

**TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES**

March 4, 2020

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, March 5, 2020, in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Karen R. Pollard, Supervisor
Tammy Sayre, Councilor
John Cusick, Councilor
Terry Hoey, Councilor
Laurie Stevens, Councilor

Also present: Jim Gascon, Town Attorney; John Houser, Codes Officer; Phil Coccia, Recreation Director; Ron Schneider, Chuck Paul, Keith Ramsden, Park Crew Leader; Bernie Montgomery, Sandy Elsy, Parks and Rec Secretary; Justin Crysler, Karen Cotter, Nate M Von Hausen, Nancy Von Hausen, Jeffrey F. White, Ryan White, Kevin Huss, Don MacLachlan, Highway Superintendent; 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 – Local Law 1 -2020 – General Codes: Supervisor Pollard explained that General Codes is all the Local Laws, ordinances and zoning allowances are put together in a book and will be available online. This has been worked on for about two years. Supervisor Pollard then asked if anyone had anything to say either for or against this and there were no comments. The Public Hearing was closed at 7:03 pm.

Minutes: Councilor Cusick made a motion seconded by Councilor Stevens to waive the reading of the minutes and to accept the Town Clerk’s minutes from the February 5, 2020 Town Board Meeting and the February 19, 2020 Workshop Meeting.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #3 as of February 28, 2020. Claim #'s 150213-150239.

	<u>Expenses</u>
General Fund	\$11,294.32
Part Town General	55.55
Town Wide Highway	<u>18,380.58</u>
Total	\$29,730.45

Board Members were given copies of the Activities Report as of February 28, 2020 for the Fiscal Year 2020, Periods 2 -2.
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	<u>Revenue</u>	<u>Expenses</u>
General Fund	(1,246,212.73)	\$192,413.61
Part Town General	(193,574.88)	31,239.14
Town Wide Highway	(425,026.27)	30,262.39
Part Town Highway	(354,153.59)	5,004.25
Fire District	(395,800.16)	97,650.00
Hydrant Fund	(2,560.71)	0.00
Ambulance Fund	(316,692.12)	79,172.50
Sewer District	(160,827.63)	160,821.00
Water District	(179,564.36)	69,437.28

Bank Balances for January 2020:
Total Balance \$ 4,579,058.23

Councilor Stevens made a motion seconded by Councilor Sayre to accept the Abstract of Audited Vouchers as of February 28, 2020, the Activities Report as of February 28, 2020 and the Bank Balances for January 2020.

Ayes – Pollard, Stevens, Hunt, Sayre and Cusick

Carried

OLD BUSINESS:

New Reserve: Lori Petrocci, Bookkeeper, asked if she could start up a New Reserve for the “B” Fund (Part- Town General) which consists of Codes, and Planning and Zoning. Right now, they only have an Unemployment Reserve, Lori would like to create an additional reserve to be funded by the excess monies in the Fund Balance. This reserve could be used for any unanticipated expenditures or revenue losses that may occur for the “B” Fund. After some discussion, it was decided to table this and get more information. It will be on the agenda for the March 18, 2020 Workshop Meeting.

Grant – Comprehensive Plan: Supervisor Pollard has not heard anything else regarding the Grant money for the Comprehensive Plan. Supervisor Pollard explained to the residence that our Comprehensive Plan is approximately 20 years old and should be updated. Once she hears more on the Grant money, she will let us know. The committee will be made up of volunteers from the Town Board, Planning/Zoning Board, the County and possibly some residence of the Town.

Highway – Permission for Work: Don MacLachlan, Highway Superintendent, explained to the Board about work that needs to be done on Schuyler Road. He has worked with Joe Durand, Engineer, and presented a map about more signage going up and work on the culverts. Councilor Stevens made a motion seconded by Councilor Cusick to direct Jim Gascon, Town Attorney, to draw up a Permissive Referendum to be on the March 18, 2020 Agenda. Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Adopt Local Law on General Codes:

TOWN OF MARCELLUS
RESOLUTION TO ENACT LOCAL LAW NO 1-2020

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF MARCELLUS INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF MARCELLUS”

Councilor Hoey made a motion seconded by Councilor Sayre to enact Local Law 1-2020.

WHEREAS, a public hearing was held on the 4th day of March 2020, by the Town Board of the Town of Marcellus, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS at said public hearing the town board considered the enactment of proposed Local Law No 1 – 2020, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF MARCELLUS INTO A MUNICIPAL CODE TO BE DESIGNATED THE ‘CODE OF THE TOWN OF MARCELLUS’ AND

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1-2020 be enacted as follows:

ARTICLE 1
Adoption of Code

§ 1-1. Legislative Intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Marcellus, as codified by General Code, and consisting of Chapters 1 through 235, together with an Appendix, shall be known collectively as the “Code of the Town of Marcellus,” hereafter termed the “Code”.

Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Marcellus” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoptions of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Marcellus, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinance as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repealer.

Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in §1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Marcellus which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1.4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Marcellus prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Marcellus or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Marcellus.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Marcellus.
- E. Any local law or ordinance of the Town of Marcellus providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Marcellus or any portion thereof.

- F. Any local law or ordinance of the Town of Marcellus appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Marcellus or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to September 9, 2018.

§1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Marcellus and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Marcellus by impressing thereon the Seal of the Town of Marcellus, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication for all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Town of Marcellus” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments, and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Marcellus required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Marcellus in any manner whatsoever which will cause the legislation of the Town of Marcellus to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Marcellus, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. Nomenclature. The following nomenclature changes are made:
- (1) Instances of “Building Inspector” are changed to “Code Enforcement Officer.”
 - (2) In Chapter 175, “Parks and Recreation Law/Department” is changed to “Parks, Recreation and Historic Preservation Law/Department.”
 - (3) In Chapter 212, Article V is amended to change instances of “state board” to “Commissioner of Taxation and Finance.”
 - (4) Chapter 235 is amended to change instances of “specified anatomical activities:” to “specified anatomical areas.”
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article 1 of Chapter 1 of the Code of the Town of Marcellus, such local law to be entitled “General Provisions, Article 1, Adoption of Code,” and the sections of this local law shall be numbered § 1-1 – 1-13, inclusive.

§1-13. When effective

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick
Date: March 4, 2020

Carried

NEW BUSINESS:

Credit Cards – Recreation Department: Sandy Elsy, Secretary for Park & Recreation, researched the Parks and Recreation Department getting a credit card machine. She has spoken to a number of vendors and has information from FORTE. The goal is to start with credit cards and eventually be able to register on-line for different summer camps.

The Board had some questions that Sandy will try and get answers to for the next meeting on March 18, 2020.

Items from the Board

Town Hall – Lori Petrocci, bookkeeper, ran an amortization chart for the Board showing Amounts of payments for different borrowing amounts. Jim Gascon, Town Attorney, will have his paralegal run a few more with different dollar amounts and time frames.

Town Hall – Mike O’Shea, QPK Design, asked if the Highway Department would be able to do some test holes on the land next door where the proposed Town Hall will be. Don MacLachlan, Highway Superintendent, has agreed to do this work for the Town.

Councilor Stevens made a motion seconded by Councilor Cusick to authorize the Highway Department to do the test holes.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Supervisor Pollard stated that a “Thank You” note was received from Mike Farrell, regarding the work that was done at the cemetery on the “Stone Family Monument”.

Jim Gascon, Town Attorney, received notice from the Governor’s office stating that by April 1 he would like to pass a law legalizing marijuana. If the Town doesn’t want any retail stores selling it, we would have to opt out.

5-G Networks Jim Gascon, will work up a local law regarding the 5-G networks.

Fire Department: The Fire Department Financials for January 2020 have been received.

Revaluation: Larry Fitts, Town Assessor, will be doing a revaluation of the Town. He presented the Board with a sample copy of the letter and the revaluation notice that will be sent to Town residents.

Upgrades on Computers: Pete Knowles, is just about done upgrading everyone’s computers. He can’t work on the Bookkeepers until early April (due to the software company’s availability). The Assessors Office will wait until after the revaluation.

Hot Dog Cart: Supervisor Pollard received a request asking to have a Hot Dog Cart down on the Gorge Road, between Marcellus and Camillus. As this is a State Road, she will direct him to New York State Department of Transportation.

Items from the Floor

Phil Coccia, Recreation Director, reminded everyone that there is a moonlight walk, this Saturday, March 7, 2020 from 6:00 pm – 9:00 pm at the Park. Everyone is welcome.

There was a discussion about starting a newsletter from the Town. This will be looked into as to cost and who would overlook it.

Adjourn: Councilor Sayre made a motion seconded by Councilor Stevens to adjourn the Town Board meeting at 8:15 pm.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Respectfully submitted,

Sandy Taylor
Town Clerk