

Marcellus Town Board Meeting
Wednesday, September 7, 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, September 7, 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; John Houser, Codes Officer; Karen Cotter, Jim Gascon, Town Attorney; Bill Southern, Gary & Linda Wilcox, Jonathan Looney, Sheila and Glenn Muters, Chuck Parsons, Steve Bolewski, Ben Millier, Jacob Beldon, Susan Dennis, Deputy Town Clerk and Sandy Taylor, Town Clerk.

Public Hearing – Sign Law: Supervisor Pollard opened up the Public Hearing at 6:30 for the Sign Law. She then asked the public if anyone had anything to say either for or against it. Jonathan Looney, of Sevier Road, had some comments regarding the “Sign Law”. Mr. Looney explained to the Board and residents his suggestions. Jim Gascon, Town Attorney, suggested to the Board that they adopt the “Sign Law” as is and asked Mr. Looney for a list of his recommendations. Mr. Gascon, will review the recommendations and report back to the Board on his suggestions to determine if they should amend any part of the Law. Supervisor Pollard closed the Public Hearing at 6:53 pm.

Waive the Reading and Accept the Minutes: Councilor Stevens made a motion seconded by Councilor Hoey to waive the reading and accept the Town Clerk’s minutes from the August 3, 2022, Town Board Meeting and the August 17, 2022, Workshop Meeting.

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 #9 as of September 6, 2022. Claim #'s 154042-154109.

	<u>Expenses</u>
General Fund	\$ 39,189.37
Part Town General	860.57
TownWide Highway	53,628.88
Part Town Highway	6,763.30
Fire District	82,347.50
Water District	<u>87,747.00</u>
 Total	 \$270,536.62

Board Members were given the Activities Report as of August 31, 2022. Fiscal Year 2022. Period 8.

<u>Revenue</u>	<u>Expense</u>	
General Fund	(1,924,797.37)	1,056,310.78
Part Town General	(210,609.16)	113,698.49
Town Wide Highway	(601,288.37)	264,042.96
Part Town Highway	(367,507.49)	265,215.06
Capital Projects	(341,808.46)	706,307.12
Fire District	(399,822.46)	283,166.25
Hydrant Fund	(2,927.05)	1,548.07
Ambulance Fund	(317,177.41)	237,867.75
Sewer District	(200,323.85)	200,321.00
Water District	(165,321.83)	81,949.75

Bank Balances: The bank balances for July 2022 are \$4,805,624.56

Councilor Curtin made a motion seconded by Councilor Hood to approve the Abstract of Audited Vouchers as of September 6, 2022, the Activities Report as of August 31, 2022 and the bank balances for July 2022.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

OLD BUSINESS

Adopt Local Law 2 – Sign Law:

**TOWN BOARD RESOLUTION
ENACTING LOCAL LAW B-2022
TOWN OF MARCELLUS**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga, State of New York, on September 7, 2022, at 6:30 P.M., there were:

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

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2022, “Amending Chapter 235 (“Zoning”) of the Code of the Town of Marcellus to Repeal/Amend Certain Provisions Pertaining to Signs and to Include Section 235-26.1 (“Signs”)” was originally introduced on July 6, 2022 and following changes were presented and reintroduced at a regular meeting of the Town Board of the Town of Marcellus held on August 3, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 7th day of September, 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. B-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 the Board hereby reaffirms and realleges its previous Negative Declaration; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-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. B-2022 as Local Law No. 2-2022 as follows:

**“TOWN OF MARCELLUS
LOCAL LAW 2- 2022**

**A LOCAL LAW AMENDING CHAPTER 235 (“ZONING”) OF THE CODE OF THE
TOWN OF MARCELLUS TO REPEAL/AMEND CERTAIN PROVISIONS
PERTAINING TO SIGNS AND TO INCLUDE SECTION 235-26.1 (“SIGNS”)**

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

Section 1. Legislative purpose and intent.

The purpose of this Local Law is to promote and protect the public health, safety and welfare of the Town by regulating existing and proposed signs located within the corporate limits of the Town. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community’s appearance and attractiveness.

This Local Law is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

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. REPEALING CERTAIN PROVISIONS OF SECTION 235-4 OF THE CODE OF TOWN OF MARCELLUS.

The Code of the Town of Marcellus is hereby amended to abolish certain provisions of Section 235-4 as follows:

So that “Political Sign” provision and “Signs” provision are hereby repealed in their entirety.

Section 4. AMENDING CERTAIN PROVISIONS OF CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS.

The Code of the Town of Marcellus is hereby amended as follows:

So that Sections 235-8(B)(4)(d), 235-8(B)(6)(h), 235-12(A)(3)(a)(4), 235-12(A)(3)(f)(3), 235-12(B)(2), 235-13(B)(2) are hereby amended such that each reference to “§ 235-26(D)” shall be replaced with “§ 235-26.1.”

Section 5. REPEALING SECTION 235-26(D) OF THE CODE OF TOWN OF MARCELLUS.

The Code of the Town of Marcellus is hereby amended to abolish the sign provisions in Chapter 235-26 as follows:

So that Chapter 235, Section 26(D), which pertains to signs, is hereby repealed in its entirety.

Section 6. ADDING SECTION 235-26.1, “SIGNS,” TO THE CODE OF THE TOWN OF MARCELLUS

§ 235.26.1(1). Definitions.

Animated Sign – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Billboard – Any freestanding commercial sign, in excess of the location and size permitted by this Section, located on a plot or parcel other than that where the advertised business is conducted; also known as off-site or nonaccessory billboard.

Canopy Sign – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Flag – A usually rectangular piece of fabric of distinctive design that is used as a symbol, as a signaling device, or as a decoration.

Farming Operation – Farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry, or livestock, and production of poultry or livestock products in an unmanufactured state.

Freestanding Sign – Any sign not affixed to a building.

Illuminated Sign – Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light. This includes neon or LED signs.

Marquee Sign – A structure extending more than two feet from a building, with lettering thereon.

Mobile Sign – Any sign not designed or intended to be anchored to the ground and designed and intended to be capable of being transported over public roads and streets, whether or not it is so transported.

Permanent Sign – Any sign intended and installed to be permanently in place at a given location by means of suitable fastening to a building or to a structure specifically erected to hold such sign(s) or to the ground.

Projecting Sign – A sign, other than a wall sign, which is attached to and projects from, a building wall or other structure.

Roof Sign – Any sign in which all or any part extends above the wall of any building or structure, where said wall does not extend above the roofline. In no event shall a sign permitted as defined by “wall sign” extend beyond the actual wall surface.

Sign – Any structure, device, or representation of letters, symbols, or graphics used as or which is in the nature of an announcement, direction, advertisement, or other attention directing device. A flag is not a sign.

Temporary Sign – A sign, including real estate signs, which is not intended to be used permanently, but rather for a period of time, and is not attached to a building, structure, or ground in a permanent manner. Such signs are usually constructed of poster board, cardboard, engineered lumber (Masonite), plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports.

Wall Sign – A sign with a face generally parallel with, and affixed to an exterior wall of a building.

§ 235.26.1(2). Allowed locations and design specifications.

A. Design specification for all Zoning Districts.

- (1) The following design guidelines are provided to encourage and direct appropriate and compatible graphic design, materials, colors, illumination and placement of proposed signs. In general, sign design shall be consistent with the purpose and intent of this section.
 - a. Signs should be designed to be compatible with their surroundings and should be appropriate to the architectural character of the buildings on which they are located.
 - b. Sign panels and graphics should relate to architectural features or details and should be in proportion with them.
- (2) Computation of sign area.
 - a. The area of a sign shall be computed from the algebraic sum of the actual sign configuration, be it square, rectangle, circle, oval or other polygon shape. The area shall be measured from the outer dimensions of the frame, trim or molding by which the sign is enclosed, where they exist, or from the outer edge of the signboard where they do not exist.
 - b. When a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols and characters.
 - c. When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 12 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.
 - d. The volume of the smallest rectangular box which encompasses the mass of the three-dimensional sign or characterization.
- (3) Lighting for any sign shall be internal or directed downward.
- (4) No sign shall be designed, lit and/or located in such a manner as to create a hazard or visibility problem or interfere with or impair vehicular traffic.

B. Residential Zones.

- (1) Freestanding signs. Freestanding signs shall be situated no closer than fifteen (15) feet from the Street Line as defined in Section 235-4(B) of this Chapter or fifty (50) feet from the center line of any street, whichever shall be the least in distance. Such signs shall consist of no more than sixteen (16) square feet in area.
- (2) Wall signs. Wall signs shall consist of no more than sixteen (16) square feet in area; nor shall such signs project more than nine (9) inches from the structure

upon which it is affixed. Wall signs may be affixed to or painted upon the building or windows.

- (3) Interior lot directional signage is permitted.
- (4) Absent a Special Permit, only one sign is permitted per lot.
- (5) Farming operations may apply for a special permit to exceed the number and size limitations set forth in these regulations.
- (6) Illuminated signs are prohibited in Residential Zones.

C. B-1, L-1, Highway Overlay Zones and Agricultural Zones.

- (1) Freestanding signs.
 - a. Lots with a single occupant. Such sign shall be located on the premises to which it is related, providing that such sign shall be located no closer than fifteen (15) feet from the Street Line as defined in Section 235-4(B) of this Chapter or fifty (50) feet from the center line of any street, whichever shall be the least in distance. Such signs shall consist of no more than thirty-two (32) square feet in area.
 - b. Complexes with multiple occupants. Such signs shall be located on the premises to which it is related, providing that such sign shall be located no closer than fifteen (15) feet from the Street Line as defined in Section 235-4(B) of this Chapter or fifty (50) feet from the center line of any street, whichever shall be the least in distance. Such signs shall consist of no more than forty-eight (48) square feet in area, no more than eight feet in length or width, and shall be limited to sixteen (16) feet in height, as measured from the top of the sign. There shall be a minimum of three (3) feet of bottom open space along the entire length.
- (2) Wall signs. Wall signs shall not exceed thirty-two (32) square feet; nor shall such signs project more than nine (9) inches from the structure upon which it is affixed. Wall signs may be affixed to or painted upon the building or windows.
- (3) Projecting signs and marquee or canopy signs. The bottom edge of a projecting and marquee or canopy sign shall be at least seven (7) feet above the ground elevation when located in an area where the public walks or where it would impair visibility. A marquee or canopy sign may extend the full length of the marquee or canopy but shall not extend beyond the ends of the marquee or canopy.
- (4) Interior lot direction signage is permitted.
- (5) Residences located within an A-1 District that are not part of a farming operation, are limited to one sign per residence, sixteen (16) square feet in size.

D. In areas where variances have been granted by the Zoning Board of Appeals, under the conditions set forth in § 235-27(B)(3)(a) and § 235-27(B)(3)(b). Subdivision identification signs shall be included under this category, subject to such standard as may be established by the Town Planning Board.

§ 235.26.1(3). Procedures for Obtaining Sign Permit.

A. Permit required. It shall be unlawful for any person to erect, structurally alter, or relocate an existing sign within the corporate limits of the Town without first having obtained and paid for and having in force a permit from the Code Enforcement Officer.

B. The following two operations shall not be considered creating a new sign and, therefore, shall not require a sign permit:

- (1) Replacing copy: the changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy.
- (2) Maintenance: painting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made.

C. Application for a sign permit shall be made on a form provided by the Code Enforcement Officer, which application shall include:

- (1) The name, address, telephone number of the applicant.
- (2) The name, address, telephone number and insurance coverage of the sign maker.
- (3) The location upon which the sign is to be erected.
- (4) A color photo of the location upon which the sign is to be erected.
- (5) Size of the sign.
- (6) A description of the construction details of the sign, showing the lettering and/or pictorial matter composing the sign and a description of the position of lighting or other extraneous devices.
- (7) Sketches drawn to scale and supporting information indicating location of sign colors, size and types of lettering or other graphic representation, logos and materials to be used, electrical or other mechanical equipment, details of its attachment and hanging.
- (8) In addition, such sign application shall be accompanied by the requisite fee.
- (9) Such other pertinent information as the Code Enforcement Officer may require to ensure compliance with this section.

- D. Following formal submission to the Code Enforcement Officer, said Code Enforcement Officer shall render a determination within thirty (30) business days.
- E. Appeal from permit denial. Any applicant, feeling aggrieved by the decision of Code Enforcement Officer upon any application for a permit for any sign, may appeal to the Zoning Board of Appeals from such decision, and the Zoning Board of Appeals may affirm, reverse or modify such decision of the Code Enforcement Officer.
- F. Issuance of sign construction permit. Upon approval of the application by the Code Enforcement Officer, or after a review and approval by the Zoning Board of Appeals, the Code Enforcement Officer shall issue a permit for construction of such sign.

§ 235.26.1(4). Signs allowed without a permit.

- A. Temporary signs, with the exception of real estate signs, provided such signs shall not be placed for more than three (3) consecutive months. Temporary signs are subject to the same location, and design specifications as permanent signs as set forth in Section 235.26.1(2) of these regulations. If such signs remain in place longer than three (3) months within a twelve (12) month period, a permit is required to be obtained pursuant to § 235.26.1(3).
- B. Signs required by county, state or federal law.

§ 235.26.1(5). Existing signs.

Notwithstanding any other provision of this section, any sign in existence at the date of adoption of this section which does not conform to the provisions of this section shall be discontinued and removed six (6) months after the date of adoption of this law, and the failure to discontinue or remove such nonconforming sign on or before the aforesaid date shall constitute a violation of the provisions of this section. All nonconforming signs in the Town at the time of the adoption of this section may be maintained until six (6) months after the date of adoption of this law, but if any major change, modification, structural repair or replacement thereof is hereafter made, such sign shall thereafter conform to the provisions of this section, provided that a legal nonconforming sign may not be replaced by another nonconforming sign.

§ 235.26.1(6). Prohibited signs.

The following signs shall be prohibited in all zoning districts, as established pursuant to Chapter 235, Zoning, of the Town Code, except as otherwise permitted by this section:

- A. Animated signs, including those with rotating or moving parts or messages.
- B. Mobile signs.
- C. Roof signs.
- D. Any sign which could be mistaken for or confused with a traffic control sign, signal or device.

- E. Signs permanently painted, posted or otherwise attached to any rock, fence, or utility pole.
- F. Billboards.
- G. All signs not expressly permitted by this section.

§ 235.26.1(7). Sign maintenance.

- A. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
- B. Unsafe signs or unsightly, damaged or deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the Town and the costs assessed to the property owner pursuant to this section.
- C. Unsafe temporary signs or unsightly, damaged, or deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe temporary signs.

§ 235.26.1(8). Enforcement and remedies.

- A. Enforcement official. The provisions of this section shall be administered and enforced by the Code Enforcement Officer who shall have the power to make necessary inspections.
- B. Penalties for offenses.
 - (1) In the event of a breach of any of the provisions of this section, the Code Enforcement Officer shall notify the owner of the premises, in writing, to remove, repair, or bring the sign into conformance, within thirty (30) days of the date of such notice.
 - (2) Any person, firm, or corporation, whether as owner, lessee, agent, or employee, who violates any of the provisions of this section, or who fails to comply with any order or regulation made thereunder, or who erects, moves, or alters any sign in violation of any detailed statement or plans submitted by him/her and approved under the provisions of this section, shall be guilty of a violation of this law and shall be fined not more than \$100 for each violation.
 - (3) Each day that such violation is permitted to exist shall constitute a separate violation.

- (4) If any sign is erected, altered, or moved in violation of the provisions of this section, proper officials may, in addition to other remedies, institute an appropriate action to prevent such unlawful operation.
- (5) Upon failure to comply with any notice within the prescribed time, the Code Enforcement Officer shall remove or cause removal, repair, or conformance of a sign, and shall assess all costs and expenses incurred against the owner of the building or land on which the sign is located.
- (6) All costs and expenses incurred by the Town in causing the removal or repair of any sign, as specified in this section shall be assessed against said owner and shall be paid and collected as part of the Town tax next due and payable. In addition, the Town may commence any other action or proceeding to collect such costs and expenses.

Section 7. Severability.

If any clause, sentence, paragraph, word, section or part of this section 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 8. 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 Pollard	Town 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: September 7, 2022

The Onondaga County Planning Board has determined that this law will have no significant adverse intercommunity or county-wide implications and may consequently be acted on solely by the Town Board.

NEW BUSINESS

Set dates for Budget Meetings: Councilor Stevens made a motion seconded by Councilor Curtin to set the dates for the budget meetings as Monday, September 12, 2022; Thursday, September 15, 2022; Monday, September 19, 2022 and Tuesday, September 20, 2022. The meetings will be here at the Town Hall and start at 6:00 pm.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Permissive Referendum – Cemetery Monument Restoration:

**TOWN BOARD RESOLUTION
TOWN OF MARCELLUS
RE: CEMETERY MONUMENT RESTORATION
SUBJECT TO PERMISSIVE REFERENDUM**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 22 East Main Street, in said Town, County of Onondaga and State of New York on September 7, at 6:30 P.M., there were:

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

WHEREAS, the Town Board and Town Supervisor have determined that the monuments in the cemetery are in need of restoration; and

WHEREAS, Mend All Masonry is capable of completing the monument restoration at a price not to exceed Two Thousand, Five Hundred Dollars and 00/100 (\$2,500.00); and

WHEREAS, pursuant to Section 6-C of the General Municipal Law, the Town Board of the Town of Marcellus has created, by means of a resolution, a capital reserve fund known as the “Cemetery Capital Reserve Fund” for purposes of funding the improvements of cemetery monuments; and

WHEREAS, such fund has been maintained in accordance with section 10 of the General Municipal Law; and

WHEREAS, the Town Board of the Town of Marcellus is desirous of expending monies from the cemetery Capital Reserve Fund for the restoration of the monuments; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Marcellus Town Supervisor is hereby authorized to enter into an agreement for the restoration of cemetery monuments with Mend All Masonry, at a price not to exceed Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00); and

BE IT FURTHER RESOLVED that the sum of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00), be designated for expenditure from the Cemetery Capital Reserve Fund in furtherance of the monument restoration, and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided in Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that pursuant to section 90 of the Town Law, that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of said resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the “Press Observer,” a newspaper published in Onondaga County having general circulation in the Town of Marcellus, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Marcellus, a copy of such notice within ten (10) days after the date of adoption of this resolution.

Said resolution was offered by Councilor Hoey and seconded by Councilor Hood.

VOTE:	Karen Pollard	Supervisor	Yes	
	Terry Hoey	Councilor	Yes	
	Gabriel Hood	Councilor	Yes	
	Laurie Stevens	Councilor		Yes
	Jamie Curtin	Councilor	Yes	

Dated: September 7, 2022

New Members- Fire Department: Councilor Stevens made a motion seconded by Councilor Hoey to approve the following for membership in the Marcellus Fire Department as active Firemen. Anthony Bell and Hunter Cebeniak.
Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Tax Cap Override:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
September 7, 2022**

**TOWN OF MARCELLUS LOCAL LAW NO C OF THE YEAR 2022
("A Local Law Overriding the Tax Levy Limit Established
In General, Municipal Law §3-C in the Town of Marcellus")**

Councilor Hood introduced proposed Local Law No. C of the year 2022, 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 2023 in excess of the "tax levy limit," and made the following motion, which was seconded by Councilor Hoey.

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. C of the year 2022 at the Marcellus Town Offices located at 22 East Main Street in said Town on October 5, 2022 at 6:30 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	Aye
Jamie Curtin	Councilor	Aye
Terry Hoey	Councilor	Aye
Gabe Hood	Councilor	Aye
Laurie Stevens	Councilor	Aye

The foregoing resolution was thereupon declared duly adopted.

DATED: September 7, 2022

Reports from Department Heads:

Parks/Recreation: There was no one from the Parks/Recreation Department.

Codes: John Houser, Codes Officer, stated that there were 17 building permits issued from August 1 to September 1, 2022. There was a completed appearance for 2539 West Seneca Turnpike that has been moved to October 4, 2022. There was one (1) Cease and Desist Order delivered to Tim's Pumpkin – further actions by the Town being discussed. Mr. Houser will discuss with Mr. Gascon, Town Attorney and the Town Board about an issue at 2595 Pleasant Valley Road regarding Brush, Grass, Weeds and Liter removal.

Highway: Don MacLachlan, Highway Superintendent, stated that Phase 1 for the Park Pump Station is done. The Highway Department Crew has finished work in the Knolls, Amidon Drive and Crysler. Salt and sand are being ordered and they are starting to get the trucks ready for the winter.

Town Clerk: Monthly Report: Sandy Taylor, Town Clerk, submitted a monthly report to each board member regarding the revenue and expenses for the Town Clerk's office for the month of August.

Residents Comments: Linda Wilcox, Route 174, praised the Park Employees. Her husband had a class reunion at the Park, and even the classmates that have moved away were very impressed with the cleanliness and the employees at the Park.

Bill Southern, Sheehan Road, gave a big thank you to Keith Ramsden for all his dedication he gives to the Park.

Sheila Muters, Amber Road, wanted to make public record about an issue they have been having since 2019 regarding the Piorkowski Lot Line Adjustment on Amber Road. Ms. Muters and her sisters visited the Larry Fitts (the previous assessor) in July 2021 and thought all was well. After that, her sisters address was changed and Ms. Muters and her husband lost their STAR exemption. She contacted the Town Assessor's Office and was give the number to the Tax Dept. in Albany. The representative from Albany knew of "rare cases" where the assessor would add the STAR back, but they would have to reregister. The deadline for registering is two weeks prior to July 1, 2022. On September 6, 2022, Ms. Muters spoke with Helen Stevens from the Town of Marcellus Assessor's Office, the Assessor's Office will issue a "correction of errors" transaction.

Discussion Agenda: There was nothing from the Board.

Adjournment: Councilor Stevens made a motion seconded by Councilor Curtin to adjourn the Town Board Meeting at 7:35 p.m.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Respectfully Submitted:

Sandy Taylor
Town Clerk