

Marcellus Town Board
Regular Meeting
Wednesday, October 4, 2023
6:30 PM

A Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, October 4, 2023, 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; Mike Ossit, Deputy Highway Superintendent; John Houser, Codes Officer; Phil Coccia, Recreation Director; Jeff Berwald, Chris Christenson, Gary & Linda Wilcox, Bill Southern, Tom Lathrop, Scott Stearns, Mark Delasin, Willow Stahl, Grace Cheney, Jim Gascon, Town Attorney; Rosemary Tozzi, Deputy Town Clerk and Sandy Taylor, Town Clerk.

Public Hearing: Tax Cap Override: Supervisor Pollard opened the Public Hearing at 6:32 regarding the Tax Cap Override. She asked if anyone had anything to say either for or against it. There were no comments from the Board or the Residents. Councilor Hoey made a motion seconded by Councilor Stevens to close the Public Hearing at 6:35 pm.
Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

Waive the Reading and Accept the Minutes as Presented: Councilor Curtin made a motion seconded by Councilor Hood to waive the reading and accept the minutes as presented from the Town Board Meeting on September 6, Budget Meeting on September 13, Workshop Meeting on September 20 and the last Budget Meeting on September 25, 2023.
Ayes – Pollard, Curtin, Hoey, Hood and Stevens Carried

Monthly Activity: The Abstract of Audited Vouchers as of October 2, 2023, was given to the Board Members. Abstract # 10. Claim numbers 155673-155715.

	<u>Expenses</u>
General Fund	\$18,860.95
Part Town General Fund	2,338.27
Town Wide Highway	<u>25,300.00</u>
Total	\$46,499.22

Board Members were given the Activities Report as of September 25, 2023. Period 9. Fiscal year 2023.

Revenue

Expenses

General Fund	(1,563,146.35)	1,112,529.41
Part Town General Fund	(212,120.21)	126,569.96
Town Wide Highway	(605,136.75)	303,191.99
Part Town Highway	(457,648.75)	364,735.29
Capital Projects	14,445.96	7,928.00
Fire District	(405,022.44)	279,858.75
Hydrant Fund	(3,001.00)	3,209.19
Ambulance Fund	(306,486.86)	231,465.00
Sewer District	(194,550.04)	194,544.00
Water District	(180,589.00)	183,077.67

Bank Balances:

The total of all the Bank Balances for August 2023: \$4,333,290.04

Councilor Stevens made a motion seconded by Councilor Hood to approve the Abstract of Audited Vouchers as of October 2, 2023, The Activities Report as of September 25, 2023 and the Bank Balances for August 2023.

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

Supervisor Pollard stated that she will ask Jim LaRose, Dog Control Officer, for a monthly report starting in January 2024.

OLD BUSINESS

SEQR (Short Environment Assessment Form): Jim Gascon, Town Attorney, read through the SEQR for Local Law B-2023 – A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Marcellus. It has been decided that this proposed action will not result in any significant adverse environmental impacts. Supervisor Pollard made a motion seconded by Councilor Hoey to approve the SEQR for Local Law B-2023.

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

Adopt Local Law 2 – Tax Cap Override:

**TOWN BOARD RESOLUTION
ENACTING LOCAL LAW B-2023**

(a Local Law Overring the Tax Levy Limit
Established in General Municipal Law §3-c in the Town of Marcellus)

**TOWN OF MARCELLUS
October 4, 2023**

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 October 4, 2023, at 6:30 P.M., there were:

PRESENT: Karen Pollard Supervisor

Jamie Curtin	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor
Laurie Stevens	Councilor

WHEREAS, the following resolution was offered by Councilor Hood, who moved its adoption, seconded by Councilor Curtin; and

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No B-2023, “ 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 6, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 4th day of October 2023, 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-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No B-2023 as Local Law No. 2-2023 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 2 – 2023**

**A LOCAL LAW OVERRIDING 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, 2024, and ending December 31, 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

SECTION 2. **AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorized the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of at least 60% of the 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 2024 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	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: October 4, 2023

Present 2024 Preliminary Budget: The 2024 Budget was now presented to the Board. Supervisor Pollard made a motion seconded by Councilor Curtin to now make the budget Preliminary. This means no changes can be made until the Public Hearing.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Set Date - Public Hearing for Budget: Supervisor Pollard made a motion seconded by Councilor Hood to set the date for the Public Hearing for the 2024 Budget as November 1, 2023 at 6:30 pm.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Request for 30-day extension Liquor License – Sunset Ridge: The Town received a request from Sunset Ridge Golf Club on W. Seneca Turnpike. The request is in regards to a change of class application for the NYS Liquor License #2211659 (SL/549) for the sale of beer, wine, cider and liquor seasonally. They have applied for license #2235534 to become a class OP/252 to allow the sale of beer, wine, cider and liquor year around. They are also asking the Town to waive the thirty – day (30) waiting period for the license. Councilor Stevens made a motion seconded by Councilor Hoey to accept the request for the change of class application for Sunset Ridge Golf Club and also waive the thirty-day (30) waiting period.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

2595 Pleasant Valley Road: John Houser, Codes Officer, presented pictures of the clean-up that was done at 2595 Pleasant Valley Road. The company did a very good job in boarding up the structure. John Houser, does not feel there is a need for a fence. Councilor Hood asked if the propane company has been notified. Mr. Houser, stated that they were notified. No action was taken by the Board.

NEW BUSINESS

Increase Rate on Pavilions: Jane Attley, Recreation Attendant, drafted a list of increase prices for the pavilions at the park starting in January 1, 2024. Councilor Curtin made a motion seconded by Councilor Hood to table this for now and put it on the agenda for the October 18, 2023 Workshop.

Ayes - Pollard, Curtin, Hoey, Hood and Stevens

Carried

Selling of a Highway Truck (Added Item): Don MacLachlan, Highway Superintendent and Mike Ossit, Deputy Highway Superintendent, presented to the Board a picture of a Plow Truck they would like to put on Auctions International. Councilor Stevens made a motion seconded by Councilor Hood to allow the Highway Superintendent to put the Plow Truck on Auction's International.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Report from Department Heads:

Codes: John Houser, Codes Officer, stated that there have been about 90 permits issued. He has had a busy August and September. Joanna Clark has been a big help.

Highway: Don MacLachlan, Highway Superintendent, stated that they have ordered salt and sand and Are getting the trucks ready for winter. Dump days have been very busy.

Parks/Rec: Supervisor received information on the grant for the Welcome Center that she had to sign. Phil Coccia, Recreation Director, just stated that once we know the work will be done, we need to let the Recreation Attendance know to block out the Welcome Center.

Town Clerk: Sandy Taylor, Town Clerk, presented her monthly report to the Board.

DISCUSSION AGENDA

Supervisor Pollard stated that the next meeting for the Comprehensive Plan will be in early November.

Fire Department – Councilor Hood stated that the drawing with the official stamp has not arrived yet. Don MacLachlan, stated that the tank will be here around Oct. 23,2023.

Supervisor Pollard asked Mark Delasin, President of Fire Department, for the Building Reserve Fund amount from the Fire Department.

Councilor Hoey wants to compliment the new Owners of the Old Town Hall, 24 East Main, they have really made the place look nice.

ADJOURNMENT: Councilor Hood made a motion seconded by Councilor Hoey to adjourn the Town Board Meeting at 7:15 pm.

Ayes – Pollard, Curtin, Hoey, Hood and Stevens

Carried

Respectfully Submitted,

Sandy Taylor
Town Clerk