

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

October 13, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on October 13, 2011 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; Sandy Taylor, Deputy Town Clerk; James Gascon, Counsel; Donald MacLachlan, Highway Superintendent; Phil Coccia, Recreation Leader; William Reagan, Codes Enforcement Officer, Mary Jo Paul and Jamie Plis.

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

Supervisor Ross noted the passing of Sarah Hettinger at age 99. She served the town as Town Clerk for many years and was long time resident of the Town. Sarah will be missed.

Copies of the minutes of the Town Board Meeting held on September 12, 2011, Workshop Meeting held on September 22, 2011 and Special Meeting held on October 5, 2011 was given to the Board Members. Councilor Sherman made a motion seconded by Councilor O'Hara 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 #10 as of 10/13/11, Claims #20110711 – 20110811 and Highway Claims #20110184 - 20110213.

	<u>Expenses</u>
General Fund	\$ 36,409.91
General Fund – Part Town	730.63
Highway – Town Wide	40,175.00
Highway – Part Town	55,561.19
Capital Projects	9,680.00
Fire	350.00
Hydrant	927.36
Sewer	47,902.14
Water	12,673.92

Bills paid between meetings:

AFLAC – Aug Premium	N/A	\$ 246.00
Excellus BCBS (Sept Retiree Insurance)	N/A	1,969.20
Excellus BCBS (Sept Ins. Prem. Empl.)	N/A	17,694.44
Simply Prescriptions (Sept Pres. Coverage-Retirees)	N/A	1,026.18
Manufactures & Traders Trust Co.	201100710	85,000.00

Board Members were given copies of the Activity Report for September 2011 and monthly statement of bank balances as of October 13, 2011

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,288,226.16	\$ 896,843.10
General Fund – Part Town	114,446.85	66,065.26
Highway – Town Wide	476,661.29	382,953.16
Highway – Part Town	352,290.60	335,432.41
Fire	536,119.38	1,152,890.33

Councilor Sherman made a motion seconded by Supervisor Ross to approve and pay the bills, approve the monthly activity report for September 2011 and the monthly statement of bank balances as of October 13, 2011. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None

NEW BUSINESS:

CNY RPDB-Stormwater Compliance Assistance Program: Supervisor Ross discussed with the Board the proposal from Central New York Regional Planning & Development Board. The proposal addresses public education and outreach requirements of the NYS SPDES for MS4 Operators. Based on participation of 20 municipalities the maximum cost per municipality will not exceed \$5,000. With more participation the cost would go down. Councilor Lathrop made a motion seconded by Councilor Sherman for the Town of Marcellus to participate in the CNY RPDB program for the Stormwater MS4 Operators. All voted aye. Carried.

Resolution #009-11 follows:

#009-11
Resolution Supporting Participation in the
Central New York Regional Planning & Development Board's
Year-4 Stormwater and Education Compliance Assistance Program

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of Marcellus herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed to conduct a regional public education, outreach and training compliance program to “reduce municipal staff burdens, ensure message consistency, proved widespread priority audience targeting, and proved to most efficient use of limited municipal funds by distributing total program costs over a number of entities” within a twelve month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Marcellus

1. That Daniel J. Ross, Town of Marcellus Supervisor or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related the Project;
2. That the Municipality agrees that it will fund its portion of the cost of the Project according to the fee schedule as Attachment C, and the 75% of the funds will be made available to the Board no later than February 28, 2012 to initiate the project, and that 25% of the funds will be made available to the Board no later than September 30, 2012 to complete the project.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board no later than December 1, 2011.
4. That this Resolution takes effect immediately.

Building Codes: 2012 Fee Schedule: Codes Enforcement Officer, William Reagan, explained his rationale behind his recommendation for changes in the fee structure for building permits with the Board. The changes are not major. Councilor O’Hara made a motion seconded by Councilor Lathrop to make the recommended changes to the building permit fees schedule effective January 1, 2012. All voted aye. Carried.
The 2012 fees for building permits are as follows:

Town of Marcellus 2012 Fee Schedule

(Base fee plus amount per square or linear foot)

Residential Projects	Base Fee	Plus/SF
Accessory Building (Without Foundation)	\$15	\$0.05
Accessory Building (With Foundation or Post Holes)	\$25	\$0.10
Addition	\$25	\$0.20
Antenna / Satellite Dish > 3'	\$25	na
Change of Use (Without Construction)	\$25	na
Decks and Porches	\$25	\$0.10
Demolition	\$25	\$0.05
Dwelling	\$25	\$0.20
Excavation / Fill / Grading	\$50	na
Fence	\$25	\$0.05
Foundation (Modular Home)	\$25	\$0.10
Garage (Attached)	\$25	\$0.15
Generator	\$35	na
Heating Device / Chimney	\$35	na
Mobile Home	\$25	\$0.15
Renovations / Alterations	\$25	\$0.10
Sign	\$25	na
Solar Panels	\$50	na

Swimming Pool - On Ground / Spa	\$35	na
Swimming Pool - In Ground	\$75	na
Windmill - Roof Mounted	\$75	na
Windmill - Tower	\$100	na
Unlisted Projects (per insp.)	\$20	na
Extension of Building Permit	*	na

* 25% Original Fee / \$25 Minimum

Commercial Projects	Base Fee	Plus/SF
Accessory Building (Storage, etc.)	\$25	\$0.15
Antenna	\$150	na
Building or Addition	\$50	\$0.25
Change of Use (Without Construction)	\$50	na
Demolition	\$50	\$0.05
Excavation / Fill / Grading	\$75	na
Fence	\$25	\$0.05
Generator	\$50	na
Heating Device / Chimney	\$35	na
Renovations / Alterations	\$50	\$0.15
Sign	\$25	\$1.00
Solar Panels	\$75	na
Tower (Cellular, Radio)	\$500	na
Windmill - Roof Mounted	\$75	na
Windmill - Tower	\$100	na
Windmill - Tower (Non-private Use)	\$500	na
Unlisted Projects (per insp.)	\$25	na
Operating Permit	\$0	na
Extension of Building Permit	**	na

** 25% Original Fee / \$50 Minimum

Other Fees	Base Fee	Plus
Fireworks Display Permit	\$50	na
Site Plan - New	\$100	na
Site Plan - Modification	\$50	na
Special Permit	\$50	na
Special Permit - Oil & Gas Ex.	\$100	na
Subdivision Plats - Preliminary	\$200	\$30/Lot
Subdivision Plats - Final	\$100	na
Zoning Appeal	\$100	na

Sewer Agreement Extension: Councilor Sherman made a motion seconded by Councilor Lathrop to extend the current Sewer Agreement with the Village of Marcellus. This extension will keep the terms of the May 18, 2009 agreement the same with a December 21, 2011 expiration date. All voted aye. Carried.

PILOT Agreements: 33 Maple Street and 3 Austindale: The Intermunicipal Agreement regarding allocation of funds from a PILOT (Payment In Lieu of Taxes) Agreement for properties located at 33 Maple Street and 3 Austindale in the Village of Marcellus have expired and are in need of renewal. The village has forwarded to the town updated agreements to be considered. This is just an extension of the current program. The agreement for the property located at 3 Austindale Ave covers the years

2011 through 2035 and the agreement for the property located at 33 Maple Street covers the years 2011 through 2024. The Village would receive 50%, the Town 25%, Marcellus Central School 15% and Onondaga County 10%. Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the Supervisor to enter into the Intermunicipal Agreement Regarding Allocation of Funds from a PILOT Agreement for the properties located at 33 Maple Street and 3 Austindale. All voted aye. Carried.

Use Park Capital Reserve for Park Bridge Repairs: Councilor Lathrop made a motion seconded by Councilor Sherman to return any recovered funds from this project to the Park Capital Reserve. All voted aye. Carried.

Request for Proposal for Consulting Engineer: Councilor Lathrop made a motion seconded by Councilor O'Hara to proceed with the process of seeking proposals for Consulting Engineering Services. All voted aye. Carried.

Proposal: Gallagher Painting: Supervisor Ross advised the Board that during the cleaning of the trim prior to painting the trim on the Town Hall the outlines of the old bank sign was discovered on the upper soffit. Mark Gallagher of Gallagher Painting provided a quote to restore the sign of "First National Bank" at a cost of \$394.00. Supervisor Ross made a motion seconded by Councilor Lathrop to approve the contract with Gallagher Painting in the amount of \$394.00 to restore the "First National Bank" sign. All voted aye. Carried.

County Snow Plow Contact: Supervisor Ross presented to the Board a proposal from Onondaga County dealing with the snow plow contract for this snow season. The offer is \$6335 per mile if snowfall is less than 150 inches and \$6967 if snowfall is over 151 inches. Councilor Lathrop made a motion seconded by Councilor Sherman to accept the proposal from Onondaga County for the 2011-2012 snowfall season in the amount of \$6335 per mile if snowfall is less than 150 inches and \$6967 if snowfall is over 151 inches. All voted aye. Carried.

Municipal Electric & Gas Alliance: Supervisor Ross presented to the Board a proposal from the Municipal Electric and Gas Alliance (MEGA) to provide potential saving on the purchase of gas and electric. MEGA uses its power to seek the best price on these commodities then in turn offers this price to its participants. There is no cost to participate in this program. The agreement would last two years then it proceeds on a month to month basis. After the two years, a written request to terminate the agreement is required. Counsel Gascon has reviewed the contract and he has no issues. Supervisor Ross made a motion seconded by Councilor O'Hara to authorize the Supervisor to enter into the contract with Municipal Electric and Gas Alliance (MEGA) to seek the lowest price for gas and electric. All voted aye. Carried.

Schedule Public Hearing for Local Law to Override Property Tax Cap:

**#010-11
TOWN BOARD RESOLUTION
TOWN OF MARCELLUS**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga and State of New York on October 13, 2011, at 7:00 P.M., there were:

PRESENT:	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin F. O’Hara	Councilor

WHEREAS, Councilor Lathrop introduced proposed Local Law No. C-2011, to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law § 3-c, and to allow the Town of Marcellus to adopt a Town budget for the fiscal year 2012 in excess of the “tax levy limit,” and made the following motion, which was seconded by Councilor Sherman; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall assume the status of lead agency.

NOW, THEREFORE, BE IT RESOLVED, that this Board shall act as lead agency, the enactment of proposed Local Law No. C-2011 is an unlisted action with no significant adverse environmental effect, thus concluding the environmental review under SEQR; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2011 at the Town Hall located at 24 East Main Street in the Town of Marcellus on November 10, 2011, at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

VOTE:	Daniel J. Ross	Aye
	James A. Sheridan	Nay
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O’Hara	Aye

Resolution duly adopted.

Dated: October 13, 2011

Schedule Special Meeting to Set the Public Hearing for 2012 Budget (additional item): Councilor O’Hara made a motion seconded by Councilor Lathrop to schedule a special meeting on October 27, 2011 at 7pm to set the public hearing on the 2012 Budget. All voted aye. Carried.

Approval of Contract for Accounting Assistance: Councilor Sherman made a motion seconded by Councilor Lathrop to authorize the Supervisor to enter into a contract with Elizabeth Hennessey to provide accounting assistance on as needed basis for the sum of \$10.00 per hour not to exceed \$1,800.00. All voted aye. Carried.

Discussion Agenda

Items from the Board

Councilor Lathrop questioned if the 2010 Annual Report has been filed. Supervisor Ross advised that it will be filed by the end of the year.

William Reagan, Codes Enforcement Officer, advised the Board that the revised Zoning Law book is ready and he is waiting for an updated zoning map from Barton & Loguidice.

Phil Coccia, Recreation Leader, presented to the Board a list of items that are stored in the Allen Building that could be sold. The items are: Parts to the portable ice rink, table from the Highway Building and a copier. Hearing no objections the Board gave permission to sell the above items at auction.

Items from the Floor

Councilor Sherman made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:11 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk