

**Regular Board Meeting of the Village of Solvay Board of Trustees
Tuesday, January 22, 2013**

**OFFICE OF THE CLERK/TREASURER
MICHAEL FECCO**

The **REGULAR BOARD MEETING of the SOLVAY VILLAGE BOARD OF TRUSTEES** was called to order by Mayor Marinelli at the Town of Geddes Court Room, 1000 Woods Road, Solvay, NY 13209 at 6:00 p.m.

PLEDGE TO THE FLAG **Thomas Tarolli**

ATTENDANCE ROLL CALL:	Trustees:	Jamie Colucci	Present
		Ronald Benedetti	Present
		Daniel Bellotti	Present
		Thomas Tarolli	Present
		John Fall, Sr.	Present
		Deputy Mayor John McPeak	Present
		Mayor Kathleen Marinelli	Present

PETITIONS: Joe Fragnito brought up the NYS Consolidation Study.
Ronald Reudnik questioned the State Audit of Village Finances.

CORRESPONDENCE:

PUBLIC HEARINGS: **Tax Levy Local Law F of 2012**
Michael Fecco explained the 2% cap and how it could affect the Village taxes. No one else spoke for or against the Local Law.

COMMITTEE REPORTS:

Administrative *None at this time*

Legal *On the agenda*

Treasurer Mike Fecco reported the budget mods are up-to-date through December. Explanation of some of the modifications are increase in taxes collected due to the last year's code violations. Permits increased due to RockTenn and Solvay Bank additions/renovations offset to these are increased pension costs for police.

Police Chief Cox reported 758 calls for December 2011.

Electric *None at this time*

DPW/Highway Mark Cazzolli, Highway Superintendent, reported that the highway received the Community Development grant. The night crew have been going out and checking the roads and the sewer calls have been taken care of. Sixty five stops signs have been replaced and now the Highway department is working on replacing street signs. Also, the Highway employees are attending a snowplow safety class with the NYSDOT in the very near future approximately a five (5) hour course.

Library Cynthia Cook reported they posted the Library Director position.

Codes *None at this time*

Stormwater **December 18, 2012 CNY Stormwater Coalition TMDL Subcommittee Meeting**

- The main purpose of this meeting was to discuss the modeling and monitoring work that has already been completed, and to determine to what extent the existing tools can help in demonstrating the 18 percent phosphorus reduction from the MS4s.
- The hope is that major cost savings can be realized if existing data can be used as "baseline" data or an existing model can be applied to MS4 TMDL needs.
- Presenters included representatives from OCDWEP, USGA, Anchor QEA, C&S and CH2M Hill.
- As a result of the meeting, the Coalition will:
 - Develop an initial plan for a Watershed Improvement Strategy based on current scientific understandings.
 - Lay out a backup or contingency plan in the event that those understandings prove to be incorrect based on new information.

□ The NYSDEC representative also strongly advised the formation of a Regional Stormwater Entity (RSE) as the only viable approach to permit compliance.

West Side Trunk Sewer Rehabilitation Project

An addendum to the construction RFP was issued and responses received by the three contractors who submitted bids.

That cost, along with other project expenses the Village has and may incur, is being tabulated.

Some preliminary costs have been forwarded to RockTenn in regards to their need for an inflow and infiltration (I&I) offset for the boiler house project. To-date, no contact or response from them concerning any participation in the project.

Village of Solvay Stormwater Committee Meeting

Based on letters to other municipalities, the County is requiring that the new Intermunicipal Wastewater Agreement with OCDWEP be approved as a prerequisite of accepting “Save the Rain” funding.

Another committee meeting is needed to discuss this development as well as finalize a policy concerning the distribution of I&I credits.

Due to the important nature of these items, I urge all Trustees to attend if possible.

RESOLUTIONS:

1. Authorization from the Board of Trustees to approve the minutes from the December 18, 2012 Regular Board Meeting and the Reading of the Minutes be herewith dispensed.

MOTION: Ronald Benedetti
SECOND: John Fall Sr
AYES: 7 NAYES: 0 MOTION CARRIED

2. Authorization from the Board of Trustees to approve the minutes from the January 8, 2013 Special Board Meeting be accepted and the Reading of the Minutes be herewith dispensed.

