

Marcellus Town Board Meeting  
 Wednesday, May 4, 2022  
 6:30 PM

A Regular Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, May 4, 2022 in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Karen R. Pollard, Supervisor  
 Jamie Curtin, Councilor  
 Terry Hoey, Councilor  
 Gabe Hood, Councilor  
 Laurie Stevens, Councilor

Also Present: Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation, Director; John Houser, Codes Officer; Karen Cotter, Sandy Elsey, Jim Gascon, Town Attorney; Chris Christensen, Jeff Berwald, Jim Rossiter, Jesse Faulkner, Ryan Coon, Fire Department; Mark Delison, Fire Department; Lucy Powell, Katie MacLachlan, Gary & Linda Wilcox, Nancy Bunn, Melissa Wilins, Brendan Donath, Sarah and Randy Marciniak and Sandy Taylor, Town Clerk.

**Minutes:** Councilor Stevens made a motion seconded by Councilor Curtin to waive the reading and accept the Town Clerk’s minutes from the following meetings, the Town Board Meeting on April 6, 2022 and the Workshop Meeting on April 27, 2022.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

**Monthly Activity:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #5 as of May 3, 2022. Claim #'s 153508-153532, 153540-153548.

	<u>Expenses</u>
General Fund	\$13,077.87
Part Town General	332.50
Town Wide Highway	1,646.65
Capital Projects	<u>1,396.00</u>
Total	\$16,453.02

Board Members were given the Activities Report as of April 29, 2022. Fiscal year 2022. Period 4.

	<u>Revenue</u>	<u>Expenses</u>
General Fund	(1,703,593.24)	\$519,463.91
Part Town General	( 205,443.13)	58,362.02
Town Wide Highway	( 515,324.69)	203,520.30
Part Town Highway	( 367,465.04)	37,082.42
Capital Projects	( 231,807.31)	580,620.47
Fire District	( 399,775.64)	189,232.50
Hydrant Fund	( 2,926.50)	1,548.07

Ambulance Fund	( 317,167.45)	158,578.50
Sewer District	( 200,323.73)	200,321.00
Water District	( 165,294.35)	81,949.75

**Bank Balances:** The Bank Balances for March 2022 are \$5,581,950.68

Councilor Hood made a motion seconded by Councilor Stevens to approve the Abstract of Audited Vouchers as of May 3, 2022, the Revenue/Expense Report as of April 29, 2022 and the Bank Balances for March 2022.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

**New Town Hall:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #5 as of May 3, 2022. Claim # 153549.

	<b><u>Expenses</u></b>
Capital Projects	\$40,720.97

Councilor Hoey made a motion seconded by Councilor Curtin to approve the Abstract of Audited Vouchers for the New Town Hall as of May 3, 2022.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

**OLD BUSINESS**

**Guidelines on use of Meeting Room:** Councilor Stevens made a motion seconded by Councilor Curtin to approve the following guidelines for the use of the Meeting Room.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

Here is a list of the Meeting Room Regulations:

1. If the Meeting Room is scheduled during non-business hours, it is your responsibility to check in on the last business day before your event to have your reservation form signed by the clerk and pick up the key. After your event is finished it is your responsibility to lock the front door and place the key in the drop box at the front entrance of the building.
2. Person listed on the Meeting room reservation and signing as representing named group is legally responsible for any/all actions of group members while they are in the Marcellus Town Hall. This person will be held financially responsible for any and all damage to the Town property caused by a member of his/her group. This person is responsible for his or her group's adherence to all permit regulations.
3. Participants younger than 18 years of age must be supervised by an adult in charge of the group.
4. There is no food or beverages or alcohol of any kind allowed in the Meeting Room.
5. If your group decides to cancel you must notify the Town Clerk's Office 24 hours prior to event reservation.

6. The Town reserves the right to void Meeting Room should facilities become unavailable for any reason.
7. Compliance with all required Health Department regulations is a requirement of meeting room permit holder.
8. Town of Marcellus “Carry In-Carry Out” Policy for removal of all trash brought in by permit users. You are responsible for removing any trash accumulated by your group while you are in the Meeting Room and making sure the room is returned to its original configuration. We appreciate your help in keeping our building clean.
9. Pets or animals are NOT allowed in the Town Hall or Meeting Room with the exception of service animals.
10. The Meeting Room is equipped with 2 small tables and 50 chairs.

**Double Utility Poles:** Jim Gascon, Town Attorney, drafted a new local law regarding the Double Utility Poles. This will be introduced at the May 18, 2022 Workshop Meeting. No action was taken at this Meeting.

**Time Clock:** Councilor Stevens stated that as long as time sheets are being turned in on a Regular basis, she is okay with not pursuing the Time Clock for the Town employees.

**NEW BUSINESS:**

**Assessor:** Jeff Lowe, Town Assessor, will be at the May 18, 2022 meeting.

**Annual Stormwater Report:** Councilor Hoey made a motion seconded by Councilor Hood authorizing Supervisor Pollard to sign the MS4 Annual Report for Stormwater. John Houser, Codes Officer, spoke about this report. The Highway Department is involved along with him, being the Codes Officer. They have to follow many rules and regulations regarding stormwater. The Town pays a yearly fee of \$3,600 to help with education for stormwater.  
Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

**List of Items to Dispose of:** Councilor Stevens made a motion seconded by Councilor Curtin to have the following items go onto Auctions International. If they don’t sell, they are to be disposed of.  
Ayes- Pollard, Curtin, Hoey, Hood and Stevens Carried

**List of Items:**

- 3 – File Cabinets
- 3- Office Chairs
- 16 – Chairs
- 2 – Water Coolers
- 2 – Refrigerators (dorm size)
- 1 – Fax Machine
- 1 – Microwave oven
- 6 – Room Air Conditioners
- 1 – Desk

2 – Partition Walls  
1-Table

**Eastern Security Systems:** Jim Gascon, Town Attorney, has reviewed the contract for Eastern Security Systems. He pointed out that the installation fee is \$1,986, the monitoring fee is \$105 quarterly. This is a three-year contract. Eastern can increase the monitoring fee after the first year, at which point the Town could then cancel the contract. Eastern Security will monitor the Cameras and panic buttons. Councilor Curtin made a motion seconded by Councilor Stevens authorizing Supervisor Pollard to sign the contract with Eastern Security Systems for the cameras and panic buttons.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

**Discussion Agenda:**

Jim Gascon, Town Attorney, will reach out to the Board Members to meet at some point to discuss the “Sign” Law.

Councilor Stevens asked about an email that was sent to the Board from the Town Attorney. Jim Gascon stated that it will give the option of doing virtual meetings. So that if a Board Member is on vacation, they may zoom in and if that were the case a resident could demand a transcript.

**Fire Advisor Board:** Mark Delison, President of Marcellus Fire Department, gave to Jamie Curtin, the liaison for the Fire Department, a list of receipts for all items. The Town would like to start receiving financials and quarterly reports on a regular basis. He stated that he would have them at the next meeting. The Board reminded him that any repairs/upgrades costing over \$5,000 to the Fire Department building must be brought to the Board. Anything that is done there has to go with Prevailing Wage as the Town owns the building. The Board has asked that at the next meeting Mr. Delison give them an account of the Building Reserve, Truck information and a list of what “repairs” are needed. They asked that the “repairs” be prioritized. Mr. Delasin, would like to develop a better repour with the Town Board. Also, this is the year that the Fire Department will be audited. This was just discussion; no action was taken on this issue at this meeting.

**Tim's Pumpkin Patch:** Jim Gascon, Town Attorney, has written a letter to the Attorney representing the owners of Tim's Pumpkin Patch. This was an on-going issue last year with noise violations, pedestrian and vehicle safety and alcohol being served. Mr. Gascon asked that the letter be a part of the minutes. Here is a copy of the letter from Jim Gascon, Town Attorney on Costello, Cooney, & Fearon. PLLC. Letterhead.

May 3, 2022

**VIA E-MAIL AND**  
**FIRST-CLASS MAIL**

Thomas Blair, Esq.  
Blair Law Firm, PLLC  
3895 Fennell Street  
Skaneateles, New York 13152

**Re: Tim's Pumpkin Patch**  
**2901 Rose Hill Road**  
**Marietta, NY 13110**

Dear Mr. Blair:

This letter is being transmitted to you in my capacity as the attorney for the Town of Marcellus, New York. During the calendar year 2021, it was brought to the Town's attention that the Owners of Tim's Pumpkin Patch conducted a series of outdoor concerts wherein alcoholic beverages were served. It is the Town's position that these activities are in violation of the Town's zoning laws, in violation of the Site Plan previously approved by the Board, and possibly in violation of New York State laws controlling the sale of alcohol.

In addition to the foregoing, the Town received complaints from neighbors complaining about the level of noise emanating from the outdoor bands, and the commotion resulting from large crowds attending these events. The Town Code Officer also witnessed the dangers posed by vehicles parked along the roadside and accompanying pedestrian traffic on the dark road late into the evening. The Town Code Officer considers these activities code violations as well as a serious threat to the wellbeing and safety of community residents.

With the coming of Spring and accompanying warm weather, I feel compelled to advise you if your clients are contemplating holding any outdoor concerts or similar events, they should reconsider their plans. It is my intention to advise the Town Code Enforcement Officer to issue an immediate cease and desist order and to serve upon your clients an appearance ticket noting the various code violations incurred by such conduct.

For your convenience, I refer you to Section 235-30 of the Town's zoning law which states in pertinent part:

**235-3-. Penalties for offenses.**

Violation; penalty.

- (1) A violation of this chapter shall be an offense punishable by:
  - (a) A fine not to exceed \$250 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense:
  - (b) A fine not less than \$250 nor more than \$750 or imprisonment for a period not to exceed 15 days, or both, for conviction of a second offense within five years of the first;
  - (c) A fine not less than \$750 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a third or subsequent offense, all of which occurred within five years of the first.
- (2) It shall be unlawful for a person to fail in any manner to comply with any notice, order, or directive of the Code Enforcement Officer.
- (3) Each week of continued violation shall constitute a separate additional violation. In addition, the Town Board shall have such other remedies as are provided by law to enforce the provision of this chapter.

I know that we will be in communication with each other over this matter in the future. I just wanted to make certain you were aware of my position on this topic before any additional violations occur.

Very truly yours,

COSTELLO, COONEY & FEARON,

PLLC

James J. Gascon

JJG/ss

Cc: John Houser  
Codes Enforcement Officer  
Marcellus Town Board

Don MacLachlan, Highway Superintendent, stated that the frame for the salt shed is done and they will be covering it next Monday and Tuesday.

Don MacLachlan was asked about the brush pile. They are working on that as it is very big at this point.

Supervisor Pollard will ask Lori Petrocci, Bookkeeper, to have a chart of the ARPA funds that we have received and what has been spent so far.

Supervisor Pollard, Don MacLachlan and Pat Koloski, (owner of Hillside Gardens) met and Mr. Koloski will start with the landscaping of the New Town Hall on Monday.

Phil Coccia, Recreation Director, stated that the Park has been having a lot of reservations. There was an impromptu memorial in the Gazebo. The Veterans came and learned about fly fishing and had lunch at the park recently.

Randy and Sarah Marciniak, 21 Flower Lane, asked about the issue they are having with their neighbor having all sorts of farm animals. Jim Gascon, Town Attorney, is working with the Village and Town Codes Officer on this issue.

A question was raised by a resident regarding ADA requirements to be able to get up to the raised level in the Meeting Room. Supervisor Pollard will check with the QPK Architects on that.

There will be an Attorney/Client meeting at the conclusion of the Town Board Meeting.

Adjournment: Councilor Stevens made a motion seconded by Councilor Curtin to adjourn the Town Board Meeting at 7:45 pm.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Respectfully Submitted,

Sandy Taylor  
Town Clerk