

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES
September 12, 2016

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, and State of New York was held on September 12, 2016 in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

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

Also present: John Houser, Codes Officer; Jim Gascon, Town Attorney; Don MacLachlan, Highway Superintendent; Bill Southern, Ashalin Chunco, Elizabeth Kelsey-Gossard, Susan Dennis, Deputy Town Clerk and Sandy Taylor, Town Clerk.

Supervisor Pollard opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag.

Minutes: Councilor Cusick made a motion seconded by Councilor Stevens to accept the Town Clerks minutes from the August 8, 2016 Regular Town Board Meeting and the August 25, 2016 Workshop Meeting as amended. The changes are as follows, the August 8th meeting, John Scanlon was present, at the August 25th meeting, the mower would bring in about \$500. It is not a hand mower.

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

In talking about the New Code Resolution, Town Attorney Jim Gascon stated that we will not have to pass a resolution because the Town will be following the New York State Codes which will follow the International Code. Mr. Gascon will double check this as a result of a question Mr. Houser (Codes Officer) brought up.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #9 as of September 8, 2016, Claims #144527-144576.

	<u>Expenses</u>
General Fund	\$ 43,781.10
General Fund – Part Town	350.28
Highway – Town Wide	2,818.99
Highway – Part Town	60,018.94
Fire District	10,447.75
Ambulance Fund	2,576.25
Trust & Agency	<u>24.00</u>
Total	\$120,017.31

Councilor Stevens made a motion seconded by Councilor Cusick to approve and pay the bills and accept the Revenue/Expense Control Report.

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

Bills paid on September 6, 2016:

<u>Voucher Number</u>	<u>Company</u>	<u>Amount</u>
144520	NYSEG	\$ 23.60
144521	NYSEG	24.38
144522	NYSEG	305.83
144523	Constellation	2.67
144524	Constellation	7.66
144525	Constellation	.06
144526	Constellation	<u>71.26</u>
	Total	\$435.46

NEW BUSINESS:

Purchase of a New Mower – Highway Department: Councilor Stevens made a motion seconded by Councilor Cusick to approve the purchase of a new New Holland H6740 mower from Main and Pinckney Equip, Inc. The cost for the mower is \$11,490.00.
Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

Chrysler Road Resolution:

TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
ESTABLISHING CHRYSLER ROAD AS A TOWN OWNED ROAD

September 12, 2016

At a duly convened and noticed meeting of the Town of Marcellus, Town Board, the following resolution was made by Councilor Stevens, and seconded by Councilor Cusick, the following motion was made:

WHEREAS, the Town has been maintaining a public highway in the Town commonly known as Chrysler Road for at least the past ten (10) years; and

WHEREAS, said maintenance has included, but not limited to, repair, maintenance, snow removal and signage; and

WHEREAS, the Town has labeled with appropriate signage said roadway as “Chrysler Road”; and

WHEREAS, New York State Highway Law Section 189 provides that all lands which shall have been used by the public as a highway for a period of ten (10) years or

more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway, and the town superintendent shall open all such highway to the width of at least three rods.

NOW, THEREFORE, it is

RESOLVED, the Town Board of the Town of Marcellus hereby declares Chrysler Road as a Town Highway and further that said road shall continue to be and is hereby open to the public; and it is further

RESOLVED, the Town of Marcellus Highway Superintendent is authorized and instructed to declare Chrysler Road a public highway which is to be owned and maintained by the Town of Marcellus.

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

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

Resolution duly adopted.

Dated: September 12, 2016

Creekwalk: Jim Gascon, Town Attorney, drafted a modification to the contract regarding the Town Highway helping the Village with the Creekwalk project. After some discussion the main points are that the Town would not have any claims against them from any homeowners and to put the Town on the Village insurance policy as additional insured. This is also to protect the workers if someone should get hurt. Mr. Gascon, will then present a new contract with these changes to the Board and also the Village.

Paper Mill Resolution:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 12, 2016

Upon motion of Councilor O'Hara, seconded by Councilor Cusick, the following motion was made:

WHEREAS, the structure (hereinafter the “Structure”) located at 4747 North Street Road, Marcellus, New York 13108 (hereinafter the “Premises”) is collapsing and deteriorating; and

WHEREAS, the Premises is owned by one Joseph King; and

WHEREAS, on January 24, 2014 the Town of Marcellus Code Enforcement Officer (hereinafter “CEO”) sent the said Joseph King a “Notice of Violation” stating that the Structure and was unsafe and unfit for human occupancy and ordering him to demolish the Structure or correct the violations by July 1, 2014; and

WHEREAS, the said Joseph King did not respond or take remedial action in accordance with the time frames provided for in the Notice of Violation; and

WHEREAS, pursuant to Local Law 3-2007, the CEO initiated the Town of Marcellus condemnation process with respect to the Structure; and

WHEREAS, in accordance with Town of Marcellus Local Law 3-2007 (hereinafter “Local Law 3-2007”), on July 21, 2014, the Town of Marcellus Code Enforcement Officer (hereinafter “CEO”) caused to be made a formal inspection of the Structure and the Premises by the Town’s engineers, TDK Engineering Associates, P.C. (hereinafter “TDK); and

WHEREAS, following the inspection, TDK prepared a written report pursuant to Local Law 3-2007, wherein TDK concluded the Structure was unsafe and poses a danger to the public due to, among other things, its compromised structural integrity and failing retaining wall systems, and recommended that the structure be demolished; and

WHEREAS, The CEO determined that the Structure is an “unsafe or dangerous structure” as that term is defined in Local Law 3-2007; and

WHEREAS, as a result of Joseph King’s continued failure to undertake any corrective action, public warnings in the form of temporary fencing and placards were erected by the Code Enforcement Office; and

WHEREAS, a notice was duly served upon the said Joseph King by means of Certified Mail, Return Receipt Requested, and by First Class U.S. Mail and posting, setting forth a description of the Premises, a statement of the particulars in which the Structure is unsafe or dangerous together with an order requiring compliance with the terms of said notice, and establishing March 10, 2016 at 7:00 p.m. at the Marcellus Town Hall as the time and place for a hearing on the matter before the Town Board; and

WHEREAS, according to the terms of said notice, the said Joseph King had until April 30, 2016 to completely correct and eliminate such conditions and the said Joseph King has failed to do so; and

WHEREAS, a hearing was conducted by this Town Board on March 10, 2016, to determine whether the Structure and the Premises are unsafe, and the Board having received the testimony of the CEO in support of his conclusion that the Structure Premises is an “unsafe or dangerous structure” as that term is defined in Local Law 3-2007, and having reviewed and thoroughly considered the written report prepared by TDK detailing the existing violations, and the said Joseph King, having appeared, offered no testimony or evidence to contradict the evidence presented by the CEO and the TDK report; and

WHEREAS, a public emergency has arisen out of the unforeseen circumstance of the Structure’s rapid deterioration, which has created an actual and immediate danger of the falling of the Structure, combined with the failure of the temporary fencing and warning placards to keep residents out of or away from the Structure, which emergency requires the immediate demolition of the structure, such that the demolition cannot await competitive bidding or competitive offering.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, by the Town Board of the Town of Marcellus, pursuant to the Town Law of the State of New York and the local laws of the Town of Marcellus, New York that:

1. The Structure on the Premises described in the preamble of this resolution is hereby declared an unsafe or dangerous structure and presents an actual and

immediate danger to the life, health, safety and general welfare of the public because the structure is so damaged, decayed, dilapidated, or structurally unsafe, that partial or complete collapse is possible in the near future.

2. The CEO is hereby authorized and directed pursuant to General Municipal Law § 103 (4) to obtain estimates and let contracts for the demolition and removal of the Structure located on the Premises and clearing the site of all debris and excavations filled and graded, pending the approval of this Town Board. Such demolition shall occur at the discretion of the CEO no later than sixty (60) days from the date of this determination.
3. All costs and expenses incurred by the Town of Marcellus, including reasonable legal expenses, shall be charged to and reimbursed by said Joseph King, as Owner of the Structure, or shall be assessed against the Premises upon which the Structure is located.

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

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

Resolution duly adopted.

