

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

December 12, 2016

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, December 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: Tom Lathrop, Mike Seymour, Riley Donovan, Alec Stasyuk, Sam Rice, Jerod Gates, Joshua Barnes, Bill Southern, Alex Henderson, Jake Schettine, Phil Coccia, Recreation Director; Robin Bolewski, Ellen Leahy, Western Onondaga County Journal; Mike Ossit, Deputy Highway Superintendent; Chris Christensen, Kern Linder, Brett Weiler, Eve Hughes, Jim Gason, Town Attorney; John Houser, Codes Officer; and Sandy Taylor, Town Clerk.

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

ACCEPTANCE OF MINUTES: Councilor O’Hara made a motion seconded by Councilor Stevens to accept the Town Clerks from the November 10, 2016 Regular Board Meeting and the November 28, 2016 Workshop Meeting.

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

APPROVE MONTHLY ACTIVITY:

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #12 as of December 8, 2016, Claims #144902-144928, 144937-144962.

	<u>Expenses</u>
General Fund	\$ 18,949.41
General Fund – Part Town	1,627.25
Highway – Town Wide	40,949.46
Highway – Part Town	1.99
Trust & Agency	<u>24.00</u>
Total	\$ 61,552.11

Board Members were given the Activity Report as of December 7, 2016.

	<u>Revenue</u>	<u>Expense</u>
General Fund	\$115,677.90	369,315.19
Part Town General	9,866.80	84,415.37
Townwide Highway	199,670.64	197,748.37
Part Town Highway	78,351.49	29,703.70

Fire District	73,280.09	21,308.50
Hydrant Fund	885.56	142.16
Ambulance Fund	35.45	00.00
Sewer District	11.05	600.00

Budget Adjustment:

From: A.230	Unemployment Reserve	\$195.64
To: A.9050.8000	Unemployment Insurance	\$195.64

Councilor Cusick made a motion seconded by Councilor Stevens to approve the Audit Report, the Monthly Activity and the Budget Adjustment.

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

RECREATION DEPARTMENT TRANSFERS:

Councilor Stevens made a motion seconded by Councilor O’Hara to approve the following Recreation Department Transfers. Phil Coccia, Recreation Director, requested these transfers.

From: A.7110.42 Park Recreation Contractual \$2,000	To: A.7310.1 Youth Salary
From: A.7110.13 Park Recreation Salary \$4,000	To: A.7310.1 Youth Salary
From: A.7620.4 Adult Recreation Contract. \$4,000	To: A.7310.1 Youth Salary

RESIGNATION FROM PLANNING/ZONING BOARD: Councilor Hunt made a motion seconded by Councilor Cusick to accept, with regret, the resignation of Robert Ciota from the Planning and Zoning Boards. His resignation is effective December 31, 2016.

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

CNY STORM WATER RESOLUTION: Councilor O’Hara made a motion seconded by Councilor Cusick to approve the following Resolution Supporting Participation in the CNY Stormwater Coalition Program.

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

**Resolution Supporting Participation in the
CNY Stormwater Coalition Staff Services and Education Compliance Assistance
Program**

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, The Town of Marcellus

(Legal Name of Municipality)

herein called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY The Town of Marcellus
(Governing Body of Municipality)

1. That Karen R. Pollard, Town Supervisor

(Name and Title of Chief Elected Official)

or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.
4. That this Resolution take effect immediately.

RENEWAL OF LAKESHORE EMPLOYEE TESTING: Councilor Stevens made a motion seconded by Councilor Cusick to approve the annual contract with Lakeshore Employee Testing Services, Inc. for 2017. The cost is \$330.00 for the year.
Ayes – Pollard, Stevens, Hunt, O'Hara and Cusick Carried

I-81 RESOLUTION: Supervisor Pollard received a request from the Town of Dewitt regarding the future of Interstate 81. The Town of Dewitt is asking each Town to send in a resolution stating that I-81 should stay the way it is and not direct traffic to 481. Jim Gascon, Town Attorney, stated that he will reword the resolution from the Town of Dewitt for the Town of Marcellus. This will be put on the agenda for the December 29, 2016 Workshop Meeting.

PAPER MILL: John Houser, Codes Officer, has received three bids from contractors for the demolition and asbestos removal at the Paper Mill. The bids are as follows:

Crisafulli	\$178,300
RJ Frost	\$258,000
Diversified	\$ 41,000

These quotes do not include a project/air monitoring consultant. The Town would have to contract with a project/air monitoring consultant to oversee field work, due to the presence of

asbestos-containing materials. The project/air monitoring consultant and the contractor for the demolition would have to coordinate their times on the project. John Houser, Codes Officer, will work on getting prices for the air monitoring and also insurance certificates from Diversified and the air monitoring company.

Councilor Stevens made a motion seconded by Councilor O'Hara to award the bid to Diversified for the demolition of the Paper Mill.

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

Carried

COMPENSATION REVISIONS: The original resolution stated that an FLSA (Fair Labor Standards Act) Non-Exempt/Salaried Employee may accumulate a maximum of 60 hours in compensatory credits. After some discussion from the Board, they decided on a maximum of 30 hours in compensatory credits. Below is the updated resolution that was voted on. As of this point, this does not affect the Highway Department as they are in negotiations for a Union contract.

**Resolution of the Town Board of the Town of Marcellus Amending
Section 702 of the Town of Marcellus Employee Handbook
December 12, 2016**

A motion was made by Councilor O'Hara to adopt the following Resolution and the motion was seconded by Councilor Hunt;

WHEREAS, the Town of Marcellus Employee Handbook governs the conduct of Town employees; and

WHEREAS, the Handbook sets forth the rules and regulations pertaining to overtime and compensatory time at Section 702 of said Handbook; and

WHEREAS, it is the desire of the Town to clarify the rights and responsibilities of the Town managers and employees with respect to the application of compensatory time and further the desire of the Town to have its policies comply with Fair Labor Standards Act and all other statutes, rules and regulations pertaining thereto.

NOW, THEREFORE, be it

RESOLVED, Section 702 Overtime/Compensatory Time of the Town of Marcellus Employee Handbook is hereby withdrawn and deleted and is hereby replaced by the following:

“702 Overtime / Compensatory Time

Authorization - A Department Head/Superintendent of Highways may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head/Superintendent of Highways before working additional hours.

FLSA Non-Covered and Exempt Employees - In accordance with the Fair Labor Standards Act, FLSA non-covered and exempt employees will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

FLSA Non-Exempt/Hourly Employees - In accordance with the Fair Labor Standards Act, a FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek. Compensatory Time - With pre-authorization from the Department Head/Superintendent of Highways, a non-exempt/hourly employee will have the option of receiving "compensatory time" in lieu of paid overtime. When a non-exempt employee chooses to receive compensatory time, it will be calculated as time and one-half for all authorized time worked over forty hours in a given workweek. An employee may accumulate a maximum of 60 hours in compensatory time credits.; which may be carried forward from one calendar year to the next.

FLSA Non-Exempt/Salaried Employees – The Town should attempt to avoid any cash payment for overtime hours worked by this category of employees. Compensatory Time - A non-exempt/salaried employee will only receive "compensatory time" for any hours worked in excess of the employee's regularly scheduled workweek if the overtime is first approved in writing by the employee's Department Head. The employee will be credited with the equivalent of straight time for all such authorized excess time worked up to forty hours in a given workweek. The employee will be credited with the equivalent of time and one-half for all authorized time worked over forty hours in a given workweek. An employee may accumulate a maximum of 30 hours in compensatory time credits. All compensatory time credits must be used within ninety (90) days they are received or by year end, whichever occurs earlier. Any unused compensatory time credits will be paid to said employee upon the expiration of the time period described above.

Computing Overtime/Compensatory Time - Holidays are included as hours worked for the purpose of computing overtime/compensatory time. Lunch time is also included as hours worked for the purpose of computing overtime/compensatory time. Personal leave, vacation leave, sick leave, bereavement leave, jury duty leave, and military leave will not be included as time worked for the purpose of computing overtime/compensatory time.

Termination from Employment - An employee whose employment with the Town is terminated will receive cash payment for all unused compensatory credits to which the employee is properly entitled. Payment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.”

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	Yes
Christopher Hunt	Councilor	Voted	Yes
Kevin O’Hara	Councilor	Voted	Yes
John Cusick	Councilor	Voted	Yes
Laurie Stevens	Councilor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

DATED: December 12, 2016
Town of Marcellus Clerk

DISCUSSION AGENDA: There were no items from the Board or Floor. Supervisor Pollard reminded everyone that the Board will be meeting with the Attorney at the adjournment of the meeting.

ADJOURNMENT: Councilor Hunt made a motion seconded by Councilor Stevens to adjourn the Town Board Meeting at 7:55.

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

Respectfully submitted,

Sandy Taylor, Town Clerk