

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

December 12, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on December 12, 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; Tracie Barnes, Accountant; Jim Gascon, Town Attorney, William Reagan, Codes Enforcement Officer, Phil Coccia, Recreation Leader; Donald MacLachlan, Highway Superintendent; Chris Christensen, Member of Planning and Zoning Board of Appeals; Kimber Simms, William Burnette, Mary Ann Czerniak, Arlene Angello, Chuck Paul, Mary Jo Paul, Shannon Walters, John McWhorter, Linda Wilcox and Gary Wilcox.

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

SEQR Process for the Proposed Local Law Amending Subdivision Regulations: The first item on the agenda is the SEQR process for the proposed Local Law Amending Subdivision Amending Regulations. Counsel Gascon led the Board through the short environmental assessment form. The following is the SEQR Resolution and Negative Declaration:

#014-11

TOWN OF MARCELLUS

TOWN BOARD

TOWN BOARD SEQRA RESOLUTION

AND NEGATIVE DECLARATION

December 12, 2011

TOWN OF MARCELLUS LOCAL LAW A OF 2012

("A Local Law Amending the Town of Marcellus Subdivision Regulations
as Adopted March 9, 2009, by Local Law #3 for the Year 2009")

Councilor Lathrop moved and Councilor Sherman seconded the following Resolution:

WHEREAS, the Town Board of the Town of Marcellus has introduced a Local Law titled "A Local Law Amending the Town of Marcellus Subdivision Regulations as adopted March 9, 2009, by Local Law #3 for the Year 2009," which Local Law would reflect changes to Section 305(E) (Minor Lot Alterations), all in accordance with the Town Law; and

WHEREAS, the proposed action consists of the adoption of town-wide subdivision regulation changes pursuant to Town Law and the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires

that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on December 12, 2011 the Town of Marcellus Town Board declared itself to be lead agency, identified no involved and/or interested agencies and determined this action to be a Type II Action and a negative declaration was issued, all for purposes of SEQRA; an

WHEREAS, the Board has considered and discussed fully the potential environmental impacts of the proposed action

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marcellus Town Board hereby determines the proposed action will not have a significant adverse effect on the environment; and

BE IT FURTHER RESOLVED, that the Town's legal counsel, distribute and publish the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617. The question of the adoption of the foregoing Resolution was duly put to a vote, the vote was as follows:

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

Resolution duly adopted.

Dated: December 12, 2011

PUBLIC HEARING: Proposed Local Law Amending the Town of Marcellus Subdivision Regulations as Adopted March 9, 2009 by Local Law #3 for the Year 2009

Supervisor Ross opened the Public Hearing for the proposed Local Law Amending the Town of Marcellus Subdivision Regulations as Adopted March 9, 2009, By Local Law #3 for the 2009 by reading the legal notice that was published in the November 23, 2011 edition of the Marcellus Observer.

Supervisor Ross asked for anyone who wished to speak in favor or against the proposed Local Law to please state his or her name and address for the record.

Hearing no other comments from the floor, Mr. Ross asked the Board if they had any comments.

With no comments from the Board, Mr. Ross closed the public hearing on the proposed Local Law; the public hearing was closed at 7:05.

Copies of the minutes of the Town Board Meeting held on November 10, 2011 were given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sheridan 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 #12 as of, Claims #201100886 – 201100939 and Highway Claims #2011230 - 2011242.

	<u>Expenses</u>
General Fund	\$68,339.25
General Fund – Part Town	14,876.40
Highway – Town Wide	21,448.38
Highway – Part Town	16,359.99
Sewer	56.35

Bills paid between meetings:

	<u>Claim #</u>	
AFLAC-Nov Premium	N/A	246.80
Excellus BCBS (Dec Retiree Ins)	N/A	1,597.24
Excellus BCBS (Dec Ins Employees)	N/A	17,694.44
Simply Prescriptions (Dec Prescription Coverage – Retirees)	N/A	<u>912.16</u>
		20,450.64

Board Members were given copies of the Activity Report as of December 12, 2011 and monthly statement of bank balances as of December 12, 2011.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,294,701.15	\$1,095,586.89
General Fund – Part Town	117,304.8	113,070.76
Highway – Town Wide	476,661.29	425,990.55
Highway – Part Town	353,232.60	392,786.71
Enterprise	2.73	40.49
Capital Projects	28,600.22	510,600.31
Reserve	18,500.00	
Fire District	536,119.38	1,152,890.33
Hydrant Fund	1,918.72	1,748.16
Ambulance Fund	260,464.76	260,495.00
Sewer District	129,846.46	107,954.30
Water District	207,575.85	194,924.11

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of December 12, 2011 and the monthly statement of bank balances as of December 12, 2011. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None.

NEW BUSINESS:

Set Time for the December 28, 2011 Year End Meeting and Workshop Meeting: The Year End Meeting has been scheduled for December 28, 2011, Councilor Lathrop made a motion

seconded by Councilor O'Hara to set the time for the year end meeting at 5:00pm with the December 2011 Workshop to follow immediately. All voted aye. Carried.

Set Date and Time for 2011 Organizational Meeting: Councilor Lathrop made a motion seconded by Councilor O'Hara to schedule the 2012 Organizational Meeting on January 3, 2012 at 5:00pm. All voted aye. Carried.

Agreement: Onondaga County Snow Plowing for 2012: The Snow Plow Agreement with County of Onondaga has been received reflecting a rate of \$6335.00 per centerline mile and \$6967.00 per center line mile if the snow fall exceeds 151 inches. The term of this agreement is for October 26, 2011 through May 31, 2012. This rate is agreeable to the Highway Superintendent. Councilor O'Hara made a motion seconded by Councilor Sheridan to authorize the Supervisor to enter into the Snow Plow Agreement with Onondaga County with a rate of \$6335.00 per centerline mile and \$6967.00 per center line mile if the snow fall exceeds 151 inches for a term of October 26, 2011 through May 31, 2012. All voted aye. Carried.

Short Form SEQR for Proposed Local Law to Amend the Subdivision Regulations: Counsel Gascon led the Board through the short environmental assessment form for the proposed local law dealing with the amendment to the Subdivision Regulations. Mr. Gascon advised the Board to declare itself as lead agency and find this action as an unlisted action with no adverse impact. Councilor Lathrop made a motion seconded by Councilor O'Hara to declare the Town of Marcellus as lead agency and find this action as an unlisted action with no adverse impact. All voted aye. Carried.
The resolution follows.

Proposed Local Law to Amend the Subdivision Regulations and Schedule Public Hearing:

#015-11

**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 December 12, 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. E-2011, relative to amending Article 3 of the Town of Marcellus Subdivision Regulations as adopted March 9, 2009, by Local Law #3 for the Year 2009, to reflect changes to Article 3 (Procedure to Obtain Subdivision Approval) Sections 302.A and 303.A, to require the preparation of a Stormwater Pollution Prevention Plan, and made the following motion, which was seconded by Councilor O'Hara; 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 act as lead agency in this matter.

NOW, THEREFORE, BE IT RESOLVED, that this Board shall act as lead agency, the enactment of proposed Local Law No. E-2011 is an unlisted action and will have no adverse impact effect on the environment in accordance with 6 N.Y.C.R.R. Part 617, and, therefore, this Board issues a negative declaration for purposes of SEQR; and it is further

RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. E-2011 at the Town Hall located at 24 East Main Street in the Town of Marcellus on January 9, 2012 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	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin F. O'Hara	Aye

Resolution duly adopted.

Dated: December 12, 2011

Short Form SEQR for Proposed Local Law to Amend Zoning Law:

Counsel Gascon led the Board through the short environmental assessment form for the proposed local law dealing with the amendment to section 26 of the Town of Marcellus Zoning Law as adopted by Local Law #6 of the year 2009. Mr. Gascon advised the Board to declare itself as lead agency and find this action as an unlisted action with no adverse impact. Councilor Lathrop made a motion seconded by Councilor Sheridan to declare the Town of Marcellus as lead agency and find this action as an unlisted action with no adverse impact. All voted aye. Carried. The resolution follows.

Proposed Local Law to Amend the Zoning Law and Schedule Public Hearing:

**#016-11
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 December 12, 2011, at 7:00 P.M., there were:

PRESENT:	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilor
	Donald G. Sherman	Councilor

Thomas C. Lathrop
Kevin F. O'Hara

Councilor
Councilor

WHEREAS, Councilor O'Hara introduced proposed Local Law No. F-2011, relative to the amending of the Town of Marcellus Zoning Law as adopted by Local Law #6 of the Year 2009, to reflect changes to Section 26 (Site Plan Review/Planning Board) to include a new Subsection K and made the following motion, which was seconded by Councilor Lathrop; 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 act as lead agency in this matter.

NOW, THEREFORE, BE IT RESOLVED, that this Board shall act as lead agency, the enactment of proposed Local Law No. F-2011 is an unlisted action and will have no adverse impact effect on the environment in accordance with 6 N.Y.C.R.R. Part 617, and, therefore, this Board issues a negative declaration for purposes of SEQR; and it is further

RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. F-2011 at the Town Hall located at 24 East Main Street in the Town of Marcellus on January 9, 2012 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	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin F. O'Hara	Aye

Resolution duly adopted.
Dated: December 12, 2011

Discussion Agenda

Items from the Board

Items from the Floor

Councilor Lathrop made a motion seconded by Councilor Sheridan to adjourn the Marcellus Town Board meeting at 7:50 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk