

TOWN OF MARCELLUS
TOWN BOARD WORKSHOP MEETING MINUTES

June 29, 2017

A Workshop Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Thursday, June 29, 2017, in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Karen R. Pollard, Supervisor
Kevin F. O'Hara, Councilor
Laurie Stevens, Councilor
John Cusick, Councilor

Absent – Chris Hunt, Councilor

Also present: Nick Cortese, Attorney for Town; Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation Director; Keith Ramsden, Park Crew Leader; John Houser, Codes Officer; Bill Southern and Sandy Taylor, Town Clerk.

Supervisor Pollard opened the meeting at 5:00 pm with the Pledge of Allegiance to the Flag.

BUSINESS AGENDA

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #6 as of June 27, 2017, Claims # 145744-145782, 145792-145799.

	<u>Expenses</u>
General Fund	\$44,393.53
Part Town General	202.49
Town Wide Highway	1,429.77
Part Town Highway	23,568.48
Sewer District	12,900.00
 Total	 \$82,494.27

Bills paid between meetings:

<u>Voucher #</u>	<u>Vendor Name</u>	<u>Amount</u>
145729	Excellus BC/BS	\$ 683.69
145730	Excellus BC/BS	\$ 18,256.14
145731	Excellus BC/BS	\$ 427.02
145732	Excellus BC/BS	\$ 640.53
145733	Simply Prescriptions	\$ 662.55

145734	Simply Prescriptions	\$ 441.70
145735-		
145742	NYSEG	\$ 404.03
TOTAL		\$21,515.66

Voucher # 145754 payable to Jim Kelley for \$500.00 was taken out. The concert for tonight has been canceled. The check will be voided.

Councilor Stevens made a motion seconded by Councilor Cusick to approve and pay the bills.

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

BUSINESS SESSION:

Permissive Referendum – Highway Garage Expansion:

**TOWN BOARD RESOLUTION
TOWN OF MARCELLUS**

SUBJECT TO PERMISSIVE REFERENDUM

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga and State of New York on June 29, 2017, at 5:00 P.M., there were:

PRESENT:	Karen Pollard	Town Supervisor
	Kevin O’Hara	Councilor
	John Cusick	Councilor
	Laurie Stevens	Councilor

WHEREAS, the Town Board and Town Highway Supervisor have determined that the construction of that portion of the Highway Garage expansion, consisting of the outer shell, sides and roof has become a necessary improvement for the Town; and

WHEREAS, the Town Board and Town Highway Supervisor have further determined that such improvement will benefit the Town of Marcellus Highway Department; and

WHEREAS, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, a capital reserve fund known as the “Capital Improvement Reserve Fund” for purposes of funding the construction of the outer shell, sides and roof of the Highway garage expansion for the betterment of the Town of Marcellus Highway Department; and

WHEREAS, such fund has been maintained in accordance with Section 10 of the General Municipal Law; and

WHEREAS, the Town Board of the Town of Marcellus has determined that Fingerlakes Construction, may be retained to construct the outer shell, sides and roof of the Highway garage expansion, in the Town of Marcellus Highway Garage for an amount not to exceed \$100,000.00, such amount to cover the cost of labor and materials.

NOW THEREFORE, BE IT RESOLVED, the Town of Marcellus Highway Supervisor is hereby authorized to expend an amount not to exceed \$100,000.00 from the Capital Improvement Reserve Fund to retain Fingerlakes Construction to construct the exterior shell of the building, including the roof with entry porch, complete with windows as per the construction drawings and plans pursuant to a public bid process; and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that pursuant to Section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the “Marcellus Observer,” a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor Stevens and seconded by Councilor O’Hara.

VOTE:	Karen Pollard	Town Supervisor	Aye
	Chris Hunt	Councilor	Absent
	Kevin O’Hara	Councilor	Aye
	John Cusick	Councilor	Aye
	Laurie Stevens	Councilor	Aye

Resolution duly adopted.
Dated: June 29, 2017
Sandy Taylor, Town Clerk, Town of Marcellus

Permissive Referendum – Ash Borer:

**TOWN BOARD RESOLUTION
TOWN OF MARCELLUS**

SUBJECT TO PERMISSIVE REFERENDUM

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga and State of New York on June 29, 2017 at 5:00 P.M., there were:

PRESENT:	Karen Pollard	Town Supervisor
	Kevin O'Hara	Councilor
	John Cusick	Councilor
	Laurie Stevens	Councilor

WHEREAS, the Town of Marcellus Parks Department has advised the Town Board of the Town of Marcellus of the Department's need to treat the Ash trees in the park to prevent Ash Borer beetles; and

WHEREAS, the Town of Marcellus Parks Department desires to acquire this treatment for the Ash trees; and

WHEREAS, the Town desires to contract with Onondaga County Soil and Water Conservation District at a contract price not to exceed Five Thousand Dollars and 00/100 Cents (\$5,000.00) ; and

WHEREAS, this is a price received by way of the Town's Procurement Policy; and

WHEREAS, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, a capital reserve fund known as the "Park Capital Reserve Fund" for purposes of funding for purchase of equipment, buildings and improvements for the physical betterment of the Town of Marcellus Park, such fund has been maintained in accordance with Section 10 of the General Municipal Law, and

WHEREAS, the Town Board of the Town of Marcellus is desirous of expending monies from the Park Capital Reserve Fund of the Town of Marcellus and to contract with the Onondaga County Soil and Water Conservation District to treat the Ash trees in the Park to prevent Ash Borer beetles, for an amount not to exceed \$5,000.00, such amount to cover the cost of labor and materials.

NOW THEREFORE, BE IT RESOLVED, the Town of Marcellus Town Supervisor is hereby authorized to enter into an agreement with the Onondaga County Soil and Water Conservation District to treat the Ash trees to prevent Ash Borer beetles at a price not to exceed Five Thousand Dollars and 00/100 Cents (\$5,000.00); and

BE IT FURTHER RESOLVED that the sum of Five thousand Dollars and 00/100 Cents (\$5,000.00), from the Park Capital Reserve Fund, be designated for expenditure in treatment of the Ash trees to prevent Ash Borer beetles; and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that pursuant to Section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the “Marcellus Observer,” a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor O’Hara and seconded by Councilor Cusick.

VOTE:	Karen Pollard	Aye
	Chris Hunt	Absent
	Kevin O’Hara	Aye
	John Cusick	Aye
	Laurie Stevens	Aye

Resolution duly adopted.

Dated: June 29, 2017

Sandy Taylor, Town Clerk

Town of Marcellus

Introduction Resolution – “Amending the Town of Marcellus Zoning Law of 2009 to Add a New Section Regulating the Siting and Construction of Solar Energy Systems Within the Town”

Nick Cortese, Attorney filling in for Jim Gascon, reviewed with the Board and the residents the Full Environmental Assessment Forms, Parts 1,2 and 3 before the resolution was read.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

June 29, 2017

TOWN OF MARCELLUS LOCAL LAW NO 10F THE YEAR 2017

(“A Local Law to Amend the Town of Marcellus Zoning Law of 2009 to Add a New Section Regulating the Siting and Construction of Solar Energy Systems Within the Town”)

Councilor O’Hara introduced proposed Local Law No. A of the Year 2017, “A Local Law to Amend the Town of Marcellus Zoning Law of 2009 to Add a New Section Regulating the Siting and Construction of Solar Energy Systems Within the Town,” which Local Law would add a new Subsection (N), entitled “Solar Energy Systems”, to Section 24 of the Town of Marcellus Zoning Law of 2009 and would permit and regulate the siting and construction of solar energy systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy, and made the following motion, which was seconded by Councilor Stevens:

WHEREAS, proposed Local Law No. A of the year 2017 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQRA; 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 SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the said full 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.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. A of the Year 2017 is a Type I 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 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 AND DETERMINED that the reasons for the foregoing negative declaration are as follows:

1. If adopted, proposed Local Law No. A of the Year 2017 will incorporate a new Subsection (N) into Section 24 of the Town of Marcellus Zoning Law of 2009 to be titled “Solar Energy Systems”, which would permit and regulate the siting and construction of solar energy systems in the Town of Marcellus in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

2. In reviewing and regulating the siting and use of certain solar energy systems and solar farms, the Town has recognized that a carefully coordinated special use permit and site plan review will be taken by both the Zoning Board of Appeals and Planning Board respectively.

3. In regulating the placement and use of solar energy systems, the Town-proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances.

4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties, especially residential neighbors, the proposed regulations provide that potential aesthetic impacts must be considered in the review process.

5. This local law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses.

6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others.

7. Enactment of proposed Local Law No. A of the Year 2017 will be more protective of the environment than the proliferation of solar energy systems in the absence of regulations.

8. Proposed Local Law No. A of the Year 2017 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

9.

RESOLVED AND DETERMINED that this Board adopts and incorporates into this Resolution the attached Notice of Negative Declaration and instructs counsel to make the required filing and publication of same; and it is further

RESOLVED AND DETERMINED that the Town Board will conduct a public hearing as to the enactment of proposed Local Law No A of the year 2017 at the Marcellus Town Offices located at 24 East Main Street in said Town on August 14, 2017 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, the vote was as follows:

Chris Hunt	Councilor	Absent	
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: June 29, 2017

Introduction Resolution – Enacting Updated Regulations for the Collection, Removal and Disposal of Solid Waste in the Town of Marcellus, and Repealing Local Law No. 1 of the Year 2009

Nick Cortese, Attorney filling in for Jim Gascon, reviewed the Short Environment Assessment Form before the resolution was read.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

June 29, 2017

TOWN OF MARCELLUS LOCAL LAW NO. 2 OF THE YEAR 2017

(“A Local Law Enacting Updated Regulations for the Collection, Removal and Disposal of Solid Waste in the Town of Marcellus, and Repealing Local Law No. 1 of the Year 2000”)

Councilor Cusick introduced proposed Local Law No. B of the year 2017, “A Local Law Enacting Updated Regulations for the Collection, Removal and Disposal of Solid Waste in the Town of Marcellus, and Repealing Local Law No. 1 of the Year 2000,” which Local Law, if enacted, would repeal the previous version of the Town’s solid waste collection, removal and disposal regulations and replace them with updated regulations, and made the following motion, which was seconded by Councilor O’Hara:

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 of 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.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED 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 AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. B of the year 2017 at the Marcellus Town Offices located at 24 East Main Street in said Town on August 14, 2017 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, the vote was as follows:

Chris Hunt	Councilor	Absent	
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: June 29, 2017

Recreation Agreements: Councilor Stevens made a motion seconded by Councilor Cusick to approve the following Recreation Contracts.

Recreation:

Ultimate Goal Soccer Camp July 24 – 27, 2017 DMS Playground Field
 Fee: \$25 per student based on enrollment

Concerts:

The Horn Dogs	June 29, 2017	\$500	-this concert was canceled
The Z Dogs	July 6, 2017	\$500	
Holy Smoke CNY	July 14, 2017	\$500	
Mere Mortals	Aug. 3, 2017	\$700	

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

Adjourn Business Session: Councilor Stevens made a motion seconded by Councilor Cusick to adjourn the Business Session of the meeting and start the Workshop Session at 5:30 pm.

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

WORKSHOP SESSION

Wrap up on Paper Mill: As of June 26, 2017, the amount of money spent on the Paper Mill is \$107,436.04. Supervisor Pollard is going to call Don Weber from the County to see what is eligible to be put on the Homeowners tax bill. We will be talking with the state regarding the Guard Rails and once NYS Dept. of Conservation checks everything out, a letter will go to the homeowner stating that everything is now his responsibility.

Truck for Park with Plow: The Park and the Highway Department both need a new truck. The attorney will draft up Permissive Referendum for the purchase of the Park Truck. The Highway Department has money budgeted. These will both be on the July 10th agenda.

Permission to sell Highway Trucks: The Park and Highway Departments both have trucks that need to be sold. This will be on the July 10th agenda to be approved by the board.

Discussion Agenda

Items from the Board: Supervisor Pollard stated that there is still talk about the Shared Services. She has received some e-mails about purchasing natural gas through BOCES and also a Regional Court System.

Don MacLachlan, Highway Superintendent, shared with the Board the Geo Pal that he and Mike Ossit have on their phones. Geo Pal creates a report telling what jobs they are on, who is working with them, the equipment used and the time that they did a particular project. The cost for this is \$650 per year per phone.

Items from the Floor: None

Adjourn: Councilor Cusick made a motion seconded by Councilor O'Hara to adjourn the Workshop Meeting at 6:05 pm.

Ayes – Pollard, Stevens, O'Hara and Cusick

Carried

Respectfully Submitted,

Sandy Taylor
Town Clerk

