

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

November 8, 2012

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Thursday, November 8, 2012, at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

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

Also present: Sandy Taylor, Town Clerk; Susan Dennis, Deputy Town Clerk ; Jim Gascon, Council; Don MacLachlin, Highway Supervisor; Phil Coccia, Recreation Director; Mary Jo Paul, Lynn Cahill-Hoy and John Scanlon.

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 31, 2012 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/her name and address for the record.

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

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: 2013 Budget

The next order of business was the public hearing on the 2013 Preliminary Budget. Supervisor Ross read the notice of public hearing that was published in the Marcellus Observer on October 31, 2012 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, 2013 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 8th day of November, 2012 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 2013 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 \$14,857., Councilors (4) each \$6,120., Town Clerk \$36,000., Superintendent of Highways \$53,310., Tax Collector \$8,967.

By Order of the Town Board
Dated: October 26, 2012
Sandra Taylor, Town Clerk
Town of Marcellus

Mary Jo Paul of First Street, questioned the amount that we are under for the Tax Cap. Supervisor Ross stated \$152,254.00

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 2013 Budget at 7:08.

Jim Gascon, Falls Road, stated that he feels that the Supervisor and Councilors should increase their pay. For the amount of time that they spend, he feels that they are all underpaid.

Copies of the minutes of the Town Board Meeting held on October 11, 2012, Special Town Board Meeting held on October 25, 2012, and the Workshop Meetings held on October 10, 18 and 25, 2012 was 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 # 11 as of, Claims # 201200868-201200936 and Highway Claims #2012184-201200205.

	<u>Expenses</u>
General Fund	\$41,133.23
General Fund – Part Town	1,180.55

Highway – Town Wide	31,563.62
Highway – Part Town	5,464.68
Enterprise Fund	
Fire	
Hydrant	
Ambulance Fund	
Sewer	46,564.91
Water	
Trust & Agency	131,303.04

Bills paid between meetings:

Board Members were given copies of the Activity Report as of November 8, 2012, and monthly statement of bank balances as of November 8, 2012.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,251,831.45	\$1,071,106.74
General Fund – Part Town	108,329.00	87,861.65
Highway – Town Wide	483,430.82	263,388.10
Highway – Part Town	331,123.70	421,650.46
Enterprise		
Capital Projects	8,557.50	59,627.72
Reserve	7,635.00	
Fire District	578,340.16	550,601.89
Hydrant Fund	1,900.11	1,757.79
Ambulance Fund	261,532.78	262,329.00
Sewer District	13,417.77	151,020.90
Water District	186,961.17	190,913.24

Councilor Lathrop made a motion seconded by Councilor O’Hara to approve and pay the bills, approve the monthly activity report as of November 8, 2012 and the monthly statement of bank balances as of November 8, 2012. All voted aye.

Carried.

OLD BUSINESS:

Report from Department Liaisons: None

Appointment: Assessment Board of Review: Supervisor Ross made a motion to appoint John Stempel to the Assessment Board of Review. This motion was seconded by Councilor Sherman. All voted aye. Carried.

NEW BUSINESS:

Snowplow Contract: A motion was made by Councilor Lathrop to enter into the Snowplow Contract with Onondaga County. This is a five-year contract with a flat rate of \$6,600.00 and a 2% increase in each of the subsequent years. This amount is subject to

increase due to the cost of fuel, salt and heavy snowfall removal . Councilor O’Hara seconded this motion. All voted aye.

Carried.

CNYSPCA Contract: A motion was made by Councilor Lathrop to enter into the Contract with the CNYSPCA for a fee of \$559.00 T he rate is the same as last year. This was seconded by Councilor O’Hara. All voted aye. Carried.

Toshiba Contract – Copier and Toshiba Contract 24 month contract: A motion was made by Councilor Lathrop to sign the contracts with Toshiba. The copier is a black and white copier in which people will be able to scan and fax off of it. The price is \$4,190. There will be an application made to get a refund from NYSERDA.

The 24-month agreement is a maintenance agreement for \$85.00 per month. Councilor O’Hara seconded the motion to sign both contracts with Toshiba. All voted aye.

Carried.

Marcellus Central Schools Teen Institute Contract: A motion was made by Councilor O’Hara to enter into the contract with Marcellus Central Schools for \$980.00. This was seconded by Councilor Lathrop. All voted aye. Carried.

Local Law: Ban on Hydro-Fracking: Supervisor Ross proposed Local Law No. 7 for The year 2012 titles, “ A Local law Amending The Town Of Marcellus Zoning Law As Enacted by Local Law No 6-2009, Titled “Town of Marcellus Zoning Law of 2009”.

A motion was made by Councilor Lathrop and seconded by Councilor O’Hara to schedule a Public Hearing on Monday, December 10, 2012 at 7:00 pm. All voted aye.

Carried.

Local Law: Establishing an Aquifer Protection Distrist: Jim Gascon, Town Attorney wants to defer this to a later date. He would like to speak to more engineers on this matter.

Local Law: Road Use Ordinance: Jim Gascon, Town Attorney, wants to defer this to a later date. Both of these laws require a long-form SEQR.

Enact Proposed Local Law- Override the Tax Levy:

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 8, 2012, at 7:00 P.M., there were:

PRESENT:	Daniel J. Ross	Town Supervisor
	Peter Hakes	Councilman -----Absent
	Donald G. Sherman	Councilman
	Thomas C. Lathrop	Councilman
	Kevin O’Hara	Councilman

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 6-2012, “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 25, 2012; and

WHEREAS, a public hearing was held on such proposed local law on the 8th day of November, 2012 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 26, 2012, 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. 6-2012.

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

IT IS HEREBY RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 6-2012 as follows:

**“TOWN OF MARCELLUS
LOCAL LAW NO. 6-2012**

**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 2013, 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 2013 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
	Peter Hakes	Aye/Nay--Absent
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye

Resolution duly adopted.

Dated: November 8, 2012

Adopt 2013 Budget: Supervisor Ross asked if any board members wish to make any changes to the 2013 budget. Hearing no comments, a motion was made by Councilor Lathrop and seconded by Councilor O'Hara to adopt the 2013 budget. All voted aye.
Carried.

Discussion Agenda:

Items from the Board: Councilor Lathrop asked about the items on Auctions International. The bidding ends Friday, November 16, 2012.

Items from the Floor: Tracie Barnes, Town Accountant, stated that KVS started the installation process for the new software.

Mary Jo Paul asked about our insurance. She stated that while on the Village Board They had a company do some comparison shopping and wondered if we have done that.

Lynn Cahill-Hoy asked about the Dec. 10 Public Hearing. This is a ban relating to Hydrofracking.

Councilor O'Hara made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at 7:50 P.M. All voted aye.
Carried.

Respectfully submitted,

Sandy Taylor
Town Clerk