MOTION: John Fall Sr
SECOND: Ronald Benedetti
AYES: 7 NAYES: 0 MOTION CARRIED

3. Authorization from the Board of Trustees to approve the Budget Modifications:

571204A	Pool - Other	2,294	2,982	5,276
Village of Solvay General Fund				
581201A	Sanitary Sewer - Wages	6,650	6,532	13,182
Schedule of Proposed Budget Modifications				
590108A	Employee Retirement System	197,988	(2,290)	195,698
For Approval at the January 2013 Regular Board Meeting				
590158A	Police Retirement	257,086	31,819	288,905
590508A	NYS Unemployment	(as modified)	proposed 1,119	newly modified 1,119
590558A	Disability Insuance	500	Budget 600	600
597306A	BAN - Principle Title	Current Budget 366	(16,299)	Budget Amount 16,667
597406A	Capital Notes - Principle		15,299	15,299
Revenue				0
	Total	1,731,709	38,001	1,769,710
410010A	Real Estate Taxes	2,939,640	12,361	2,952,001
425010A	Business Licenses	5,200	(791)	4,409
425300A	Gaming Licenses		791	791
425550A	Permits	29,305	27,630	56,935
426800A	Insurance Recoveries	9,131	340	9,471
430050A	State Aid - Mortgage Tax	32,000	(2,330)	29,670
				0
	Total	3,015,276	38,001	3,053,277

Expenses

510104A	Board of Trustees - Other	363	147	510
513204A	Auditor - Other	8,700	1,276	9,976
514404A	Engineer - Other	20,000	7,000	27,000
519504A	Taxes on Village Property	3,600	(130)	3,470
536201A	Codes Officer - Wages	94,897	(4,022)	90,875
551101A	Street Maintenance - Wages	245,342	(16,532)	228,810
571101A	Parks & Recs - Wages	32,323	10,000	42,323

MOTION: John McPeak
SECOND: John Fall Sr
AYES: 7 **NAYES:** 0 **MOTION CARRIED**

4. Authorization from the Board of Trustees to pay Costello, Cooney & Fearon, PLLC \$7968.51 for services rendered for the month of December, 2012.

MOTION: Ronald Benedetti
SECOND: John McPeak
AYES: 7 **NAYES:** 0 **MOTION CARRIED**

5. Authorization from the Board of Trustees to pay C&S Engineers \$1445.00 for services rendered from 10/1/12 through 10/31/12, \$3687.47 for services rendered from 11/1/12 through 11/30/12, \$637.50 for services rendered from 10/1/2012 through 12/31/12 and \$212.50 for services from 12/1/12 through 12/31/12.

MOTION: Jamie Colucci
SECOND: John McPeak
AYES: 7 **NAYES:** 0 **MOTION CARRIED**

6. Authorization from the Board of Trustees to order a Village of Solvay Code Book on a CD Rom for six to eight users at a price of \$699.00.

MOTION: Thomas Tarolli
SECOND: Jamie Colucci

This Resolution was tabled to the Administrative meeting on February 11, 2013.

AYES: 7 **NAYES:** 0 **MOTION CARRIED**

7. Authorization by the Board of Trustees to hire Yuriy Zdebskyy as a part time Library Page substitute at a rate of \$7.25 effective January 23, 2013 for the Solvay Public Library. This position is filling a vacancy vacated by Jelka Dusper.

MOTION: John McPeak
SECOND: Jamie Colucci
AYES: 7 **NAYES:** 0 **MOTION CARRIED**

8. The following resolution was offered by Trustee Daniel Bellotti, who moved its adoption, seconded by Trustee Jamie Colucci, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. F-2012, "A Local Law Overriding the Tax Levy Limit Established in the New York General Municipal Law § 3-c in and for the Village of Solvay," was presented and introduced at a regular meeting of the Village Board of the Village of Solvay held on December 18, 2012; and

WHEREAS, a public hearing was held on such proposed local law on this 22nd day of January, 2013, by the Village Board of the Village of Solvay and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Village Board of the Village of Solvay in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. F-2012 has previously been determined to be a Type II action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. F-2012.

NOW, THEREFORE, it is **RESOLVED**, that the Village Board of the Village of Solvay, Onondaga County, New York, does hereby enact Proposed Local Law No. F-2012 as Local Law 1-2013, as follows:

VILLAGE OF SOLVAY - LOCAL LAW NO. 1-2013

A Local Law Overriding the Tax Levy Limit Established in the New York General Municipal Law §3-c in and for the Village of Solvay

Be it enacted by the Village of Solvay, Board of Trustees, as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Solvay, County of Onondaga pursuant to New York General Municipal Law § 3-c, and to allow the Village of Solvay to adopt a Village budget for Village purposes and for any other special or improvement district governed by the Village Board for the fiscal year 2013, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the New York General Municipal Law, § 3-c, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Village Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Village Board of the Village of Solvay, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in the New York General Municipal Law § 3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Jamie Colucci	Trustee	Voted	Yes
Ronald Benedetti	Trustee	Voted	Yes
Daniel Bellotti	Trustee	Voted	Yes
Thomas Tarolli	Trustee	Voted	Yes
John Fall, Sr.	Trustee	Voted	Yes
John McPeak	Trustee	Voted	Yes
Kathleen A. Marinelli	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 22, 2013

9. The following resolution was offered by Jamie Colucci, who moved its adoption, seconded by Ronald Benedetti, to wit:

WHEREAS, The Village of Solvay maintains with the New York State Department of Transportation (NYSDOT) a \$2000.00 Bond and Perm 17 Insurance on file to be used for the annual maintenance permit.

NOW, THEREFORE, BE IT RESOLVED that the Village of Solvay hereby authorizes the replacement of the required NYSDOT \$2000.00 Bond and Perm 17 Insurance with the allowable Perm 1 undertaking.

UNDERTAKING FOR THE BENEFIT OF
The New York State Department of Transportation
In connections with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Village of Solvay, (Municipality, County, Town, City, or Village, or any agency of the federal government, hereinafter referred to as “Permittee”) from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the “NYSDOT”) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by

the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee’s access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee’s operations, (b) complete restoration of state facilities to their condition prior to permitted use of or activity and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications: Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration
2. Applicable rules, Regulations and Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee’s work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. Payment and Release of liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee’s work.
5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee’s activities or operations, whether undertaken by Permittee’s own forces or by contractors or other agents working on Permittee’s behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee’s, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

The Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS, WHEREOF, the Village of Solvay (Municipality-County, Town, city, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Authorized Agent

Date

Kathleen Marinelli, Mayor
1100 Woods Road
Solvay, NY 13209

Phone Number
mfecco@villageofsolvay.com

This Resolution was tabled to the Administrative meeting on February 11, 2013.

AYES: 7 NAYES: 0 MOTION CARRIED

10. **BE IT RESOLVED**, that the Solvay Village Board be and hereby establishes the following as a standard workday for the purpose of determining days worked reportable to the New York State and Local Employees Retirement System:

Five (5) day work week, six (6) hour day
Village Trustee
Village Auditor
Electric Commissioner
Village Mayor
Village Justice
Village Library Clerk

MOTION: Jamie Colucci
SECOND: John Fall Sr.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Jamie Colucci	Trustee	Voted	Yes
Ronald Benedetti	Trustee	Voted	Yes
Daniel Bellotti	Trustee	Voted	Yes
Thomas Tarolli	Trustee	Voted	Yes
John Fall, Sr.	Trustee	Voted	Yes
John McPeak	Trustee	Voted	No
Kathleen A. Marinelli	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 22, 2013

NEW BUSINESS

Resolved that this Board of Trustees move into Executive Session to discuss a matter relating to the appointment or employment of particular persons at 7:20 p.m.

MOTION: John Fall
SECOND: Daniel Bellotti
AYES: 7 NAYES: 0 MOTION CARRIED

Resolved that the Executive Session be closed and that this Board return to the regular meeting at 7:55 p.m.

MOTION: Ronald Benedetti
SECOND: Daniel Bellotti
AYES: NAYES: MOTION CARRIED

11. Authorization from the Board of Trustees to promote Yaroslav Piso to Library Clerk 1, effective September 12, 2012 at a rate of \$10.67.

MOTION: Ronald Benedetti
SECOND: Jamie Colucci
AYES: 7 NAYES: 0 MOTION CARRIED

ADJOURNMENT:

The regular meeting of the Solvay Board of Trustees be adjourned at 7:55 p.m.

MOTION: Jamie Colucci
SECOND: John Fall Sr
AYES: 7 NAYES: 0 MOTION CARRIED

Respectfully submitted,

Michael Fecco