

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

April 3, 2019

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, April 3, 2019, 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; Bill Southern, Gary Wilcox, Karen Cotter, Chris Christensen, Nancy Bunn, Susan Scheuerman, Chuck Paul, Ron Schneider, Jim Rossiter, Keith Ramsden, Park Crew Leader, Ted Jeske, Sarah Jeske, Shane Manthey, Joey Crysler, Tristan Parlin, Jacob Tucker, Noah Scotphin, 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: Supervisor Pollard opened up the Public Hearing on the Community Development Grant for the Park. Phil Coccia, Recreation Director, said that with the grant money they would like to update the bathrooms in the Grove Pavilion. Bill Southern, Sheehan Road, is in favor of the update. No one spoke against the grant. Supervisor Pollard closed the Public Hearing at 7:05 pm.

Minutes: Councilor Hunt made a motion seconded by Councilor Cusick to accept the Town Clerk's minutes from the March 6, 2019 Town Board Meeting and the March 20, 2019 Workshop Meeting.

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

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #4 as of April 1, 2019. Claim #'s 148563-148569, 148571-148597.

	<u>Expenses</u>
General Fund	\$15,179.01
Part Town General	63.57
Town Wide Highway	1,848.98
Fire District	83,316.75
Water District	<u>38,820.00</u>
 Total	 \$139,228.31

Councilor Stevens asked where the financials from the Fire Department are. The Board would like to hold Voucher 148569 (to the Fire Department) until Financials are received.

Board Members were given copies of the Activities Report as of March 26, 2019 for the Fiscal Year 2019, Periods 3– 3

	<u>Revenue</u>	<u>Expenses</u>
General Fund	(1,225,562.76)	\$274,902.07
Part Town General	(202,142.48)	44,335.27
Townwide Highway	(452,845.24)	160,833.36
Part Town Highway	(358,401.19)	21,181.87
Fire District	(408,604.89)	106,316.75
Hydrant Fund	(3,516.96)	1,690.77
Ambulance Fund	(312,075.39)	80,087.50
Sewer District	(157,497.04)	145,191.00
Water District	(154,866.50)	41,080.56

Bank Balances for February 2019:
 Total Balance \$4,995.905.93

Councilor Sayre made a motion seconded by Councilor Hunt to approve the Abstract of Audited Vouchers as of April 1, 2019 (with the holding out of voucher # 148569) the Activities Report as of March 26, 2019 and the Bank Balances for February 2019.

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

OLD BUSINESS:

Community Grant: Councilor Stevens made a motion seconded by Councilor Cusick to approve the Community Development Grant Application for the Park. The amount of the grant is not to exceed \$20,000, of which the Town will contribute approximately 25%. The Grant money will be used to update the bathrooms in the Grove Pavilion. One person spoke in favor of the Grant at the Public Hearing and no one spoke against it.

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

Reminder – Training on April 18, 2019: Supervisor Pollard reminded everyone that there will be mandatory Training for all employees on Thursday, April 18, 2019. The Town Offices will be closed from 9:00 am – 1:00 pm for the employees to go to the training. This will be held at the Marcellus Fire Department. The Village employees will be there as well. This does not include the Sexual Harassment Training that all employees will have to take before the end of the year.

NEW BUSINESS:

Vance Gorke – Route 20 Highway Overlay Zone: Supervisor Pollard stated that she heard from Mr. Gorke and he was unable to make it to the meeting tonight.

Speed Reduction Request – Pleasant Valley Road: Supervisor Pollard received a letter from Mr. Dale Vidler about reducing the speed on Pleasant Valley Road from 55 mph to 35 mph. This would be in the section from 3177 Pleasant Valley road to 2849 Pleasant Valley Road. Councilor Stevens made a motion seconded by Councilor Hunt to forward Mr. Vidler’s request to the county.

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

Undertaking – Deputy Court Clerk: Councilor Stevens made a motion seconded by Councilor Sayre to add Suzanne Tobin, Deputy Court Clerk, to the Official Undertaking.

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

Municipal Separate Sewer System: Councilor Hunt made a motion seconded by Councilor Cusick to authorize Supervisor Pollard to sign the Municipal Separate Storm Sewer System (MS4) Intermunicipal Agreement with Onondaga County. This Agreement is to provide services to assist with compliance of the Town’s MS4 permit.

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

Davis Pit – Mine Extension: Supervisor Pollard received a letter from the New York State Department of Environmental Conservation regarding the Davis Mine Permit for an expansion. After some discussion, it was decided that the Board would meet with the Attorney at the end of the Meeting to further discuss what is involved with this.

Small Cell 5G micro Cell Towers (added item): Jim Gascon, Town Attorney, just found out that the FCC issued an order in January 2019 regarding small cell wireless 4G and 5G technology. The Wireless providers will be delivering this technology through multiple small cell towers, rather than the traditional larger towers. Councilor Hunt made a motion seconded by Councilor Cusick to approve the Technology Resolution.

TOWN OF MARCELLUS
POLICY STATEMENT
REGARDING FUTURE TELECOMMUNICATION
TECHNOLOGY REGULATION AND
PERMITTING WITHIN THE TOWN

WHEREAS, the Town of Marcellus has established an application and permitting process for telecommunication installations in Section 24E of the Town of Marcellus Zoning Law; and

WHEREAS, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly; and

WHEREAS, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the adverse effects of wireless telecommunication facilities through the established permitting process; and

WHEREAS, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers; and

WHEREAS, the Town does not intend to limit the use of in-house wireless communication devices installed solely for the use of the property owner or business; and

WHEREAS, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting processes outlined in Section 24E of the Town Zoning Law emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that statute may be necessary to continue to pursue the intentions of that statute as new technology is proposed to be installed within the Town; and

WHEREAS, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology.

NOW THEREFORE, BE IT RESOLVED that no other agency has the legal authority to adopt the proposed resolution in the Town of Marcellus, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect of the environment, thus concluding the environmental review under the State Environmental Quality Review Act; and be it further

RESOLVED that the Town of Marcellus shall reserve the right to further define “small commercial wireless facilities,” which are defined, in part, by the Declaratory Ruling and Third Report and Order (“Order”) issued by the Federal Communications Commission (“FCC”) as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider as may be modified by local law in the future; and be it further

RESOLVED that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons, and property within the Town; and be it further

RESOLVED that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of Marcellus, including visual impacts, existing vegetation, residential character and lighting; and be it further

RESOLVED that all applications for the construction or installation of a new small wireless facility or modification of an existing wireless facility shall require the submission of documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Town; and be it further

RESOLVED that the Town, consistent with the Order, shall impose, at minimum, the following standards upon small commercial wireless facilities to address aesthetic and safety concerns as part of the review and permitting process:

- (1) Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
- (2) Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with the municipality with respect to snow removal and storage;
- (3) To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
- (4) Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
- (5) Where appropriate, small wireless facilities in the public right-of way shall be collocated on existing structures, whenever possible;
- (6) Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
- (7) Facilities shall be painted or shielded with street-design materials; and
- (8) The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional

camouflaging techniques may be required, such as decorative utility or light poles; and be it further

RESOLVED that all standards governing small commercial wireless facilities as set forth in the aforementioned Order are hereby acknowledged and reaffirmed; and be it further

RESOLVED that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of Marcellus, as may be necessary to assist in the review of such permits as are currently outlined in Section 24E of the Town Zoning Law, or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

RESOLVED that any approval for a small wireless facility that is proposed for Town property or in the public right-of-way shall require the applicant to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its elected officials, officers, employees, representatives and agents, from any and all damages, costs or charges which might arise out of, or be caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of the small wireless facility; and be it further

RESOVLED that the Town of Marcellus Town Board hereby establishes an application fee of \$500.00 for a single up-front application of a small wireless facility, that may include up to five (5) sites, and \$100.00 per application for each site thereafter, and be it further

RESOLVED that the Town further imposes a recurring charge for each small wireless facility to be situated within the public right-of-way to be \$270.00 per site per year, which shall include all related access, permitting and rental fees.

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

Chris Hunt	Councilor	Voted	Yes
John Cusick	Councilor	Voted	Yes
Laurie Stevens	Councilor	Voted	Yes
Tammy Sayre	Councilor	Voted	Yes
Karen Pollard	Supervisor	Voted	Yes

Date: April 3, 2019

DISCUSSION AGENDA:

Items from the Board

Supervisor Pollard stated that the Village Police Chief and Officer Clere will be here on Monday, April 8, 2019 around 1:30 to go over the safety of courtroom.

Supervisor Pollard received a quote from Jeffrey J. Schultz, PLS, Land Surveying & Mapping PLLC, for surveying the Town property on Main Street. The amount to have this done is \$1,200.

Supervisor Pollard stated that there has been a very bad odor upstairs, especially in the Assessor's Office. It has to do with the Pipe that let out steam a few weeks ago. The rug in that office will probably have to come up.

Information was received from a resident about using a Living Urn System in the Park. Councilor Cusick made a motion seconded by Councilor Sayre that the Town will not permit urns/ashes, human remains or pet remains in the Park.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

Supervisor Pollard reminded Jim Gascon, Town Attorney, about General Codes. She would like him to review what they have sent to the Town for his legal advice.

Town Hall Meeting Room Projector: Pete Knowles, is suppose to come the week of April 8, 2019 to get us set up with the television and wireless for the meetings. Councilor Stevens purchased the television that the Town will be using for Planning/Zoning Board Meetings and Town Meetings.

Items from the Floor

Bill Southern, Sheehan Road, asked about the Guard Rails at the Paper Mill site. Supervisor Pollard stated she heard from the state and they should be up in a couple of months.

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

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk