

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

March 7, 2018

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, March 7, 2018, in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Karen R. Pollard, Supervisor
Tammy Sayre, Councilor
John Cusick, Councilor
Chris Hunt, Councilor
Laurie Stevens, Councilor

Also present: Jim Gascon, Town Attorney; Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation Director; Keith Ramsden, Park Crew Leader; Gary and Linda Wilcox, Karen Young, Rick Young, Mikayla Masters, Brenna Heath, Joe Morris, Bill Southern, Mike and Jane Ossit, Carol Armstrong, Isabel Rodolico, Elise Labombard, Alessa Dixe, Gabrielle Archer, Ethan Collar, Mike Ossit, Kristy Kudlick, Robin Bolewski, Shawn Manke, Brian Haney and J. Rossiter from the Marcellus Fire Department, Michael Hoch, Nancy Bunn, Susan Dennis, Deputy Town Clerk and Sandy Taylor.

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

Public Hearing: Solar/Wind Exemptions - Supervisor Pollard opened the Public Hearing regarding the Solar Wind Exemptions and then read the Public Notice that was in the paper on Feb. 21, 2018. She then asked if any residents or board members had any comments either in favor or against the Solar/Wind Exemption Local Law. There were no comments. The Public Hearing was closed at 7:03 pm.

Minutes: Councilor Stevens made a motion seconded by Councilor Hunt to accept the Town Clerk's minutes from the Town Board Meeting on February 7, 2018 and the Workshop Meeting on February 21, 2018.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick Carried

Monthly Activity: The Abstract of Audited Vouchers were given to the Board Members as submitted by the Town Clerk. Abstract #3 as of March 5, 2018, Claim #'s 146856-146898.

	<u>Expenses</u>
General Fund	\$11,632.18
Part Town General	1,119.18
Town Wide Highway	3,371.80
Part Town Highway	6,850.00
Fire District	12,600.00
Ambulance Fund	<u>2,887.50</u>
Total	\$38,460.66

Board Members were given copies of the Activities Report as of March 1, 2018 for the Fiscal Year 2018, Periods 1 & 2.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,135,645.43)	178,351.36
Part Town General	(207,668.83)	28,020.40
TownWide Highway	(510,532.69)	140,169.32
Part Town Highway	(372,027.18)	23,646.21
Fire District	(401,581.13)	94,666.75
Hydrant Fund	(2,171.36)	00.00
Ambulance Fund	(304,996.25)	76,248.25
Sewer District	(160,549.52)	147,948.00
Water District	(148,432.20)	68,907.28

Bank Statements for November and December.

November	\$2,270,813.55
December	1,746,718.33

Councilor Sayre made a motion seconded by Councilor Cusick to approve the Audited Vouchers as of March 5, 2018, the Activities Report as of March 1, 2018 and the Bank Statements for November and December 2017.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

OLD BUSINESS:

Adopt Local Law – Solar/Wind Exemption:

**RESOLUTION
MARCELLUS TOWN BOARD**

March 7, 2018

Town of Marcellus Local Law No. 3 of the Year 2018

(“A Local Law Permitting the Town of Marcellus to Opt Out of Tax Exemption Law RPTL §487 Pertaining to Solar, Wind and Other Energy Systems”)

Councilor Stevens introduced Local Law No. 3 of the Year 2018 entitled “A Local Law Permitting the Town of Marcellus to Opt Out of Tax Exemption Law RPTL §487 Pertaining to Solar, Wind and Other Energy Systems” and the motion was seconded by Councilor Hunt.

WHEREAS, the New York State Legislature passed RPTL §487 a law which exempts from taxation certain enumerated and specified solar, wind and farm waste energy systems; and

WHEREAS, Chapter 336 of the Laws of 2017 expanded the tax exemption permitted by RPTL §487 to include certain enumerated systems such as micro-hydroelectric systems, fuel cell electric generating systems, micro-combined heat and power generating systems and electric energy storage systems, all as are more fully enumerated in said legislation; and

WHEREAS, subsection 8(a) of RPTL §487 permits a Town by local law to provide that no exemption under that section shall be applicable within its jurisdiction with respect to any energy system which began construction subsequent to the effective date of such local law; and

WHEREAS, Local Law No. 3 of the year 2018 was introduced and a public hearing was held on March 7, 2018 to discuss and consider for enactment said Local Law 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, 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 conducted its SEQRA review on February 7, 2018 with a determination of a negative declaration such that the Board determined that the adoption of Local Law #3 will have no negative environmental impacts.

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 No. C of the Year 2018 as Local Law No. 3 of the Year 2018 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 3 OF THE YEAR 2018**

**A LOCAL LAW PERMITTING THE TOWN OF MARCELLUS TO OPT OUT
OF TAX EXEMPTION LAW RPTL §487 PERTAINING TO SOLAR, WIND AND
OTHER ENERGY SYSTEMS**

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT

The New York State Legislature passed RPTL §487 which exempts from taxation certain Solar, Wind and Farm Waste energy systems. Thereafter said legislation was amended by Chapter 336 of the Laws of 2017 to expand the tax exemption to include additional energy systems such as micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating systems and electric energy storage systems, all as are more fully stated in said legislation.

While the Town Board of the Town of Marcellus desires to encourage residents and businesses to utilize these modern and alternative forms of energy systems, the Board similarly does not desire to undermine or adversely affect the tax revenues that may result from increased assessments as a result of these improvements.

SECTION 2. AUTHORITY

RPTL §487(8)(2) states that a Town by local law may provide that no exemption under the said legislation shall be applicable within its jurisdiction with respect to any energy system covered by said legislation which began construction upon the effective date of the local law.

SECTION 3. ENACTMENT

The Town of Marcellus by way of this Local Law does “opt out” of the provisions of RPTL §487, including the amendment and/or expansion thereof provided by Chapter 336 of the Laws of 2017, such that no tax exemption shall be applicable within the Town of Marcellus with respect to any of the following:

1. Solar energy system;
2. Wind energy system;
3. Farm waste energy system;
4. Micro-hydroelectric energy system;
5. Fuel cell electric generating systems;
6. Micro-combined heat and power generating systems;
7. Electric energy storage systems;
8. Any other energy system intended to be covered by or apply to RPTL §487 or by Chapter 336 of the Laws of 2017 or any amendment, alteration or expansion thereto;

provided the construction of the above energy system began on or after the effective date of this law.

SECTION 4. SEVERABILITY

If the provisions of any section, subsection, paragraph, sentence, subdivision, clause, phrase or provision of this Local Law shall be, for any reason, held or adjudged invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the validity and enforceability of the remainder of any section, subsection, paragraph, sentence, subdivision, clause, phrase or provision 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, the vote was as follows:

Chris Hunt	Councilor	Voted	Yes
Tammy Sayre	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: March 7, 2018

NEW BUSINESS

Approval of Fire Department Members: Councilor Cusick made a motion seconded by Councilor Hunt to accept the list of members in the Fire Department. Jim Rossiter, Chief of the Marcellus Fire Department, stated that for insurance reasons, the Board has to approve all the members. As new members join, they will send over names and also as members leave, they will let us know.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick Carried

Grant Approval for Highway Project: Councilor Hunt made a motion seconded by Councilor Cusick to authorize Supervisor Pollard to sign a letter to Senator DeFrancisco requesting grant money for work on Seal Road. Don MacLachlan, Highway Superintendent, stated that the work would be from Slate Hill Road to Town Line Road.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick Carried

NYSEG – Offer for LED Lighting: The Town received a letter from NYSEG regarding an Energy-Efficient Lighting Incentive for Schools and Municipal Buildings. At this time, no action will be taken.

Village – Letter of Support: Supervisor Pollard received a letter from John Curtin, Marcellus Village Mayor, asking for support for property where the Crown Mill once stood to make into a “green” space. After some discussion, it was decided that this would be put on the agenda for the March 21, 2018 Workshop Meeting.

Fire Department – Letter of Support (Added Item): A letter was received from the Fire Department asking for a letter of Support for a grant they are applying for to purchase a new Washer/Extractor/Dryer to preserve the equipment they use and the health of the firefighters. Councilor Stevens made a motion seconded by Councilor Sayre to authorize Supervisor Pollard to send a letter of support on behalf of the Fire Department for the grant to which they are applying for.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

DISCUSSION AGENDA

Items from the Board:

Supervisor Pollard stated that the Town will partner with the Village for the Mandatory Safety Training through Comp Alliance. This is a Safety Training that all employees will have to be here for. They are looking at April 17, 2018, but will have a more definite date and time soon.

An e-mail was received from the County Clerk’s where people can now look up information online. You can either sign in as a guest to look up documents. There is also an option to pay for a subscription which will enable you to print documents.

There is a Clean Energy Seminar being held that John Houser, Codes Officer, is signed up to attend.

Supervisor Pollard and Karen Cotter, Planning and Zoning Secretary, met with someone to discuss the installation of the projector for the Town Hall. Supervisor Pollard was given more names and will contact them for more prices and ideas. Jim Gascon, Town Attorney, stated that we need to have more open communications with the residents at the meetings.

Golf Course - An application was received from the Golf Course on Seneca Turnpike letting the Town know that they are applying for a liquor license. Jim Gascon, Town Attorney, looked it over and stated that the Town does not have to do anything with this unless there is an objection.

Items from the Floor-

Karen Young, Howlett Hill Road, mentioned about the drainage issue on East Hill Road. A lot of the residents are concerned about their properties. Carol Armstrong, Mike Ossit and Kristy Kudlick all expressed a concern about what is going on with the farmer’s field draining into their property. Jim Gascon, Town Attorney, stated that he has been working with the Planning/Zoning Board as well as the Town Board over this issue. He is going to do more research about what the Town can legally do to prevent this from happening again. This will be an ongoing discussion and may take months to complete.

Councilor Hunt made a motion seconded by Councilor Cusick to adjourn the Marcellus Town Board meeting at 7:50 PM.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk