

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

September 13,2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor  
James A. Sheridan, Councilor  
Thomas C. Lathrop, Councilor  
Donald G. Sherman, Councilor  
Kevin F. O'Hara, Councilor

Also present: Karen R. Pollard, Town Clerk; Sandy Taylor, Deputy Town Clerk; James Gascon, Counsel; Phil Coccia, Recreation Leader; Donald MacLachlan, Highway Superintendent; William Reagan, Codes Enforcement Officer; Ned Campbell, Marcellus Observer; Chris Christensen, Member of Planning Board and Zoning Board of Appeals; James Rhinehart, Onondaga County Legislator; Vincent Murphy, Mary Murphy, Bernie Montgomery, Peg Nolan, Georgia Stormes, Karen Marvin, Norm Goldstein, Walter Kaser, Elsie Harrison, Anita Williams, Charles Black, Ed LaRose and Jeff Berwald.

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

**PUBLIC HEARING:** Local Law Imposing a Moratorium Law Hydraulic Fracturing and/or Hydrofracking in the Town of Marcellus

Supervisor Ross opened the Public Hearing for the proposed Local Law Imposing a Moratorium Law Hydraulic Fracturing and/or Hydrofracking in the Town of Marcellus by reading the legal notice that appeared in the September 1, 2010 edition of the Marcellus Observer and is on file in the Town Clerk's office.

Supervisor Ross asked for anyone who wished to speak in favor the proposed Local Law Imposing a Moratorium Law Hydraulic Fracturing and/or Hydrofracking to please state his or her name and address for the record.

Vincent Murphy, Glover Road, stated that he agrees with the moratorium and would like to see a permanent ban. He cited the disaster in the Gulf of Mexico and the problems that property owners in Pennsylvania have encountered.

Anita Williams, Otisco Lake Preservation Association, is for the moratorium and would also like a permanent ban. She read a statement from the EPA and stated that is very important to protect our water resources.

Hearing no more comments from the floor, Mr. Ross asked the Board if they had any comments.

Hearing none, Mr. Ross closed the public hearing on the proposed Local Law Imposing a Moratorium Law Hydraulic Fracturing and/or Hydrofracking at 7:05pm.

**PUBLIC HEARING:** Zoning Law: Camping and Recreational Equipment Regulations

Supervisor Ross opened the Public Hearing for the proposed amendment to the Mobile Home and Mobile Home Park Ordinance for the Town of Marcellus by reading the legal notice that appeared in the September 18, 2010 edition of the Marcellus Observer and is on file in the Town Clerk's office. Mr. Ross explained the intent of the changes and opened the hearing to any comments for or against from the floor asking to state his or her name for the record.

Hearing no comments from the floor, Mr. Ross asked if the Board had any comments or questions.

Hearing no comments from the Board, Mr. Ross closed the public hearing on the proposed amendment to the Mobile Home and Mobile Home Park Ordinance at 7:10pm.

Copies of the minutes of the Town Board Meeting held on August 9, 2010, Special Town Board Meeting held on August 26, 2010 and Workshop Meetings held on July 22, 2010 and August 26, 2010 was given to the Board Members. Councilor Lathrop made a motion seconded by Councilor O' Hara to approve the minutes as presented. All voted aye. Carried.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract # 9, Claims # 20100639 – 20100705 and Highway Claims #2010127 - 2010144.

	<u>Expenses</u>
General Fund	\$39,760.84
General Fund – Part Town	607.70
Highway – Town Wide	10,371.70
Highway – Part Town	47,630.81
Fire	94,500.00
Sewer	54.23

Bills paid between meetings:

NYSEG:

Town Street Lighting (clm 632)	\$1,122.04
24 E. Main Street (clm 633)	20.20
Highway Garage (clm 634)	62.05
Park Office (clm 635)	22.35
Park Bldg on Slate Hill (clm 636)	20.70
Park Street Lighting (clm 637)	223.42
Check no. 23289	
State Insurance Fund (clm 638)	\$40.57

Board Members were given copies of the Activity Report for August 2010 and monthly statement of bank balances as of August 31,2010.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,222,175.39	\$795,912.34
General Fund – Part Town	86,471.00	57,691.14
Highway – Town Wide	479,001.53	188,247.57
Highway – Part Town	338,514.76	194,202.27
Fire	597,788.46	379,680.36
Ambulance	313,449.45	250,026.50

Councilor Sheridan made a motion seconded by Councilor Lathrop to approve and pay the bills, approve the monthly activity report for August 2010 and the monthly statement of bank balances as of August 31,2010. It was noted that the payments to AFLAC and NYS Income Tax are on hold. All voted aye. Carried.

Supervisor Ross introduced James Rhinehart, Onondaga County Legislator, who spoke to the issue of hydrofracking. He informed the Board that Onondaga County has banned hydrofracking on county property until further notice.

**OLD BUSINESS:**

**Report from Department Liaisons:** None

**NEW BUSINESS:**

Supervisor Ross gave the Board the opportunity to pass the proposed local law dealing with the moratorium on hydrofracking tonight if they wished. Resolution #013-10 is as follows:

**#013-10  
TOWN BOARD RESOLUTION  
TOWN OF MARCELLUS**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga, State of New York on September 13 2010, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2010, "A Local Law Imposing a Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Marcellus," was presented and introduced at a special meeting of the Town Board of the Town of Marcellus held on August 26, 2010; and

**WHEREAS**, a public hearing was held on such proposed local law on the 13<sup>th</sup> day of September, 2010 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 Law of the State of New York; and

**WHEREAS**, the New York State Environmental Quality Review (SEQR) process for this action was completed by this Board at its August 26, 2010 meeting, this Board, having determined 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 SEQR, assumed

lead agency status and determined this to be a Type II action with no significant adverse effect; and

**WHEREAS**, it is in the public's interest to enact said proposed Local Law No. B-2010.

**NOW**, upon the Motion of Councilor Lathrop and seconded by Councilor Sherman,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. B-2010 as Local Law No. 2 of 2010 as follows:

**TOWN OF MARCELLUS  
LOCAL LAW NO. 2 of 2010**

**A LOCAL LAW IMPOSING AMORATORIUM ON  
HYDRAULIC FRACTURING AND/OR  
HYDROFRACKING IN THE TOWN OF  
MARCELLUS**

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

**Section 1. TITLE**

This law will be known as the 2010 Moratorium on Hydraulic Fracturing and/or Hydrofracking in the Town of Marcellus.

**Section 2. LEGISLATIVE INTENT**

- A. The Town Board of the Town of Marcellus, Onondaga County, State of New York, is vested by the State of New York to regulate and control land use within the Town of Marcellus and to protect the health, safety and welfare of its residents. The issue of hydrofracking has generated much concern about the safety and reliability of this method to recover and develop natural gas. The Town Board believes that based on these concerns, additional study and examination of necessary land use regulations relating to hydrofracking is warranted. Therefore, the Town Board, through this local law, declares a six month moratorium on any activity or processes associated with hydrofracking or in furtherance of hydrofracking, including the establishment, implementation, place and construction of hydrofracking processes or activities in the Town of Marcellus.
- B. The Town Board is well aware of the current review of hydrofracking by the New York State Department of Environmental Conservation (DEC), including an assessment of the various potential environmental impacts of hydrofracking, state regulations currently in place and the potential for additional regulations of hydrofracking at the state level. This moratorium period will allow for the review and determination of the need for additional state regulations which will necessarily impact the role of the Town in further regulation on a local level.

- C. This moratorium is also intended to allow necessary time for the Town Board to examine whether additional local regulation is necessary, the extent of such regulation, and if such local regulation is necessary, the Town Board may determine the appropriate rules and regulations to ensure comprehensive uniformity, fairness and consistency in such regulations. Further, the Town Board will utilize the moratorium period to further examine the significant environmental issues relating to hydrofracking.
- D. The Town Board recognizes the importance of finding and developing other sources of natural gas for energy resources and believes that natural gas may be a cleaner and more beneficial source of energy than other oil and gas consumption. Natural gas development has existed in New York State since approximately 1821. There are vast amounts of natural gas in reserves of shale deposits and new technology has made it more economical to produce natural gas from shale deposits. There have been studies indicating that natural gas production using the hydrofracking method could be a significant benefit to economic activity.
- E. However, the Town is also concerned with the potential for damage to groundwater quality and quantity, potential for sediment and erosion and the use of naturally occurring radioactive materials. Hydrofracking requires the use of large amounts of water, including the use of surface water (rivers, basins, lakes), private ponds, groundwater, municipal water, waste water and produced water. Further, the use of hydrofracking will create more demand for commercial waste water treatment facilities to dispose of produced water. The Town Board is concerned with the potential for groundwater pollution, affecting many water wells in the town. There may also be further impacts to local roads during the construction and use of any potential well. Lastly, the Town is concerned with the potential environmental impacts on water quality, agricultural land uses, wetlands, Otisco Lake, which is the primary source of water for the Town of Marcellus and other local municipalities, and the lake watershed.
- F. The Town of Marcellus has legitimate goals and aims to protect the community, cultural, historical, recreational and environmental resources with the Town and the Town Board believes that studying this issue is necessary so that hydrofracking operations are regulated to protect the town's predominant residential and agricultural land uses and to protect the environment from potential negative impacts.
- G. The Town of Marcellus does hereby find a moratorium of six months duration is necessary and reasonable in order to afford the Town Board an opportunity to refer this issue to the Code Enforcement Officer, Town Planning Board, Town Zoning Board of Appeals and the Town Planning and Zoning Committee for consideration and study and to afford such boards an opportunity to make recommendations to the Town Board regarding appropriate amendments to Chapter 148 of the Town Code. A moratorium of six months will prevent the establishment of hydrofracking facilities and operations that may be contrary to any land use regulations ultimately adopted thus making the new regulations a nullity. The health, safety and general welfare of the residents will be protected by the adoption of the moratorium pending the issuance of final regulations by the Town of Marcellus.

### **Section 3. DEFINITIONS**

**HYDRAULIC FRACTURING OR HYDROFRACKING**—For purposes of this Local Law, the term “hydraulic fracturing” or “hydrofracking” shall mean the process of recovering and/or developing natural gas trapped behind shale or rock and which generally is accomplished by a gas well that is drilled vertically into the ground and then horizontally from the well head, after which water, sand and/or chemicals are injected into the well breaking and/or fracturing of shale and/or other natural structures under the ground intending to release natural gas from the ground.

**PERSON** – For the purposes of this local law, the term “person” shall include an individual, society, club, firm, partnership, joint venture, corporation, or the association of persons, and the singular shall include the plural number.

#### **Section 4. SCOPE AND CONTROL**

- A. For the period of six months following the effective date of this local law, no new hydrofracking facilities or operations, as defined by this local law, or expansions beyond existing operations or facilities shall be permitted by any person in the Town of Marcellus.
- B. During the effective period of this Local Law:
1. The Town Planning Board shall not consider and/or approve any site plan, approve any special use permit or other permit which would have as a result of the establishment, implementation, placement, construction or development of any new hydrofracking facility or operation, including any activity associated therewith or in furtherance of hydrofracking, or the enlargement of any existing hydrofracking facility or operation within the Town.
  2. The Town Zoning Board of Appeals shall not consider and/or grant any variance, special use permit or other permit for any use which would result in the establishment, implementation, placement, construction or development of any new hydrofracking facility or operation, including any activity associated therewith or in furtherance of hydrofracking, or the enlargement of any existing hydrofracking facility or operation within the Town.
  3. The Codes Enforcement Officer of the Town shall not consider and/or issue any building permit or other permit which would result in the establishment, implementation, placement, construction or development of any new hydrofracking facility or operation, including any activity associated therewith or in furtherance of hydrofracking, or the enlargement of any existing hydrofracking facility or operation within the Town.
- C. If, within six months, the Town Board adopts a local law relating to hydrofracking, then, in that event the moratorium imposed by this local law shall expire immediately on the date the Town local law relating to hydrofracking takes effect in accordance with Section 27 of the Municipal Home Rule Law.

#### **Section 5. EXCEPTIONS.**

The lawful use of any premises on the effective date of this local law operated under a permit issued by the Town of Marcellus or other appropriate state or federal agency may be continued, provided that such use shall not be enlarged or extended beyond the existing location and operation.

#### **Section 6. VARIANCES.**

- A. The Town Board reserves to itself the power and sole discretion to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship or circumstances that would deprive the owner of the reasonable use of the lands involved, provided the application is consistent with the intent of this Local Law.
- B. An application for a variance plus 7 copies thereof shall be filed with the Town Clerk, together with a filing fee of \$250.00. The application shall specifically identify the land involved, recite the nature of the proposed use of the land, provide a narrative description of the project and identify the circumstances pursuant to which the variance is sought and the reasons why the variance is claimed. Any costs, including expert consulting fees, incurred by the Town shall be paid by the Applicant immediately upon request or the application may be denied.
- C. The Town Board may refer any applications for a variance herein to the Planning Board, the Zoning Board of Appeals, and/or its retaining consultant, for their advice and recommendations, but all decisions on granting or denying such variances shall be made by the Town Board solely, after determining whether or not the requested variance is compatible with the Comprehensive Plan of the Town, the Town Code and any contemplated amendments to the Zoning Law. Unless completely satisfied that the proposed variance is compatible, the Town Board shall deny the application.
- D. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days of receipt of a completed application; and shall issue its final decision on requests for a variance within thirty (30) days from the public hearing.

#### **Section 7. ENFORCEMENT.**

This local law shall be enforced by the Code Enforcement Officer of the Town of Marcellus, or such other individual(s) as designated by the Town Board, it shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law and to keep all records necessary and appropriate to the office and to file the same in the office of the Town Clerk.

#### **Section 8. VIOLATIONS.**

Any person violating any of the provisions of this local law shall be guilty of an offense and upon a conviction thereof, be given a civil penalty of no less than \$500.00 and no more than \$1,000.00 per day for this violation. Each day's violation shall constitute a separate and additional violation. An action may be commenced in a court of

competent jurisdiction to recover such penalty. In addition thereto, violations of this local law shall be subject to being restrained by injunctive relief.

**Section 9. CONFLICT WITH OTHER LAWS.**

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York. During the duration of times that this Law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions including, but not limited to, the statutes set forth in the New York Town Law related to zoning and subdivisions. Specifically, this Law is intended to supersede Town Law Sections 130, 261, 262, 263, 264, 265, 267, 267-1, 267-b, 268, 269, 274-1, 274-b, 276, 277, 278 and 279.

**Section 10. SEVERABILITY.**

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 11. EFFECTIVE DATE.**

This Local Law shall become effective immediately.

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

<b>VOTE:</b>	Daniel J. Ross	Aye
	James A. Sheridan	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O’Hara	Aye

**Resolution duly adopted.  
Dated: September 13, 2010**

Supervisor Ross gave the opportunity to the Board to act on the passage of the Mobile Home Ordinance at this time. Following is the enacting resolution.

#014-10  
**TOWN OF MARCELLUS  
TOWN BOARD RESOLUTION  
September 13, 2010**

Councilman Lathrop introduced a proposed Amendment to the Mobile Home and Mobile Home Park Ordinance to clarify the provisions regarding use of camping and recreational equipment in the Town of Marcellus which was seconded by Councilman O’Hara:



**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of an Ordinance 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 adoption of said Ordinance, with the result that the Town Board shall act as lead agency in this matter.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that this proposed legislation is an unlisted action for purposes of SEQR, and upon reviewing the short environmental assessment form submitted in support of this matter, the Board finds that there will be no adverse environmental impacts resulting from this action and therefore renders a negative declaration for purposes of SEQR; and it is further

**RESOLVED AND DETERMINED**, that the following proposed Ordinance Amendment is hereby introduced for the Town Board's consideration:

**AMENDMENT TO THE 1968 MOBILE HOME AND  
MOBILE HOME PARK ORDINANCE OF THE  
TOWN OF MARCELLUS, AS PREVIOUSLY  
AMENDED**

**BE IT ORDAINED**, by the Town of Marcellus, acting through its duly constituted Town Board that the 1968 Mobile Home and Mobile Home Park Ordinance of the Town of Marcellus, as amended, is hereby further amended as set forth below:

**Section 1.** So that Section 103 (Definitions) of the Mobile Home and Mobile Home Park Ordinance is amended such that the definition of Camping and Recreational Equipment is amended to read, in its entirety, as follows:

- “3. *Camping and Recreational Equipment*, shall include tents, travel trailers, pick-up coaches, motorized homes, camping trailers, ATVs, snowmobiles, motorbikes, boats and their respective trailers, racing and horse trailers and other vehicles of the same general nature.”

**Section 2.** So that Section 200 (Use of Camping and Recreational Equipment) of the Mobile Home and Mobile Home Park Ordinance is amended to read, in its entirety, as follows:

“200 **USE OF CAMPING AND RECREATIONAL EQUIPMENT**

Any owner of camping and/or recreational equipment may park or store such equipment on zoned property subject to the following conditions:

- (a) At no time shall such parked or stored camping and recreational equipment be used for living or housekeeping purposes. Exceptions:
- 1) A camping or travel trailer occupied by a visiting relative for no more than 21 days in a calendar year.
- (b) If the camping or recreational equipment is parked or stored outside of a garage, it shall

be parked subject to side and rear yard dimensions:

- 1) In the established driveway on the lot side of the street line, or
- 2) Behind the front line of the principal building, or
- 3) Elsewhere on the lot at least 100-feet from any street edge.

At no time shall there be more than one item of camping or recreational equipment stored between the street and the front line of the principal building.

- (c) Notwithstanding the provisions of subparagraph (b) camping and recreational equipment may be temporarily parked anywhere on the premises for loading, unloading or cleaning purposes.”

**Section 3.** All other provisions of the 1968 Mobile Home and Mobile Home Park Ordinance, as previously amended, shall remain in full force and effect, unchanged.

**Section 4. Effective Date.** This Amendment shall take effect in accordance with and as provided in the New York Town Law.”  
and it is further

**RESOLVED AND DETERMINED,** that the Town Board shall conduct a public hearing as to the adoption of this proposed Ordinance at the Marcellus at the Town Hall located at 24 East Main Street in the Town of Marcellus on September 13, 2010 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 and upon roll call, the vote was as follows:

<b>VOTE:</b>	<b>Daniel J. Ross</b>	<b>Aye</b>
	<b>James A. Sheridan</b>	<b>Aye</b>
	<b>Donald G. Sherman</b>	<b>Aye</b>
	<b>Thomas C. Lathrop</b>	<b>Aye</b>
	<b>Kevin O’Hara</b>	<b>Aye</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: September 13, 2010**

**Recreation Agreement: Exploring Painting Class and Zumba:**

Councilor Sherman made a motion seconded by Councilor Sheridan to authorize the Supervisor to sign the following Recreations Agreement:

Exploring Painting:	Starting September 15 to November 3	\$70.00/student
Zumba Fitness Class	Starting September 16 to November 4	\$40.00/student

All voted aye. Carried.

**Set Special Meeting to Receive the 2011 Tentative Budget and Set Budget Meetings:**

A special Town Board meeting needs to be scheduled so the Town Clerk can submit the 2011 Tentative Budget to the Town Board and there is a need to schedule the 2011

budget workshop meetings. Supervisor Ross made a motion seconded by Councilor O'Hara to have a special meeting on Thursday, September 30<sup>th</sup> at 5:00 pm for the submission of the 2011 Tentative Budget by the Town Clerk to the Town Board and to schedule budget workshop meetings on October 7<sup>th</sup>, October 13<sup>th</sup> and October 22<sup>nd</sup> at 7:00 pm at the Town Hall All voted aye. Carried.

**Shared Technologies: Town Hall Telephone Agreement:** Councilor Sherman made a motion seconded by Councilor Sheridan to authorize the Supervisor to extend the service agreement with Shared Technologies Inc. (STI) for the telephone system for a period of September 15, 2010 to September 14, 2011 in the amount of \$1,016.16 per year. All voted aye. Carried

**Authorize Town Credit Card Under the Control of Town Supervisor:** Supervisor Ross requested approval for the Town to obtain a credit card to be used for on-line purchases. The card would be under the control of the Town Supervisor. Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the obtaining of a Town of Marcellus credit card and placing it under the control of the Town Supervisor. All voted aye. Carried.

**Southern Onondaga Water District: Approval of Vouchers #23 and #24:** Councilor Lathrop made a motion seconded by Councilor Sherman to approve the following payments in conjunction with the Southern Onondaga Area Water District:

Voucher #23	Onondaga County Clerk	\$ 146.00
Voucher #24	Craig Billinson	\$ 91.88

All voted aye. Carried.

**Lease Extension for Fire Station and Sewer Line Agreement:** James Gascon, Counsel, presented to the Board a corrected Lease Extension Agreement for the Marcellus Fire Barn and Sewage Line and Pump Agreement. The corrections were very minor. Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the Supervisor to enter into the Lease Extension Agreement for Fire Barn and Sewage Line and Pump Agreement. Councilor Lathrop pointed out inaccuracies in the descriptions of the location of sewage lines in the Marcellus Park. Mr. Lathrop also brought up that the Village wants the Town to takeover ownership and maintenance of the lines, who is going to monitor the lines and notify us if there is a problem. Supervisor Ross stated that we would have to speak to the Village on this matter. With the motion being moved and seconded and noting the correction that Councilor Lathrop pointed out, all voted aye. Carried.

**Limeledge Water: Approval of Bills:** Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the payment of Limeledge Water District Abstract No. 8 - 2010. All voted aye. Carried.

### **Discussion Agenda**

Councilor Lathrop noted that the Marcellus Fire Department has a new attorney.

Councilor O'Hara advised the Board that Gallagher Painting has completed the lead testing on the Village Cemetery Fence. Mr. Gallagher tested in seven places and he found no indication of presence of lead. With the testing done, we now can move ahead with scraping and painting. Mr. O'Hara will approach the Boy Scouts about volunteering and Peg Nolan also offered to help on the fence.

## **Items from the Board**

### **Items from the Floor**

Vincent Murphy, Glover Road, thanked the Board for the Limeledge Water and Bill Reagan for his help. Mr. Murphy questioned if the Town has heard or have been approached by Saunders with any plans to expand their operation to the south. Mr. Murphy was informed that to date, the Town has heard nothing.

Jeff Berwald, Marcellus Fire Department, inquired if there was any results from the dye test the Village performed on the drainage from the Fire Barn. Mr. Ross stated that the Village would have the results and he would pursue this and report to Mr. Berwald.

Mr. Berwald also discussed with the Board the Fire Departments plan to grade and seed the lot across the road from the Fire Department. The problem is that the pipe that goes across it is exposed and needs to be buried. The pipe is used for emergency pumping if Disappearing Lake over flows its banks. Highway Superintendent MacLachlan will contact the Fire Department to see what needs to be done.

Mr. Coccia discussed with the Board the electrical and plumbing issues with the Welcome Center renovation.

Highway Superintendent MacLachlan informed the Board that he attended a meeting with the State DOT concerning the planned improvements for West Seneca Turnpike from the caution light to Cedarvale Road. He also advised the Board that the County is looking to the towns for more help in plowing snow on county roads.

Bernard Montgomery, Frank Gay Road, asked the Town Board to look at the funding of MAVES by the town.

Councilor O'Hara made a motion seconded by Councilor Sherman to adjourn to an Executive Session to discuss a personnel matter at 8:13pm. All voted aye. Carried.

Councilor Sherman made a motion seconded by Councilor Sheridan to adjourn the Executive Session at 8:40pm. All voted aye. Carried.

Councilor Lathrop made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 8:41 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk