

**TOWN OF MARCELLUS**  
**TOWN BOARD MEETING MINUTES**

January 13, 2014

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, January 13, 2014 at 7:00 PM in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Mary Jo Paul, Supervisor  
Kevin O'Hara, Councilor  
Peter Hakes, Councilor  
John Scanlon, Councilor  
Karen Pollard, Councilor

Also present: Susan Dennis, Deputy Town Clerk; John Houser, Codes Officer; Phil Coccia, Recreation Director; Don MacLachlan, Highway Superintendent; approximately 20 Town residents and Sandy Taylor, Town Clerk also present Tracie Barnes.

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

The Teen Institute Advisor and four students that participate in Teen Institute gave a presentation as to what they do at Teen Institute and the ideas that they bring back to Marcellus Schools and also to the community.

Supervisor Paul suggests that we amend the agenda by adding sewer easements under New Business and crossing off Executive Session. Councilor Scanlon made a motion that we amend the agenda with the suggestions of Supervisor Paul, adding sewer easements under New Business and crossing off Executive Session. This was Seconded by Councilor Pollard.

Ayes – Scanlon, Hakes, Paul, O'Hara and Pollard

Carried

Copies of the minutes of the Town Board Meeting held on Monday, December 9, 2013, Executive Session held on Monday, December 9, 2013, Year – End Meeting held on Monday, December 30, 2013 and the Organization Meeting held on Friday, Jan. 3, 2014 was given to the Board Members. Councilor O'Hara made a motion seconded by Councilor Scanlon to approve the minutes as presented. A question was raised regarding the replacement of the boiler and the Procurement Policy. The January 3, 2014 minutes will be amended to reflect that this was an emergency situation and that we did not have to get bids, although two proposals were obtained. A motion was made by Councilor Pollard to accept the minutes as amended. This was seconded by Councilor Scanlon.

Ayes – Scanlon, Hakes, Paul, O'Hara and Pollard

Carried

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract 1 as of Jan. 10, 2014, Claims #130831, 130861, 130862, 130878-130898, 140001-140030.

	<u>Expenses</u>
General Fund	\$58,276.89
General Fund – Part Town	1,789.00
Highway – Town Wide	14,319.67
Highway – Part Town	6,821.00
Fire	52,568.00
Ambulance Fund	12,076.00
Sewer District	26,221.89
Trust & Agency	4,639.64
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Total	\$176,712.09

Board Members were given copies of the Activity Report as of January 10, 2014 for the year ending December 31, 2013.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,168,690.74	\$1,331,785.90
General Fund – Part Town	120,812.04	123,365.00
Highway – Town Wide	481,376.90	415,430.17
Highway – Part Town	344,245.78	353,238.21
Capital Projects		8,115.68
Fire District	590,329.33	643,574.26
Hydrant Fund	1,900.84	1,881.49
Ambulance Fund	275,274.24	274,532.00
Sewer District	127,955.33	181,114.33
Water District	202,238.40	101,534.72

Board Members were given copies of the Activity Report as of January 10, 2014 for the 2014 Fiscal Year.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$216,478.33	\$ 59,857.82
General Fund – Part Town		1,789.00
Highway – Town Wide		24,308.91
Highway – Part Town		6,821.00
Fire District		52,568.00
Ambulance Fund		12,076.00
Sewer District		1,823.04

A motion was made by Supervisor Paul to approve and pay the bills, approve the monthly activity reports as of January 10, 2014 and the monthly statement of bank balances as of January 10, 2014. This was seconded by Councilor Scanlon.

Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard

Carried

**OLD BUSINESS:**

- A. **Flood solution to drainage problem in basement:** Councilor Scanlon just handed out a proposal to fix the drainage problem in the basement. The materials would come to approximately \$680.31. The Highway men would do the work with the pay for them coming out of the general fund. A motion was made by Councilor Scanlon to approve the work (not to exceed \$1,000, incase more materials are needed) in the basement. This was seconded by Councilor Hakes.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried

**NEW BUSINESS:**

- A. **Approval of Court Clerks Books:** A motion was made by Councilor Pollard to approve the Court Clerks 2013 total money received. Supervisor Paul noted that Town Justice Mary Reagan Dailey had a total deposit of \$33,268.00 and that Town Justice Matthew S. Moses had a total deposit of \$47,245.00. For a total deposit from the courts of \$80,513.00. Councilor Scanlon seconded this motion.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried
- B. **Approval of Town Clerks Books:** A motion was made by Councilor Hakes to approve the Town Clerks Books for 2013. The total amount of \$52,775.75 was received by the Town Clerk’s Office. This motion was seconded by Councilor O’Hara.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried
- C. **Approval of Tax Collectors Books:** A motion was made by Councilor O’Hara to approve the Tax Collectors books. Supervisor Paul read the amount to the Town is \$2,794,629.33 and the amount to the county is \$2,724,210.10 for 2013. These are unadjusted amounts. Councilor Scanlon seconded this motion.  
Ayes- Scanlon, Hakes, Paul, O’Hara and Pollard Carried

See attachment for adjustments.

TOWN MARCELLUS

DATE April 10, 2013

ONONDAGA COUNTY  
FINANCE DEPARTMENT  
WORKSHEET FOR UNPAID TAXES

Supervisor Total ( From Warrant )	1) + \$	<u>2,794,629.33</u>
Chief Fiscal Officer ( County )	2) + \$	<u>2,724,210.10</u>
Grand Total of Warrant	3) \$	<u>5,518,839.43</u>
Chief Fiscal Officer ( Same As Line #2)	4) \$	<u>2,724,210.10</u>
Subtract the Following Adjustments From Line #4		
Payments To County ( Including Last Payment )	5) - \$	<u>1,960,069.85</u>
Special Franchise Payments To County	6) - \$	<u>216,603.57</u>
Corrections Of Errors ( County Share Only )	7) - \$	<u>680.84</u>
Court Order Reductions ( County Share Only )	8) - \$	<u></u>
Miscellaneous Adds / Subtracts	9) +/- \$	<u></u>
Unpaid # Of Parcels X \$1.00 Or \$2.00	10) - \$	<u>278.00</u>
Amount Unpaid And Returned To County For Collection	11)	<u>546,577.84</u>

TOWN OF MARCELLUS  
WORKSHEET FOR UNPAID TAXES  
YEAR 2013

1)	SUPERVISOR - TOTAL	<u>\$2,794,629.33</u>
2)	COMMISSIONER OF FINANCE	<u>\$2,724,210.10</u>
3)	<b>GRAND TOTAL OF WARRANT</b>	<b><u>\$5,518,839.43</u></b>
4)	SUPERVISOR PAYABLE	<u>\$2,794,629.33</u>
5)	CORRECTION OF ERRORS ( TOWN SHARE )	<u>(\$519.48)</u>
6)	COURT ORDERED REDUCTIONS ( TOWN SHARE )	<u></u>
7)	MISCELLANEOUS ADDS/SUBTRACTS	<u></u>
8)	<b>AMOUNT PAID TO SUPERVISOR</b>	<b><u>\$2,794,109.85</u></b>
9)	PENALTIES PAID FEBRUARY	<u>\$1,780.77</u>
10)	PENALTIES PAID MARCH	<u>\$3,197.07</u>
11)	SECOND NOTICE FEE COLLECTED	<u>\$182.00</u>
12)	SECOND NOTICE FEE BY COUNTY	<u>\$278.00</u>
13)	INTEREST FROM LAST YEAR	<u>\$0.01</u>
14)	INTEREST JANUARY	<u>\$58.42</u>
15)	INTEREST FEBRUARY	<u>\$129.52</u>
16)	INTEREST MARCH	<u>\$25.33</u>
17)	OVERAGES IN PAYMENTS	<u>\$0.30</u>
18)	<b>TOTAL ADDITIONAL MONEY REMITTED</b>	<b><u>\$5,651.42</u></b>

ELAINE M. POTTER  
TAX COLLECTOR

- D. Association of Towns – Dues:** Councilor O’Hara made a motion to approve the payment of \$1,100 to The Association of Towns for the 2014 dues. Councilor Scanlon seconded this motion.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard. Carried
- E. BAS Software for Town Clerk:** A motion was made by Councilor Pollard to approve the BAS software for the Town clerk in the amount of \$930.00 for the year. The motion was seconded by Councilor Hakes.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried
- F. MGMS Software for the Codes Officer:** A motion was made by Councilor Scanlon to approve the MGMS Software for the Codes Enforcement Officer in the amount of \$1,739.00 for the year. This motion was seconded by Councilor Hakes.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard. Carried
- G. Update on Boiler:** Councilor Scanlon stated that the boiler was one-day late arriving but the heat should be on by tomorrow or the next day in the Town Hall.
- H. Reimbursement for Permit Fee:** A motion was made by Councilor O’Hara to reimburse a resident \$207 for a permit that he was unable to Receive. This motion was seconded by Councilor Hakes.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried
- I. Reappointment for Parks & Rec. Advisory Board:** A motion was made by Councilor O’Hara to reappoint Peter Baratta to the Parks & Rec Advisory Board. This appointment is for a 7-year term. This motion was seconded by Councilor Scanlon.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried
- J. Sewer Easements:** Supervisor Paul has spoken to Mayor John Curtin from The Village of Marcellus concerning the sewer easements. It was suggested that one Highway employee and a Village employee go to the county and obtain copies of all the easements. An Abstract Company will do this, but we have to look into the fees. Jim Gascon will get a price from an Abstract Company. Councilor Scanlon made a motion to table this until more information is available. Councilor Pollard seconded the motion.  
Ayes – Scanlon, Hakes, Paul, O’Hara and Pollard Carried

## **Discussion Agenda**

### **A. Update from the Supervisor**

JANUARY 13, 2014  
SUPERVISORS UPDATES

THANK YOU: A big “thank you” needs to go out to all the Town employees who work in the Town Hall for tolerating the inhumanly cold, uncomfortable conditions in the building due to no heat because of the broken boiler for almost 2 weeks! Although freezing, they managed to keep the Town Hall open for business. Another big “thank you” to Donnie & his crew for drying out the flooded basement on 3 more occasions since our Jan. 3<sup>rd</sup> meeting.

HIGHWAY DEPT: Since the last update on January 3<sup>rd</sup>, these events have taken place: The Board came out of Executive Session at 11:19; convened & voted on two motions:

- Councilor Hakes moves that the Town Attorney review and redact where legally required the Independent Accountant’s Report on Applying Agreed Upon Procedures (with respect to time record review) for disclosure in response to Foil requests received by the Town. This was seconded by Supervisor Paul.

Ayes – Scanlon, Hakes, Pollard, O’Hara and Paul

Carried

- Councilor Hakes moves that on or before January 13, 2014 the Supervisor is hereby authorized to release to the Highway Superintendent a copy of the “Independent Accountant’s Report on Applying Agreed Upon Procedures” ( with respect to Time and Record review) with an invitation to the Highway Superintendent to review and comment on or before January 23, 2014. This was seconded by Supervisor Paul.

Ayes – Scanlon, Hakes, Pollard, O’Hara and Paul

Carried

Sunday, January 5<sup>th</sup> a meeting took place with the Superintendent of Highways and his attorney. Fri. Jan. 10<sup>th</sup>, Sat. Jan. 11<sup>th</sup> and Sun. Jan. 12<sup>th</sup> I had conversations with 3 of the 4 highway employees. Today I met with the 4<sup>th</sup>. My intent, and I believe that of the Boards’, is to give any employee and opportunity to sit & discuss any concerns.

Our Attorney spoke with ADA Matthew Dotzler & was to have a meeting with him Fri. Jan. 10<sup>th</sup>—that never happened. The ADA was not available by phone to establish a time. Also, we are currently awaiting proposals from 2 HR firms regarding time keeping systems & harassment in the workplace training for ALL Town employees & elected officials.

FINANCIALS: We have not heard yet from OSC re their audit. So we will continue to add “ALL FINANCIAL NUMBERS SUBJECT TO INDEPENDENT AUDIT” until we are able to schedule an independent audit, if still needed. As soon as the bookkeeper is able to finish year-end financial requirements like W2, etc. the next priority is to finalize & file the 2010 AUD with the OSC (Office of the State Comptroller). I will be meeting t this Friday with the Key Bank Municipal Investment Specialist to discuss our accounts & our investment options.

CREEKWALK: Mayor Curtin will be at our Feb. 27th Workshop to update the Town Board & Town residents on the Creek walk.

**Items from the Board**

Councilor Scanlon mentioned that he and Don MacLachlan, Highway Superintendent, have started talking about the resurfacing of the basketball court.

Councilor O'Hara would like to make it so that once the report from the investigation is released, it be made public without having to FOIL it. Jim Gascon, Town Attorney stated that his office has to take a look at it first to protect Town employees.

Tracie Barnes stated that if they are looking at a computerized time card system, be sure the system is compatible with her computer.

**Items from the Floor**

A resident from South Street read a letter stating what her family has gone through since this whole Highway Department investigation has started. Supervisor Paul asked if she and her husband would like to sit down with her and discuss anything.

A resident from Deer Path Circle stated that we are public employees and therefore the report should be made public.

A resident from Paul Street questioned that amount of money that the Town has already paid the attorney, and what the projected cost is going to be moving forward.

A discussion ensued regarding who pays attorney fees if no charges are found.

Councilor Hakes made a motion seconded by Councilor Scanlon to adjourn the Marcellus Town Board meeting at 8:20 P.M.

Ayes – Scanlon, Hakes, Paul, O'Hara and Pollard

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk