

**TOWN OF MARCELLUS  
TOWN BOARD MEETING MINUTES**

January 9, 2012

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on January 9, 2012 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor  
Thomas C. Lathrop, Councilor  
Donald G. Sherman, Councilor  
Kevin F. O'Hara, Councilor  
Peter Hakes, Councilor

Also present: Karen R. Pollard, Town Clerk; Sandy Taylor, Deputy Town Clerk; Donald MacLachlan, Highway Superintendent; Shannon Waltons, B&L, Mary Jo Paul, John Scanlon, William Burnette, Ed Grosso, Janice Chynoweth, Jayna Betancout, Heather Masters, Gail Canne, Shane Carey, Garrett DiMies, Zach DeSantis, Carelon Mason, Alec Mosher, Josh Amidon, Steve Barner, Kyle McVey, Phil Zdanoski, Beth Abbott, Tabby McBride, Cassie Roberts, Heather Hanlon, Dan Hill, Ryan Majo, Nick Sinay, Mario Monor and Joe Masterpol.

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

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

Supervisor Ross opened the Public Hearing for the proposed Local Law Amending Article 3 of the Town of Marcellus Subdivision R Regulations as Adopted March 9, 2009, By Local Law #3 for the 2009 by reading the legal notice that was published in the December 21, 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 7:04.

**PUBLIC HEARING:** A Local Law Amending Section 26 of the Town of Marcellus Zoning Law as Adopted by Local Law #6 of the Year 2009

Supervisor Ross opened the second Public Hearing for the proposed Local Law Amending Section 26 of the Town of Marcellus Zoning Law as Adopted by Local Law #6 of the Year 2009, by reading the legal notice that was published in the December 21, 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 7:06.

Copies of the minutes of the Town Board Meeting held on December 12, 2011, Joint Workshop with Planning Board held on December 17, 2011, Year End Meeting held on December 28, 2011, Workshop Meeting held on December 28, 2011 and the Organizational Meeting held on January 3, 2012 was given to the Board Members. Councilor Lathrop 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 #14 (December 2011) and #1 (January 2012) as of January 9, 2012, Claims \*#20110982 – 20110999 (December 2011) and 20120001 – 20120029 and Highway Claims #20110253 – 20110257 (December 2011) and 20120001 (January 2012).

\*Note: Claim # 20110981 was inadvertently missed.

	(2011)	(2012)
	<u>Expenses</u>	<u>Expenses</u>
General Fund	\$3,238.69	\$11,366.42
General Fund – Part Town	408.21	
Highway – Town Wide	3,059.17	1,643.21
Sewer		2,423.30
Trust & Agency	2,690.03	

Board Members were given copies of the Activity Report for December 2011 and January 2012 as of January 2012 and monthly statement of bank balances as of January 9, 2012.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,295,669.84	1,138,335.43
General Fund – Part Town	118,311.85	121,030.79
Highway – Town Wide	476,661.29	444,621.40
Highway – Part Town	541,896.92	420,906.71
Enterprise	2.73	440.57
Capital Projects	8,557.50	56,663.72
Reserve	18,500.00	
Fire District	536,119.38	1,152,890.33
Hydrant Fund	1,718.72	1,748.16
Ambulance Fund	260,464.76	260,495.00
Sewer District	129,846.46	107,988.52
Water District	207,806.85	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 January 9, 2012 and the monthly

statement of bank balances as of January 9, 2012. Councilor Lathrop voiced his opposition to Voucher # 20120013 payable to Elaine M. Potter, Tax Collector in the amount of \$ 387.36. The charge is due to the fact that the property at 4294 Lee Mulroy is included in the Slate Hill Water District and is leased to Onondaga County for the salt storage shed. All voted aye with Councilor Hakes abstaining from approving Voucher #20110255 payable to Nightingale Milles due to a conflict of interest. Carried.

**OLD BUSINESS:**

**Report from Department Liaisons:** Supervisor Ross advised the Board that since this is the first meeting of the year, just as a reminder, the Board liaisons are as follows: Thomas Lathrop for the Marcellus Park, Donald Sherman for Highway Department and Kevin O’Hara for the Codes Department.

**NEW BUSINESS:**

**Association of Towns:** Supervisor Ross read to the Board the information from the New York State Association of Towns concerning the 2012 Training School and Annual Meeting, being held at the Hilton New York & Towers in New York City from February 19, 2012 through February 22, 2012. Supervisor Ross advised the Board that if anyone wishes to attend, please let the Town Clerk know.

**Enact Local Law Amending the Subdivision Regulations:**

#01-12

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, State of New York on December 12, 2011, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O’Hara	Councilor
	Peter Hakes	Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 1-2012, titled “A Local Law Amending the Town of Marcellus Subdivision Regulations as Adopted March 9, 2009, by Local Law #3 for the Year 2009,” was presented and introduced at a special meeting of the Town Board of the Town of Marcellus held on November 10, 2011; and

**WHEREAS**, the New York State Environmental Quality Review (SEQR) process for this action was completed by this Board at its December 12, 2011, meeting, this Board, having determined 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 SEQR, assumed lead agency status and determined this to be a Type II action with no significant adverse effect; and

**WHEREAS**, a public hearing was held on such proposed local law on the 12<sup>th</sup> day of December, 2011 by the Town Board of the Town of Marcellus 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 Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, it is in the public's interest to enact said proposed Local Law No. 1-2012.

**NOW**, upon the Motion of Councilor O'Hara and seconded by Councilor Hakes,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 1-2012 as follows:

**“TOWN OF MARCELLUS  
LOCAL LAW NO. 1-2012**

**A LOCAL LAW AMENDING THE TOWN OF MARCELLUS  
SUBDIVISION REGULATIONS AS ADOPTED MARCH 9, 2009,  
BY LOCAL LAW #3 FOR THE YEAR 2009**

BE IT ENACTED by the Town Board of the Town of Marcellus, that this Local Law amends the Town of Marcellus Subdivision Regulations as adopted by Local Law 3-2009, as follows:

Section 1.

Section 305 (“Minor Lot Alteration”) at subsection E of the Town of Marcellus Subdivision Regulations is hereby amended by removing subparagraph 305(E)(3) (“No referral to the County Planning Agency shall be required;”) and renumbering subparagraphs numbered 4 and 5 to 3 and 4, respectively.

Section 2.

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

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

<b>VOTE:</b>	Daniel J. Ross	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Nay
	Kevin O'Hara	Aye
	Peter Hakes	Aye

Resolution duly adopted.

Dated: January 12, 2012

**Enact Local Law Amending Article 3 of the Town of Marcellus Subdivision Regulations:**

**#02-12**

**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, State of New York on January 9, 2012, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor
	Peter Hakes	Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 2-2012, titled "A Local Law Amending Article 3 of the Town of Marcellus Subdivision Regulations as Adopted March 9, 2009, By Local Law #3 for the Year 2009," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on December 12, 2011; and

**WHEREAS**, a public hearing was held on such proposed local law on the 9th day of January, 2012 by the Town Board of the Town of Marcellus 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 Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, the New York State Environmental Quality Review (SEQR) process for this action was completed by this Board at its December 12, 2011, meeting, this Board, having determined 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 SEQR, assumed lead agency status and determined this to be an unlisted action with no significant adverse effect; and

**WHEREAS**, it is in the public's interest to enact said proposed Local Law No. 2-2012.

**NOW**, upon the Motion of Councilor Sherman and seconded by Councilor Hakes,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 2-2012 as follows:

**“TOWN OF MARCELLUS  
LOCAL LAW NO. 2-2012**

**A LOCAL LAW AMENDING ARTICLE 3 OF THE  
TOWN OF MARCELLUS SUBDIVISION REGULATIONS  
AS ADOPTED MARCH 9, 2009,  
BY LOCAL LAW #3 FOR THE YEAR 2009**

BE IT ENACTED by the Town Board of the Town of Marcellus, that this Local Law amends the Town of Marcellus Subdivision Regulations as adopted March 9, 2009, by Local Law #3 of the year 2009, as follows:

Section 1.

Article 3, titled “Procedures to Obtain Subdivision Approval,” of the Town of Marcellus Subdivision Regulations of 2009 is hereby amended so that Section 302.A shall read, in its entirety, as follows,

“A. Filing Application. At least 15 days prior to a regular meeting of the Planning Board, the Applicant shall file an Application in the form most recently approved by the Planning Board (signed and certified to by the Subdivider, and the Applicant, if different) with the Town Clerk for Approval of a Preliminary Plat of the proposed Subdivision or Re-subdivision. The Application for Preliminary Plat Approval shall include:

1. a completed Application;
2. 12 copies of the Preliminary Plat, meeting the requirements of Section 602;
3. the data specified in Section 602;
4. an EAF or EIS (if Infrastructure Improvements or Public Improvements are involved, the Applicant shall submit a Long Form EAF or an EIS);
5. the appropriate fees set by the Town Board and on file in the Town Clerk’s Office; and
6. a Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Articles 1 and 2 of Local Law No. 6 of 2007, titled “A Local Law for Stormwater Management and Erosion and Sediment Control.” The SWPPP shall meet the performance and design criteria and standards set forth in Article 2 of Local Law No. 6 of 2007.” Section 2.

Article 3, titled “Procedures to Obtain Subdivision Approval,” of the Town of Marcellus Subdivision Regulations of 2009 is hereby amended so that Section 303.A shall read, in its entirety, as follows,

“A. Application for Approval of Final Plat. Fifteen (15) dates prior to the regular monthly meeting of the Planning Board, and within six months after the approval of the Preliminary Plat, the Applicant shall file an Application for Approval of the Final Plat with the Town Clerk. The Application for Final Plat Approval shall include:

1. two duplicate originals of the signed Application;
2. 12 copies of the proposed Final Plat;

3. two copies of the narrative required under Section 603 B, signed and certified to by the Engineer for the Developer and by the Subdivider (and Applicant, if different from the Subdivider);
4. two duplicate original sets of the data specified in Section 603;
5. the fee established by the Town Board;
6. if any proposed water supply and/or sewage disposal facilities associated with the subdivision require approval by the Department of Health or the Department of Environmental Conservation, the Applicant shall provide evidence that at least preliminary approval has been granted, in writing, by those agencies; and
7. A Stormwater Pollution Prevention Plan consistent with the requirements of Articles 1 and 2 of Local Law No. 6 of 2007, titled "A Local Law for Stormwater Management and Erosion and Sediment Control," and with the terms of Preliminary Subdivision Plat approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the minimum performance and design criteria and standards set forth in Article 2 of Local Law No. 6 of 2007."

Section 3.

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

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

<b>VOTE:</b>	Daniel J. Ross	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye
	Peter Hakes	Aye

**Resolution duly adopted.**

**Dated: January 9, 2012**

**Enact Local Law Amending Section 26 of the Town of Marcellus Zoning Law:**

**#03-12**

**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, State of New York on January 9, 2012, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	Donald G. Sherman	Councilor

Thomas C. Lathrop  
Kevin O'Hara  
Peter Hakes

Councilor  
Councilor  
Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 3-2012, titled "A Local Law Amending Section 26 of the Town of Marcellus Zoning Law as Adopted by Local Law #6 of the Year 2009," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on December 12, 2011; and

**WHEREAS**, a public hearing was held on such proposed local law on the 9th day of January, 2012 by the Town Board of the Town of Marcellus 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 Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, the New York State Environmental Quality Review (SEQR) process for this action was completed by this Board at its December 12, 2011, meeting, this Board, having determined 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 SEQR, assumed lead agency status and determined this to be an unlisted action with no significant adverse effect; and

**WHEREAS**, it is in the public's interest to enact said proposed Local Law No. 3-2012.

**NOW**, upon the Motion of Councilor Sherman and seconded by Councilor Hakes,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 3-2012 as follows:

**"TOWN OF MARCELLUS  
LOCAL LAW NO. 3-2012**

**A LOCAL LAW AMENDING SECTION 26 OF THE  
TOWN OF MARCELLUS ZONING LAW  
AS ADOPTED BY LOCAL LAW #6 OF THE YEAR 2009**

**BE IT ENACTED** by the Town Board of the Town of Marcellus, that this Local Law amends the Town of Marcellus Zoning Law as adopted by Local Law #6 of the year 2009, as follows:

**Section 1.**

Section 26, titled "Site Plan Review/Planning Board," of the Town of Marcellus Zoning Law of 2009 is hereby amended so that a new Subsection K shall read, in its entirety, as follows;

"K. PREPARATION OF STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirement of Articles 1 and 2 of Local Law No. 6 of 2007, titled "A Local Law for Stormwater Management and Erosion and Sediment Control," Shall be required for Site Plan approval. The SWPPP shall meet the performance and design criteria and standards set forth in Article 2 of Local Law No. 6 of 2007. The approved Site Plan shall be consistent with the provisions of said Local Law No. 6 of 2007.

**Section 2.**

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

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

<b>VOTE:</b>	Daniel J. Ross	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye
	Peter Hakes	Aye

**Resolution duly adopted.**  
**Dated: January 9, 2012**

**CNY SPCA Agreement:** Supervisor Ross reported to the Board that since the change in the state dog licensing program the SPCA finds itself without state funding. The SPCA is now looking to the Towns for support. Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the Supervisor to enter into an agreement with the CNY SPCA for \$559.00 for a term of January 1, 2012 to December 31, 2012. All voted aye.  
Carried.

**Extend Moratorium of Ban on Hydrofracking:**

#04-12  
**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 January 9, 2012, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor

Kevin O'Hara  
Peter Hakes

Councilor  
Councilor

**WHEREAS**, Councilor Lathrop introduced proposed Local Law No. A-2012, to extend a moratorium on hydraulic fracturing and/or hydrofracking in the Town of Marcellus, for an additional twelve (12) months and made the following Resolution, which was seconded by Councilor O'Hara; and

**WHEREAS**, in January 2011, the Town of Marcellus enacted Local Law 2-2011 imposing a moratorium on hydraulic fracturing and/or hydrofracking within the Town of Marcellus for a period of twelve (12) months in order to facilitate study and review of the issue; and

**WHEREAS**, the Town Board is currently undertaking review and consideration of this issue including the consideration of various regulatory approaches to resolving identified problems; and

**WHEREAS**, in order to preserve the status quo and allow time for the Town Board to complete its work and time for the Town and the public to review hydraulic fracturing and/or hydrofracking legislation upon completion, it is proposed that the moratorium imposed by Local Law 2-2011 be extended for an additional twelve (12) month period until January 25, 2013; 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. A-2012 is Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under SEQR; and it is further

**RESOLVED, DETERMINED AND DIRECTED**, that pending action on this proposed local law, no permits shall be issued, no applications shall be considered and no hydraulic fracturing and/or hydrofracking shall be permitted in the Town of Marcellus.

**RESOLVED**, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. A-2012 at the Town Hall located at 24 East Main Street in the Town of Marcellus on January 26, 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.

<b>VOTE:</b>	Daniel J. Ross	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye
	Peter Hakes	Aye

**Resolution duly adopted.**

**Dated: January 9, 2012**

Councilor Lathrop made a motion seconded by Councilor O'Hara to schedule a special meeting on January 26<sup>th</sup> at 7:00pm to accommodate the Public Hearing on proposed Local Law No. A-2012. All voted aye. Carried.

**Recreation Agreement: Zumba:** Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the Supervisor to enter into the following agreement for the Marcellus Recreation:

Zumba Fitness Class            \$55/student            11/17/2011 thru 1/19/2012  
All voted aye. Carried.

**Undertaking Resolution:** The Town Board was presented with a draft of a resolution for Official Undertaking for the town. On the suggestion from the Town Supervisor the Deputy Town Supervisor should be added with the rational that that position also be impacted. Councilor Sherman a motion seconded by Councilor Hakes to approve the following resolution as modified. All voted aye. Carried.

#### OFFICAL UNDERTAKING OF MUNICIPAL OFFICIALS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

WHEREAS, we, the Town Board of the Town of Marcellus hereby require the Supervisor, Town Clerk, Tax Collector, Town Justices, Highway Superintendent and Deputy Town Supervisor to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of Marcellus approve the document entitled "Town Marcellus Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

#### TOWN OF MARCELLUS OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Daniel J. Ross , of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Supervisor of the Town of Marcellus, and

WHEREAS, Karen R. Pollard , of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Clerk of the Town of Marcellus, and

WHEREAS, Elaine M. Potter, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Tax Collector of the Town of Marcellus, and

WHEREAS, Mary Reagan Dailey, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Justice of the Town of Marcellus, and

WHEREAS, Matthew S. Moses, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Justice of the Town of Marcellus, and

WHEREAS, Donald MacLachlan, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Superintendent of Highways of the Town of Marcellus,

WHEREAS, Thomas C. Lathrop, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Deputy Town Supervisor, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Marcellus that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer , in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon the he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Justices is further conditioned that they will well and truly keep, pay over and account for all moneys and property coming into their hands as such Town Justices; and

This undertaking of the Superintendent of Highways is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Superintendent of Highways; and

This undertaking of the Deputy Town Supervisor is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Deputy Town Supervisor; and

The town does and shall maintain insurance coverage, presently with ENB Insurance, in the sum of \$425,000.00 for the Tax Collector, \$25,000.00 for Supervisor , \$25,000.00 each for the Town Justices, \$25,000.00 for Highway Superintendent, \$25,000.00 for Town Clerk and \$25,000 for the Deputy Town Supervisor to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the offices, clerks and employees covered thereunder.

Dated: January 9, 2012  
Town of Marcellus

**Establish Petty Cash Fund for Justice Court:** A request was received from Mary Reagan Dailey, Town Justice, for the Court to have a petty cash fund for the sole purpose of making change for Defendants during Court. Councilor O'Hara made a motion seconded by Councilor Hakes to authorize the Court to maintain a petty cash fund of \$200. Councilor Hakes questioned if the Judges would be accountable for the fund. Supervisor Ross informed the Board that the Clerk to the Justices would be responsible. All voted aye. Carried.

**Agreement: Rental for Senior Luncheon at Methodist Church:** Councilor O'Hara made a motion seconded by Councilor Hakes to authorize Supervisor Ross to enter into an agreement with Methodist Church for the rental of the Community room for Senior

Luncheons in the amount of \$2000.00 for January 1, 2012 thru December 31, 2012. All voted aye. Carried.

**Approve the Town Clerk and Justice Court's 2011 Records:** The Board reviewed the Justice Court and Town Clerks books for the year 2011. Councilor Lathrop made a motion seconded by Councilor Sherman to approve the Justice Court and Town Clerks books for the year 2011. All voted aye. Carried.

## **Discussion Agenda**

### **Items from the Board**

Councilor Lathrop was advised by Codes Enforcement Officer Reagan of errors and problems with the Zoning Map that Barton & Loguidice recently updated. A comparison of the "old" map and "new" map was given to the Clerk for further investigation.

Highway Superintendent MacLachlan advised the Board that a town truck was turned over to the Marcellus Park for their use. He went on to inform the Board that some FEMA money has been received.

### **Items from the Floor**

Edward Grosso, 4458 Rustlers Road, questioned why on the Onondaga County Tax bill there is a separate item for the Marcellus Ambulance? Supervisor Ross explained that there always was a charge for the ambulance but recently the charge has be separated from the line of the Fire Department. Mr. Grosso also questioned the proposed retirement plan for the members of the fire department and would the residents have a say in the decision. Mr. Ross explained that the question would be a referendum for the voters to decide.

Councilor O'Hara made a motion seconded by Councilor Hakes to enter into executive session to discuss a personnel matter at 8:15. All voted aye. Carried.

Councilor O'Hara made a motion seconded by Councilor Hakes to adjourn from executive session at 9:20. All voted aye. Carried.

Councilor O'Hara made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 9:22 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk