

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

September 4, 2019

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, and State of New York was held on Wednesday, September 4, 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; John Houser, Codes Officer; Phil Coccia, Recreation Director; Bill Southern, Bernard Montgomery, Karen Cotter, Chuck Paul, John Rossiter, Jim Rossiter, Terry Hoey, Lewis McCaffrey, Jeremy Kidd from Pinnacle Investments, 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: 3601 S. E. Townline Road

Jim Gascon, Town Attorney, called John Houser, Codes Officer, as a witness. Mr. Houser stated that he first inspected the above address on Jan. 18, 2019 and found that there was an unsafe structure, debris and junk cars all over the yard. Mr. Brad Meyer, the owner, was sent a Notice of Violation which cited the following sections of the Local Law of 2002 of the Town of Marcellus Zoning Law. Section 3 having to do with Littering, Section 302.8; having to do with Motor Vehicles, Section 302.7; having to do with Accessory Structures; Section 304.2 having to do with Protective Treatment and Section 304.1 having to do with Unsafe Conditions. A copy of this Notice of Violation was accepted by the Board as Exhibit A.

A Compliance Order dated February 18, 2019 was then sent to Mr. Brad Meyer citing the violations of the NYS Fire Prevention and Building Code and/or Town of Marcellus Zoning Law. A copy of this Compliance Order was accepted by the Board as Exhibit B.

A Notice of Public Hearing that was in the Eagle Observer for Marcellus was shown to the Board as Exhibit C.

On September 3, 2019, John Houser, Codes Officer, completed a follow up re-inspection of the property to determine if the violations relating to the exterior property areas have been removed. Photos and a report of the September 3, 2019 inspection were submitted to the Town Board. The violations indicated in the Compliance Order currently exist.

Jim Gascon, Town Attorney, asked if anyone had any questions for John Houser, Codes Officer. There were none.

Councilor Hunt made a motion seconded by Councilor Cusick to appoint a person to enter the property and remove all the debris. This will be done at the Workshop Meeting to be held on Sept. 18, 2019. The Town Attorney will prepare a more detailed resolution for the Workshop Meeting. The costs and expenses of the cleanup will be sent to the owner, if not paid within 30 days, they will be put on the tax bill.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

The Public Hearing was closed at 7:15 pm.

Minutes: Councilor Hunt made a motion seconded by Councilor Stevens to accept the Town Clerks minutes from the August 7, 2019 Town Board Meeting and the August 21, 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 #9 as of August 30, 2019. Claim #'s 149451-149495.

<u>Expenses</u>	
General Fund	\$ 19,536.57
Part Town General	116.85
Town Wide Highway	3,053.61
Part Town Highway	2,429.79
Fire District	83,316.75
Trust & Agency	<u>40.20</u>
Total	\$108,493.77

Board Members were given copies of the Activities Report as of August 30, 2019, for the Fiscal Year 2019, Periods 1-8

	<u>Revenue</u>	<u>Expenses</u>
General Fund	(\$1,363,270.11)	\$839,729.07
Part Town General	(209,716.84)	105,643.56
Town Wide Highway	(578,464.75)	251,265.85
Part Town Highway	(358,908.14)	317,546.31
Fire District	(408,908.26)	286,740.25
Hydrant Fund	(3,523.43)	1,690.77
Ambulance Fund	(312,128.86)	234,037.50
Sewer District	(157,501.46)	157,491.00
Water District	(161,030.70)	79,900.28

Bank Balances for July 2019:

Total Balance for July 2019: \$3,836,268.82

Councilor Stevens made a motion seconded by Councilor Sayre to approve the Abstract of Audited Voucher as of August 30, 2019, the Activities Report as of August 30, 2019 and the Bank Balances for July 2019.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

OLD BUSINESS:

Assessor’s Contract Renewal: Jim Gascon, Town Attorney, has spoken with Larry Fitts, Town Assessor, regarding his Contract. The Town has a Memo of Understanding with Mr. Fitts, it is not a contract. Jim Gascon will draw up a Memo of Understanding and this will be on the Agenda for the September 18, 2019 Workshop Meeting.

NEW BUSINESS:

SEQRA For Tax Cap Override: Jim Gascon, Town Attorney, went through the Short Environmental Assessment Form for Everyone. Councilor Sayre made a motion seconded by Councilor Stevens 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

Resolution for Tax Cap Override:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 4, 2019

TOWN OF MARCELLUS LOCAL LAW NO B OF THE YEAR 2019

(“A Local Law Overriding the Tax Levy Limit Established
in General Municipal Law §3-C in the Town of Marcellus”)

Councilor Hunt introduced proposed Local Law No. B of the year 2019, relating to the ability of the Town of Marcellus 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 Town Budget for the fiscal year 2020 in excess of the “tax levy limit,” and made the following motion, which was seconded by Councilor Cusick:

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an Unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board;
and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. B of the year 2019 at the Marcellus Town Offices located at 24 East Main Street in said Town on October 2, 2019 at 7:00 pm, or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: September 4, 2019

Peter Knowles – Computer Information: Peter Knowles spoke to the Board about the upgrades that will have to happen with the Town Hall computers. He stated that the Town will have to invest in a new server and some of the computers will need to be updated. He is talking between \$21,800 to \$27,000 for everything. Supervisor Pollard suggested that the computers that will have to be upgraded be bought this year if the Departments have the money available. He will continue to keep the Board updated on the process.

Water Supply Agreement between the Town of Marcellus and the Onondaga County Water Authority – Falls Road Water Supply District:

Councilor Cusick made a motion seconded by Councilor Hunt to authorize Supervisor Pollard to sign the following resolution between the Town of Marcellus and the Onondaga County Water Authority for the Falls Road Water Supply District.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

In the Matter of The Authorization of an Agreement

**Between the Onondaga County Water
Authority and the Town of Marcellus, New York**
Resolution Authorizing Water Supply Agreement

At a meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York (hereinafter "TOWN"), held at the Marcellus Town Hall, Marcellus, New York, on the 4th day of September 2019, at 7:00 pm.

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

WHEREAS, the TOWN and the Onondaga County Water Authority (hereinafter "AUTHORITY") desire to enter into an AGREEMENT to continue supplying water to the Falls Road Water Supply District (hereinafter "DISTRICT"); and

WHEREAS, the TOWN represents to the AUTHORITY and the DISTRICT was duly established as provided by law; and

WHEREAS, the TOWN represents to the AUTHORITY that the Town has the power and the authority to bind itself to the provisions of the proposed AGREEMENT,

NOW, THEREFORE,

BE IT RESOLVED, that the AGREEMENT between the AUTHORITY and the TOWN in the form as is annexed hereto, be and hereby is approved by the TOWN; and

BE IT FURTHER RESOLVED that the Town Board of the TOWN hereby executes said AGREEMENT on behalf of the District and the Town Clerk is hereby authorized to deliver a copy of the executed AGREEMENT to the AUTHORITY; and any other party.

I, the undersigned, Town Clerk of the TOWN, hereby certifies that the foregoing is a true and correct copy of a resolution unanimously adopted by the Town Board at a regular meeting of the Board, at which a quorum was present, held at the Town Hall on the above date.

I further certify that public notice of this meeting was duly given as required by law.

Dated: September 4, 2019

Sandy Taylor
Town Clerk

**Water Supply Agreement between the Town of Marcellus and the Onondaga County
Water Authority – Falls Road Water Supply District Extension No. 1:**

Councilor Stevens made a motion seconded by Councilor Hunt to authorize Supervisor Pollard to sign the following resolution between the Town of Marcellus and the Onondaga County Water Authority for the Falls Road Water Supply District Extension No. 1.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

In the Matter of The Authorization of an Agreement
Between the Onondaga County Water
Authority and the Town of Marcellus, New York

Resolution Authorizing Water Supply Agreement

At a meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York (hereinafter “TOWN”), held at the Marcellus Town Hall, Marcellus, New York, on the 4th day of September 2019, at 7:00 pm.

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

WHEREAS, the TOWN and the Onondaga County Water Authority (hereinafter “AUTHORITY”) desire to enter into an AGREEMENT to continue supplying water to the Falls Road Water Supply District Extension No. 1 (hereinafter “DISTRICT”); and

WHEREAS, the TOWN represents to the AUTHORITY and the DISTRICT was duly established as provided by law; and

WHEREAS, the TOWN represents to the AUTHORITY that the Town has the power and the authority to bind itself to the provisions of the proposed AGREEMENT,

NOW, THEREFORE,

BE IT RESOLVED, that the AGREEMENT between the AUTHORITY and the TOWN in the form as is annexed hereto, be and hereby is approved by the TOWN; and

BE IT FURTHER RESOLVED that the Town Board of the TOWN hereby executes said AGREEMENT on behalf of the DISTRICT and the Town Clerk is hereby authorized to deliver a copy of the executed AGREEMENT to the AUTHORITY; and any other party.

I, the under signed, Town Clerk of the TOWN, hereby certifies that the foregoing is a true and correct copy of a resolution unanimously adopted by the Town Board at a regular meeting of the Board, at which a quorum was present, held at the Town Hall on the above date.

I further certify that public notice of this meeting was duly given as required by law.

Dated: September 4, 2019

Sandy Taylor
Town Clerk

Fire Department – Awards Program Administration Change: Jeremy Kidd, Financial Advisor/Registered Principal, from Pinnacle Investments, LLC. spoke to the Board and residents about changing from OMEGA to Pinnacle Investments for the Fire Department Awards Program. A Resolution dated June 11, 2012 stated that Omega would be the one handling the monies with assistance from the Fire Department. After some discussion and feedback from the Fire Department Representatives, Councilor Hunt made a motion seconded by Councilor Sayre to change the investment Company for the Fire Department Service Awards from Omega to Pinnacle Investments, LLC.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

DISCUSSION AGENDA:

Items from the Board

Supervisor Pollard hasn't heard anything from either of the Architects that spoke at previous meetings regarding the Town Hall.

Items from the Floor

Adjourn: Councilor Hunt made a motion seconded by Councilor Cusick to adjourn the Marcellus Town Board meeting at 8:00 pm.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

Respectfully submitted,

Sandy Taylor, Town Clerk