

**TOWN OF MARCELLUS  
TOWN BOARD MEETING MINUTES**

November 4, 2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on November 4, 2010 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; James Gascon, Counsel; Phil Coccia, Recreation Leader; Donald MacLachlan, Highway Superintendent; William Reagan, Codes Enforcement Officer; Traci Barnes, Karen Taddeo, Stephen Knapp and Connor Reagan.

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

**PUBLIC HEARING: 2011 Budget**

The first order of business was the public hearing on the on the 2011 Preliminary Budget. Supervisor Ross read the notice of public hearing that was published in the Marcellus Observer on October 27, 2010 and is on file in the Town Clerk's office. The notice is as follows:

**TOWN OF MARCELLUS  
OFFICIAL NOTICE  
OF PUBLIC HEARING  
PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Marcellus, including Fire Contract for the fiscal year starting January 1, 2011 has been completed and filed in the office of the Town Clerk, 24 East Main Street, Marcellus, New York, where it is available for inspection by any interested person during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Marcellus will meet and review said preliminary budget and hold a public hearing thereon at the Town Hall, 24 East Main Street, Marcellus, New York at 7:00 P.M. on the 4th day of November, 2010 and at such hearing any person may be heard in favor of or against the preliminary budget as compiled of, for or against any item or items therein contained.

FURTER NOTICE is given that pursuant to Real Property Tax Law Section 495, the Exemption report that shows total assessed value on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the Preliminary 2011 Budget.

PURSUANT TO to Section 108 of the Town Law, the proposed salaries of the following Town Officers are hereby specified as follows: Supervisor \$12,000., Town Justices (2)

each \$14,280., Councilors (4) each \$6,120., Town Clerk \$38,495., Superintendent of Highways \$51,240., Tax Collector \$8,619.

By Order of the Town Board  
Dated: October 20, 2010  
Karen R. Pollard, Town Clerk  
Town of Marcellus

Supervisor Ross reported that, for the third straight year there is a decrease in the budget.

Supervisor Ross asked if anyone wished to speak for or against the proposed budget to give his or her name and address for the record. Hearing no comments, Mr. Ross asked the Board if they had any questions or comments. There were none.

Mr. Ross closed the public hearing on the 2011 Budget at 7:08.

Copies of the minutes of the Town Board Meeting held on October 14, 2010 and the Workshop Meetings of October 7<sup>th</sup>, 13<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>, 2010 was given to the Board Members. Councilor Sherman made a motion seconded by Councilor Lathrop 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 # 11 as of November 4, 2010, Claims # 20100801 – 20100864 and Highway Claims #2010180 - 2010184.

	<u>Expenses</u>
General Fund	\$32,130.33
General Fund – Part Town	297.51
Highway – Town Wide	3732.28
Highway – Part Town	-0-
Hydrant	371.70
Sewer	20.49
Water	1,864.09

Councilor Lathrop made a motion seconded by Councilor O’Hara to approve and pay the bills. All voted aye. Carried.

**OLD BUSINESS:**

**Report from Department Liaisons:** None

**NEW BUSINESS:**

**Approve 2011 Budget:** Councilor Lathrop made a motion seconded by Councilor Sherman to approve the 2011 Budget as presented. Councilor Lathrop noted that the only increase to the budget was for the Marcellus Fire Department. All voted aye. Carried.

**Authorize License Agreement with ASCAP:** A packet of information has been received from ASCAP dated October 19<sup>th</sup> along with licensing agreement and invoice for fees in the amount of \$305.00. Counsel Gascon advised the Board that they should enter into this agreement. Councilor O’Hara made a motion seconded by Councilor Sheridan to authorize the Supervisor to sign the agreement with ASCAP in the amount of \$305.00

for a period from September 15,2010 to September 14, 2011. Supervisor Ross,  
Councilors Sheridan, Sherman and O’Hara voted aye. Councilor Lathrop voted nay.  
Motion is carried.

