

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

July 9, 2012

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on July 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
Kevin F. O'Hara, Councilor
Peter Hakes, Councilor

Donald G. Sherman, Councilor entered the meeting at 7:13pm.

Also present: Karen R. Pollard, Town Clerk; Sandy Taylor, Deputy Town Clerk; James Gascon, Counsel; Donald MacLachlan, Highway Superintendent; Barbara Hughes, Diane DeBottis, John DeBottis, Nikki Treieave, Roberta Severson, Keith Severson, Mary Jo Paul, Bill Lang, Lynne Stasik, Josh Stasik, John Scanlon, Linda Wilcox and Gary Wilcox.

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

Public Hearing: Proposed Local Law Amending the Zoning Map of the Town of Marcellus to Change the Zoning Designation for Certain Property from Being Zoned Agriculture ("A-1") to Being Zoned Light Industrial ("L-1") in the Town of Marcellus

Supervisor Ross opened the Public Hearing for the proposed Local Law Amending the Zoning Map of the Town of Marcellus to Change the Zoning Designation for Certain Property from Being Zoned Agriculture ("A-1") to Being Zoned Light Industrial ("L-1") in the Town of Marcellus by reading the legal notice that was published in the June 27, 2012 edition of the Eagle Observer.

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

Diane DeBottis, 2269 Masters Road, brought up several points of concern to the Board. Among them were: the fact that there are wetlands and the property contains a critical environmental area, the increase of traffic in the area, it is near the Tennessee Pipeline and the change would lead to an increase in crime.

John DeBottis, 2269 Masters Road, asked why this change is being considered at this time. Supervisor Ross explained that the Zoning Board recommended to the Town Board to pursue this.

Liz Stasik, 2279 Masters Road, has a concern over the possible increase of noise from the property if this change is made.

Counsel Gascon explained the process of any development of the property once the change is zone is approved. This process would address many of the stated concerns.

Mr. Ross asked if anyone would like to speak in favor of the proposed Local Law to please state his or her name and address for the record.

No one spoke.

Hearing no 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 at 7:25pm.

Copies of the minutes of the Town Board Meeting held on June 11, 2012, Special Meeting held on June 19, 2012 and the Workshop Meeting held on June 28, 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 # 7 as July 9, 2012, Claims #20120458 – 20120561 and Highway Claims #20120099 - 20120119.

	<u>Expenses</u>
General Fund	\$43,930.35
General Fund – Part Town	395.06
Highway – Town Wide	6,042.44
Highway – Part Town	40,684.59
Sewer	40,404.66
Trust & Agency	2,670.64

Board Members were given copies of the Activity Report as of July 9, 2012 and monthly statement of bank balances as of July 9, 2012.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,076,403.88	557,562.65
General Fund – Part Town	104,711.00	54,435.40
Highway – Town Wide	430,146.30	202,286.58
Highway – Part Town	330,740.28	206,395.77
Capital Projects	8,557.50	59,627.72
Fire District	571,840.16	543,155.01
Hydrant Fund	1,900.11	825.39
Ambulance Fund	261,532.78	137,334.00
Sewer District	133,417.77	93,099.77
Water District	186,961.17	89,070.44

Councilor Lathrop made a motion seconded by Councilor O'Hara to approve and pay the bills, approve the monthly activity report as of July 9, 2012 and the monthly statement of bank balances as of July 9, 2012. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None.

Supervisor Ross congratulated Kevin O'Hara on the success of the Teal There's A Cure race that was held July 4th. Mr. O'Hara reported that there was over 680 runners, an increase of 130 participants and they rose over \$40,000. He would like to publicly thank the Park and Highway staff for their help.

NEW BUSINESS:

Sewer Agreement with Village: The Town Board was presented with a ten (10) year Intermunicipal Agreement between the Town on behalf of the Marcellus Sewer Districts #1 and #2 and Village of Marcellus. Counsel Gascon and the village attorney have working on this agreement. Counsel Gascon advised the board the agreement is a win-win situation for both the Village and the Town. After a short discussion Supervisor Ross made a motion seconded Councilor O'Hara to authorize the Supervisor to sign the Intermunicipal Agreement between the Town of Marcellus on behalf of the Marcellus Sewer Districts #1 and #2 and the Village of Marcellus for a period of ten (10) years from June 1, 2012 until December 31, 2022. All voted aye. Carried.

Stormwater Agreement with CNYRP&D for 2013: A proposal was received from the Central New York Regional Planning & Development Board (CNY RPDB) for CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program as it relates to the compliance for the stormwater program (SDES). This twelve (12) month program will be in effect January 1 through December 31, 2013 at a cost of \$3,600. Councilor Hakes made a motion seconded by Councilor Sherman to accept the proposal from Central New York Regional Planning & Development Board for assistance for the requirement of the stormwater program (SDES). All voted aye. Carried. Resolution #013-12 is as follows:

**#013-12
Resolution Supporting Participation in the
CNY Stormwater Coalition Staff Services 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 call 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 call 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 staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the 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, 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 program cost in the amount of \$3,600, and that those funds will be made available to the Board no later than January 31, 2013.
3. The one (1) certified copy of this Resolution will be prepared and sent to the Board no later than October 1, 2012
4. That this Resolution will take effect immediately.

Approval of Middle Department Inspection Agency for Electric Inspections: John Houser, Codes Enforcement Officer, recommended the approval of Middle Department Inspection Agency, Inc. for electric inspections in the town. Councilor O'Hara made a motion seconded by Councilor Hakes to approve Middle Department Inspection Agency, Inc. for electrical inspections in the Town of Marcellus. All voted aye. Carried

Recreation Agreements: Summer Concert: Smokin, Soccer Camp, Horse Camp, Zumba: Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the Supervisor to sign the following agreements recreation department:

Concert in Park	Smokin' June 28	\$600.00
Horse Camp	July 9 – 13 August 20-27	\$125/student
Zumba Fitness	Saturdays: July 7, 21, 28 August 4, 18, 25	\$35/student

All voted aye. Carried.

Approval to Sell Tractor: The Parks Department is seeking permission to sell a 1986 John Deere Tractor. It is in good condition and has a 60" rear mower. Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the sale of the 1986 John Deere Tractor with a 60" rear mower. All voted aye. Carried.

Adopt Local Law for Zone Change:

**#014-12
TOWN BOARD RESOLUTION
TOWN OF MARCELLUS
JULY 9, 2012**

The following resolution was offered by Councilor Lathrop, who moved for its adoption, seconded by Councilor Sherman, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. B-2012, to Amend the Zoning Map of the Town of Marcellus to change the designation of certain properties from being zoned "A-1" to "L-1" as described in Schedule "A" was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on June 11, 2012; and

WHEREAS, at its June 11, 2012 meeting this Board made various findings pursuant to the State Environmental Quality Review Act (SEQR) and determined that the requested zone change will have no adverse impact on the environment, and therefore,

rendered a negative declaration for purposes of SEQR; and

WHEREAS, a public hearing was held on such proposed local law on the 9th of July, 2012, by the Town Board of the town of Marcellus and written comments were invited from the public pertaining to this proposed action, 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 Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2012.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the Town Board of the Town of Marcellus, Onondaga County, New York does hereby enact Proposed Local Law No. B-2012 as Local Law No. 5 of 2012 in accordance with the “Map of Proposed Zone Change Part of Lot 40” dated May 29, 2012 subject to appropriate covenants to run with the land.

**LOCAL LAW 5-2012
TOWN OF MARCELLUS**

**A Local Law Amending the Zoning Map of the Town
of Marcellus to Change the Zoning Designation for Certain
Property from Being Zoned Agricultural (“A-1”) to Being Zoned
Light Industrial (“L-1”) in the Town of Marcellus**

Be it enacted by the Town of Marcellus Town Board, as follows:

Section 1. The Zoning Map of the Town of Marcellus as provided for in the Town of Marcellus Zoning Law of 2009 shall be amended to change the zoning use designation of certain lands described herein in **Schedule “A”** from Agricultural (“A-1”) to Light Industrial (“L-1”) as those zoning classifications are defined and regulated pursuant to the provisions of the Town of Marcellus Zoning Law of 2009.

(See Schedule A attached hereto)

Section 2. The Town of Marcellus Zoning Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 3. This Local Law shall become effective upon its filing with the New York Secretary of State.

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

Daniel J. Ross	Supervisor	Voted	Yes
Peter Hakes	Councilor	Voted	Yes
Donald G. Sherman	Councilor	Voted	Yes
Thomas C. Lathrop	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes

The forgoing resolution was thereupon declared duly adopted.

DATED: July 9, 2012

Insurance Policy Renewal:

Supervisor Ross advised the board that the Reagan Agency has provided a proposal for the renewal of our insurance policy that reflects an approximately a \$1034.00 increase in the premium. Councilor Lathrop made a motion seconded by Councilor O'Hara to accept the proposal for the insurance renewal with the Reagan Agency. All voted aye. Carried.

Discussion Agenda:

Items from the Board:

Councilor Lathrop made a motion seconded by Councilor Hakes to change the July 26th Workshop Session from 7pm to 5pm. All voted aye. Carried.

Councilor Hakes has met with a website consultant and there should be information for the Board at the next workshop meeting. He also reported the he has been working on updating the web site.

Items from the Floor: Nothing

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

Respectfully submitted,

Karen R. Pollard, Town Clerk