

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

October 7, 2020

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, October 7, 2020, in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

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

Also Present: Jim Gascon, Town Attorney; Jim Rossiter, Don MacLachlan, Highway Superintendent; Carolyn Rice, Keith Ramsden, Park Crew Leader; Bill Southern, Scott Stearns, Karen Cotter, Phil Coccia, Recreation Director 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 the Public Hearing at 7:03 to allow for questions and comments regarding the Tax Cap Override. There were no comments, either favorable or unfavorable from the Floor or the Board. Supervisor Pollard closed the Public Hearing at 7:05 pm.

Minutes: Councilor Stevens made a motion seconded by Councilor Cusick to accept the Town Clerk's minutes, as presented (waiving the reading) from the Town Board Meeting on September 2, The Workshop Meeting on September 16, the Supervisor's Budget Meeting Minutes on September 21, September 24 and September 28, and the Town Clerks minutes from the Special Meeting on September 30, 2020.

Ayes – Pollard, Stevens, Hoey, 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 #10 as of October 5, 2020, Claim #'s 151104-151149.

	<u>Expenses</u>
General Fund	\$26,816.10
Part Town General	708.00
Town Wide Highway	5,957.93
Part Town Highway	3,326.83
Water District	<u>28,390.00</u>
Total	\$65,198.86

Bills paid between meetings: The following Insurance Bills were paid on September 17, 2020.

<u>Voucher Number</u>	<u>Vendor</u>	<u>Amount</u>
151072	NYS Unemployment	\$ 1.85
151073	James P. Reagan	513.00
151074	Excellus BC/BS	405.40
151075	Excellus BC/BS	405.40
151076	Excellus BC/BS	
20,121.35		
151077	Excellus BC/BS	
276.97		
151078	Simply Prescriptions	474.14
151079	Simply Prescriptions	474.14

The following Electric/Gas bills were paid on October 1, 2020.

151096	NYSEG	18.60
151097	NYSEG	22.58
151098	NYSEG	22.77
151099	NYSEG	24.41
151100	NYSEG	96.16
151101	NYSEG	227.75
151102	NYSEG	20.08
151103	NYSEG	314.30

Board Members were given copies of the Activities Report as of October 1, 2020, for the Fiscal Year 2020. Periods 9 to 9

	<u>Revenue</u>	<u>Expenses</u>
General Fund	1,361,982.78)	\$771,297.87
Part Town General	(205,262.69)	121,888.78
Town wide Highway	(553,012.87)	247,158.72
Part Town Highway	(399,206.95)	343,970.54
Fire District	(405,070.92)	382,077.72
Hydrant Fund	(2,565.71)	3,281.54
Ambulance Fund	(316,714.09)	239,492.50
Sewer District	(160,828.96)	160,821.00
Water District	(200,593.39)	175,642.09
Bank Balances for July 2020:		

The Total Bank Balances for July 2020: \$3,589,691.30

Councilor Sayre made a motion seconded by Councilor Hoey to approve the Abstract of Audited Vouchers as of October 5, 2020, the bills that were paid on September 17, 2020 and October 1, 2020 the Activities Report as of October 1, 2020 and the Bank Balances for July 2020.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

OLD BUSINESS:

Demo Project- SE Townline Road: John Houser, Codes Officer, presented the Board with three quotes to demolish 3601 SE Townline Road. They are:

Scanlon Trucking	\$31,528 – included hazardous materials
Diversified/Bianchi	\$34,800 – does not include hazardous materials
Crisafulli Trucking	\$27,500 – does not include hazardous materials

After some discussion, Councilor Cusick made a motion seconded by Councilor Sayre to approve Scanlon Trucking for the controlled demolition of 3601 SE Townline Road. This price will include any hazardous materials, whereas, the other companies may charge more for hazardous materials. This will be on the October 21, 2020 agenda for an update.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Fence Follow-up: John Houser, Codes Officer, has been trying to get a hold of Leader fence and has been unsuccessful. Supervisor Pollard suggested that he write a letter to Leader Fence and explain that there is now a new owner of the property on 4747 North Street Road (The site of the old Paper Mill). Jim Gascon, Town Attorney, drafted a letter to be sent out in the next day or two to the new owner explaining the Town will be in contact with Leader Fence to take the fence down. This is up to the new owner if he/she would like to continue to have this fence. This will be on the Oct. 21, 2020 agenda for an update.

NEW BUSINESS:

Adopt Local Law – Tax Cap Override:

**RESOLUTION
MARCELLUS TOWN BOARD**

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, Proposed Local Law B of the Year 2020 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 on September 16, 2020; and

WHEREAS, the Town Board held a public hearing to consider said Proposed Local Law 2 of the year 2020 on October 7, 2020 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 connections with said proposed local law having been heard, and said Proposed Local Law having been in the possession 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 2 of the Year 2020 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 2 of the Year 2020.

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 B of the Year 2020 as Local Law 2 of the Year 2020 as follows:

TOWN OF MARCELLUS
LOCAL LAW NO. 2 OF THE YEAR 2020

**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, 2021 and ending December 31, 2021, 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 authorized 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 2021 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 and the vote was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

DATED: October 7, 2020

Speed Limit on NW Townline Road: Councilor Stevens made a motion seconded by Councilor Sayre to send a letter of support installing a speed limit sign on Northwest Townline Road. At this time there is no sign and the residents would like it posted at 40 mph.

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

New Member- Fire Department: Councilor Cusick made a motion seconded by Councilor Hoey to approve Harold Lodbell as a new member to the Marcellus Fire Department.

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

Fire Department – Financials: The Financials for the Fire Department have been received for the Boards review. There is no action on this matter.

Set date for Public Hearing – 2021 Budget: Supervisor Pollard made a motion seconded by Councilor Sayre to set the Public Hearing for the 2021 budget on November 4, 2020 at 7:00 pm. Ayes – Pollard, Stevens, Hoey, Sayre and Cusick Carried

Town Hall – Voting Information, Resolution Scheduling Referendum:

At a regular meeting of the Town Board of the Town of Marcellus, Onondaga County, New York, held at the Town Hall, in Marcellus, New York, in said Town, on October 7, 2020, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Karen Pollard, and upon roll being called, the following were

PRESENT:

Supervisor: Karen Pollard

Councilors: Laurie Stevens
John Cusick
Tammy Sayre
Terry Hoey

ABSENT: None

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

TOWN OF MARCELLUS

RESOLUTION DATED OCTOBER 7, 2020.

A RESOLUTION PROVIDING FOR THE DETAILS OF A SPECIAL ELECTION IN THE MATTER OF THE PROPOSED FINANCING AND CONSTRUCTION OF A NEW TOWN HALL, IN THE TOWN OF MARCELLUS, ONONDAGA COUNTY, NEW YORK AT A MAXIMUM ESTIMATED BONDING COST OF \$3,000,000.

WHEREAS, after all other proceedings required by the applicable provisions of the Town Law and Local Finance Law were duly had and taken in connection with the proposed financing and construction of a new Town Hall in the Town of Marcellus, Onondaga County, New York (the "Project"), the Town Board of said Town duly adopted on the 27th day of July, 2020, a bond resolution approving the financing and construction of a new Town Hall, at a maximum estimated Bonding cost of \$3,000,000 which resolution was adopted subject to permissive referendum, and with regard to which a valid petition was duly filed; and

WHEREAS, a form for the proposition to be submitted at a special election of the qualified voters of the Town for the approval of the aforesaid bond resolution has been duly submitted to this Town Board;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Marcellus, Onondaga County, New York, as follows:

Section 1. A special Town election of the qualified voters of the Town of Marcellus, Onondaga County, New York, be held on December 8, 2020, at the Marcellus Fire Station, 4242 Slate Hill Road, in Marcellus, New York, in said Town, the polls at said special election shall remain open between the hours of 9:00 o'clock A.M. and 8:00 o'clock P.M., Prevailing Time, for the purpose of voting by voting machine upon the proposition hereinafter set forth in the notice of such special election, as hereinafter provided, the form of which proposition as hereby approved.

Section 2. The Town Clerk, or Deputy Town Clerk in her absence from office, is hereby authorized and directed to cause a notice of said special election to be given by the publication thereof in the official newspapers of said Town, the publication of such notice to be made at least ten (10) days prior to the time of such special election. In addition, the Town Clerk, or Deputy Town Clerk in her absence from office, shall post or cause to be posted a copy of such notice on the signboard maintained pursuant to subdivision 6 Section 30 of the Town Law, at least ten (10) days prior to such election and in at least four (4) other conspicuous places in the Town, in addition to said signboard, at least ten (10) days prior to the first meeting of the Board of Registration. The notice of said special election, the proposition to be submitted thereat, shall be in substantially the form attached hereto as Exhibit A and hereby made part hereof.

Section 3. Pursuant to Section 83 of the Town Law, the following persons are hereby selected from the list of Election Inspectors and Ballot Clerks previously designated by this Town Board for General Election purposes (pursuant to the Election Law), to act as Election Inspectors and Ballot Clerks for such special election:

Pamela George
Sue March
Janet Muir
John Sanzo
Grant Hanlon
Pat Canny
James DeWan

Section 4. The persons named above shall be paid the sum of \$20 per hour each for their services.

Section 5. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Karen Pollard	Voting	Yes
Councilor Laurie Stevens	Voting	Yes
Councilor John Cusick	Voting	Yes
Councilor Tammy Sayre	Voting	Yes
Councilor Terry Hoey	Voting	Yes

The resolution was thereupon declared duly adopted.

Exhibit A

NOTICE OF SPECIAL ELECTION

NOTICE OF SPECIAL ELECTION

AND AVAILABILITY OF ABSENTEE BALLOTS

NOTICE IS HEREBY GIVEN that a special election of the Town of Marcellus, Onondaga County, New York, will be held at the Marcellus Fire Department, 4242 Slate Hill Road, in Marcellus, New York, in said Town, on the 8th day of December, 2020, at which the polls will be kept open between the hours of 9:00 o'clock A.M. and 8:00 P.M. Prevailing Time, for the purpose of voting by voting machine on the following proposition:

TOWN HALL PROPOSITION

Shall the bond resolution adopted by the Town Board of the Town of Marcellus, Onondaga County, New York, on July 27, 2020, authorizing the construction of a new Town Hall and related improvements and expenses, at a maximum estimated cost of \$3,000,000, to be financed by the issuance of not to exceed \$3,000,000 general obligation serial bonds of said Town over a period not exceeding thirty years, with debt service to be payable by the levy of a tax upon the taxable real properties in said Town, be approved?

A copy of the aforesaid resolution referred to in the aforesaid proposition is on file in the office of the Town Clerk of said Town, located in the Town Hall, 24 East Main Street, in Marcellus, New York, and may be provided to or examined by any interested person during the normal business hours upon advance request by emailing the Town Clerk at clerk@marcellusny.com or by calling (315) 673-3269 (ext. 1) during normal business hours.

Any person who is a qualified voter of said Town shall be entitled to vote upon such proposition. (A qualified voter is a resident of the Town who shall have resided in the County for at least thirty (30) days preceding the special election, who will be 18 years of age on the date of the election, and who is a United States citizen who is registered to vote.)

NOTICE IS HEREBY FURTHER GIVEN that a qualified voter of the Town may vote by absentee ballot if such voter is eligible to vote as an absentee voter in accordance with the requirements therefor set forth in Town Law Section 84-a. Pursuant to Governor's Executive Order No. 202.58, the potential for contraction of the COVID -19 virus as an illness shall constitute a basis to request and receive an absentee ballot in addition to any other basis in Town Law Section 84-a. Persons eligible to vote as an absentee voter and who wish to obtain an absentee ballot must make a request by emailing the Town Clerk at clerk@marcellusny.com or by calling (315) 673-3269 (ext. 1) during normal business hours. Such requests must be received by the Town Clerk no later than seven days prior to the election, if the ballot is to be mailed to the voter, or the day before the election if the ballot is to be delivered personally to the voter or the agent of the voter. Absentee voting shall be as otherwise prescribed in the Town Law and in the Election Law, as applicable. A list of all persons to whom absentee ballots shall have been mailed shall be kept at the office of the Town Clerk where it shall be available for public inspection or review during normal business hours upon advance request by emailing the Town Clerk at clerk@marcellusny.com or by calling (315) 673-3269 (ext. 1) during normal business hours until the day of the election.

Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. Such list shall also be posted in a conspicuous place or places during the election and any qualified voter may challenge acceptance of the absentee voter's ballot of any person on such list by making a challenge and reasons therefor known to the inspectors of election before the close of the polls.

All absentee ballots must be received in the office of the Town Clerk not later than 8:00 o'clock P.M. on December 8, 2020, or be postmarked on or before December 8, 2020 and received by the Town on or before December 15, 2020.

NOTICE IS HEREBY FURTHER GIVEN that the capital project for said District and the establishment thereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects. SEQRA compliance documentation is available on file in the office of the Town Clerk where it may be provided or examined upon request by emailing the Town Clerk at clerk@marcellusny.com or by calling (315) 673-3269 (ext. 1) during normal business hours.

Dated: October 7, 2020

BY ORDER OF THE TOWN BOARD OF

THE TOWN OF MARCELLUS,
ONONDAGA COUNTY, NEW YORK

/s/ Sandra H. Taylor
Town Clerk

Otisco Lake Drinking Water Source Protection Plan: Scott Stearns, Sevier Road, spoke regarding the Otisco Lake Drinking Water Source Protection Plan. What the Plan Project Stakeholder Group would like to do is preserve unwanted runoff going into Otisco Lake and Nine Mile Creek. After some discussion, Supervisor Pollard stated that the Board would be willing to help with whatever they may need as part of Otisco Lake is in the Town of Marcellus, and Nine Mile Creek runs through Marcellus. She also suggested that he contact Joe Durand of TDK Engineering.

JCAP Grant (added item): Councilor Hoey made a motion seconded by Councilor Stevens to authorize the Court to apply for a 2020-2021 JCAP Grant. The Grant amount anticipated would be \$330 for the purchase of Webcams and speakers in anticipation of virtual Court appearances and completion of educational requirements.

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Supervisor Pollard stated that there will be a meeting with Council at the conclusion of the meeting.

Discussion Agenda:

Items from the Floor: Phil Coccia, commented on how nice the board is working on the vote for the new Town Hall.

Adjournment: Councilor Sayre made a motion seconded by Councilor Cusick to adjourn the Town Board Meeting at 8:40 PM

Ayes – Pollard, Stevens, Hoey, Sayre and Cusick

Carried

Respectfully Submitted,

Sandy Taylor
Town Clerk