

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

April 11, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, April 11, 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; Donald MacLachlan, Highway Superintendent; Phil Coccia, Recreation Leader; Garth Snyder, Crew Leader; Chuck Paul, Mary Jo Paul, Pam Carey, Bernie Montgomery, Calley Sinay, Jenna DeDonato, Alexis Reilly, Geoff Crysler, Missy Lynch, Courtney King, Leah May, Emily Lader, Sarah Ackley, Alexis Harwood, and John Scanlon.

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 March 14, 2011 was given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sherman 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 #4 as of April 11, 2011, Claims #201100234 – 201100305 and Highway Claims #20110063 - 201100085.

	<u>Expenses</u>
General Fund	\$ 38,040.73
General Fund – Part Town	739.22
Highway – Town Wide	22,424.37
Capital Projects	7,158.55
Reserve Fund	158,500.00
Ambulance Fund	62,263.75
Sewer	1.87
Water	20,000.00

Bills paid between meetings:

Costello Cooney Fearon (Jan-Mar Contractual) (201100232)	\$ 9,000.00
Village of Marcellus (201100233)	\$772,790.00
Simply Prescriptions (N/A)	\$ 512.09

Board Members were given copies of the Activity Report as of and monthly statement of bank balances as of March 31, 2011.

Total Revenue

Total Expense

General Fund	\$1,184,882.00	\$1,324,882.00
General Fund – Part Town	109,025.00	127,025.00
Highway – Town Wide	470,875.00	505,875.00
Highway – Part Town	349,239.00	389,239.00
Fire	525,500.00	535,550.00

Councilor O’Hara made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of March 31, 2011 and the monthly statement of bank balances as of March 31, 2011. Supervisor Ross and Councilors Sheridan, Sherman and O’Hara voted aye. Councilor Lathrop voted nay. Motion Carried.

OLD BUSINESS:

Report from Department Liaisons: None

NEW BUSINESS:

Recreation Agreement: New York City Trip, Joe Whiting Concerts in Park, Tennis Lessons, Buses for Bingo Trips:

Councilor Sherman made a motion seconded by Councilor Lathrop to authorize the Supervisor to enter into the following agreements for the Marcellus Recreation:

NOVA TOURS	NEW YORK CITY	NOV. 19-20, 2011	DEPENDS ON OCCUPANCY \$261/DOUBLE \$220/TRIPLE \$199/QUAD \$384/SINGLE
NOVA TOURS	BINGO BUSES	APRIL 4, 2011 MAY 2, 2011 JUNE 6, 2011 JULY 11, 2011 AUG. 1, 2011 SEPT. 12, 2011	\$600. EACH TRIP
CHAMPIONS FOR LIFE	TENNIS LESSONS	JULY-AUG, 2011	\$40/STUDENT
CONCERT IN PARK	JOE WHITING	JULY 21, 2011	\$750.00
CONCERT IN PARK	MARCELLUS BLUEGRASS ARTISTS	JUNE 23, 2011	\$400.00
All voted aye.			Carried.

Community Sign: Councilor O’Hara has been working with the Olde Home Days Committee on obtaining a community sign that would benefit the residents by having a place for upcoming events and announcements to be displayed. Mr. O’Hara shared with the Board a revised design for the sign. It would be placed in the lot next to the Town Hall with both village and town clerks being responsible for displaying messages. Councilor Sheridan made a motion seconded by Councilor Lathrop to approve and accept the donation of the revised design of the community sign from the Olde Home Days Committee to be placed next to the Marcellus Town Hall. All voted aye. Carried.

Permission for Supervisor to Attend PERMA Conference on May 25-27, 2011:

Councilor Lathrop made a motion seconded by Councilor O'Hara to allow Supervisor Ross to attend the Perma Annual Conference being held in Lake George on May 25-27, 2011. All voted aye. Carried.

Revised Sign Law: Counsel Gascon advised the Board that this issue needs to be revisited. In order to have a change to the section of the Zoning Law it needs to be done as a local law not an ordinance. Counsel Gascon requested that the Board name the Town of Marcellus as lead agency for the unlisted action for the SEQR process. Counsel Gascon led the Board through the review of the short environmental assessment form under SEQR with a finding that the proposed action will not result in any significant adverse environmental impacts.

#003-011
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 April 11, 2011, at 7:00 P.M., there were:

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

WHEREAS, Councilor Lathrop introduced proposed Local Law No. 1-2011, relative to the amending of the Town of Marcellus Zoning Law as adopted by Local Law 6-2009 of the Town of Marcellus, to reflect changes to permissible signage and made the following motion, which was seconded by Councilor Sheridan; 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. 1-2011 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. 1-2011 at the Town Hall located at 24 East Main Street in the Town of Marcellus on May 9, 2011 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.

VOTE:	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: April 11, 2011

Friends of Marcellus Park: New Park Pavilion: Councilor Lathrop brought to the Board attention that the Friends of Marcellus Park would like to donate the cost of a new pavilion to be placed near the stand of trees by the parking lot parallel to Platt Road. Pam Carey of the Friends of Marcellus Park stated that the vision for the pavilion would be similar to the recently built Playground Pavilion rentable at lower cost. Councilor Lathrop made a motion seconded by Councilor Sheridan to build another pavilion in Marcellus Park with the Friends donating the cost. After a discussion a voted was called for. Councilor Lathrop and Sheridan voting aye. Supervisor Ross and Councilor O'Hara voting nay. With a tie vote, Councilor Sherman needed more time to consider the matter and made a motion to table until May's Town Board meeting. Councilor Lathrop seconded the motion and all voted aye. Carried.
The subject of a new pavilion for Marcellus Park will be on the May 2011. Town Board Agenda.

Make-a-Wish Raffle Consent: A request was received from the Sugarman Law Firm concerning raffle consent for the Make-a-Wish Foundation of Central New York. The request is the same as last year. They are requesting permission to sell raffle tickets in the Town of Marcellus. Councilor Lathrop made a motion seconded by Councilor O'Hara 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.

Limeledge Water Payment: Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the payment of the tenth payment to Bat-Con in the amount of \$20,000 for work completed through January 6, 2011 for the Limeledge Water District, Contract No. 1-Water Mains. All voted aye. Carried.

Request from Marcellus Mural Committee: The Marcellus Mural Committee approached the Supervisor to seek permission to install a mural on the Town Hall. The mural would be created by Marcellus High School students and would be placed on the northeast corner. Councilor O'Hara made a motion seconded by Councilor Lathrop to allow the Marcellus Mural Committee to place a mural on the northeast corner of the Marcellus Town Hall. All voted aye. Carried.

Memorializing Resolution Re: Contract Integration:

Councilor O'Hara made a resolution seconded by Councilor Lathrop. Resolution #004-11 is as follows:

MEMORIALIZING THE NEW YORK STATE SENATE AND THE ASSEMBLY OF THE STATE OF NEW YORK TO REPEAL AND AMEND APPROPRIATE STATE LAWS TO PROTECT THE RIGHTS OF LANDOWNERS; TO REGULATE THE PRACTICE OF LAND-LEASING FOR THE PURPOSE OF GAS DRILLING; AND TO ESTABLISH A COMPENSATION AND REMEDIATION FUND TO ADDRESS UNFORSEEN DAMAGES TO LANDOWNERS AND MUNICIPALITIES AS A RESULT OF ACTIVITY RELATED TO GAS-DRILLING.

WHEREAS, gas-drilling includes hydrofracking, a technology for obtaining natural gas and is proposed for use in the Town of Marcellus and other areas in Central New York and beyond; and

WHEREAS, hydrofracking involves pumping large quantities of water and additives at extremely high pressures into deep vertical wells, fracturing the rock and injecting sand into the cracks to release the natural gas; and

WHEREAS, there are many questions about environmental risk to land and to aquifers as a result of hydrofracking and related gas-drilling activity; and

WHEREAS, there is a law in New York State. “Compulsory Integration,” which allows the gas industry as eminent domain tactic which is unconstitutional and coercive, and

WHEREAS, there is an effort on the part of gas companies to lock up rights to drilling in areas of their own determination referred to “Spacing Units,” and

WHEREAS, the Compulsory Integration Law allows gas companies and their agents the ability to take control of land against the will of landowners; and

WHEREAS, the Compulsory Integration Law permits gas companies and their agents to use coercive methods in obtaining leases under the threat of compulsory integration, whereby landowners who fail to sign a lease will have their land included in the gas company “Spacing Unit” against their will and be compensated at a lesser amount than other leases, and

WHEREAS, the environmental and health concerns including the potential contamination of aquifers and fresh water supply, the use of massive quantities of water, the disposal of the fracking fluids, the release of chemicals used in the process, and the impact upon local landscapes are rarely disclosed by gas companies and their agents in the course of securing a lease, and

WHEREAS, concerns have been raised about the potential of hydrofracking to pollute our drinking water by injecting unknown contaminants underground; and

WHEREAS, issues have been raised about the requirements and incentives for the gas drilling industry to restore the land and clean up any waste, creating questions about the possible impact upon our local landscape, the potential impact upon the health of our residents, and damage to private property; and

WHEREAS, it is acknowledged that gas drilling, including hydrofracking and similar operations are governed by the rules and regulations of the State of New York and that it is the responsibility of the State of New York to protect its citizens; and

WHEREAS, New York State law prohibits local municipalities, including the town, from regulating the gas industry; and

WHEREAS, it is the desire of the Marcellus Town Board for the New York State Senate and the New York State Assembly to amend appropriate state laws, to address the practice of gas drilling, including hydrofracking, as follows:

1. Repeal Compulsory Integration.
2. Enact a Landowners' Bill of Rights requiring gas companies and their representatives (Landmen) to disclose the true nature of the gas drilling, including hydrofracking, and the liabilities which landowners may face as follows:
 - a. A detailed description and diagram of the type of well, including vertical and horizontal distance proposed.
 - b. A list of the chemicals which are used in the process of high-pressure drilling, or created as by products, or which may be released from deep within the rock below.
 - c. A thorough description of the waste created by the drilling, and illustration of how this will be stored on the land.
 - d. An estimate of the number of type of trucks, and other equipment, which will travel over both the private land and public roads, with tonnage calculation.
 - e. A list of possible negative environmental impacts, including gas contamination of water sources.
 - f. A thorough explanation of Compulsory Integration, which apparently removes the right of neighboring landowners to decide if the mineral resources will be removed from under their lands.
 - g. A thorough explanation about the value of base-line testing for wells and springs prior to gas drilling.
3. Establish a Compensation and Remediation fund to compensate landowners and communities who suffer losses as a result of hydrofracking.

RESOLVED, that the Clerk of the Town of Marcellus is hereby directed to transmit a copy of this resolution to the New York State Senate and the New York State Assembly representatives for the Town of Marcellus and request them to enact legislation to accomplish the goals of the resolution.

All voted aye.

Resolution passed.

Discussion Agenda:

Items from the Board:

Councilor O'Hara informed the Board that the park bench in honor of Frank "Brud" Wilson needs a location in the village to be placed. A suggestion was made to contact the Methodist Church for possible site.

Councilor Sheridan questioned the letter that was received from Dermody Burke and Brown concerning the issues that Bookkeeper Tracie Barnes is facing. As per the recommendation from Dermody Burke and Brown a letter was sent to the former Accountant with no reply to date. Mrs. Barnes is keeping the State Comptroller's office informed.

Councilor Lathrop advised the Board that the floors have been refinished and the painting is complete at the Marcellus Fire Hall and it looks good. Mr. Lathrop was advised by Mr. Mahan of the Fire Department that to keep the floors in the hall in good shape he would need a burnisher.

Items from the Floor

Mr. Bernie Montgomery, Frank Gay Road, encouraged the Board to pursue the accounting issues.

Councilor Lathrop made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 8:09 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk