

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

January 11, 2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday January 11, 2010 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor
James A. Sheridan, Councilor
Thomas C. Lathrop, Councilor
Donald G. Sherman, Councilor
Kevin F. O'Hara, Councilor

Also present: Karen R. Pollard, Town Clerk; Laurie Stevens, Deputy Town Clerk; Margaret Gerbsch, Accountant; James Gascon, Counsel; Phil Coccia, Recreation Leader; William Reagan, Codes Enforcement Officer; Donald MacLachlan, Highway Superintendent; Mary Jo Paul, Marcellus Village Trustee; Elaine Potter, Tax Collector; Jean Schneider, William Burnett, Kaylee Taylor, Roger Garcia, Peter Bowhall, Dan Rudy, Kelly Welch, Dawn O'Hara, Jim LaRose, Charles Black, Bernie Montgomery, Linda Annan, Suzanne Swierczyk, Amanda DeSantis, Zach Garrison, Emily Sturm, Olivia Maitland and Brennen Dooley

Supervisor Ross opened the meeting at 7 P.M. with the Pledge of Allegiance to the Flag.

Copies of the minutes of the Town Board Meeting held on December 14, 2009, Year End Meeting held on December 29, 2009, Workshop Meeting held on December 29, 2009 and the Organizational Meeting held on January 4, 2010 was given to the Board Members. Councilor Sherman made a motion seconded by Councilor Lathrop to approve the minutes as presented. All voted aye. Carried.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #1 as of January 8, 2010, Claims #20100001 – 20100048 and Highway Claims #2010001.

	<u>Expenses</u>
General Fund	\$28,428.16
General Fund – Part Town	1,635.07
Highway – Town Wide	4,984.00
Highway – Part Town	4,482.00
Enterprise Fund	440.59
Fire	50,562.00
Ambulance Fund	10,292.00
Sewer	12,744.30

Board Members were given copies of the Activity Report as of December 31, 2009 and monthly statement of bank balances as of December 31, 2009 and budget adjustments of: \$11,300.50 from (SF3410.495) Contingency to (SF3410.4) Contractual \$3,700.00 from (FG3499.463) Outside Maint to (SF3410.4) Contractual

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$9,509.45	\$99,002.15

General Fund – Part Town	2,574.00	32,172.76
Highway – Town Wide	-0-	71,238.54
Highway – Part Town	-0-	3,762.13
Fire	-0-	80,830.00

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of December 31, 2009 and the monthly statement of bank balances as of December 31, 2009 and budget adjustments of:

\$11,300.50 from (SF3410.495) Contingency to (SF3410.4) Contractual
 \$3,700.00 from (FG3499.463) Outside Maint to (SF3410.4) Contractual

Councilor Lathrop questioned voucher #20100029 a tax bill for 22 E. Main in the amount of \$440.59 and #20100024 a tax bill for 4294 Lee Mulroy in the amount of \$389.62. Accountant Gerbsch explained that the voucher #20100029 for the property at 22 E. Main is now a vacant lot and taxes are payable by the Town. The tax bill for 4294 Lee Mulroy is a water district charge for the Slate Hill Water District but there is a question of where the property is exactly located. Supervisor Ross directed that the payment on voucher #20100024 be held so the location can be investigated. All voted aye as amended.

Carried.

OLD BUSINESS:

Report from Department Liaisons: None

Appointment for the Assessment Board of Review: Supervisor Ross received a call from Mr. Stremple, Assessment Board of Review member, who has advised Mr. Ross that he has a name of an individual who is interested in serving on the Assessment Board of Review. This item will be held until the February meeting.

NEW BUSINESS:

Association of Towns: Supervisor Ross advised the Board of the New York State Association of Towns the 2010 Training School and Annual Meeting, being held at the Hilton New York & Towers in New York City from February 14, 2010 through February 17, 2010. Supervisor Ross advised the Board that if anyone wishes to attend, please advise the Town Clerk.

CNYRP&DB: Central New York Stormwater Coalition: This issue will be held until the February Board for further clarification.

Onondaga County Agreement: MS4 Assistance Program: Councilor Sherman made a motion seconded by Councilor Lathrop to authorize the Supervisor to sign the amendment for the Onondaga County 2009 MS4 Assistance Program to extend the original agreement until December 31, 2013 with no change in the agreed upon fee. All voted aye.

Carried.

Recreation Agreement: Magic Show: Councilor Lathrop made a motion seconded by Councilor Sheridan to authorize the Supervisor to sign the agreement with Paul Jackman for a Magic Show on Friday March 5, 2010 to be held at the Driver Middle School. It is a joint effort with the Marcellus Optimist. All voted aye.

Carried

Southern Onondaga Area Water District: 2010 Tax Bill Corrections: Supervisor Ross reported to the Board that there are the same errors again on 2010 Tax bills for

Southern Area Onondaga Water District as there was for the 2009 Tax bills. The properties effective are:

<u>Tax Map #</u>	<u>Property Owner</u>	<u>2010 charge</u>	<u>Correct charge</u>
023-02-25.1	Wolf	\$10.00	\$450.00 – 1 unit
025-01-45	Davis	\$225.00	\$10.00 – NB lot
022-03-46	Linehart	\$10.00	\$450.00 – 1 unit
023-02-27	Tucker	\$10.00	\$450.00 – 1 unit
025-01-45.9	Incaudo	-0-	\$10.00 – NB lot
025-01-62	Incaudo	-0-	\$10.00 – NB lot
022-03-47.2	Kelsey	-0-	\$10.00 – NB lot
022-03-36	Donovan	-0-	\$10.00 – NB lot

Councilor Lathrop made a motion seconded by Councilor Sherman to direct the Assessor, Larry Fitts, to make the necessary corrections on the above 2010 tax bills and the assessment roles. All voted aye. Carried.

Southern Onondaga Area Water District: Unit Charge for Davis Grove Properties:

Supervisor Ross reported to the Board that there are three (3) properties in the Southern Onondaga Area that have been charged incorrectly. Mr. Reagan, Codes Enforcement Officer, has determined that these properties do not meet the requirements for a building lot as they stand at present time. They are being charged a ½ unit of \$225.00 for buildable lot when in fact they should be charged \$10.00 for a non-buildable lot according to the Map Plan and Report for the District. The properties effected are:

025-01-64 Noonan: charged ½ unit: \$225.00
025-01-61 Boyea: charged ½ unit: \$225.00
025-01-63 Steinjann: charged ½ unit: \$225.00

Councilor Lathrop made a motion seconded by Councilor Sherman to direct the Assessor, Larry Fitts, to correct the 2010 Tax bills and correct the unit charge on the assessment roles for these properties to reflect a \$10.00 charge due to the fact that they are non-buildable lots. All voted aye. Carried.

Energy Audit with Energy Masters: Supervisor Ross advised the Board of a potential energy audit for the Town Hall that would be conducted through NYSERDA Small Commercial Energy Audit Program. There is a refundable fee of \$100. There would be a follow-up a meeting to confer about the findings and to discuss NYSERDA incentives and the loan fund available for the recommendations. Supervisor Ross made a motion seconded by Councilor O'Hara to proceed with the energy audit through NYSERDA. All voted aye. Carried.

Drug and Alcohol Testing Agreement: A proposal was received from Lakeshore Employee Testing Services, Inc. to perform drug and alcohol testing in the amount of \$55.00 per employee. The proposal is \$20.00 less than we are currently paying. Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the Supervisor to enter into an agreement with Lakeshore Employee Testing Services, Inc. for \$55.00 per employee. All voted aye. Carried.

Limeledge Water: Two Properties Already Serviced by OCWA: It has brought to the Supervisor's attention that two (2) properties that are in the Limeledge Water District are already receiving water from OCWA. These properties are Murphy at 2393 Glover Road, Tax Map #010-02-11 and Frajda at 2400 Glover Road, Tax Map #013-02-39. They are located at the end of on Glover Road. After further investigation it was determined that these properties have in fact been receiving water from the OCWA system for years.

Mr. Ross suggested that these properties remain in the Limeledge Water District but should have the annual charge waived. Supervisor Ross made a motion seconded by Councilor Lathrop to waive the annual Limeledge Water District charge on the following properties: Murphy at 2393 Glover Road, Tax Map #010-02-11 and Frajda at 2400 Glover Road, Tax Map #013-02-39. If any hydrant fees occur as a result of being in the District these properties should be charged their share. All voted aye. Carried.

Park Restroom Renovations – Authorize B&L to Issue Bid Specifications:

Councilor Lathrop made a motion seconded by Councilor Sherman to authorize Barton & Loguidice to issue bid specifications for the restroom renovations located in Marcellus Park at the Welcome Center. All voted aye. Carried.

Limeledge Water District: Approval of Bills: Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the payment of Limeledge Water District Abstract No. 1 - 2010. All voted aye. Carried.

Southern Onondaga Water District: Approval of Vouchers #1 and 2: Councilor Lathrop made a motion seconded by Councilor Sherman to approve the following payment in conjunction with the Southern Onondaga Area Water District:

Voucher #1	M&T Trust Company	\$34,000.00
Voucher #3	Craig Billinson & Associates	\$ 1,477.59

All voted aye. Carried.

Limeledge Water: Change Order No. 3 for Contract No. 1: Councilor Sherman made a motion seconded by Councilor Sheridan to approve the Change Order No. 3 for Contract No. 1 for the Limeledge Water District. This change order is related to the decommissioning of the Rockwell Reservoir and drainage improvements downstream of the reservoir for a \$10,000 increase. The revised contract amount is \$3,647,650.00. All voted aye. Carried.

Refund Tax Penalties: Due to unforeseen circumstances with the night depository that is used for after hours payments and correspondence, two school tax bills along with about seven other transactions were stuck in the slot. There is no way to confirm exactly when the tax payments were placed in the night deposit, the checks for school taxes were dated October 9th and 20th. Since the payments were not processed in a timely fashion, the 2009-2010 school tax amount was relieved on their 2010 Onondaga County taxes plus penalties. Since there were caught in the night deposit, the question becomes who is responsible for the penalty? Supervisor Ross made a motion seconded by Councilor Sheridan to refund, along participation by Marcellus Central School, the penalty charges that were caused by the malfunction of the night depository. All voted aye. Carried.

National Grid v. Town of Marcellus: Will be discussed in executive session.

Before the Board took a short break to go over the Justice Courts and the Town Clerk's 2009 records the Board moved to the Discussion Agenda.

Discussion Agenda

Items from the Board: The Town Clerk inquired as to the possibility of making the Tax Collector, Highway Superintendent and the Town Clerk's term of office four (4) years instead of the current two (2) year term. After a discussion, the Town Attorney was instructed to research the procedure to accomplish this request.

Items from the Floor: Mr. Bernard Montgomery, 4470 Frank Gay, asked the Board to explain more concerning the energy audit. Supervisor Ross explained that an energy audit would be conducted for a refundable payment of \$100.00, which will result in recommendations on how to save on the utility bills. We may also open up funding opportunities for improvements.

William Burnett, questioned why the Town doesn't use BOCES for drug testing? On the same line, Mary Jo Paul, Village Trustee, sees this as an opportunity for the Village, Town and Marcellus School to cooperate and use the same agency to do the drug testing.

The Board took a five (5) minute recess to look at the Town Clerk and Justice Court Books for 2009.

Approve the Town Clerk and Justice Court's 2009 Records: The Board reviewed the Justice Court and Town Clerks books for the year 2009. Councilor Sherman made a motion seconded by Councilor Sheridan to approve the Justice Court and Town Clerks books for the year 2009. All voted aye. Carried

Executive Session: Councilor Lathrop made a motion seconded by Councilor Sherman to enter into executive session to discuss a legal settlement at 8:00pm. All voted aye. Carried.

Councilor Sheridan made a motion seconded by Councilor Lathrop to adjourn the Executive Session at 8:16pm. All voted aye. Carried.

Councilor Sheridan made a motion seconded by Councilor Lathrop to reconvene the Town Board meeting at 8:17pm. All voted aye. Carried.

Legal settlement: On advice from Counsel, Councilor Sheridan made a motion seconded by Councilor Sherman to accept the settlement as outlined by Counsel Gascon in the matter of Niagara Mohawk Power Corporation v. Town of Marcellus. All voted aye. Carried.

Councilor Sheridan made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:10 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk

