

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

February 8, 2016

A Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, February 8, 2016, in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Karen Pollard, Supervisor
Kevin F. O’Hara, Councilor
John Cusick, Councilor
Chris Hunt, Councilor
Laurie Stevens, Councilor

Also present: Jim Gascon, Town Attorney; Phil Coccia, Recreation Director; Don MacLachlan, Highway Superintendent; Ellen Leahy, Skaneateles Journal; Tom Lathrop, Bill Southern, Frank Eibert, Chris Christenson, Karen Cotter, John Scanlon, Bernie Montgomery, Susan Dennis, Deputy Town Clerk and Sandy Taylor.

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

Councilor O’Hara made a motion seconded by Councilor Hunt to accept the Town Clerks minutes from the January 4, 2016, Organizational Meeting, the January 11, 2016 Town Board Meeting and the January 28, 2016 Town Board Workshop Meeting.

Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #2 as of February 1, 2016. Claim #'s 143546-153558, 143560-143567, 143569-143578, 143595-153598.

	<u>Expenses</u>
General Fund	\$ 20,098.44
General Fund – Part Town	42.40
Highway – Town Wide	2,723.23
Highway – Part Town	458.65
Sewer District	<u>107,407.00</u>
Total	\$130,729.72

Bills paid between meetings: The following were paid on Feb. 2, 2016

<u>Voucher</u>	<u>Company</u>	<u>Amount</u>
143587	Constellation	\$ 3.81
143588	Constellation	20.38
143589	Constellation	3.13
143590	Constellation	2.90
143591	Constellation	1.27
143592	Constellation	.07
143593	Constellation	169.19
143594	Constellation	<u>80.85</u>
Total		\$281.60

Board Members were given copies of the Activity Report as of January 28, 2016.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$1,087,263.17	\$1,276,660.61
General Fund – Part Town	8,854.55	191,201.43
Highway – Town Wide	378,482.00	690,317.85
Highway – Part Town	536,885.00	530,035.00
Fire District	73,492.00	439,574.45
Hydrant Fund	901.00	3,160.00
Ambulance Fund	00.00	210,387.00
Sewer District	00.00	121,207.00
Water District	42,603.00	137,635.00

Budget Transfers:

From: A.230	Unemployment Reserve	\$83.35
To: A.9050.8000	Unemployment Insurance	\$83.35

Councilor Stevens made a motion seconded by Councilor Cusick to approve and pay the bills, approve the monthly activity report as of January 28, 2016, and the Budget Transfer.

Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

New Business:

Highway: Councilor Stevens made a motion seconded by Councilor Hunt that Don MacLachlan, Highway Superintendent, purchase two trucks, a 2014 Terrastar 4 x 4 at a cost of \$128,006.64 and a 2015 Terrastar 4 x 4 Extended cab at a cost of \$128,006.64.

Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Ayes

Trash Days: Councilor Stevens made a motion seconded by Councilor O’Hara to set the Trash days for Fridays, April 29, May 6 and 13th and Saturdays April 30, May 7 and 14, 2016.

Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Ayes

Review MAVES Call Report/Financials for 2015: MAVES submitted their Quarterly report from Oct. 1 – Dec. 31, 2015 and their Profit & Loss information for 2015. This was for the Boards review no action required.

Olde Home Days Request: Councilor Hunt made a motion seconded by Councilor Cusick to approve the request from the Olde Home Days Committee to use the Town’s parking lot at 24 East Main Street, as well as the vacant lot formerly occupied by the Yuhas building at 22 East Main street, during the Olde Home Days celebration June 3 – 5, 2016. The Committee is also reserving the upper Marcellus Park including the baseball diamond from Monday May 30 thru Monday June 6 for the rides to be set up. The Committee also request to use of the lower park on Sunday, June 5, 2016 for the Antique Car Show.

Ayes- Pollard, Stevens, Hunt, O’Hara and Cusick Ayes

Storm Water – John Houser: Codes Officer John Houser, presented information on the Storm Water and what he needs to do as Codes Officer. He is asking if anyone sees any illicit discharge into the storm water drains to notify him immediately.

Resolution – Paper Mill: Councilor Stevens made a motion seconded by Councilor O’Hara to appoint Gerard E. Wickett as the Hearing Officer for the condemnation of the Paper Mill.
Ayes- Pollard, Stevens, Hunt, O’Hara and Cusick Ayes

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

February 8, 2016

Upon motion of Councilor O’Hara, seconded by Councilor Hunt, the following motion was made:

WHEREAS, the structure (the “Structure”) located on the premises at 4747 North Street Road, Marcellus, New York (the “Property”) has deteriorated to a state of disrepair due to the want of care and maintenance of the property owner; and

WHEREAS, the Property is owned by Joseph P. King (hereinafter referred to as the “Owner”); and

WHEREAS, by letter dated March 28th, 2012, the Town of Marcellus Code Enforcement Officer (“CEO”) informed the Owner the Structure was unsafe in its current state, requiring either reconstruction or demolition; and

WHEREAS, the Owners took no action to remediate the Structure in response to the March 28th, 2012 letter; and

WHEREAS, on January 24th, 2014 the CEO sent the Owner a “Notice of Violation” (the “Notice”) regarding the Property, informing him that the Structure located thereon was in a state of severe disrepair; and

WHEREAS, the Notice specifically advised the Owner the Structure was in violation of the Property Maintenance Code of New York State, Section 302, and

WHEREAS, the Notice further advised the Owner that he must eliminate the violations by July 1st, 2014 or submit a plan for bringing the property into compliance in a reasonable time frame; and

WHEREAS, the Owner did not respond or take remedial action in accordance with the time frames provided for in the Notice; and

WHEREAS, pursuant to the Notice and Local Law #3 of 2007, the CEO initiated the Town of Marcellus condemnation process with respect to the Property and Structure located thereon; and

WHEREAS, in accordance with Local Law #3 of 2007, on July 8th, 2015, the CEO caused to be made a formal inspection of the property by the Town's engineers, TDK Engineering Associates, P.C. ("TDK"); and

WHEREAS, following the inspection, TDK prepared a Building & Property Assessment Summary Report dated October 2nd, 2015 wherein TDK concluded the Structure was unsafe due to the age of the building, lack of proper building maintenance, rot and corrosion, and uncontrolled removal of steel framing members; and

WHEREAS, based on its findings as set forth in the Assessment, TDK recommended that the "Town of Marcellus implement a condemnation of the building and subsequently demolish the structure"; and

WHEREAS, despite all of the foregoing, the Owners have taken no action to repair the Property or the Structure located thereon, or demolish the same, and

WHEREAS, the Property and Structure located thereon represent a danger to the public health, safety and general welfare of the community; and

WHEREAS, Local Law #3 of 2007, authorizes the Town Board to appoint a hearing officer to review the determination of the CEO and TDK Construction that the Structure be condemned and demolished as an "unsafe or dangerous structure," as that term is defined in Local Law #3 of 2007; and

WHEREAS, it is in the best interest of the Town and its residents that the Structure located on the Property be condemned and demolished pursuant to Local Law #3 of 2007; and

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, the Town Board hereby declares the Property and Structure located thereon to be a public nuisance which poses a danger to the health, safety and general welfare of the community; and it is further

RESOLVED AND DETERMINED, the Town Board hereby adopts the CEO's conclusion that the Structure is an "unsafe or dangerous" as that term is defined by Local Law #3 of 2007; and it is further

RESOLVED AND DETERMINED, the Town Board hereby adopts the recommendation of TDK that the Structure be demolished; and it is further

RESOLVED AND DETERMINED, that a hearing shall be held at the Marcellus Town Hall located at 24 East Main Street, Marcellus, New York 13108 before Hearing Officer, Gerard E. Wickett, on Thursday, March 10, 2016 at 7:00 p.m., or at anytime thereafter as may be set by the Hearing Officer, to review the determination of the CEO that the Structure is an "unsafe or dangerous structure" as that term is defined in Local Law #3 of 2007 and the demolition thereof; and it is further

RESOLVED AND DETERMINED, the Town Board authorizes and directs the Town Attorney to prepare and serve a condemnation notice on the record owners of the Property and Structure as well as all parties with an interest in said Property and Structure in accordance with Local Law #3 of 2007.

The question of the adoption of the foregoing Resolution was duly put to a vote and upon roll call, the vote was as follows:

Karen Pollard	Supervisor	Voted	Aye
Chris Hunt	Councilor	Voted	Aye
Kevin O'Hara	Councilor	Voted	Aye
Laurie Stevens	Councilor	Voted	Aye
John Cusick	Councilor	Voted	Aye

Resolution duly adopted as amended.

Dated: February 8, 2016

Department Liaisons: Supervisor Pollard assigned each of the Town Board members a Department for which they are the liaison.

Councilor Stevens – Fire Department

Councilor Hunt – MAVES

Councilor Cusick – Recreation

Councilor O’Hara - Codes

Discussion Agenda

Items from the Board

Supervisor Pollard stated that there is a Consensus Meeting at the Camillus Town Hall on Wednesday, February 10, 2016 from 6:00 pm to 7:30.

Jim Gascon, Town Attorney, stated that in the future, the Planning Board may be asking the Town Board to pass a law regarding Solar Panels.

Items from the Floor

Phil Coccia, Recreation Director, gave the Board Members a copy of a sign that will be hung up at The Park entrance. The sign says “Town of Marcellus Park, Established August 1936, Town acquired park on August 8, 1995”. He would like the Board to think about if they would like more information on the sign or not. This will be put on the Workshop Meeting Agenda for Feb. 25, 2016 for more discussion.

Councilor Hunt made a motion seconded by Councilor Cusick to adjourn the Marcellus Town Board meeting at 7:35 P.M.

Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk