

Workshop Meeting
Wednesday, July 20, 2022
6:30 PM

A Workshop Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, July 20, 2022, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present:	Karen R. Pollard	Supervisor
	Jamie Curtin	Councilor
	Terry Hoey	Councilor in at 6:35 pm
	Gabe Hood	Councilor
	Laurie Stevens	Councilor

Also Present: Phil Coccia, Recreation Director; Mike Ossit, Deputy Highway Superintendent; Jim Gascon, Town Attorney; Bill Southern, Susan Dennis, Deputy Town Clerk and Sandy Taylor, Town Clerk.

Public Hearing- Local Law on Double Utility Poles: Supervisor Pollard opened the Public Hearing at 6:30 PM regarding Local Law A-2022 Double Utility Poles. She asked if anyone had any comments for or against the Local Law. Bill Southern, Sheehan Road, felt that this should only apply to Town Roads, not all Roads in the Town of Marcellus. Also, under §200 -2, paragraph A, Mr. Southern doesn't feel that this job should be on the Highway Superintendent or his or her designee to be on the lookout for the Double Utility Poles. Mr. Gascon, Town Attorney, then responded that the Town is concerned about the safety of its residents. Supervisor Pollard, suggested that Deb Williams, Deputy Codes Officer, go out and look for the Double Utility Poles. The Public Hearing was closed at 6:40 pm.

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #7 as of July 15, 2022. Claim #'s 153846-153900, 153902-153904.

	<u>Expenses</u>
General Fund	\$14,298.42
Part Town General	55.80
Town Wide Highway	3,302.21
Part Town Highway	12,964.56
Ambulance Fund	77,750.00
Trust & Agency	<u>1,127.36</u>
Total	\$109,498.35

Councilor Stevens made a motion seconded by Councilor Curtin to approve the Abstract of Audited Vouchers as of July 15, 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 #7 as of July 15, 2022. Claim # 153901.

Expenses

Capital Projects

\$3,575.00

Councilor Hood made a motion seconded by Councilor Hoey to approve the Abstract of Audited Voucher (New Town Hall) as of July 15, 2022.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

OLD BUSINESS:

Adopt Local Law on Double Utility Poles:

TOWN BOARD RESOLUTION
ENACTING LOCAL LAW, A-2022
TOWN OF MARCELLUS

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East MainStreet, n said Town, County of Onondaga, State of New York, on July 20, 2022, at 6:30 P.M., there were:

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

WHEREAS, the following resolution was offered by Councilor Hood, who moved its adoption, seconded by Councilor Hoey, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2022, “A Local Law Amending the Code of the Town of Marcellus to Include Chapter 200, Double Utility Poles” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on June 15, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 20th day of July, 2022, by the Town Board of the Town of Marcellus 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 connection with said proposed local law having been heard, and said proposed local

law having been in the possession of the members 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 enactment of Proposed Local Law No. A-2022 has previously been determined to be an Unlisted Action and will have no significant adverse impact on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2022.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. A-2022 as Local Law No. 1-2022 as follows:

**TOWN OF MARCELLUS
LOCAL LAW A-2022**

**A LOCAL LAW AMENDING THE CODE OF THE TOWN OF MARCELLUS
TO INCLUDE CHAPTER 200, DOUBLE UTILITY POLES**

BE IT ENACTED by the Town Board of the Town of Marcellus as follows:

Section 1. Legislative purpose and intent.

The Town Board hereby finds that double utility pole conditions are a problem throughout the Town of Marcellus. The Town Board finds that the incomplete transfer of utilities and failure to remove old utility poles pose safety and aesthetic concerns for the Town and its residents. Double utility pole conditions clutter and obscure visibility on sidewalks and roadways. They are also unnecessary eyesores on Town streets, obstructions for pedestrians and detriments to local aesthetics.

The Town Board also finds that public safety can be compromised when utility lines and equipment remain affixed to utility poles that are weathered or otherwise are damaged. The Town Board finds further that there is often an unreasonable delay of months to years before responsible utility providers relocate their equipment and remove weathered or damaged utility poles.

The Town Board finds and determines that local governments have the authority to regulate their highways, streets, roads and rights-of-way to protect the public.

The Town Board finds and determines that the interest of the public is best served by cooperation and communications between public utilities and the Town.

Therefore, the purpose of this Chapter is to require utilities that use the Town of Marcellus highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment and terminals have been removed from said poles.

Section 2. Authority

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

Section 3. Amendment of the Code of the Town of Marcellus to Include Chapter 200, “Double Utility Poles,” which shall read as follows:

“Chapter 200. DOUBLE UTILITY POLES

§2---1 Definitions.

DANGEROUS/DAMAGED POLE

Any utility pole or any portion thereof that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE UTILITY POLE CONDITION

Any utility pole which is placed in close proximity to another utility pole.

PLANT

The transformers, terminals, conductors, utility boxes, wires, cables, lights, antennae and any other fixture used for the transmission of utilities and attached or affixed to a utility pole.

PUBLIC UTILITY

Any corporation, authority or other entity that provides electric, telephone, cable television or other service, including telecommunications service, to the residents of the Town of Marcellus.

TOWN ROAD

Any street, highway, road or right-of-way so designated on the latest “Road Map of the Town of Marcellus” issued by the Town Highway Superintendent as well as all other Town Highways not so indicated, both existing and proposed.

§ 200-2 Removal of Dangerous/Damaged Utility Poles

- A. When the Town Highway Superintendent, or his or her designee, or the Town Code Enforcement Officer, or his or her designee, determines that a utility pole on a Town Road is damaged or otherwise poses a potential threat to public safety, the Town Highway Superintendent shall provide written notice to the pole owner and any public utility with a Plant on the damaged pole that the pole must be repaired, replaced or removed within 15 days or such shorter reasonable time period as may be necessary to protect the public safety.
- B. It shall be the joint and several obligations of the pole owner and any other public utility maintaining a Plant on the Dangerous/Damaged Utility Pole to repair, replace or remove the Dangerous/Damaged Utility Pole within 15 days or such other reasonable period designated by the Town Highway Superintendent.

§200 – 3 Double Utility Pole Conditions prohibited.

- A. When a public utility installs a utility pole which is directly next to or in close proximity to another utility pole on a Town Road, the public utility shall, within 30 days of installation of the new pole, provide written notice to all other public utilities maintaining a Plant on the existing pole that a new pole has been installed and that the Plant on the existing pole must be relocated to the new pole within 90 days of the date of the notice.
- B. It shall be the joint and several obligation of the public utility installing the new pole and any other public utility maintaining a Plant on the existing pole to remove the existing pole within 30 days after relocation of all applicable Plant(s) to the new pole.

§200-4 Extensions of time

In the event of an emergency that affects the repair, replacement, removal or installation of utility poles or Plants, the Town Highway Superintendent, Code Officer, or Town Board may temporarily suspend the deadlines described above.

§200-5 Penalties.

- A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this Chapter shall be guilty of a violation, as follows: a first conviction is punishable by a fine not exceeding \$500; a second or subsequent conviction is punishable by a fine not exceeding \$1,000. Every day that the violation continues shall be deemed a separate violation. Each location of a Double Utility Pole Condition or Dangerous/Damaged Utility Pole shall be a separate violation.

- B. Any person, firm, corporation or public utility found guilty of violating this Chapter and that fails to remove its Plant from a dangerous/damaged pole, the dangerous/damaged utility pole and/or the double utility pole within 15 days from receipt of the order of the court shall be punished by a penalty of up to \$1,000 for each such violation. Each day that the violation continues shall be a separate violation.
- C. If a person, firm or corporation or public utility violates the provisions of this Chapter, the attorney for the Town may commence an action in the name of the Town of Marcellus in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this Chapter. Such action may seek to remove Damaged/Dangerous Poles and/or any Double Utility Pole Condition and may be commenced against a third-party Plant owner to remove a Plant from such poles, to impose civil penalties as authorized by this Chapter, to recover costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Town Road.

§200-6 Applicability

- A. The provisions of this Chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations, and nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other applicable state or local laws, codes or regulations. In case of conflict between any provision of this Chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.
- B. This Chapter shall apply to all utility poles located on any Town Road as of the enactment of this Chapter and to all utility poles installed after the enactment of this Chapter.
- C. Any person, firm, corporation or public utility which maintains a Double Utility Pole Condition as of the date of the adoption of this Chapter shall fully comply with the regulations set forth herein within 30 days of enactment of this Chapter. Any failure to timely comply with this Subsection C shall be enforced in accordance with the provisions of this Chapter.”

Section 4. Severability

If any clause, sentence, paragraph, word, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved or in the controversy in which said judgment shall have been rendered.

Section 5. Effective Date

This Local Law shall be effective upon filing with the Office of the Secretary of State.”

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

VOTE:	Karen R. Pollard	Supervisor	Yes
	Jamie Curtin	Councilor	Yes
	Gabe Hood	Councilor	Yes
	Terry Hoey	Councilor	Yes
	Laurie Stevens	Councilor	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: July 20, 2022

NEW BUSINESS:

Agreement with County: Streamline County Planning Board Review Process: Councilor Stevens made a motion seconded by Councilor Curtin authorizing Supervisor Pollard to sign an agreement with the Onondaga County Planning Board to streamline the local planning review process. Jim Gascon, Town Attorney, saw no legal issues with the contract. The following actions are actions of local concern and are exempt from the Onondaga County Planning Board referral requirements.

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

Area Variances **solely** seeking relief for:

- a. Residential front, side, or rear yard setbacks or lot depth;
- b. Height of any buildings;
- c. Residential accessory structures;
- d. Reductions in the number of parking spaces.

Subdivisions, that **solely** consider:

- a. Creation of up to 3 parcels;
- b. Combination of lots;
- c. Lot line adjustments.

Special Permits, that **solely** consider:

- a. Co-location of telecommunication equipment and accessories on existing towers and structures;
- b. Façade or interior/exterior commercial building modifications;
- c. A change of tenant in a commercial or mixed-use building;
- d. Residential accessory structures;
- e. On-premises signs.

Site Plan Reviews or Project Site Reviews, that **solely** consider:

- a. Co-location of telecommunication equipment and accessories on existing towers and structures;
- b. Façade or interior/exterior commercial building modifications;
- c. A change of tenant in an existing commercial or mixed-use building;
- d. Residential accessory structures;

On-premise signs;

Zoning Actions or Amendments, involving;

- a. Administration and fees;
- b. Interpretations of language

Letter of Support (Otisco Lake) – added Item: Councilor Curtin made a motion seconded by Councilor Hoey authorizing Supervisor Pollard to sign the “Letter of Support” for the Onondaga County’s application to the New York State Department of State’s Local Waterfront Revitalization Program. The grant funding will be used to develop an Otisco Lake Nine-Element Watershed Plan in compliance with the U.S. Environmental Protection Agency’s guidance for Nine-Element Plans.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Residents Comments: There were no residents’ comments.

Discussion Agenda:

Supervisor Pollard stated that the Parking Lot behind the New Town Hall will be paved Monday and Tuesday of next week. The employees will have to park on the Road.

Supervisor Pollard also reminded everyone that a representative from the Dept. of Labor will be here Friday, July 22, 2022 at 10:00 am to discuss prevailing wage, if anyone wants to come, they are more than welcome. This will be held in the Meeting Room.

Reminder: August 17, 2022, Safety Training for anyone who hasn’t taken it on their own. This will be held in the Meeting Room.

Supervisor Pollard stated that the sidewalk by the old Town Hall dips down and creates a puddle. She has talked to the new owner, Dr. Michelle Goldych, and this will be fixed.

Councilor Curtin gave a big thank you to the Highway Department for a great job cleaning up after the storm last Wednesday. Councilor Hood also thanked the Fire Department.

Phil Coccia, Recreation Director, also thanked the Highway Department as the wire is now fixed at the park.

Bill Southern, Sheehan Road, asked if the Planning Board had a chance to review the “Sign Law” that there will be a Public Hearing on in August. Supervisor Pollard stated that they did review it and Mr. Chris Christenson and Mr. Jerry Wickett just had a few comments regarding it.

Adjournment: Councilor Curtin made a motion seconded by Councilor Stevens to adjourn the Town Board Workshop Meeting at 7:05 PM.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Respectfully Submitted:

Sandy Taylor
Town Clerk