

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

May 11, 2015

A Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, May 11, 2015 in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Mary Jo Paul, Supervisor
Kevin F. O'Hara, Councilor
John Scanlon, Councilor
Karen Pollard, Councilor
Chris Hunt, Councilor

Also present: Jim Gascon, Town Attorney; Susan Dennis, Deputy Town Clerk; Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation Director; Christopher Mallone, Skaneateles Journal; Tom Lathriop, Mike Ossit, Josh Kimber, Brian Stanski, Bill Southern, Adam Molinari, Chris Brizzi, Victor Stashuy, Matt Odell, Collen Conden, Mike Ossit, Adella Robert, Ryan McVey, Bernard Montgomery, Mike Siddall and Sandy Taylor, Town Clerk.

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

Public Hearing – Local Law A-2015 – A Local law Amending the Town of Marcellus Zoning Law of 2009 to Amend Requirements of Permitted Accessory Buildings in Residential and Agricultural Zones within the Town of Marcellus.

Supervisor Paul asked if anyone had anything to say in favor or against Local Law A-2015. No one had any comments. The Public Hearing for Local Law A-2015 was closed at 7:05

Public Hearing – Local Law B -2015 – A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend the Minimum Size of Dwelling Areas in R-1 and R-2 Residential Zones Within the Town of Marcellus.

Supervisor Paul asked if anyone had anything to say in favor or against Local Law B-2015. No one had any comments. The Public Hearing for Local Law B-2015 was closed at 7:10.

A motion was made by Councilor O'Hara and seconded by Councilor Scanlon to amend the agenda to add a number 13 that will be General Update.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

MINUTES: A motion was made by Councilor Pollard and seconded by Councilor O'Hara to accept the Town Clerk's minutes from April 13 and April 23, 2015.

Ayes – Scanlon, Hunt, Paul, O'Hara and Pollard Carried

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #5 as of May 6, 2015. Claims #142095- 142116 and 142118 – 142156.

	<u>Expenses</u>
General Fund	\$21,603.54
General Fund – Part Town	37.27
Highway – Town Wide	6,522.01
Highway – Part Town	11,739.02
Fire District	170,661.00
Sewer District	160,954.94
Trust and Agency	<u>304.00</u>
 Total	 \$371,821.78

Bills paid between meetings: The following bills were paid on May 7, 2015. NYSEG bills totaling \$383.26 and ProShred for \$360.00. Voucher Numbers 142087 – 142094.

Board Members were given copies of the Activity Report as of May 5, 2015.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$225,641.95	\$866,113.67
General Fund – Part Town	8,728.08	135,499.87
Highway – Town Wide	54,032.10	296,001.90
Highway – Part Town	61,912.85	337,952.82
Fire District	77.25	193,723.50
Hydrant Fund	15.28	10,716.35
Ambulance Fund	88.55	128,713.50
Sewer District	39.79	8,938.44
Water District	21,125.90	99,152.18

Councilor Scanlon made a motion seconded by Councilor Hunt to approve and pay the bills and approve the monthly activity report as of May 6, 2015.

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

Carried

The Public Hearing was reopened at 7:25 for the adoption of Local Law A - 2015 and Local Law B-2015.

Adoption of Local Law A – 2015: Supervisor Paul read the Onondaga Planning Board Resolution regarding Local Law A – 2015 and Jim Gascon, Town Attorney, went through the SEQR for Local Law A – 2015.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

May 11, 2015

The following resolution was offered by Councilor Pollard, who moved its adoption, seconded by Supervisor Paul, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2015, “A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend Requirements of Permitted

Accessory Buildings in Residential and Agricultural Zones Within the Town of Marcellus,” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on April 13, 2015; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of May, 2015, 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 of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2015 is Type I Action for purposes of environmental review under SEQRA; and

WHEREAS, on April 13, 2015 the Town Board further declared the Village of Marcellus; Town of Onondaga; Town of Camillus; Town of Skaneateles; Town of Elbridge; Town of Otisco; Town of Spafford; Onondaga County Planning Board; Syracuse-Onondaga County Planning Agency; New York State Department of Environmental Conservation, Region 7; and New York State Department of Agriculture and Markets as interested agencies for purposes of environmental review under SEQRA; and

WHEREAS, the Board determined that a full environmental assessment form (EAF) would be required in connection with this matter; and

WHEREAS, the aforementioned EAF has been prepared and has been reviewed by the Board; and

WHEREAS, the Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria; and

WHEREAS, it is in the public interest to enact said proposed Local Law No.A-2015.

NOW, THEREFORE, it is

RESOLVED, that proposed Local Law No. A-2015 will not have a significant adverse effect on the environment and this resolution hereby adopts a Negative Declaration (attached hereto and incorporated by reference) for purposes of SEQRA; and it is further

RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. A-2015 as Local Law No. 1-2015 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 1 of 2015**

**A LOCAL LAW AMENDING THE TOWN OF MARCELLUS ZONING LAW OF 2009 TO AMEND
REQUIREMENTS OF PERMITTED ACCESSORY BUILDINGS
IN RESIDENTIAL AND AGRICULTURAL ZONES**

WITHIN THE TOWN OF MARCELLUS

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

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. AMENDMENTS TO SECTION 7 (“R-1 RESIDENTIAL ZONE”), SUBPARAGRAPH (A) (“PERMITTED PRINCIPAL USES”), SUBSECTION (J).

The Town of Marcellus Zoning Law is hereby amended by deleting Section 7, Subparagraph (A), Subsection (j) in its entirety.

SECTION 3. AMENDMENTS TO SECTION 7 (“R-1 RESIDENTIAL ZONE”), SUBPARAGRAPH (B) (“PERMITTED ACCESSORY USES”), OF THE TOWN OF MARCELLUS ZONING LAW.

The Town of Marcellus Zoning Law is hereby amended by adding a new Subsection 9 to Section 7, Subparagraph (B) as follows:

- “9. Permitted accessory buildings not exceeding 160 square feet in area.
 - a. The use shall be consistent with and subordinate to the principal use and may not be carried on independently of the principal use.
 - b. Accessory buildings over 160 sq. ft. in area are allowed upon the issuance of a special use permit pursuant to Section 25.
 - c. The use must conform to applicable lot and building limitations. (See Section 6a, Note 4).”

SECTION 4. AMENDMENTS TO SECTION 8 (“R-2 RESIDENTIAL ZONE LAKE SHORE”), SUBPARAGRAPH (B) (“PERMITTED ACCESSORY USES”), SUBSECTION (1) OF THE TOWN OF MARCELLUS ZONING LAW.

The Town of Marcellus Zoning Law is hereby amended by deleting Section 8, Subparagraph (B), Subsection (1) in its entirety and replacing it with a new Subsection (1) as follows:

- “1. All accessory uses permitted in R-1 zone, except that permitted accessory buildings may not contain more than 120 square feet in area, must be limited to one story and must be at least 3 feet from the side and rear lot lines and meet front setback requirements. (See Section 6a, Note 3).”

SECTION 5. AMENDMENTS TO SECTION 10 (“R-4 RESIDENTIAL ZONE”), SUBPARAGRAPH (B) (“PERMITTED ACCESSORY USES”), SUBSECTION (1) OF THE TOWN OF MARCELLUS ZONING LAW.

The Town of Marcellus Zoning Law is hereby amended by deleting Section 10, Subparagraph (B), Subsection (1) in its entirety and replacing it with a new Subsection (1) as follows:

- “1. All accessory uses permitted in R-1 zone, except for Bed and Breakfast, subject to the same requirements as specified, except that permitted accessory buildings may not contain more than 120 square feet in area, must be limited to one story and must be at least 3 feet from the side and rear lot lines and meet front setback requirements. (See Section 6a, Note 3).”

SECTION 6. AMENDMENTS TO SECTION 11 (“A-1 AGRICULTURAL ZONE”), SUBPARAGRAPH (A) (“PERMITTED PRINCIPAL USES”), SUBSECTION (1) OF THE TOWN OF MARCELLUS ZONING LAW.

The Town of Marcellus Zoning Law is hereby amended by deleting Section 11, Subparagraph (A), Subsection (1) in its entirety and replacing it with a new Subsection (1) as follows:

“1. All principal uses permitted in R-1 zone, subject to the same requirements as specified.”

SECTION 7. AMENDMENTS TO SECTION 11 (“A-1 AGRICULTURAL ZONE”), SUBPARAGRAPH (B) (“PERMITTED ACCESSORY USES”), SUBSECTION (1) OF THE TOWN OF MARCELLUS ZONING LAW.

The Town of Marcellus Zoning Law is hereby amended by deleting Section 11, Subparagraph (B), Subsection (1) in its entirety and replacing it with a new Subsection (1) as follows:

“1. All accessory uses permitted in R-1 zone, subject to the same requirements as specified. However, a special use permit need not be obtained for such accessory buildings used in connection with an operating agricultural farm.”

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. EFFECTIVE DATE.

This 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, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Chris Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 11, 2015

Adoption of Local Law B – 2015: Supervisor Paul read the Onondaga Planning Board Resolution regarding Local Law B – 2015.

The Public Hearing on Local Law A and Local Law B closed at 7:45.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

May 11, 2015

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2015, “A Local Law Amending the Town of Marcellus Zoning Law of 2009 to Amend the Minimum Size of Dwelling Areas in R-1 and R-2 Residential Zones Within the Town of Marcellus,” which local amends the minimum size of dwelling areas in R-1 and R-2 Residential Zones within the Town of Marcellus was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on April 13, 2015; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of May, 2015, 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 of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. B-2015 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2015.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. B-2015 as Local Law No. 2-2015 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 2 of 2015**

**A LOCAL LAW AMENDING THE TOWN OF MARCELLUS ZONING LAW OF 2009 TO AMEND THE
MINIMUM SIZE OF DWELLING AREAS IN R-1 and R-2 RESIDENTIAL ZONES WITHIN THE TOWN OF
MARCELLUS**

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

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. AMENDMENTS TO SECTION 6a (“LOT AND BUILDING LIMITATIONS”), OF THE TOWN OF MARCELLUS ZONING LAW.

Section 6a “Lot and Building Limitations” of the Town of Marcellus Zoning Law is hereby amended to modify the minimum size of dwelling areas in R-1 Residential Zones from 600 sq. ft. in area to 900 sq.ft. in area.

SECTION 3. AMENDMENTS TO SECTION 6a (“LOT AND BUILDING LIMITATIONS”), OF THE TOWN OF MARCELLUS ZONING LAW.

Section 6a “Lot and Building Limitations” of the Town of Marcellus Zoning Law is hereby amended to modify the minimum size of dwelling areas in R-2 Residential Zones from 900 sq. ft. in area to 600 sq. ft. in area.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This 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, the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Chris Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 11, 2015

Recreation Agreement: A motion was made by Councilor O’Hara and seconded by Councilor Pollard to approve the following recreation agreement.

Concert:

Rhythm’n’Shoes Thursday, July 9, 2015 \$350.00

Ayes - Scanlon, Hunt, Paul, O’Hara and Pollard Carried

Highway Department Vehicle Plug-In Policy: Councilor Scanlon made a motion seconded by Supervisor Paul to add the following policy to the employee handbook.

Highway and Park Department Employees may plug in engine warmers for their personal vehicles, during work hours, at the respective garages during cold weather (November 1st through April 15th) with a yearly fee to be established by the Marcellus Town Board. The Bookkeeper will bill each employee in September with a deadline for payment (either cash or check) by October 1st.

It is understood that any damage to personal vehicles will be the sole responsibility of the employee and the Town will be held harmless of any damage.

EMPLOYEE HANDBOOK, page 500 – 7

509 SUPPLIES, TOOLS EQUIPMENT & FUEL

Ayes – Scanlon, Hunt, Paul, O’Hara and Pollard Carried

Supervisor Paul made a motion seconded by Councilor Scanlon to approve charging \$10.00 per employee for the 2015 – 2016 year to plug in their vehicles.

Ayes – Scanlon & Paul Nays – Hunt, O’Hara and Pollard Denied

Councilor Pollard made a motion seconded by Councilor Hunt that there be no charge per employee for the 2015-2016 year to plug in their vehicles.

Ayes – Hunt, O’Hara and Pollard Nays – Scanlon and Paul Carried

One Load Trash Permits: Supervisor Paul made a motion seconded by Councilor O’Hara to have a one-load trash permit starting in the Spring of 2016 for \$10 a car load.

Ayes – Scanlon, Paul and O’Hara Nays – Hunt and Pollard Carried

Storm Water Update: John Houser, Codes Officer, gave a brief update on the Storm Water Project. He will be on the May 28, 2015 Workshop meeting to go into more detail.

Codes Officer to attend Workshop: Councilor O’Hara made a motion seconded by Councilor Hunt for John Houser, Codes Officer, to attend a Safety and Fire Considerations for Solar PV workshop. The workshop is May 28, 2015 from 9:00 am – 12:00 noon in Syracuse. This is a free workshop so the cost to the Town would be mileage only.

Ayes – Scanlon, Hunt, Paul, O’Hara and Pollard Carried

County Purchasing: Supervisor Paul stated that once we sign an IMA (Intermunicipal Agreement) with the county, the Town will be able to obtain a 1% saving when purchasing items. Don MacLachlan, Highway Superintendent, purchases sand, salt, gas and other items right now at a savings. Councilor Hunt made a motion seconded by Councilor Pollard to have Supervisor Paul sign the three certifications (with the Attorneys added wording “Subject to review and acceptance of the written plan”).

Ayes - Scanlon, Hunt, Paul, O’Hara and Pollard Carried

Waiver of Liquor License:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED
BY THE NEW YORK STATE LIQUOR AUTHORITY**

Motion made by: Councilor O’Hara
Seconded by: Councilor Scanlon

WHEREAS, Peppino’s Bristo 72, Inc. (hereinafter “Peppino’s”) has notified the Town of Marcellus that it intends to apply for a liquor, wine and beer license for premises located at 2814 West Seneca Turnpike, Marcellus, New York 13108; and

WHEREAS, pursuant to Alcohol Beverage Control Law § 110-b, an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; and

WHEREAS, Peppino’s has requested that the Town waive the thirty (30) day notification required by the New York State Liquor Authority in an effort to expedite the application for the liquor license to Peppino’s from the New York State Liquor Authority; now therefore be it

RESOLVED, that the Town Board of the Town of Marcellus, be and hereby offers no objection to and waives the thirty (30) day notice period in regard to the application by Peppino’s for a liquor, wine and beer license from the New York State Liquor Authority, allowing to expedite submission of the license application; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Michael S. Banks as Agent for the Applicant and to Peppino’s at 2814 West Seneca Turnpike, Marcellus, New York 13108.

The question of the adoption of the foregoing resolution was duly put to a vote and the vote was as follows:

John Scanlon	Councilor	Voted	Yes
Christopher Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes
Mary Jo Paul	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: May 11, 2015

Liaisons Official Report:

Councilor Hunt reported that they had the first safety meeting and the second one is coming up in July.

Councilor Scanlon stated that there is nothing new with the Fire Department and MAVES.

Councilor O'Hara stated that the Pickle Ball discussion is still continuing.

Councilor Pollard stated that she had no report regarding the Planning/Zoning Department.

General Update: Ed Hinchey, the Forensic Hydrogeologist, sent through a proposal. Not all of the Councilor's received. They will discuss this proposal at the Workshop Meeting.

Supervisors Updates: Supervisor Paul stated that she has contacted the DEC regarding the acetone in soil. They replied that it is still an ongoing investigation and it will be finished soon. The Town will be notified when the investigation is finished.

Items from the Board: Councilor Pollard asked what is going on with the Time Warner Contract. Jim Gascon, Town Attorney, stated that he has not yet heard back from Time Warner.

Items from the Floor: Phil Coccia, Recreation Director, gives a big thank you to the Highway Department, Tom Murphy for all the flowers and Sandy Elsey for all the work she did on the brochure for summer.

Don MacLachlan, Highway Superintendent, stated that some of the "Welcome to Marcellus" signs are getting worn down. They keep patching them up, but at some point the Board might want to consider purchasing new signs.

Councilor O'Hara stated that Shred Day was slow this year. Next year we will have to advertise it better.

Councilor Pollard made a motion seconded by Councilor Hunt to adjourn the Town Board Meeting at 9:00 pm.

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

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk