

Marcellus Town Board Meeting
Wednesday, October 5, 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, October 5, 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

Absent: Laurie Stevens, Councilor

Also Present: Rich Andino, Attorney in for Jim Gascon; John Houser, Codes Officer; Don MacLachlan, Highway Superintendent; Mike Ossit, Deputy Highway Superintendent; Phil Coccia, Recreation Director; Larry Abrahamson, Jim Rossiter, Gary and Linda Wilcox, Vicki Servello, Emily Bernal, Mark Delasin, Fire Department; Joe Owen, and Sandy Taylor, Town Clerk

Public Hearing: Tax Cap Override: Supervisor Pollard opened the Public Hearing for the Tax Cap Override at 6:35 pm and asked if anyone had anything to say either for or against the Tax Cap Override. Vicki Servello, Candlewick Lane, asked what it was. Supervisor Pollard explained that the Board can't go over more than 2% of the Budget without this Law. She also explained that the Board works very hard to keep the amount under the 2%. Rich Andino, Attorney, explained that the Comptroller's Office has a formula that is given out to Schools and Municipalities for this. There were no other comments either for or against the Tax Cap Override. The Public Hearing was closed at 6:43.

Waive the Reading and Accept the Minutes: Councilor Curtin made a motion seconded by Councilor Hoey to waive the reading and accept the minutes from the Town Board Meeting on September 7, 2022, the Budget Meetings on September 12, 19, 20, 2022, the Workshop Meeting on September 21, 2022 and the Budget Meeting on September 26, 2022.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 as of October 5, 2022. Claim #'s 154208 – 154240, 154242-154247, 154250, 154253 & 154254.

	<u>Expenses</u>
General Fund	\$ 58,932.27
Part Town General	63.85
Town Wide Highway	14,205.75
Part Town Highway	<u>45,575.14</u>
Total	\$118,777.01

Board Members were given the Activities Report as of September 29, 2022. Fiscal Year 2022 Period 9.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,921,445.39)	1,189,178.10
Part Town General	(210,626.82)	129,669.57
Town Wide Highway	(601,355.92)	324,225.39
Part Town Highway	(367,515.77)	297,849.59
Capital Projects	(341,808.63)	706,307.12
Fire District	(399,830.92)	375,296.00
Hydrant Fund	(2,927.20)	3,074.00
Ambulance Fund	(317,178.85)	239,407.00
Sewer District	(200,323.88)	200,321.00
Water District	(165,329.39)	180,317.00

Bank Balances: The bank balances for August are \$4,509,241.50

Councilor Hood made a motion seconded by Councilor Curtin to approve the Abstract of Audited Vouchers (with the exception of Voucher # 154241 to Business Management Services in the amount of \$1,218.50 – this is the software for Codes and Planning/Zoning, it is a 2023 expense) as of October 5, 2022, the Activities Report as of September 29, 2022 and the Bank Balances for August 2022.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

New Town Hall: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 as of September 30, 2022. Claim #'s 154251 & 251252.

Expenses

Capital Projects	\$168.15
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Councilor Hood made a motion seconded by Councilor Hoey to approve the Abstract of Audited Vouchers (for the New Town Hall) as of September 30, 2022.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

Present Tentative Budget to the Board: Supervisor Pollard asked Sandy Taylor to pass out the Tentative Budget to the Board Members. Supervisor Pollard made a motion seconded by Councilor Hood to accept the Tentative Budget which will now become a Preliminary Budget.

Supervisor Pollard explained that no changes can be made until the Public Hearing on the Budget.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

OLD BUSINESS

Adopt Local Law 3 – Tax Cap Override:

**RESOLUTION
MARCELLUS TOWN BOARD**

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, Proposed Local Law C of the year 2022 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 7, 2022; and

WHEREAS, the Town Board held a public hearing to consider said Proposed Local Law C of the year 2022 on October 5, 2022 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 3 of the year 2022 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 of the environment, thus concluding the SEQRA review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law 3 of the Year 2022.

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 C of the Year 2022 as Local Law 3 of the Year 2022 as follows:

**TOWN OF MARCELLUS
LOCAL LAW 3 OF THE YEAR 2022**

**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, 2023 and ending December 31, 2023, 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 60% of the Marcellus Town Board.

SECTION 3 TAX LEVY OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2023 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 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 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
Jamie Curtin	Councilor	Voted Aye
Terry Hoey	Councilor	Voted Aye
Gabe Hood	Councilor	Voted Aye
Laurie Stevens	Councilor	Absent

The foregoing resolution was thereupon declared duly adopted.

Dated: October 5, 2022

NEW BUSINESS

Set Public Hearing for Budget: Supervisor Pollard made a motion seconded by Councilor Curtin to set the Public Hearing for the 2023 Budget on November 2, 2022 at 6:30 p.m. This will take place at the Town Hall, 22 East Main Street.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

Resolution – Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program: John Houser, Codes Officer, spoke a little about the Stormwater Program. This has to do with the discharging of water into 9-mile creek. Central New York Regional Planning and Development Board (CNYRPDB) helps municipalities with resources. Councilor Hood made a motion seconded by Councilor Curtin authorizing Supervisor Pollard to sign the Stormwater Resolution. The Town will be billed for \$3,600 for the year to participate.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, The Town of Marcellus

herein called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination Systems (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve-month timeframe.

NOW, THEREFORE, BE IT RESOLVED BY The Marcellus Town Board
(Governing Body of Municipality)

1. That Karen R. Pollard, Town Supervisor
(Name and Title of Chief Elected Official)

or such person’s successor in office is the representative authorized to act on behalf of the Municipality’s governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.
4. That this Resolution take effect immediately

Reports from Department Heads

Town Clerk: The Board had a copy of the Town Clerk's monthly report for September. Sandy Taylor, Town Clerk, reported that between trash day permits and hunting, the office was busy.

Parks/Recreation: Phil Coccia, Recreation Director, told the Board that minimum wage is going up to \$14.20, so all the kids that work the Recreation Program will be paid that. He also stated that the Park has been very busy. There was a huge wedding last weekend and another one coming up this weekend.

Schools have been coming to the park for their Cross-Country meets. There was a modified meet held here and another big event scheduled for the end of October.

Some schools are even coming to the park just to practice.

The tennis, pickleball and basketball courts have all been resurfaced.

Codes John Houser, Codes Officer, stated that his office has been busy and he is playing catch-up. He is working with Jim Gascon, Town Attorney, on some zoning issues. Supervisor Pollard mentioned that the "Sign Law" was filed with the state on September 14, 2022.

Highway: Don MacLachlan, Highway Superintendent, stated that they are getting the trucks ready for the winter. He asked about putting two mowers on Auctions International for the Park. The sewer at the Park is coming along, there will be more work the second week in November.

Resident's Comments:

Ms. Servello, wanted to give a big congratulations to the Highway Department, Fire Department and neighbors who all came together when the storm went through.

Supervisor Pollard asked if the Fire Department wanted to say something. They replied that they would email the board the information.

A question was asked about what happens with a PUD (Planned Unit Development)? The Board has received one from Tim's Pumpkin Patch on Rose Hill Road. There has been no action taken on it. Rich Andino, stated that it would go through the Planning/Zoning Board first, then the Town Board would act on it. The Town Board would act on the advice of the Planning/Zoning Board.

Adjournment: Councilor Curtin made a motion seconded by Councilor Hoey to adjourn the Town Board Meeting at 7:10 pm.

Ayes – Pollard, Curtin, Hoey and Hood

Carried

Respectfully Submitted,

Sandy Taylor
Town Clerk