

VILLAGE OF CANASTOTA
MINUTES
October 5, 2015
(Amended 11/2/2015)

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

PRESENT: Mayor Carla DeShaw (7:15 p.m.); Trustees Rosanne Warner, Jeffrey Carpenter and Bill Haddad; Administrator Larry Carpenter; Code Enforcement Officer Michael Adsit; Village Attorney Jim Stokes and Bruce Burke of PAC 99.

ABSENT: Deputy Mayor Rapasadi.

Motion by Trustee Carpenter, seconded by Trustee Warner, to approve the minutes of the September 21, 2015, regular meeting. Passed 3 to 0.

Motion by Trustee Warner, seconded by Trustee Carpenter, to approve the minutes of the September 21, 2015, joint meeting. Passed 3 to 0.

Motion by Trustee Carpenter, seconded by Trustee Warner, to approve the following budget transfer: move \$1,980.00 from 19904.01 (Contingency) to 14204.01 (Attorney); move \$25.00 from 19904.01 (Contingency) to 33204.01 (Street Signs). **Discussion:** Trustee Warner asked if we ran out of money in the street sign line. Clerk/Treasurer Williams advised that we did, by \$25.00. Administrator Carpenter noted that there had been damage recently to some street signs. Passed 3 to 0.

Motion by Trustee Warner, seconded by Trustee Carpenter, to approve the General Fund Abstract in the amount of \$66,755.17. Passed 3 to 0.

Motion by Trustee Carpenter, seconded by Trustee Warner, to approve the Sewer Fund Abstract in the amount of \$6,233.27. Passed 3 to 0.

Delegations.

None

Motion by Trustee Warner, seconded by Trustee Carpenter, to authorize DPW Foreman Antonio Tornatore to attend the NYCOM Public Works Training School to be held at the Otesaga Resort Hotel in Cooperstown, New York, from October 26, 2015 - October 27, 2015, at a cost of \$255.00 for registration plus \$270.00 for hotel accommodations and included meals. Mileage, tolls and meals that are not provided will be reimbursed according to Village policy. Passed 3 to 0.

Motion by Trustee Carpenter, seconded by Trustee Warner, to approve the attached contract with Sgarlata Concrete, Inc., for the repair/ replacement of 900 square feet of sidewalk on Route 13 and 200 square feet of sidewalk on Lewis Street at a cost of \$6.50/square foot, and to authorize the Mayor to execute same. **Discussion:** Administrator Carpenter advised that this is \$2.00/square foot

less than the contract we had last year for our sidewalks. Code Enforcement Officer Adsit noted that the property owner was quoted a price already of \$3.85/square foot. Clerk/Treasurer Williams clarified that the new price will be less than what was quoted. Passed 3 to 0.

Motion by Trustee Warner, seconded by Trustee Carpenter, to approve the attached Settlement Agreement between the Village of Canastota and the Onondaga County Water Authority (“OCWA”) REGARDING THE WORK CENTER BUILDING, AND TO AUTHORIZE THE Mayor to execute said agreement on behalf of the Village, and to approve the following resolution approving the lease renewal agreement between the Village and OCWA:

**RESOLUTION
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF CANASTOTA**

**A RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT
WITH THE ONONDAGA COUNTY WATER AUTHORITY TO OPERATE
THE VILLAGE WATER SYSTEM**

WHEREAS, the Village of Canastota and the Onondaga County Water Authority (“Authority”) mutually desire to enter into a renewal agreement for the lease of the Village water distribution system and for the supply of water and water service to the Village water system, and

WHEREAS, the Village water system was duly established and is owned by the Village as provided by law, and

WHEREAS, the Village Board of Trustees has the power and authority to bind the Village to the proposed lease agreement with the Authority.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Trustees hereby approves the lease renewal agreement with the Authority in the form attached to this resolution, and it is hereby

FURTHER RESOLVED, that the lease renewal agreement with the Authority shall be executed by the Mayor and the Trustees present, and that the execution of the agreement by said members of the Board of Trustees shall act to bind the Village to the terms of the agreement with the Authority.

Discussion: Administrator Carpenter asked Attorney Stokes to give an overview of these negotiations with OCWA. Attorney Stokes advised that the Lease Agreement was approved some time ago by the Board. That Agreement was never executed by the Village and we had further

discussions regarding these buildings and some other minor changes in verbiage. One of the Agreements tonight is a Settlement Agreement in the amount of \$38,000.00 for the building and conveying title to another building, and the other is approving the Lease agreement for OCWA to operate the water system. Trustee Warner asked if there were any changes to the billing agreement. Administrator Carpenter advised that there were not and that OCWA will continue to do the billing. Passed 3 to 0.

Motion by Trustee Carpenter, seconded by Trustee Warner, to declare the items from the Fire Department on the attached list as surplus as they are of no further use to the Village and to authorize the Village to sell these items at auction through Auctions International. Passed 3 to 0.

Correspondence.

- We received a standard 30-day notice that Ma and Pa's Grill is reapplying for a liquor license.

Administrator.

Administrator Carpenter let the Board know that on the corner of Maple and North Main Street there is a water problem - water gathers there. The DPW is going to put a catch basin on each corner, then they will direct the water so that it dumps into the creek from there. Administrator Carpenter provided the Board members with a contract with Sgarlata Concrete for an additional 10 catch basins at the same price as the previous 20.

Motion by Trustee Warner, seconded by Trustee Carpenter, to approve the work of 10 additional catch basins by SCI. Passed 3 to 0.

Trustee Comments.

Trustee Carpenter has no comments tonight.

Trustee Warner is all set.

Trustee Haddad noted that we did not receive a letter from the school for homecoming on October 16, 2015. We will need to take action to close the road for the parade.

Motion by Trustee Haddad, seconded by Trustee Warner, to close Railroad Street from 5:30 p.m. until 6:00 p.m. on October 16, 2015; Peterboro Street from Railroad Street to Lewis Street from 6:00 p.m. to 6:30 p.m.; and Roberts Street from Peterboro Street to Clark Street from 6:00 p.m. to 6:30 p.m. for the Homecoming Parade. Passed 3 to 0.

Mayor DeShaw joined the meeting at 7:15 p.m.

Mayor.

The Mayor gave an update on the Barlow Street Development project. The Mayor has a conference call with the new company and the Empire State Development Corp. regarding the Restore New York grant and it was determined that the grant can be amended for the new project. The Mayor reported that the Empire State Development Corp. is happy to move this project along. Barlow Street Development LLC is hoping to get started pending approval of the documents sometime in November. They are thinking it will take about a month to clean up the site. The money is granted to the Village and is a reimbursement. The Mayor explained that the developer will have to expend the money first. The lease has been signed. The Mayor has contacted Bill Magee's office for a ribbon cutting. We will need to do a press release and coordinate with Assemblyman Magee who helped the connect with SUNY Morrisville. Mayor DeShaw reported that the school allowed her to come to their board meeting at the presentation night. The purpose was to let the school know that the Barlow Street Development project is working with SUNY Morrisville on a Start Up New York project. The Mayor explained the Start Up New York program. Morrisville has an aqua culture program. There was no response from the school board other than a thank you. The Mayor didn't expect a response but wanted to let them know what is going on. They are expecting to create about 38 jobs. It will come in stages with the amount of fish that are growing. It will take about a year before they will have any product to sell. Full production is expected at the end of 2 years. Administrator Carpenter is excited about the size of the building that they will be building. It will be 240,000 square feet when it is done. Trustee Warner asked if they will be recycling the water. The Mayor advised that they will be, adding that they use regular water and treat it to their specifications and the waste is the same as a household. Mayor DeShaw noted that as the Village makes plans for the improvement of the area (sidewalks, etc.) we will be working with the developer. The Mayor will be looking at this very closely. The Board talked about the site plan. The agreement is contingent on the Restore New York money so they are not doing the site plan until the approval for the Restore New York money is received. Mayor DeShaw reported that Kip Hicks sent the Mayor an email with some options that the IDA could do for this project. Administrator Carpenter will probably be working with Kip Hicks on this.

Mayor DeShaw has been working with Code Enforcement Officer Adsit. Rusty Woolsey called and was concerned that he was not going to be given enough time. The Mayor advised that he was concerned that he would have to put in a new alarm as he was on the old system. Mayor DeShaw thinks that he might be one of the last to comply. The codes were researched - Rusty has a variance from the State, but he was confused about what is required. He needs extra doors and an alarm in lieu of the sprinklers. Rusty will be working on that when he returns. The Mayor is working with Attorney Stokes on the political sign classification. We are leaving the signs as they are until we get this worked out.

7:30 p.m. Public Hearing regarding the Unsafe Structure known as 218 James Street.

The Mayor opened the Public hearing and read the Notice of Public Hearing aloud.

Attorney Stokes advised the Board that this is a hearing under Chapter 73 of the Code of the Village of Canastota regarding unsafe buildings and structures. Pursuant to that statute, notice was given to the public and was also given to the owner and all those with an interest in the premises. Allied American Abstract Company did a title search and identified the only other party in interest other than John L. Crossway as a lender, BAC Home Loans Servicing, LP, formerly known as Countrywide Home Loan Servicing. There is a pending foreclosure action. Clerk/Treasurer Williams confirmed that she served Attorney Druckman, the lender in foreclosure, Attorney Colella, the owner's attorney, and the owner of the property by registered mail. Attorney Stokes asked if there had been any response to those notices. Clerk/Treasurer Williams advised that she has received no responses. Attorney Stokes asked if there were confirmation of delivery. Clerk/Treasurer Williams has confirmation of delivery. Attorney Stokes asked if that confirms that those notices were delivered and Clerk/Treasurer Williams responded that it did. Clerk/Treasurer Williams further noted that the notice sent to John L. Crossway was returned by the post office as not deliverable. Attorney Stokes asked what address that notice was mailed to. Clerk/Treasurer Williams advised that it was mailed to 218 James Street, Canastota. Attorney Stokes asked if this was the address currently listed by the Assessor as Mr. Crossway's mailing address. Clerk/Treasurer Williams confirmed that it was.

Attorney Stokes asked Code Enforcement Officer Adsit to present to the Board his findings with regard to this property as well as a summary of the report from the architectural firm that he is relying on.

Code Officer Adsit reported that in July of this year, he received a complaint from the neighbors at 220 James Street that the structure appeared to have started to collapse on the west side of the property. The property was foreclosed on and nobody has been living in it probably for the last 10 years. Code Officer Adsit reported that the property itself has been maintained but that nothing on the inside had been maintained. The concern from the neighbor was also that the house appeared to be riddled with mold. Unable to contact the property owner for access, Code Enforcement Officer Adsit petitioned the court for an administrative search warrant to go inside. That was granted by the Court. Code Enforcement Officer Adsit went into the property with Ms. Weed from Group One Design who is a certified engineer in homes of this type. They went in and looked, starting in the basement and found that the basement wall on the west side of the structure had collapsed into the basement. They went to the first floor and noticed that the entire downstairs is riddled with mold. There are signs on the 2nd floor that the roof is leaking. Ms. Weed took photographs and did a report which was given to Code Enforcement Officer Adsit. He shared this report with the Board on August 20, 2015, asking that the Board declare this an unsafe structure and requested that the Village

take it down.

Attorney Stokes noted that under the statute, if the Board agrees with the finding of the Code Enforcement Officer and consulting architect that this is an unsafe structure, then we need to order the owner to remedy the condition. Upon failure to comply with that order then the next action would be to remove the structure and make it safe. The cost would then be assessed against the property and collected in the same manner as taxes. Attorney Stokes asked if there were any questions of the Code Enforcement Officer or himself. The Mayor asked about how we proceed if the next notice that we send to the owner comes back as undeliverable. Attorney Stokes explained that there is a provision to publish a public notice and that we do know who is attorney is. The Mayor asked how long the property owner would have to make the property safe. Attorney Stokes believes that under the statute, the Village has some discretion, but he recommends a minimum of 30 days. The Mayor asked if the owner does not fix the house and the Village takes it down, then the cost is paid by us and then put on the tax bill. The Mayor asked how the Village is then paid. Attorney Stokes explained that the cost would be put against the taxes and paid with the taxes or paid to us by the County with the unpaid taxes. Mayor DeShaw asked about the process for the County taking back a piece of property for non-payment of taxes. Attorney Stokes reviewed the process with the Board. Administrator Carpenter noted that the Village has gone through this process once before since he has been here. Clerk/Treasurer Williams noted that if the Village has the property taken down now, there is time to relevel the charges to the 2016-2017 Village taxes. Attorney Stokes noted for the record that there was no one here from the public. Trustee Warner asked if the property has been secured so that kids cannot get in there. Code Enforcement Officer Adsit advised that it has been secured. The Mayor asked if the Board Members had any other questions on the matter. The public hearing was closed at 7:42 p.m.

Attorney Stokes will prepare an Order and Resolution for the next meeting. The Mayor believes that the Village needs to remedy the unsafe structure and asked if any of the Trustees believed otherwise. She received no objections. Attorney Stokes will prepare the Order for the next meeting.

Trustee Warner advised that our cleaning person, Joe Stagnitti, asked that we leave him a note if we have any concerns about the cleaning. Mayor DeShaw asked Administrator Carpenter if he spoke with Joe about the cleaning the windows from the Joint Meeting. Administrator Carpenter has not yet. Trustee Warner noted that Chief had asked Joe to do some more work.

Mayor DeShaw advised that Kelly is almost completed with the newsletter. She reminded the Board of the October 20, 2015 community meeting at 7:30 p.m. at the Erie Canal Museum Educational Center. This is the first meeting for the Downtown Streetscape Project. This meeting will be advertised and in the newsletter. The Mayor hopes that everyone can make it. Mayor DeShaw and Administrator Carpenter will be meeting with the owners of the downtown buildings before that.

Administrator Carpenter explained that they will be updating the property owners on some of the ideas and will be talking to them about right-of-way issues. Mayor DeShaw will be using the same pictures from before.

Mayor DeShaw spoke about the open house on Saturday at the fire house, noting that they did a nice job. She talked about some of the demonstrations and interactive activities. Mayor DeShaw noted that we will be giving the Fire Department some publicity so people get used to these events. The Mayor thanked the Fire Department.

Mayor DeShaw advised the Board that the Fire Department is interested in doing a community day next year. They are talking about having a picnic for the community with some events. The Fire Department is working hard on this.

Mayor DeShaw advised that the closing has occurred on the diner by the recreation field. The new owners expect to be opening within the month. Mayor DeShaw would like to do a ribbon cutting.

Mayor DeShaw reported that Tony Graziano is working on taking down the garage next to his restaurant - it should be down soon.

Motion by Trustee Haddad, seconded by Trustee Carpenter, to adjourn at 7:51 p.m. Passed 4 to 0.

Respectfully submitted,

Catherine Williams

Catherine E. Williams
Clerk/Treasurer