

**TOWN OF MARCELLUS**  
**TOWN BOARD MEETING MINUTES**

May 14, 2012

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, May 14, 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; Tracie Barnes, Bookkeeper; Donald MacLachlan, Highway Superintendent; Chris Christensen, Member of Planning and Zoning Boards; Bill Ayling, representative from Otisco Lake Preservation Association; Mick Levy, Bernard Montgomery, John Houser, Kristen Houser, Chuck Paul, Mary Jo Paul, Dave Card, John Scanlon and Dawn O'Hara

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 April 9, 2012 and the Workshop Meeting held on April 26, 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 #5 as of May 14, 2012, Claims #20120256 – 20120355 and Highway Claims #20120057 - 20120081.

	<u>Expenses</u>
General Fund	\$ 60,649.20
General Fund – Part Town	1656.75
Highway – Town Wide	26,120.28
Highway – Part Town	53,457.54
Fire	213,000.00
Ambulance Fund	62,497.50
Sewer	1,900.34
Trust & Agency	747.09

Bills paid between meetings 2/13/12 and 3/12/12, (Amended 5/14/12):

		Claim #	
2/29/12	Depository Trust Co. (Fire Dept. Bond Principal & Interest)	N/A	\$132,768.74
3/1/12	AFLAC-Feb Premium	N/A	302.65
3/1/12	Excellus BCBS (March Retiree Insurance)	N/A	1,779.84
3/1/12	Excellus BCBS (March Insurance Prem.-Employee)	N/A	17,489.36
3/1/12	Simply Prescriptions (March Prescription Coverage-Retirees)	N/A	902.40
3/1/12	Town of Spafford	N/A*	<u>42,820.00</u>
	*Payment to Town of Spafford not included on original document at the 3/12/12 meeting		
		Total:	\$196,062.99

Bills paid between meetings as of May 14, 2012

	Claim #
5/10/12 AFLAC – Feb Premium	N/A 246.80
5/10/12 Excellus BCBS (March Retiree Insurance)	N/A 1,779.84
5/10/12 Excellus BCBS (March Insurance Prem.-Employee)	N/A 17,489.36
5/10/12 NYS Deferred Comp Plan	N/A 44.79
5/10/12 Simply Prescriptions (April Prescription Coverage-Retirees)	N/A <u>902.40</u>
Total:	\$20,463.19

Board Members were given copies of the Activity Report as of May 14, 2012 and monthly statement of bank balances as of May 14, 2012 and the following 2012 Budget Adjustments and Amendments:

**Inter-fund transfers:**

A-General to DA – Highway Townwide-Transfer funds received from Auctions International (2011 Sale of Truck and Sander Box)

From:	To:	
A0911.0 Unreserved Fund Balance	DA 0911.0 Unreserved Fund Balance	\$8,192.88

Allocation of FEMA Funds received for 2011 flood:

**Budgeted Expense Increase:**

Machinery Equipment	DA 5130.0	\$50,000.00
General Repairs Contractual	DB 5110.4	\$20,000.00

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$989,017.13	\$355,447.90
General Fund – Part Town	100,248.00	35,869.02
Highway – Town Wide	426,928.80	186,457.68
Highway – Part Town	330,740.28	82,052.58
Capital Projects	8,577.50	59,627.72
Fire District	571,840.16	543,155.01
Hydrant Fund	1900.11	825.39
Ambulance Fund	261,532.78	137,334.00
Sewer District	133,417.77	52,629.07
Water District	186,931.17	89,070.44

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of May 14, 2012, the monthly statement of bank balances as of May 14, 2012 and the 2012 Budget Adjustments and Amendments. All voted aye.

Carried.

**OLD BUSINESS:**

**Report from Department Liaisons:** Nothing to report at this time.

**Intermunicipal Agreement for Sewer District #1&#2 with Village of Marcellus:** James Gascon, Counsel, who has been working with the village attorney, presented to the Board an updated Intermunicipal Agreement between the Town and Village for Sewer Districts 1 and 2. At this point Mr. Gascon has no problem with the agreement as presented. The village would lease the lines after the town investigates the integrity and makes all necessary repairs. Councilor Lathrop brought up questions on section (i) under Town Actions as it relates to the Platt Road pumping station. Mr. Lathrop reminded the board that the pumps were just replaced within the last couple of years. Mr. Gascon will speak to the village on this issue and until this is clarified the agreement will be held.

**NEW BUSINESS:**

**Martisco Lions Club: Request for Duck Derby:** The Martisco Lion's Club will be holding their 20<sup>th</sup> Annual Duck Derby and Family Fun Day in the Marcellus Park at the Grove Pavilion area on August 19<sup>th</sup>. Chairperson, Mick Levy, has written a letter to the Board to that effect and was on hand to answer any questions. Councilor Lathrop made a motion seconded by Councilor Hakes to allow the Martisco Lion's Club to hold the Duck Derby and Family Fun Day on August 19<sup>th</sup> the Grove Pavilion area of Marcellus Park. All voted aye. Carried.

**Recreation Agreement: Zumba, John Spillet Band and Letizia and the Z Band:** Councilor O'Hara made a motion seconded by Councilor Hakes to authorize the Supervisor to sign the following recreation agreements:

Zumba Fitness Class	3/15-4/5	\$35/student
John Spillet Band	August 2	\$600.00
Letizia and the Z Band	July 19	\$800.00

All voted aye.

Carried.

**Proposal: McClurg for Air Conditioning:** A proposal was received from McClurg Remodeling & Construction Services and Healy Plumbing and Heating for the installation of ductless split air conditioning system for the first floor of the Town Hall. McClurg would provide the electrical and sheetrock renovation for \$3,000.00 and Healy would provide for the office area 3-indoor units/1-outdoor unit and for the court/meeting room area 1-indoor unit/1-outdoor unit for a cost of \$12,400.00 making the total for the work \$15,400.00. There are JCAP grant funds available to offset some of the cost and a possible rebate from NYSERTA. Councilor O'Hara made a motion seconded by Councilor Hakes to authorize the Supervisor to enter into an agreement with McClurg and Healy to install a ductless split air conditioning in the first floor of the Town Hall. All voted aye. Carried.

**Proposal: B&L for ARRA Compliance Assistance for Limeledge Water:** Barton & Loguidice (B&L) has submitted a proposal for an amendment No. 5 to engineering services as in relation to the Limeledge Water District. There are additional requirements for compliance in regards to the American Recovery and Reinvestment Act (ARRA) and the Environmental Protection Agency (EPA). They estimate an additional \$4,000.00 should be sufficient to accomplish the compliance requirements. Supervisor Ross made a motion seconded by Councilor Lathrop to authorize the Supervisor to sign the approval of Amendment No. 5 to Engineering Services-ARRA Compliance Assistance for the Limeledge Water District in the amount, not to exceed \$4,000.00. All voted aye. Carried.

**Resolution for Scheduling Referendum and Public Hearing for Fire Department Service Awards on August 14, 2012:** Councilor Lathrop made a motion seconded by Councilor O'Hara to instruct James Gascon, Counsel, to draft a Local Law calling for a town wide referendum dealing with the Service Award Program for the Marcellus Fire Department to be held on August 21, 2012. Supervisor Ross advised that the Fire Department would prefer to have the vote a week later on the 21<sup>st</sup> as opposed to the 14<sup>th</sup>. Mr. Gascon will confirm to the Board if a public hearing is required for a referendum vote. All voted aye. Carried.

**Contract with Marcellus Historical Society:** Councilor Lathrop made a motion seconded by Councilor Hakes to authorize the Supervisor to enter into an agreement with the Marcellus Historical Society for the calendar year 2012, to cover costs related to insurance and utilities at the Steadman House not to exceed \$5000. All voted aye. Carried.

**Resignation of Codes Enforcement Officer:** Councilor Hakes made a motion seconded by Councilor O'Hara to accept with regret the resignation of Codes Officer William Reagan effective June 15, 2012. Councilor O'Hara wanted to thank Mr. Reagan for his years of service

to the residents of the Town of Marcellus. All voted aye.

Carried.

**Appointment of Codes Enforcement Officer:** Councilor O’Hara made a motion seconded by Councilor Hakes to appoint John Houser as Codes Enforcement Officer provisionally to his meeting the Civil Service requirements effective May 8<sup>th</sup> at an annual salary of \$42,000. All voted aye. Carried.

**Appointment of Town’s Representative to CNY Stormwater Coalition:** Councilor Lathrop made a motion seconded by Councilor Hakes to appoint John Houser to be the Town of Marcellus representative to the Central New York Stormwater Coalition. All voted aye. Carried.

**Proposal to Resurface Basketball Court from Park Capital Reserve:**

**#009-12**

**TOWN BOARD RESOLUTION  
SUBJECT TO PERMISSIVE REFERENDUM**

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 May 14, 2012, at 7:00 P.M., there were:

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

**WHEREAS**, the Town Board and Town Recreation Supervisor have determined that, due to the condition of the basketball courts in the Town of Marcellus Park, resurfacing such basketball courts has become a necessary improvement for maintenance purposes and to prevent further deterioration of such basketball courts; and

**WHEREAS**, the Town Board and Town Recreation Supervisor have further determined that such improvement will benefit Park visitors and residents of the Town and attribute to the physical betterment of the Town of Marcellus Park; and

**WHEREAS**, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, a capital reserve fund known as the “Park Capital Reserve Fund” for purposes of funding the purchase of equipment, buildings and improvements for the physical betterment of the Town of Marcellus Park; and

**WHEREAS**, such fund has been maintained in accordance with Section 10 of the General Municipal Law; and

**WHEREAS**, the Town Board of the Town of Marcellus has determined that “Court System,” a commercial entity situated in Cazenovia, New York, may be retained to resurface the aforementioned basketball courts in the Town of Marcellus Park for an amount not to exceed \$7,635.00, such amount to cover the cost of labor and materials.

**NOW THEREFORE, BE IT RESOLVED**, the Town of Marcellus Supervisor of Parks and Recreation is hereby authorized to expend an amount not to exceed \$7,635.00 from the Park Capital Fund Reserve Fund to retain “Court System” for the purpose of resurfacing the basketball courts situated in the Town of Marcellus Park; and

**BE IT FURTHER RESOLVED**, that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the “Marcellus Observer,” a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor Hakes and seconded by Councilor Lathrop.

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

**Resolution duly adopted.**

**Dated: May 14, 2012**

**Proposed Zone Change: Kalkbrenner Property:** The Zoning Board of Appeals has recommended that a zone change be approved for the Kalkbrenner property which borders Masters Road, Bishop Hill Road and Lee/Mulroy. This request will be held in order for the Town Board to gather more information and documentation.

**Update from Otisco Lake Preservation Association:** Bill Ayling, representative from Otisco Lake Preservation Association, spoke as to the board urging them to consider an outright ban on the process known as hydrofracking. He pointing out that the town is in important watershed that provides drinking water to about 340,000 people not to mention the impact on fishing and agriculture. The Board thanked Mr. Ayling for his input on such as important topic.

### **Discussion Agenda**

#### **Items from the Board**

Councilor Lathrop asked Highway Superintendent MacLachlan if the CHiPS application was submitted. Mr. MacLachlan informed the Board that it was. Mr. Lathrop also wants the Board to move ahead with repaving the fire departments driveways and the repairing of the catch basins. Supervisor Ross assured Mr. Lathrop that this topic will be discussed at the work session. Mr. Lathrop would also like to discuss the replacement of the highway garage as to selecting a plan etc. Mr. Ross feels that a report on the condition of the current garage would be in order and this discussion will take place at the work session.

#### **Items from the Floor**

Chris Christensen, 2650 West Seneca Tpke, questioned if the costs of repairs to the sewer system would be borne by that district. Mr. Ross answered that yes, any charges to the sewer district would be a district charge not townwide.

Chuck Paul, 34 First Street, as a representative of the Friends of Marcellus Park, wants to know what the Board thinks about naming the Welcome Center. Mr. Ross advised that is also will be discussed at the work session.

Bernie Montgomery, Frank Gay Road, reiterated that the \$4,000.00 approved for ARRA compliance for the Limeledge Water District would be paid by the residents of that district not townwide. Mr. Ross assured him that he is correct. He also questioned if the Lions Club pays for a pavilion when they have their event in the park. Yes, they do pay rental for the Grove pavilion.

Councilor Hakes made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:05 pm. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk