

Town of Marcellus  
Board Meeting  
Wednesday, July 10, 2024  
6:30 PM

Call to Order

Salute to Flag

- I. **Waive the Reading and Accept the Minutes**
  
- II. **Approve Monthly Financials**
- III. **Old Business**
  - A. Welcome Center Update
  - B. Fire Department Financials
  - C. Cemetery Trees
  - D. Tim's Pumpkin Patch PUD
  
- IV. **New Business**
  - A. Notice of Demolition of 2595 Pleasant Valley Road
  - B. Appoint Building Safety Inspector
  
- V. **Reports From Department Heads**
  - A. Codes
  - B. Highway
  - C. Parks/Rec
  - D. Town Clerk - Monthly Report
  
- V. **Discussion Agenda**
  - A. Fire Department
    - a. Contract
    - b. Compensation and VFBL review
    - c. Report on All Moneys taken in for Fire Budget
    - d. Truck Reserve
    - e. Service Awards Program
    - f. Community Wide Recruitment Program
    - g. Building Maintenance
  
- VII. **Adjournment**

**Future Meeting Dates**

Workshop Meeting- Wednesday, July 24, 2024- 6:30 pm- Town Hall

Planning/Zoning Meeting- Monday, August 5, 2024 - 6:30 pm- Town Hall

Town Board Meeting- Wednesday, August 7, 2024- 6:30 pm- Town Hall

Comprehensive Plan Public Meeting, August 8, 2024- 5:00 pm- Town Hall

Workshop Meeting- Wednesday, August 21, 2024- 6:30 pm- Town Hall

Marcellus Town Board  
Regular Meeting  
Wednesday, June 5, 2024  
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, June 5, 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; Jim Rossiter, Gary and Linda Wilcox, Bill Southern, John Pawlewicz, Steve Schneider, Scott Stearns, Zoning Chairperson, Steven and Robin Bolewski, Sammy Gates, Cameron Sadler, Sarah LaMay, Gina Mushynsky, Kathleen Estlinbalm, Fritz Estlinbaum, Nora Clark, Val Fleig, Oliver Charch, Tyus Congdon, Joel McNally, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

**Waive the Reading and Accept the Minutes:** Councilor Hood made a motion seconded by Councilor Hoey to waive the reading and accept the minutes as presented by the Town Clerk. The minutes were from the May 1, 2024, Town Board Meeting and the May 15, 2024, Workshop Meeting.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

**Monthly Activity:** The abstract of Audited Vouchers for June 5, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #5 as of May 21, 2024. Claim # 156633-156644.

	<u>Expenses</u>
General Fund	\$5,615.36
Part Town General	1,913.61
Part Town Highway	3,337.53
Trust and Agency	480.96
Total	\$11,347.46

The abstract of Audited Vouchers for June 5, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #6 as of May 30, 2024. Claim # 156645-156646, 156648-156665, 156684-156701.

	<u>Expenses</u>
General Fund	\$39,346.00
Part Town General	2,067.00

Townwide Highway	7,253.40
Fire District	86,136.00
Ambulance Fund	76,725.00
Trust and Agency	2,743.22
<b>Total</b>	<b>\$214,270.62</b>

Board Members were given the Activities Report as of May 30, 2024. Fiscal year 2024 Period 5.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(2,325,717.59)	600,977.53
Part Town General	( 208,441.19)	65,395.05
Townwide Highway	( 86,184.60)	219,928.58
Part Town Highway	( 226.22)	58,256.88
Capital Projects	( 0.00)	0.00
Fire District	( 398,519.60)	203,192.50
Hydrant Fund	( 3,077.53)	1,715.64
Ambulance Fund	( 313,376.75)	156,682.50
Sewer District	( 195,952.69)	195,952.00
Water District	( 182,230.18)	84,191.86

**Bank Balances:**

The total of all Bank Balances for April 2024 is \$5,110,029.17

Councilor Clarke made a motion seconded by Councilor Berwald to approve the Abstract of Audited Voucher Reports as of May 21, 2024, May 30, 2024, and the Activities Report as of May 30 ,2024, and the Bank Balance Balances of April 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

**OLD BUSINESS**

**Food Sense Program:** The Town Board offered the use of the parking lot at Marcellus Park and a pavilion; the program has declined that offer. The Marcellus Fire Department had concerns regarding the public being in restricted areas, no personnel to monitor the building and insurance information was not provided. It was decided that the Fire Department would not be an option. With no other location to offer the program the Town Board will not move forward with a pickup location in the Town.

**Welcome Center:** One sealed bid was received on Friday, May 24, 2024, from Aventus NV, Inc. at \$149,000.00. The bid was more than the amount the Town received for the grant. After a discussion the Board decided to deny the Bid based on the cost. The Town Board will discuss other options, possibly plans for rebidding or doing the work in house. Councilor Hood made a motion seconded by Councilor Berwald to deny the bid from Aventus NV, Inc for the Welcome Center.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

**Fire Department Audit:** The Fire Department is still looking for a firm to conduct an audit as the last company is no longer offering the service. The last official audit the Town has on file is 2017. Joel McNally did state that they have more recent audits to his knowledge. Supervisor Stevens asked the Fire Department to provide the documents to the Town as soon as possible.

**Time Clocks:** Councilor Berwald investigated several options for time clocks for the Town. The first option was through a big company that offers time clocks and payroll services at a cost of \$8,000. The Town is not interested in outsourcing payroll currently. The second option is devices that can be purchased through Amazon and operate through the cloud and last is the traditional green box time clock. After a discussion it was decided to investigate pricing further and discuss the option with Lori Petrocci to determine if the benefits would be worth the cost.

## **NEW BUSINESS**

**Modify FOIL Request Form:** An updated FOIL Request Form was submitted to the Town Board by the Town Clerk. Jim Gascon and the Town Board reviewed the document and determined the new form would be accepted. The Town requires the form to be completed for all FOIL requests. The fees associated with a FOIL will be determined after review of the information requested, it is based on time and if copies are required.

Councilor Clarke made a motion seconded by Councilor Berwald to approve the new Freedom of Information request form that will be utilized by the Town Clerk.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

**Pavilion Rental- Historical Reenactment:** Representatives from The Society for Creative Anachronism (SCA) requested use of the Annex Pavilion and surrounding grassy grounds on Saturday October 5, 2024, from 8:00am-8:00pm. The local group, Barony of Deltwood's event will feature Knights who will take the field in combat to determine who the group's next King and Queen will be. Armored warriors will compete while wearing safety-tested and approved metal body armor and helmets, using weaponry that is fashioned from rattan and padded for safety. All participants will be dressed in historically accurate clothing from all over the world and all eras prior to 1600AD. The public is welcome to observe.

## **Department Reports:**

**Codes:** John Houser, Codes Officer, has been spending most of his time modifying the Town's stormwater management plan and closing out existing building permits. New building permits issued are slow this year so far and burn permits are steady as usual.

**Highway:** Mike Ossit, Highway Superintendent was asked to submit a safety study for Bishop Hill Road and Lee-Mulroy Road. Supervisor Stevens and Mike will be sending a letter to the County requesting the study.

**Parks/Rec:** Phil Coccia, Recreation Director thanked the Town and Village Highway Departments for assisting in the clean-up of trees down due to the storm at Marcellus Park. He also thanked the Park staff for all their hard work and support with Olde Home Days.

**Town Clerk:** Rosemary Tozzi, Town Clerk, presented the monthly report for May 2024.

Dog Licensing \$519.00  
Certified Copies-Marriage \$20.00  
One-day Marriage Officiant \$25.00  
Passport \$35.00  
Conservation \$24.30  
Freon Removal \$330.00  
Marriage Licensing \$50.00  
Trash Permit One Trip \$225.00  
Mattress \$625.00  
Trash Permit- Trailer \$1,300.00  
Tire \$252.00  
Trash Permit- Large Vehicle \$55.00  
Trash Permit -Passenger \$1,450.00  
Trash Permit- Truck \$1815.00  
Building \$1,319.00  
Zoning Fees \$100.00

New York State Department of Transportation traffic engineers will conduct a formal investigation regarding the speed limit reduction that was requested on Rose Hill Road. The Town will be notified of the results once the investigation is completed.

**Discussion Agenda:**

**Fire Department:** The pancake breakfast was a success. They plan to host more in the future. Supervisor Stevens asked Joel McNally if the Fire Department had financials to turn in. Joel stated that they would be giving them quarterly and he was corrected by Supervisor Stevens as the contract states monthly. The last financials the Town Board received from the Fire Department go through March 31, 2024. Joel stated the Town should be receiving financials soon.

**Comprehensive Plan:** The Comprehensive Plan Committee will be hosting an open house with a public comment section on Thursday, August 8, 2024. After the open house the committee will make any changes needed to the plan. Once the Plan is final it will be sent to the County for review. The Town Board will then hold a public hearing to accept the new updated Comprehensive Plan.

Jim Gascon spoke as a resident of the community. Jim thanked the residents and local merchants for all their support during Olde Home Days. This year's parade was a success, and all duck tickets were sold out. The event had record numbers. Jim also thanked the Town for allowing the event to be held at Marcellus Park.

**Adjournment:** Councilor Hood made a motion seconded by Councilor Berwald to adjourn the meeting at 7:03pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi  
Town Clerk

Marcellus Town Board  
Workshop Meeting  
Wednesday, June 26, 2024  
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, June 26, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: Mike Ossit, Highway Superintendent; Jim Rossiter, Phil Coccia, Recreation Director; John Houser, Code Enforcement; Jim Gascon, Town Attorney; Gary and Linda Wilcox, Bill Southern, Scott Stearns, John Pawlewicz, Dave Card, Ken Tyminski, Lisa Bardou, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

**Public Hearing: Local Law No. A-2024 Sign Law Modification:** Supervisor Stevens opened the Public Hearing at 6:30 regarding the Sign Law Modification. She asked if anyone had anything to say either for or against it. Bill Southern stated the Board made good changes to the law. Councilor Hoey made a motion seconded by Councilor Clarke to close the Public Hearing at 6:30 pm.

**Abstract of Audited Vouchers:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #6 as of June 21, 2024. Claim #'s 156742-156750.

Expense	
General Fund	\$16,273.67
Part Town General	1,909.45
Part Town Highway	3,324.05
Trust and Agency	1,611.97
Total	\$23,119.14

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #6 as of June 21, 2024. Claim #'s 156741.

Expense	
General Fund	\$125.00
Total	\$125.00

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #6 as of June 21, 2024. Claim #'s 156711-156735, 156738-156739, 156751-156763, 156773-156775.

Expense	
General Fund	\$16,874.81
Part Town General	1,691.42
Townwide Highway	9,518.88
Part Town Highway	4,415.00
Fire District	9,622.25
Ambulance Fund	1,616.25
Trust and Agency	273.70
 Total	 \$44,012.31

Bill Southern asked why Jim Gascon, Town Attorney had not submitted a bill for his services. Supervisor Stevens informed him that there was a lapse in billing due to an illness. Councilor Berwald had a question regarding a refund for the Recreation Adult trip. Phil Coccia, Recreation Director informed him it was due to an illness and a replacement was found for the trip. Councilor Clarke made a motion seconded by Councilor Berwald to approve the Abstract of Audited Vouchers and pay the bills as of June 26, 2024.  
 Ayes – Berwald, Hoey, Clarke and Stevens Carried

**Old Business:**

**TOWN BOARD RESOLUTION  
 ENACTING LOCAL LAW A-2024  
 (A Local Law Amending Chapter 235-26 et al. ("Zoning")  
 of the Code of the Town of Marcellus  
 to Amend Certain Provisions Pertaining to Signs)**

**TOWN OF MARCELLUS**

**June 26, 2024**



At a workshop 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 June 26, 2024, at 6:30 P.M., there were:

<b>PRESENT:</b>	Jeff Berwald	Councilor
	Percy Clarke	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Town Supervisor

<b>ABSENT:</b>	Gabe Hood	Councilor
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**WHEREAS**, the following resolution was offered by Councilor Hoey, who moved its adoption, seconded by Councilor Berwald; and

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2024, "A Local Law Amending Chapter 235-26 et al. ("Zoning") of the Code of the Town of Marcellus to Amend Certain Provisions Pertaining to Signs," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on May 15, 2024; and

**WHEREAS**, a public hearing was held on such proposed local law on this 26th day of June 2024, 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-2024 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQRA review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2024.

**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. A-2024 as Local Law No. 1-2024 as follows:

**“TOWN OF MARCELLUS  
SECOND AMENDED  
LOCAL LAW 1-2024**

**A LOCAL LAW AMENDING CHAPTER 235-26 et al. (“ZONING”) OF THE CODE OF THE TOWN OF  
MARCELLUS TO AMEND CERTAIN PROVISIONS PERTAINING TO 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. 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 4. 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 5. ADDING SECTION 235-26.1, "SIGNS," TO THE CODE OF THE TOWN OF MARCELLUS**

**§ 235.26.1(1). Definitions.**

**Agricultural Sign** – Any sign relating to a farm.

**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.

**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). All signs are specifically prohibited except as follows:

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: R-1, R-2, R-3, R-4.

- (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, per side.
- (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. A-1, B-1, L-1, Highway Overlay Zones and pre-existing commercial business entities.

- (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. The framework of these signs shall not be considered when calculating the size of the sign.

- (2) Wall signs. Wall signs shall not exceed one square foot per linear foot of building frontage, 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 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, with the exception of real estate signs, a permit is required to be obtained pursuant to § 235.26.1(3).

- (1) Corrugated plastic yard signs with wire stands, or signs similar in nature, 24" x 18" or smaller, shall be exempt from location restrictions in Section 235.26.1(2) B and D, but shall not be located in such a manner as to create a hazard or visibility problem or interfere with or impair vehicular traffic.

- B. Signs required by county, state or federal law.

- (1) Posted signs shall be exempt from time and location restrictions in Section 235.26.1 (2) B and D when necessary to comply with N.Y. State Environmental Conservation Law, Article 11, Title 21, Section 11-2111, but shall not be located in such a manner as to create a hazard or visibility problem or interfere with or impair vehicular traffic.

**§ 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 "grandfathered" in, such that said signs may remain in their present condition, 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.

**§ 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 6. 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 7. Effective Date.**

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

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

<b>VOTE:</b>	Laurie Stevens	Town Supervisor	Yes
	Jeff Berwald	Councilor	Yes
	Percy Clarke	Councilor	Yes
	Terry Hoey	Councilor	Yes

The foregoing resolution was thereupon declared duly adopted.

**DATED: June 26, 2024**

**New Business:**

**Annual Fall Court Clerks Conference:** The Court Clerk is requesting permission to attend the 26<sup>th</sup> Annual Fall Court Clerks Conference which will be held in Niagara Falls, New York. The cost for the Conference is \$1,007.00 for fees and hotel accommodations. It has been confirmed that there is money in the budget.

Councilor Berwald made a motion seconded by Councilor Hoey to approve the Court Clerk to attend the training conference.

Ayes –Berwald, Hoey, Clarke and Stevens

Carried

**Cemetery Trees:** Mike Ossit, Highway Superintendent approached the Town Board regarding two trees in the cemetery, a silver maple and pine tree. The silver maple is overgrown and needs to be cut back or taken down due to continuous growth. The pine tree is dead and needs to be removed. There was discussion of different options. The issue was tabled until the July 10, 2024 Town Board meeting.

**Benefit for Local Family:** Senshi Martial Arts Academy asked the Town Board for permission to host a benefit for a local family on August 18, 2024. Ann Konieczny is battling a vicious but curable form of cancer. Some of the treatments required are not covered by her insurance. The goal is to raise \$70,000 to cover the expenses. The proposed details are two pavilions, welcome center, battle of the bands, food donated and no alcohol. All the details have not been finalized.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Martial Arts Academy to host the benefit at the Marcellus Park.

Ayes –Berwald, Hoey, Clarke and Stevens

Carried

**Auction Park Equipment:** Marcellus Park request permission from the Marcellus Town Board to place the following equipment on auction using the Auctions International website: 2005 battery operated golf car, 2008 battery operated golf cart and 2016 Snapper zero turn mower. The equipment needs a lot of work. It was proposed that it would be more beneficial to use funds gotten by the sale of the old equipment toward new equipment.

Councilor Berwald made a motion seconded by Councilor Clarke to declare the equipment surplus and approve the sale through auction.

Ayes –Berwald, Hoey, Clarke and Stevens

Carried

**Discussion Agenda:**

**Fire Department:** Dave Card presented the Board with Fire Department financials from January 1- June 26, 2024, and an independent auditor's report from December 31, 2020. Supervisor Stevens commented that the financials were not given to the Town Clerk by the deadline for the Workshop meeting so this topic will be placed on the July 10, 2024, agenda. The Town Board needs time to review all documents.

**Welcome Center Update:** The Recreation Department contacted the County to inquire if the Town can use the grant if the work is done by the Town Highway Department. The County agreed to pay for the material and electrical work and labor but will not pay the hourly rates of the Town employees. All material must be ordered by August 31, 2024, to use grant money to pay for the project. This topic was tabled for further decision at the July 10, 2024, Town Board meeting.

**Town of Marcellus Storm Water Management:** John Houser, Code Enforcement presented the Town Board and residents with two PDFs of commercial sites currently under construction in the Town of Marcellus. He opened the floor to any questions or comments from anyone in attendance. John discussed the management plan for said sites. The Planning Board will first approve the site then the Storm Water Officer will inspect during the building process. Once the building is complete the Storm Water Officer will continue to inspect the site two times a year. Once in dry conditions and once in very wet conditions to ensure everything is functioning as needed.

**Adjournment:** Councilor Clarke made a motion seconded by Councilor Berwald to adjourn the Workshop Meeting at 7:01pm.

Ayes – Berwald, Clarke, Hoey, and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi  
Town Clerk

Marcellus Volunteer Fire Department, Inc.

Financial Statement Expenses

For the Period January 1, 2024 thru June 26, 2024

Number in parenthesis indicates **UNDER** budget, number without parenthesis indicates **OVER** budget.

Acct #	Acct Name	Amount	Budget	Difference
<b>Admin</b>				
5000	Computer	17,052.00	14,000.00	3,052.00
5001	Insurance	15,006.00	26,000.00	(10,994.00)
5002	Legal & Accounting	21.00	15,000.00	(14,979.00)
5003	Office Supplies	1,381.00	3,000.00	(1,619.00)
	XXX Phone (combined with 6001 Utilities)			-
	XXX Printer Eqmnt (combined with 5000 Computer)			-
5007	Travel		1,000.00	(1,000.00)
5004	Postage	5.00	1,000.00	(995.00)
5005	Admin Miscellaneous	5,397.00	15,000.00	(9,603.00)
5008	Chief's Car		12,000.00	(12,000.00)
5006	Outside Services	2,103.00	5,115.00	(3,012.00)
	<b>Group Total</b>	<b>40,965.00</b>	<b>92,115.00</b>	<b>(51,150.00)</b>
<b>Building</b>				
6000	Cleaning	5,273.00	8,500.00	(3,227.00)
6001	Utilities & Telephone	14,858.00	29,500.00	(14,642.00)
6002	Building Repairs & Maintenance	21,375.00	30,000.00	(8,625.00)
6003	Building Supplies	225.00	2,000.00	(1,775.00)
	<b>Group Total</b>	<b>41,731.00</b>	<b>70,000.00</b>	<b>(28,269.00)</b>
<b>Operations</b>				
7000	Turn Out Gear	20,120.00	27,000.00	(6,880.00)
7001	Communications Equipment	5,766.00	20,500.00	(14,734.00)
7002	Fire Truck Supplies/Loose Eqmnt	580.00	7,000.00	(6,420.00)
7003	Truck & Vehicle Repairs & Maintenance	6,205.00	36,000.00	(29,795.00)
7004	Small Equipment Maintenance	5,711.00	5,000.00	711.00
7005	SCBA	-	14,500.00	(14,500.00)
7006	Fire & EMS Training	1,660.00	6,000.00	(4,340.00)
7007	Fire Protection		3,000.00	(3,000.00)
7008	Membership Recognition	3,051.00	2,500.00	551.00
7009	Physicals/Fit Test	1,025.00	4,500.00	(3,475.00)
7010	Fuel	2,937.00	6,000.00	(3,063.00)
7011	Response Supplies	-	2,000.00	(2,000.00)
7012	EMS Supplies	-	4,000.00	(4,000.00)
7013	Dress Uniforms	1,330.00	2,000.00	(670.00)
	<b>Group Total</b>	<b>48,385.00</b>	<b>140,000.00</b>	<b>(91,615.00)</b>
	<b>Grand Total</b>	<b>131,081.00</b>	<b>302,115.00</b>	<b>(171,034.00)</b>

RECEIVED

JUN 26 2024

Town of Marcellus

**TOWN OF MARCELLUS  
PLANNING BOARD  
RESOLUTION REGARDING  
TIM'S PUMPKIN PATCH, LLC**

**Dated: July 1, 2024**

**WHEREAS**, the Town received an application from Tim's Pumpkin Patch, LLC (hereinafter "Applicant") for the establishment of a Planned Unit Development (hereinafter "PUD"), pursuant to §235-15 of the Town of Marcellus Zoning Law, dated September 22, 2022; and

**WHEREAS**, the aforementioned application was twice amended by an Amended Application received by the Town on February 6, 2023 and under cover correspondence from Applicant's attorney dated May 26, 2023; and

**WHEREAS**, the application and all pertinent records and documents contained therein were twice reviewed by St. Germain & Aupperle Consulting Engineers, PLLC on behalf of the Town, and engineering reports were created on August 11, 2023 and March 25, 2024; and

**WHEREAS**, the Applicant having appeared before both the Town Board and Planning Board on multiple occasions; and

Upon the review of the application, the aforementioned engineering reports, all documents pertaining to this application, and upon due deliberation, it is therefore

**RESOLVED**, the Town of Marcellus Planning Board recommends that the PUD application be denied for the following reasons:

- The Planning Board finds that a PUD is the wrong application to achieve the Applicant's desire results.
- The Planning Board notes that this application is for a single use (agritourism) for a single owner.
- The Planning Board notes that §235-15(B)(1) clearly states as follows: "Provisions are included for a Planned Unit Development (PUD) zone to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public." It is the Planning Board's recommendation that a PUD is not intended for single use by a single owner.
- It is further the Planning Board's recommendation that the proper application for the use intended by the Applicant would be one for a Special Use Permit. This application is more flexible, involves only the action of the Planning and Zoning

Board and does not require the passage of a local law modifying the Town's zoning districts.

- The Planning Board further notes that AML §301(11) requires that marketing activities, such as parties and special events, should be "incidental" and "subordinate" to the farm operation. Accordingly, it is the Planning Board's opinion that outdoor concerts with up to 1,000 guests, as proposed by the Applicant, are not an incidental or subordinate use.
- It is further the Planning Board's opinion that events involving up to 500 vehicles, as proposed by the Applicant, are not consistent with the agricultural nature of the area.

The following Resolution was made by Chairperson Gerard E. Wickett and seconded by Member Scott S. Stearns and passed upon the following vote:

Said Resolution was put to the following vote:

<b>Chairperson</b>	<b>Gerard E. Wickett</b>	<b>Yes</b>
<b>Member</b>	<b>Kathy Carroll</b>	<b>Yes</b>
<b>Member</b>	<b>Chris Christensen</b>	<b>Yes</b>
<b>Member</b>	<b>Ronald Schneider</b>	<b>Yes</b>
<b>Member</b>	<b>Scott S. Stearns</b>	<b>Yes</b>
<b>Member</b>	<b>Mark W. Taylor</b>	<b>Yes</b>
<b>Member</b>	<b>Holly Tufenkjian</b>	<b>Yes</b>

**Dated: July 1, 2024**



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**IN THE MATTER OF THE TOWN OF MARCELLUS,**

**Petitioner,**

**-vs-**

**KAREN L. SHAVER, Owner of 2595 Pleasant Valley  
Road, Marcellus, New York 13108,**

**Respondent.**

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**HEARING OFFICER'S  
DETERMINATION  
FOLLOWING HEARING**

**Dated: June 24, 2024**

This matter having come on to be heard at the Town of Marcellus Town Hall pursuant to a Notice of Hearing dated May 8, 2024, having been prepared by the Town Attorney James J. Gascon, and

Upon review of the Notice of Hearing, with proof of filing with the Onondaga County Clerk's Office dated May 14, 2024. Said Notice of Hearing, with proof of said recording, is attached hereto and incorporated herein as Exhibit "A", and

Upon submission and review of the Affidavit of Service, evidencing service of the Notice of Hearing upon the Respondent, Karen L. Shaver, on May 11, 2024 pursuant to an Affidavit of Service signed by Troy Prater on May 17, 2024. A copy of said Affidavit is attached hereto as Exhibit "B", and

Following said hearing wherein the testimony of the Town of Marcellus Code Enforcement Officer, John Houser, was received, and

Upon the submission into evidence of the following:

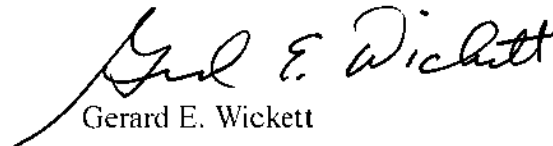
- Inspection report of John Houser, Code Enforcement Officer, following a fire at the residence on September 8, 2023. Said report having been completed by Mr. Houser on September 9, 2023, and said report contain the following description: "the codes

officer has observed structural fire damage to the exterior and interior of the trailer home dwelling from the house fire of September 8, 2023 that are not repairable and the structure is unsafe and unfit for occupancy and needs to be removed in totality,” and

- The Town Engineer, TDK Engineering Associates, having also inspected the property and having issued a report dated October 17, 2023. Said report, among other things, concludes: “Given the age of the existing mobile home (i.e., pre 1976) and the extent of the damage from the fire, it is our opinion that the structure cannot be repaired or salvaged and is no longer fit for human habitation,” and
- The Town Code Officer having taken and submitted numerous photographs depicting the extensive damage to the structure, and
- The Code Officer having further testified that he visited and inspected the structure, and having photographed the conditions as recently as JUNE 24, 2024, and having testified that the severe damage to the structure still remains.

**NOW**, upon the foregoing evidence, and upon due deliberation, it is this hearing officer’s finding and recommendation, that the Town Board declare this residential structure unsafe and issue a Resolution calling for its demolition and removal of debris pursuant to Section 90-8 of the Town of Marcellus Code.

Respectfully submitted,

  
Gerard E. Wickett

**Town Of Marcellus  
22 East Main Street  
Marcellus, NY 13108**

CONDEMNATION HEARING

Date & Time: June 24, 2024 at 6:00PM

RE: Karen Shaver  
2595 Pleasant Valley Road, Marcellus  
Property Tax Map ID: 014.-10-01.0

Present: Gerald Wickett, Hearing Officer  
John Houser, Codes Enforcement Officer  
Paul Smyth, Acting Town Attorney

A condemnation hearing was held at the Town Hall of the Town of Marcellus, 22 E. Main St., Marcellus on June 24, 2024 at 6:00PM. The property at 2595 Pleasant Valley Rd. is co-owned by Karen Shaver.

Gerald Wickett, hearing officer, called the hearing to order and asked Codes Officer John Houser to provide an explanation of events that have led to this hearing.

Mr. Houser explained the property contained a manufactured home that caught fire on September 8, 2023. Mr. Houser completed an inspection report on September 9, 2023 indicating that the dwelling was a danger to both the occupants and surrounding neighborhood and was not repairable. In addition, Town Engineer TDK submitted a report dated October 17, 2023 concluding the age of the mobile home (pre-1976) along with the extent of the fire damage was not repairable and no longer fit for human habitation. Mr. Houser sent a notice of violation to Ms. Shaver dated March 1, 2024 with a timeframe to have the property cleaned up. Mr. Houser noted he spoke with Karen Shaver today who stated she would not be at this hearing and does not have the resources to remove the violation. She accepts that the condemnation will go through.

Acting Town Attorney Paul Smyth submitted the following for the record:

- Inspection report from Codes Officer John Houser dated 9/9/23 and Notice of Violation dated 3/1/24.
- Condemnation letter from Town Engineer TDK dated 10/17/23.
- Photographs of the property after the fire taken in September 2023.
- Photographs of the property taken on this day June 24, 2023.

Mr. Smyth stated Town Attorney James Gascon prepared a notice of hearing that was sent to Karen Shaver, with an affidavit that the notice was served. The notice was also filed with the Onondaga County Clerk. All copies submitted for the record.

Mr. Wickett stated that based on the evidence that's been submitted and upon due deliberation, it's recommended that the Town Board declare this residential structure unsafe and issue a resolution calling for it's demolition and removal of debris.

Hearing closed at 6:30 PM.

Joanna Clarke  
Clerk – Codes Enforcement

Account#	Account Description	Fee Description	Qty	Local Share	
A2544	Dog Licensing	Female, Spayed	32	288.00	
		Male, Neutered	31	279.00	
		Male, Unneutered	1	17.00	
		<b>Sub-Total:</b>		<b>\$584.00</b>	
A2545	Misc. Fees	Certified Copies - Marriage	1	10.00	
		One-day Marriage Officiant	1	25.00	
		Passport	1	35.00	
	<b>Sub-Total:</b>		<b>\$70.00</b>		
A2590	Conservation Marr. Lic	Conservation	10	15.47	
		Marriage Licensing Fees	3	37.50	
		<b>Sub-Total:</b>		<b>\$52.97</b>	
B2110	Building Plan & Zone	Building	11	988.00	
		Zoning Fees	2	280.00	
		<b>Sub-Total:</b>		<b>\$1,268.00</b>	
<b>Total Local Shares Remitted:</b>				<b>\$1,974.97</b>	
Amount paid to: NYS Ag. & Markets for spay/neuter program				66.00	
Amount paid to: NYS Environmental Conservation				264.53	
Amount paid to: State Health Dept. for Marriage Licenses				67.50	
<b>Total State, County &amp; Local Revenues:</b>		<b>\$2,373.00</b>	<b>Total Non-Local Revenues:</b>		<b>\$398.03</b>



# MARCELLUS VOLUNTEER FIRE DEPARTMENT, INC.

4242 Slate Hill Road – Marcellus, NY 13108

P: (315) 673-1818 – F: (315) 673-1996

Est. September 10, 1884

*David R. Card – President      Joel A. McNally – Chief of Department*




To the Marcellus Town Board,

Topics for discussion agenda:

1. Contract
2. Compensation and VFBL review
3. Report on All Moneys taken in for Fire Budget
4. Truck Reserve
5. Service Awards Program
6. Community Wide Recruitment Program
7. Building Maintenance

Any questions, feel free to call in advance. 315-569-1646

Thank you.

 7/3/2024  
President Dave Card