**Proposed Local Law C-2010: Licensing and Identification of Dogs:**

#015-10

**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 and State of New York on November 4, 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 F. O’Hara	Councilor

**WHEREAS,** Councilor Sherman introduced proposed Local Law No. C - 2010, relative to the licensing and identification of dogs in the Town of Marcellus, and made the following motion, which was seconded by Councilor Lathrop; and

**WHEREAS,** no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

**NOW, THEREFORE, BE IT RESOLVED,** that this Board shall act as lead agency, the enactment of proposed Local Law No. C -2010 is an unlisted action and will have no adverse impact effect on the environment in accordance with 6 N.Y.C.R.R. Part 617, and, therefore, this Board issues a negative declaration for purposes of SEQR; and it is further

**RESOLVED,** that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. C -2010 at the Town Hall located at 24 East Main Street in the Town of Marcellus on December 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.

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

**Resolution duly adopted.  
Dated: November 4, 2010**

**Dog License Fees:** Councilor Lathrop made a motion seconded by Councilor O’Hara to increase the dog licensing fee as follows: \$6.00 a year for an altered dog and \$14.00 a year for an unaltered dog. All voted aye. Carried.

**Approval for Justice Court to Apply for Grant:** Councilor O’Hara made a motion seconded by Councilor Lathrop to grant approval for the Justice Court to seek grant monies from the NYS Unified Court System's Justice Court Assistance Program (JCAP) for the purpose of upgrading the heating and air conditioning in the Town Hall. All voted aye. Carried.

**Appointment for Bookkeeping Position:** Councilor Sherman made a motion seconded by Councilor Lathrop to appoint Tracie E. Barnes as Bookkeeper for the Town of Marcellus. All voted aye. Carried.

**Proposal: CNYRPDB Public Outreach and Education Program for Stormwater:** The following resolution in support of CNYRPDB Public Outreach and Education Program for Stormwater was moved by Councilor Sherman and seconded by Councilor O’Hara. All voted aye. Carried.

**#016-10**  
**Resolution Supporting Participation in the**  
**Central New York Regional Planning & Development Board’s**  
**Year-3 Stormwater and Education Compliance Assistance Program**

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of Marcellus hereby called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit of Municipal Separate Storm System (MS4) operators since 2002, and

WHEREAS, the Board has proposed to conduct a regional public education, outreach and training compliance program to “reduce municipal staff burdens, ensure message consistency, provide widespread priority audience targeting, and provide the most efficient use of limited municipal funds by distributing total program costs over a number of entities” within a twelve month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Marcellus:

1. That Daniel J. Ross, Town Supervisor or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the cost of the Project according to the fee schedule included as Attachment C, and that 75% of the funds will be made available to the Board no later than February 15, 2011 to complete the project.
3. The one (1) certified copy of this Resolution will be prepared and sent to the Board no later that December 31, 2010.
4. That this Resolution takes effect immediately.  
(note: attachments are on file in the Town Clerk's office)

**Proposal: MS4 Coalition Administered by CNYRPDB:** Councilor O'Hara made a motion seconded by Councilor Sherman to authorize the Supervisor to sign the Intermunicipal Agreement the Central New York Stormwater Coalition for a period starting January 1, 2011 to December 31, 2013. All voted aye. Carried.

**Limeledge Water District: Approval of Bills:** Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the payment of Limeledge Water District Abstract No. 9 - 2010. All voted aye. Carried.

### **Discussion Agenda**

Supervisor Ross had a question from a resident as to why Verizon's cable TV is not offered even though the Internet and phone service are? Mr. Ross spoke to a representative of Verizon and was advised that there are no plans at this time to enter into any more franchise agreements.

Councilor Lathrop brought before the Board a request from the Recreation Department to replace the twelve (12) year old John Deere Gator that is used at the Park. With trading in the old John Deere Gator, the purchase price for a new replacement would be \$6,300.00. Councilor Lathrop made a motion seconded by Supervisor Ross to approve the purchase a new John Deere Gator for a purchase price of \$6,300.00 after trade in, subject to the price being a state contract price and there is enough funds in the Recreation's 2010 Budget. All voted aye. Carried.

### **Items from the Board:**

Counsel Gascon informed the Board that former Town Supervisor Brud Wilson is in the hospital and he is in our prayers.

### **Items from the Floor:** None

Councilor O'Hara made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 7:49 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk