

## **November 20, 2017**

The Town Board of the Town of Onondaga met at a regular meeting at 5:00 p.m. on Monday, November 20, 2017 at Town Hall, 5020 Ball Road, Syracuse, New York.

Present:	Supervisor	Thomas P. Andino, Jr.
	Councilman	Charles Petrie
	Councilman	Donald Hamilton
	Councilwoman	Suzanne Belle
	Councilwoman	Mary K. Ryan
	Town Clerk	Lisa M. Goodwin
	Town Attorney	Kevin M. Gilligan
	Town Engineer	William Perrine

### **1. Discussion – Site Plan Approval Sonbyrne Sales, Inc. – West Seneca Turnpike**

Before the discussion began, Supervisor Andino announced that this is not a public hearing. This is an opportunity for the applicant to make their presentation and for the Board to consider taking action. Mr. Christian Brunelle, Senior Executive Vice President for Sonbyrne Sales was present. Mr. Brunelle distributed packets to the Town Board containing the items pertaining to the Site Plan review process. Mr. Brunelle explained that these are the same items that have been reviewed by the Zoning Board of Appeals and Planning Board. Mr. Brunelle gave a chronological update regarding what meetings they have been to and what permits and approvals they have received. Both the NYS and Onondaga County Departments of Transportation have approved the plan. A new traffic study was done in May 2017 showing no significant impact on the traffic, and the State Historic Preservation Office (SHPO) has issued a letter stating that there will be no impact on archeological or historic places. Onondaga County Planning and Development offered a couple of comments during their review; all of which have been addressed. Mr. Brunelle then discussed the project including the square footage, the driveways, sidewalks, parking, elevations, retaining walls, lighting, landscaping and signage. He also gave explanation regarding the catch basins, storage capacity and the oil/water separator. Mr. Brunelle stated that Sonbyrne is going above and beyond any regulations and requirements of the EPA and the NYS DEC in order to address any environmental concerns at this location.

Mr. Brunelle also reported on the retaining walls and what their heights will be from beginning at 24" at Route 175 increasing to 10' in the back of the property and then back down to 24" at Velasko Road. This wall will be a redi-rock retaining wall. There will be a 4' chain-link fence on top of the wall to deter people from walking on the wall. Mr. Brunelle also explained that this wall will come across East Avenue and there will not be any way for cars to get through there. There will be a half of a hammerhead at the end of East Avenue to allow vehicles and snowplows to turn around. The stormwater management area will also be fenced in.

Supervisor Andino explained that the Town Board has seen this application as it's been progressing through the ZBA and the Planning Board. The Town Engineers have reviewed it as it's been moving along as well, and they are in approval of everything. The Town Board has before them a proposed resolution for the consideration of SEQR and Site Plan approval for the Sonbyrne Sales property. The Supervisor read the resolution aloud.

#### **TOWN BOARD RESOLUTION Sonbyrne Sales, Inc. SEQR Determination and Site Plan Approval 4815, 4821 West Seneca Turnpike and 4898 East Ave.**

The following resolution was made by Supervisor Andino, who moved its adoption, and was seconded by Councilwoman Belle,

**WHEREAS**, Sonbyrne Sales, Inc. applied on May 10, 2017 to this Board for site plan approval to establish a 5,920 S.F. convenience store with four ancillary fuel pumps (eight fuel dispensing points) on approximately 2.5 acres of land at the above-referenced location; and

**WHEREAS**, a 2,400 S.F. existing convenience store presently occupies a portion of the site which is operated by Sonbyrne Sales, Inc.; and

**WHEREAS**, the proposed site is located at the northeast corner of the intersection of Velasko Road and West Seneca Turnpike (NYS Rte 175) in the Town, in an area known as "Onondaga Hill"; and

**WHEREAS**, the site has approximately 306 feet of frontage along NYS Rte 175 and 250 feet of frontage along Velasko Road; and

**WHEREAS**, it is planned that the 2,400 S.F. existing structure would be demolished and removed and would be replaced with a new 5,920 S.F. structure on the same site; and

**WHEREAS**, the proposed convenience store would sell gasoline, but would not sell diesel fuel at this location; and

**WHEREAS**, the site and surrounding properties are serviced by public water and sewer; and

**WHEREAS**, the site will have two curb cuts, one on NYS Rte 175 and one on Velasko Road; and

**WHEREAS**, the store would be open between the hours of 6 am and 11 pm daily; and

**WHEREAS**, an outdoor, screened dumpster would be used for trash and cardboard removal; and

**WHEREAS**, LED and “dark sky” approved lighting will be used for all exterior lighting and fuel canopy lighting on the site; and

**WHEREAS**, a sidewalk will be installed on the site, connected to the public sidewalk along NYS Rte 175; and

**WHEREAS**, the proposed operation will employ in excess of twenty-five employees or approximately sixteen +/- full-time equivalent employees; and

**WHEREAS**, the site is zoned Onondaga Hill Business District (OHBD) and the proposed use is permitted in the OHBD upon the issuance of a Special Permit for fuel sales; and

**WHEREAS**, at a regular meeting of the Town of Onondaga Zoning Board of Appeals held on July 18, 2017, a Special Permit was granted to Sonbyrne Sales, Inc., approving the inclusion of four fuel pumps (with eight dispensing points), in accordance with Section 285-11.1 of the Town of Onondaga Code; and

**WHEREAS**, with the issuance of the Special Permit, this Board may now advance to consider the requested site plan approval; and

**WHEREAS**, the ZBA action resolved the inclusion of fuel dispensing facilities at this site and the scope of our review is limited to site plan issues; and

**WHEREAS**, this application was duly referred to the Town of Onondaga Planning Board for review and recommendations; and

**WHEREAS**, due to the project’s location on NYS Rte 175, this application was referred to the Onondaga County Planning Board for its review and consideration pursuant to the New York General Municipal Law, Section 239; and

**WHEREAS**, by resolution dated May 31, 2017, the County Planning Board found that the project will have “no significant adverse inter-community or county-wide implications”; and

**WHEREAS**, the County Planning Board offered several suggestions relating to the applicant contacting the County Office of Water Environmental Protection to determine sewer availability and capacity and encouraging the applicant to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces, both of which were followed by the applicant substantiating sewer availability/capacity and reflected in the SWPPP amendments.

**NOW, THEREFORE**, be it

**RESOLVED AND DETERMINED**, that the Town of Onondaga Zoning Board of Appeals is an involved agency, that the ZBA has completed its review of the environmental aspects of this project in the context of its Special Permit review, that the Town Board will proceed as lead agency to consider the environmental aspects associated with the site plan review on an uncoordinated basis, that this is an unlisted action for purposes of the State Environmental Quality Review Act; and it is further

**RESOLVED AND DETERMINED**, that this Board declares that there are unlikely to be any adverse environmental impacts emanating from the approval of this site plan and that it therefore renders a negative declaration for purposes of SEQRA in connection therewith; and it is further

**RESOLVED AND DETERMINED**, that the findings and reasons in support of this negative declaration and approval of the site plan are as follows:

- The Town Board is convinced that the main use contemplated by the applicant is the convenience store, not the fuel pumps on the basis that the limitation on the number of fuel pumps to four (with eight dispensing points) is in keeping with the OHBD of the Town’s Code which was specifically designed with strict fuel dispensing limitations in order to assure that fuel sales remain an ancillary rather than a primary use;
- This application more than doubles the size of the current convenience store on this site;
- The New York Association of Convenience Stores, in a release attached to the July 18, 2017 ZBA grant of a special permit for this project (Appendix B) indicates that fully 80% of existing convenience stores in the United States sell gas and that the gas sale function is ancillary to the store itself;
- No vehicle repair work is to be conducted on site;

- There will be no sales of diesel fuel, reducing potential odors and truck-related traffic and noise;
- Waste disposal is properly planned to minimize external impacts;
- Waste areas are properly located away from adjoining properties;
- Lighting is dark sky compliant, with all lighting designed to limit the potential impacts of site lighting on neighboring properties and highways;
- Proper buffering and screening have been provided, including extensive landscaping;
- The project is fully compliant with all setback requirements of the OHBD and the Town's Arterial and Collector Overlay Requirements (see Town Code Section 285-31-C, as amended by Local Law 5-2017), thus, no area variance is required (see discussion in ZBA resolution of July 18, 2017);
- It has been determined by the State Historic Preservation Office (SHPO) that this project will not have an impact on archaeological and/or historic resources listed or eligible for listing on the New York or National Historic registers (5/17/17 SHPO letter);
- The Town Board remains sensitive to the concerns related to possible impacts on the Bronson House, but it does not believe that the presence of a larger convenience store, even one with fuel dispensing capabilities at the proposed location, will adversely impact that property more than the traffic impacts emanating from the presence of NYS Route 175 itself and the existing 2,400 S.F. Sonbyrne convenience store which has been on the site for 50+ years;
- This Board takes note of the comments made by the Town Zoning Board regarding traffic in making its negative declaration with respect to the Special Permit and concurs with its reasons and findings;
- This Board takes note of and hereby ratifies and adopts the reasons supporting the negative declaration made by the Zoning Board of Appeals upon consideration of the Special Permit application;
- This Board hereby incorporates by reference, the record before the ZBA with respect to its July 18, 2017 special permit determinations;
- Additionally, this Board takes note of its prior environmental review and negative declaration with respect to the Second Addendum to the Town of Onondaga 2007 Master Plan and Proposed Local Law A – 2017 (which was enacted as Local Law 2 -2017) and hereby adopts and ratifies the Reasons and Findings previously adopted by this Board on April 3, 2017;
- It is determined that this project will, for the most part, be a drive-by stop as opposed to a destination site for shopping and therefore, the project should have no impacts upon increasing traffic in the area;
- NYSDOT advised its approval regarding ingress/egress onto NYS Rte 175 by communication from Kristina Crowley dated May 2, 2017;
- Onondaga County DOT advised its approval regarding ingress/egress onto Velasko Road by communication from Mark Primo dated May 11, 2017;
- An updated trip generation and operations review by traffic expert GST Consulting (dated May 19, 2017) indicates that “a significant portion of the traffic generated by the development will be drawn by traffic already passing the site on Route 175, Velasko Road or Makyes Road and is referred to as pass-by trips”;
- It goes on to indicate that “pass-by trips are vehicles that are already traveling through the study area but will now stop at the development on their way to another destination...”;
- GTS further opined that “the proposed Byrne Dairy development is a minor traffic generator in terms of new trips traveling to/from the site and agrees with the prior 2013 traffic study results prepared by Jim Napoleon & Associates that the project will have a nominal impact on traffic”;
- The Onondaga County Dept. of Health advised that it had no objection to the proposed project by letter from Jeffrey A. Till, dated March 29, 2017;
- The Onondaga County Dept. of Water Environmental Protection confirmed by letter dated May 25, 2017 from Chris Deitmann, that there is adequate sewer capacity and further determined that need for a flow offset was satisfied;
- The Town's Planning Board reviewed this project proposal in general and with respect to the West Seneca Turnpike Overlay Requirements and offered recommendations in its letters of June 26, 2017 to the ZBA and September 1, 2017 to the Town Board;
- Initially, the Town Planning Board addressed landscape buffers, noting that it was concerned about salt and deer damage to the required plantings, recommending the use of Hillspire Juniper trees;
- This recommendation has been incorporated into the planting plan submitted in support of this application;
- The Town Planning Board recommended that the Town enter into a private stormwater agreement with the property owner to cover long term maintenance and operation of the stormwater management plan and our approval shall be conditioned upon same;
- The Town Planning Board addressed the need for an easement for drainage between the Town and Sonbyrne Sales, Inc. and that has since been addressed and an easement granted by the Town and recorded by the applicant in the Onondaga County Clerk's Office;
- The Town Board and its engineers are aware of the slope in the northeast corner of the site and have required additional turf reinforcement of this area to prevent erosion;
- Engineering plans for the retaining walls on site, have been provided to the Town's engineers and Codes Enforcement Officer for review and inspection and said plans have been approved by both (engineers on 11/17/17 and Codes Enforcement Officer on 9/18/17);

- A covenant will be required from the applicant, to the Town to maintain (replace dead/diseased plants) landscaping and other amenity improvements, including sidewalks, along the road frontage and within the site;
- The applicant has submitted a revised Stormwater Pollution Prevention Plan (SWPPP), dated October 11, 2017;
- The SWPPP has been reviewed by the Town Engineers (10/16/17) and the CEO (10/31/17) as Stormwater Management Officer for the Town and both have approved the SWPPP, finding it to be compliant with NYS and Town requirements;
- The SWPPP addresses potential pollution issues satisfactorily with sumps, and an oil/water separator;
- This is already a fully developed site and there will be no impacts upon fish, wildlife or significant habitats;
- The Board received a copy of a letter from RZ Engineering, PLLC, dated August 11, 2017 concerning the SWPPP and comments related thereto;
- These comments were reviewed by Appel Osborne on behalf of the applicant and C&S Companies on behalf of the Town with respect to said comments and observations;
- As a result of the RZ Engineering comments and subsequent reviews noted above, several changes were made to the plans;
- Safety and aquatic benches were included in the stormwater management area, a no-clogging device has been added to the low flow orifice of the outlet structure to help in winter weather and to prevent debris from clogging the outlet, some drainage piping on site has been upgraded from 10" to 12", additional access gates have been added around the basin, additional turf reinforcement has been added to steep slopes, a detailed drawing of the oil/water separator has been delivered to, reviewed and approved by the Town Engineer, the applicant will be providing a detailed engineering drawing of the retaining walls on site, a revised drainage report was completed and submitted to incorporate grading changes in the wet pond; with respect to questions raised by RZ relating to a potential for draining back into the adjacent parcel's subsurface storage system – the Town Engineer has determined that there should be no impacts, with respect to RZ comments related to water quality, the Town Engineers have determined that the pre-treatment oil/water separator and catch basin sumps and stone drainage trenches at the perimeter of parking areas and above the retaining walls will adequately address that situation, with respect to RZ's comments regarding soil disturbance, the Town Engineers have determined that the SWPPP and proposed erosion control will handle any such issues, comments from RZ relating to other sites in the Town are not applicable as this project affects a different drainage receptor and the Town Engineer has examined all down gradient drainage facilities for impacts;
- Sonbyrne has operated a convenience store at this location, albeit without fuel service, for the past 50 years;
- The site plan presented by Sonbyrne is fully compliant with the Town Code;
- The separation of tanks and fuel from all adjoining properties meets and exceeds the mandated requirements;
- The location, size and intensity of the proposed use will fit well into the OHBD zoning district;
- There are adequate fire (within 500 feet) and police (at nearby Town Hall) services to protect this location;
- By virtue of the foregoing, the discharge of any wastes into soil, air or water is controlled through design features incorporated into the project plans, there will be minimal emission of noises above the ambient noise levels from NYS Route 175, light will be controlled in accordance with lighting details provided by Red Leonard Associates, the SWPPP and drainage plans have adequately addressed and will control surface water drainage and traffic issues have been fully addressed to the Town's satisfaction, based upon the 2013 Traffic Study prepared by Jim Napoleon & Associates and the 2017 update by GTS Consulting;

and it is further

**RESOLVED AND DETERMINED**, that the site plan for Sonbyrne Sales, Inc. is hereby approved in accordance with the following plans and documents:

- SK-1 Site Plan, dated October 11, 2017 (Appel Osborne)
- L100 Survey Plan, dated October 11, 2017 (Appel Osborne)
- L101 Site Preparation Plan, dated October 11, 2017 (Appel Osborne)
- L102 Stormwater Pollution Prevention Plan, dated October 11, 2017 (Appel Osborne)
- L103 Stormwater Pollution Prevention Plan, dated October 11, 2017 (Appel Osborne)
- L104 Grading and Drainage Plan, dated October 11, 2017 (Appel Osborne)
- L105 Utilities Plan, dated October 11, 2017 (Appel Osborne)
- L106 Site Layout Plan, dated October 11, 2017 (Appel Osborne)
- L107 Planting Plan, dated October 11, 2017 (Appel Osborne)
- L108 Details, dated October 11, 2017 (Appel Osborne)
- L109 Details, dated October 11, 2017 (Appel Osborne)
- L110 Details, dated October 11, 2017 (Appel Osborne)
- Exterior Lighting Layout, RL-0953-S1-R9 (5 pages), dated June 8, 2017 (Red Leonard Associates, Inc.)
- Stormwater Management Report and Stormwater Pollution Prevention Plan (SWPPP), dated October, 2017

- Byrne Dairy Onondaga Hill Project Narrative (Sonbyrne Sales, Inc.)
- Package of 10 sheets of photos and drawing and signage proposals
- Two pages of proposed elevations prepared by Robert O Eggleston, Architect, dated April 20, 2017;

and it is further

**RESOLVED AND DETERMINED**, that this approval is expressly conditioned, as follows:

- The applicant must enter into a covenant with the Town that it will maintain and replace diseased or dead landscape elements and provide that it will maintain, repair and replace damaged sidewalks (both along the road frontage and within the site itself), and other amenities serving the site, as approved by the Town’s legal counsel.
- The applicant must enter into a private stormwater maintenance agreement with the Town with respect to drainage facilities serving the site, as approved by the Town’s legal counsel;
- The applicant must submit final detailed engineering drawings of the proposed retaining walls to the Town Engineer and Codes Enforcement Officer for their final review and approval prior to construction of same;
- Subject to any and all permits required by any other State, County or local government department or agency – including, but not limited to NYSDOT, OCDOT and the NYSDEC.
- Payment of all fees due to the Town in connection with this application.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Supervisor Andino signed the Onondaga Hill Byrne Dairy Store Site Plan dated October 11, 2017, with revisions February 15, 2017, May 9, 2017, June 26, 2017 and last revised July 20, 2017.

Mr. Vincent asked the Town Board to consider authorizing him to issue the required building permits to Sonbyrne Sales for their project in the Town of Onondaga.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilwoman Belle,

**WHEREAS**, the Code Enforcement Officer has reviewed the construction drawings as provided by Fingerlakes Construction, dated 09/26/2017, Austin Mohawk Engineered Building and Canopy Systems, dated 10/10/2017, and abj Fire Protection, dated 09/25/2017; be it

**RESOLVED**, that the Town Board authorize the Code Enforcement Officer to issue the required permits for the construction of a new Byrne Dairy store located at 4815 West Seneca Turnpike in the Town of Onondaga

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**2. Discussion – Termination of Service Award Program Investment Management with McNeil & Company, Inc.**

Supervisor Andino explained that over the past couple of months, the fire departments have been meeting regarding the current administrator and financial institution for Length of Service Award Program. The departments have requested that the town take a look at other companies that offer these services. The Town Clerk along with Don Fisher, South Onondaga Fire Department, and Frank Valls, Howlett Hill Fire Department created a Request for Proposal and sent it out to ten (10) different companies. After receiving the proposals, interviews were held, an analysis of pros and cons were compiled and a presentation was given to the Supervisor and then the eight fire departments. After a follow up meeting with the departments, they are ready to move forward and terminate services with McNeil & Company

and enter into agreements with Penflex, Inc. and Glens Falls National Bank. Councilman Petrie explained that while he is a volunteer fire fighter at the Nedrow Department, he does not participate in the Service Award Program so there is no conflict of interest.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilman Hamilton,

**RESOLVED**, that the Town Board authorize a letter of termination to be sent to McNeil & Company for the services provided to the Town for the Length of Service Award Program.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**3. Authorization – Supervisor to Sign Service Award Agreements with Penflex, Inc. and Glens Falls National Bank**

Supervisor Andino explained that the service agreements for Penflex and Glens Falls National Bank have been reviewed by the Town Attorney and he does not have any concerns with the agreements.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilwoman Ryan,

**RESOLVED**, that the Board authorize the Supervisor to sign the agreement with Penflex, Inc. to be the Third Party Administrator for the Town of Onondaga Volunteer Fire Departments Length of Service Award Program; and

**RESOLVED**, that Glens Falls National Bank and Trust Company be and the same hereby is appointed to act as Investment Manager of the Town of Onondaga Volunteer Fire Departments Length of Service Award Plans as of December 1, 2017; and

**RESOLVED**, that Thomas P. Andino, Jr., Town Supervisor, and Lisa M. Goodwin, Town Clerk, are the individuals appointed to act as authorized parties of said plan and each individually may act, and Glens Falls National Bank and Trust Company may rely on the direction of either one of the above listed authorized parties; and be it

**FURTHER RESOLVED**, that the Town Board hereby authorizes either authorized party to execute the Investment Management Agreement on behalf of the Town of Onondaga.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**4. Public Hearing – Local Law G-2017 – Amend the Town Code, Chapter 118, Flood Damage Prevention, to Designate the Code Enforcement Officer as the Administrator**

Supervisor Andino explained that Chapter 118 of the Town Code currently authorizes the Director of Planning and Development to be the administrator of Flood Damage Prevention in the Town of Onondaga. The proposed amendment will change that appointment to the Code Enforcement Officer as the Town no longer employs a Director of Planning and Development. The local administrator has the ability to grant or deny floodplain development permits in accordance with its provisions. Supervisor Andino stated that there is an Affidavit of Posting and Proof of Publication on file regarding the Public Hearing. Supervisor Andino declared the Public Hearing to be open.

Ms. Rosalind Wiltse asked the Board if there are specific qualifications that go along with this position. The Supervisor explained that a Code Enforcement Officer is qualified for this position within the capacity of his/her occupation. There was no one present to speak in favor of or in opposition to the proposed Local Law; therefore, Supervisor Andino declared the Public Hearing to be closed.

**TOWN BOARD RESOLUTION**

The following resolution was offered by Councilman Hamilton, who moved its adoption, seconded by Councilwoman Ryan to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law G-2017 to amend Chapter 118 (“Flood Damage Prevention”) of the Code of the Town of Onondaga, was presented and introduced at a regular meeting of the Town Board of the Town of Onondaga held November 6, 2017; and

**WHEREAS**, a public hearing was held on said proposed Local Law No. G-2017 on November 20, 2017 by the Town Board of the Town of Onondaga 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 Town Board of the Town of Onondaga in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its November 6, 2017 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. G-2017.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Onondaga, Onondaga County, New York, does hereby enact Proposed Local Law No. G-2017 as Local Law No. 6-2017 as follows:

**“LOCAL LAW NO. 6-2017  
A LOCAL LAW TO AMEND CHAPTER 118  
TITLED “FLOOD DAMAGE PREVENTION” OF  
THE CODE OF THE TOWN OF ONONDAGA TO  
DESIGNATE THE CODE ENFORCEMENT OFFICER  
AS THE LOCAL ADMINISTRATOR**

Be it enacted by the Town Board of the Town of Onondaga as follows:

**SECTION 1. LEGISLATIVE PURPOSE AND INTENT.**

The Town Board of the Town of Onondaga adopts this Local Law to amend Chapter 118, titled “Flood Damage Prevention” of the Code of the Town of Onondaga to designate the Code Enforcement Officer local administrator responsible for administering said Chapter 118.

**SECTION 2. AUTHORITY**

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 3. AMENDMENT OF CHAPTER 118 OF THE CODE OF THE TOWN OF ONONDAGA**

So that Section 118-11 titled, “Designation of local administrator,” of the Code of the Town of Onondaga shall be amended, to read in its entirety, as follows:

“§ 118-11. Designation of local administrator.  
“The Town of Onondaga Code Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permit in accordance with its provisions.”

**SECTION 4. SEVERABILITY**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 5. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.”

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

Councilman                      Petrie                      Voted                      Yes

Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**5. Highway Superintendent’s Report**

Highway Superintendent, Mr. John Wheatley was present. Mr. Wheatley reported that everything is going well. Officially, winter has begun. The salt shed is full, and the snow has begun. There is still quite a bit of brush to pick up. As the residents call, he is telling them that the trucks are trying to get around for what is already out, if the weather cooperates. If they don’t have it out yet, it probably won’t get picked up.

**6. Parks & Recreation Report**

Parks and Recreation Director, Ms. Charry Lawson was present. Ms. Lawson was pleased to report that Mr. Jack Davison has agreed to begin next Monday in the position of Recreation Supervisor. She asked the Board to consider a resolution appointing him. Ms. Lawson also reported that they are still looking for a secretary in her department. They have held several interviews, but nothing has come together thus far. She also reported that Lanco has completed the paving of the back parking lot at the Senior Center, and she hopes to have it striped soon if the weather cooperates.

**TOWN BOARD RESOLUTION**

The following resolution was made by Supervisor Andino, who moved its adoption, and was seconded by Councilwoman Belle,

**RESOLVED**, that the Town Board appoints Mr. Jack Davison to the position of Recreation Supervisor for the Town of Onondaga, at the budgeted salary, beginning Monday, November 27, 2017.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**7. Codes Officer’s Report**

Code Enforcement Officer, Mr. Ben Vincent was present. Mr. Vincent reported that he has received the proposed Contract for the Prevention of Cruelty to Animals with the CNYSPCA for 2018. He stated that the price for their services will remain the same as it was in 2017, \$2,079.09.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilwoman Ryan, who moved its adoption, and was seconded by Councilwoman Belle,

**RESOLVED**, that the Town Board authorize the Supervisor to sign the 2018 Contract with the CNYSPCA to provide services for the Prevention of Cruelty to Animals between the Town of Onondaga and the CNYSPCA.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Vincent also reported that he has received two requests for street lighting installations. Both requests are in the Crown Point Extension Subdivision, Sections 2 and 3.

**TOWN BOARD RESOLUTION**

The following resolution was made by Supervisor Andino, who moved its adoption, and was seconded by Councilman Petrie,



**RESOLVED**, that the Town Board approve the installation of seven (7) 100w high pressure street light fixtures to be installed on 14' fiberglass embedded poles at an estimated annual cost of \$2,448.18 in the Crown Point Extension, Section 2, as recommended by National Grid.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilwoman Belle, who moved its adoption, and was seconded by Councilwoman Ryan,

**RESOLVED**, that the Town Board approve the installation of five (5) 100w high pressure street light fixtures to be installed on 14' fiberglass embedded poles at an estimated annual cost of \$1,748.70 in the Crown Point Extension, Section 3, as recommended by National Grid.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**8. Attorney's Report**

Town Attorney, Mr. Kevin Gilligan was present. Mr. Gilligan had nothing additional to report. He requested the Town Board meet in Executive Session following the regular meeting to discuss pending litigation.

**9. Engineer's Report**

Town Engineer, Mr. Bill Perrine was present. Mr. Perrine reported that the second of the MS4 two annual reports that are required is complete. He asked the Board to consider authorizing the Supervisor's signature on this report. Once signed, it will be submitted to the DEC and posted on the town website.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilwoman Ryan,

**RESOLVED**, that the Town Board authorize the Supervisor to sign the MS4 report as required by New York State Department of Environmental Conservation and prepared by the Town Engineer.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Perrine also reported that he received two (2) quotes for the sewer lateral at 4251 Onondaga Boulevard. He had sent requests to four (4) companies, but only two (2) responses were received. The quote from North Country Construction is for \$6,000, and the quote from JK Tobin is for \$5,400. Mr. Perrine explained that this is a county trunk line that requires a special connection. Neither one of the quotes received include rock removal. Hopefully this will not be an issue. Mr. Perrine asked the Board to consider authorizing JK Tobin to move forward with the work.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilwoman Belle, who moved its adoption, and was seconded by Supervisor Andino,

**WHEREAS**, the Town has received a request for a building permit for a home to be built on the vacant lot located at 4215 Onondaga Boulevard; and

**WHEREAS**, there is a sewer trunk line located near the proposed home; and

**WHEREAS**, the Town Engineer has requested quotes from four (4) reputable companies to extend the sewer trunk line to the property; and

**WHEREAS**, quotes were received from North Country Construction in the amount of \$6,000 and JK Tobin Construction in the amount of \$5,400; and

**WHEREAS**, the property is located within the Wolf Hollow Sewer District, Extension 1; be it

**RESOLVED**, that the Town Board authorize the Town Engineer to proceed with JK Tobin Construction to have the sewer trunk line extended to the property located at 4215 Onondaga Boulevard in the Town of Onondaga.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Mr. Perrine also gave the Town Board an update on the developments that are going on in the Town. Those updates included Crown Point Extension, Section 2. Mr. Perrine explained that the gutters in this subdivision are complete and the binder course is scheduled to be paved after Thanksgiving. Things are moving along as planned with Hallinan Meadow Subdivision. Peregrine Landing would like to install the top course pavement and are seeking the Certificate of Occupancy for the building. Mr. Perrine visited the site and created a punch list for the developer on November 10, 2017. He believes that it is appropriate to amend the Highway Agreement and reduce developer securities to 25 percent at this time. He would like the Board to consider commencing with the one-year warranty period in January of 2018. Town Counsel and the Highway Superintendent agreed.

#### **TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilwoman Belle,

**RESOLVED**, that the Town Board authorize the reduction of securities for Peregrine Landing, Phase 1A1, in the Town of Onondaga to \$138,500; and be it

**RESOLVED**, that the Town Board authorizes the Supervisor to sign, on behalf of the Town of Onondaga, the Addendum to Highway, Sewer, and Drainage Construction and Maintenance Agreement with Peregrine Properties of Onondaga LLC and Onondaga Senior Real Estate LLC.

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

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

#### **10. Committee Reports**

#### **TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Petrie, who moved its adoption, and was seconded by Councilwoman Ryan,

**RESOLVED**, that Ms. Cassandra Lenhardt be accepted into the membership of the Howlett Hill Fire Department.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Councilwoman Ryan reported that the Onondaga Free Library will be closing at 5:00 p.m. on Wednesday, November 22<sup>nd</sup> and remaining closed until the 25<sup>th</sup> for Thanksgiving. She reported that *I'm Here: Stories of Jazz & Life* will be on the 28<sup>th</sup> at 6 p.m. The library will also be holding their Board Meeting at 6:00 p.m. on November 29<sup>th</sup>, and she reminded everyone to get their raffle tickets for the 11<sup>th</sup> Annual Festival of Trees.

Supervisor Andino asked the Town Board to consider authorizing him to initiate discussions with Onondaga County Resource Recovery Agency (OCRRA) to review and renew the OCRRA Host Community Agreement with them.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Hamilton, who moved its adoption, and was seconded by Councilman Petrie,

**RESOLVED**, that the Board authorize the Supervisor to send a letter to the Director of the Onondaga County Resource Recovery Agency (OCRRA) to initiate discussions regarding the renewal of the OCRRA Host Community Agreement.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The following accounts were audited and approved for payment on this date November 20, 2017:

- All General Fund Accounts on Abstract 22, numbers 1130 through 1192 inclusive, totaling \$203,710.07.
- All Highway Fund Accounts, Abstract No. 22, numbers 458 through 485 inclusive, totaling \$179,842.42.
- All Parks Accounts on Abstract No. 22, numbers 259 through 271 inclusive, totaling \$11,511.78.
- All Sewers Accounts on Abstract No. 22, numbers 127 through 130 inclusive, totaling \$214.90.
- All Consolidated Drainage on Abstract 20, numbers 95 through 102 inclusive, totaling \$2,139.86.

**11. Meeting Minute Approval**

**TOWN BOARD RESOLUTION**

The following resolution was made by Supervisor Andino, who moved its adoption, and it was seconded by Councilwoman Belle,

**RESOLVED**, that the Town Board accept the meeting minutes of the Town Board Meeting held November 6, 2017 as prepared by the Town Clerk.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**TOWN BOARD RESOLUTION**

The following resolution was made by Councilman Hamilton, who moved its adoption, and it was seconded by Councilwoman Ryan,

**RESOLVED**, that the Town Board accept the meeting minutes of the Town Board Meeting held November 8, 2017 as prepared by the Town Clerk.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Abstained	-----
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**TOWN BOARD RESOLUTION**

The following resolution was made by Supervisor Andino, who moved its adoption, and it was seconded by Councilman Hamilton,

**RESOLVED**, that the Town Board move into Executive Session to discuss pending litigation with counsel.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

The Town Board of the Town of Onondaga adjourned to meet in Executive Session to discuss a pending litigation with counsel at 6:28 p.m. on Monday, November 20, 2017. The Town Board returned from Executive Session at 7:15 p.m. No actions were taken.

**TOWN BOARD RESOLUTION**

The following resolution was offered by Councilman Hamilton, who moved its adoption, seconded by Councilwoman Belle,

**RESOLVED**, that there being no further business to come before the Town Board, the Executive Session and Town Board Meeting be adjourned.

The question of the foregoing Resolution was duly put to a vote, and the vote was as follows:

Councilman	Petrie	Voted	Yes
Councilman	Hamilton	Voted	Yes
Councilwoman	Belle	Voted	Yes
Councilwoman	Ryan	Voted	Yes
Supervisor	Andino	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Executive Session and Town Board Meeting adjourned at 7:17 p.m.

Lisa M. Goodwin, Town Clerk