

Marcellus Town Board
Regular Meeting
Wednesday, November 6, 2024
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, November 6, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor

Also Present: Mike Ossit, Highway Superintendent; Phil Coccia, Recreation Director; Jim Gascon, Town Attorney; John Houser, Codes Officer; Gary and Linda Wilcox, John Pawlewicz, Tom Lathrop, Bill Southern, Steve Bolewski, Scott Stearns, Chris Christensen, Susan Clarke-Williams, Barrie Potter, Joann Potter, Lynda Kianka, Michael Kianka, Drew Johnson, Ryan Welch, Josh Magiera, Claudia Hastings, Jojo Leubner, Cal Amidon, Matt Barbaro, Robert Hakes, Kyle Duggleby, Even Fullagar, Garret Isgar, Brandon Tompkins, Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

Approve Tentative Budget and Move to Preliminary: Councilor Hood made a motion seconded by Councilor Clarke to approve the tentative budget and move it to the preliminary stage.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

PUBLIC HEARING- Preliminary Budget: The public hearing was opened at 6:32pm. Supervisor Stevens informed the public that the Town Board worked hard on the budget and the Town is \$32,219 under the tax cap. There were no questions or comments from the public. Councilor Clarke made a motion seconded by Councilor Berwald to close the public hearing at 6:33pm.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Waive the Reading and Accept the Minutes: Councilor Hoey made a motion seconded by Councilor Hood to waive the reading and accept the minutes as presented by the Town Clerk. The minutes were from the October 2, 2024, Town Board Meeting and October 16, 2024, Workshop Meeting.
Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Monthly Activity: The abstract of Audited Vouchers for October 23, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #10 as of October 22, 2024. Claim #s 157276-157283.

	<u>Expenses</u>
General Fund	\$13,721.15
Part Town General	1,909.45
Townwide Highway	3,403.75
Trust and Agency	1,824.58
Total	\$20,858.93

The abstract of Audited Vouchers for November 6, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #11 as of November 1, 2024. Claim #s 157293-157321, 157331-157354.

	<u>Expenses</u>
General Fund	\$16,817.67
Part Town General	755.56
Townwide Highway	13,755.38
Part Town Highway	800.05
Total	\$32,208.66

Board Members were given the Activities Report as of October 30, 2024. Fiscal year 2024 Period 10.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,715,922.64)	1,206,836.70
Part Town General	(214,830.81)	131,300.93
Townwide Highway	(649,218.93)	322,027.87
Part Town Highway	(376,725.29)	364,914.74
Fire District	(398,784.94)	390,472.00
Hydrant Fund	(3,081.11)	3,227.00
Ambulance Fund	(313,384.79)	313.365.00
Sewer District	(195,953.55)	195,952.00
Water District	(181,977.12)	185,268.28

Bank Balances:

The total of all Bank Balances for September 2024 is \$4,120,737.76

Councilor Berwald made a motion seconded by Councilor Hoey to approve the Abstract of Audited Voucher Reports as of October 23, 2024, November 6, 2024, and the Activities Report as of October 30, 2024, and the Bank Balances of September 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Old Business:

Solar Law: This topic was tabled for review.

Tim's Pumpkin Patch PUD: This topic was tabled. The Town Board is still in the discussion phase.

Comprehensive Plan- SEQRA:

TOWN OF MARCELLUS TOWN BOARD

INTRODUCTION OF THE DRAFT 2024 COMPREHENSIVE PLAN AND SEQRA RESOLUTION DESIGNATING LEAD AGENCY

November 6, 2024

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

WHEREAS, the Town of Marcellus Town Board has previously appointed a Special Board (the "Comprehensive Plan Committee") pursuant to Town Law §272-a for the purposes of preparing an update and amendments to the Town's Comprehensive Plan for consideration by the Town Board; and

WHEREAS, the Town Board had been advised that the Comprehensive Plan Committee has completed its work and prepared a draft update to the Comprehensive Plan document, after additional public participation to said proposed update and amendments in June of 2024 and August of 2024, for the Town Board's review and consideration; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), 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, the Town Board of the Town of Marcellus, at its regular meeting of November 6, 2024, received from the Comprehensive Plan Committee copies of the proposed update and amendments to the Town of Marcellus Comprehensive Plan (titled "Town of Marcellus 2024 Comprehensive Plan"), all in accordance with Town Law.

NOW, THEREFORE, BE IT RESOLVED that the Town of Marcellus Town Board hereby determines that:

1. The action is a Type I Action;
2. The Town Board of the Town of Marcellus shall act as Lead Agency;
3. The following are interested agencies in connection with the SEQRA review:
 - **Village of Marcellus**, c/o Hon. Chad Clark, Mayor, 6 Slocombe Ave. Marcellus, NY 13108;

- **Onondaga County Planning Department**, Attn: Martin Voss, Chair, Carnegie Building 335 Montgomery Street, 1st Floor, Syracuse, NY 130202; and

4. The action will require the preparation of a Full Environmental Assessment Form (Parts 1, 2 and 3) to provide information with regard to the environmental issues pertinent therein; and it is further

RESOLVED that the Town of Marcellus Town Board hereby shall notify all agencies, interested/involved, that it shall be lead agency for this action unless it receives written objection to this determination within thirty (30) days from the date of mailing of such notice; and it is further

RESOLVED that the Town of Marcellus Town Board hereby directs that the “Draft 2024 Comprehensive Plan Update” shall be forwarded to the Onondaga County Planning Department for review and comment; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the adoption of the proposed Town of Marcellus 2024 Comprehensive Plan at the Town of Marcellus Town Hall, 22 East Main Street, Marcellus, New York on December 4, 2024, at 6:30 p.m. 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 and upon roll call, the vote was as follows:

Terry Hoey	Councilor	Voted	Yes
Gabe Hood	Councilor	Voted	Yes
Percy Clarke	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Laurie Stevens	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 6, 2024

Sewer Contract with the Village: This topic has been tabled. The Town and Village are still negotiating the terms. The Village wants to increase the unit charge for the Marcellus Fire Department from 1 unit to 10 units and has some concerns about the oil water separators. The Village would like them cleaned twice annually. The Town Board does not want the Town or Town taxpayers to pay more than they should with the proposed contract. Bill Southern voiced his concerns regarding the surcharge the Village charges Town residents for the use of their system. It is proposed the percentage will go up to 30%. Bill questioned if the Village is putting the revenue from the surcharge into a Reserve Fund for future repairs or is it to reduce the overall cost to Village users on the same system.

New Business:

Preliminary Budget: Councilor Clarke made a motion seconded by Councilor Hood to approve the preliminary budget and adopt the 2025 budget.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

4457 Dublin Road: Residents voiced their concerns regarding a rat infestation on Dublin Road. This property is vacant. Residents have concerns that the proper steps are not being taken. John Houser, Code Officer and Jim Gascon, Town Attorney served the homeowner with code violation 90-8H unsafe buildings, structures, and equipment and conditions of imminent danger. The homeowner is complying with the Town to correct the issue. The Codes Officer is in contact with the companies hired to correct this issue and is satisfied that progress is being made.

Closing Town Hall at 11:00am on Christmas Eve: Supervisor Stevens is requesting a motion from the Town Board to approve Town Hall to close at 11:00am on Tuesday, December 24, 2024. Councilor Hoey made a motion seconded by Councilor Hood to approve Town Hall to close at 11:00am on Tuesday, December 24, 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Moonlight Walk: Phil Coccia would like to continue to offer the Moonlight Walk at Marcellus Park to the community this winter. The events will be held on Saturday December 14th and January 11th from 4:00pm- 9:00pm. S'mores and refreshments will be offered at the events.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Park Department to hold the Moonlight walks.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

IMA Between Town Highway and School District: Jim Gascon explained that the Town has a shared services agreement with the Village of Marcellus. Mike Ossit, Highway Superintendent has requested a similar agreement with the School District. This agreement allows the Town to share equipment and services up to an amount of \$2,500. Any amount above that will require additional Town Board approval. If the Town Board approves the contract Supervisor Stevens will need to sign the contract, then it will be sent to the School District for review and signature.

Councilor Clarke made a motion seconded by Councilor Berwald to approve Supervisor Stevens to sign the IMA agreement between the Town and School District.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Modify Zoning Regulations to Include Outdoor Concerts:

TOWN OF MARCELLUS

LOCAL LAW NO. C-2024

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS
REGARDING OUTDOOR CONCERTS**

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

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Chapter 235 of the Code of the Town of Marcellus pertaining to the uses allowed within the Town's Zoning Districts and to specifically allow outdoor concerts subject to the receipt of a special permit for the same, such that the Town may allow outdoor concerts, but in a manner that preserves the health, safety and welfare of the Town.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and New York State Town Law § 274-B.

SECTION 3. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-4(B), "Definitions," is hereby amended to add a new term, "Outdoor Concert," which shall read in its entirety as follows:

"OUTDOOR CONCERT

Music event conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices."

SECTION 4. AMENDMENT OF SUBSECTION B OF SECTION 235-12 OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-12(B) is hereby amended to add a new Paragraph "3," which shall read in its entirety as follows:

"(3) Outdoor concert(s), subject to special permit and the following conditions:

(a) The lot must be ten acres or more in size."

SECTION 5. SEVERABILITY.

If the provisions of any Section, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 6. EFFECTIVE DATE.

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

After a brief introduction by attorney Jim Gascon and responding to comments from Board members, the formal process of introducing Local Law C-2024 began. Attorney Gascon read aloud

the entire Long Form Environmental Assessment Form and the “Town Board Resolution Introducing Local Law C-2024”.

**TOWN BOARD RESOLUTION
INTRODUCING LOCAL LAW C-2024**

(A Local Law Amending Chapter 235 of the Code of the Town of Marcellus
Regarding Outdoor Concerts)

TOWN OF MARCELLUS

November 6, 2024

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 November 6, 2024, at 6:30 P.M., there were:

PRESENT:	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

WHEREAS, Councilor Hood introduced proposed Local Law No. C-2024, “A Local Law Amending Chapter 235 of the Code of the Town of Marcellus” and made the following motion, which was seconded by Councilor Berwald; and

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 a Type I Action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the said full 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, BE IT

RESOLVED AND DETERMINED that the enactment of said proposed Local Law C-2024 is a Type I Action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that 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-2024 at the Town Hall located at 22 East Main Street, in the Town of Marcellus on December 4, 2024 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Marcellus and to any affected municipalities described above.

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

VOTE: Laurie Stevens	Town Supervisor	Yes
Jeff Berwald	Councilor	Yes
Percy Clarke	Councilor	Yes
Gabe Hood	Councilor	Yes
Terry Hoey	Councilor	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 6, 2024

County of Onondaga Snowplow Contract: Jim Gascon, Town attorney reviewed the annual contract between Onondaga County and the Town of Marcellus. Mr. Gascon recommended the Town Board approve the contract and authorize Supervisor Stevens to sign the contract. Councilor Hoey made a motion seconded by Councilor Clarke to approve Supervisor Stevens to sign the 2025 County of Onondaga snowplow contract.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Departments Reports:

Codes: John Houser, Codes Officer; Nothing to report

Highway: Mike Ossit, Highway Superintendent; The Park Department put three pieces of equipment up for auction through Auctions International; 2016 Snapper 550XT 36' Zero Turn Mower current bid \$1,225.00, 2005 E-Z-GO Golf cart current bid \$1,075.00 and 2008 E-Z-GO Golf Cart with Charging current bid \$1,575.00. The Town Board needs to approve the bids for the equipment to authorize the sale.

Councilor Clarke made a motion seconded by Councilor Berwald to approve the bids to enable the equipment to be sold.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Parks/Rec: Phil Coccia, Recreation Director; Thanked the Park staff for their great job. It was a busy October.

Town Clerk: Rosemary Tozzi, Town Clerk; Presented the monthly report for September 2024

Dog Licensing \$391.00

Certified Copies-Marriage \$70.00

One-day Marriage Officiant \$25.00

Returned Check Fee \$20.00

Passport \$105.00

Conservation \$51.86

Freon Permit \$135.00

Marriage Licensing \$12.50

Trash Passenger One Trip \$90.00

Mattress Permit \$125.00

Trash Permit-Trailer \$185.00

Tire \$49.00

Trash Permit-Passenger 6 trip \$125.00

Trash Permit- Truck \$440.00

Building \$1,177.00

Zoning Fees \$100.00

Discussion Agenda:

Fire Department: Dave Card had nothing to report

Adjournment: Councilor Hood made a motion seconded by Councilor Clarke to adjourn the meeting at 8:11pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk