

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

January 10, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on January 10, 2011 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; Tracie Barnes, Bookkeeper; James Gascon, Counsel; Phil Coccia, Recreation Leader; William Reagan, Codes Enforcement Officer; Donald MacLachlan, Highway Superintendent; Bailey Donovan, Stephen Carroll, Megan Daily, Becca Fabritio, Heather Heinekamp, Molly Jobson, Heather Peers, Ellen Brooks, Briana Scanlon, Julia Richmond, Emily Reilly, Jillian Kane and Caila Perry.

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

Copies of the minutes of the Town Board Meeting held on December 13, 2010 were 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 #1 as of January 10, 2011, Claims #2011001 – 2011049 and Highway Claims #20110001 - 20110016.

	<u>Expenses</u>
General Fund	\$20,162.38
General Fund – Part Town	1,693.92
Highway – Town Wide	16,136.36
Highway – Part Town	108.29
Enterprise Fund	1,382.88
Sewer	27,721.44
Trust & Agency	3,691.97

Board Members were given copies of the following budget adjustments:

A Fund		
<u>From:</u>	<u>To:</u>	<u>Amount</u>
1410.2 Town Clerk Equipment	1410.4 Town Clerk Contractual	\$30.00
DA Fund		
<u>From:</u>	<u>To:</u>	<u>Amount</u>
5130.2 Machinery Equipment	5130.4 Machinery Contractual	\$1,800.00

Board Members were given copies of the Activity Report as of January 10, 2011.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$ 1,240,760.16	\$ 1,204,335.87
General Fund – Part Town	88,104.00	116,139.00

Highway – Town Wide	485,040.09	378,480.46
Highway – Part Town	373,685.68	380,723.84
Fire	597,888.46	548,480.36

Councilor Lathrop made a motion seconded by Councilor Sheridan to approve and pay the bills, approve the monthly activity report as of January 10, 2011 and budget adjustments. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None

NEW BUSINESS:

Association of Towns: Supervisor Ross read to the Board the information from the New York State Association of Towns concerning the 2011 Training School and Annual Meeting, being held at the Hilton New York & Towers in New York City from February 20, 2010 through February 23, 2011. Supervisor Ross advised the Board that if anyone wishes to attend, please let the Town Clerk know.

Bond Resolution for Fire Department: Counsel Gascon read into the record the Bond Resolution for the purchase of the Marcellus Fire Barn located at 4242 Slate Hill Road. According to the resolution a Short Environmental Assessment (SEQR) needs to be completed. To this end Mr. Gascon advised the Board that is would be an unlisted action and then proceeded to lead the Board through the Short Environmental Assessment Form.

Councilor Lathrop made a motion seconded by Councilor O’Hara to declare the Town of Marcellus as lead agency for the unlisted action and accept the SEQR determination with a negative declaration as outlined by Counsel Gascon in the matter of the proposed purchase of the Marcellus Fire Hall. All voted aye. Carried.

#001-11

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Marcellus, Onondaga County, New York, held at the Town Hall, in Marcellus, New York, in said Town, on the 10th day of January, 2011, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Ross, and upon roll being called, the following were

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

ABSENT:

The following resolution was offered by Councilor Lathrop, who moved its adoption, seconded by Councilor O’Hara to-wit:

BOND RESOLUTION DATED JANUARY 10, 2011.

A RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND AND THE FIRE BARN THEREON IN THE TOWN OF MARCELLUS, ONONDAGA COUNTY, NEW YORK, FOR USE AS A TOWN FIRE STATION, AT A MAXIMUM ESTIMATED COST OF \$790,550 AND AUTHORIZING THE ISSUANCE OF \$675,000 SERIAL

BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Marcellus, Onondaga County, New York, as follows:

Section 1. The acquisition of a parcel of land located at 4242 Slate Hill Road, in the Town of Marcellus, and the fire barn sited thereon, in and for the Town of Marcellus, Onondaga County, New York, including incidental improvements and expenses in connection therewith for use as a Town fire station pursuant to Chapter 607 of the Laws of 2004, as amended by Chapter 335 of the Laws of 2009, is hereby authorized at a maximum estimated cost of \$790,550.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of \$675,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and
- b) by the expenditure of not exceeding \$115,550 cash monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 93, based upon subdivision 11(b) and 21(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years**.

Section 4. The faith and credit of said Town of Marcellus, Onondaga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably

expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

Copier Purchase: Councilor Lathrop made a motion seconded by Councilor Sheridan to purchase a Toshiba e-Studio 305 Digital Black/White Copier in the amount of \$3,385.00 with a \$42.50 per month service contract. All voted aye. Carried.

Dog Tag Replacement Fee: Councilor Sheridan made a motion seconded by Councilor O'Hara to set the fee for a dog license tag replacement at \$2.00 per tag. All voted aye. Carried.

Proposal: Time Warner Business Class Telephone Plan: Supervisor Ross advised the Board of his recent meeting with a representative from Time Warner Cable to discuss the telephone system. As a result of the meeting a proposal has been submitted which will result in a saving for the Town. The cost would be approximately \$450.00 per month. Supervisor Ross made a motion seconded by Councilor Lathrop to authorize the Supervisor to enter into the service agreement with Time Warner Cable for Business Class phone system for the Town at approximately \$450.00 per month. All voted aye. Carried.

Marcellus Park: Restroom Renovation Problems: Councilor Lathrop brought up several problems that still exist since the Welcome Center restrooms were renovated. After a discussion, it was determined that the Town Attorney will follow up with Olivia, the contractor, to make sure the problems are addressed.

Appoint Bookkeeper for 2011: Councilor Sherman made a motion seconded by Councilor Lathrop to appoint Tracie Barnes as Bookkeeper for the Town of Marcellus for a term of 1/1/11 to 12/31/11. All voted aye. Carried.

Refund for Area Variance: Sandra Collins obtained an area variance for land that she owns at 2494D Roman Ave. It was determined by the Zoning Board of Appeals that it was not necessary. Councilor Lathrop made a motion seconded by Councilor Sheridan to authorize a refund to Sandra Collins in the amount of \$100 for an area variance that was not necessary. All voted aye. Carried.

Health Insurance Plan: Supervisor Ross reminded the Board that as a result of consulting our broker for the Town's employee's health insurance and discussing the issue at the recent workshop it was discovered that a change of health insurance plan could result in a savings for the Town. Supervisor Ross made the motion seconded by Councilor Sherman to change the employee's health insurance to 3T Excellus HB-C-46E and increase the Flexible Spending Account for each covered employee by \$100. All voted aye. Carried.

Approve the Town Clerk and Justice Court's 2010 Records: The Board reviewed the Justice Court and Town Clerks books for the year 2010. Councilor Lathrop made a motion seconded by Councilor O'Hara to approve the Justice Court and Town Clerks books for the year 2010. All voted aye. Carried

Limeledge Water District Bills: Approval of Bills (additional item): Supervisor Ross made a motion seconded by Councilor Sherman to authorize the payment of Limeledge Water District Abstract No. 1 - 2011. Supervisor Ross and Councilors Sheridan, Sherman and O'Hara voted aye. Councilor Lathrop voted nay. Carried.

Discussion Agenda

Items from the Board

Councilor O'Hara wanted to make sure that someone from Excellus will come and explain the new health care policy to the employees.

Items from the Floor

Councilor Sherman made a motion seconded by Councilor Sheridan to adjourn the Marcellus Town Board meeting at 8:50 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk