MARCELLUS TOWN BOARD WORKSHOP AGENDA
SEPTEMBER 29, 2016

CALL TO ORDER

SALUTE TO FLAG

PUBLIC HEARING: Local Law – Flood Plan

BUSINESS AGENDA

A. Audit of Bills
B. Creekwalk
C. Set Budget Meetings
D. Receive Tentative Budget
E. Adopt Local Law – Flood Plan

F. ADJOURN BUSINESS SESSION

WORKSHOP AGENDA

A. Insurance - Chris Arnold
B. National Society Daughters of the American Colonists
C. Tax Cap Override
D. Update on Paper Mill
E. Wash Bay at the Highway Garage

F. Discussion Agenda

A. Items from the Board
B. Items from the Floor

Adjournment

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

Future Meeting Dates:

Planning/Zoning Board Meeting – Monday, October 3, 2016 – 7:00 pm – Town Hall
Town Board Meeting – Monday – Thursday, October 13, 2016 – 7:00 pm – Town Hall
Workshop Meeting – Thursday – October 27, 2016 – 5:30 pm – Town Hall

INTERMUNICIPAL AGREEMENT
BETWEEN
The Town of Marcellus_and_The Village of Marcellus

Agreement made as of this ____ day of _____, 2016, by and between the Town of Marcellus, a municipal corporation, with its offices at 24 East Main Street, Marcellus, New York (hereinafter referred to as the "Town") and the Village of Marcellus, a municipal corporation of the State of New York, with its offices at 6 Slocombe Avenue, Marcellus, New York (hereinafter referred to as the "Village").

WITNESSETH:

WHEREAS, the Village, since 2002, has been actively involved in the planning, design and construction of a walking trail along Nine Mile Creek, one that will connect the Marcellus Town Park trail with East Main Street in the Village, and;

WHEREAS, the parties to this Agreement understand and agree the creek walk trail is a Village project and that the same will be constructed, owned, operated and maintained solely by the Village, and;

WHEREAS, the Village of Marcellus has been able to acquire, through the office of NYSDOT Real Estate, those properties along the proposed trail necessary for the construction of a creek walk trail, and;

WHEREAS, the Village of Marcellus, on March 9, 2016, accepted bids for the construction of the trail, and;

WHEREAS, the Village of Marcellus, on _____, 2016, rejected bids for the construction of the trail because said bids were so outrageously high, and:

WHEREAS, the Village of Marcellus has now then turned to discussion with the Town of Marcellus so as to determine the feasibility of employing Village and Town Highway department members to complete some of the work involved in construction of the trail, and;

WHEREAS, the engineering firm of Barton & Loguidice has split the project into two efforts (1) the work that Village/Town could do, and (2) the remaining work that would need to be done by an outside contractor, and;

WHEREAS, the Village of Marcellus agrees to provide, at its expense, all survey operations that will be necessary for construction of the trail, and;

WHEREAS, the Village of Marcellus agrees to provide, at its expense, all materials that will be used in construction of the trail, specifically:

Geotextile separation
Silt fence
Galv. Steel End Sections (2-2/3" x ½ in Corr.) 15 in. diam. 16 GA
Galv. Steel End Sections (2-2/3" x ½ in Corr.) 30 in. diam. 14 GA

Corrugated Steel Pipe (2-2/3" x ½ in Corr.) 24 in. diam. 16 GA Polymer Coated
Smooth Interior Corrugated Polyethylene Culvert & Storm Drain – 12 in. diameter
Smooth Interior Corrugated Polyethylene Culvert & Storm Drain – 24 in. diameter
Topsoil for Lawns
Turf Establishment for Lawns
Planting Evergreen Shrubs
Wood Bollards, Fixed
Railing, Type 01
Basic Work Zone Traffic Control
Survey Operations
Ground Mounted Sign Panels Less than or Equal to 30 sf., with Z-bars
Ground Mounted Sign Panels Les, Without Z-bars – High Visibility Sheeting
Ground Mounted Sign Panels Les, With Z-bars – High Visibility Sheeting
Type A Sign Posts
White Epoxy Reflectorized Pavement Strips – 15 mils.

WHEREAS, the Village of Marcellus and the Town of Marcellus have agreed to allow members of their Highway Departments to help one another complete some of the work involved in construction of the trail, some of which would include the following:

Clearing and grubbing – removing cut trees, stumps, brush and vegetation along trail
Unclassified excavation and disposal – earth excavation
Embankment – earth fill
Trench & culvert excavation – digging trench for pipe installation
Trail Surface Course – stone dust – placement and compaction of stone dust, top course on trail
Sub-base course – optional – moving, placement, and compaction of road millings as sub-base
Geotextile separation – install fabric geotextile (NYSDDOT approved material)
Silt fence – install fabric silt fence
Galv. Steel End Sections – install drainage item
Galv. Steel End Sections – install drainage item
Corrugated Steel Pipe – install drainage item
Smooth Interior Corrugated Polyethylene Culvert & Storm Drain – install drainage item
Smooth Interior Corrugated Polyethylene Culvert & Storm Drain – install drainage item
Topsoil, Lawns – install topsoil along sides of trail
Turf Establishment, Lawns – seed/much or hydro-seed top-soiled and disturbed areas
Planting Evergreen Shrubs – dig holes, plant shrubs
Wood Bollard, Fixed – install wood bollards
Railing, Type 01 – construct trail railing
Basic Work Zone Traffic Control – signage and flagging as needed when on roads
Ground Mounted Sign Panels Less than or Equal to 30 sf., with Z-bars – install signage item
Ground Mounted Sign Panels, Without Z-bars – High Visibility Sheeting – install signage item
Ground Mounted Sign Panels, With Z-bars – High Visibility Sheeting – install signage item
Type A Sign Posts – install signage item
White Epoxy Reflectorized Pavement Strips– install pavement strips on Main St and side streets

WHEREAS, the Town now enters into an Intermunicipal Agreement with the Village dated _____, 2016 to effectuate the construction of the Village creek walk, and allow the Town Highway

Department members, at the discretion of its Superintendent, and provided he has the authority to do so, to assist Village Highway Department members, and;

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

1. VILLAGE ACTIONS

The Village agrees to

a. Provide all survey operations necessary for the construction of the trail, and;
b. Provide for all materials to be used in the construction of the trail, as outlined in the foregoing
c. Provide all security necessary for use of the trail by the general public, upon completion

2. TOWN ACTIONS

The Town agrees to

a. Allow members of the Town Highway Department to help the Village Highway Department in the construction of the trail; and
b. Allow the Highway Superintendent to provide Town equipment that he deems is appropriate for construction of the trail.

3. HOLD HARMLESS

A. The Village shall indemnify, defend, keep and hold the Town, including its officers, agents and employees, harmless from and against any and all damages, costs, expenses and liability arising from any negligence by the Village or Village's failure to comply with any of the terms, covenants and conditions herein contained. The Town shall indemnify, defend, keep and hold the Village harmless from and against any and all damages, costs, expenses and liability arising from any negligence by the Town or Town's failure to comply with any of the terms, covenants and conditions herein contained. The obligation to indemnify shall also include the duty to pay any judgments or settlements, and all reasonable costs, fees and expenses, including attorney fees, incurred in connection therewith.

B. In recognition that the creek walk project is a Village project and that the Town is merely providing assistance to the Village, the Village agrees to indemnify, defend, keep and hold the Town, including its officers, agents and employees, harmless from and against any and all damages, costs, expenses and liability arising in any way from claims brought by any homeowners or landowners as a result of the condemnation or procurement of the land and/or relates to the construction of the creek walk, and further this indemnification also extends to any claim or suit brought that is not as the result of the sole negligence of the Town.

4. LIABILITY INSURANCE

The Village agrees to have the Town added to the Village Liability Insurance policies as an additional insured for the creek walk project and agrees said insurance will be primary and non-contributory coverage.

5. LENGTH OF AGREEMENT

The term of this Agreement shall be from _____, 2016 until _____, 2016, after which time, the Agreement will become null and void.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and their respective seals to be hereunto affixed by their duly authorized officers the day and year first above written.

TOWN OF MARCELLUS

By_____
Town Supervisor

VILLAGE OF MARCELLUS

By_____
Mayor

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that ____ resides at _____, in _____, New York that _____ is the _____ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that _____ resides at _____, in _____, New York, that _____ is the _____ of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

_____
Notary Public

BUDGET DATES

9/9/16 Budget estimate forms to the Dept.

9/20/16 Budget estimates need to be returned by the Depts.

By 9/30/16 Tentative Budget needs to be completed

By 10/5/16 Tentative Budget needs to be presented to the Town Board

Need to start preparing the Preliminary Budget based on the Tentative Budget

11/10/16 Public Hearing on the Preliminary Budget and hopefully pass the budget

We will need to meet with the departments in the month of October to go over their budget.

The departments are:

- Fire Department
- MAVES
- Highway
- Parks and Recreation
- Planning and Zoning
- Codes
- Tax Collector
- Town Clerk
- Dog Control
- Court
- Assessor

OCTOBER

TWO THOUSAND SIXTEEN

AY	MONDAY	TUESDAY	WEDNESDAY
MBER 2016 W T F S 1 2 3 7 8 9 10 14 15 16 17 21 22 23 24 28 29 30	NOVEMBER 2016 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30		
276/90 Hashanah begins at sundown Muharram begins at sundown Tentative Budget Bg 10/5	3 277/89	4 278/88 Special meet	5 279/87
283/83	10 284/82 Columbus Day Thanksgiving (C)	11 285/81 Yom Kippur begins at sundown Ashura begins at sundown	12 286/80 Day of the Race (Mr
290/76 National Boxes Day	17 291/75	18 292/74	19 293/73
297/69	24 298/68 United Nations Day	25 299/67	26 300/66
304/62	31 305/61 Halloween		

OCTOBER

TWO THOUSAND SIXTEEN

THURSDAY	FRIDAY	SATURDAY
		1 TRASH DAY
6 280/86	7 281/85 Trash Day	8 TRASH DAY
13 287/79	14 288/78	15
20 294/72	21 295/71	22
27 301/65	28 302/64	29

TOWN OF MARCELLUS
PROPOSED LOCAL LAW No. ___ OF THE YEAR 2016

A Local Law Amending Local Law No. 1 of the Year 1987 to repeal the existing language and replace it with the following language relating to Flood Damage Prevention in the Town of Marcellus as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

SECTION 1. REPEAL AND ENACTMENT

Be it enacted by the Town Board of the Town of Marcellus that Local Law No. 1 of the Year1987 entitled A Local Law for Flood Prevention, is hereby repealed and replaced by this Local Law as follows:

FLOOD DAMAGE PREVENTION

ARTICLE 1. STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of Marcellus finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Marcellus and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Local Law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this Local Law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damages;

(5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;

(6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this Local Law are:

(1) to protect human life and health;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

(6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) to provide that developers are notified that property is in an area of special flood hazard; and,

(8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meaning they have in common usage and to give this Local Law its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters;

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interor; or

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) by an approved state program as determined by the Secretary of the Interior or

(ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this Local Law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

ARTICLE 3. GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Marcellus, Onondaga County.

3.2 BASES FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Marcellus, Community Number 360585, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36067C0189F, 36067C0190F, 36067C0195F, 36067C0302F, 36067C0304F, 36067C0305F
36067C0310F, 36067C0312F, 36067C0314F, 36067C0315F, 36067C0320F

whose effective date is November 4, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Onondaga County, New York, All Jurisdictions" dated November 4, 2016.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: the Town of Marcellus Code Enforcement Office, 24 East Main Street, Marcellus, New York 13108.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Marcellus from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Marcellus, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made there under.

ARTICLE 4. ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town of Marcellus Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this Local Law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee which shall be established from time to time by resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Marcellus for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than $500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permitee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.

(4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

(7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and

increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3 (7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this Local Law.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

(3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2 of this Local Law, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

(1) Notify adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, it shall be the duty of the permit holder to submit

to the Local Administrator a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this Local Law.

(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this Local Law.

4.4-7 CERTIFICATE OF COMPLIANCE

(1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4 (1) and 4.4-4 (2), and whether or not the structures contain a basement;

(3) Floodproofing certificates required pursuant to sub-section 4.4-4 (1), and whether or not the structures contain a basement;

(4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,

(5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

ARTICLE 5. CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

(l) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(ii) the Town of Marcellus agrees to apply to the Federal Emergency Management Agency (FEMA)for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Marcellus for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Marcellus for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in <u>any</u> increase in flood levels during occurrence of the base flood, or,

(ii) the Town of Marcellus agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Marcellus for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Marcellus for all costs related to the final map revisions.

(3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Marcellus shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

(l) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water

from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in subsections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

(2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:

(i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

(ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)

(3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(i) be on site fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

(1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 5.1-1, ANCHORING,

(2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.

(3) Within Zones AO, or Zone A if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.

(4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with Section 5.2-2(3).

(5) Utilities must meet the requirements of Section 5.2-3, UTILITIES.

ARTICLE 6. VARIANCE PROCEDURE

6.1 APPEALS BOARD

(l) The Zoning Board of Appeals as established by the Zoning Ordinance of theTown of Marcellus shall hear and decide appeals and requests for variances from the requirements of this Local Law.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Local Law.

(3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(5) Upon consideration of the factors of Section 6.1 (4) and the purposes of this Local Law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Local Law.

(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1 (4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification of:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing Local Laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law."

SECTION 2. EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Department of State.

9/13/1

Town Of Marcellus 2017 Health Plan Comparison- to Platinum plan

		Current Excellus SB Plus Standard Platinum	Renewal Excellus SB Plus Standard Platinum	Excellus SB Plus Platinum 4	MVP Platinum 5	MVP Platinum 4	MVP Gold 4
	BENEFITS						
	Primary Care Office Visit Copay	$15	$15	$15	$15	$40	$40
	Specialist Office Visit Copay	$35	$35	$25	$25	$60	$50
	Deductible						
	Rx Copay *Tier 1*	$10	$10	$5	$10	$5	$10
	Tier 2	$30	$30	$25	$40	$45	$40
	Tier 3	$60	$60	$50	$60	$90	$60
	Inpatient Hospital	$500	$500	covered at 80% after deductible	$500	$500	$500
	Emergency Room	$100	$100	$150	$100	$250	$500
	Outpatient Surgery	$100	$100	covered at 80% after deductible	$300	$250	$300
	In-Network						
	Deductible *Individual*	$0	$0	$250	$0	$0	$0
	Family	$0	$0	$500	$0	$0	$0
	Subscriber Coinsurance	0%	0%	20%	0%	0%	0%
	Out of Pocket Max *Individual*	$2,000	$2,000	$2,000	$6,600	$1,400	$6,450
	Family	$4,000	$4,000	$4,000	$13,200	$2,800	$12,900
	Out of Network						
	Deductible *Individual*	$500	$500	$250			
	Family	$1,000	$1,000	$500			
	Coinsurance	20%	20%	40%			
	Out of Pocket Max *Individual*	$2,000	$2,000	$2,000			
	Family	$4,000	$4,000	$4,000			
	Pediatric Dental	Yes	Yes	Yes	Yes	Yes	Yes
Partic.	**RATES**						
3	Single	$665.02	$761.71	$743.12			
0	Double	$1,330.04	$1,523.41	$1,486.23			
0	Employee+Child(ren)	$1,130.54	$1,294.91	$1,263.30			
2	Family	$1,895.31	$2,170.86	$2,117.88			
	Annual Premium	$69,428.16	$79,522.20	$77,581.44	$0.00	$0.00	$0.00
	Difference over current premium	$0.00	$10,094.04	$8,153.28	($69,428.16)	($69,428.16)	($69,428.16)
	Percentage of difference vs. current	0.0%	14.5%	11.7%	-100.0%	-100.0%	-100.0%
		Current Excellus SB Plus Standard Platinum	Renewal Excellus SB Plus Standard Platinum	Excellus SB Plus Platinum 4	MVP Platinum 5	MVP Platinum 4	MVP Gold 4

* All rates and policy benefits are taken from insurance company collateral deemed to be reliable. We cannot guarantee completeness or accuracy. Please consult policy summaries for full details.

Town Of Marcellus 2017 Health Plan Comparison - to Gold plan

		Current Excellus SB Plus Gold 5	Renewal Excellus SB Plus Gold 5	Excellus SB Plus Gold 3	Excellus SB Plus Gold 1	Excellus SB Plus Gold 17	MVP Platinum 5	MVP Platinum 4	MVP Gold 4
	BENEFITS								
	Primary Care Office Visit Copay	$40	$40	$30	$25	$25	$15	$40	$40
	Specialist Office Visit Copay	$60	$60	$50	$40	$40	$25	$60	$50
	Deductible								
	Rx Copay *Tier 1*	$10	$15	$15	$15	$5	$10	$5	$10
	Tier 2	$50	$50	$50	40%	$30	$40	$45	$40
	Tier 3	30%	50%	50%	50%	$70	$60	$90	$60
	Inpatient Hospital	$750	$750	$1,000	$1,000	covered at 80% after deductible	$500	$500	$500
	Emergency Room	$250	$250	$450	$450	$250	$100	$250	$500
	Outpatient Surgery	$250	$250	$450	$450	covered at 80% after deductible	$300	$250	$300
	In-Network								
	Deductible *Individual*	$0	$0	$0	$0	$750	$0	$0	$0
	Family	$0	$0	$0	$0	$1,500	$0	$0	$0
	Subscriber Coinsurance	0%	0%	0%	0%	20%	0%	0%	0%
	Out of Pocket Max *Individual*	$6,350	$6,850	$6,350	$6,850	$4,000	$6,600	$1,400	$6,450
	Family	$12,700	$13,700	$12,700	$13,700	$8,000	$13,200	$2,800	$12,900
	Out of Network								
	Deductible *Individual*	$500	$500	$500	$500	$750			
	Family	$1,000	$1,000	$1,000	$1,000	$1,500			
	Subscriber Coinsurance	20%	20%	20%	20%	40%	No Benefit	No Benefit	No Benefit
	Out of Pocket Max *Individual*	$6,350	$6,850	$6,350	$6,850	$4,000			
	Family	$12,700	$13,700	$12,700	$13,700	$8,000			
	Pediatric Dental	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Partic.	**RATES**								
1	Single	$580.51	$654.74	$655.13	$653.21	$650.08			
2	Double	$1,161.03	$1,309.48	$1,310.25	$1,306.42	$1,300.15			
0	Employee+Child(ren)	$986.87	$1,113.05	$1,113.72	$1,110.46	$1,105.13			
6	Family	$1,654.46	$1,866.01	$1,867.11	$1,861.66	$1,852.72			
	Annual Premium	**$153,951.96**	**$173,637.12**	**$173,739.48**	**$173,232.12**	**$172,400.40**	**$0.00**	**$0.00**	**$0.00**
	Difference over current premium	**$0.00**	**$19,685.16**	**$19,787.52**	**$19,280.16**	**$18,448.44**	**($153,951.96)**	**($153,951.96)**	**($153,951.9**
	Percentage of difference vs. current	**0%**	**12.8%**	**12.9%**	**12.5%**	**12.0%**	**-100.0%**	**-100.0%**	**-100.0%**
		Current Excellus SB Plus Gold 5	**Renewal Excellus SB Plus Gold 5**	**Excellus SB Plus Gold 3**	**Excellus SB Plus Gold 1**	**Excellus SB Plus Gold 17**	**MVP Platinum 5**	**MVP Platinum 4**	**MVP Gold 4**

* All rates and policy benefits are taken from insurance company collateral deemed to be reliable. We cannot guarantee completeness or accuracy. Please consult policy summaries for full details.

National Society Daughters of the American Colonists
State of New York Society

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SEP 09 2016
MARCELLUS TOWN CLERK

Marcellus Town Board
Supervisor Karen Pollard
24 East Main Street
Marcellus, NY 13108

Dear Supervisor Pollard-

I am a member of Daughters of the American Colonists. One of the objects of our Society is to "Mark", that is recognize, an historical building, area or event which was of importance in the Colonial era or in the early history of our country. It was suggested that we Mark the Genesee Road (also called the Seneca Turnpike) which went through what is now Main Street, Marcellus and was an important travel route from the 1790's.

We would like to have a bronze plaque made and would like to have your permission to place it either on a large rock in the small garden outside the building, or on the Marcellus Town Hall building itself. We would like to plan a dedication ceremony, probably in October 2017, at which time we would be joined by the National President of our Society.

Thank you for considering our request.

Best regards-

Margaret Raymond
NY State Regent, Daughters of the American Colonists
PO Box 10
Chenango Forks, NY 13746
607-648*5715 mtraymond@frontiernet.net

7 September 2016

RECEIVED
SEP 21 2016
MARCELLUS TOWN CLERK

National Society Daughters of the American Colonists
State of New York Society

Dear Supervisor Pollard-

Thank you for your phone call and for your request to hear a little bit more about our society.

Women who are at least 18 years old and who are citizens of the United States able to document lineal descent from the men and women who were residents of this country prior to July 4, 1776 are eligible for membership.

I will enclose a copy of the object of the National Society which is just an outline of all that we do. We have a number of committees which carry on the work of the Society; among them are "Historic Landmarks and Memorials" which serves to mark places or events of historical significance prior to 1900. Each of our state administrations (three years) strives to have at least one marking. When we were discussing, at a meeting, a project for this administration, someone suggested the Seneca Turnpike (also called the Genesee Road) which served the early colonists as an important travel route. The route is now Main Street in Marcellus and, as I explained in my letter, we would like to install a plaque commemorating this road.

I shall enclose a letter from a prior marking, and a photograph of the plaque which we installed at that time, in order that you may see what we have in mind.

We would like to plan a ceremony for October 2017 at which time our National President will visit and, hopefully, dignitaries from the Town of Marcellus.

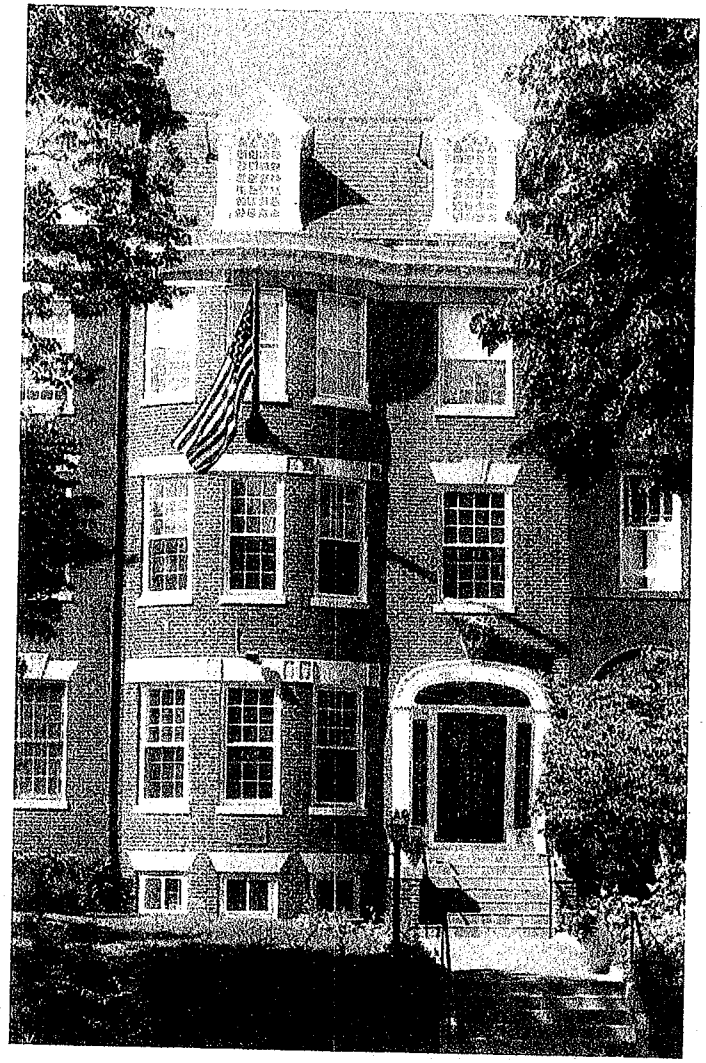
Thank you very much for considering our request. If you should have any questions which I might answer, please give me a call.

With best regards –

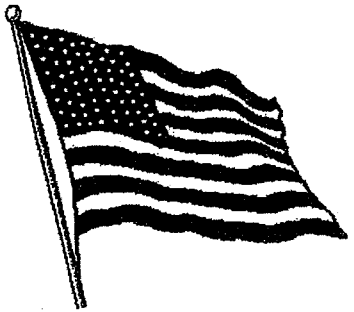
Margaret Raymond

Margaret Raymond
New York State Regent, Daughters of the American Colonists
PO Box 10
Chenango Forks, NY 13746
607-648-5715 mtraymond@frontiernet.net

17 September 2016



NATIONAL HEADQUARTERS
NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN COLONISTS
2205 Massachusetts Avenue NW, Washington, D.C. 20008-2813
Purchased May 1960



THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

- Francis M. Bellamy

THE AMERICAN'S CREED

I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed, a democracy in a republic, a sovereign nation of many sovereign States, a perfect union, one and in separable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

- William Tyler Page

THE OBJECT OF THE NATIONAL SOCIETY

The object of this Society shall be Patriotic, Historical and Educational; to make research as to the history and deeds of the American colonists, and to record and publish the same; to commemorate deeds of colonial interest; to inculcate and foster love of America and its institutions by all its residents; to obey its laws and venerate its Flag – the emblem of its power and civic righteousness.

- National Bylaws, Article II

MAS Engineering

55 Ashley Street
Lyons, New York 14489

Phone 315 573 0765 maseng@rochester.rr.com Fax 315 946 9552

Don MacLachlan
Superintendent of Highways
24 East Main Street
Marcellus NY 13108
highway@marcellusny.com

May 6, 2016

Re: new 3 bay addition to highway building.

Dear Mr. MacLachlan,

MAS Engineering proposes to provide structural drawings and specifications for bid and construction purposes for your proposed new addition for the town highway building.

The addition will be 50 feet wide by 60 feet long and 17' high with three overhead doors and two passdoors. The construction will be post frame with steel roofing and siding with interior liner panel. There will be a 6" concrete floor suitable for heavy trucks. An oil separator will be specified. Heating of the building will be with natural gas unit heaters. The building will be insulated.

Excluded from the design are the following:
Electrical and fire alarm systems design.
Bidding process and contracts.

The cost for this service will be $12,000.00.

Terms: $2,000.00 at commencement of services.
Remainder on completion of drawing.
Drawings will be finished 4 weeks after receipt of down payment.
Six sets of sealed drawings and bid specifications will be provided.

Thank you for the opportunity to provide this quotation.

Please feel free to contact me if you have questions or need further info.

Sincerely,

Michael Sinniger P.E.