

**REGULAR TOWN BOARD MEETING
TOWN OF TULLY
TOWN HALL
5833 MEETINGHOUSE ROAD
TULLY NEW YORK**

Members Present: Supervisor William A. Lund, Jr.
Councilor John Masters
Councilor John Snavlin
Councilor Frank Speziale
Councilor Christopher Chapman

Others present: Financial Officer Thomas Chartrand, Town Attorney Steven Primo, Highway Superintendent John Herold, *The Tully News* Editor David Blatchley, new library director Matt Delaney, Michael Fogel, Kim Cameron, Tim Chatfield, Bob & Trudy Krewson, Art Berg, John McMahon, Bill Coffin, Tom Fox

7:30pm Supervisor Lund called meeting to order and led in Pledge of Allegiance.

RESOLUTION 84-2011

MOTION TO APPROVE THE MINUTES OF THE AUGUST 10TH MEETING AS WRITTEN was made by Councilor Masters, seconded by Councilor Chapman and carried 4 ayes (Lund, Masters, Speziale, Chapman) 0 naves.

RESOLUTION 85-2011

MOTION TO APPROVE THE VOUCHERS as audited was made by Councilor Chapman, seconded by Councilor Speziale; motion carried 4 ayes (Lund, Speziale, Masters, Chapman) 0 naves.

Financial Report

Mr. Chartrand reviewed the Monthly Statement of Supervisor for August 2011 and reported on receipts and disbursements, the Statement as well as the Supervisor's Monthly Report to be filed as usual in the town clerk's office. Tom also mentioned drafting a statement of comparable salaries of officials from other towns and advised the board he would be supplying that to them for the budget meetings.

RESOLUTION 86-2011

MOTION TO ACCEPT THE FINANCIAL REPORT made by Councilor Masters, seconded by Councilor Chapman. Motion carried 4 ayes (Lund, Speziale, Masters, Chapman) 0 naves.

Supervisor Lund next introduced our new Tully Library Director, Matt Delaney. Mr. Delaney gave a brief presentation regarding expanding some of the library services and invited everyone to come in and visit.

(Councilor Snavlin arrived at 7:35pm.)

Highway

John Herold gave a brief report on highway activities as follows:

- ✚ August – “good month, good weather”
- ✚ 2 driveway permits were issued for Meeker Hill Road
- ✚ ditching and mowing roadsides continues
- ✚ all sand and salt in and put away for the winter season
- ✚ parks & rec mowing will continue several more times before the season ends
- ✚ Green Lake will need to be winterized
- ✚ 2004 pickup truck went to auction (\$5,000 value)

There was a brief discussion regarding the pickup truck and whether it would be worth keeping.

Parks and Recreation

Jayne Morse reported on the following:

- Green Lake is closed up – few remaining things left to do
- Summer camps were a huge success
- Fall soccer – about 200 area children signed up for Grades 1 – 6
- Walking trail – awaiting grant money to start the repaving process
- Mini T-ball fields to be constructed
- The concession stand restrooms will be closing October 31st and Jill Hares, the cleaning person, will be resigning. Some discussion followed, and it was decided that an ad should be placed in the Tully News for a part-time custodial worker to replace her.
- Windbreaks for the tennis courts will be put up again in the Spring next year

Ambulance & Fire

Gary Malone and Art Reinhardt will be present September 29th for the budget meeting.

Floor

Former Town Clerk Trudy Krewson and her husband Bob presented a picture of the Tully area to the Town Board. Trudy explained it was a photograph taken from the vantage point of Truxton Hill Road back in the early 60's before Interstate 81 was constructed and before Tully High School was built. Tully Center can still be seen in the photo. The photographer was H.B. Allen (Prof. Allen), a teacher in the Tully school district. The frame is cypress, taken from an old silo. It was suggested that the picture be hung on the wall behind the court bench.

Arthur Berg asked about fees for permits. Mr. Primo explained that the fees for building permits are often based on the value of the improvements as well as the cost of the code enforcement officer's inspections and administrative costs. Brief discussion followed.

There was also some discussion regarding The Tully News as to its purpose which is, basically, as Councilor Masters explained, a means of communication between the Town Board and the residents. John explained it is not meant to be for advertising or political campaign ads. Discussion followed.

Legal

Town attorney Steven Primo had several matters to discuss this evening: the amended solar and wind legislation which would be proposed Local Law No. 4 of 2011 (handouts to Board), and the required amendment regarding dog control which was originally scheduled to be Local Law No. 4 of 2010, but due to lack of filing, Mr. Primo would like it readopted this evening as Local Law No. 3 of 2011.

RESOLUTION 87-2011

MOTION TO CHANGE LOCAL LAW NO. 4 OF 2010 ENTITLED, "ANIMALS" TO LOCAL LAW NO. 3 OF 2011 AND TO READOPT SAME. Motion was made by Supervisor Lund, seconded by Councilor Snavlin and carried 5 ayes (Lund, Speziale, Masters, Chapman, Snavlin) 0 naves.

RESOLUTION 88-2011

MOTION TO HAVE A PUBLIC HEARING ON OCTOBER 12TH AT 7:00PM ON PROPOSED LOCAL LAW NO. 4 OF 2011 TO PERMIT SMALL WIND ENERGY SYSTEMS AND SOLAR COLLECTION SYSTEMS. Motion was made by Councilor Masters, seconded by Councilor Snavlin and carried 5 ayes (Lund, Speziale, Masters, Chapman, Snavlin) 0 naves.

Mr. Primo also updated the board on the Certiorari settlement involving Kinney Drugs which has previously been discussed during executive session, but Mr. Primo advised he didn't mind discussing it during the regular meeting. The Stipulation of Settlement & Order is substantially in the form following:

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

In the Matter of the Application for Review
Under
Article 7 of the Real Property Tax Law of a
Tax
Assessment by

KINNEY DRUGS, INC.,

Petitioner,

-against-

TOWN OF TULLY, THE ASSESSOR AND THE
BOARD OF ASSESSMENT REVIEW FOR THE
TOWN OF TULLY, TULLY SCHOOL DISTRICT,
COUNTY OF ONONDAGA,

Respondents.

**STIPULATION OF
SETTLEMENT & ORDER**

Index No. :
RJI No. :

WHEREAS, Petitioner, pursuant to Real Property Tax Law, Article 7, commenced judicial review proceedings in 2008, 2009, 2010 and 2011 against the Town of Tully, its Assessor and the Board of Assessment Review for the Town of Tully, Tully School District, County of Onondaga, to review the assessments on property it owns in the Town of Tully, County of Onondaga, known as Tax Map No. 101.1-01-04.1; and

WHEREAS, such other taxing authorities as affected by these proceedings having been duly served and not having appeared;

WHEREAS, the law firm of Bond, Schoeneck & King, Kathleen Bennett, Esq., has been substituted as counsel for the Tully School District effective August __, 2011;

WHEREAS, the 2008 Proceeding was dismissed for failure to file an affidavit of service in accordance with the requirements of Section 708(3) of the RPTL leaving at issue here only those Proceedings filed in 2009, 2010 and 2011

WHEREAS, the parties desire to settle the above-captioned judicial proceeding for the remaining years as set forth in this Stipulation, and further desire that the Court adopt same as its order herein ;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. The assessment of Petitioner's property identified as Tax Map No. 101.1-01-04.1, located in the Town of Tully, County of Onondaga and State of New York, be established for the following three (3) tax years in accordance with the following schedule, provided there is no new construction or demolition to the parcel:

<u>Tax Year</u>	<u>Taxable Status Date</u>	<u>Parcel No.</u>	<u>Prior Total Assessment</u>	<u>Reduced Total Assessment</u>
2012/13	March 1, 2012	101.1-01- 04.1	N/A	\$1,500,000.00
2013/14	March 1, 2013	101.1-01- 04.1	N/A	\$1,500,000.00
2014/15	March 1, 2014	101.1-01- 04.1	N/A	\$1,500,000.00

2. The officials of the Town of Tully, County of Onondaga and Tully Central School District, and every other taxing entity, district or municipal corporation having custody of, or levying taxes upon the basis of said assessment rolls or any copy thereof, be and further hereby are directed to make or cause to be made on the proper books and records the entries necessary to fix said assessment pursuant to the provisions of paragraph 1 hereof.

3. The parties shall have the right to seek specific enforcement of the terms of this Stipulation and order entered hereon, and to otherwise enforce such terms by whatever means provided by law.

4. Refunds for taxes paid and collected based upon assessments, the review of which were petitioned for as described in paragraph 5 following, shall not be due from, nor made by the Town of Tully, County of Onondaga and Tully Central School District, nor any other affected taxing authority.

5. The parties acknowledge that this Stipulation of Settlement is in full settlement of the Petitions filed and proceedings brought by Petitioner and otherwise relating to tax years 2009-2010, 2010-2011, and 2011-12, and likewise in satisfaction of any future claims relating to the assessment years described at paragraph 1 of this Stipulation and Order. Petitioner hereby waives any right to seek, including through the Owner of the premises, review of the prospective assessments fixed under paragraph 1 hereof, except in the event, or to the extent the assessments are modified from that shown in paragraph 1 hereof. This stipulation is entered into for good and valuable consideration that no costs or allowances shall be awarded to, by or against the parties and that upon compliance with the terms of this

Stipulation and Order based hereon, the above-captioned proceedings shall be, and the same are settled and discontinued.

6. It is hereby stipulated and agreed that the Assessor of the Town of Tully be directed and ordered to fix the assessments in accordance with the terms of this Stipulation.

7. The parties further agree that this Stipulation of Settlement and such Order:

- a. shall not affect the assessments levied upon any other parcel or parcels of real property in the Town of Tully;
- b. is entered into to resolve the pending proceedings and to fix the assessed value for the prospective assessment years described in paragraph 1, and in no event shall it be offered or admitted in any other proceedings but the pending proceedings and any proceedings related to such prospective assessments by the parties or by any third parties as competent evidence of any fact; and
- c. shall be filed and docketed in the office of the Onondaga County Clerk by the Petitioner.

8. The within Stipulation of Settlement and such Order shall be filed among the records of the Assessor of the Town of Tully.

Dated: September ____, 2011

Frances E. Blazer, Esq.
Attorney for Petitioners

By: _____

4444 Peterboro Street
P.O. Box 807
Vernon, New York 13476

Dated: September ____, 2011

BOND, SCHOENECK & KING, PLLC
Attorneys for Respondent
Tully Central School District

By: _____

Kathleen M. Bennett, Esq.
One Lincoln Center
Syracuse, New York 13202

Dated: September ____, 2011

PRIMO LAW OFFICES, LLP
Attorneys for Respondents

By: _____

Steven J. Primo, Esq.
7075 Manlius Center Road
East Syracuse, New York 13057

So Ordered:

Hon. _____, JSC.

Date: August ____, 2011

RESOLUTION 89-2011

MOTION TO APPROVE THE PROPOSED AMENDED STIPULATION OF SETTLEMENT & ORDER IN THE MATTER OF KINNEY DRUGS VS. THE TOWN OF TULLY, ET AL. Motion was made by Supervisor Lund, seconded by Councilor Chapman and carried 5 ayes (Lund, Speziale, Masters, Chapman, Snavlin) 0 nays.

No Fee Electronic Waste Alliance Partner Offer – email received by town supervisor and discussion ensued with questions by board members and residents. Email address for more information is <http://www.ewaste.com/partners.php>. Supervisor Lund also advised he would investigate further.

With no one else wishing to comment, the following motion was made:

RESOLUTION 90-2011

MOTION TO ADJOURN THE MEETING at 8:30pm made by Councilor Speziale, seconded by Councilor Chapman and carried 5 ayes (Lund, Masters, Snavlin, Speziale, Chapman) 0 nays.

Respectfully submitted,

Susan Vaccaro,
Town Clerk