

**TOWN OF MARCELLUS  
TOWN BOARD MEETING MINUTES**

December 13, 2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on December 13, 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; Ned Campbell, Editor of Marcellus Observer; Chris Arnold, Reagan Agency; James Rhinehart, Onondaga County Legislature; Chris Christensen, Member of Planning and Zoning Boards; Bernard Montgomery and Ryan Peers.

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

Supervisor Ross advised all in attendance of the very sad news of the recent passing of former Town Supervisor Frank “Brud” Wilson. He will be sorely missed.

**PUBLIC HEARING: LOCAL LAW RELATIVE TO THE LICENSING AND IDENTIFICATION OF DOGS IN THE TOWN OF MARCELLUS**

Supervisor Ross opened the Public Hearing for the proposed Local Law Relative to the Licensing and Identification of Dogs in the Town of Marcellus by reading the legal notice that appeared in the November 10, 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 or against the proposed Local Law to please state his or her name and address for the record.

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

With no comments from the Board, Mr. Ross closed the public hearing on the proposed Local Law at 7:03.

Copies of the minutes of the Town Board Meeting held on November 4, 2010 were given to the Board Members. Councilor Sherman 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 #12 as of December 12, 2010, Claims #20100879 - 20100941 and Highway Claims #2010185-2010207.

	<u>Expenses</u>
General Fund	\$75,615.32
General Fund – Part Town	11,377.39
Highway – Town Wide	22,468.42

Highway – Part Town	11,483.00
Sewer	10,577.96

Bills paid between meetings:

State Insurance Fund (clm 867)	\$115.88
Check no. 23465	

NYSE&G:

24 E. Main Street (clm 868)	\$ 512.19
24 E. Main Street (clm 869)	262.95
Town Street Lighting (clm 870)	1,284.57
Pump Station (clm 871)	37.79
Highway Garage (clm872)	474.13
Platt Road-Rd2 (clm 873)	247.38
Grove Area (clm 874)	15.97
Platt Road (clm 875)	105.90
Platt Road (clm 876)	21.56
Platt Road (clm 877)	45.05
Platt Road (clm 878)	241.35
Check no. 23463	

Board Members were given monthly statement of bank balances as of November 30, 2010.

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills and the monthly statement of bank balances as of November 30, 2010. All voted aye. Carried.

**OLD BUSINESS:**

**Report from Department Liaisons:** None

**NEW BUSINESS:**

**Appoint Reagan Agency as Brokers of Record for Town Health Benefits:** Supervisor Ross recently met with Chris Arnold of the James P. Reagan Agency to assist in the Town's efforts concerning health insurance options. The Board would have to appoint the Reagan Agency as the broker of record. Mr. Arnold presented to the Board an outline on the services Reagan Agency can offer in this regard. There is a 4% commission for a broker that is built into the current premium. Councilor Sherman made a motion seconded by Councilor Lathrop to appoint the James P. Reagan Agency as broker of record. All voted aye. Carried.

**Set Time for the December 29, 2010 Year End Meeting and Workshop Meeting:** Councilor O'Hara made a motion seconded by Councilor Lathrop to set the time for the December 29, 2010 Year End Meeting for 5:00 pm. All voted aye. Carried.

**Set Date and Time for 2011 Organizational Meeting:**

Councilor Lathrop made a motion seconded by Councilor O'Hara to schedule the 2011 Organizational Meeting on December 29, 2010 following the Year End Meeting. All voted aye. Carried. The December Workshop meeting will be held at the conclusion of the 2010 Year End Meeting and the 2011 Organizational Meeting.

**Southern Onondaga Water District: Approval of Vouchers #10:** Councilor Lathrop made a motion seconded by Councilor Sheridan to approve the following payments in conjunction with the Southern Onondaga Area Water District:

Voucher #10 NYS DEC  
All voted aye.

\$ 100.00

Carried.

**Recreation: Agreement for Zumba:**

Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize the Supervisor to sign the following Receptions Agreement:

Zumba Fitness Class Starting December 2-February 10 \$40.00/student

All voted aye.

Carried.

**Recreation: Fees for Park Pavilions and Welcome Center:** Councilor O'Hara made a motion seconded by Councilor Sherman to increase the rental fees for the Welcome Center to:

\$75.00 for weekend and holidays for residents of Marcellus

\$125.00 for weekend and holidays for non-residents of Marcellus

All voted aye.

Carried.

**Highway Truck Purchase:**

**#017-10**

**TOWN BOARD RESOLUTION  
TOWN OF MARCELLUS**

**SUBJECT TO PERMISSIVE REFERENDUM**

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 December 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 F. O'Hara	Councilor

**WHEREAS**, the Town of Marcellus Highway Department has advised the Town Board of the Town of Marcellus of its continuing need to repair, replace and update its fleet of equipment; and

**WHEREAS**, the Town of Marcellus Highway Department desires to acquire a new vehicle; and

**WHEREAS**, available through the New York State Office of General Services ("NYSOGS"), Contract # PC62176, is a 2011 7500 SFA (SA537), at a contract price not to exceed One Hundred Fifty-Eight Thousand Five Hundred and 00/100 (\$158,500.00) Dollars); and

**WHEREAS**, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, a capital reserve fund known as the "Truck Capital Reserve Fund" for purposes of funding the purchase of a trucks in the Town of Marcellus; and

**WHEREAS**, such fund has been maintained in accordance with Section 10 of the General Municipal Law; and

**WHEREAS**, the Town Board of the Town of Marcellus is desirous of expending monies from the Truck Capital Reserve Fund of the Town of Marcellus and for the purchase of the

forementioned 2011 7500 SFA 4x2 (SA537) for use by the Town of Marcellus Highway Department in the physical betterment and improvement of the Town; and

**WHEREAS**, said truck shall be purchased from Stadium International Trucks, Inc., at a purchase price of One Hundred Fifty-Eight Thousand Five Hundred and 00/100 (\$158,500.00) Dollars using monies from the Truck Capital Reserve Fund.

**NOW THEREFORE, BE IT RESOLVED**, the Town of Marcellus Town Supervisor is hereby authorized to enter into an agreement to acquire a 2011 7500 SFA 4x2 (SA537), at a price not to exceed One Hundred Fifty-Eight Thousand Five Hundred and 00/100 (\$158,500.00) Dollars, from Stadium International Trucks, Inc., the Government Contract Vendor, Contract # PC62176; and

**BE IT FURTHER RESOLVED** that the sum of One Hundred Fifty-Eight Thousand Five Hundred and 00/100 (\$158,500.00) Dollars, from the Truck Capital Reserve Fund, be designated for expenditure in furtherance of the acquisition of a 2011 7500SFA 4x2 (SA537); and

**BE IT FURTHER RESOLVED**, that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the "Marcellus Observer," a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor Sherman and seconded by Councilor Lathrop.

<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: December 13, 2010**

**Agreement: Teen InSTITUTE:** Councilor Lathrop made a motion seconded by Councilor O'Hara to authorize Supervisor Ross to enter into a contract with Marcellus Central School for the sum of \$980.00 to be used to provide educational services relating to drug abuse, payable in calendar year 2010. All voted aye.  
Carried.

**Raffle Consent for Make-a-Wish Foundation of Central New York:** A request was received from the Sugarman Law Firm concerning raffle consent for the Make-a-Wish Foundation of Central New York. They are requesting permission to sell raffle tickets in the Town of Marcellus. Counsel Gascon advised the Board that the Town does have a local law to govern games of chance which would cover this request. Councilor O'Hara made a motion seconded by Councilor Lathrop to authorize the

Supervisor to sign the raffle consent form for the Make-a-Wish Foundation of Central New York as provided by the Sugarman Law Firm. All voted aye. Carried.

**Town of Skaneateles: Request for Lead Agency:** A letter dated December 3, 2010 was received from The Town of Skaneateles stating that the Town Board of Skaneateles has introduced legislation amending the Skaneateles Town Code relating to development of existing non-conforming lots of the Town of Skaneateles. The Town Board is willing to act as lead agency for this action and is asking if the Town of Marcellus has any objection. Councilor Lathrop made a motion seconded by Councilor Sherman that the Town of Marcellus has no objection to the Skaneateles Town Board acting as lead agency for the afore mentioned action. All voted aye. Carried.

**Request a State Audit:** As a result of the previous accountant's resignation, Councilor O'Hara made a motion seconded by Councilor Sheridan to request an audit either through the State of New York or by a private organization. All voted aye. Carried.

**Service Contract: Lakeshore Employee Testing:** Councilor Sherman made a motion seconded by Councilor Lathrop to renew the agreement with Lakeshore Employee Testing Services, Inc. for the year of 2011 at a cost of \$55.00 per employee. All voted aye. Carried.

**Court: Resignation:** Councilor Sherman made a motion seconded by Councilor Lathrop to accept with regret the resignation of Jacquie Limeri as Clerk I for the Justice Court. All voted aye. Carried.

**Court: Appointment:** Councilor O'Hara made a motion seconded by Councilor Lathrop to appoint Heidi Randall as Clerk I for the Justice Court. All voted aye. Carried.

**Renewal of Workers Compensation Insurance, VFBL Insurance and VAWBL Insurance:** Supervisor Ross provided the Board with a quote from Reagan Companies for Workers Compensation for the Town of Marcellus and Volunteer Fire Department and a quote for the Marcellus Volunteer Ambulance. The quote from Perma is \$89,089 and from State Fund Safety Group is \$127,561. Councilor Sherman made a motion seconded by Supervisor Ross to accept the proposal from Perma for the Town of Marcellus and Volunteer Fire Department and the Marcellus Volunteer Ambulance in the amount of \$89,089. All voted aye. Carried.

**Local Law: Relative to the Licensing and Identification of Dogs in the Town of Marcellus:**

**#018-10  
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 December 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 F. O'Hara	Councilor

**WHEREAS,** pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 3-2010, titled "A Local Law Relative to the Licensing and Identification

of Dogs in the Town of Marcellus,” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on November 4, 2010; and

**WHEREAS**, a public hearing was held on such proposed local law on the 13<sup>th</sup> day of December 13, 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 November 4, 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 an unlisted action with no significant adverse effect; and

**WHEREAS**, it is in the public’s interest to enact said proposed Local Law No. 3-2010.

**NOW**, upon the Motion of Councilor Lathrop and seconded by Councilor O’Hara,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 3-2010 as follows:

**TOWN OF MARCELLUS  
LOCAL LAW 3- 2010**

**A LOCAL LAW RELATIVE TO THE LICENSING AND  
IDENTIFICATION OF DOGS IN THE  
TOWN OF MARCELLUS**

**BE IT ENACTED by the Town Board of the Town of Marcellus as follows:**

Section 1. Purpose.

The purpose of this local law is to provide for the licensing and identification of dogs within the Town of Marcellus.

Section 2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Title.

The title of this local law shall be “Dog Licensing and Identification in the Town of Marcellus.”

Section 4. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

**ADOPTION** – The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.

**DETECTION DOG** – Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosive, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

**DOG** – Any member of the species *canis familiaris*.

**DOG CONTROL OFFICER** – Any individual appointed by the Town of Marcellus to assist in the enforcement of this local law and Article 7 of the New York State Agriculture and Markets Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Marcellus to assist in the enforcement of this local law.

**GUIDE DOG** – Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State during the period such dog is being trained or bred for such purpose.

**HARBOR** – To provide food or shelter to any dog.

**HEARING DOG** – Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State during the period such dog is being trained or bred for such purpose.

**IDENTIFICATION TAG** – A tag which sets forth an official identification number, as required by the provisions of this local law.

**IDENTIFIED DOG** – Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.

**OFFICIAL IDENTIFICATION NUMBER** – A series or combination of letters, numbers or symbols approved and furnished by the Town of Marcellus.

**OWNER** – Any person who keeps, harbors, or is in lawful custody, of any dog.

**OWNER OF RECORD** – The person in whose name any dog was last licensed pursuant to this local law and/or Article 7 of the Agriculture and Markets Law, except that if any license is issued on application of a person under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

**PERSON** – Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

**PERSON WITH A DISABILITY** – Any person with a disability as that term is defined in Subdivision 21 of Section 292 of the Executive Law.

**POLICE WORK DOG** – Any dog owned or harbored by any State or municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work.

**RECOGNIZED REGISTRY ASSOCIATION** – Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of the Department of Agriculture and Markets.

**SERVICE DOG** – Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person’s parent, guardian or other legal representative.

**THERAPY DOG** – Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State during the period such dog is being trained or bred for such purpose.

**TOWN CLERK** – Town of Marcellus Town Clerk.

**WAR DOG** – Any dog which has been honorably discharged from the United States armed services.

**WORKING SEARCH DOG** – Any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the Department of Agriculture and Markets; provided, however, that such services are rendered by said dog without charge or fee.

Section 5. Licensing of dogs; rabies vaccination requirement.

A. Licensing of dogs.

- (1) The owner of any dog reaching the age of four (4) months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture and Markets Law.
- (2) The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.
- (3) The application shall be accompanied by a fee, as set forth in Section 6 of this local law, and a certificate of rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the Agriculture and Markets Law.
- (4) Upon validation by the Town Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no refund shall be forthcoming.
- (5) The Town Clerk shall provide a copy of the license to the owner. If the application or renewal for a dog license is made by mail and a validated copy is



requested, the owner shall provide a stamped, self-addressed envelope for that purpose.

- (6) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license.
- (7) Licenses shall be renewed on an annual basis during the original licensing month.

B. Relocation/ Relicensing.

- (1) The owner of any dog that is currently licensed in another municipality, must, upon harboring such dog in the Town of Marcellus, obtain a Town of Marcellus dog license within thirty (30) days.
- (2) Any dog adopted from an animal shelter must be licensed in the Town of Marcellus prior to being released from such shelter.

C. Vaccination.

The Town Clerk shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of the license.

Section 6. License fees.

- A. A fee schedule shall be established by resolution of the Town Board of the Town of Marcellus. Such fee schedule may thereafter be amended by resolution at the Town Board's annual organizational meeting. Fees shall be charged and collected prior to the issuance of a license.
- B. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, or therapy dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog," "Hearing Dog," "Service Dog," "War Dog," "Working Search Dog," "Detection Dog," "Police Work Dog," or "Therapy Dog," as is appropriate, by the Town Clerk.
- C. In addition to any other applicable fee, any person applying for a dog license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the Agriculture and Markets Law, shall pay a fee of five dollars (\$5.00). Such additional fee shall be the property of the Town of Marcellus and shall be used to pay the expenses incurred by the Town of Marcellus in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of Marcellus in conducting an enumeration in any year, such excess fees may be used by the Town of Marcellus for any other lawful purpose.
- D. On or before the fifth day of each month, the Town Clerk shall remit all license fees to the Town Supervisor.

Section 7. Identification of dogs.

- A. Each dog licensed pursuant to this local law shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an identification tag affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Marcellus dog identification tag be lost, a new tag will be issued at a fee prescribed by the Town Board of the Town of Marcellus.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.
- E. The size, shape and form of imprints on identification tags shall be prescribed by resolution of the Town Board of Town of Marcellus. Any tag bearing an imprint other than that prescribed shall not constitute valid identification for purposes of this local law.
- F. Fees received pursuant to this Section shall be remitted by the Town Clerk to the Town Supervisor by the fifth day of each month.

Section 8. Change of ownership; lost or stolen dog.

- A. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, file with the Town Clerk a written report of such change. Such owner or record shall be liable for any violation of this local law until such filing is made or until the dog is licensed in the name of the new owner.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, file with the Town Clerk, a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this local law or Article 7 of the Agriculture and Markets Law committed after such report is filed.
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in Section 5 of this local law. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.

Section 9. Seizure of dogs; redemption periods; impoundment fees.

- A. The owner of any dog impounded by the Town of Marcellus shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the first impoundment; a fee of twenty dollars (\$20.00) for the second impoundment; and a fee of thirty dollars (\$30.00)

for the third and each subsequent impoundment.

- B. A fee of three dollars (\$3.00) for each additional twenty-four (24) hour period shall be assessed for the second, third, and each subsequent impoundment.

Section 10. Violations.

- A. It shall be the duty of the dog control office of the Town of Marcellus to bring an action against any person who has committed, within the Town of Marcellus, any violation of the provisions of this local law. The Town of Marcellus may elect to either prosecute such action as a violation under the Penal Law or commence an action to recover a civil penalty. A violation of this local law shall be punishable, subject to such an election, either:

- (1) Where prosecuted pursuant to the Penal Law, by a fine of not more than twenty-five dollars (\$25.00), except that

- (a) Where the person was found to have violated this local law within the preceding five (5) years, the fine may not be more than fifty dollars (\$50.00), and

- (b) Where the person was found to have committed two (2) or more violations within the preceding five (5) years, it shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days, or both; or

- (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars (\$25.00), except that

- (a) Where the person was found to have violated this local law within the preceding five (5) years, the civil penalty may not be more than fifty dollars (\$50.00), and

- (b) Where the person was found to have committed two (2) or more such violations within the preceding five (5) years, the civil penalty may not be more than one hundred dollars (\$100.00).

- B. Each day that failure continues shall constitute a separate violation.

Section 11. Separability.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 12. Effective Date.

This local law shall take effect upon filing with the Secretary of the State of New York, as provided by law.

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 F. O'Hara	Aye

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

**Appointment (additional item)** Upon Supervisor Ross' recommendation, Councilor O'Hara made a motion seconded by Councilor Sherman to appoint Councilor Lathrop as Deputy Supervisor with a term ending 12/31/10. All voted aye. Carried.

### **Discussion Agenda**

**Bonding for the Purchase of the Marcellus Fire Barn:** Supervisor Ross shared with the board information on the purchase of the Marcellus Fire Barn. In order to get the process moving again, it will be a topic at the next Town Board Workshop meeting.

### **Items from the Board**

Counsel Gascon provided the Board copies of the 2010 and 2011 MAVES Agreement. He advised the Board that there are no real changes in the agreement. The agreement will be on the December 29, 2010 Year End Town Board Meeting's agenda.

Mr. Gascon also provided copies of the Agreement for Legal Services for the Town of Marcellus for 2011. The agreement will be on the December 29, 2010 Year End Town Board Meeting's agenda.

Councilor O'Hara requested that someone from Reagan's office be present at the December 29, 2010 Workshop meeting to discuss health benefits.

### **Items from the Floor**

County Legislator James Rhinehart spoke on Onondaga County budget and how it will affect the Town's resident's taxes.

Councilor Lathrop made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:17 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk