

**TOWN OF MARCELLUS**  
**TOWN BOARD MEETING MINUTES**

August 14, 2017

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, August 14, 2017, 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: Jim Gascon, Town Attorney; John Houser, Codes Officer; Don MacLachlan, Highway Superintendent; Keith Ramsden, Park Crew Leader; Gary and Linda Wilcox, Bill Southern, Chris Christenson, Nancy Bunn, Tammy Sayre, Kay Kershaw, 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.

**PUBLIC HEARING – SOLAR LAW:** Supervisor Pollard stated that we have been going through this proposed law for some time. Jim Gascon, Town Attorney, added that this has been reviewed by the Planning/Zoning Boards as well. Supervisor Pollard then asked if there were any comments either for or against the proposed Solar Law. Hearing no comments from the floor or the board, the Public Hearing was closed at 7:05 p.m.

**PUBLIC HEARING – SOLID WASTE LAW:** Supervisor Pollard stated that the Town Board is replacing the Solid Waste Law from 2000. Supervisor Pollard then asked if there were any comments either for or against the proposed Solid Waste Law. Hearing no comments from the floor or the board, the Public Hearing was closed at 7:07 p.m.

**Minutes:** Councilor Hunt made a motion seconded by Councilor Stevens to accept the minutes from the July 10, 2017 Regular Meeting and the July 27, 2017 Workshop Meeting.  
Ayes – Pollard, Stevens, Hunt, O’Hara and Cusick Carried

**Approve Monthly Activity:** The Abstract of Audited vouchers were given to the Board Members as submitted by the Town Clerk. Abstract #8 as of August 10, 2017, Claim #'s 145946-146003 and 146013.

	<u>Expenses</u>
General Fund	\$ 34,214.72
Part Town General	180.41
Townwide Highway	5,921.51
Part Town Highway	137,059.82
Trust and Agency	<u>24.00</u>
 Total	 \$177,400.46

Board Members were given copies of the Activities Report as of August 8, 2017 for the Fiscal Year Periods 1 to 7.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,334,381.26)	707,943.65
Part Town General	( 205,599.66)	86,930.15
Town Wide Highway	( 402,829.29)	192,635.05
Part Town Highway	( 260,392.67)	131,735.23
Fire District	( 377,939.28)	364,267.00
Hydrant Fund	( 2,268.30)	889.41
Ambulance Fund	( 282,924.58)	220,423.50
Sewer District	( 130,410.87)	130,398.00
Water District	( 142,991.36)	83,067.97

**Budget Adjustments:**

From: A.7110.4000	Marcellus Park Contractual	\$1,830.13
To: A.7120.4000	Stone Mill Contractual	\$1,830.13

**Bank Balances:** The Total of all the Bank Accounts is \$3,208,791.93

Councilor Stevens made a motion seconded by Councilor Cusick to approve the Abstract of Audited Vouchers from August 10, 2017, the Activities Report from August 8, 2017 and the Bank Statement for June 2017.

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

**OLD BUSINESS:**

**PAPER MILL UPDATE:** John Houser, Codes Officer, spoke to the State Department of Transportation regarding Guard Rails at the site of the old Paper Mill. The Town cannot close off the driveway because it is not our property. This will be put on the August Workshop Agenda so that the cost of this project can be finalized.

**NEW BUSINESS:**

**Adopt Local Law – Solar Law:** Supervisor Pollard read the adoptive resolution for the proposed Solar Law.

**RESOLUTION  
MARCELLUS TOWN BOARD**

**August 14, 2017**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, Proposed Local Law A of the Year 2017 entitled, “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” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held August 14, 2017; and

**WHEREAS**, the Town Board held a public hearing to consider said Proposed Local Law A of the year 2017 on August 14, 2017, 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., 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.

**WHEREAS**, it is in the public interest to enact said Proposed Local Law A of the Year 2017.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Proposed Local Law A of the Year 2017 as Local Law 1 of the Year 2017 as follows:

**“TOWN OF MARCELLUS  
LOCAL LAW NO. 1 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**

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

**SECTION 1. LEGISLATIVE PURPOSE AND INTENT**

The purpose of this Local Law is to permit and regulate the 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.

**SECTION 2. AUTHORITY**

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

**SECTION 3. SOLAR ENERGY SYSTEM REGULATIONS**

The Town of Marcellus Zoning Law of 2009 is hereby amended to add a new Subsection N to Section 24 of said Zoning Code titled, "SOLAR ENERGY SYSTEMS", as follows:

N. SOLAR ENERGY SYSTEMS

1. **Purpose and Intent.** The Town of Marcellus recognizes that solar energy is a clean, readily available and renewable energy source that has become increasingly affordable. The Town of Marcellus has determined that comprehensive regulations regarding the development of Solar Energy Systems are necessary to protect the interests of the Town, its residents, and businesses. This Subsection is intended to promote the effective and efficient use of Solar Energy Systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.
2. **Applicability.** This Subsection shall apply to all Solar Energy Systems in the Town of Marcellus that are installed or modified after the effective date of this Subsection. All Solar Energy Systems that are installed or modified after the effective date of this Subsection shall be in compliance with all of the provisions hereof.
3. **Definitions.**
  - a. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** – A Solar Energy System incorporated into and becoming part of the overall architecture, design and structure of a building in manner that the Solar Energy System is a permanent and integral part of the building structure.
  - b. **FLUSH MOUNTED SOLAR ENERGY SYSTEM** – A Rooftop-Mounted Solar Energy System with Solar Panels which are installed flush to the surface of a roof and which cannot be angled or raised.
  - c. **GROUND MOUNTED SOLAR ENERGY SYSTEM** – A Solar Energy System that is affixed to the ground either directly or by mounting devices and which is not attached or affixed to a building or structure.
  - d. **NET-METERING** – A billing arrangement that allows solar customers to receive credit for excess electricity which is generated from the customer's Solar Energy System and delivered back to the grid so that customers only pay for their net electricity usage for the applicable billing period.
  - e. **QUALIFIED SOLAR INSTALLER** – A person who has skills and knowledge related to the construction and operation of Solar Energy Systems (and the components thereof) and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to

determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

- f. **ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM** – A Solar Energy System in which Solar Collectors/Panels are mounted on the roof of a building or structure either as a flush-mounted system or as panels fixed to frames which can be tilted to maximize solar collection. Rooftop-Mounted Solar Energy Systems shall be wholly contained within the limits of the building's or structure's roof surface.
- g. **SOLAR ACCESS** – Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.
- h. **SOLAR COLLECTOR** – A solar photovoltaic cell, panel, or array or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
- i. **SOLAR ENERGY SYSTEM** – A complete system of Solar Collectors, Panels, controls, energy devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy including but not limited to thermal and electrical, stored and protected from dissipation and distributed. For purposes of this Subsection, a Solar Energy System does not include any Solar Energy System of four square feet in size or less.
- j. **SOLAR FARMS** – A Solar Energy System or collection of Solar Energy Systems or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.
- k. **SOLAR PANEL** – A device which converts solar energy into electricity.
- l. **SOLAR SKYSPACE** – The space between a Solar Energy System and the sun through which solar radiation passes.
- m. **SOLAR STORAGE BATTERY** – A device that stores energy from the sun and makes it available in an electrical form.

#### **4. Building-Integrated Solar Energy Systems.**

- a. Districts where allowed. Building-Integrated Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the submission of, application for and review and issuance of an applicable building permit.
- b. Building-Integrated Solar Energy Systems shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.

#### **5. Rooftop-Mounted Solar Energy Systems.**

- a. Districts where allowed. Rooftop-Mounted Solar Energy Systems shall be permitted in all zoning districts within the Town subject to the following requirements:
  - i. A Building permit shall be required for installation of all Rooftop-Mounted Solar Energy Systems.
  - ii. Rooftop-Mounted Solar Energy Systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the System is located.
- b. In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop-Mounted Solar Energy Systems. Additionally, installations shall provide for adequate access and spacing in order to:
  - i. Ensure access to the roof
  - ii. Provide pathways to specific areas of the roof
  - iii. Provide for smoke ventilation opportunity areas
  - iv. Provide for emergency egress from the roof
- c. Exceptions to the requirements in Subsection (N) (5) (b) of this Section may be requested where access, pathway or ventilation requirements are reduced due to:
  - i. Unique site specific limitations;
  - ii. Alternative access opportunities (such as from adjoining roofs);
  - iii. Ground level access to the roof area in question;
  - iv. Other adequate ventilation opportunities when approved by the Codes Office;
  - v. Adequate ventilation opportunities afforded by panels setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);
  - vi. Automatic ventilation devices; or
  - vii. New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.
- d. In the event any of the standards in Subsection (N) (5) (b) of this Section are more stringent than the New York State Uniform Fire Prevention and Building Code, the standards enumerated in said Subsection shall be deemed to be installation guidelines only and the standards of the Code shall apply.
- e. Rooftop-Mounted Solar Energy Systems also shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.
- f. Unified Solar Permit for Eligible Rooftop-Mounted Solar Energy Systems. Provided the Rooftop-Mounted Solar Energy System meets the requirements for a Unified Solar Permit pursuant to this Subsection, in addition to the requirements specified in Subsections (N) (5) (a) and (b), an applicant must submit a Unified Solar Permit Application to the Code Enforcement Officer, which shall contain the following:
  - i. A Unified Solar Permit Eligibility Checklist.
  - ii. A Site Plan showing location of major components of the Solar Energy System and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing

electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.

- iii. One-Line or 3-Line Electrical Diagram. The electrical diagram required by NYSEDA for an incentive application and/or utilities for an interconnection agreement can also be provided here.
- iv. Specification Sheets for all manufactured components.
- v. All diagrams and plans must be prepared by a professional engineer or registered architect as required by New York State law and include the following:
  - 1. Project address, section, block and lot number(s) of the property;
  - 2. Owner's name, address and phone number;
  - 3. Name, address and phone number of the person preparing the plans; and
  - 4. System capacity in kW-DC.
- g. Permit Review and Inspection Timeline. Unified Solar Permit determinations will be issued within fourteen (14) days upon receipt of complete and accurate applications. The municipality will provide feedback within seven (7) days of receiving incomplete or inaccurate applications. If an inspection is required a single inspection should be sufficient and will be provided within seven (7) days of inspection request.

## **6. Ground-Mounted Solar Energy Systems.**

- a. Districts where allowed. Ground-Mounted Solar Energy Systems are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:
  - i. A Building permit shall be required for installation of all Ground-Mounted Solar Energy Systems.
  - ii. Ground-Mounted Solar Energy Systems are prohibited in front yards.
  - iii. Ground-Mounted Solar Energy Systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the Ground-Mounted Solar Energy System is constructed.
  - iv. Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the Planning Board in addition to those set forth in § 24 (N) (6) (a) (iii) above in order to protect the public's safety, health and welfare.
  - v. The height of the Solar Collector/Panel and any mounts 15 feet in height when oriented at maximum tilt measured from the ground and including any base.
  - vi. Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the Solar Collectors/Panels.
  - vii. The Ground-Mounted Solar Energy System shall be located in a manner to reasonably minimize view blockage for surrounding



properties and shading of property to the north, while still providing adequate Solar Access for the Solar Energy System.

- viii. Neither the Ground-Mounted Solar Energy System, nor any component thereof, shall be sited within any required buffer area.
  - ix. The total surface area of all Ground-Mounted Solar Energy System components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches, and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board subject to site plan review pursuant to Section 26 of this Zoning Law.
  - x. The area beneath the Ground-Mounted Solar Energy System shall be included in calculating whether the lot meets the maximum permitted lot coverage requirements for the applicable district, notwithstanding that the collectors are not “buildings.”
- b. Ground-Mounted Solar Energy Systems also shall be subject to the general requirements set forth at Subsection (N) (7) of this Section.

**7. General Requirements Applicable to Building-Integrated, Rooftop-Mounted and Ground-Mounted Solar Energy Systems.**

- a. All Solar Energy System installations must be performed by a Qualified Solar Installer.
- b. Solar Energy Systems, unless part of a Solar Farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
- c. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- d. Any connection to the public utility grid must be inspected by the appropriate public utility.
- e. Solar Energy Systems shall be maintained in good working order.
- f. Solar Energy Systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of surrounding neighborhood.
- g. Solar Energy Systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including but not limited to:
  - i. Weight load;
  - ii. Wind resistance; and
  - iii. Ingress or egress in the event of fire or other emergency.
- h. Rooftop-Mounted Solar Energy Systems shall meet New York’s Uniform Fire Prevention and Building Code standards.
- i. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

- j.** All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. No conduits or fees may be laid on the roof. Feeds to the inverter shall run within the building and penetrate the roof at the solar panel location.
- k.** If a Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall completely remove the System, mount and all other associated equipment and components by no later than ninety (90) days after the end of the twelve-month (12) period or within ten (10) days of written notice from the Town.
- l.** To the extent practicable, Solar Energy Systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area.
- m.** The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- n.** Marking of equipment. Solar Energy Systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover. In the event any of the standards in this Subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code they shall be deemed to be guidelines only and the standards of the State Code shall apply.

## **8. Solar Farms.**

- a.** Districts where allowed. Subject to the issuance of site plan approval and a special use permit and other requirements as set forth herein, Solar Farms shall not be a permitted use in any zoning district other than the Agricultural Zone and the Light Industrial Zone within the Town.
- b.** Districts where prohibited. Solar Farms shall be prohibited in all Residential Districts.
- c.** Lot Area and Yard Regulations. The following lot area and yard regulations shall apply to Solar Farms located in the Agricultural and Light Industrial Zones within the Town:
  - i.** Minimum Street Frontage: 300 feet
  - ii.** Minimum Lot Area: 15 acres
  - iii.** Minimum Front Yard Setback: 250 feet
  - iv.** Minimum Rear Yard Setback: 100 feet
  - v.** Minimum Side Yard Setback: 100 feet
- d.** Permits required. No person, firm or corporation, or other entity being the owner, occupant, or lessee of any land or premises within the Town of Marcellus shall use or permit the use of land or premises for the construction or installation of a Solar Farm without obtaining a building permit, a special use permit issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

- e. Special use permit. In addition to the criteria heretofore established, the following criteria are hereby established for purposes of granting a special use permit for a Solar Farm:
  - i. Scenic viewsheds. A Solar Farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of Marcellus or that extends beyond the border of the Town of Marcellus. For purposes of this subsection, consideration shall be given to any relevant portions of the current, amended and/or future Town of Marcellus Comprehensive Plan and/or any other prior, current, amended and/or future officially recognized Town planning document or resource.
  - ii. Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any Solar Panel or other component of the Solar Farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem.
  - iii. Security. All Solar Farms shall be secured to the extent practicable to restrict unauthorized access.
  - iv. Ownership. Ownership of the Solar Farm is not required to be the same as the owner of the fee interest in the real property upon which it is situated, however, the terms of the lease agreement or other contract between the property owner and Solar Farm Operator must be approved by the Town.
  - v. Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the Solar Farm, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the Solar Farm site.
  - vi. The development and operation of the Solar Farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town of Marcellus or federal or state regulatory agencies.
  - vii. Setbacks. Additional setbacks may be required by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.
- f. Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.
- g. Site plan review. The following submission requirements must be observed regarding a site plan application for a Solar Farm. The Planning Board may also require any of the requirements of Section 26 of this Zoning Law as part of the submission:

- i.** A completed application form as supplied by the Town of Marcellus for site plan approval for a Solar Farm.
- ii.** Proof of ownership of the premises involved, or an express, written authorization by the owner of the premises for the applicant to make such application.
- iii.** Plans and drawings of the proposed Solar Farm installation signed by a professional engineer registered in New York State showing the proposed layout of the entire Solar Farm along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall further depict:
  - 1.** Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.
  - 2.** Location, approximate dimensions and types of all existing structures and uses on the site.
  - 3.** Location and elevation of the proposed Solar Farm and all components thereof.
  - 4.** Location of all existing aboveground utility lines within 1,200 linear feet of the site.
  - 5.** Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Solar Farm shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.
  - 6.** Location of all service structures proposed as part of the installation.
  - 7.** Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater Solar Access.
  - 8.** Screening. Screening requirements shall be approved by the Planning Board during the site plan review and approval process
  - 9.** Soil type(s) at the proposed site.

- iv.** Photographic simulations shall be included showing the proposed Solar Farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed Solar Energy Systems, Solar Collectors, Solar Panels and all other components comprising the Solar Farm or from other vantage points selected by the Planning Board.
- v.** If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a Solar Panel or Solar Energy System is affixed, is capable of handling the loading requirements of the Solar Panel or Solar Energy System and various components.
- vi.** One or three line electrical diagram detailing the Solar Energy System installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices.
- vii.** Documentation of access to the project site(s), including location of all access roads, gates, parking area etc.
- viii.** A plan for clearing and/or grading of the site and a Stormwater Pollution Prevention Plan (SWPPP) for the site.
- ix.** Documentation of utility notification, including an electric service order number.
- x.** Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures, and/or vegetation on the site or on adjacent sites to obstruct the Solar Skyspace of the proposed Solar Farm. The sunchart shall also indicate the potential for obstructions to the Solar Skyspace of the proposed Solar Farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of the Zoning Code of the Town of Marcellus with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the Solar Skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the Solar Skyspace of a Solar Energy System in the event setbacks are waived at the applicant's request.
- xi.** The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.
- xii.** Solar Energy Systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

- xiii.** The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.
- xiv.** Color. Neutral paint colors, materials and textures may be required for Solar Farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.
- xv.** The design, construction, operation and maintenance of the Solar Energy System shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.
- xvi.** Artificial lighting of Solar Farms shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.
- xvii.** Solar Farms shall be enclosed by a perimeter fencing to restrict unauthorized access at a height of 8 ½ feet or as otherwise approved by the Planning Board.
- xviii.** Only signage used to notify the location of the Solar Farm shall be allowed and such signage shall otherwise comply with the Town's sign regulations and requirements.
- xix.** All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA), including a visual impact analysis. The following additional material may be required by the Planning Board:
  - 1.** A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scaled use shall depict a three-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.
  - 2.** No fewer than four color photos taken from locations within a three-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built aboveground Solar Farm components as they would appear from these locations.
- h.** Site plan review criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed Solar Farm complies with the following:
  - i.** The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:
    - 1.** The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;
    - 2.** There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;
    - 3.** There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;
    - 4.** There is a reasonable provision for open space and yard areas as appropriate to the surrounding area;

- i.** Public hearing. No action shall be taken by the Zoning Board of Appeals to issue a special use permit or by the Planning Board to issue site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a Solar Farm until after public notice and a public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Marcellus at least five days before the date set for such public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within 500 feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.
- j.** Compliance with Uniform Fire Prevention and Building Code.

  - i.** Building permit applications shall be accompanied by standard drawings of structural components of the Solar Farm and all its components (including but not limited to Solar Panel, Solar Collector, Solar Energy System etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.
  - ii.** Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Fire Prevention and Building Code.
- k.** Compliance with state, local and national electric codes.

  - i.** Building permit applications shall be accompanied by a line drawing identifying the electrical components of the Solar Farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electric Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electric Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
  - ii.** Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electric Code and good engineering practices.

- l.** Following construction/installation of the Solar Farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low level vegetation capable of preventing soil erosion and airborne dust.
- m.** Post Construction/Installation Certification. Following the construction/installation of the Solar Farm, the applicant shall provide a post-construction/installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and operating according to the drawings and development plan(s) submitted to the Town.
- n.** Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of \$2,000,000 property and personal liability coverage. Proof of said insurance policy shall be provided to the Town annually.
- o.** Inspections. The Building Inspector, Zoning Enforcement Officer, Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a Solar Farm is being constructed or is constructed, to inspect all parts of said Solar Farm installation and to require that repairs or alterations be made if, in his or her judgment, there exists a deficiency in the operation or the structural stability of the Solar Farm or any component thereof. Any of the aforementioned Town officials shall have the further authority to determine whether the Solar Farm should be decommissioned pursuant to Subsection (N) (8) (q) below. If necessary, the Building Inspector or Town Engineer may order the system secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.
- p.** Power to impose conditions. In granting any site plan approval, special use permit or variance for a Solar Farm, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.
- q.** Decommissioning and Removal of Solar Farm Facilities.

  - i.** The applicant shall agree, in writing, to remove the entirety of the Solar Farm and all accessory structures and components thereof if the Solar Farm ceases to be used for its intended purpose for twelve (12) consecutive months. Removal of such obsolete and/or unused Solar Farm components shall take place within three (3) months thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Solar Panels upon any person subsequently securing rights to relocate the Solar Panels.
  - ii.** Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this



Chapter, and to provide the decommissioning removal and restoration of the site subsequent to the removal of the Solar Farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the Solar Panels and restoration of the site, and shall be reviewed and adjusted at five (5) year intervals. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Solar Panels and site restoration is finished.

- r. Fees. Fees for applications, inspections and permits under this section shall be established by resolution of the Town Board of the Town of Marcellus.
- s. Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

#### **SECTION 4. SEVERABILITY**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

#### **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 and the vote was as follows:

<b>Chris Hunt</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kevin O’Hara</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John Cusick</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Laurie Stevens</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Karen Pollard</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 14, 2017**

**Adopt Local Law – Solid Waste Law:** Councilor Stevens read the adoptive resolution for Local Law 2 -2017 on Solid Waste

**RESOLUTION  
MARCELLUS TOWN BOARD**

**August 14, 2017**

The following resolution was offered by Councilor Cusick, who moved its adoption, seconded by Councilor Stevens, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, Proposed Local Law B of the Year 2017 entitled, “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” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held August 14, 2017; and

**WHEREAS**, the Town Board held a public hearing to consider said Proposed Local Law B of the year 2017 on August 14, 2017, 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 Town Board has previously determined the enactment of Proposed Local Law B of the Year 2017 to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and has further determined that it will have no significant effect on the environment, thus concluding the SEQRA review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law B of the Year 2017.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Proposed Local Law B of the Year 2017 as Local Law 2 of the Year 2017 as follows:

**“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**

**Be it enacted** by the Town Board of the Town of Marcellus that Local Law No. 1 of the Year 2000 is hereby repealed and replaced with this Local Law, as follows:

## **Section 1. Findings and Purpose**

The reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern because of the increasing cost of Solid Waste collection and disposal and its impact on the environment. The continued reduction of the amount of Solid Waste in the Town through the separation and collection of recyclable materials is in the public interest, and all such recycling will continue to comply with the Onondaga County Source Separation Law and other applicable provisions of law.

In 1988, in the interest of public health, safety and welfare and in order to conserve energy and natural resources, the State of New York enacted a New York State Solid Waste Management Act which established the following solid waste hierarchy: waste reduction, reuse, recycling and waste to energy (See New York Environmental Law Section 27-0106) with land burial as a last resort only when reuse, recycling or waste to energy were unavailable. Section B-35 of the State Solid Waste Management plan 1997-1998 Update recommended that Onondaga County take immediate steps to develop environmentally acceptable facilities to manage Solid Waste generated in the County. In December 1991 Onondaga County adopted a comprehensive Solid Waste Management Plan that was subsequently approved by the State Department of Environmental Conservation. The County Plan, applicable to municipalities within the County, preferred waste to energy as a safe and sanitary alternative to the threat to the ground water supply and other liabilities posed by the burying of such waste. Those reasons are further delineated in Section 5 of the aforementioned County Plan. Public Authorities Law Section 2045-e (7) and (8) allows the Onondaga County Resource Recovery Agency to contract with municipalities for the delivery of such waste and, in furtherance thereof, to process such Solid Waste.

In Compliance with both the State and County Solid Waste Management Plans, the Town of Marcellus has determined that all Solid Waste, both residential and commercial, generated in our Town and destined for disposal in the State of New York, may not be disposed of at any place other than the Approved Disposal Site designated by the Town Board in Section 3 of this Local Law. The basis of that determination is attached hereto as Exhibit A and incorporated by reference. This chapter also establishes regulations requiring the licensing of municipal haulers and governing hauler services for the collection and disposal of Solid Waste Materials. This Local Law shall not (A) regulate or otherwise restrict any disposal of solid waste generated within the Town that is to be disposed of out-of-state or any hauling of recyclable materials separated from the rest of the solid waste in accordance with Onondaga County's Source Separation Law or (B) regulate the price, route or service of any motor carrier with respect to the transportation of property prohibited by the Federal Aviation Administration Authorization Act of 1994 as amended (49 USC 14501 et. seq.).

## **Section 2. Authority**

This local law is adopted pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

## **Section 3. Definitions**

**Agency** shall mean the Onondaga County Resource Recovery Agency.

**Agency Facility** shall mean any facility operated by or designated by the Agency. Agency Facilities include the Agency Transfer Stations at Ley Creek and Rock Cut Road, Rock Cut Road Waste-to Energy Facility, Agency Landfill, Agency Yard Waste Composting Facilities at Jamesville and Amboy, Construction and Demolition Processing Facility at Ley Creek and Agency designated Materials Recovery Facilities.

**Approved Disposal Site** shall mean the Onondaga County Waste-to-Energy Facility on Rock Cut Road in the Town of Onondaga.

**County** shall mean the County of Onondaga.

**County Designated Recyclables** shall mean those recyclables designated by the County of Onondaga pursuant to the Onondaga County Source Separation Law currently in effect (Onondaga County Local Law No. 2 of 2012) and as may be amended from time to time.

**Curb** shall mean that street curb immediately in front of the property from which Solid Waste material and recyclables to be collected are generated or in the absence of an actual curb, that portion of the property that is immediately adjacent to the street.

**Curbside Collection** shall mean the use of collection receptacles for residential, commercial, and institutional Solid Waste generators and the regular periodic pick up and transfer of the contents of such receptacles by a Hauler at the location of a Waste Generator.

**Eligible Household** shall mean a household residing in a dwelling of four units or less and which is required to utilize Recycling Containers.

**Hauler** shall mean any person, company or firm who engages in the collection, transportation, disposal or delivery of Solid Waste within the Town.

**Municipal Hauler License** shall mean the license issued by the Town to a Hauler as a prerequisite to performing Solid Waste collection services within the Town's municipal limits.

**Person** shall mean a natural person, association, partnership, firm, corporation, limited liability company, trust, estate or governmental unit and any other entity whatsoever.

**Recyclables** shall mean those recyclable materials, including County Designated Recyclable Materials, which can be practically separated from non-recyclable waste for which reuse markets can be assessed for less than the cost of disposal.

**Recycling Container** shall mean the blue bin or other container supplied by the Agency, County, the Town or their designees for the use by Eligible Households within the Town. Such containers shall be exclusively for the storage of County Designated Recyclable Materials. Such containers shall at all times remain the property of the Agency.

**Recycling Law** shall mean the Onondaga County Source Separation Law currently in effect (Onondaga County Local Law No. 2 of 2012) and as may be amended from time to time.

**Solid Waste** means all materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including, but not

limited to, garbage, refuse, residential, governmental, commercial, and/or light industrial refuse but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, demolition wastes, residue from incinerators or other destructive systems for processing waste (other than now existing individual building incinerators, the residue from which is presently collected as part of normal refuse collection practices), junked automobiles, pathological, medical, toxic, explosive, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

**Temporary Dumpster** shall mean a dumpster of any size or type owned by a Hauler and rented on a temporary basis to any Person for the purpose of receiving waste from a construction, demolition, renovation, cleaning or other waste-generating project.

**Town** shall mean the Town of Marcellus.

**Town Board** shall mean the Town Board of the Town of Marcellus.

**Town Clerk** shall mean the Clerk of the Town of Marcellus.

**Waste Generator** shall mean any Person who produces Solid Waste requiring off-site disposal.

**Yard and Garden Waste** shall mean garden waste, leaves, grass clippings, weeds and brush.

#### **Section 4. Municipal Hauler Licenses**

- A. **License Required.** It shall be a precondition of doing business as a Hauler in the Town that the person/firm intending to conduct such business obtain a Municipal Hauler License. An application on a form approved and provided by the Town must be submitted to the Town Clerk, in which form the Hauler shall be bound by the following provisions:
1. The Hauler will deliver all non-recyclable Solid Waste collected within the Town (residential and commercial) and destined for disposal in the State of the New York to the Approved Disposal Site.
  2. It shall be unlawful to unload or deposit any Solid Waste hauled from any premises within the Town and destined for disposal in the State of New York at any place other than the Approved Disposal Site. Any Hauler failing to so dispose of said Solid Waste at the Approved Disposal Site shall be subject to Municipal Hauler License revocation.
  3. The Hauler will supply a plan of operation for collection and transportation and which provides for a Recycling Plan as required by the Recycling Law as it applies to Haulers, which it shall adhere to and comply with. The Hauler shall agree to provide for the collection of County Designated Recyclables in every waste hauler disposal agreement, written or oral, as part of its standard service and to include the cost of such collection in its standard waste collection rates.

**B. Duration of License.** A Municipal Hauler License issued pursuant to this Local Law shall be effective for an annual term beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of the year in which the License is issued.

**C. Fees.**

1. The Town Board may from time to time establish and impose, by resolution, an initial licensing fee upon all Haulers who apply for a new Municipal Hauler License.
2. The Town Board may from time to time further establish and impose, by resolution, a separate license renewal fee, which fee shall be less than or equal to the initial licensing fee, and shall be paid by a previously licensed Hauler on or before the date of expiration of its Municipal Hauler License.
3. If a previously licensed Hauler allows its Municipal Hauler License to expire by failing to timely pay the license renewal fee established by the Town Board, the Hauler shall submit to the Town Clerk a new Municipal Hauler License application and shall pay the initial licensing fee before said license is issued.
4. Any Hauler holding a valid Municipal Hauler License issued by the Town on the date of the enactment of this Local Law shall be required to pay only the license renewal fee by or before the date of the license's expiration. If any such Hauler allows its license to expire by failing to timely pay the license renewal fee, said Hauler shall be required to submit a new Municipal Hauler License application and pay the initial licensing fee pursuant to the requirements of this Section.

**D. Applicability.** This Section shall not apply to Haulers whose only business within the Town is the rental of Temporary Dumpsters for individual construction, renovation, cleaning or other waste-generating projects.

**Section 5. Revocation of Municipal Hauler License**

The Town shall have the right to cancel any existing Municipal Hauler License upon thirty (30) days written notice to the Hauler if the Town shall enact legislation establishing a new system for collection of Solid Waste in the Town that is inconsistent with the continuation of said license. The Town shall revoke a Municipal Hauler License upon the failure of the Hauler to comply with any provision of Section 4 of this Local Law. Prior to any such revocation, the Hauler shall be notified by the Town of its opportunity for a hearing on the matter, which hearing shall be held not less than five days after the Hauler is notified in writing by the Town of the pending license revocation and the charges against it. All hearings shall be on a date and time and at a place determined by the Town. The hearing shall be informal and held before the Town Supervisor or his/her designee. Compliance with technical rules of evidence shall not be required, and the decision of the Town Supervisor or his/her designee shall be final.

**Section 6. Recycling Plan**

The Town hereby adopts as its Source Separation Legislation the Onondaga County Source Separation Law currently in effect (Onondaga County Local Law No. 2 of 2012) and as may

be amended from time to time, and incorporates by reference herein the language of said Source Separation Law.

### **Section 7. Other Collection and Disposal Fees**

Notwithstanding the fees established by Subsection C of Section 4 of this Local Law, The Town Board may, by resolution, designate and impose such other fees reasonably related to the collection and disposal of any Solid Waste within the Town and the administration of this Local Law. After any such fees are imposed, the manner of implementation and collection shall be regulated by the Town Board or its designee in accordance with the terms of the resolution imposing such fees.

### **Section 8. No Sunday Collection**

Haulers shall not collect Solid Waste in the Town on Sundays, Thanksgiving Day or Christmas Day.

### **Section 9. Insurance - Indemnity/Hold Harmless.**

- A. In consideration of the Town issuing a Municipal Hauler License to a Hauler, the Hauler shall agree, upon the issuance of such License, that it shall indemnify, hold harmless and defend the Town and its officers and employees from and against any and all claims, demands, losses, damages, costs, payments, actions, recoveries, judgments and expenses of every kind, nature and description including, without limitation, all engineers' and attorneys' fees, fines, penalties and cleanup costs resulting from any such claim arising out of or connected in any way with the Hauler or the Hauler's collection; distribution or transportation of Solid Waste within or without the Town's corporate limits.
- B. The Hauler, as a condition of obtaining a Municipal Hauler License, shall provide and maintain the following insurance coverages at limits to be set from time to time by resolution of the Town Board:
  1. Public liability (CGL) coverage, including contractual coverage, which CGL policy shall name the Town of Marcellus as an additional insured;
  2. Automobile liability coverage for all owned, hired and non-owned vehicles; and
  3. Worker's Compensation coverage.
- C. Each policy of insurance shall be endorsed to contain the following language:

"The Town will be given 30 days prior written notification of any cancellation, non-renewal or modification of this policy which reduces coverage or limits at the following address: 24 East Main Street, Marcellus, NY 13108."
- D. Prior to the issuance of any Municipal Hauler License, the hauler must provide to the Town Codes Office proof of insurance coverage on a form to be determined from time to time by resolution of the Town Board.

### **Section 10. Hours of Operation.**

Haulers shall not operate earlier than 7 a.m., nor later than 7 p.m.

**Section 11. Removal of Uncollected Waste.**

Where certain Solid Waste, Recyclables and/or other Waste Materials were not collected because those materials were not placed or prepared by the Waste Generator in accordance with the provisions of this Chapter, the Person who placed such materials for collection and the owner of the property adjoining the curb where such Waste Materials were placed shall remove those wastes from the location as soon as possible after the Hauler has refused collection and, in any event, by 6:00 p.m. on the designated collection day.

**Section 12. Restrictions on Use of Vehicles and Hauling of Waste**

The collection, removal, and carrying of Solid Waste, Recyclables and/or material, and the transportation of Solid Waste, paper, and Recyclables on any highway, street, alley, or lane of the Town must be done in covered vehicles. No Hauler shall throw, scatter or cause to be scattered or deposited or to escape from the vehicle any Solid Waste or Recyclables on public streets or any other public property.

**Section 13. Yard and Garden Waste Prohibited**

Yard and Garden Waste may not be accepted for disposal at any Agency Facility but may be accepted for recycling at a yard waste composting facility of the Hauler's choice within the County or taken elsewhere.

**Section 14. Dumping/Draining Leachate Prohibited**

Except as specifically permitted in this Chapter, no Hauler shall deposit or cause to be deposited or stored for more than one (1) day upon any property any Solid Waste and/or Recyclables, and dumping thereof is hereby prohibited. No leachate or other obnoxious or contaminating substance shall be allowed to drain from any Hauler vehicle on or into public streets, lands or waters.

**Section 15. Accumulation/Storage of Solid Waste on Private Property**

No Hauler shall suffer or permit Solid Waste, other waste material and/or Recyclables to accumulate or remain upon private premises including extended storage in Hauler vehicles owned or operated by that Hauler such that the same becomes obnoxious, unsightly, offensive in odor or appearance, or becomes dangerous to public health and safety.

**Section 16. Burying/Burning of Solid Waste and Recyclables Prohibited.**

No Hauler shall bury or burn any Solid Waste, Recyclables or any other waste materials or cause to be buried or burned any Solid Waste, Recyclables, or any other waste materials within the limits of the Town without the express written authorization of the Town Board.

**Section 17. Special Events**

This Local Law shall also apply to special events held in the Town. The sponsor of said events shall be responsible for sorting all Solid Waste materials into appropriate containers or



bags and making all arrangements for pickup and disposal of all Solid Waste materials. The Hauler may charge a fee to be determined by the Town Board for such pickups and disposal.

**Section 18. Penalties**

The failure of a Hauler or any other Person to comply with the provisions of this Local Law, to the extent that it applies to any such Hauler or other Person, shall be considered a violation subject to the fines specified in the table below. Each day the violation continues shall constitute a new and separate offense subject to a separate penalty. Any fines collected under this Local Law shall inure to the Town and shall be deposited in the Town General Fund for use as the Town Board deems appropriate.

<b><u>Section</u></b>	<b><u>Violation</u></b>	<b><u>Fine</u></b>
4	Failure to obtain a Municipal Hauler License	\$250.00
4	Failure to deliver all Solid Waste collected within the Town and destined for disposal in New York State to the Town Approved Disposal Site	\$250.00 plus revocation
6 (Onondaga County Source Separation Law)	Accepting or disposing of County Designated Recyclable Material as Solid Waste	\$200.00
6 (Onondaga County Source Separation Law)	Removing, destroying or disposing of a Recycling Container or using same for other than storage of County Designated Recyclables	\$150.00
8	Engaging in the collection of Solid Waste and/or Recyclables on Sundays, Thanksgiving Day or Christmas Day	\$50.00
9	Failure to provide the Town with 30 days prior written notice of any collection, non-renewal or modification of required insurance coverage	\$50.00
10	Failure to comply with the designated hours of operation	\$200.00
11	Failure to remove uncollected Solid Waste improperly set out for disposal	\$100.00
12	Throwing, scattering or allowing deposit of any Solid Waste and/or County Designated Recyclables or other waste upon public streets or property	\$100.00

12	Engaging in the collection of Solid waste and or County Designated Recyclables in a non-covered vehicle.	\$100.00
14	Dumping or depositing any Solid Waste and/or Recyclables upon any property; Draining leachate from Hauler vehicle	\$100.00
15	Allowing Solid Waste or other waste material and/or Recyclables to accumulate upon any property so that it becomes obnoxious/unsightly/offensive in odor or appearance or dangerous to public health/safety	\$250.00
16	Any Hauler engaging in the burial or private burning of Solid Waste, Recyclables or any other waste materials within the Town's corporate limits	\$250.00

**Section 19. Remedies for Violations**

- A. In addition to the above-provided penalties and revocations, or in lieu thereof, the Town Board may institute and maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Local Law or to obtain injunctive relief to prevent any violation thereof.
  
- B. This Local Law shall be enforced by the Town Code Enforcement Officer, Town Police Department, Town Building Inspector, Town Fire Inspector, Superintendent of Highways, Onondaga County Sheriff's Department, New York State Police, Department of Environmental Conservation Officers and all local law enforcement agencies.

**Section 20. Severability**

If any clause, sentence, paragraph, subsection or section of this Local Law or the application thereof to any person, firm or corporation or circumstance shall be adjudicated 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 21. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.”

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

<b>Chris Hunt</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kevin O’Hara</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John Cusick</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Laurie Stevens</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Karen Pollard</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 14, 2017**

**Board of Assessment Review Appointment:** Councilor Stevens made a motion seconded by Councilor Cusick to appoint John Strempele to the Board of Assessment Review for a term of 10/1/2017 to 9/30/2022.

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

**Recreation Agreements:** Councilor O’Hara made a motion seconded by Councilor Stevens to approve the following Recreation Agreements:

Amberations	July 31 – August 3, 2017	\$180/Student
Swim Lessons	Session 1: July 3 – 7, 2017 (no lessons July 4) and July 10 – 13, 2017	
	Session 11: July 18 – 21, 2017 and July 24 – 27, 2017	
	Cost for Swim Lessons : \$65/student	

**Paid Family Leave:** Effective January 1, 2018, that Paid Family Leave will be added to the New York State Insurance Fund disability benefits. Paid Family Leave will be funded through employee payroll deductions. The Department of Financial Services has set the rate for Paid Family Leave at .126% of the employee’s weekly wage. Supervisor Pollard will have a meeting to let the employees know when this is going to happen.

**MAVES/Fire Department Reports:** The Town received from MAVES the call report for the period of April 1 – June 30, 2017. For this quarter, they had 208 Dispatched Calls, 195 Calls Responded and 13 Calls that they were unable to respond to.

Fire Department: The Town received from the Fire Department the Incident List from July 1 – July 31, 2017, and the Supplemental Location Totals from July 1 – July 31, 2017. Councilor Cusick stated that he went to a meeting for the Fire Department and they stated that the Fire House will be needing a new roof.

The reports from MAVES and the Fire Department are for review. No action from the Board was taken.

**Request – Court Clerk to attend Conference:** Councilor O’Hara made a motion seconded by Councilor Hunt for permission for the Court Clerk to attend the annual NYS Association of Magistrates Court Clerks Conference. The Conference will be held from September 24 – 27, 2017, in Ellicottville, NY. The anticipated costs will include registration - \$40, Room and Board - \$737, and mileage reimbursement.

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

**Fall Trash Days:** Councilor Stevens made a motion seconded by Councilor Cusick to schedule the Fall Trash Days for Fridays, September 22 and September 29, 2017 and Saturdays, September 23 and September 30, 2017. The times are Fridays, 8:00 am – 3:00 pm and Saturdays 8:00 am – 12:00 noon.

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

Carried

**Hydrant Leases:** Supervisor Pollard just received from OCWA (Onondaga County Water Authority) two lease agreements for the Howlett Hill Water District and the Dunbar Road Water Supply District. The Board and Attorney can look over the leases and this will be on the August 24, 2017 Workshop Meeting for discussion and possible action.

## **Discussion Agenda**

### **Items from the Board**

Supervisor Pollard and the Board received from John Curtin, Village of Marcellus Mayor, a letter stating that on September 16, 2017, there will be a celebration to note the final construction of the Nine Mile Creek Walk. The trail will be dedicated to the man who inspired its construction, former Mayor Fred Eisenberg. The celebration will begin at 1:00, around 2:30 the official opening and dedication will take place.

Supervisor Pollard heard back from the state regarding the intersection of Seneca Turnpike and North East Townline Road. The state said that they will put up more signage before the intersection, but not a light at this time.

**Mutual Aid Agreement – Code Officer:** Supervisor Pollard received an agreement for Building Code Enforcement Services between the Town of Skaneateles and the Town of Marcellus. This would be if one of the Code Officers is out and the other Town needed coverage. This will be put on the August 24, 2017 agenda so that the Board and Attorney can review it.

**National Society Daughters of the American Colonists:** Supervisor Pollard received an e-mail from Mary Raye Casper from NSDAC (National Society Daughters of the American Colonists) regarding the dedication ceremony and installation of the historical marker for “The Great Genesee Road” approved by The Town Board. The ceremony and dedication is scheduled for Saturday, October 7, 2017 at 10:00 am. Mary Raye Casper, National Historian, NSDAC, will be contacting Supervisor Pollard soon to meet with her and finalize the plans.

### **Items from the Floor**

Kay Kershaw, had the idea of adopting a tombstone at the cemetery. This idea would enable residents to adopt a tombstone and keep it cleaned up from weeds and overgrown grass. This was just a suggestions, no action was taken at this time.

Bill Southern, asked when does the money that was spent on the demolition of the Paper Mill go on the Property Tax Bill. Supervisor Pollard explained that first a letter will go to the homeowner, if there is no response within a reasonable amount of time, the Town sends the amount to the County. The County has to have it by November to go on this year’s taxes.

**Adjourn:** Councilor Hunt made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:05 pm.

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

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk