

Town of Marcellus
Board Meeting
Wednesday, January 8, 2025
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. Tim's Pumpkin Patch PUD
- B. Sewer Contract with the Village
- C. Re-Introducing Local Law C-2024 Outdoor Concerts

IV. New Business

- A. 2024 Court Audit
- B. Concert in the Park Contracts
- C. 2025 Highway Budget Adjustments
- D. Official Undertaking of Municipal Officers
- E. Parks and Recreation 2024 Budget Transfer
- F. Marcellus Park Incident Report Form
- G. Exterior Lights for Parks Maintenance Building
- H. Changing locks/key fobs for Park buildings- Welcome Center & Maintenance Building
- I. New Appointments for 2025:
 - a. Don MacLachlan- Recreation Director
 - b. Michele Norstad- Recreation Attendant
 - c. James Mather- Board of Assessment Review Member- term expires Sept 30,2027

V. Reports From Department Heads

- A. Codes
- B. Highway
- C. Parks/Rec
- D. Town Clerk - Monthly Report

VI. Discussion Agenda

- A. Fire Department

VII. Adjournment

Future Meeting Dates

Workshop Meeting- Wednesday, January 22, 2025- 6:30 pm- Town Hall
Planning/Zoning Meeting-Monday, February 3, 2025 - 6:30 pm- Town Hall
Town Board Meeting- Wednesday, February 5, 2025- 6:30 pm- Town Hall
Workshop Meeting- Wednesday, February 19, 2025- 6:30 pm- Town Hall

Marcellus Town Board
Regular Meeting
Wednesday, December 4, 2024
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, December 4, 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; John Pawlewicz, Christina Kohler, Ed Riefler, Matt Aupperle, Henry Riefler, Lucas Covert, Daniel Frank, Carlton Frank, Travis Frank, Clayton and Ryan Phillip, Garrett Edie, Tyler Diehl, Connor Edie, Shawn Edie, Mike Thibeault, Jean Kelsey, Simon Hoch, Ron Zamojski, Joe Owen, Renee Bucci, Kevin Quick, Bill Southern, Steven and Robin Bolewski, Chad Clark, Michael Hoch, Katie Aupperle, Scott Stearns, Lynda Kianka, Michael Kianka, Josh Magiera, Claudia Hastings, Jojo Leubner, Tim and Erica Leubner, Jerry Wickett, Dave Card, Fire Department; Joel McNally, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

PUBLIC HEARING- Local Law No. C-2024 Outdoor Concerts: The public hearing was opened at 6:30pm. Supervisor Stevens asked Jim Gascon, the Town Attorney, to speak on the topic before it was opened to the public. Mr. Gascon stated the Town had received a lot of feedback from the public regarding Local Law C-2024. Jim stated that Local Law C-2024 was intended to create the possibility that a resident of the Town could petition the Town for a Special Use Permit to conduct an outdoor concert. Local Law C-2024 only applies to Ag Market District. The proposed law is intended to apply to limited circumstances. It would require a review by the Planning Board and Zoning Board and is not intended for the general public. Based on the proposed Local Law C-2024 an Outdoor Concert is defined as a “music event, open to the general public and/or for compensation, conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices.” A site Plan review would be necessary to apply for the Special Permits.

Councilor Hoey stated the intent of the law is to allow something that was not allowed before. Jim Gascon said this is not to prevent family activities such as birthday parties, graduation parties or weddings. This proposed law applies to any concerts involving compensation.

Councilor Berwald asked if the Town has a noise ordinance. He also asked why the proposed law would only apply to the A1 district and if this is intended to go against the proposed PUD for Tim's Pumpkin Patch or how this proposed law ties into the requested PUD.

Supervisor Stevens responded that it's a modification because as the Zoning Board stated, if somebody came for a special permit, nowhere in the Town's Zoning do we allow concerts in this zone.

Councilor Berwald asked if the PZB denies the permit request can the Town Board override their decision. Jim Gascon replied to his question stating the Town Board would not have the authority to override the PZB.

Jean Kelsey of Lawrence Road, asked if it was stated anywhere in the zoning law or codes that you could not have concerts? She feels this is something new not an amendment. Jean also feels that there should be an exception for benefits.

Joe Owen of South Street Road has an issue with the proposed law the way it is worded. He believes it's too vague and has concerns that there is a 10+ acre restriction.

Erica Leubner of Rose Hill Road asked the Town Board if there was any consideration in the State Ag Markets policy of what constitutes a farm. She is wondering how the State Law plays into the proposed Law.

Bill Southern of Scotch Hill Road questioned if you can only have concerts in the A1 district.

Tara Lanning asked how many permits are allowed.

Steven Bolewski of Rose Hill Road read a statement he prepared and requested his comments be public record. They will be attached to the end of the minutes.

Jerry Wickett of Limeledge is opposed to passing the proposed Local Law C-2024. He believes it is opening the Town up to problems and lawsuits.

Councilor Hoey stated that there is a vague sense that everyone is allowed to do whatever they want on their own property and that's not how zoning works. There are different rules for different zones in the Town of Marcellus. Each zone has rules that restrict what you're allowed to do. Councilor Clarke made a motion seconded by Councilor Hoey to close the public hearing at 7:17pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

PUBLIC HEARING-Town of Marcellus 2024 Comprehensive Plan: Jerry Wickett of Limeledge Road, also a member of the Comprehensive Plan Committee, would like to urge the Town to adopt the Comprehensive Plan. It has been a two-year process that provides a good vision of the Town of Marcellus for the future.

Bill Southern is in favor of the Town adopting the Plan. He has reviewed the plan and believes it's a good plan for the Town.

The Town Board thanked the Committee for the time and effort put into this plan.

Councilor Hoey made a motion seconded by Councilor Hood to close the Public Hearing at 7:22pm.

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 November 6, 2024, Town Board Meeting and the November 20, 2024, Workshop Meeting.

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

Monthly Activity: The abstract of Audited Vouchers for December 2, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #12 as of December 2, 2024. Claim #s 157431-157439.

| | <u>Expenses</u> |
|-------------------|-----------------|
| General Fund | \$8,181.50 |
| Part Town General | 380.25 |
| Townwide Highway | 1,133.31 |
| Total | \$9,695.06 |

The abstract of Audited Vouchers for December 3, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #12 as of December 3, 2024. Claim #s 157440-157450.

| | <u>Expenses</u> |
|-------------------|-----------------|
| General Fund | \$1,214.19 |
| Part Town General | 707.13 |
| Townwide Highway | 648.00 |
| Total | \$2,569.32 |

The abstract of Audited Vouchers for December 4, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #12 as of December 2, 2024. Claim #s 157421-157430.

| | <u>Expenses</u> |
|------------------|-----------------|
| General Fund | \$28,505.93 |
| Townwide Highway | 1,405.05 |
| Total | \$29,910.98 |

Board Members were given the Activities Report as of November 21, 2024. Fiscal year 2024 Period 11.

| | <u>Revenue</u> | <u>Expense</u> |
|--------------|----------------|----------------|
| General Fund | (1,741,768.73) | 1,289,067.16 |

| | | |
|-------------------|---------------|------------|
| Part Town General | (216,227.33) | 164,363.67 |
| Townwide Highway | (649,229.40) | 381,266.64 |
| Part Town Highway | (376,729.96) | 362,484.17 |
| Fire District | (398,787.32) | 390,876.00 |
| Hydrant Fund | (3,081.44) | 3,227.00 |
| Ambulance Fund | (313,384.80) | 313,365.00 |
| Sewer District | (195,953.72) | 195,952.00 |
| Water District | (181,977.21) | 185,268.28 |

Bank Balances:

The total of all Bank Balances for September 2024 is \$4,121,453.88

Councilor Hood made a motion seconded by Councilor Hoey to approve the Abstract of Audited Voucher Reports as of December 2, 2024, December 3, 2024, December 4, 2024, and the Activities Report as of November 21, 2024, and the Bank Balances of September 2024.

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

Old Business:

Solar Law: A Local Law to amend section 235-26m of the Town of Marcellus Code to add a new section regulating solar energy systems within the Town of Marcellus. The full version of Local Law No. D-2024 is available at Marcellus Town Hall in the Town Clerk’s office or on the Town’s website. After a brief introduction by attorney Jim Gascon and responding to comments from Board members, the formal process of introducing Local Law D-2024 began. Attorney Gascon read aloud the entire Long Form Environmental Assessment Form and the “Town Board Resolution Introducing Local Law D-2024”.

Councilor Hoey made a motion seconded by Councilor Clarke to accept the negative declaration of the Solar Law SEQR.

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

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

(A Local Law Amending Chapter 235-26M of the Town of Marcellus Code

To Add A New Section Regulating Solar Energy Systems Within the Town of Marcellus)

TOWN OF MARCELLUS

December 4, 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 December 4, 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. D-2024, “A Local Law Amending Chapter 235-26M of the Town of Marcellus Code To Add A New Section Regulating Solar Energy Systems Within the Town of Marcellus” and made the following motion, which was seconded by Councilor Hoey; 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 D-2024 is a Type I Action, there are not 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 reasons supporting the foregoing Negative Declaration are as follows:

1. If adopted, proposed Local Law D-2024 will provide more comprehensive regulations to potentially permit and regulate the construction of solar energy systems in the Town in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy;

2. In reviewing and regulating the placement and use of solar energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be undertaken by the Town prior to any approval of a solar energy system;
3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances;
4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties in some instances, especially residential neighborhoods, the proposed regulations provide for aesthetic impacts to be considered in the review process and further provide for tools available to the permitting board to mitigate impacts;
5. This Local Law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses;
6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others;
7. Enactment of proposed Local Law No D-2024 will be more protective of the environment than the absence of such regulations or the prior regulations on solar energy systems;
8. Proposed Local Law No. D-2024 seeks to minimize aesthetic and other impacts of such uses on their neighborhoods, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; 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. D-2024 at the Town Hall located at 22 East Main Street Street, in the Town of Marcellus on December 30, 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: December 4, 2024

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

Comprehensive Plan- SEQR: This topic has been tabled. The Town of Marcellus is waiting to hear from Onondaga Planning Department approving them as lead agency. The Town received notification from the Village of Marcellus granting permission to be the lead agency on the Comprehensive Plan. This topic will be discussed at the December 18, 2024 Workshop meeting.

Sewer Contract with the Village: This topic has been tabled. The Town and Village are still negotiating the terms. The Town sent a letter asking for an extension and amendment of agreement until another agreement can be negotiated.

Councilor Hoey made a motion seconded by Councilor Clarke to approve Supervisor Stevens to sign the extension agreement.

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

Modify Zoning Regulations to Include Outdoor Concerts: After much discussion during the Public Hearing, it was decided to table this topic for further discussion.

New Business:

Town Hall Hours of Operations: Effective January 1, 2025, Town Hall office hours will be 8:30am-4:00pm Monday through Friday. The Recreation Office will operate on a part-time schedule with the following hours Monday, Wednesday and Friday 11:00am-4:00pm and Tuesday and Thursday 8:30am-1:30pm.

Councilor Clarke made a motion seconded by Councilor Berwald to approve the modified hours for Marcellus Town Hall and the Recreation Office.

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

Bishop Hill and Lee Mulroy Road Safety Evaluation Update: Supervisor Stevens received an email from Onondaga County Department of Transportation informing the Town that after careful consideration and a thorough review of the current traffic data there will be no changes to the signage or striping at the intersection of Bishop Hill and Lee Mulroy Road. The DOT also stated that there is plenty of sight distance for the current speed limit and passing zones. The existing conditions met their safety and traffic flow standards.

Departments Reports:

Codes: John Houser, Codes Officer; informed the Town Board he is working on getting bids for the demolition of the trailer on Pleasant Valley Road. John also mentioned he has been in contact with the companies working on 4457 Dublin Road and is happy with the progress.

Highway: Mike Ossit, Highway Superintendent nothing to report.

Parks/Rec: Phil Coccia, Recreation Director informed the Town Board that Mark Moncavage retired from his position at Marcellus Park on November 1, 2024. Jane Attley will take the lead on applying for grants pertaining to plants and trees for the park. Jane is also working on the concert in the park schedule.

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

Dog Licensing \$306.00

Passport \$210.00

Conservation \$80.21

Building \$236.00

Zoning Fees \$100.00

Discussion Agenda:

Fire Department: Dave Card had nothing to report

Dublin Road: A resident wants the Code's Officer to investigate debris that is being removed from the house and left on the property.

Adjournment: Councilor Clarke made a motion seconded by Councilor Hood to adjourn the meeting at 7:52pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

Town of Marcellus
Town Board
24 East Main Street,
Marcellus, New York 13108

December 4th, 2024

RE: Local Law No. C-2024, Titled, "A local Law to Amend Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts"

To the Town Board Members,

I am submitting testimony regarding the proposed outdoor concert zoning change for the Town of Marcellus, highlighting four critical concerns that fundamentally compromise the proposed ordinance's effectiveness, fairness, and community protection.

Sound Measurement Precision: The existing health and safety noise ordinance 235-26, G. (2), prohibits all uses with sound that is considered offensive, or cause sound levels in excess of 60 decibels measured at any lot line, using the A-weighted scale of a standard sound meter. This 60 dB A scale, while establishing a baseline standard, inadequately captures the full acoustic impact of outdoor concerts. The A-weighted decibel scale fails to comprehensively measure low-frequency bass amplification, in the range of 50-250 Hz for a bass drum. This is the boom, boom, boom of a strongly amplified bass percussion drum or synthetic generated equivalent, that is felt as much as heard, and capable of effectively penetrating through building walls over long distances. These deep bass frequencies are frequently cited in amplified music related noise complaints at locations across Onondaga and Madison county as extremely objectionable.

I recommend amending the zoning change for outdoor concerts to specifically incorporate a 60 dB - C weighted scale measurement as the maximum allowable sound pressure measured at any lot line, which more accurately assess the complete sound energy and potential community disruption from low-frequency bass. Attached is a comparative graph showing how noise frequencies are weighted for the dB(A) and dB(C) scales. Most modern instrumentation for measuring sound have the capability to weight all the component frequencies of a sound and sum them into a single dB(A) or dB(C) number.

Enforcement Limitations of the Noise Ordinance: The current proposal presents significant enforcement challenges. With the code enforcement officer(s) generally unavailable during nights and weekends, there exists no realistic mechanism to monitor or enforce health and safety noise standards during special use outdoor concert permitted events during those time frames. This oversight in addressing enforcement resource limitations creates a regulatory enforcement gap that leaves residents vulnerable to potential noise health and safety violations.

To help compensate for limited enforcement resources, I recommend amending the zoning change to require a minimum of two town owned continuous sound measurement monitoring stations be installed at the property lot line of any special permit applicant requesting more than two for profit outdoor concerts a year. The sound measurement instruments would provide continuous logging of sound power levels during events. If there were neighbor complaints about excessive noise, the code enforcement officer could down-load the recorded data from the measurement instrument to evaluate compliance with the town noise ordinance. The measurement instruments and mounting stations would be paid for by an annual fee assessed to special permit applicants/holders requesting more than two for-profit concerts a year to cover the cost of the instruments, their mounting stations,

solar/battery power supplies and annual re-calibration. Such noise monitoring stations would provide a reliable baseline for low-cost compliance monitoring, for the town, area residents and the special permit applicant/holders, as well as an unbiased deterrent to non-compliant operations. The logging data recovered from the devices would be public information, accessible by FOIL and retained by the town for not less than one year.

Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts, Project LL_2024 (Outdoor Concerts), November 6, 2024. Completed in the Town Board Meeting on that Date by the Town Attorney. Part 15. Impact on Noise, Odor, and Light. The proposed action may result in an increased in noise, odors, or outdoor lighting. Answer listed as NO.

The draft amendment to Chapter 235 of the Code of the Town of Marcellus adding as an allowed activity outdoor concerts must reasonably be recognized to have the potential for increased noise levels over current ambient levels, and the capability for exceedance of the town noise limits, at any location within the town. Amplified Music sound levels are limited only by human compliance with town health and safety codes. The draft amendment does not put into place any limits on the power of equipment used for sound amplification to physically prevent the capability to exceed maximum allowable noise levels, nor does it address how noise level compliance will be enforced during hours when the codes enforcement officers are off duty, nights and weekends. There are no barriers to the capability to exceed allowable limits provided in the draft amendment.

I recommend that the EAF findings be changed from a negative finding to a Conditioned Negative Declaration with the above previous recommendations incorporated into the findings.

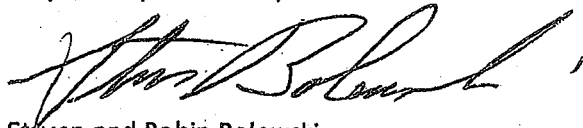
Zoning Equity and Arbitrary Restrictions: The proposed zoning change raises substantial concerns regarding its specificity and potential bias. The draft code change appears targeted exclusively to agricultural zones of 10+ acres, with no clear rationale for this arbitrary threshold in size or area zoning. This approach raises critical questions about the ordinance's intent and fairness:

- Why limit the zoning change to agricultural zones?
- Why was the original Environmental Assessment form changed in the November 6, 2024 Town Board meeting from all zones/districts to agricultural zones?
- Why specify 10+ acres, and what is the scientific or community basis for this precise measurement?
- Why exclude other potential zones such as light industrial, business, or residential R-1 areas that might also meet minimum lot size requirements?
- If the noise ordinance is considered to provide adequate protection of resident's health and welfare, essentially a right to a quiet peace, in agricultural zones, why is it considered inadequate protection in all other zones?

The current draft suggests the zoning change is designed to accommodate a single specific business, rather than representing a comprehensive, equitable approach to community development and tourism promotion. If the intent is genuinely to enhance local tourism and economic opportunity, the ordinance should apply uniformly across appropriate zoning designations, without arbitrary restrictions.

These regulatory deficiencies demand immediate refinement to balance event flexibility with community preservation, fairness, and comprehensive planning. I urge the town board to carefully consider amendments addressing these substantive concerns.

Respectfully submitted,



Steven and Robin Bolewski

2973 Rose Hill Road
Marcellus NY

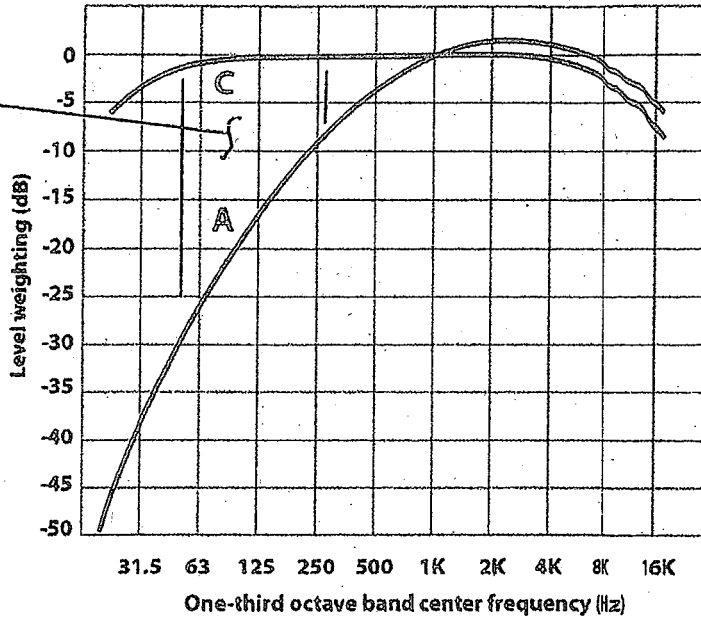
Attachments:

- dB A-and dB C- Weighting Curves for Sound Level Meters
- Example Stationary Outdoor Long Term Sound level Meters information.
- Town of Marcellus Zoning Map with Legend by Barton and Loguidice P.C., 2008

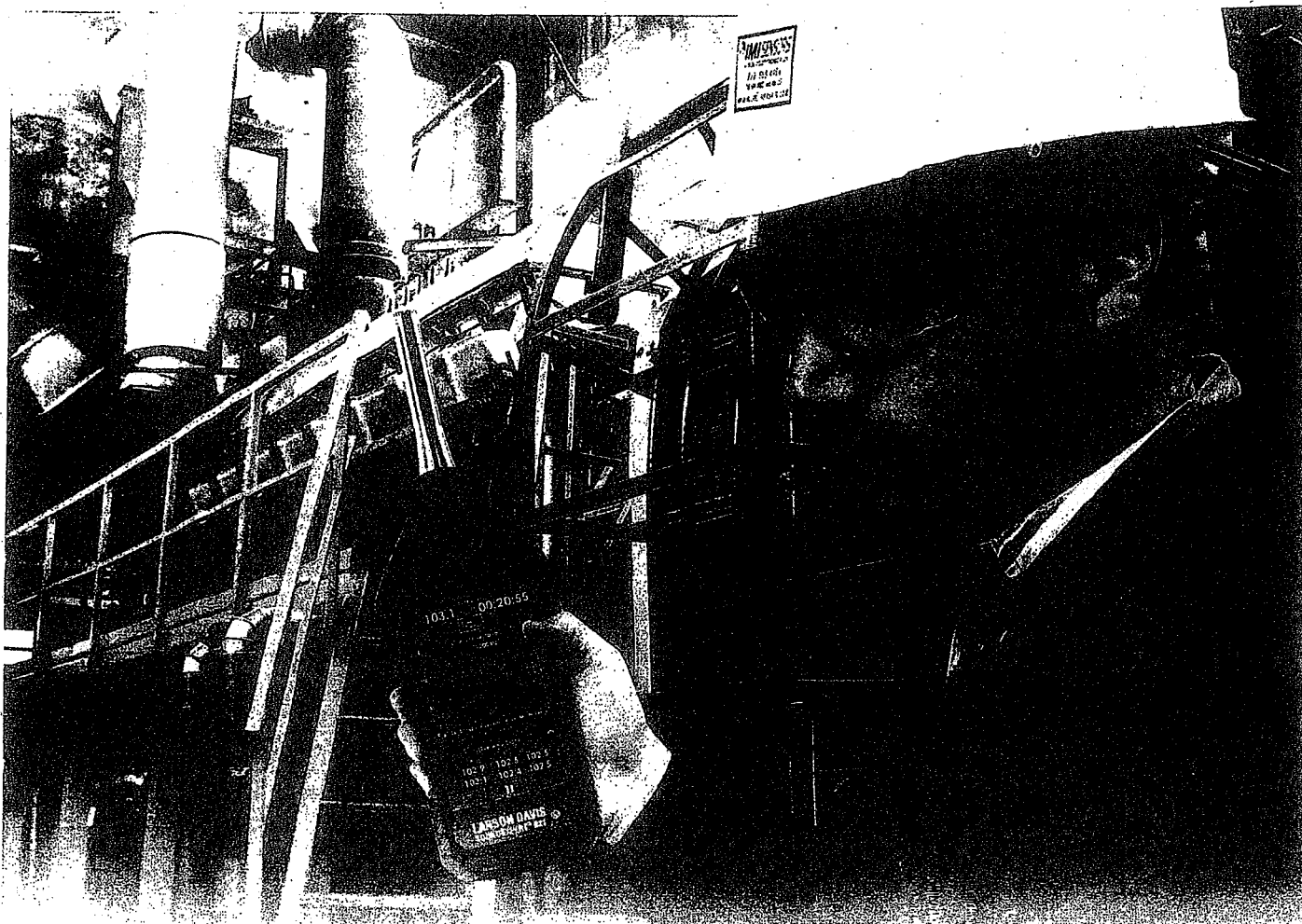
Most sounds can contain a mixture of many frequencies simultaneously. The human ear varies in its sensitivity to sounds of different frequency. Therefore, sound levels are often measured using a frequency-weighted filter which emulates the frequency sensitivity of the human ear. The frequency-weighting is referred to as the "A-scale." Most instrumentation for measuring sound has the capability to weight all of the component frequencies of a sound, and sum them into a single number; sounds measured in this way are designated in units of A-weighted decibels dB(A). A dB(A) spectral-sum sound pressure level is a reasonable single-number representation of the perceived overall loudness of a complex sound that contains multiple different frequencies. For this reason, most guidelines and limits for noise outdoors or indoors, such as ordinances, regulations and By-laws, are specified in terms of a single-number dB(A) level. Sound levels can also be measured using a frequency-weighted filter which provides a more suitable indication of the low frequency content, for the purpose of evaluating "bass" sound which may travel/penetrate farther than other sound; sounds measured in this way are designated in units of C-weighted decibels dB(C). Most instrumentation for measuring sound has the capability to weight all of the component frequencies of a sound, and sum them into a single dB(A) or dB(C) number.

**International Standard for
 A- and C- Weighting Curves for Sound Level Meters**

*BASS
 FROM
 FREQUENCIES*



International Standard for A- and C- Weighting Curves for Sound Level Meters



SOUNDEXPERT® SOUND LEVEL METER

LARSON DAVIS
A PCB DIVISION

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NOISE MEASUREMENT SOLUTIONS

- ▣ Environmental Noise
- ▣ City Noise
- ▣ Environmental Impact Studies
- ▣ Construction Noise
- ▣ Boundary Noise
- ▣ Product Noise Testing

SOUNDEXPERT SOUND LEVEL METER

SERIES 821ENV.

SoundExpert Sound Level Meter Series 821ENV simplifies noise measurements with a large, responsive touch-screen display. Whether making handheld sound level measurements or measuring environmental noise for several weeks, SoundExpert Model 821ENV is an excellent choice for ease of use and low power operation.

The SoundExpert Model 821ENV includes the essentials for measuring noise by providing:

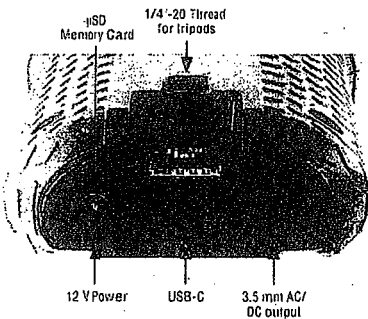
- ▣ A, C, and Z frequency weightings
- ▣ F, S, and I time weightings
- ▣ Full-featured data logging

Included G4 LD Utility software offers project management, measurement setup, data visualization, data export, and streamlined report generation.

The SoundExpert Sound Level Meter Model 821ENV together with Larson Davis quality and customer support delivers a professional solution you can trust.

| AVAILABLE CONFIGURATIONS | | | | |
|--------------------------|--------|----------|--------|----------|
| MODEL | 721ENV | 721ENV-D | 821ENV | 821ENV-D |
| Class | 2 | 2 | 1 | 1 |
| Logging | ⊙ | ⊙ | ⊙ | ⊙ |
| Community Noise Metrics | ⊙ | ⊙ | ⊙ | ⊙ |
| OBA (1/1 and 1/3 Bands) | | ⊙ | | ⊙ |
| Dosimetry | ⊙ | ⊙ | ⊙ | ⊙ |

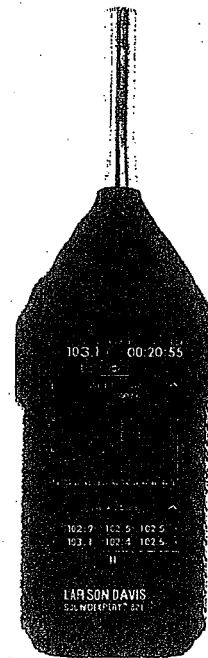
⊙ - Included ○ - Optional



Meter Ports

HIGHLIGHTS

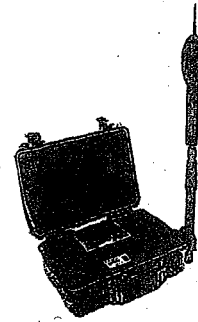
- ▣ Removable preamplifier up to 200 ft (60 m)
- ▣ Large, responsive touch display
- ▣ Long battery life – up to 40 hours
- ▣ Automatic data download via Bluetooth or USB options
- ▣ Flexible powering options, including wireless charging and 12 V battery
- ▣ Optional 1/1 and 1/3 octave band analysis available
- ▣ Ready to measure in seconds with quick boottime
- ▣ Class 2 meters available as Model 721ENV and Model 721ENV-D (See Specifications for details)
- ▣ Languages supported: English, Français, Italiano, Português, Español



SOUNDEXPERT NOISE MONITORING SYSTEM

MODEL NMS048

For unattended, longer noise monitoring projects, SoundExpert Noise Monitoring Kit Model NMS048 offers rugged environmental protection and flexible powering options. Choose from solar, line, 12 V battery, or D-cell battery to match the length and requirements of your project. Designed for easy transport to the measurement site, deploy the system and retrieve after measurement. Data is automatically download via Bluetooth to connected PC.

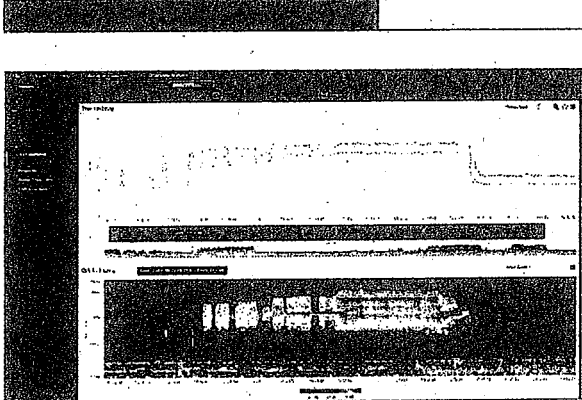


HIGHLIGHTS

- ▣ Complete weatherproof noise measuring system
- ▣ Up to two weeks of continuous operation with 12V SLA battery, plus flexible powering options for longer term measurements
- ▣ Ideal to deploy, measure, retrieve, and analyze data
- ▣ Includes SoundExpert Sound Level Meter Model 821ENV-D

| AVAILABLE CONFIGURATIONS | |
|--|----------------|
| Base Model, typical run time 2 weeks | NMS048-SLA |
| Base Model with Solar Panel, indefinite run time | NMS048-SLA-S |
| Base Model with US / North American Power Kit, indefinite run time | NMS048-SLA-ACU |
| Base Model with European Power Kit, indefinite run time | NMS048-SLA-ACE |

SOFTWARE SOLUTIONS

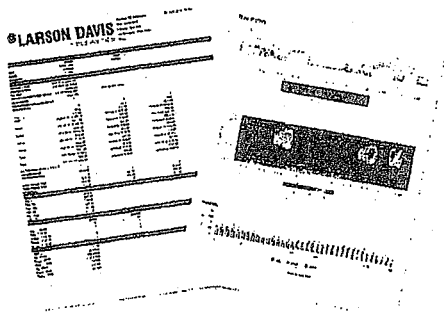


Time History Graph with optional 1/3 Octave Band data

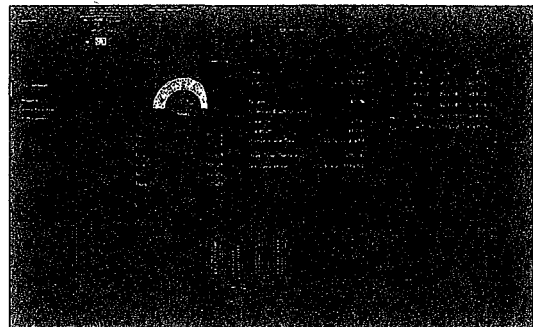
G4 LD UTILITY

Simplify meter and measurement management with Larson Davis's G4 Utility software

- ▣ Create and store device setups
- ▣ Push setup to multiple meters at once
- ▣ Visualize data with interactive graphing features
- ▣ Create shareable reports with a few simple clicks
- ▣ Manage projects



G4 LD Utility Measurement Report



Live Sound Measurement View

| SOUNDEXPERT MODEL 821ENV SPECIFICATIONS | |
|---|--|
| General | |
| Time Weightings | Fast, Slow & Impulse |
| Frequency Weightings | A, C & Z |
| Dynamic Range | 17 to 140 dB |
| Data Storage (microSD card) | 8 GB standard Up to 32 GB (µSDHC) or 256 (µSDXC) |
| Communication | USB-C, Bluetooth BLE 4.1 |
| Display | 480 x 800 color with capacitive touch |
| Power | Internal Lithium battery, USB-C or external 12 V |
| Battery Recharge | Qi Wireless, USB-C, or external 12 V |
| Runtime (internal battery @ 22 C) | 40 hours (display off) 15 hours (display on) |
| External Power | 6 V to 24 V DC (720 mW w/ display off) |
| Logging | Time history: 100 ms to 1 h Measurement History: 1 min to 6 h |
| Metrics | Leq, Lmax, Lmin, Lpeak, Ln (6 values), LDN, LDEN, Time above |
| 1/1 and 1/3 Octave Metrics (Optional) | Leq, Lmax, Lmin |
| Signal Output | AC/DC on 3.5 mm TRS jack |
| Operating Temperature | -30 to 60 °C |
| Filters (Optional) | |
| Bandwidth | 1/1 and 1/3 Octaves |
| Frequencies (base 10) | 1/1: 8 Hz to 16 kHz 1/3: 6.3 Hz to 20 kHz |
| Standards Compliance | ANSI S1.11-2014 Class 1 IEC 61260:2014 Class 1 |
| Standards | |
| Acoustic | 721 Models: ANSI S1.4-2014 Class 2, IEC 61672-1:2013 Class 2 821 Models: ANSI S1.4-2014 Class 1, IEC 61672-1:2013 Class 1 |
| Noise Dosimetry (Optional) | ANSI S1.25-1991 IEC 61252:2017 |
| Safety | Directive 2014/35/EU IEC 61010-1:2010 RoHS Directive 2011/65/EU |
| Approvals | CE, RoHS, WEEE |
| Physical | |
| Weight | 0.75 lbs. (383 g) |
| Dimensions (H x W x D) | 10.1 x 3.3 x 1.3 in (260 x 83 x 32 mm) |

| ORDERING INFORMATION | |
|---|--|
| Sound Level Meter Included Accessories | |
| Free-field Microphone (50 mV/Pa) | 721 Models: 375A04 821 Models: 377B02 |
| Preamplifier | 721 Models: PRM721 821 Models: PRM821 |
| USB-C Cable | CBL242-03 |
| Software | G4 LD Utility |
| Outdoor Noise Monitoring Included Accessories | |
| Sound Level Meter with Accessories Noted Above | 821ENV-D |
| Outdoor Microphone Protection | EPS2116 |
| USB Power Supply | PSA045 |
| Weatherproof Case | EPS048 |
| 21 AH 12 V SLA Battery | BAT011 |
| Optional Accessories | |
| Replacement internal lithium batteries | BAT026 |
| Power cable with Anderson Powerpole® connectors to bare wires (6 in. / 15 cm) | CBL226-1/2 |
| 12 V power cable for 721 and 821 of length 15 in. (38 cm). Terminated with Anderson Powerpole® connector | CBL241-01 |
| Universal AC power supply with USB-C output connector | PSA045 |
| Hard shell shipping and carrying case | CCS060 |
| Qi charger pad with USB-C connector | PSA046 |
| Tripod with low acoustic signature for use with Sound Level Meters. Max height 80 inches (2 m) | TRP025 |
| Accessory kit for Class 1 Sound Level Meters; includes case (CCS060), power supply (PSA045), Class 1 calibrator (CAL200) & windscreen (WS001) | X21-ACC |
| Accessory kit for Class 2 Sound Level Meters; includes case (CCS060), power supply (PSA045), Class 2 calibrator (CAL150) & windscreen (WS001) | X21-ACC1 |
| Firmware option to disable Bluetooth | X21-NBT |
| 8 GB, industrial grade microSD memory chip | X21-SD-8GB |
| Weatherproof Case with 8, D-cell battery holder; offers 10 days run time, typical | EPS048-ALK |
| Monopole with Superclamp | EPS048-OPT3 |
| Preamplifier extension cables up to 200 ft. (60 m) | EXC series |

| SOUNDEXPERT OUTDOOR NOISE MONITORING SYSTEMS SUMMARY | | | | | | | | | |
|--|-----------------------|-------------|-------------|------------------------------|-------------------|----------|------------------|-----------------|-------------------------------------|
| System | Microphone Protection | SLA Battery | Solar Panel | AC Adaptor for North America | AC Adaptor for EU | Monopole | Solar Controller | Weight | Dimensions (H x W x D) |
| NMS048-SLA | ✓ | ✓ | Optional | Optional | Optional | Optional | | 28 lbs. (13 kg) | 19 x 14 x 7 in (50 x 36 x 18 cm) |
| NMS048-SLA-ACE | ✓ | ✓ | Optional | ✓ | | Optional | ✓ | 31 lbs. (14 kg) | |
| NMS048-SLA-ACU | ✓ | ✓ | Optional | | ✓ | Optional | ✓ | 31 lbs. (14 kg) | |
| NMS048-SLA-S | ✓ | ✓ | ✓ | Optional | Optional | Optional | ✓ | 42 lbs. (19 kg) | |



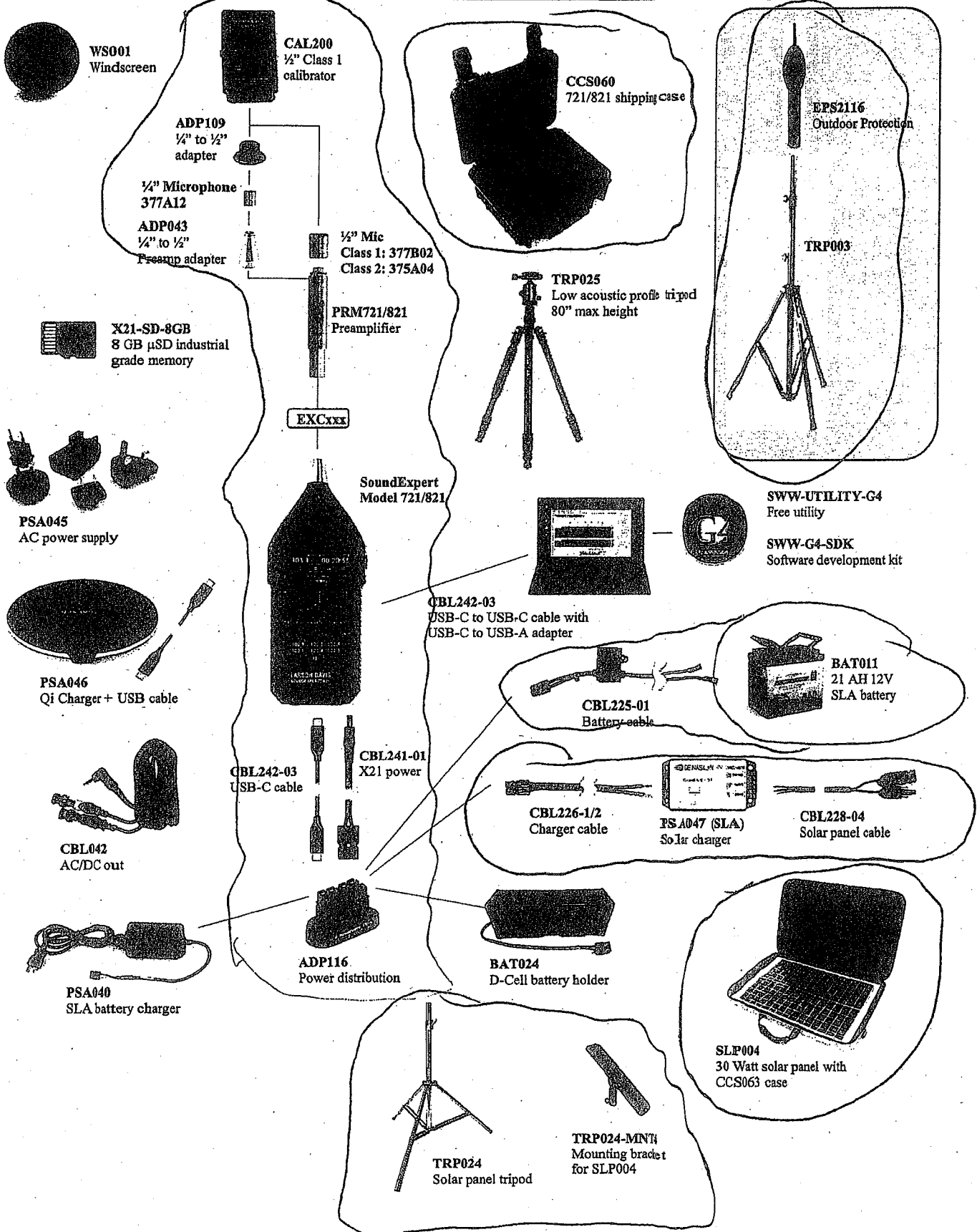
3425 Walden Avenue, Depew, NY 14043 USA

larsondavis.com | sales@larsondavis.com | 888 2584222 | +1 716 926 8243

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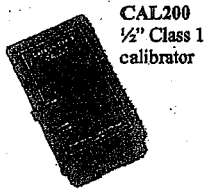
MO-0510 rev8 0124

SoundExpert 721/821 Configuration Guide



SoundExpert 721/821 Accessory Kits

X21-ACC



CAL200
1/2" Class 1
calibrator



CCS060
721/821 shipping case

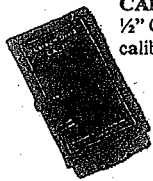


PSA045
AC power supply



WS001
Windscreen

X21-ACC1



CAL150
1/2" Class 2
calibrator



CCS060
721/821 shipping case



PSA045
AC power supply



WS001
Windscreen

Components for QPR



**SoundExpert
Or Spartan
Model 821**



1/4" Microphone



ADP043
1/4" to 1/2"
Preamp adapter

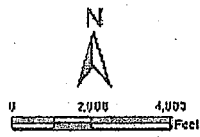
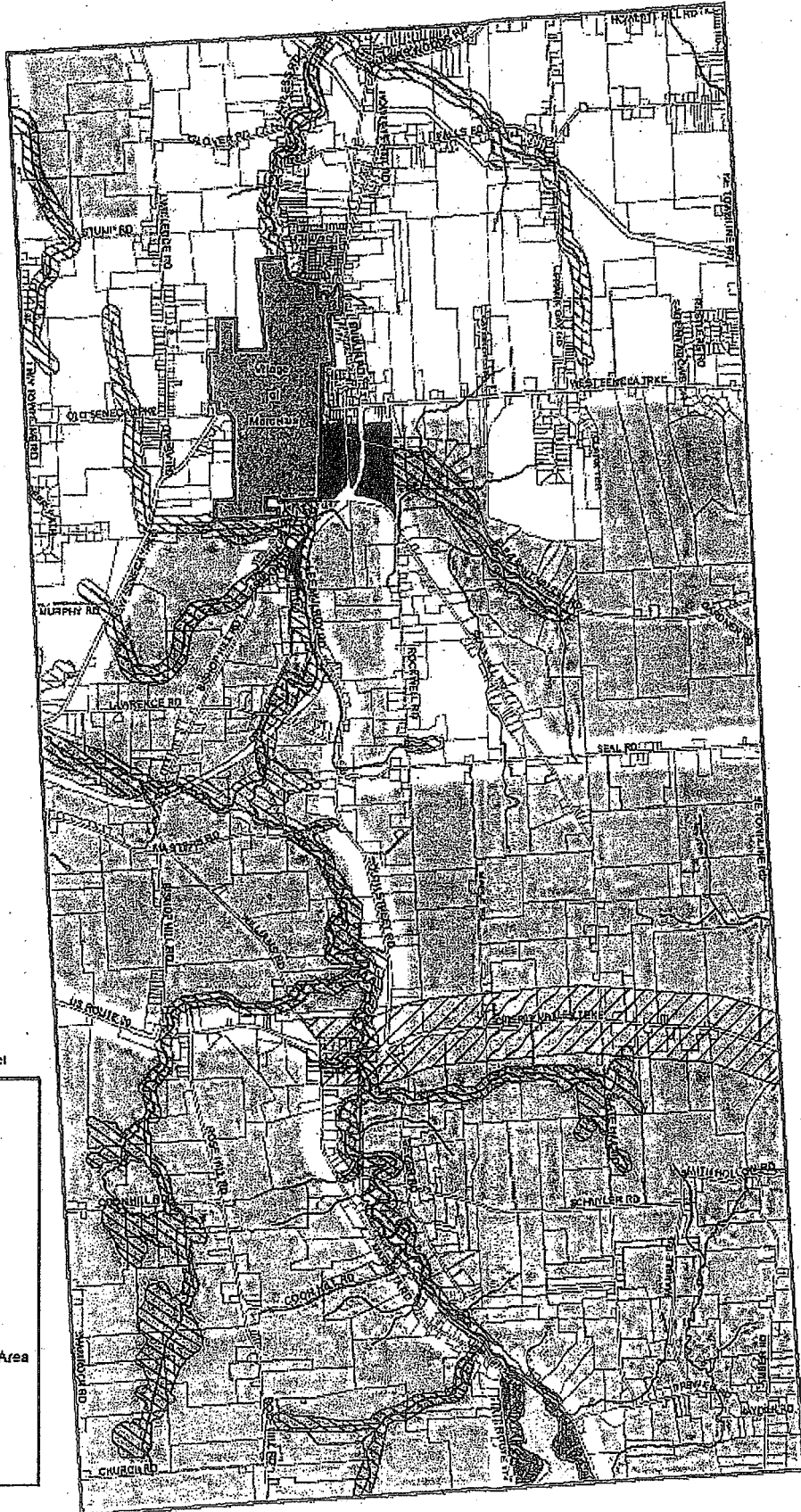


PRM721/821
Preamplifier



ADP109
1/4" to 1/2"
calibrator adapter

Town of Marcellus Zoning Map



| Legend | |
|------------------------|-----------------------------|
| Zoning Classifications | |
| | Residential R-1 |
| | Residential R-2 |
| | Residential R-4 |
| | Business B-1 |
| | Agricultural A-1 |
| | Light Industrial L-1 |
| | Highway Overlay Zone |
| | Critical Environmental Area |
| | Lake |
| | Hydrography |
| | Tax Parcel Boundaries |
| | Municipal Boundary |

**INTERMUNICIPAL AGREEMENT
BETWEEN**

The Town of Marcellus on behalf of
the Marcellus Sewer Districts # 1 and 2
and
The Village of Marcellus

Agreement made as of this ____ day of _____, 2024, by and between the Town of Marcellus, a municipal corporation, with its offices at 22 East Main Street, Marcellus, New York (hereinafter referred to as the "Town") on behalf of the Marcellus Consolidated Sewer Districts # 1 and 2, and the Village of Marcellus, a municipal corporation of the State of New York, with its offices at 6 Slocombe Ave, Marcellus, New York (hereinafter referred to as the "Village").

WITNESSETH:

WHEREAS, the Town has formed, operates and maintains the Marcellus Sewer Districts # 1 and 2 within the Town, to include sewer lines and the Platt Road pumping station, for the purpose of providing public sanitary sewer services to Town residents ("Town Sewer System"),

WHEREAS, the Village operates and maintains a sewer system within its corporate boundaries, which includes sewer lines, pumping stations, and a wastewater treatment plant ("Village Sewer System"),

WHEREAS, the Town and Village consolidated the operation, maintenance, and repair of their sewer systems in order to optimize operational efficiency, and reduce flow within the system by addressing I & I issues and reduce taxpayer expense.

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

1. VILLAGE SERVICES

a. The Village, by virtue of the authority invested in it pursuant to Article 5-D of the General Municipal Law, hereby grants the Town the right to continue all existing connections and to discharge sanitary sewage into the Village Sewer System. If there is adequate capacity at the Village Water Pollution Control Plant (WPCP), upon approval of the Village Board of Trustees, the Town may make additional connections to the Village Sewer System.

b. The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

c. If at any time during the term of this Agreement, the Village Sewer System is determined by written order of any authorized agency of the State of New York to be inadequate for the use of the Village and its inhabitants within the meaning of Section 14-1404 of the Village Law, the parties to this Agreement shall work together to find an acceptable solution to the determination. If such a solution is not reached, this Agreement shall terminate as of the date of such order, and the Town shall cease to discharge into the Village Sewer System. Upon any such termination, any payment due would be pro-rated to the date of termination. If by any reason of any natural calamity (force majeure) or act beyond the control of the Village (e.g. loss of power, vandalism, or sabotage) and, as a result, the service of the Town hereunder is terminated, any payment due shall be pro-rated to date of termination.

d. The Village shall continue to bill Town sewer users through the Town of Marcellus pursuant to the formula set forth in section 3 below.

2. TOWN ACTIONS

The Town agrees to:

- a. Comply with the Village of Marcellus Sewer Ordinance and all written orders, directions and regulations of the Village for the use of such sewer system which are now in force and which shall hereafter be adopted by the Village or by the County of Onondaga, or by the State of New York.
- b. In the event a sewer line breaks or other significant repairs are needed to the Town Sewer System described above, which the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.
- c. Obtain the approval of the Board of Trustees of the Village before making any additional connections to or extensions of the Town Sewer System and make corresponding adjustments for sewer rent payments to the Village as necessary;
- d. Report any and all sewer leaks/spills that happen within the Town Sewer System per the Sewage Pollution Right to Know Act (2013);
- e. Continue to have Town sewer users in Town Sewer Districts (#1 and #2) make payment for sewer services to the Town pursuant to the formula listed in section 3 below; and
- f. Make the Village whole for any outstanding sewer charges by March 1st of each year.
- g. Ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.
- h. Ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

3. SCHEDULE OF PAYMENTS

The Town shall bill Town Sewer users at the beginning of each calendar year, when Town taxes are levied. Said payment shall be based upon a Basic Service Fee (average Village sewer user payment), plus a thirty percent (30%) Outside User Fee, times the number of Town sewer units, to be prepared by the Village and submitted to the Town on or before October 1st of each year.

a. The Town agrees to transfer to the Village, by the 1st of March each year, in a single payment, to be approved at the Town's Organizational Meeting each year, those sewer rent payments that have been made to the Town by the Town sewer users.

4. CLASSIFICATION OF UNITS

The following classification of units will be used in both the Village and Town to determine the applicable annual sewer use payments to be made by the Town to the Village:

| | CLASSIFICATION | FACTOR |
|-----|--|---------------------------------|
| 1. | Single Family House | 1 Unit |
| 2. | Multi-Family House | 1 Unit per residence. |
| 3. | Apartment Houses and 1 Unit for each additional Apt. | 1 Unit for 1 st Apt. |
| 4. | Mobile Home or Private Lot | 1 Unit |
| 5. | Mobile Home in Park | 1 Unit each |
| 6. | Church | 1 Unit |
| 7. | Parsonage – Separate Structure | 1 Unit |
| 8. | Parsonage – Attached to Church | 1 Unit |
| 9. | Town Municipal Building | 1 Unit |
| 10. | Town Highway Garage | 3 Units |
| 11. | Firehouse | 5 Units |
| 12. | Town Park Facilities | 6.5 Units |
| 13. | Campsite or RV Rental Unit w/Sanitary Facilities | 1/8 Unit |
| 14. | Industrial & Commercial (Stores, Restaurants, Motels, Hotels, Gas Stations, Laundromat, etc.) 80,000 gals. of sewage per year or part thereof over 80,000 gals | 1 Unit and 1 Unit per |

The number of units to be used in calculating the applicable annual sewer use payments as per Sections 2(f) and 3 herein shall be determined annually.

- (a) The Village shall determine and submit its actual unit count on or before October 1st of each year.
- (b) Any unexpected or necessary adjustments to the cost of services, or any change in the number of units within the Town prior to October 1st of any given year, shall be used in making the final count for the March payment.

5. OTHER AGREEMENTS

- a. This Agreement supersedes all prior negotiations and written or oral understandings, if any, and may not be amended or supplemented except by an instrument in writing signed by both parties hereto.
- b. This Agreement shall replace all prior Agreements both written and oral between Village and Town for the Town Sewer System, including the Intermunicipal Agreement entered into on October 10th, 2014, except as referenced in c. below
- c. The Sewer Line and Pump Addendum to this Agreement dated January 1st 2025 relating to the Town Fire Department, Town Highway Department and Town Park sewer mains and Park Pump Station herein attached as Exhibit 1 here to shall remain in effect until December 31st 2027.

6. INTERPRETATION

- a. The paragraph captions are for convenience only and shall not affect the interpretation of this Agreement.
- b. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

7. ASSIGNMENT

This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns to which this Agreement relates.

8. NOTICES

Notices will be deemed properly given when in writing sent by certified mail, postage prepaid and addressed:

If to the Town: Supervisor, Town of Marcellus
22 East Main Street
Marcellus, New York 13108

If to the Village: Mayor, Village of Marcellus
6 Slocombe Avenue
Marcellus, New York 13108

9. HOLD HARMLESS

The parties agree as follows: 1) the Village covenants and agrees to indemnify, defend, and hold harmless the Town, its officers, agents and employees from and against any and all loss or expense that may arise by reason of claims, costs, damages, suits, actions, judgements, injury or death, or for invasion of personal or property rights, of every name and nature, and whether causal or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part

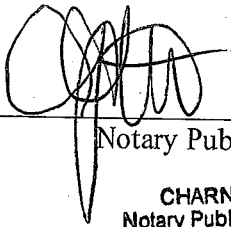
STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that _____ is the _____ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

Notary Public

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this 26 day of November, 2024, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.



Notary Public

CHARNLEYA ABBOTT
Notary Public, State of New York
Reg. No. 01AB6381323
Qualified in Onondaga County
Commission Expires 10-01-2026

EXHIBIT 1

Marcellus Sewer Line and Pump Addendum

This Agreement is made this ____ day of _____ 2024, by and between the Town of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices as 22 East Main Street, Marcellus New York 13108 (“Town”) and the Village of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices at 6 Slocombe Avenue, Marcellus, New York 13108 (“Village”).

WITNESSETH

WHEREAS, the Town owns, operates and maintains the Marcellus Park located at 2443 Platt Road, Marcellus, New York 13108 (“Marcellus Park”);

WHEREAS, the Town owns the Park Pump Station and sewer lines within the Marcellus Park boundaries for the purpose of providing public sanitary sewer services to the Marcellus Park (“Marcellus Park Sewer System”);

WHEREAS, the Town is the owner of three-bathroom facilities located in Marcellus Park, including the grinder pumps located outside of each, and responsible for all maintenance excluding the Village from any responsibility;

WHEREAS, the Town is the owner of the fire hall facilities located at 4242 Slate Hill Road, Marcellus, New York 13108 (“Firehouse”);

WHEREAS, the Town is the owner of the highway garage facilities located at 4262 Slate Hill Road, Marcellus, New York, 13108 (“Town Highway Garage”);

WHEREAS, the Town is responsible for maintenance, repair and replacement of the Park Pump Station, including the right of way or easement for the pipe leading westerly to the Firehouse and Town Highway Garage, thereof and whereby the Town agreed to pay the Village for such sewer service at a rate commensurate with the amount of wastewater entering the system to be billed by the Village on a quarterly basis.

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

To the extent requested by the Town, and pursuant to existing practice, the Village will monitor and oversee the normal operation, maintenance and repair of the Park Pump Station and sewage lines described above. The Town agrees to reimburse the Village for any reasonable costs incurred by the Village in providing such service.... In the event a line breaks or other repairs are needed to the Marcellus Park Sewer System, which the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.

The Town is responsible to report any and all sewer spills that happen for the Marcellus Park Sewer System mentioned above per the Sewage Pollution Right to Know Act (2013) State Law.

The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, disposal of grit/oil separators, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

The Town shall ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

The Town shall ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

Notwithstanding the foregoing, the Town may contract for and retain the services of another entity for maintenance and repair of the Town Sewer Districts and Park Pump Station and sewer lines upon ninety (90) days notice to the Village.

The Term of this Agreement shall be from the date of execution and continue until December 31st 2027.

TOWN OF MARCELLUS

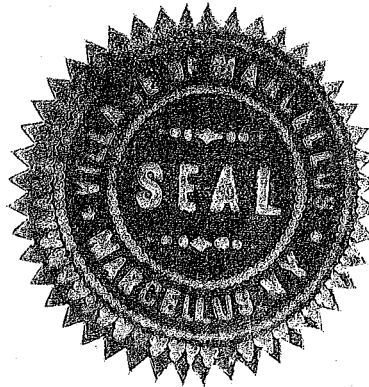
By _____

Laurie Stevens, Town Supervisor

VILLAGE OF MARCELLUS

By _____

Chad Clark, Mayor



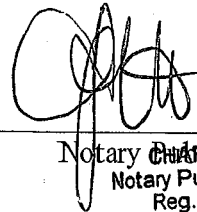
STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that _____ is the _____ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

Notary Public

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this 20 day of November, 2021, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.



Notary **CHARLEY A. ABBOTT**
Notary Public, State of New York
Reg. No. 01AB6381323
Qualified in Onondaga County
Commission Expires 10-01-2022

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, open to the general public and/or for compensation, 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;
- (b) The Zoning Board of Appeals, upon receipt of an application for a special use permit, shall among other things, be empowered to limit the number of events as said Board deems appropriate, as well as set time, place and/or manner

restrictions;

- (c) The applicant must notify the relevant Fire Departments, Police Agencies and any other agency or entity as identified by the Zoning Board of Appeals, of the application and shall provide to the Zoning Board of Appeals, in writing, documentation showing compliance with all requirements from those entities;
- (d) The applicant shall provide in writing, documentation showing adequate measures have been taken in connection with fire protection, crowd security, police protection, public safety, traffic regulation, parking, sanitary facilities, adequate water supply, garbage disposal, emergency evacuation plan, first aid and site cleanup;
- (e) If a person(s) or entity(ies) other than the property owner will be engaged in the sale and distribution of food and beverages, the name(s) and address(es) of such shall be submitted to the Zoning Board of Appeals, when determined, on an ongoing basis;
- (f) A medical services plan specifying the number and qualifications of first aid station personnel and other medical facilities to be available for emergency treatment of any person(s) that might require immediate medical or nursing attention shall be provided;
- (g) A public safety plan, including the precautions to be utilized for fire protection and a map specifying the location of fire lanes and water supply for fire control, accessibility of fire and emergency equipment, whether any private security guards or police will be engaged, and, if so, the number thereof and the duties to be performed by such persons, shall be provided;
- (h) No soot, cinders, smoke, noxious acids, fumes, gases or unusual odors shall be permitted to unreasonably emanate beyond the property line;
- (i) There shall be no fireworks, pyrotechnic displays or incendiary devices permitted;
- (j) The Zoning Board of Appeals shall, in its discretion, based upon the nature of the event(s), and the location and parcel size, as well as the Town of Marcellus Noise Ordinance, set the maximum decibel levels that shall be permitted, as well as the allowable hours of event(s) and event activities;
- (k) The applicant shall execute a written authorization permitting officials of the Town, County and State, or their designated agents, including fire personnel and police to enter the premises and conduct inspections before, during and after event(s);
- (l) The applicant shall provide satisfactory proof to the Zoning Board of Appeals that there will be removal of all structures erected for use during an event within 72 hours after conclusion of that event;
- (m) The applicant shall obtain adequate insurance to be reviewed and approved by the attorney for the Town. The applicant shall be required to name the Town as an additional insured for any approved use on a primary and non-contributory basis:
 - a. Such insurance shall be for a minimum of one million (\$1,000,000.00) for bodily injury or death and not less than one million dollars

- (\$1,000,000.00) for property damage;
 - b. The Zoning Board of Appeals shall further have the authority to require insurance at greater levels upon determination that such minimum amounts are insufficient based upon the size and/or scope of the event(s);
 - c. Each year, the applicant shall submit to the Town proof of such ongoing insurance coverage;
 - d. Failure of the applicant to keep such policy in effect will result in automatic revocation of the permit;
- (n) With respect to an application for a special permit under this Section of the Town Code, said application shall be submitted to the Planning Board for an advisory site plan review prior to any decision by the Zoning Board of Appeals. The advisory review by the Planning Board shall address the site plan criteria pursuant to § 235-28 of the Town Code. The site plan shall include all the criteria set forth in § 235-28 of the Town Code, and shall specifically address:
- a. The layout of any parking area(s) for automobiles and other vehicles, and the means of ingress and egress to said parking area(s). Such parking area(s) shall provide one parking space for every four persons in attendance. The site plan shall also provide measures such as fencing or signage in the discretion of the Zoning Board of Appeals (with review by the Planning Board) to prevent access or trespass to neighboring properties;
 - b. The type, number, location, and providers of all toilets, washing facilities, water supply, food preparation, food service facilities, and solid waste collection locations in compliance with applicable Department of Health rules and/or regulations;
 - c. All structures to be built or utilized, whether temporary or permanent, must be detailed in the site plan and must comply with all applicable provisions of this Town Code and the State Uniform Code, as administered by the Town of Marcellus Code Enforcement Office; and
- (o) The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive some or all of the conditions set forth herein.”

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.

**TOWN BOARD RESOLUTION
RE-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

January 8, 2025

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 January 8, 2025, 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 _____ 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 _____; and

WHEREAS, previously on November 6, 2024, the Town Board of the Town of Marcellus introduced proposed Local Law No. C-2024, “A Local Law Amending Chapter 235 of the Code of the Town of Marcellus Regarding Outdoor Concerts,” which Local Law would allow outdoor concert(s) as an accessory use in certain Zoning Districts within the Town subject to a special use permit; and

WHEREAS, a public hearing on the issue of the proposed Local Law was noticed for December 4, 2024 and publication of the Notice of Public Hearing was accomplished as per law; and

WHEREAS, subsequent to the public hearing held on December 4, 2024, it was determined by the Town Board to revise and amend proposed Local Law C-2024, which revisions clarify conditions for receiving a special use permit for outdoor concerts as an accessory use in certain Zoning Districts; and

WHEREAS, the Town Board believes such revised and amended Local Law C-2024 should be considered for further public comment; and

WHEREAS, the full text of said Local Law, as revised and amended, is on file at the Clerk’s Office at the Town Hall, 22 East Main Street, in said Town, and may be viewed by all interested persons during normal business hours, Monday through Friday; 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, revised and amended, 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 shall conduct a new public hearing as to the enactment of proposed Local Law No. C-2024, as revised and amended, at the Town Hall located at 22 East Main Street, in the Town of Marcellus on February __, 2025 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/No |
| | Jeff Berwald | Councilor | Yes/No |
| | Percy Clarke | Councilor | Yes/No |
| | Gabe Hood | Councilor | Yes/No |
| | Terry Hoey | Councilor | Yes/No |

The foregoing resolution was thereupon declared duly adopted.

DATED: January 8, 2025

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF ONONDAGA)

I, the undersigned Town Clerk of the Town of Marcellus, Onondaga County, New York,
DO HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Marcellus, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on January ____, 2025

ROSEMARY TOZZI, Town Clerk

(SEAL)

TOWN OF MARCELLUS JUSTICE COURT

22 East Main Street

Marcellus, New York 13108

315-673-3269 (Telephone)

315-671-4675 (Fax)

December 16, 2024

Dear Supervisor Stevens:

Pursuant to Uniform Justice Court Act § 2019-a, it is the duty of every justice to present his/her records and docket, at least once a year and upon the last audit day of the town, to the auditing board of the town, which shall examine said records or docket, or cause same to be examined, and enter in the minutes of its proceedings the fact that they have been duly examined.

Consistent with Section 2019-a of the Uniform Justice Court Act, we hereby advise that the records and docket for the Marcellus Justice Court for Calendar Year 2024 are available to be presented for such examination. We look forward to working with you to schedule such examination in an expeditious manner. *Handwritten initials*


It is our understanding that OCA's Internal Audit Services (IAS) unit will be corresponding with you as well in the very near future in this regard. Subsequent to the audit or examination, please forward to the IAS unit the audit report, as well as the Board's resolution noting that the records have been duly examined, and that the fines therein collected have been turned over to the proper officials of the Town as required by law. Such materials may be mailed to the following:


Internal Audit Services Unit
Attn: Joan Casazza
185 Jordan Road, Suite 1
Troy, NY 12180

In the alternative, such materials may be sent via email to: jcasazza@nycourts.gov

Thank you.

Very truly yours,


Hon. Mary Reagan Dailey,
Town Justice


Hon. Daniel J. Falge,
Town Justice

cc:

Hon. Gerard J Neri,
District Supervising Judge

Hon. David Gideon,
District Special Counsel

2025 Concerts in Marcellus Park

| Date | Band |
|-----------|-----------------|
| June 26 | Horn Dogs |
| July 3 | Fab Cats |
| July 10 | Finn Kelly Band |
| July 17 | T.J. Sacco Band |
| July 24 | Faded Vinyl |
| July 31 | Joe Whiting |
| August 7 | Mood Swing |
| August 14 | |



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108

phone: 315.673.3269 ext. 2 fax: 315.673.9132

email: park_rec@marcellusny.com

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: Fab Cats Band

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and The Fab Cats Band.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, July 03, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: _____

Fee: \$600.00

Check payable to: Dave Novak

Check Mailing Address: 105 John Street, Fayetteville, NY 13066

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$600 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: July 16, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of \$300.

Signature of Parks and Recreation Representative

Date



Signature of Service Provider



Date

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108

phone: 315.673.3269 ext. 2 fax: 315.673.9132

email: park_rec@marcellusny.com

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: Finn Kelly Band

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and The Finn Kelly Band.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, July 10, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: _____

Fee: \$600.00

Check payable to: Thomas Finn

Check Mailing Address: 2514 Scotch Hill Road, Marcellus, NY 13108

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$600 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: July 16, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of \$300.

Signature of Parks and Recreation Representative

Date

Signature of Service Provider

11/25/24

Date

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108

phone: 315.673.3269 ext. 2 fax: 315.673.9132

email: park_rec@marcellusny.com

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: The T.J. Sacco Band

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and The T.J. Sacco Band.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, July 17, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: None

Fee: \$600.00

Check payable to: T.J. Sacco

Check Mailing Address: 430 Roxford Road S., Syracuse, NY 13208

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$600 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: August 6, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of N/A.

Signature of Parks and Recreation Representative

Signature of Service Provider

Date

Date

RECEIVED

DEC 04 2024

Town of Marcellus

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108

phone: 315.673.3269 ext. 2 fax: 315.673.9132

email: park_rec@marcellusny.com

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: Faded Vinyl

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and Faded Vinyl.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, July 24, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: Just need Power to Pavilion

Fee: \$600.00

Check payable to: Mark DeFavero

Check Mailing Address: 2756 Nunnery Road, Skaneateles, NY 13152

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$600 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: August 6, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of \$300.

Signature of Parks and Recreation Representative

Date

Mark DeFavero
Signature of Service Provider

12-5-2024
Date

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108
phone: 315.673.3269 ext. 2 fax: 315.673.9132
email: park_rec@marcellusny.com

RECEIVED

DEC 12 2024

Town of Marcellus

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: The Joe Whiting Band

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and The Joe Whiting Band.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, July 31, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: Power

Fee: \$750.00

Check payable to: Joe Whiting
Check Mailing Address: P.O. Box 65, Skaneateles, NY 13152

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$750 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: August 6, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of \$375.

Signature of Parks and Recreation Representative

Date

[Handwritten signature of Joe Whiting]

12/19/24
Date

Signature of Service Provider

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.



Town of Marcellus Parks and Recreation Department

22 East Main Street, Marcellus, NY 13108
phone: 315.673.3269 ext. 2 fax: 315.673.9132
email: park_rec@marcellusny.com

Marcellus Parks and Recreation Agreement for Provisions of Service

Contracting Agency: Town of Marcellus, 22 E. Main Street, Marcellus, NY 13108

Service Provider: Mood Swing

This contract confirms the arrangements made with the Town of Marcellus Parks and Recreation Department and Mood Swing.

Type of Service: Summer Concert in Marcellus Park

Date & Time: Thursday, August 07, 2025, 7:00 - 8:30pm

Location: Marcellus Park - Annex Pavilion

Supplies Needed: _____

Fee: \$650.00

Checks payable to: Danielle Rausa (\$325.00) and Andrew J. Frazo (\$325.00)
Checks Mailing Address: 3614 Whispering Woods Terrace, Baldwinsville, NY 13027

Payment will be made by voucher system. One representative from the service provider is required to sign a voucher for the stated amount of \$650 upon completion of services. The voucher then must be approved by the Town Board at their monthly meeting (1st & 3rd Wednesday of every month). A check will then be mailed to the service provider.

Payment will be mailed the week of: August 20, 2025.

In case of inclement weather, the Parks & Recreation Director has the discretion to cancel the concert. If the concert is cancelled, the contracting agency will make every attempt to reschedule with the service provider. If no agreement on a date can be reached and the service provider does not perform, no compensation will be paid. If the contract is cancelled after the service provider has set up equipment at the site, they will receive half the compensation in the amount of \$325.

Signature of Parks and Recreation Representative

Danielle Rausa

Signature of Service Provider

Date

12/14/24

Date

Thank you for your prompt attention to this matter. If you have any questions or concerns, please contact the Marcellus Parks and Recreation Office. Two copies of the contract are enclosed. Please sign and return one copy and keep the other for your records.

INTEROFFICE MEMORANDUM

TO: THE MARCELLUS TOWN BOARD

FROM: MIKE OSSIT

SUBJECT: 2025 BUDGET ADJUSTMENTS

DATE: DECEMBER 30, 2024

CC: LORI PETROCCI

I would like approval to transfer funds in the amount of \$77,703 from Fund Balance (DA909) and place in the Townwide Highway Equipment line (DA.5130.2000) for the purchase of a pick-up Truck in the amount of \$55,500 and the purchase of a Mongo Gen2 35" Forestry Mulcher in the amount of \$22,203.

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

WHEREAS, the Town Board of the Town of Marcellus hereby requires the Supervisor, Town Clerk, Tax Collector, Town Justices, Highway Superintendent, Deputy Town Supervisor, Bookkeeper, Recreation Attendant, Secretary to Codes, Planning/Zoning, Town/Tax Clerk, to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED the Town Board of the Town of Marcellus approves the document entitled "Town of Marcellus Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

TOWN OF MARCELLUS

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Laurie Stevens, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Supervisor of the Town of Marcellus, and

WHEREAS, Rosemary Tozzi, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Clerk of the Town of Marcellus, and

WHEREAS, Sandra H. Taylor, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Tax Collector of the Town of Marcellus, and

WHEREAS, Mary Reagan Dailey, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Justice of the Town of Marcellus, and

WHEREAS, Daniel Falge, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Town Justice of the Town of Marcellus, and

WHEREAS, Michael Ossit, of the Town of Marcellus, County of Onondaga, New York has been elected to the Office of Superintendent of Highways of the Town of Marcellus, and

WHEREAS, Terry Hoey, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Deputy Town Supervisor, and

WHEREAS, Mary Beth Lollis Barnello, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Court Clerk, and

WHEREAS, Lori Petrocci, of the Town of Marcellus, County of Onondaga, New York, has been appointed to the position of Bookkeeper, and

WHEREAS, Michele Norstad, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Recreation Attendant, and

WHEREAS, Suzanne Tobin, of the Town of Marcellus, County of Onondaga, New York, has been appointed to the position of Deputy Town Clerk, and

WHEREAS, Susan Dennis, of the Town of Marcellus, County of Onondaga, New York, has been appointed to the position of Deputy Town Clerk, and

WHEREAS, Joanna Clarke, of the Town of Marcellus, County of Onondaga, New York, has been appointed to the position of Secretary to the Codes Office and Secretary to the Planning/Zoning Board, and

WHEREAS, Olivia Dunn, of the Town of Marcellus, County of Onondaga, New York, has been appointed to the position of Deputy Court Clerk, and

WHEREAS, Elaine Potter, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Deputy Tax Collector, and

WHEREAS, Lori Petrocci, of the Town of Marcellus, County of Onondaga, New York has been appointed to the position of Deputy Tax Collector, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Marcellus that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned that she will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into her hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Justices is further conditioned that they will well and truly keep, pay over and account for all moneys and property coming into their hands as such Town Justices; and

This undertaking of the Superintendent of Highways is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Superintendent of Highways; and

This undertaking of the Deputy Town Supervisor is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Deputy Town Supervisor; and

This undertaking of the Court Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Court clerk; and

This undertaking of the Bookkeeper is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Bookkeeper; and

This undertaking of the Deputy Town/Tax Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Deputy Town/Tax Clerk; and

This undertaking of the Planning/Zoning Secretary and Codes Secretary is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Planning/Zoning Secretary and Codes Secretary; and

This undertaking of the Recreation Attendant is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Recreation Attendant; and

The town does and shall maintain insurance coverage, presently with Selective Insurance, in the sum of \$450,000.00 for the Tax Collector, \$50,000.00 for Supervisor, \$25,000.00 each for the Town Justices, \$25,000.00 for Highway Superintendent, \$25,000.00 for Town Clerk and \$25,000 for the Deputy Town Supervisor, \$25,000.00 each for the Court Clerk and the Bookkeeper and \$25,000 for the Deputy Town/Tax Clerk, \$25,000 for the Planning/Zoning and Codes Secretary and \$25,000 for the Recreation Attendant to indemnify the Town against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officer, clerks and employees covered thereunder.

A copy of the certificate of said insurance evidencing the said insurance coverage is annexed hereto as exhibit "A".

Dated: January 8, 2025
Town of Marcellus

Town Supervisor

Town Clerk

Tax Collector

Town Justice

Town Justice

Highway Superintendent

Deputy Town Supervisor

Court Clerk

Deputy Town Clerk

Deputy Town Clerk

Secretary to Codes/Zoning/Planning

Recreation Attendant

Deputy Court Clerk

Deputy Tax Collector

Bookkeeper

Deputy Tax Collector

STATE OF NEW YORK:

:SS:

COUNTY OF ONONDAGA:

On the _____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by this signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Supervisor
Laurie Stevens
Councilors
Jeff Berwald
Percy Clarke
Terry Hoey
Gabe Hood

Town Clerk
Rosemary Tozzi
Tax Collector
Sandy Taylor
Highway Superintendent
Mike Ossit



MARCELLUS

New York
PROCUREMENT PROCEDURE

ITEM: _____
DESCRIPTION: Exterior Lights for Parks

MAINTENANCE BUILDING

QUANTITY: _____

2. VERBAL QUOTES OR 3 WRITTEN QUOTES (See Below)

| | | |
|--|-------------------------------------|---------------------------|
| 1. <u>Green Mountain ES</u> COMPANY | <u>315-488-3161</u> PHONE NUMBER | \$ <u>947.93</u> QUOTE |
| 2. <u>Home Depot</u> COMPANY | _____ PHONE NUMBER | \$ <u>831.48</u> QUOTE |
| 3. _____ COMPANY | _____ PHONE NUMBER | \$ _____ QUOTE |

Purchase Contracts:

Less than \$1,000 at discretion of the purchaser
\$1,000 to \$5,000 – Requires (2) VERBAL Quotes
\$5,000 to \$20,000 – Requires a written RFP (Request for Proposal) and (3) Written quotes
\$20,000 or more requires a formal Bid.

Public Works:

Less than \$3,000 at discretion of the purchaser
\$3,000 to \$15,000 – Requires (2) VERBAL Quotes
\$15,000 to \$35,000 – Requires a written RFP (Request for Proposal) and (3) Written quotes
\$35,000 or more requires a formal Bid.

This includes all aggregate amounts of equipment/supplies/repairs on same or like item in a calendar year.
This excludes goods or services purchased through state and county contracts—include state and county contract numbers.
Prevailing wage needs to be included with all service contracts.

PLEASE ATTACH THIS WORK FOR, TO ALL VOUCHRES TO SHOW THE REQUIRED QUOTES WERE RECEIVED.

STORE MORE. SAVE MORE. Up to 30% OFF Select Home & Garage Organization



Camillus 9PM

13108

What can we ...



Camillus 9PM

13108

Shop All Services

DIY

Log In

CART (24)

Share

[Remove All Items](#)

Pickup and delivery options

Choose an option to change all items in your cart (if available)

Pickup

Delivery

Feedback

Pickup

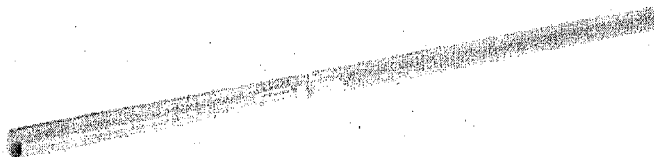
Camillus (6 items)

WHEATLAND

1/2 in. x 10 ft. Electrical Metallic Tubing (EMT) Conduit

Model #0550010000

\$66.50
(\$6.65/item)



| | | |
|---|----|---|
| - | 10 | + |
|---|----|---|

Cerrowire

500 ft. 12 Gauge White Stranded Copper THHN Wire

Total Wire Length (ft.): 500 ft

Jacket Color: **White**

\$100.00



✓

| | | |
|---|---|---|
| - | 1 | + |
|---|---|---|

Cerrowire

500 ft. 12 Gauge Green Stranded Copper THHN Wire

Total Wire Length (ft.): 500 ft

Jacket Color: **Green**

\$100.00



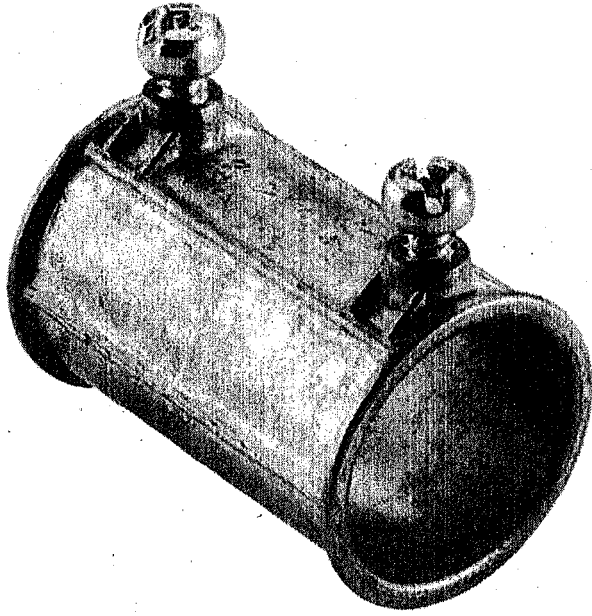
| | | |
|---|---|---|
| - | 1 | + |
|---|---|---|

Halex

1/2 in. Standard Fitting Electric Metallic Tube (EMT) Set-Screw Coupling
(5-Pack)

Model #21220

\$4.82
(\$2.41/item)



✓
- 2 +

Feit Electric

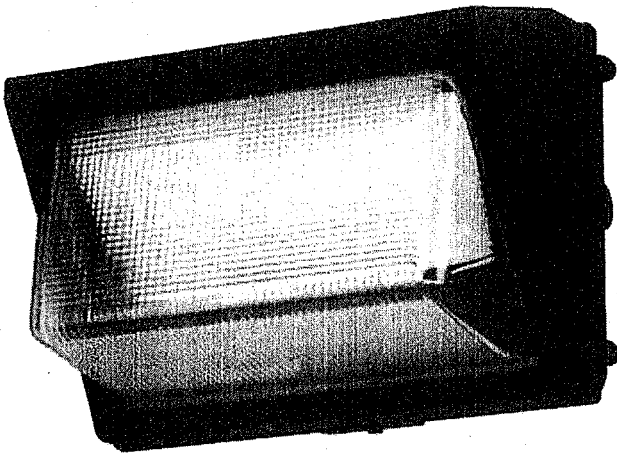
500-Watt Equivalent Selectable Lumen Bronze Dusk to Dawn Integrated
LED 5000K Selectable Commercial Wall Pack Light

Maximum Lumens: 8000

Color/Finish: **Bronze**

Package Quantity: 1

\$432.00
(\$432.00/item)



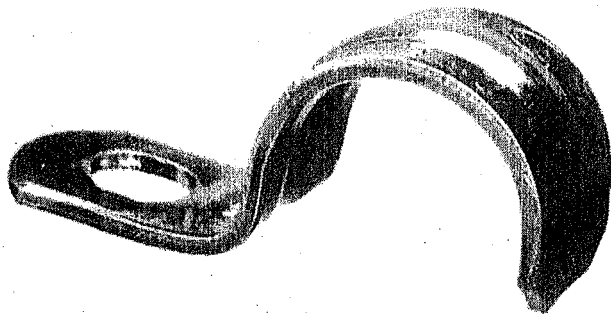
✓
- 3 +

Halex

1/2 in. Standard Fitting Electrical Metallic Tube (EMT), 1-Hole Straps (25-Pack)

Fitting type: **Strap**

Pack Size: **25**



\$15.96
(\$5.32/item)



[-] 3 [+]

Delivery

Delivering to 13108 (3 items)

 **Your Delivery Cost: FREE**

Cerrowire

500 ft. 12 Gauge Black Stranded Copper THHN Wire

Total Wire Length (ft.): **500 ft**

Jacket Color: **Black**



\$100.00

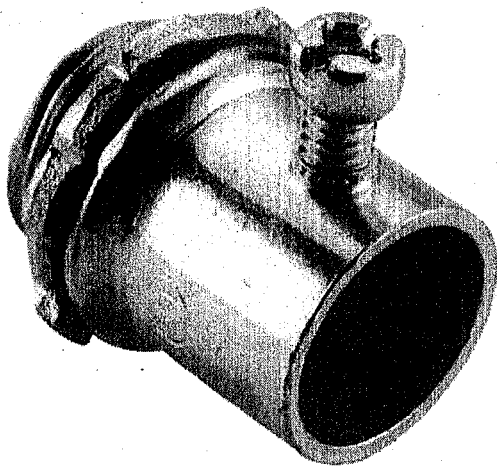
| | | |
|---|---|---|
| - | 1 | + |
|---|---|---|

Halex

1/2 in. Electrical Metallic Tube (EMT) Set-Screw Connectors (5-Pack)

Fitting type: **Connector**

Pack Size: **5**



\$6.88
(\$3.44/item)



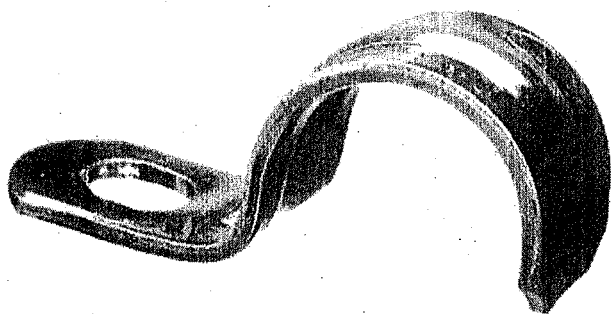
| | | |
|---|---|---|
| - | 2 | + |
|---|---|---|

Halex

1/2 in. Standard Fitting Electrical Metallic Tube (EMT) 1-Hole Straps (25-Pack)

Fitting type: **Strap**

Pack Size: **25**



\$5.32

| | | |
|---|---|---|
| - | 1 | + |
|---|---|---|

Recently Viewed

Loading Recommendations



Your Order

| | |
|--------------------------------------|-----------------|
| Subtotal | \$831.48 |
| Delivery | FREE |
| Pickup | FREE |
| Sales Tax (determined in later step) | --- |

Total **\$831.48**

Have a Promo Code?

* Delivery fees are calculated at the lowest rate available. Other delivery options may be available in checkout.

Checkout

Or



As low as \$44.77/mo with **PayPal**. [Learn more](#)



GMES LIVERPOOL
110 LUTHER AVE
LIVERPOOL, NY 13088
315-488-3161



Quotation

| | |
|------------|--------------|
| BID DATE | QUOTE NUMBER |
| 12/27/2024 | S5147010 |
| PAGE NO | |
| 1 of 1 | |

QUOTE TO:

SHIP TO:

TOWN OF MARCELLUS
24 EAST MAIN STREET
MARCELLUS, NY 13108

TOWN OF MARCELLUS
24 EAST MAIN STREET
MARCELLUS, NY 13108

| CUSTOMER NUMBER | CUSTOMER PO NUMBER | JOB NAME / RELEASE NUMBER | ORDERED BY | |
|------------------|--|---------------------------|------------------|--|
| 88833 | EXTERIOR LIGHTS | | STEVEN | |
| WRITER | SHIP VIA | TERMS | SHIP DATE | |
| Joe Midgley | | NET 10TH DUE 10TH | 12/27/2024 | |
| ORDER QTY | DESCRIPTION | UNIT PRICE | EXT PRICE | |
| 100FT | 1/2" EMT CONDUIT (LIFT = 7000') | 45.638/C | 45.64 | |
| 1RL | 12THHN/THWN-2 STRAND BLACK COPPER WIRE 500'/RL | 186.059/M | 93.03 | |
| 1RL | 12THHN/THWN-2 STRAND GREEN COPPER WIRE 500'/RL | 186.059/M | 93.03 | |
| 1RL | 12THHN/THWN-2 STRAND WHITE COPPER WIRE 500'/RL | 186.059/M | 93.03 | |
| 100FT | 12-2MG COPPER SOLID W/GROUND ALUM CLAD 487 OD 1000'/RL | 621.986/M | 62.20 | |
| | Cuts: 1 @ 100 FT | | | |
| 10EA | CRH 450S 1/2" EMT SET-SCREW STEEL CONNECTOR 50/BX | 47.151/C | 4.72 | |
| 10EA | CRH 460 1/2" EMT SET-SCREW STEEL COUPLING 50/BX | 59.480/C | 5.95 | |
| 3EA | RAB W22-M-100 FIELD ADJUSTABLE LED WALL PACK 100W/85W/70W/50W 3K/4K/5K BRONZE 120-277V | 204.112/ea | 612.33 | |

Prices are subject to change without notice
 Applicable Taxes not included
 All sales are subject to GMES Terms and Conditions.
 See website www.gmes.com for a copy of our Terms and Conditions.

| | |
|-------------|---------|
| Subtotal | 1009.93 |
| S&H Charges | 0.00 |
| Amount Due | 1009.93 |

94793

Town of Marcellus Parks and Recreation

To: The Marcellus Town Board / Lori Petrocci
From: Phil Coccia
Date: January 2, 2025
Re: 2024 Budget Transfer

I would like approval to transfer the funds below into Park Capital Reserve:

| | |
|----------------------------------|-----------------|
| A.7110.13 Park Recreation Salary | \$ 5,000 |
| A.7110.2 Park Equipment | \$10,000 |
| A.7110.21 Special Facilities | \$10,000 |
| A.7110.4 Park Contractual | \$ 6,000 |
| A.7310.1 Youth Programs Salary | \$10,000 |
| A.7620.1 Adult Recreation Salary | <u>\$ 3,000</u> |
| Total | \$44,000 |

Once the AUD is completed, please transfer the below into Park Capital Reserve.

| | |
|------------------|----------|
| Park Revenue | \$25,000 |
| Pavilion Revenue | \$ 5,000 |

Please transfer the funds below into the Cemetery Capital Reserve:

| | |
|------------------|----------|
| Pavilion Revenue | \$ 6,000 |
|------------------|----------|

The money in the Park Capital Reserve will be used in 2025 for:

1. New Tractor
2. New Mower
3. Safety Lighting – for Security.

Cemetery Capital Reserve will be used for monument restoration and monument cleaning.

MARCELLUS PARK INCIDENT REPORT FORM

Use this form to report accidents, injuries, medical situations, criminal activities, traffic incidents, or other incidents. If possible, a report should be completed within 24 hours of the event.

Date of Report: _____

1. PERSON(S) INVOLVED

Full Name: _____ Address: _____

Identification: Driver's License No. _____

Passport No. _____ Other: _____

Phone: _____ Email: _____

Full Name: _____ Address: _____

Identification: Driver's License No. _____

Passport No. _____ Other: _____

Phone: _____ Email: _____

2. THE INCIDENT

Date of Incident: _____ Time: _____ AM PM

Location: _____

Describe the Incident: _____

3. INJURIES

Was anyone injured? Yes No

If yes, describe the injuries: _____

_____ over---->

4. WITNESSES

Were there witnesses to the incident? Yes No

If yes, enter the witnesses' names and contact info: _____

5. POLICE / MEDICAL SERVICES

Police Notified? Yes No If yes, was a report filed? Yes No

Was medical treatment provided? Yes No Refused

If yes, where was medical treatment provided? On site Hospital Other: _____

6. PERSON FILING REPORT

Signature: _____ Date: _____

Print Name: _____

OFFICE USE ONLY

Report received by: _____ Date: _____

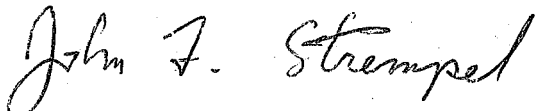
Follow-up action taken: _____

June 8, 2024

Jeff Lowe
Town of Marcellus

Jeff,
I am writing to notify you that I am resigning from the Marcellus Board of Assessment Review,
effective immediately.

Regards,

A handwritten signature in cursive script that reads "John F. Stempel". The signature is written in black ink and is positioned above the printed name.

John Stempel

Rosemary Tozzi

From: Jeff Lowe
Sent: Monday, January 6, 2025 9:29 AM
To: Rosemary Tozzi
Subject: New Board of Assessment Review Member

New member

James Mather
4753 Limeledge Rd
Marcellus, NY 13108
315-439-7287

Mr. Mather will be completing the term of John Stempel who resigned. The term expires on September 30, 2027.

Jeff

Jeff Lowe
Assessor
Town of Marcellus

| Account# | Account Description | Fee Description | Qty | Local Share |
|---|---------------------|-----------------------------|----------------------------------|-------------------|
| A2544 | Dog Licensing | Female, Spayed | 4 | 36.00 |
| | | Female, Unspayed | 2 | 34.00 |
| | | Male, Neutered | 12 | 108.00 |
| | | Male, Unneutered | 3 | 51.00 |
| | Impoundment Fee | Impoundment Fee | 1 | 127.00 |
| | | | Sub-Total: | \$356.00 |
| A2545 | Misc. Fees | Certified Copies - Marriage | 2 | 20.00 |
| | Passport | Passport | 6 | 210.00 |
| | | | Sub-Total: | \$230.00 |
| A2590 | Conservation | Conservation | 2 | 5.39 |
| | | | Sub-Total: | \$5.39 |
| B2110 | Building | Building | 13 | 3,431.00 |
| | Plan & Zone | Zoning Fees | 1 | 50.00 |
| | | | Sub-Total: | \$3,481.00 |
| Total Local Shares Remitted: | | | | \$4,072.39 |
| Amount paid to: NYS Ag. & Markets for spay/neuter program | | | | 31.00 |
| Amount paid to: NYS Environmental Conservation | | | | 396.61 |
| Total State, County & Local Revenues: | | \$4,500.00 | Total Non-Local Revenues: | |
| | | | \$427.61 | |