

REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD AT VILLAGE HALL ON JULY 21, 2005, AT 7:30 P.M.

Present – Mayor O’Hara, Trustees Presley, Tupper, A. Saraceni, J. Saraceni, Baker, and Stebbins.

Also Present – J. C. Merritt, Police Agent; Claude Sykes, Supt. of Public Works; J.C. Engelbrecht, Attorney for the Village; Charles Elliott from the Public Access Channel; Thomas Leo, from Syracuse Newspaper; Rich Strong from Time Warner; Sue McManus, Joseph & Gloria Cimitile, Josephine Pelcher, Cindy Clarke, Sally Dayger, and Joanna Pease.

The Meeting was opened with the Pledge of Allegiance to the Flag.

Motion #167 -

Moved by Trustee Presley seconded by Trustee J. Saraceni that the minutes of the Regular Meeting held July 7, 2005, be approved and the Village Clerk dispense with the reading of said minutes.

CARRIED.

Mayor O’Hara asked if there were any citizens who had comments other than those regarding the Time Warner Cable Franchise Agreement. He noted that those citizens who wanted to speak to the Time Warner Cable Franchise Agreement could do so under that agenda item.

Citizen’s Comments.

Cindy Clarke of West Genesee Street thanked everyone who helped her with the landscaping of the areas surrounding the Village’s Welcome Signs located at Downer Street, Syracuse Street and the one on W. Genesee Street.

Trustee Baker also thanked everyone that helped with the project.

Mayor’s Comments.

Mayor O’Hara asked that Claude Sykes and Daniel Warner to work with the Village’s Codes Office in reviewing information that was given to the Village in regards to Village Commons on East Genesee Street. There has been some concerns from neighbors in the area of Village Commons that some of the commitments that were made to the Planning Board have not been followed through on. If in fact there are some commitments that are supposed to be complied with they are not, could this be reported back to the Village Board? He noted that the State Law is clear that no permit should be issued until all conditions are met on Site Plan Approval. The Village issues Site Plan Approval conditional upon certain things, in the past. The law makes it very clear that you have to have those conditions met or at minimum, you have to have a letter of credit on file that you would be able to use against a particular opponent if it is not completed.

Trustees’ Comments.

Trustee A. Saraceni stated that he went on a tour of the Village with the owners of VIG Craft Art. They took pictures of the churches, businesses and some homes to put on the Village’s website. He wanted to thank Sue McManus for inviting them to the Shacksboro Schoolhouse Museum and providing them with so many pictures that they could use on the website.

Trustee A. Saraceni stated that he would like to discuss the possibility of putting together a committee for festivals, such as winter festival, and an art festival, in the Village. He has spoken to people in the Village who are interested in being on the committee. He noted other events that could happen within Downtown and Mercer Park.

Mayor O'Hara noted that the Village has the Chamber of Commerce, Celebrate Baldwinsville, and the Greater Baldwinsville Economic Development Agency, and they would like to get more people to volunteer and participate with them, as opposed to creating another group.

Trustee Tupper stated that he has received a lot of complaints from citizens who say their neighbors are parking their vehicles across sidewalks. He would like citizens to call the Police or Codes Office if they notice a vehicle in violation.

Trustee Stebbins noted that he was in Indiana, Pennsylvania, last weekend and enjoyed their trails, which go for 14 miles that were built in the community he was visiting. He noted that the trail he took went across private land and it had very few amenities.

Department Heads.

Claude Sykes noted that the paving project for this year was completed within budget. He also noted that the Village's solicitation for engineering services for the Southeast Trail has been submitted to the New York State Contract Reporter. This is a requirement that the Village has to meet and the ad will run until 3:00 p.m. on September 23, 2005, when the proposals are due at Village Hall.

Pending Business -

Discussion in regards to the \$50,000.00 Grant Funding from Assemblyman Magnarelli.

Claude Sykes noted that the Dormitory Authority is the Agency for the State that oversees the release of those grant funds. He noted that he has returned all of the completed paperwork that has been sent to him.

Mayor O'Hara requested the Village Clerk follow up with a call to Sue McSweeney from Assemblyman Magnarelli's Office to see if they are set with the returned paperwork.

Discussion/Possible Action in regards to Village Owned Facilities/Business District Study.

Trustee J. Saraceni stated that at the last meeting, the Village Board wanted to see the map related to the second proposal expanded to the map attached to the original proposal. He noted that EDR came back with a new proposal dated July 18, 2005, which includes the revised map. EDR noted that they did expand the scope of services, but in the expanded areas, the plans to be presented will not be as detailed.

Discussion in regards to the Sergei Yevich Trail, Southeast Trail.

Trustee Stebbins noted that Claude Sykes and Trustee Tupper went down on Meadow Street and met with the residents that would be involved with the proposed Southeast Trail. He noted that they stated the residents were very receptive to the plans.

Trustee Tupper noted that they spent a couple of hours talking to the residents on Meadow Street and there was only one resident on the whole street who voiced any objections. The residents asked if they could have a gated fence in front of their place so they would have access to the trail and they would be looking forward to the trail.

Mayor O'Hara stated that in regards to the Sergei Yevich Trail, he would like to add to the agenda a Discussion/Action concerning receiving the bids for the Stampcrete and the award of the Stampcrete bids.

Claude Sykes stated that Niagara Mohawk is working on the pole relocation for the Sergei Yevich Trail, and they should have a design plan ready within two weeks. He noted that some work has been done behind the US Post Office to allow the fence to be installed.

Discussion concerning the Skate Zone Facility located on Lock Street.

Trustee A. Saraceni stated that there was nothing new to report.

Discussion concerning the Cable Franchise Agreement.

Mayor O'Hara stated that he was going to allow an open discussion regarding the proposed Cable Franchise Agreement. He stated that the general feeling of the Village Board is that everyone agrees that PAC-B is a wonderful program. But the Village Board is interested in hearing comments specifically regarding the Franchise Agreement itself.

Joseph Cimitile asked if the Village did not agree with this Cable Franchise Agreement does it make the whole thing null and void.

Mayor O'Hara stated yes it does.

Sue McManus stated that she is a Village resident and also the Director of Shacksboro Schoolhouse Museum. She noted that PAC-B programming is a real benefit to the Museum and McHarrie's Legacy. She noted that she hopes that Village residents are confident of this board to make a reasonable decision on this agreement. It is her understanding that if this particular agreement is not ratified by all parties then there is no possible agreement.

Mayor O'Hara stated that is not his understanding.

Jill Hayes of Oswego Street asked if the Village Board had any objections to supporting the proposed Franchise Agreement. She noted that she believes the Community is just realizing the benefits of have PAC-B and she hopes it will continue.

Joseph Cimitile noted that he was one of the founders of PAC-B and noted that the Senior Citizens in the Community are very interested in the outcome of this issue and they very much support PAC-B.

Mayor O'Hara asked members of the PAC-B if they figured through the numbers of their needs assessment and the funds they would be receiving from the proposed loan of \$175,000.00 and the .05% from the franchise agreement. He felt that over the 10 year period, they would be short of operating funds during the years 6 through 10. He suggested that they might be better off, if they negotiate a full 1% over the 10 year period and not have the \$175,000.00 loan.

There was a discussion involving Village Board Members, Rich Strong from Time Warner and members of PAC-B. They discussed how the franchise fees could be used. It was noted that the Village Board is trying to provide a program that could sustain the investment for 10 years not for only five years. It was noted during this discussion, that the interest that was being charged on the \$175,000.00 loan by Time Warner was at the rate of 11.25% over a 10 year period. It was also noted that over the 10 year period, Time Warner would be collecting over \$263,000.00.

Trustee A. Saraceni noted that he was under the impression that there was no interest being charged on the loan of \$175,000.00. He stated that it was his understanding that the \$175,000.00 was a non-interest loan that was going to be paid and managed by the three municipalities and it was going to be paid back over the 10 year period.

Rich Strong from Time Warner stated that according to his notes during a meeting that took place a year ago there was a discussion regarding a federal law and the rate of return with Tom Isabella, Steve and the Negotiating Committee in the same room. Therefore, this issue should not be a surprise to anyone. He also noted that he discussed this issue with Councilman Quackenbush from the Town Van Buren for three hours before the Town of Van Buren's Meeting. He read the section of the contract which stated that the sum of \$175,000.00 may be allocated and passed through to subscribers that received the PEG channel in the communities of the Town of Lysander, Town of Van Buren and the Village of Baldwinsville in accordance with federal law.

There was a discussion regarding the reasoning for a secondary agreement between the three municipalities. It was noted during the discussion that Time Warner is authorized to charge the 11.25% interest and not mandated to charge it. Mr. Strong noted that they have always charged what is stated in the federal rate of return. The Village Board discussed the costs involved with providing return feed from the origination point of PAC-B. The Village Board questioned why each of the municipalities had a separate contract and how would the municipalities know they each had the same obligation. The Village Board stated that they support PAC-B and they want to see them succeed over the long term and they felt that the Negotiation Committee for the Cable Franchise Agreement needs to go back and discuss this new information that has come from this discussion tonight. Norma Goodman asked if PAC-B could be involved with the negotiations that would affect them.

Discussion/Action in regards to the bids received on July 19, 2005, for fencing for McHarrie Park and 135 E. Genesee Street.

Motion #168 -

Moved by Trustee Tupper seconded by Trustee J. Saraceni that the bids that were opened on July 19, 2005, for fencing for McHarrie Park and 135 E. Genesee Street, be received.

New York State Fence Co.	\$21,600.00
Atlas Fencing -	\$16,628.00

CARRIED.

Discussion/Action in regards to awarding the bid for fencing for McHarrie Park and 135 E. Genesee Street.

Motion #169 -

Moved by Trustee Presley seconded by Trustee J. Saraceni that the bid for the fencing for McHarrie Park and 135 E. Genesee Street be awarded to Atlas Fencing in the amount of \$16,628.00.

CARRIED.

Mayor O’Hara stated that the Village received bids for the Surfacing Project for the Sergei Yevich Trail on July 8, 2005. The bids called for Stampcrete, sub-base work and materials for the trail.

Motion #170-

Moved by Trustee Stebbins seconded by Trustee J. Saraceni that the bids for the Surfacing Project for the Sergei Yevich Trail that were opened on July 8, 2005, be received:

Lee Construction	\$95,856.00
James Ross and Son Contractor, Inc	\$98,692.00
Rich and Gardener	\$82,900.00

CARRIED.

Motion#171 -

Moved by Trustee Presley seconded by Trustee Baker that the bid for the Surfacing Project for the Sergei Yevich Trail be awarded to Rich and Gardener in the amount of \$82,900.00.

Claude Sykes explained that when the Village specified a stampcrete surface, they received a price from the stampcrete direct manufacturer of \$6.00 or \$7.00 per sq. ft. The lowest bid came in at \$13.00 per sq. ft. and it seems it would be cost prohibitive to do the stampcrete. He noted that the Village has some other options such as asphalt or a color concrete surface or stone dust surface.

The Village Board discussed the pro and cons of the different types of surfaces for the trail and decided to look into the option of stone dust with a type of edging to keep the stone dust contained. They noted concerns with the smooth surface of concrete and if there was an installation of different types of surfacing along the trail. Therefore they decided to reject the bids received for the stampcrete.

Roll Call Vote –

Trustee A. Saraceni – nay	Trustee Stebbins - nay
Trustee Tupper – nay	Trustee Presley - nay
Trustee J. Saraceni – nay	Trustee Baker – nay
Mayor O’Hara – nay	

MOTION DEFEATED.

New Business -

Discussion/Action regarding a request from the property owner of 1 Downer Street for relief of excess sewer bill only. An average will be figured for 12 months of sewer charges and the possible relief would be anything over that average, which amounts to \$163.58.

Motion #172 -

Moved by Trustee A. Saraceni seconded by Trustee J. Saraceni that the request from the property owner of 1 Downer Street for relief of excess sewer bill only, be approved in the amount of \$163.58, which was based on the excess amount above the average of the last 12 months of sewer charges.

Claude Sykes explained the owner of the property became ill and had to move out of the home. His son thought the water had been shut off, but it was not and the pipes froze over the winter and broke. The DPW Committee recommends that the excess sewer be relieved.

Trustee Presley noted that the letter requesting the relief noted that there are chickens on the property. He noted that he believes chickens are not allowed according to Village Code.

The Village Board asked that the Village Codes Enforcement Officer check to see if the property owner has chickens.

CARRIED.

Discussion/Action regarding a request from Community Wesleyan Church for permission to conduct a Block Party on Saturday, August 6, 2005, from 12:00 noon- 4:00 p.m. They are requesting to block off a small portion of Frawley Dr. from Downer Street to just before Wilkinson Place.

Motion #173 -

Moved by Trustee Baker seconded by Trustee J. Saraceni that the request from Community Wesleyan Church for permission to conduct a Block Party on Saturday, August 6, 2005, from 12:00 noon- 4:00 p.m., be approved. They have been granted permission to block off a small portion of Frawley Dr. from Downer Street to just before Wilkinson Place.

CARRIED.

Discussion/Action regarding a request from residents of Triangle Place, who would like permission to block off Triangle Place with the exception of emergency vehicles for a neighborhood Party on Sunday, August 21, 2005, from 1:00 p.m. to 5:00 p.m. They are also requesting the waiver of the Open Container Law during that time only.

Motion #174 -

Moved by Trustee Presley seconded by Trustee J. Saraceni that the request from residents of Triangle Place to block off Triangle Place with the exception of emergency vehicles for a neighborhood Party on Sunday, August 21, 2005, from 1:00 p.m. to 5:00 p.m. be granted and also permission was granted for waiver of the Open Container Law during that time only.

CARRIED.

Discussion/Action in regards to receiving the Budget Status Report for the month of June 2005, submitted by the Village Treasurer.

Motion #175 -

Moved by Trustee Presley seconded by Trustee J. Saraceni that the Budget Status Report for the month of June 2005, submitted by the Village Treasurer, be received.

CARRIED.

Discussion/Action in regards to receiving a request for Annexation from Pooler Realty LLC for property located at 7755 Meigs Road and setting a Joint Public Hearing Date of August 16, 2005, with the Town of Van Buren to hear comments concerning said property. The Public Hearing would be held at the Town of Van Buren Town Hall.

Motion #176 -

Moved by Trustee Presley seconded by Trustee J. Saraceni that the request for Annexation from Pooler Realty LLC for property located at 7755 Meigs Road be received and a Joint Public Hearing Date of August 16, 2005, at 7:35 p.m., with the Town of Van Buren be set to hear comments concerning said property. The Public Hearing would be held at the Town of Van Buren Town Hall.

CARRIED.

Mr. Cimitile stated that he has concerns with the Village tree in front of his property and would like the Village to have a tree expert look at the tree and have a written report sent to him.

Motion # 177 -

Moved by Trustee Tupper seconded by Trustee J. Saraceni that the bills be paid from their proper accounts, after audit. Gen.#229 (Cks.26969-27037)- \$250,432.76, Wa. #229 (Cks.21119-21131) - \$12,369.56, Sr. # 229 (Cks. 20711-20724) – \$2,393.03.

CARRIED.

Motion #178 -

Moved by Trustee J. Saraceni seconded by Trustee Stebbins that the meeting be adjourned at 8:38 p.m., until next Regular Meeting to be held on August 4, 2005, at 7:30 p.m., at Village Hall.

CARRIED.

Adjournment,

Village Clerk