

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

November 10, 2011

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on November 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; Nadine Bell, Counsel; Michael Ossit, Deputy Highway Superintendent; William Reagan, Codes Enforcement Officer; Mary Ann Czernaik, Arlene Angello, David Card, Mary Jo Paul, Chuck Paul and Dawn O'Hara.

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

Public Hearing: Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Marcellus

Supervisor Ross opened the Public Hearing for the proposed Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-C in the Town of Marcellus by reading the legal notice that was published in the October 26, 2011 edition of the Marcellus Observer.

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 other comments from the floor, Mr. Ross asked the Board if they had any comments.

Councilor Sheridan questioned if this Local Law was necessary for the 2012 Budget. Supervisor Ross replied that the 2012 Budget is under the limits of the Tax Cap Law.

With no other comments from the Board, Mr. Ross closed the public hearing on the proposed Local Law; the public hearing was closed at 7:04.

Public Hearing: 2012 Budget

The next order of business was the public hearing on the 2012 Preliminary Budget. Supervisor Ross read the notice of public hearing that was published in the Marcellus Observer on November 2, 2011 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, 2012 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 10th day of November, 2011 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.

FURTHER 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 2012 Budget.

PURSUANT 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 \$14,566., Councilors (4) each \$6,120., Town Clerk \$39,265., Superintendent of Highways \$52,265., Tax Collector \$8,791.

By Order of the Town Board
Dated: October 21, 2011
Karen R. Pollard, Town Clerk
Town of Marcellus

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.

Mary Ann Czernaik, 14 Bradley Street questioned as to the amount in the Capital Reserve Account and how the money is expended. Supervisor Ross explained that there are a number of Reserve Accounts and the funds can only be spent via a permissive referendum.

Ms. Czernaik also questioned the grounds behind the salary increases as she is opposed to all increases for the 2012 budget. Supervisor Ross explained the method the Board used to arrive at a consensus for any raises that were given.

Mary Jo Paul, 34 First Street, questioned the Fire Department budget in relation to the service award program being proposed. Supervisor Ross explained that the Fire Department is providing additional information before any final decision. Ms. Paul also had general questions on the MAVES and Sewer budgets.

Hearing no more comments from the floor, Mr. Ross asked if the Board had any comments. The Board had no comments at this time.

Hearing no more questions or comments, Supervisor Ross closed the Public Hearing on the 2012 Budget at 7:41.

Copies of the minutes of the Town Board Meeting held on October 13, 2011, Special Town Board Meeting held on October 27, 2011 and the Workshop Meetings held on October 6th, 12th, 20th, and 27th, 2011 was given to the Board Members. Councilor O’Hara brought the Board’s attention to the Workshop Minutes of October 27, 2011 section VI entitled “Other Matters”. Mr. O’Hara wants the minutes to reflect his opposition to the Deputy Town Clerk and Accountant salary adjustments and that he is not opposed to the increase for the Deputy Court Clerk. Councilor Lathrop made a motion seconded by Councilor Sheridan to approve the minutes as amended. 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 10, 2011 Claims #201100813 – 201100885 and Highway Claims #2011214 - 2011229.

	<u>Expenses</u>
General Fund	\$30,475.00
General Fund – Part Town	355.67
Highway – Town Wide	4,495.11
Highway – Part Town	6,720.74
Sewer	380.05
Water	100.00

Bills paid between meetings:

	<u>Claim#</u>	
AFLAC-Oct Premium	N/A	\$ 246.80
Excellus BCBS (Nov. Retiree Insurance)	N/A	1,750.40
Excellus BCBS (Nov. Insurance Premium - Employees)	N/A	17,694.44
Simply Prescriptions (Nov Prescription Coverage-Retirees)	N/A	912.16
MAVES (Nov 1 st Contractual)	201100745	62,263.75
US Treasury (941 3 rd Qtr. Tax Payment)	201100812	<u>1,179.13</u>
		\$84,046.68

Board Members were given copies of the Activity Report as of November 10, 2011 and monthly statement of bank balances as of November 10, 2011.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,291,640.90	\$ 980,028.91
General Fund – Part Town	114,446.85	72,715.50
Highway – Town Wide	476,661.29	388,251.51
Highway – Part Town	352,290.60	363,984.06
Enterprise	2.73	440.59
Capital Projects	28,600.22	510,600.31
Reserve	18,500.00	
Fire	536,119.38	1,152.890.33
Hydrant	1,918.72	1,748.16
Ambulance Fund	260,464.73	260,495.00
Sewer District	129,846.46	194,924.11
Water District	207,575.85	194,924.11

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of and the monthly statement of bank balances as of November 10, 2011. Councilor Lathrop questioned voucher #201100839 payable to NYS Dept. of Environmental Conservation in the amount of \$100.00. Mr.

Lathrop seeks additional information on this charge. Ms. Barnes will look into the charge and report back to the Board. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: None

NEW BUSINESS:

Association of Towns: Supervisor Ross shared with the Board the information from the New York State Association of Towns concerning the 2012 Training School and that the annual dues are based on 2009 revenue making the dues for Marcellus \$1100.

Recreation Agreement: Zumba Class, Chair Caning: Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the Supervisor to enter into the following agreement for the Marcellus Recreation:

Zumba	9/15 thru 11/3	\$40/student	
Chair Caning	9/13 thru 11/1	\$200.00	
All voted aye.			Carried.

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 2011. All voted aye. Carried.

Proposed Local Law for Change to Subdivision Regulations*:

**#012-11
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 10, 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 Sheridan introduced proposed Local Law No. D-2011, relative to the amending of the Town of Marcellus Subdivision Regulations as adopted March 9, 2009, by Local Law #3 for the Year 2009, to reflect changes to Section 305(E) (Minor Lot Alteration) and made the following motion, which was seconded by Councilor O'Hara.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. D-2011 at the Town Hall located at 24 East Main Street in the Town of Marcellus on December 12,

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: November 10, 2011

Appointment: Deputy Codes Enforcement Officer*: William Reagan, Codes Enforcement Officer, has been interviewing candidates for a new part time Deputy Codes Enforcement Officer and advised the Board of his choice. Mr. Reagan recommended John Houser at a rate of \$17.00 per hour for 14.5 hours per week. One day will be spent on Marcellus Village issues and one day on Town issues. Councilor Lathrop made a motion seconded by Councilor O'Hara to appoint John Houser to the position of Deputy Codes Enforcement Officer effective November 17, 2011 at \$17.00/hour for 14.5 hours a week with the hours divided between the Village and the Town. All voted aye. Carried.

Authorize Participation New York State Deferred Compensation Plan: Supervisor Ross reported to the Board that he has recently met with representatives from the New York State Deferred Compensation Plan after several Town employees requested the opportunity to enroll in such a program. Participation would be voluntary and there would be no cost to the Town to offer this to the employees. Supervisor Ross made a following resolution seconded by Councilor Sheridan to offer to the Town employees in the New York State Deferred Compensation Plan at no cost to the Town. All voted aye. Carried.

Adoption Of The State of New York Deferred Compensation Plan

WHEREAS, the Town of Marcellus to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of Marcellus is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Town of Marcellus has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Marcellus by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and there provide for their retirement;

NOW, THERE FORE, it is hereby:

RESOLVED, that the Town of Marcellus hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriated officials of the Town of Marcellus are hereby authorized to take such actions and enter agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted the 10th day of November, 2011 at a meeting of the Town Board of the Town of Marcellus.

I hereby certify that the Town of Marcellus is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Daniel J. Ross, Supervisor

Witnesseth by:

*A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other public political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other government entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or nay other public corporation, agency or instrumentality or unit of government which exercises governmental powers un the laws of the State.

All voted aye.

Carried.

Enact Proposed Local Law 3-C:

#011-11

**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 November 10, 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, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2011, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3-c in the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on October 13, 2011; and

WHEREAS, a public hearing was held on such proposed local law on the 10th day of November, 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 October 13, 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. C-2011.

NOW, upon the Motion of Supervisor Ross and seconded by Councilor Lathrop,

IT IS HEREBY RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. C-2011, now known Local Law No. 3-2011 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 3-2011**

**A LOCAL LAW OVERRIDING THE TAX LEVY
LIMIT ESTABLISHED IN GENERAL MUNICIPAL
LAW § 3-C
IN THE TOWN OF MARCELLUS**

Be it enacted by the Town Board of the Town of Marcellus as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law § 3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2012, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with 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: November 10, 2011**

Note: Councilor Sheridan voiced his opposition in principal to this local law.

Adopt 2012 Budget:

Councilor O'Hara made a motion to amend the budget to reflect a 2% raise for the Deputy Town Clerk equaling \$25,882.50 per year and a 2% raise for the Accountant equaling \$34,680.00 per year. Hearing no second to the motion, the motion failed.

Supervisor Ross made a motion to decrease the Fire Budget Contractual line from \$300,000 to \$295,000. The motion was seconded by Councilor Lathrop. All voted aye. Carried.

Supervisor Ross introduced the following adjustments to the 2012 Preliminary Budget. The changes reflect increase the Deputy Codes Enforcement Office an extra day per week as approved by the Board and original amounts budgeted did not reflect the Board approved cost of living adjustments for the Codes Officer and Codes Secretary.
Increase B3620.1 Safety Inspection Personal Services from \$57,706 to \$64,576 (increase of \$6870)
Increase B9030.8 Employee Benefits Social Security from \$5,556 to \$5,982 (increase of \$426)
Increase B9035.8 Employee Benefits Medicare from \$1,299 to \$1,399 (increase of \$100)
Councilor Lathrop seconded the aforementioned adjustments. All voted aye. Carried.

Supervisor Ross made a motion seconded by Councilor Lathrop to adopt the 2012 Budget as amended. Supervisor Ross, Councilors Sheridan, Lathrop and Sherman voted aye. Councilor O'Hara voted nay. Councilor O'Hara made the following statement in support of his vote:

To the Marcellus Taxpayers:

I would like this comment to be on the record. While the Town Board has had many discussions about this, I disagree with the Accountant getting

approximately an 8% raise while most other employees are getting a 2% raise. I basically think this is unfair. For this reason, I have to vote no on the Town of Marcellus 2012 budget.

Sincerely,
Kevin F. O'Hara
Marcellus Town Councilor

The 2012 Budget is adopted.

Discussion Agenda

Items from the Board: None

Items from the Floor: None

Councilor Lathrop made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 8:30 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk