

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

August 12, 2013

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, August 12, 2013, 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
John Scanlon, Councilor
Kevin F. O'Hara, Councilor
Peter Hakes, Councilor

Also present: Sandy Taylor, Town Clerk; Susan Dennis, Deputy Town Clerk; John Houser, Codes Officer; Jim Gascon, Town Attorney; Garth Snyder, Park Director; Don MacLachlan, Highway Superintendent; Chuck and Mary Jo Paul, Gary and Linda Wilcox, Christopher Poole, Diane DeBottis, John DeBottis, Barbara Hughes, Mike Siddal, Bernie Montgomery and a few other residents.

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 July 8, 2013, Executive Session Meeting on July 8, 2013, Special Meeting held on July 25, 2013 and the Workshop Meeting held on July 25, 2013, was given to the Board Members. Councilor O'Hara made a motion seconded by Councilor Scanlon to approve the minutes as presented. Ayes – Ross, Scanlon, Hakes, O'Hara and Lathrop Carried

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #8 as of August 12, 2013. Claim # 130086, 130099, 130211, 130216 – 130275, 130278-130279, 130285-130287, 130294, 130299-10347, 130349 - 130370 and 900625.

	<u>Expenses</u>
General Fund	\$131,956.99
General Fund – Part Town	333.17
Highway – Town Wide	4,969.18
Highway – Part Town	52,133.66
Capital Projects	2,830.00
Fire	500.00
Sewer	28,314.29
Water	1,074.16
Trust & Agency	2,275.81

Bills paid between meetings:

Fidelity Investments – Fire Dept Service Awards	\$77,700.00
Check # 25747 Claim # 130091	

Board Members were given copies of the Activity Report as of August 12, 2013 and monthly statement of bank balances as of August 12, 2013.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,068,490.71	\$802,622.84
General Fund – Part Town	102,082.00	49,635.68
Highway – Town Wide	474,928.90	289,522.71
Highway – Part Town	298,642.09	7,262.00
Capital Projects		2,704.68
Fire District	590,329.33	495,368.00
Hydrant Fund	1,900.84	825.33
Ambulance Fund	275,274.24	208,983.75
Sewer District	127,955.33	128,732.16
Water District	187,290.40	88,989.60

Councilor Scanlon made a motion seconded by Councilor Lathrop to approve and pay the bills, approve the monthly activity report as of August 12, 2013 and the monthly statement of bank balances as of August 12, 2013.

Ayes – Ross, Scanlon, Hakes, O’Hara and Lathrop

Carried

OLD BUSINESS:

Supervisor Ross suggested that Mr. Hakes and Mr. Scanlon set up interviews with the two candidates for the vacancy on the Assessment Review Board. We had two people interested in the position, Mr. Montgomery and Mr. Coville. Once they have the interviews set up, they will contact the Board Members to inform them of the date and time for their availability.

NEW BUSINESS:

Diane DeBottis – Noise in Light Industrial Zone: Ms. DeBottis stated that on July 18, 2013, the Ultimate Goal had set off fireworks. She is very concerned about the lack of safety, the parking on Route 174 and around the curve onto Masters Road. There was no traffic control on these roads; cars were parked on both sides of the roads. People were standing near the road and in between cars.

Barbara Hughes also stated that the fireworks were being set off into the crowd. Ms. Hughes stated that the Fire Department was not aware that the Ultimate Goal was going to have a Fire Works display that evening.

John Houser has spoken with people at the Ultimate Goal and he will go for a test run before they have another Fireworks Display.

John Scanlon asked if the main concerns from Ms. DeBottis and Ms. Hughes are:

- a. Notify The Fire Department
- b. Have people controlling the traffic
- c. Have John Houser come by and do a test run before the actual display
- d. Post a sign outside the Ultimate Goal when they are having a Fireworks Display to let the neighbors and people in the area know

Ms. Debottis and Ms. Hughes both stated that any help would be appreciated.

Councilor Scanlon thanked Ms. DeBottis and Ms Hughes for bringing this matter to the Town Board's attention.

Pass Local Law 2-2013 "Amending the Town of Marcellus Zoning Law of 2009:

Supervisor Ross read the resolution from the Onondaga County Planning Board regarding Local Law 2-2103. The Onondaga Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

TOWN OF MARCELLUS

TOWN BOARD RESOLUTION

August 12, 2013

The following resolution was offered by Councilor Hakes, who moved its adoption, seconded by Councilor Scanlon to wit:

WHEREAS, proposed Local Law No. 2-2013, titled "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', as Heretofore Amended by Establishing Cemeteries as a Permitted Use in Certain Zoning Districts Within the Town," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on June 10, 2013; and

WHEREAS, proposed Local Law No. 2-2013 will have the effect of allowing cemeteries as a permitted use, subject to certain additional requirements, in the following zones within the Town: R-1 Residential Zone; R-2 Residential Zone; R-3 Residential Zone; and A-1 Agriculture Zone.

WHEREAS, a public hearing was held on proposed Local Law No. 2-2013 on the 8th day of July, 2013 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, notice of the public hearing on proposed Local Law No. 2-2013 was also given to all adjoining municipalities and they were given a full and fair opportunity to be heard at said public hearing on July 8, 2013; and

WHEREAS, it was determined on June 10, 2013 that 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 State Environmental Quality Review Act (SEQRA) with respect to the proposed adoption of said proposed Local Law No. 2-2013, with the result that the Town Board assumed lead agency status in this matter; and

WHEREAS, it was determined on June 10, 2013 that the adoption of said proposed Local Law No. 2-2013 is a Type I action for purposes of environmental review under the SEQRA; and

WHEREAS, the SEQRA process for this action was completed by this Board at its July 8, 2013, meeting, this Board, having determined the enactment of said proposed Local Law No. 2-2013 would not have a significant adverse effect on the environment and therefore a Negative Declaration was adopted for purposes of SEQRA; and

WHEREAS as required by General Municipal Law, Section 239, this Local Law was referred to the Onondaga County Planning Agency and that Agency at its meeting held on July 24, 2013 determined that the proposed legislation will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring Board, and

WHEREAS, it is the determination of this Board that it is in the public interest to enact said Proposed Local Law No. 2-2013.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. 2-2013 as Local Law No. 2 of 2013 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 2-2013**

A LOCAL LAW AMENDING THE TOWN OF MARCELLUS ZONING LAW AS ENACTED BY LOCAL LAW NO. 4-2009, TITLED “TOWN OF MARCELLUS ZONING LAW OF 2009”, AS HERETOFORE AMENDED BY ESTABLISHING CEMETERIES AS A PERMITTED USE IN CERTAIN ZONING DISTRICTS WITHIN THE TOWN.

BE IT ENACTED by the Town of Marcellus acting through its duly constituted Town Board that this Local Law amends the “Town of Marcellus Zoning Law of 2009,” enacted by Local Law No. 4-2009 (hereinafter the “Town of Marcellus Zoning Law”), as follows:

Section 1. Amendments to Section 4, titled “Definitions”, of the Town of Marcellus Zoning Law.

Section 4, titled “DEFINITIONS”, of the Town of Marcellus Zoning Law is hereby amended so as to insert the following new definition of “CEMETERY” therein.

“**CEMETERY** shall mean land, place, structure, facility, building or any portion thereof improved and maintained for the interment of human remains and may include interment structures, such as mausoleums, administrative and maintenance structures and facilities for conducting funeral services, but excludes facilities for the cremation of human remains.”

Section 2. Amendments to Section 7, titled “R-1 Residential Zone”, of the Town of Marcellus Zoning Law.

Section 7, titled “R-1 RESIDENTIAL ZONE”, and of the Town of Marcellus Zoning Law is hereby amended so that a new subparagraph “A.6. k) is added as follows:

- “k) Cemetery. On a lot of 5 acres or more provided that:
1. Notwithstanding Sec. 26, A.2., such cemetery shall be subject to site plan review and approval consistent with the provisions of Sec. 26.
 2. No burial or memorial plats or buildings shall be located closer than 25 feet to any residential lot line.
 3. All burials shall be undertaken in strict accordance with applicable regulations of the New York State Department of State and Department of Health.”

Section 3. Amendments to Section 12, titled “B-1 Business Zone”, of the Town of Marcellus Zoning Law.

Section 12, titled “B-1 BUSINESS ZONE”, of the Town of Marcellus Zoning Law is hereby amended to delete Paragraph “A”, subsection “1.” in its entirety and replace it as follows:

“1. All principal uses permitted in R-1 zone, except for new one-family dwellings and cemeteries, subject to the same requirements as specified, with the exception of the minimum 5-acre requirement for Day Care Centers, Care Homes, and Medical Facilities.”

Section 4. Amendments to Section 13, titled “L-1 Light Industry Zone”, of the Town of Marcellus Zoning Law.

Section 13, titled “L-1 Light Industry Zone”, of the Town of Marcellus Zoning Law is hereby amended to delete Paragraph “A”, subsection “1.” in its entirety and replace it as follows:

“1. All principal uses permitted in R-1 and A-1 zones, except for one and two-family dwellings and cemeteries, subject to the same requirements as specified.”

Section 5. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly in controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion is severed or declared invalid or unenforceable.

Section 6. Effective Date.

This Local Law shall take effect upon its filing with the New York 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:

Daniel J. Ross	Supervisor	Voted	Aye
Peter Hakes	Councilman	Voted	Aye

John Scanlon	Councilman	Voted	Aye
Thomas C. Lathrop	Councilman	Voted	Aye
Kevin O’Hara	Councilman	Voted	Aye

Resolution duly adopted.

Dated: August 12, 2013

Set Date for Fall Trash Days: A motion was made by Councilor O’Hara to set the Fall Trash Days for Fridays Sept. 27 and October 4, 2013 from 12:00 noon to 3:00 pm; and Saturdays, Sept. 28 and October 5, 2013 from 8:00 am – 12:00 noon. Councilor Lathrop asked if this involves any overtime on Fridays. Saturdays is always overtime. Don MacLachlan, Highway Superintendent, will work it out so that the Fridays won’t count as overtime. Councilor O’Hara suggested that they could work until 12:00 on Thursday and come back in on Friday for the 12:00 – 3:00 pm shift. The motion to set the dates and times for the Fall Trash Days was seconded by Councilor Scanlon.

Ayes – Ross, Scanlon, Hakes, O’Hara and Lathrop Carried

Syracuse Time and Alarm: A motion was made by Councilor O’Hara to approve the Contract with Syracuse Time and Alarm Co., Inc. for \$480.00. They maintain the Fire Alarms in the Town Hall Building. The price is the same that it was last year. Councilor Hakes seconded this motion.

Ayes – Ross, Scanlon, Hakes, O’Hara and Lathrop Carried

Authorize bids for Exterior Lighting Project: A motion was made by Councilor Scanlon to authorize the Town to receive bids for the Exterior Lighting Project. Councilor Lathrop asked why we are putting more money in this obsolete building. Supervisor Ross explained that this is grant money from JCAP. This is only a motion to authorize the Town to receive bids for the Project. Councilor Hakes seconded this motion.

Ayes – Ross, Scanlon, Hakes, O’Hara and Lathrop Carried

End of Year Report: Councilor O’Hara stated that the Councilor’s received a letter from the Comptrollers Office stating that the 2012 report filed with NY State. Tracie Barnes, the Accountant, stated that she is working on it. She has been in touch with the Comptroller’s Office every few months and continues to work on it. She cannot send in the 2012 report until the 2010 and 2011 reports are done. The auditors are coming tomorrow to start auditing the Limeledge Water District bills. The Board Members would like to help out in any way they can. Tracie would like to come to a Workshop Meeting to discuss this matter in more detail.

Skaneateles Labor Day Race: A request was made from Dick Searing, Assistant Race Director for the Skaneateles Labor Day Race, for the approval from the Town Supervisor to hold the Coon Hill Grind bike race at the Skaneateles Ski Club which lies in the Town of Marcellus. The route starts on Rt. 174 and goes up Coon Hill Road then north on Rose Hill Road to the finish. A motion was made by Councilor Lathrop to grant the request of Mr. Searing. This request was seconded by Councilor O’Hara.

Ayes – Ross, Scanlon, Hakes, O’Hara and Lathrop Carried

Discussion Agenda

Items from the Board: Councilor Lathrop suggested that the Board start shopping around for Health Insurance. Councilor Hakes feels that some insurance companies may be lowering their rates due to the competition.

Councilor Scanlon asked Garth Snyder, Park Director, if the Park employees could start writing down on the invoices what the purchases are for. This makes going through the vouchers easier. It was also suggested that we purchase as much as we can locally. Councilor Scanlon thanked Don MacLachlan for his efforts on writing the truck numbers on the vouchers.

Items from the Floor:

Bernie Montgomery, town resident, is very concerned about the report that Councilor O'Hara spoke of is not submitted to the state yet. It is his understanding that 2010 and 2011 are not in either. As a taxpayer, he is not happy and feels that an audit should be done.

Mary Jo Paul, town resident, stated that as a taxpayer she would like her tax dollars to pay for an audit so that the books are up to date.

The Board members would like to work with Tracie Barnes, Accountant, to get the books up to date

Motions to Adjourn to Executive Session:

A request was made by Jim Gascon, Town Attorney to go into Executive Session. A motion was made by Councilor Lathrop and seconded by Councilor Scanlon to enter into Executive Session at 8:05. The purpose of this session is to discuss a personnel issue at the Highway Department.

Ayes – Ross, Scanlon, Hakes, O'Hara and Lathrop

Carried

Return to Town Board Meeting:

A motion was made by Councilor Hakes to return the Town Board Meeting at 9:45. This was seconded by Councilor Scanlon.

Ayes- Ross, Scanlon, Hakes, O'Hara and Lathrop

Carried

Request:

The Town Board is requesting the Town Attorney to review the Town Employee Handbook and Civil Service Law to determine what requirements are required for the Town to continue paying the employer's portion of medical benefits for an employee on medical leave without pay.

The Board determined that access to Town computer's be limited by password for every Town employee.

Councilor Scanlon made a motion seconded by Councilor Hakes to adjourn the Marcellus Town Board meeting at 9:53 P.M.

Ayes-Ross, Scanlon, Hakes, O'Hara and Lathrop

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk