

Catherine E. Williams/s

Catherine E. Williams
Clerk/Treasurer