

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

September 19, 2018

A Workshop Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 19, 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; John Houser, Codes Officer; Keith Ramsden, Park Crew Leader; Bill Southern, Tara Fey, Sydney French, Bernie Montgomery, Chuck Paul, Brian Haney, Susan Dennis, Deputy Town Clerk and Sandy Taylor, Town Clerk.

Supervisor Pollard opened the meeting at 5:30 pm with the Pledge of Allegiance to the Flag.

**Public Hearing – Tax Cap Override:** – Supervisor Pollard asked if anyone had anything to say either in favor or against the Tax Cap Override. Bill Southern, Sheehan Road, asked if the Town would always have to do this Tax Cap Override. Supervisor Pollard stated that she wasn't sure how long we would have to continue. Councilor Cusick made a motion seconded by Councilor Hunt to close the Public Hearing at 5:37 pm.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**Abstract of Audited Vouchers:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #9 as of September 17, 2018, Claim #'s 147676-147757.

	<b><u>Expenses:</u></b>
General Fund	\$33,923.23
Part Town General	840.85
Town Wide Highway	3,818.65
Part Town Highway	7,836.61
Hydrant Fund	1,718.83
Water District	10,636.71
Trust and Agency	<u>1,381.74</u>
Total	\$60,156.62

Claim # 147758 as of September 19, 2018 was added to the bills.

	<b><u>Expenses:</u></b>
General Fund	\$10,835.75
Part Town General	3,190.56
Part Town Highway	<u>4,298.96</u>
Total	\$18,325.27

Councilor Hunt made a motion seconded by Councilor Cusick to approve the Abstract of Audited Vouchers as of September 17 & 19, 2018.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**BUSINESS SESSION:**

**SEQRA For Tax Cap Override:** Jim Gascon, Town Attorney, went through the Short Environmental Assessment Form for everyone. Councilor Stevens made a motion seconded by Councilor Sayre that the Tax Cap Override will have no negative impact upon any environmental resources according to the SEQRA.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**Adopt Local Law – Tax Cap Override:**

**RESOLUTION  
MARCELLUS TOWN BOARD**

**September 19, 2018**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, Proposed Local Law D of the Year 2018 entitled, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Marcellus” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held September 5, 2018; and

**WHEREAS**, the Town Board held a public hearing to consider said Proposed Local Law D of the year 2018 on September 19, 2018, 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 D of the Year 2018 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 D of the Year 2018.

**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 D of the Year 2018 as Local Law 4 of the Year 2018 as follows:

**TOWN OF MARCELLUS  
LOCAL LAW NO. 4 OF THE YEAR 2018**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW § 3-c IN THE TOWN OF MARCELLUS**

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

**SECTION 1            LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law § 3-c, and to allow the Town of Marcellus to adopt a budget for the fiscal year beginning January 1, 2019, and ending December 31, 2019, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**SECTION 2            AUTHORITY**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Marcellus Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least 60% of the Marcellus Town Board.

**SECTION 3            TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**SECTION 4            SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part 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 5                      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, the vote was as follows:

<b>Chris Hunt</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>Tammy Sayre</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.

**Permissive Referendum – Park**

**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 September 19, 2018 at 5:30 pm there were:

<b>PRESENT:</b> Karen Pollard	Supervisor
Chris Hunt	Councilor
Laurie Stevens	Councilor
John Cusick	Councilor
Tammy Sayre	Councilor

**WHEREAS**, the Town of Marcellus Parks Department has advised the Town Board of the Town of Marcellus of the Department’s need to renovate and improve the two restrooms known as the Stone Mill and Lower Grove restrooms in the park; and

**WHEREAS**, the Town of Marcellus Parks Department desires to acquire the restroom renovations: and

**WHEREAS**, the Town desires to contract with CSM Finishing at a contract price not to exceed Ten Thousand Dollars and 00/100 Cents (\$10,000.00); 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 CSM Finishing to renovate and improve the two restrooms, for an amount not to exceed Ten Thousand Dollars and 00/100 Cents (\$10,000.00), 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 CSM Finishing to renovate and improve the two restrooms, at a price not to exceed Ten Thousand Dollars and 00/100 Cents (\$10,000.00); and

**BE IT FURTHER RESOLVED** that the sum of Ten Thousand Dollars and 00/100 Cents (\$10,000.00), from the Park Capital Reserve Fund, be designated for expenditure in the renovation and improvement of the two restrooms; 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 Hunt.

<b>VOTE:</b> Karen Pollard	Aye
Chris Hunt	Aye
Laurie Stevens	Aye
John Cusick	Aye
Tammy Sayre	Aye

Resolution duly adopted.

Dated: September 19, 2018

Sandy Taylor, Town Clerk, Town of Marcellus

**Park Capital Reserve:** Phil Coccia, Recreation Director, requested that the \$1,000 the 2018 Olde Home Days Committee donated to the park for park beautification be transferred to the Park Capital Reserve. He would like to use that money for new signage for the park. Councilor Cusick made a motion seconded by Councilor Sayre that the \$1,000 from the Olde Home Days be transferred to the Park Capital Reserve.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**Budget Adjustment – Court:** Mary Reagan Dailey, Town Justice, requested a Budget Adjustment for the Court Contractual Line. Councilor Hunt made a motion seconded by Councilor Cusick to approve the following Budget Adjustments for the Court.

From:	A.1110.1300 Court – Deputy Clerk Salary	\$500
	A.1110.2000 Court – Equipment	\$500

To:	A.1110.4000 Court – Contractual	\$1,000
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Supervisor Pollard stated that Lori Petrocci, Bookkeeper, stated that she checked with the Local Comptroller’s Office and it is legal to transfer from a Salary Line to a Contractual Line.

Ayes –Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**IMA – Youth Services:** Councilor Stevens made a motion seconded by Councilor Hunt to authorize Supervisor Pollard to sign the Agreement between the County of Onondaga and the Town of Marcellus for Children and Family Services (Youth Bureau). This allows Phil Coccia, Recreation Director, to get money back from the County for some of the programs that he offers.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**CNYSPCA Contract:** Councilor Stevens made a motion seconded by Councilor Sayre to authorize Supervisor Pollard to sign the Cruelty Contract for 2019 with the CNYSPCA. The contract is in the amount of \$1,117.80. This means that any animals that suffer cruelty of any kind, we can call the CNYSPCA and they will investigate.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**Tentative Budget/Set Dates for Budget Meetings:** The Board was given the Tentative Budget. Lori Petrocci, Bookkeeper, put in all the amounts that were handed back to her from the Departments. The insurance for the employees went up 2 and3% depending on which plan you are on. Supervisor Pollard then asked when the Board would like to meet for the Budget Meetings. Councilor Hunt made a motion seconded by Councilor Stevens to set up the Budget Meetings next week, Tuesday, September 25 at 5:30, Wednesday, September 26 at 5:30 and Thursday, September 27 at 5:00 pm. All meetings will be held at the Welcome Center.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

**Fire Department – Job Description:** There has been discussion about having the Deputy Town Clerk pick up some duties for the Fire Department. The Fire Department had a meeting and they were open to the suggestion. Supervisor Pollard emphasized that the Deputy Town Clerk’s first priority is to the Town Clerk. If the Town Clerk is on vacation, sick or has a day off, the Town Clerk’s Office is first priority. Jim Gascon, Town Attorney, suggested drawing up an Agreement between the Fire Department and the Town for this issue. The amount of money, time and work schedule still have to be worked out.

**CODES UPDATE – JOHN HOUSER:** John Houser, Codes Officer, gave a short explanation of what goes on in the Codes Office. He stated that Deb Williams, Deputy Codes Officer, is primarily the Fire Inspector. As of this point, Deb works only one day a week. She also helps John with issuing violations and closing out permits. At the Budget Meetings, John said that he may ask for Deb to be able to work another day a week.

John Houser, Codes Officer, also stated that in the past month or two, he has heard nothing from Glider Oil regarding the hydrant they are to install.

### **Discussion Agenda**

#### **Items from the Board**

Supervisor Pollard stated that she did a walk through with a gentleman from Selective Insurance of the Fire Department, Highway Garage and Town Hall. She stated that the Fire Department is very clean and neat. The Highway Garage is coming along well.

An e-mail was received from Jeff Travers (Public Sector) regarding the new Sexual Harassment Policy from New York State. Public Sector has worked to develop and updated “Anti-Discrimination and Harassment (including the Sexual Harassment) Policy” that can be used to revise our Employee Handbook. The finalization of the new model policy is awaiting “final” guidance resulting from the New York State Department of Labor and NYS Division of Human Rights. The Town will update as this progresses forward.

Supervisor Pollard stated that NYS said that the Guard Rails for North Street (site of the Paper Mill) are still in the design stage.

Councilor Sayre asked about having the Christmas Tree Lighting Ceremony on a Friday or Saturday instead of a Thursday night. The Town Board was in agreement, it is up to the Village. Councilor Sayre will contact them as well.

Jim Gascon, Town Attorney, stated that he would like a meeting with the Board at the conclusion of this meeting.

**Items from the Floor:** None

**ADJOURNMENT:** Councilor Cusick made a motion seconded by Councilor Hunt to adjourn the Marcellus Town Board meeting at 6:45 P.M.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk