

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

Monday, April 13, 2015

A Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, April 13, 2015 in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Mary Jo Paul, Supervisor
Kevin F. O'Hara, Councilor
John Scanlon, Councilor
Karen Pollard, Councilor
Chris Hunt, Councilor

Also present: Jim Gascon, Town Attorney; John Houser, Codes Officer; Don MacLachlan, Highway Superintendent; Christopher Malone, Skaneateles Journal; Ron Schneider, Mike Ossit, R. King, Bill Southern, Tom Lathrop, Linda Wilcox, Jennifer Valenti, Jamie Persse, Fran Eibert, Karen Cotter, Susan Dennis, Deputy Town Clerk and Sandy Taylor, Town Clerk.

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

A motion was made by Councilor Scanlon and seconded by Councilor Hunt to add number 15 to the agenda for the Town to sign a waiver of a 30-day notice for a Liquor License.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

A motion was made by Councilor O'Hara and seconded by Councilor Scanlon to accept the minutes from the March 9 and March 26 meetings.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

Bills paid between meetings:

Voucher Numbers 141950-141956, 144974 and 141993. These bills were NYSEG bills and one 2015 Property Tax Refund. The NYSEG bills totaled \$1,162.27 and the Property Tax Refund was \$163.10 for a total of \$1,325.37 those were paid out on April 1, 2015.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #4 as of April 9, 2015, Claims # 141939-141945, 141947-141949, 141957-141963, 141973, 141975-141979, 141982, 141989-141992, 141994-142026.

	<u>Expenses</u>
General Fund	\$18,039.77
General Fund – Part Town	215.41
Highway – Town Wide	11,044.35
Ambulance Fund	70,760.25
Water District	1,204.50
Trust and Agency	<u>1,328.57</u>
 Total	 \$102,592.85

Board Members were given copies of the Activity Report as of April 9, 2015

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$269,633.39	\$910,073.18
General Fund – Part Town	9,114.00	145,998.58
Highway – Town Wide	54,059.61	307,143.94
Highway – Part Town	61,945.94	342,604.26
Fire District	48.06	193,723.50
Hydrant Fund	11.17	10,777.45
Ambulance Fund	60.35	128,713.50
Sewer District	24.90	8,938.44
Water District	21,156.25	99,152.18

Councilor Scanlon made a motion seconded by Councilor Hunt to approve and pay the bills and approve the monthly activity report as of April 9, 2015.

Ayes – Scanlon, Hunt, Paul, O’Hara and Pollard Carried

NYMIR: Jamieson Persse, from Eastern Shore Associates, came to discuss the benefits of the Town switching over the NYMIR (New York Municipal Insurance Reciprocal) insurance. After some discussion, it was decided that Supervisor Paul and Jamieson Persse, will work on getting some rates together to determine if the Town can obtain insurance at a cheaper rate.

TRASH HAULERS PERMITS: Councilor O’Hara made a motion seconded by Councilor Pollard to have Don MacLachlan, Highway Superintendent, call the following Trash haulers to determine if the prices quoted includes prevailing wage for the driver. Jim Gascon, Town Attorney, will contact the Labor Department to get a project number. The order in which the Board agreed to is as follows:

- Robinson Roll Off with a price of \$120/\$140 for hauling and a disposal rate of \$50/\$95.
- Morgan with a price of \$170/haul fee.
- Scanlon Trucking with a price of \$200 per container for drop and pull \$50/per ton disposal fee
- Syracuse Haulers delivery fee \$75, C& D Pull/haul fee \$175 – tipping fee \$55.00 per ton
- Trash Pull/haul fee \$175 – tipping fee \$90 per ton and a fuel surcharge of \$10 per haul

Councilor Scanlon is abstaining from any discussion and/or voting on this issue.
Ayes – Hunt, Paul, O’Hara and Pollard Carried.

The Marcellus Town Board will make a selection in order of the preference depending upon the Town Attorney requiring prevailing wage. Also with the Highway Superintendent confident that he can certify that prevailing wage is paid to the driver at the quoted price.

SYRACUSE TIME AND ALARM: After some discussion regarding the contract with Syracuse Time and Alarm about an indemnification paragraph, Jim Gascon, Town Attorney said that he would check with some other alarm companies to compare the contracts.

WELL-SAMPLING ESTIMATES: John Houser, Codes Officer, supplied the Board with three laboratories quotes for the well water sampling on Pleasant Valley Road.

They are as follows:

Life Science Laboratories	\$3,396.00
Pace Analytical	\$3,960.00
Accutest	\$6,010.00

After some discussion, it was decided that Ed Hinchey, a hydro geologist, would be invited to come and discuss the issue in more detail.

Councilor Pollard made a motion seconded by Councilor O'Hara to table this and invite Ed Hinchey to come to the April 23, 2015 workshop meeting.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

DISCUSSION OF TAX FREEZE: Supervisor Paul has heard about savings to municipalities by using the county for purchasing. Don MacLachlan, Highway Superintendent, purchases road salt and fuel through the county at a savings. Supervisor Paul will be attending a meeting on Friday, April 17, 2015 to learn more about the program.

RECREATION AGREEMENT: Councilor O'Hara made a motion seconded by Councilor Pollard to approve the following recreation agreement.

Concert: Thunder Canyon Thursday, July 15, 2015 \$600.00

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

INTRASTATE MUNICIPAL AID PROGRAM: (IMAP) Supervisor Paul made a motion seconded by Councilor O'Hara that we participate in the IMAP program. This program is a resource-sharing mechanism created in the New York State Executive Law that allows local governments to share resources during a declared local state of emergency. Jim Gascon, Town Attorney, made the suggestion that we stay in the program and not opt out of it. This will be gone through in more detail at the May28, 2015 Workshop Meeting.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

WORKDAY RESOLUTION: Supervisor Paul made a motion seconded by Councilor Hunt to accept workday resolution to be submitted to the New York State Retirement System.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

Title	Name	Social Security Number (Last 4-digits)	Registration Number	Standard Work Day (Hrs./Day)	Terms Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
Elected Officials							
Supervisor	Mary Jo Paul			6	01/01/2014-12/31/2015	N	19.33
Town Clerk	Sandra Taylor			7.5	01/01/2014-12/31/2015	Y	21/22
Highway Superintendent	Donald MacLachlan			8	01/01/2012-12/31/2015	Y	21/22
Tax Collector	Elaine Potter			6	01/01/2012-12/31/2015	N	9
Town Justice	Mary Reagan-Dailey			6	01/01/2012-12/31/2015	Y	7.53
Town Justice	Matthew Moses			6	03/15/2011-12/31/2015	N	7.50
Appointed Officials							
Deputy Town Clerk	Susan Dennis			7.5	01/01/2015-12/31/2015	Y	21/22
Bookkeeper	Lori Petrocci			7.5	01/01/2015-12/31/2015	Y	21/22
Court Clerk	Judith Schneider			8	01/01/2015-12/31/2015	Y	21/22
Code Enforcement Officer	John Houser			7.5	01/01/2015-12/31/2015	Y	21/22
Deputy Code Enforcement Officer	Deb Williams			6	N/A	Y	4/6
Dog Control Officer	James LaRose			6	01/01/2015-12/31/2015	Y	1
Secretary to Highway Superintendent/Clerk	Sandra M. Elsey			7.5	01/01/2015-12/31/2015	Y	21/22
Clerk I	Heidi Randall			6	01/01/2015-12/31/2015	Y	5.38
Clerk I / Secretary to Planning & Zoning	Karen A. Cotter			7.5	01/01/2015-12/31/2015	Y	16/18
Deputy Highway Superintendent	Michael Ossit			8	01/01/2015-12/31/2015	Y	21/22

TIME WARNER: The Time Warner contract is still in the hands of Time Warner's Attorney. Jim Gascon, Town Attorney, needs to know if the board would prefer to collect 3% or 5% in franchise fees. The Town currently collects 3% which works out to approximately \$38,000 per year. The franchise fee is only on cable, not on the phone or internet portion of the bill. Councilor O'Hara made a motion seconded by Councilor Scanlon for the Town to continue to receive 3% of franchise fees.

Ayes – Scanlon, Hunt, O'Hara

Nays – Pollard, Paul

Carried

GOOD SAMARITAN RESOLUTIONS:

A. MAVES:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

April 13, 2015

Motion made by: Councilor Scanlon

Seconded by: Councilor O'Hara

WHEREAS, the Town of Marcellus currently provides coverage under the Volunteer Ambulance Workers' Benefit Law to volunteer ambulance workers of the Marcellus Ambulance Volunteer Emergency Services (MAVES); and

WHEREAS, it is the intent of this Resolution to also make available to volunteer ambulance workers, the coverage provided by Section 5-1 of the Volunteer Ambulance Workers' Benefit Law.

NOW THEREFORE,

BE IT RESOLVED, whenever a volunteer ambulance worker of the MAVES provides services under Volunteer Ambulance Workers' Benefit Law Section 5 when there is no jurisdictional officer in command present, such volunteer ambulance worker shall be entitled to coverage under the Volunteer Ambulance Workers' Benefit Law provided by the Town of Marcellus for the Provision of such services; and

BE IT FURTHER RESOLVED, upon the arrival of a jurisdictional officer in command, such volunteer ambulance worker shall report to such officer and offer his/her services to assist such fire company, fire department or ambulance corps; and

BE IT FURTHER RESOLVED, if such offer of assistance is not accepted, then the volunteer ambulance worker of the MAVES must immediately cease providing any additional service at the scene of the emergency.

The question of the adoption of the foregoing resolution was duly put to a vote, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Christopher Hunt	Councilor	Voted	Yes
Kevin O'Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes

Mary Jo Paul Supervisor Voted Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: April 13, 2015

B. FIRE DEPARTMENT:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

April 13, 2015

Motion made by: Councilor Scanlon

Seconded by: Councilor O'Hara

WHEREAS, the Town of Marcellus currently provides coverage under the Volunteer Firefighters' Benefit Law to volunteer firefighters of the Marcellus Fire Department; and

WHEREAS, it is the intent of this Resolution to also make available to volunteer firefighters the coverage provided by General Municipal Law Section 209-i (1-b).

NOW THEREFORE,

BE IT RESOLVED, whenever a volunteer firefighter of the Marcellus Fire Department provides services under General Municipal Law Section 209-I when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the Volunteer Firefighters' Benefit Law provided by the Town of Marcellus for the provision of such services; and

BE IT FURTHER RESOLVED, upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department; and

BE IT FURTHER RESOLVED, if such offer of assistance is not accepted, then the volunteer firefighter of the Marcellus Fire Department must immediately cease providing any additional service at the scene of the emergency.

The question of the adoption of the foregoing resolution was duly put to a vote, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Christopher Hunt	Councilor	Voted	Yes
Kevin O'Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: April 13, 2015

RESOLUTION FOR PROPOSED LOCAL LAW A OF 2015 – AMENDING ZONING:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

April 13, 2015

TOWN OF MARCELLUS LOCAL LAW A OF 2015

(“A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend Requirements of Permitted Accessory Buildings in Residential and Agricultural Zones Within the Town of Marcellus”)

Councilor Pollard introduced proposed Local Law No. A-2015, “A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend Requirements of Permitted Accessory Buildings in Residential and Agricultural Zones Within the Town of Marcellus,” which local law amends and clarifies certain requirements related to accessory building in residential and agricultural zones in the Town including eliminating accessory buildings as a permitted principal use in R-1 Districts but allowing accessory buildings as an accessory use in R-1 Districts, and eliminating the need for a special permit for certain accessory structures in Agricultural Zones, and made the following motion, which was seconded by Councilor O’Hara:

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marcellus hereby determines that:

1. The action is a Type 1 action;
2. The Town Board of the Town of Marcellus shall act as lead agency;
3. The Village of Marcellus; Town of Onondaga; Town of Camillus; Town of Skaneateles; Town of Elbridge; Town of Otisco; Town of Spafford; Onondaga County Planning Board; Syracuse-Onondaga County Planning Agency; New York State Department of Environmental Conservation, Region 7; and New York State Department of Agriculture and Markets are interested agencies in connection with the SEQRA review;
4. The action will require the submission of a Full Environmental Assessment Form to provide information with regard to the environmental issues pertinent therein; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local law No. A-2015 at the Town Hall located at 24 East Main Street, Marcellus, New York on May 11, 2015 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.

The question of the adoption of the foregoing resolution was duly put to a vote, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Chris Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: April 13, 2015

**RESOLUTION FOR PROPOSED LOCAL LAW B OF 2015 – AMEND THE
MINIMUM SIZE OF DWELLING AREAS IN R-1 AND R-2 RESIDENTIAL
ZONES.**

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

April 13, 2015

TOWN OF MARCELLUS LOCAL LAW B OF 2015

(“A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend the Minimum Size of Dwelling Areas in R-1 and R-2 Residential Zones within the Town of Marcellus”)

Councilor Pollard introduced proposed Local law Number B-2015, “A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend the Minimum Size of Dwelling Areas in R-1 and R-2 Residential Zones within the Town of Marcellus,” which local law amends the minimum dwelling areas in R-1 and R-2 Residential Zones, and made the following motion, which was seconded by Councilor Hunt:

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; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of Environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may reasonably expected to result from the adoption of said Local Law against said criteria;

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law Number B-2015 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration 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. B-2015 at the Town Hall located at 24 East Main Street, Marcellus, New York on May 11, 2015 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.

The question of the adoption of the foregoing resolution was duly put to a vote, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Chris Hunt	Councilor	Voted	Yes
Kevin O'Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Dated: April 13, 2015

LIQUOR LICENSE 30-DAY WAIVER:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED
BY THE NEW YORK STATE LIQUOR AUTHORITY**

Motion made by: Supervisor Paul
Seconded by: Councilor Scanlon

WHEREAS, Free Range Food, LLC d/b/a Valley Inn (hereinafter “Valley Inn”) has notified the Town of Marcellus that it intends to apply for a wine and beer license for premises located at 2574 Cherry Valley Turnpike, Marcellus, New York 13108; and

WHEREAS, pursuant to Alcohol Beverage Control Law § 110-b, an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; and

WHEREAS, the Valley Inn has requested that the Town waive the thirty (30) day notification required by the New York State Liquor Authority in an effort to expedite the application for the liquor license to the Valley Inn from the New York State Liquor Authority; now therefore be it

RESOLVED, that the Town Board of the Town of Marcellus, be and hereby offers no objection to and waives the thirty (30) day notice period in regard to application by the Valley Inn for a wine and beer license from the New York State Liquor Authority, allowing to expedite submission of the license application; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Genesis Harris, Rezzonator Services, 244 5th Avenue, S251, New York, New York 10001.

The question of the adoption of the foregoing resolution was duly put to a vote and the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Christopher Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Dated: April 13, 2015

Discussion Agenda

SUPERVISORS UPDATES: Supervisor Paul received a letter from Senator John A DeFrancisco advising the Town that through CHIPS (Consolidated Local Street and Highway Improvement Program), we will be receiving an additional \$6,524.83. This will help in planning road and bridge maintenance in the upcoming year.

PRO-STAR REPORT: Pro-Star Energy has completed the Utility Bill Verification. They found no billing errors or opportunities to generate future savings during the Utility Bill Verification and there were no fees for the services.

SMELL UPSTAIRS: There has been a terrible smell upstairs. We are trying to get to the bottom of what is causing it. It is undetermined if an animal has died between walls.

SCAMS: There are a number of scams going on now. One is from the Tax Dept/IRS calling to confirm personal date. The other is a Cyber Security scam; they want you to click on "Supporttime.com". Do not respond. As always, be careful who you give information to.

CAR BREAK-INS: There have been a number of car break-ins in the village. Make sure that your cars are locked and no personal items are left inside.

Items from the Board: Councilor Scanlon gave a special thanks to the Fire Department for all they do and the banquet on Saturday night.

Items from the Floor: John Houser, Codes Officer, stated that the creek by the Paper Mill is not flowing the way it should. He has been working with Trout's Unlimited and NYS Wildlife. More of the Paper Mill building fell this winter. We need to get estimates to get it demolished and to fix the parking lot.

Bill Sheehan, a retired environmental engineer, just wanted to say to be very careful on the Highway Spill.

Supervisor Paul requested a meeting with the Attorney that pertains to an outside investigation.

Councilor Pollard made a motion seconded by Councilor Hunt to adjourn the Marcellus Town Board meeting at 9:35 P.M.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk