

MARCELLUS TOWN BOARD AGENDA
May 11, 2015

CALL TO ORDER

SALUTE TO FLAG

Public Hearing - Local Law A-2015

Public Hearing – Local Law B - 2015

1. Accept Town Clerk's minutes of previous meeting(s)
2. Approve monthly activity, audit of bills and budget adjustments:
3. Adoption of Local Law A-2015
4. Adoption of Local Law B-2015
5. Recreation Agreement – Rhythm n' shoes
6. Highway Department Vehicle Plug-In Policy
7. One-load trash permits
8. John Houser – Storm water update
9. Permission for John to attend workshop
10. County Purchasing
11. Waiver of Liquor License
12. Liaisons Official Reports

Discussion Agenda

- A. Supervisor's Update
- B. Items from the Board
- C. Items from the Floor

Adjournment

NOTE: This is a tentative agenda and is subject to change.

Future Meeting Dates:

Town Board/Workshop Meeting – Thursday, May 28, 2015 – 7:00 pm
Planning Board/Zoning Board Meeting – Monday, June 1, 2015 – 7:00 pm
Town Board Meeting – Monday, June 8, 2015 – 7:00 pm

*** The Office will be closed on Monday, May 25, 2015 - Memorial Day****

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

May 11, 2015

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled 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," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on April 13, 2015; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of May, 2015, 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 of the State of New York; and

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 of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2015 is Type I Action for purposes of environmental review under SEQRA; and

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2. AMENDMENTS TO SECTION 7 (“R-1 RESIDENTIAL ZONE”),
SUBPARAGRAPH (A) (“PERMITTED PRINCIPAL USES”),
SUBSECTION (J).**

The Town of Marcellus Zoning Law is hereby amended by deleting Section 7, Subparagraph (A), Subsection (j) in its entirety.

**SECTION 3. AMENDMENTS TO SECTION 7 (“R-1 RESIDENTIAL ZONE”),
SUBPARAGRAPH (B) (“PERMITTED ACCESSORY USES”), OF
THE TOWN OF MARCELLUS ZONING LAW.**

The Town of Marcellus Zoning Law is hereby amended by adding a new Subsection 9 to Section 7, Subparagraph (B) as follows:

- “9. Permitted accessory buildings not exceeding 160 square feet in area.
 - a. The use shall be consistent with and subordinate to the principal use and may not be carried on independently of the principal use.
 - b. Accessory buildings over 160 sq.ft. in area are allowed upon the issuance of a special use permit pursuant to Section 25.
 - c. The use must conform to applicable lot and building limitations. (See Section 6a, Note 4).”

**SECTION 4. AMENDMENTS TO SECTION 8 (“R-2 RESIDENTIAL ZONE
LAKE SHORE”), SUBPARAGRAPH (B) (“PERMITTED
ACCESSORY USES”), SUBSECTION (1) OF THE TOWN OF
MARCELLUS ZONING LAW.**

The Town of Marcellus Zoning Law is hereby amended by deleting Section 8, Subparagraph (B), Subsection (1) in its entirety and replacing it with a new Subsection (1) as follows:

- “1. All accessory uses permitted in R-1 zone, except that permitted accessory buildings may not contain more than 120 square feet in area, must be limited to one story and must be at least 3 feet from the side and rear lot lines and meet front setback requirements. (See Section 6a, Note 3).”

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. **EFFECTIVE DATE.**

This 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:

John Scanlon	Councilor	Voted	Yes/No
Chris Hunt	Councilor	Voted	Yes/No
Kevin O'Hara	Councilor	Voted	Yes/No
Karen Pollard	Councilor	Voted	Yes/No
Mary Jo Paul	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: May 11, 2015



Joanne M. Mahoney
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: May 06, 2015

OCPB Case # Z-15-132

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Marcellus Town Board at the request of Town of Marcellus Town Board for the property located in R-1, R-2, R-4, and A-1 zoning districts; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing to amend the Town of Marcellus Zoning Code with respect to accessory buildings in residential and agricultural zoning districts; and
- WHEREAS, per the proposed Local Law No. A-2015, accessory buildings will be eliminated as a permitted principal use in Residential (R-1) districts, but shall continue to be allowed as accessory uses, with buildings exceeding 160 square feet requiring a special permit; and
- WHEREAS, per the local law, accessory buildings in Residential - Lake Shore (R-2) and Residential (R-4) districts may not exceed 120 square feet; per the existing code, no maximum is specified for R-2 districts and the maximum for R-4 districts is currently 100 square feet; and
- WHEREAS, per the local law, special use permits will no longer be required for accessory buildings used in connection with an operating agricultural farm in an Agricultural (A-1) district; and
- WHEREAS, per the Full Environmental Assessment Form dated April 13, 2015, the Town Board was assigned lead agency and has determined that the proposed action will result in no significant adverse impacts on the environment and thus a negative declaration has been issued; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be APPROVED.

Douglas B. Morris, Chairman
Onondaga County Planning Board
Transmittal Date: 05-06-2015

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Marcellus Town Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Town of Marcellus Town Board
Address: in R-1, R-2, R-4, and A-1 zoning districts
Referral Type: LOCAL LAW
OCPB Date: May 06, 2015
OCPB Action: Approval
OCPB Case #: Z-15-132

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

May 11, 2015

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 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 amends the minimum size of dwelling areas in R-1 and R-2 Residential Zones within the Town of Marcellus was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on April 13, 2015; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of May, 2015, 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 of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. B-2015 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2015.

NOW, THEREFORE, it is

SECTION 5. **EFFECTIVE DATE.**

This 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:

John Scanlon	Councilor	Voted	Yes/No
Chris Hunt	Councilor	Voted	Yes/No
Kevin O'Hara	Councilor	Voted	Yes/No
Karen Pollard	Councilor	Voted	Yes/No
Mary Jo Paul	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: May 11, 2015



Joanne M. Mahoney
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: May 06, 2015

OCPB Case # Z-15-133

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Marcellus Town Board at the request of Town of Marcellus Town Board for the property located in R-1 and R-2 zoning districts; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing to amend the Town of Marcellus Zoning Code with respect to the minimum size of dwelling areas within Residential (R-1) and Residential - Lake Shore (R-2) zoning districts; and
- WHEREAS, per proposed Local Law No. B-2015, the minimum size of dwelling areas in R-1 districts will be increased from 600 square feet to 900 square feet; and
- WHEREAS, per the local law, the minimum size of dwelling areas in R-2 districts will be decreased from 900 square feet to 600 square feet; and
- WHEREAS, per the Town of Marcellus Zoning Map, R-1 zoning occupies the majority of parcels north of New Seneca Turnpike and West Seneca Turnpike with the exception of an Agricultural (A-1) area at the northwest corner of the Town and denser residential and business zoning just north and east of the Village; additional R-1 areas are located throughout the town, typically along major roadways; and
- WHEREAS, the map further shows that the parcels immediately surrounding Otisco Lake at the southern end of the Town are zoned R-2, with no other area in the Town zoned R-2; and
- WHEREAS, per the Environmental Assessment Form dated April 13, 2015, the Town Board was assigned lead agency and has determined that the proposed action will result in no significant adverse impacts on the environment; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

Douglas B. Morris, Chairman
Onondaga County Planning Board
Transmittal Date: 05-06-2015

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 May 28, 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
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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

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 No. 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 No. 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

TOWN OF MARCELLUS
TOWN BOARD WORKSHOP MEETING MINUTES

April 23, 2015

A Workshop Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Thursday, April 23, 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: Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation Director; Jim Gascon, Town Attorney; Bill Southern, Christopher Mallone, Skaneateles Journal; Mike Ossit, Ron Schneider; Bernie Montgomery, Tom Lathrop, Fran Eibert, Chuck Paul, Tom Finn, Mike Ossit, Ed Hinchey, Forensic Hydrogeologist; 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.

Councilor Scanlon made a motion seconded by Councilor Hunt to approve the agenda as it is with no additions.

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

Carried

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #4 as of April 23, 2015, Claim #'s 142037-142059

	<u>Expenses</u>
General Fund	\$ 9,110.10
General Fund – Part Town	2,973.33
Highway – Town Wide	2,620.28
Highway – Part Town	4,580.72
Trust & Agency	<u>2,357.23</u>
Total	\$21,641.66

Councilor Scanlon made a motion seconded by Councilor O'Hara to approve and pay the bills.

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

Carried

HIGHWAY DEPARTMENT VEHICLE PLUG-IN POLICY: After some discussion about the wording of the policy regarding the Highway Department Vehicles, this is how it will be worded and put into the employee handbook on page 500 – 7 under 509 supplies, tools equipment and fuel.

Highway Department Employees, during work hours, may plug in personal vehicles at the Town of Marcellus Highway Garage during cold weather (November 1st through April 15th) with a yearly fee to be established by the Marcellus Town Board. The

Bookkeeper will bill each employee in September with a deadline for payment (either cash or check) by October 1st.

It is understood that any damage to personal vehicles will be the sole responsibility of the Employee and the Town will be held harmless of any damage.

This policy will be on the May 11th meeting to be voted upon.

REQUEST FOR PICKLEBALL COURT: The Town received a letter from a resident asking for support from the Town Board to utilize one of the existing tennis courts located within the park as a Pickleball Court. After some discussion, Councilor O'Hara feels that the Town should look into it and determine if there is an interest in Marcellus for Pickleball. Phil Coccia, Recreation Director, will be talking with Bob Ciota, the resident requesting this, to check on the interest of Pickleball. Councilor O'Hara will follow up with Phil Coccia and Bob Ciota.

MAVES AND FIRE DEPARTMENT QUARTERLY REPORTS: A discussion ensued regarding the reports. Jim Gascon, Town Attorney, stated that MAVES receives money from the Town, therefore, Marcellus residents should not have to pay anything other than insurance money that they receive.

WATER TESTING: Edward Hinchey, a Forensic Hydrogeologist, came in to speak to the residents and board about the well water testing over on Pleasant Valley Road. After listening to Mr. Hinchey and his knowledge and expertise, he was asked to submit a proposal to the Town on the cost of collecting and analyzing the cost of the wells to be tested. Supervisor Paul is going to call DEC and ask if they can tell her anything about the phone call regarding acetone in the soil.

SEWER DISTRICT SURPLUS FUNDS: Councilor Scanlon made a motion seconded by Councilor O'Hara to approve the Contract Addendum to Intermunicipal Agreement between The Town of Marcellus on behalf of the Marcellus Sewer Districts #1 and 2 and the Village of Marcellus with the Attorney adding on a clause stating that the Town will receive a statement of where the money will go. The amount to be sent to the Village is \$160,954.00.

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

Carried.

DISCUSSION OF ONE-LOAD TRASH PERMITS: A resident called and asked if there could be a one-load fee for trash days. Councilor Pollard mentioned that when she was town clerk she had many calls requesting this. We can't do it for the Spring trash days. Councilor Pollard mentioned starting next Spring, we can start the one-load rate. This will be discussed more at the May meeting.

DISCUSSION OF 2014 AUD: Supervisor Paul stated that the 2014 AUD is completed and we have heard from the state. Now we can see what accounts have what money in them. The following is from Supervisor Paul:

“Now that all the Annual Update Documents (AUDs) 2010, 2011, 2012, 2013 & 2014 have been completed so the Town knows its exact financial status and is able to complete the conversion of the Limeledge Water District from BAN to bond, I have to give credit to two people who made this happen.

This could not have been accomplished without all the extra time & effort by bookkeeper, Lori Petrocci. She took work home weekends, came into work most days at 7 or 7:30 AM and worked through her lunch hour every day to complete all the additional financial work needed for the AUDs as well as all of her regular duties (payroll, bill paying, banking, etc). All accounts for 5 years had to be reconciled by Lori before Dermody, Burke & Brown could use the data to file the AUDs.

In addition, Shannon Nelson, of Dermody, Burke & Brown, also went above & beyond working evenings & weekends, to expedite the process in order to meet our deadline for the Limeledge bond. For had we not presented these missing yearly financials to EFC for the bond conversion, the \$2 million "forgiveness" would be in jeopardy resulting in additional costs for the special district taxpayers.

Because of the dedication, commitment & work ethic of these two women, the Town is now in a better financial position. I want to offer a "thank you" on behalf of myself & the town taxpayers."

Supervisor Paul then stated some of what the fund balances are and also stated that you cannot move "B" fund money to "A" fund money. You cannot take money from Reserve Funds, but you can add to reserve funds. The three accounts labeled Drainage, Special Account and Enterprise Fund are able to be moved around. The Special District Money can only be used for the people in those districts. Supervisor Paul would like the Board to look at all the accounts and decide how much they would like to see in each fund.

Discussion Agenda

Items from the Board:

Councilor Scanlon thanked Supervisor Paul for getting the AUD's done and for all her efforts that she has done.

Items from the Floor

Bill Southern asked some questions about the financials.

Councilor Hunt made a motion seconded by Councilor Pollard to adjourn the Marcellus Town Board meeting at 9:30 P.M.

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

Carried.

Respectfully submitted,

Sandy Taylor, Town Clerk

Recreation Agreement:

Concert:

Rhythm n' Shoes

Thursday, July 9, 2015

\$350.00

Highway Department Employees may plug in personal vehicles, during work hours, at the Town of Marcellus Highway Garage during cold weather (November 1st through April 15th) with a yearly fee to be established by the Marcellus Town Board. The Bookkeeper will bill each employee in September with a deadline for payment (either cash or check) by October 1st.

It is understood that any damage to personal vehicles will be the sole responsibility of the employee and the Town will be held harmless of any damage.

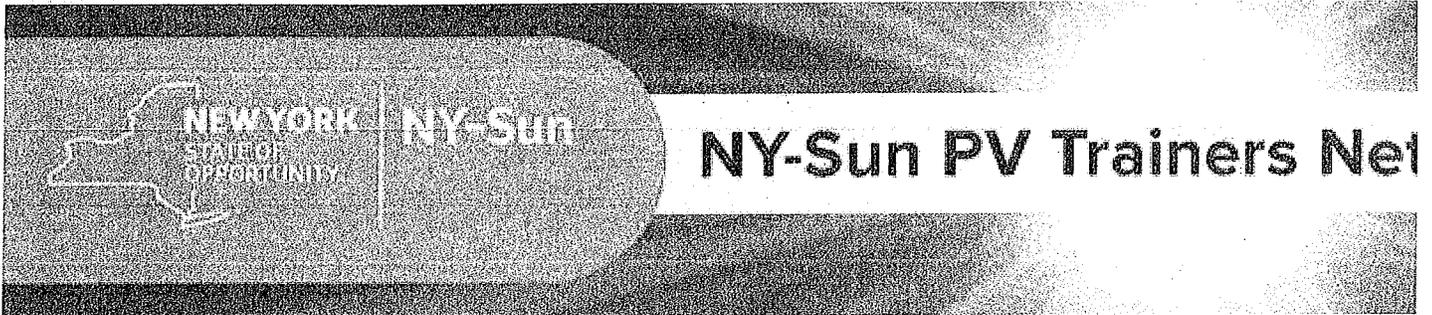
EMPLOYEE HANDBOOK, page 500-7

509 SUPPLIES, TOOLS EQUIPMENT & FUEL

Sandy Taylor

From: Deborah Paciga [dpaciga@cnyrpdb.org]
Sent: Tuesday, May 05, 2015 11:20 AM
To: Deborah Paciga
Cc: Chris Carrick; Brian Pincelli
Subject: Fire Safety Workshop for Solar

Importance: High



What: Safety and Fire Considerations for Solar PV Workshop

When: May 28th, 2015, 9:00am – 12:00pm

Where: SUNY Oswego Metro Center, 2 South Clinton Street, Room 129, Syracuse, NY 13202

About: The New York State Energy Research and Development Authority's (NYSERDA) NY-Sun PV Trainers Network and the Central New York Regional and Planning Development Board invite all first responders, including firefighters and emergency personnel, to attend the **Safety and Fire Considerations for Solar PV** training that will be held at the **SUNY Oswego Metro Center** in the **Syracuse** on **May 28, 2015** from **9:00am – 12:00pm**.

This accredited workshop will provide first responders and emergency personnel, such as firefighters and rescue personnel, with a training on safety precautions and fire code considerations with respect to the recognition and disabling of solar photovoltaic (PV) systems. Main topic areas will include solar technology identification on the premises, disconnecting methods, and code requirements for roof coverage by modules. Additionally, this training will address access to safe walking space, access to ventilation, location and identification of disconnect switches, DC and AC system conduits and conductors, and battery backup systems.

Continuing Education Units Available: 3 in-service hours from the NY Dept. of State Division of Building Standards & Codes under Topic 2 (Uniform Fire Prevention and Building Code).

To Register: <http://www.eventbrite.com/e/safety-and-fire-considerations-for-solar-pv-tickets-16680919078>

Sample of second certification to be signed by the chief financial officer of each local government that is a signatory to a multi government plan.
(Savings Target Certificate)

I (name and title) do hereby certify that it is my professional opinion, that full implementation of the cooperation agreements, mergers, efficiencies and/or shared services as specified for all of the local government units that are signatories to this plan will result in savings of at least one percent of the tax levies for fiscal years beginning in 2014 for all local government units that are signatories to such plan; in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019.

(signature)

Sample of first certification to be signed by the chief financial officer of each local government that is a signatory to a multi government plan.
(Direct Savings Certificate)

I (name and title) do hereby certify that it is my professional opinion that full implementation by the end of the local fiscal year beginning in 2017, of the cooperation agreements, mergers, efficiencies and/or shared services that are to be taken by (name of local government) as specified in this plan will result in the savings set forth in this government efficiency plan.

(signature)

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

Motion made by: Councilor _____

Seconded by: Councilor _____

WHEREAS, Peppino's Bistro 72, Inc. (hereinafter "Peppino's") has notified the Town of Marcellus that it intends to apply for a liquor, wine and beer license for premises located at 2814 West Seneca 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, Peppino's 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 Peppino's 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 the application by Peppino's for a liquor, 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 Michael S. Banks as Agent for the Applicant and to Peppino's at 2814 West Seneca Turnpike, Marcellus, New York 13108.

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/No
Christopher Hunt	Councilor	Voted	Yes/No
Kevin O'Hara	Councilor	Voted	Yes/No
Karen Pollard	Councilor	Voted	Yes/No
Mary Jo Paul	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: _____, 2015