Dated: September 12, 2016

Students coming into Park: Councilor O’Hara made a motion seconded by Councilor Stevens to grant the request from the teacher at Nottingham High School to come into the Park to do some stream testing. Either the Town Clerk or the Recreation Secretary will contact him and ask him to let us know when they are coming.
Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

Set Budget Workshop Meetings: Supervisor Pollard stated that the Board has to receive the Tentative Budget by October 5, 2016. Councilor Stevens made a motion seconded by Councilor Cusick to set a meeting date of October 4, 2016 at 5:00 to receive the Tentative Budget.
Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

Proposed Local Law – Flood Plan: Jim Gascon, Town Attorney, went through SEQR (State Environmental Quality Review) for the Proposed Local Law regarding Flood Damage Prevention in the Town of Marcellus. Councilor O’Hara made a motion seconded by Councilor Stevens to accept the SEQR as presented by the Attorney. Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

Resolution – introducing Proposed Law No. 2 – Flood Damage Prevention:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 12, 2016

TOWN OF MARCELLUS PROPOSED LOCAL LAW No. 2 OF THE YEAR 2016

Councilor Stevens introduced proposed Local Law No. 2 of the Year 2016, “A Local Law Amending Local Law No. 1 of Year 1987 to repeal the existing language and replace it with the following language relating to Flood Damage Prevention in the Town of Marcellus as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36,” which Local Law would adopt the latest flood insurance rate maps for the Town of Marcellus as published by the Federal Emergency Management Agency (FEMA), making appropriate properties eligible for the National Flood Insurance Program, and would revise the regulations related to lands thereby affected, and made the following motion, which was seconded by Councilor Hunt:

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, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, 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 New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an Unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

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

WHEREAS, the Town 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, said Local Law is a required enactment in order to ensure that all qualifying properties within the Town of Marcellus are eligible to participate in the National Flood Insurance Program, and to ensure the health and safety of the public and the surrounding environment by regulating and limiting development in certain flood prone areas of the Town; and

WHEREAS, the adoption of said Local Law will result in no physical disturbances or alterations to the physical environment, aesthetics, community character, or natural resources of the Town of Marcellus and, in fact, will aid in reducing such disturbances in certain flood prone areas within the Town.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. 2 of the Year 2016 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an

environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. 2 of the Year 2016 at the Marcellus Town Hall, 24 East Main Street, Marcellus, New York, on September 29, 2016 at 7:00 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: September 12, 2016

Workshop Date Change: Councilor Stevens made a motion seconded by Councilor Cusick to have the Workshop Meeting on September 29, 2016 instead of September 22, 2016. If the bookkeeper can have the Tentative Budget done, this will be handed out at the Sept. 29, 2016 meeting and there would be no need for the Oct. 4, 2016.

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

Carried

Withdrawal of Speed Limit Request: In February the Town received a request to lower the speed limit on Lawrence Road. The Board Members supported the request and sent a letter to the County with the resolution. The state has been notified and Lawrence Road is on their list to review. This resident has sent a letter withdrawing his request. After talking with the County and State, it is up to the Board if they want to withdraw the request. At this point, the Board is not going to do anything and let the State review the road to determine if the speed should be reduced.

Permission for Court Clerk to attend Convention: Councilor Hunt made a motion seconded by Councilor Stevens for the Court Clerk to attend the NYS Association of Magistrates Court Clerks Convention from Sept. 25 – Sept 28, 2016. The cost will include room and board of \$641.40 plus mileage. Money is available in the Courts Budget to cover these expenses.

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

Carried

Appointment – Board of Assessment Review: Councilor Stevens made a motion seconded by Councilor O’Hara to appoint Wayne Norris to the Board of Assessment Review Board. This is a five year term – 10/1/2016-9/30/2021.

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

Carried

Discussion Agenda

Items from the Board: Supervisor Pollard pointed out that the main interest on the Marcellus Town’s website is the concerts in the park.

Items from the Floor: Don MacLachlan, Highway Superintendent, asked about getting bids for a wash bay at the Highway Garage. This item will be on the Sept. 29, 2016 Workshop Agenda.

Councilor Cusick made a motion seconded by Councilor Stevens to adjourn the Marcellus Town Board meeting at 8:30 P.M.

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

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk