

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

May 9, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on May 9, 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; William Reagan, Codes Enforcement Officer; Chuck Paul, Mary Jo Paul, Charles Levy, John Scanlon, Charles Black and Ed LaRose.

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

PUBLIC HEARING: A Local Law Amending the Town of Marcellus Zoning Law as Adopted by Local Law 6-2009 of the Town of Marcellus

Supervisor Ross opened the Public Hearing for the proposed Local Law Amending the Town of Marcellus Zoning Law as Adopted by Local Law 6-2009 of the Town of Marcellus by reading the legal notice that appeared in the April 20, 2011 edition of the Marcellus Observer and is on file in the Town Clerk's office. Supervisor Ross went over the highlights of the changes to the section of the Zoning Law that deals with the regulation of signs in the Town of Marcellus.

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 7:05.

Copies of the minutes of the Town Board Meeting held on April 11, 2011 and the Workshop Meeting held on April 28, 2011 was given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sheridan 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 #5 as of May 6, 2011, Claims #201100306 – 201100368 and Highway Claims #2011086 - 2011096.

	<u>Expenses</u>
General Fund	\$17,476.09
General Fund – Part Town	1,033.23
Highway – Town Wide	8,209.13
Highway – Part Town	2,877.24
Sewer	8,616.46
Water	1,493.43
Trust & Agency	55.85

Bills paid between meetings:

AFLAC-March Premium	\$ 246.80
Excellus BCBS-April Premium	16,334.74
B&L (Previously approved Limeledge Payments)	5,522.97
AFLAC-April Premium	248.64
Excellus BCBS-May Premium	19,054.14
Simply Prescriptions-Retiree Prescription Coverage	1,140.20
Village of Marcellus-Sewer usage per contract	25,000.00

Board Members were given copies of the Activity Report for April 2011 and monthly statement of bank balances as of April 30, 2011.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$973,479.12	\$226,998.17
General Fund – Part Town	88,903.85	31,010.65
Highway – Town Wide	427,020.99	200,490.16
Highway – Part Town	314,274.12	24,023.01
Fire	535,353.68	967,847.33

Councilor Sheridan made a motion seconded by Councilor O’Hara to approve and pay the bills, approve the monthly activity report for April 2011 and the monthly statement of bank balances as of April 30, 2011. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None

Friends of Marcellus Park: New Park Pavilion: Councilor Lathrop made a motion to accept a donation from Friends of Marcellus Park for the construction of a new park pavilion. There was no second. Motion Failed.

NEW BUSINESS:

Recreation Agreements: Westside Gymnastics, Jones Tones (Disc Jockey Services), Culinary Institute, Ultimate Goal Soccer Camp, Zumba: Councilor Lathrop made a motion seconded by Councilor O’Hara to authorize the Supervisor to enter into the following agreements for the Marcellus Recreation:

Summer Gymnastics Camp	July 11 & 12	\$35/student
Jones Tones (for After the Ball Party)	May 22	\$450.00
Culinary Institute of America (Hyde Park)	October 12 th	\$54/person
Soccer Camp	July 25 – July 28	\$25/student

Zumba Class
All voted aye.

May 5th – June 23rd \$40/student
Carried.

Otisco Lake Preservation Association: 4 Mile Run/Walk: A letter was received from Otisco Lake Preservation Association advising the Town of their annual 4 Mile Run/Walk event that will take place on June 11, 2011. It will begin at the Otisco Lake Park to Brewer to Amber back on Otisco Valley Road and end back at the park. Councilor Lathrop made a motion seconded by Councilor Sherman to approve the use of the aforementioned town road for the 4 Mile Run/Walk to be held on June 11, 2011. All voted aye. Carried.

Authorize Agreement with Skaneateles Scapes and Parkitects for Community Sign Project at 26 E. Main Street: Supervisor Ross discussed with the Board the proposals that were obtained from Skaneateles Scapes and Parkitects for the beautifying of the area where the new community sign is. Supervisor Ross made a motion seconded by Councilor O'Hara to authorized Skaneateles Scapes do the landscaping at a cost not to exceed \$7,000 and obtain benches from Parkitects for the area around the new community sign. All voted aye. Carried.

Lions Club Duck Derby Request for 2011: The Martisco Lion's Club will be holding their 19th Annual Duck Derby and Family Fun Day in the Marcellus Park at the Grove Pavilion area on August 21st. Chairperson, Mick Levy, has written a letter to the Board to that effect and was on hand to answer any questions. Councilor Lathrop made a motion seconded by Councilor Sherman to allow the Martisco Lion's Club to hold the Duck Derby and Family Fun Day on August 21st in the Grove Pavilion area of Marcellus Park. All voted aye. Carried.

Inter-municipal Agreement with Onondaga County regarding Consolidated Purchasing Services: Councilor Sheridan made a motion seconded by Councilor Sherman to authorize the Supervisor to sign an agreement with Onondaga County to participate in a consolidated purchasing program. This program is voluntary and there would be no fees associated with the County's service. It should be noted that Counsel Gascon has reviewed the agreement. All voted aye. Carried.

Agreement with Popli Design Group for Installation of Oil and Water Separator and Holding Tank at Highway Garage: Highway Superintendent requested that this item be held due to more investigation on his part.

Recognize the Family and Friends of Tom Kuss: The Town Board recognized the generous donation of the Family and Friends of Tom Kuss to the Recreation Department to cover scholarships for children in the community participate in the summer recreation programs. Supervisor Ross will send a letter to the organization expressing the town's appreciation.

Limeledge Water District Bills: Councilor Sherman made a motion seconded by Supervisor Ross to authorize the payment of Limeledge Water District Abstract No. 3 - 2011. Supervisor Ross, Councilors Sheridan, Sherman and O'Hara voted aye. Councilor Lathrop voted nay. Motion Carried

Adopt Local Law No. 1 of 2011:

**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 May 9, 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 O'Hara	Councilor

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 1-2011, titled "A Local Law Amending the Town of Marcellus Zoning Law as Adopted by Local Law 6-2099 of the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on April 11, 2011; and

WHEREAS, a public hearing was held on such proposed local law on the 9th day of May, 2011 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 April 11, 2011, 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. 1-2011.

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. 1-2011 as follows:

**"TOWN OF MARCELLUS
LOCAL LAW NO. 1-2011**

**A LOCAL LAW AMENDING THE TOWN OF MARCELLUS
ZONING LAW AS ADOPTED BY LOCAL LAW 6-2009
OF THE TOWN OF MARCELLUS**

BE IT ENACTED by the Town Board of the Town of Marcellus, that this Local Law amends the Town of Marcellus Zoning Law as adopted by Local Law 6-2009, as follows:

Section 1.

Section 4 (“Definitions”) of the Town of Marcellus Zoning Law of 2009 is hereby amended by inserting the following new definition for the term “political sign” and replacing the current definition of “sign” with the following new definition as set forth herein:

“POLITICAL SIGN: A sign of political nature, relating to a special or general election or referendum or other specific political event.

SIGN: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word “sign” includes the word “billboard,” but does not include “posted” or “no trespassing” signs, the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional and religious or like campaign, drive, movement, or event.”

Section 2.

Section 7 (“R-1 Residential Zone”), Subsection B (4) (d) of the Town of Marcellus Zoning Law of 2009 is hereby amended so that it shall read in its entirety as follows:

“d) Signage shall comply with Section 24(D) of this local law.”

Section 3.

Section 7 (“R-1 Residential Zone”), Subsection B (6) (h) of the Town of Marcellus Zoning Law of 2009 is hereby amended so that it shall read in its entirety as follows:

“h) Signage shall comply with Section 24(D) of this local law.”

Section 4.

Section 11 (“A-1 Agricultural Zone”), Subsection A (3) (a) (3) of the Town of Marcellus Zoning Law of 2009 is hereby amended so that it shall read in its entirety as follows:

“3. There shall be no more than one identifying sign, which shall comply with Section 24(D) of this local law.”

Section 5.

Section 12 (“B-1 Business Zone”), Subsections B (2) and (3) of the Town of Marcellus Zoning Law of 2009 are hereby amended so that such subsections shall read in their entirety as follows:

2. Signs in accordance with Section 24(D) of this local law.
3. “A dwelling unit as an integral part of the principal structure.”

Section 6.

Section 12 (“B-1 Business Zone”), Subsection B (4) of the Town of Marcellus Zoning Law of 2009 is hereby deleted in its entirety.

Section 7.

Section 24 (“Supplementary Regulations”), Subsection D of the Town of Marcellus Zoning Law of 2009 is hereby amended so that it shall read in its entirety as follows:

“D. SIGNS. All signs, billboards or other advertising devices are specifically prohibited, except as follows:

1. Signs allowed without a permit.
 - a. Temporary signs. No temporary sign shall be placed in a position that will obstruct or impair the vision of traffic or in any manner that will create a hazard to the welfare of the general public. Lights shall be prohibited on all temporary signs.
 - i. Real estate (“For Sale” or “For Rent”) signs, no larger than 10 square feet in area and not to remain longer than 30 days after the sale or rental.
 - ii. Construction signs advertising the contractor completing certain construction activities upon the premises, no larger than 10 square feet in area, to be erected upon the commencement of work, and not to remain longer than 30 days after the construction activities are complete.
 - iii. Contractor signs advertising a property maintenance activity occurring upon the premises, such as lawn care or snow plowing, no larger than 5 square feet in area, not to remain longer than 30 days in a calendar year, nor erected upon more than 10 separate premises at one particular time.
 - iv. Political signs, no larger than 10 square feet in area on public property and 32 square feet in area on private property, not to be erected more than 45 days prior to Election Day, and not to remain longer than five (5) days after Election Day. No political sign shall be erected on Town owned, or controlled, property, except upon approval of the Town Board.

- v. Non-profit event signs, no larger than 10 square feet in area, not to be erected more than 21 days prior to the event, and not to remain longer than five (5) days after completion of the event.
 - vi. In-season, off-site agricultural direction signs, no larger than 10 square feet in area.
 - b. Signs required by County, State or Federal law.
 - 2. Signs requiring a permit. Lighting for such signs shall be internal or directed downward.
 - a. Bed and Breakfasts and Home Occupations.
 - i. One sign is permitted, consisting of no more than two (2) square feet in area and measuring no more than 28 inches in length or width. As measured from the top of the sign, free-standing signs shall be limited to six (6) feet in height.
 - b. Kennels and Rural Occupations.
 - i. One sign is permitted, consisting of no more than four (4) square feet in area and measuring no more than 36 inches in length or width. As measured from the top of the sign, free-standing signs shall be limited to six (6) feet in height.
 - ii. Signs shall be located to no less than 10 feet from the edge of the street pavement.
 - c. Approved uses in Residential zones, including churches, recreational areas or facilities, care homes, medical facilities, schools, museums, and libraries; permitted subject to site plan review and approval.
 - i. Free-standing signs, which shall be located on the premises to which it is related, shall be situated no closer than 15 feet from the edge of any street right-of-way or 50 feet from the centerline of any street, whichever shall be the least in distance. Such signs shall consist of no more than 16 square feet in area, no more than six (6) feet in length or width, and shall be limited to six (6) feet in height, as measured from the top of the sign. There shall be a minimum of three (3) feet of bottom open space along the entire length. No free-standing sign may be situated on a vacant lot or parcel of land located between two (2) residential buildings or uses, where such structures or uses are separated by less than 100 feet.
 - ii. Wall signs, relating solely to the business or profession conducted on the premises and advertising only the name of the owner or lessee or the trade name of the establishment and the goods sold or services rendered. Such signs shall consist of no more than 12 square feet in area and shall not exceed two (2) feet in height; nor shall such signs project more than nine (9) inches from the structure upon which it is affixed. Wall signs may be affixed to or painted upon the building or windows.

iii. Interior lot directional signage.

d. B-1, L-1 and Highway Overlay Zones.

i. Free-standing signs.

1. Lots with a single occupant.

a. Such sign shall be located on the premises to which it is related, providing that such sign shall be located no closer than 15 feet from the edge of any street right-of-way or 50 feet from the centerline of any street, whichever shall be the least in distance. Such signs shall consist of no more than 32 square feet in area, no more than eight (8) feet in length or width, and shall be limited to twelve (12) feet in height, as measured from the top of the sign. There shall be a minimum of three (3) feet of bottom open space along the entire length. No free-standing sign may be situated on a vacant lot or parcel of land located between two (2) residential buildings or uses, where such structures or uses are separated by less than 100 feet.

2. Complexes or lots with multiple occupants.

a. Such signs shall be located on the premises to which it is related, providing that such sign shall be located no closer than 15 feet from the edge of any street right-of-way or 50 feet from the centerline of any street, whichever shall be the least in distance. Such signs shall consist of no more than 48 square feet in area, no more than eight (8) feet in length or width, and shall be limited to sixteen (16) feet in height, as measured from the top of the sign. There shall be a minimum of three (3) feet of bottom open space along the entire length.

b. Such sign shall advertise only the name of the complex and the name of the owner, lessee or the trade name of each establishment situated therein.

ii. Wall signs, relating solely to the business or profession conducted on the premises and advertising only the name of the owner or lessee or the trade name of the establishment and the goods sold or services rendered. Such signs shall not exceed two (2) feet in height, nor in length $\frac{1}{2}$ of the front wall of the occupied space to which it is attached; nor shall such signs project more than nine (9) inches from the structure upon which it is

affixed. Wall signs may be affixed to or painted upon the building or windows.

iii. Interior lot direction signage.

e. In areas where variances have been granted by the Zoning Board of Appeals, under the conditions set forth in Section 25, Subsections B(3)(a) and (b). Subdivision identification signs shall be included under this category, subject to such standard as may be established by the Town Planning Board.

3. No sign, whether temporary or permanent in nature, regardless of whether a permit is required, is permitted to flash, have moving parts, or be of such a character as to be distracting to motorist.”

Section 8.

The Local Law shall be effective upon filing with the office of the Secretary of State.”

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

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: May 9, 2011

Supervisor Ross advised the Board that he will not be in town for the May 26th Workshop meeting. He will be in Lake George for PERMA Conference. The Board can meet without him or meet a week earlier. It was the general consensus to meet as usual.

Discussion Agenda

Items from the Board:

Councilor Lathrop asked Highway Superintendent about the status of flooding over Pleasant Valley Road. Highway Superintendent MacLachlan advised the Board that the pump has been running for about two to three weeks non-stop and hopefully by Wednesday or Thursday the water should be out of the road.

Councilor Lathrop questioned where the funds are coming from in the budget to pay for the project around the community sign? Supervisor Ross stated that the funds will come from the building.

Councilor O’Hara wanted to know when the benches will be in for the community sign area. He would like to have them in place before Olde Home Days. Phil Coccia, Recreation Leader, will order them Tuesday.

Items from the Floor:

Phil Coccia, Recreation Leader, advised the Board that Garth Snyder, Park Crew Leader, met with representatives from the Soil and Conservation to formulate a plan to combat the erosion problems in the Marcellus Park.

Councilor O'Hara made a motion seconded by Councilor Sheridan to adjourn the Marcellus Town Board meeting at 7:58 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk