



VILLAGE OF NORTH SYRACUSE

Regular Board Meeting

Tuesday, November 24th, 2015 @ 4:30 PM

North Syracuse Community Center

700 South Bay Road, North Syracuse, NY 13212

The Village of North Syracuse Regular Board Meeting began at 4:30 PM with Mayor Gary Butterfield inviting everyone present to join him in the Pledge of Allegiance.

Roll Call: Mayor Gary Butterfield, Deputy Mayor Fred Ferguson, Trustee Diane Browning, Trustee Paul Linnertz, and Trustee Pat Gustafson.

Personnel Present: Village Clerk-Treasurer Dianne Kufel, DPW Superintendent Gary Wilmer, Parks Director Teresa Roth, Codes Enforcement Officer Pam DiCarlo-Schermerhorn, Village Attorney Scott Chatfield, Assistant Chief of Fire Bob Liberatore, and Village Engineer Amy Franco.

RESOLUTION # 193-15

APPROVAL OF BOARD MEETING MINUTES

Deputy Mayor Ferguson made a motion to approve the minutes from the November 12th, 2015 Board Meeting. The motion was seconded by Trustee Browning. The motion was unanimously approved.

RESOLUTION # 194-15

BUDGET TRANSFER

Deputy Mayor Ferguson made a motion to transfer \$3,666 from A7140.1 Playground Payroll to A7110.28 Lonergan Park Project to cover architectural fees and costs for the Lonergan Park Project. The motion was seconded by Trustee Browning. The motion was approved with Deputy Mayor Ferguson, Trustee Browning, Mayor Butterfield, and Trustee Gustafson, all voting in favor of the same. The motion was denied with Trustee Linnertz. The motion carried.

RESOLUTION # 195-15

GENERAL FUND ABSTRACT APPROVAL

Trustee Browning made a motion to approve the General Fund Abstract # 13 in the amount of \$401,439.69 covering Voucher # 708 to Voucher # 768. Mayor Butterfield noted that \$321,519 is payable to the NYS Retirement System. The motion was seconded by Deputy Mayor Ferguson. Trustee Linnertz expressed he is not in favor of the Lonergan Park Project bill because it is an overspent item. Trustee Browning asked Parks Director Roth for a grant update. Parks Director Roth responded that per Al Stirpe's Office, we are on the list of grantees, an order to execute the agreement has been sent, and the payment will be sent when the Department of Budget releases the funds. The motion was approved with Deputy Mayor Ferguson, Trustee Browning, Mayor Butterfield,



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and Trustee Gustafson, all voting in favor of the same. The motion was denied with Trustee Linnertz. The motion carried.

CITIZENS' VOICE: Vera Desimone of 304 Belmore Drive thanked DPW Department for doing a great job with brush pickup this season. She further extended thanks to the Administration for taking care of the Village. She continued that she believes it is time for the Village to acknowledge the Village's fifty-year historical capsule. The idea of the capsule blossomed in the year 2000 (Y2K era). It was determined that the capsule would not be buried and that it would be opened in 50 years (in the year 2050). She determined that the capsule should be acknowledged every five years in order for it to not be forgotten. The capsule is housed at NOPL. She would like to celebrate the acknowledgement of the capsule on the day of the Holiday Parade on December 6th from 5:00-7:00 PM. She explained that this event would not distract from any of the regular scheduled activities, and that it would be advantageous to be present when the children and families make their way nearby to see Santa Claus so that they can be informed that the capsule exists. The Historical Society will be present to answer any questions anyone may have. She concluded by inviting the Board to attend.

RESOLUTION # 196-15

15 YEAR CELEBRATION OF MILLENNIAL CAPSULE

Mayor Butterfield made a motion to recognize the 15 year celebration of the 50 year millennial capsule which is housed in the North Syracuse Public Library. The motion was seconded by Deputy Mayor Ferguson. The motion was unanimously approved.

OLD BUSINESS:

DISCUSSION BIDS OPENING RESULTS FOR LONERGAN PARK PROJECT

The Board received the results of the bid opening over one week ago. Mayor Butterfield recalled that at the previous Board Meeting Trustee Linnertz expressed concern about moving forward with this project at this time without the award. Mayor Butterfield acknowledged that although we have documentation that we were awarded the grant, at this time we do not have a signed agreement. It was determined that we were under the threshold of \$500,000 (WICKS Law) for the separate bidding for the plumbing, electrical, HVAC, and structure. Trustee Gustafson asked if the Village would still be responsible for the cost if we entered into an agreement with a contractor should we, for an unforeseeable reason, not receive the Al Stirpe Grant. At this time, we have verbal confirmation we were awarded the grant but we do not yet have the funds. Village Attorney Chatfield affirmed that we would indeed be responsible to pay our contractors regardless of whether or not we actually receive the funds. If we were not to be awarded the contract, we may not be successful in a claim against



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the State. He surmised that the risk of not receiving the funds at this stage is minimal. However, we received correspondence regarding the laws that control the bidding process. WICKS Law requires separate bids for the requisite of four elements: plumbing, electrical, HVAC, and structure. Thus, where a general bids them he will give bids from subs and identify them. The statute also provides that even when it's less than the \$500,000 limit that requires WICKS separate bidding, it also needs to have a separate breakdown of the constituent parts. He continued that it is his understanding that each of the bidders did break them down specifying the subcontractor. He noted that one bidder had them broken down in a separate envelope. The statute calls for the breakdown to be in a separate envelope. He does not know if it renders the bid challengeable or not. The bidding process did not comply strictly with the language in the statute. Some case laws suggest it is a problem, while other case laws do not suggest this is a problem. Mayor Butterfield spoke to the bidder that brought this to our attention, and the bidder told him he was not going to challenge the bid process. Village Attorney Chatfield surmised this renders the issue academic. Deputy Mayor Ferguson reported he conferred with a few Mayors at the Mayor' Meeting about the verbal confirmation we have about the grant. Dick Donovan, the most experienced Mayor in Onondaga County, strongly advised against proceeding unless there is a signed document from the State promising us the funds. Mr. Donovan said that moving forward with only a verbal confirmation that we are awarded the grant puts the Village at risk. Trustee Browning said she would not be opposed to placing a hold on the project. Deputy Mayor Ferguson proposed we make a Letter of Intent instead of a signed contract. Mayor Butterfield asked if a Letter of Intent binds us. Village Attorney Chatfield said the Letter of Intent does not bind us if there is a condition that it is contingent on the receipt of the funds. The Letter of Intent is enforceable if all the terms of the letter are met. Village Engineer Franco suggested we add a time frame in the letter that holds firm the cost for the contractor for a set period of time. Parks Director Roth mentioned that the colleagues who have applied for these types of grants have reported receiving the grant ranging from 6 weeks up to 4 months from the date they were awarded the grant. Clerk-Treasurer Kufel added she was made aware that Town of Salina's experience was a six month gap between the award notification to the actual signed agreement. Parks Director Roth noted that the low bidder Mark Smith of Smith Structures is present in the audience. Trustee Linnertz said that our fundamental responsibility in purchasing is for the funding to be in place prior to purchasing. As Trustees any expense over \$500 in a requisition goes to the Clerk who checks to make sure there is money in that line item to cover the expense, and then the Trustees sign off to allow the purchase to take place. At this point, there are no funds in the specified line item. He concluded that he does not have a problem with a Letter of Intent as long as it is worded properly. Village Attorney Chatfield said



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either a Letter of Intent or Award can be done as long as it is clear that the actual commencement of contract documents must wait until the funding can be in place. The funding can come in different ways: through finding within the budget, authorize a borrowing to fund it, or a letter from the grant to fund it. Trustee Linnertz asked if this would be like a contingency purchase. Village Attorney Chatfield clarified that it is an enforceable agreement if the conditions are satisfied. Mayor Butterfield affirmed that we are safe monetarily because we are not going to expend any more money than what we have. Parks Director Roth asked if the Letter of Intent can then specifically include the information of the areas she outlined so that the vendor can reach out in advance to his suppliers to hold the prices for the materials needed. Deputy Mayor Ferguson proposed to extend a conditional Award rather than a conditional Letter of Intent. Village Attorney Chatfield noted that vendors provide quotes based on the current prices of materials. He continued that we may allow an appropriate adjustment of the quote by authorizing an additional allowance based on the contractor showing the increase in cost of materials from the time of the initial quote to the time the contract was actually executed. Mayor Butterfield invited Mr. Smith to speak. Mr. Smith said that there is prerequisite work that needs to begin before the construction process and the Letter of Intent helps with the submittal process. With the aforementioned document, he will be able to go to his suppliers to lock in the materials. Trustee Linnertz asked if he can wait until the next Board meeting on December 10th to have a drafted document from legal. Mr. Smith accepted. Trustee Linnertz made a motion to authorize Legal Counsel to draft an Award Letter with contingencies to Smith Structures. The motion was seconded by Trustee Browning. The motion was unanimously approved. Discussion took place about the funds already spent for this project. Clerk-Treasurer Kufel requested that the Board resolve to make a budget transfer at the next Board Meeting in order to balance her books.

NEW BUSINESS:

RESOLUTION # 197-15

**AUTHORIZE THE MAYOR TO SIGN THE 2016 PHYSIO CONTROL
SUPPORT AGREEMENT**

The Board received a copy of the agreement for the 2016 calendar year. The cost is \$4,713 for 7 pieces of equipment. Last year the cost was \$3,947.76. Deputy Mayor Ferguson made a motion to authorize the Mayor to sign the Physio Control agreement for December 29, 2015 thru December 28, 2016. The motion was seconded by Trustee Linnertz. The motion was unanimously approved

ATTORNEY REPORT: Village Attorney Chatfield requested a brief Executive Session at the end of the meeting.



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ENGINEER REPORT: No report.

DEPARTMENT HEAD REPORTS:

Police Department: Absent.

Fire Department: Assistant Chief of Fire Liberatore said that a committee will be meeting to finalize specs for Board review regarding heavy rescue replacement. He wished all a happy and safe holiday.

Public Works Department: DPW Superintendent Wilmer said his team remains short-staffed for about another month. They are still doing brush pick up as well as getting their equipment ready for snow removal. The Christmas decorations will be placed soon.

Parks & Recreation Department: Parks Director Roth said that the security cameras and equipment have been installed inside and outside the Community Center. She requested that the Board members confirm if they will participate in the Holiday Parade on December 6th. She noted that Tim Hortons had been their long time sponsor of the event, previously providing 600 donuts and 300 cups of coffee, but the company has now closed their location in Syracuse. The Masonic Temple has stepped in to fill that void with a generous monetary donation to sponsor the band and children's activities. Syracuse Realty and the Village Commons are sponsoring the horse and wagon rides. The Brick House Café will be sponsoring the hot cocoa.

Codes Department: No report.

Clerk-Treasurer: Clerk-Treasurer Kufel noted the signing at Village Hall took place for the unpaid Village tax bills. The unpaid tax bills were Town of Clay \$76,000 and Town of Cicero \$33,000. The County will make us whole by wiring the funds in April. The aforementioned unpaid tax bills are typically about that same amount each year. She finished the Save the Rain package and sent the paperwork that needed to go to the County. She expects to receive the reimbursement for Save the Rain soon. The auditors made their final visit to wrap up their review of the Court, Fixed Assets, and General Fund. Their report will follow.

DEPUTY MAYOR/TRUSTEES REPORT:

Trustee Gustafson: Wished everyone a blessed thanksgiving and thanked everyone for being part of her life.

Trustee Browning: Commended Parks Director Roth for making our Christmas great.



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Trustee Linnertz: No report.

Deputy Mayor Ferguson: Noted that he is working on reviewing the Emergency Operations Plan. He concluded that next Public Safety Committee meeting will take place on December 7th at 4:00 PM at the North Syracuse Community Center.

MAYOR'S REPORT:

Mayor Butterfield said he acted on NYCOM's suggestion and sent a letter to the Governor's Office to strongly recommend the Streetlight Replacement Act to allow municipalities to upgrade and manage their streetlights which will be a significant cost savings.

He commended the Board on the good turnout for the November 16th meeting regarding the re-opening of Church Street. The final decision has not been made but the State representative that was present heard from the people in the audience that supported the left turn on Church Street from Route 11. He is pleased people voiced their opinions.

He said he appreciates the interchange among the Board members; we are here to protect the Village. He concluded by wishing everyone a Happy Thanksgiving.

Trustee Linnertz made a motion to enter Executive Session at 5:12 PM to discuss a personnel matter. The motion was seconded by Deputy Mayor Ferguson. The motion was unanimously approved.

The Board returned from Executive Session at 5:42 PM. Trustee Browning made a motion to adjourn at 5:42 PM. The motion was seconded by Trustee Gustafson. The motion was unanimously approved.

Respectfully submitted,

Dianne M. Kufel
Village Clerk/Treasurer