

Marcellus Town Board  
Workshop Meeting  
Wednesday, October 15, 2025  
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, October 15, 2025, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: Mike Ossit, Highway Superintendent; Jim Gascon, Town Attorney; Don MacLachlan, Park and Recreation Director; Gary and Linda Wilcox, Bill Southern, Tom Lathrop, Patricia Bishop, Heather Johnson, Art and Nancy Hudson, Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

**Abstract of Audited Vouchers:** The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 as of October 14, 2025. Claim #'s 158716-158750, 158752-158753.

	Expense
General Fund	\$12,830.49
Townwide Highway	2,999.54
<b>Total</b>	<b>\$15,830.03</b>

Councilor Clarke made a motion seconded by Councilor Berwald to approve the Abstract of Audited Vouchers and pay the bills as of October 14, 2025.

Ayes –Berwald, Clarke, Hoey and Stevens	Carried
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## Old Business:

## Tim's Pumpkin Patch PUD:

**RESOLUTION OF THE TOWN BOARD  
OF MARCELLUS RELATING TO**

**TIM'S PUMPKIN PATCH, LLC's REQUEST  
FOR PLANNED UNIT DEVELOPMENT (PUD)**

**Dated: October 15, 2025**

The following Resolution denying the application for a Planned Unit Development ("PUD") was moved by Councilor Hoey and seconded by Councilor Clarke.

**WHEREAS**, the applicant, Tim's Pumpkin Patch, LLC (hereinafter "applicant") submitted an application for the establishment of a Planned Unit Development "PUD" on September 22, 2022; and

**WHEREAS**, the application was amended several times thereafter, with it being last amended on May 26, 2023; and

**WHEREAS**, the application was referred to the Town Planning Board by the Town Board for an advisory opinion pursuant to Zoning Law § 235 (13)(B)(2)(b); and

**WHEREAS**, the Town Planning Board issued a Resolution dated July 1, 2024, recommending that the application be denied and further recommending that the applicant instead apply for a Special Use Permit and Amended Site Plan. A copy of said Planning Board Resolution is attached hereto and incorporated herein in its entirety as Exhibit "A"; and

**WHEREAS**, pursuant to the Planning Board's recommendation, the applicant did submit an application for Amended Site Plan and Special Use Permit to the Town; and

**WHEREAS**, the Amended Site Plan was last revised July 22, 2025, and the application to the Zoning Board of Appeals for a Special Use Permit was last received by the Town on August 21, 2025; and

**WHEREAS**, numerous modifications were made to the Amended Site Plan and Special Use Permit application without any additional amendment, modification or action on the part of the applicants relating to the PUD application; and

**WHEREAS**, numerous engineering reviews were conducted on the Amended Site Plan and Special Use Permit; and

**WHEREAS**, the Town Planning Board and Zoning Board of Appeals having passed a Joint Resolution dated September 4, 2025, approving the Amended Site Plan and Special Use Permit with certain restrictions and conditions. A copy of said Resolution is attached hereto and incorporated in its entirety herein as Exhibit "B"; and

**NOW, THEREFORE, BE IT,**

**RESOLVED**, in consideration of the Planning Board's recommendation, and in further consideration of the applicants' election to pursue an Amended Site Plan and Special Use Permit which were both approved, the Town Board hereby denies the application for Planned Unit Development (PUD); and it is further

**RESOLVED**, that the Planned Unit Development application is further denied as being incomplete.

The matter of this resolution was put to a roll call vote with the outcome as follows:

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

The foregoing resolution was thereupon declared duly adopted.

**DATED: October 15, 2025**

**DEC Public Fishing Rights:** DEC is offering to purchase the rights for an easement in Marcellus Park that protects public fishing along the creek. This would give the DEC permanent rights to control fishing along the creek. The Town Board is divided on this topic.

Councilor Hoey made a motion seconded by Councilor Clarke to table this topic and remove it from the agenda until further notice.

Ayes –Berwald, Clarke, Hoey and Stevens

Carried

**New Business:**

**LL B-2025 Tax Levy Override Enactment:**

**TOWN OF MARCELLUS  
TOWN BOARD RESOLUTION  
October 15, 2025**

**TOWN OF MARCELLUS LOCAL LAW NO. B OF 2025**  
(“A Local Law Overriding the Tax Levy Limit Established  
in General Municipal Law §3-c in the Town of Marcellus”)

The following resolution was offered by Councilor Berwald, who moved its adoption, seconded by Councilor Clarke, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2025, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Marcellus,” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on September 17, 2025; and

**WHEREAS**, a public hearing was held on such proposed local law on October 15, 2025, by the Town Board of the Town of Marcellus and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members

of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; 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 of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, on September 17, 2025, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. B-2025 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

**WHEREAS**, it is in the public interest to enact said proposed Local Law No. B-2025.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Proposed Local Law No. B-2025 as Local Law No. 3-2025 as follows:

**“TOWN OF MARCELLUS  
LOCAL LAW NO. 3 OF 2025  
A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF MARCELLUS**

Be it enacted by the Town Board of the Town of Marcellus as follows:

**Section 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2026, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

**Section 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

### **Section 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

### **Section 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **Section 5. EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State."

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

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

The foregoing resolution was thereupon declared duly adopted.

**DATED: October 15, 2025**

**Hometown Heroes Banners:** Heather Johnson is interested in setting up the Hometown Heroes banner program in Marcellus. Heather has spoken to other Villages/Towns that participate in the program. After some discussion it was decided that she should start the approval process in the Village of Marcellus as most of Main Street, North Street and South Street are in the Village.

**Fire Department Referendum:** The Fire Department would like to purchase a new aerial truck. The exact purchase price was not provided but an estimated price of 1,200,000.00 was discussed. This would be a five-year loan. This purchase would go up for public vote. There was some discussion about whether this will go on the 2026 ballot or whether a special election will be held. At this point, the Town Board does not want to cover the cost of a special election. The Fire Department stated they would pay the fees for a special election. Jim Gascon was unsure if that would be legal and was going to investigate this matter. The Fire Department states they will not be purchasing a new truck after the aerial truck for another eight

to ten years. This would give them time to increase the truck reserve fund account balance. The Fire Department stated there is a rotation of vehicles, the pumper truck that is 27 years old will not be replaced. Once that truck is taken out of service the Department will go down to three fire trucks. The Department understands this is a large amount of money for the taxpayers, unfortunately manufacturing costs go up 3-6% a year. The Town Board questioned whether the new truck is needed now as surrounding departments have aerial trucks that could offer mutual aid. The Department plans to send out a donation letter to the residents to help offset the cost in taxes.

**Fire Department Letter of Intent:** The Fire Department would like the Town Board to approve the Fire Department signing a letter of intent for a new aerial truck to replace the current one that is over 20 years old. The letter of intent would lock in the current price for the truck. Dave Card is unsure if the company will hold the truck at the current price until a referendum vote in the 2026 election. The Town Board has requested Dave to produce a letter of intent from the company for review.

**Town Court- JCAP Grant:** Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. This year the Court is requesting a total amount of \$2,039.98.

Councilor Berwald made a motion seconded by Councilor Hoey authorizing the Marcellus Town Court to apply for a JCAP grant in the 2025-2026 grant cycle for a total amount of \$2,039.98.

Ayes –Berwald, Clarke, Hoey and Stevens

Carried

**Discussion Agenda:**

**Fire Department:** An appointment is scheduled for grease trap maintenance.

**Town Board:** A board member inquired if Jim Gascon had any updates on the status of the New York State law that changes election years? He replied that it is currently in the court system.

**Fire Department Financials:** The Marcellus Fire Department turned in their financial statements through September 30, 2025. A copy is available at the Town Clerk's Office upon request.

**Highway Safety Investigation:** New York State Department of Transportation (NYSDOT) professional engineers recently completed a safety investigation at the intersection of NY Rt 174 (W. Seneca Turnpike) at NY Rt 174/175 (Lee Mulroy Rd)/Dublin Rd. The investigation included an analysis of a six-year crash history, traffic volumes, signal warrants, all-way stop analysis, radar and observation of the on-site conditions. As a result of that investigation, NYSDOT determined that they will be converting the Rt 174 (W. Seneca Turnpike) at Rt 174/175 (Lee Mulroy Rd)/Dublin Rd intersection from an overhead flashing signal with a two-way stop control to a three-color signal with backplates on all signal heads. It is anticipated to be completed by the end of the year.

**Attendee and Town of Camillus Resident, Nancy Hudson:** Remarked that she finds it very offensive that the Town Board continues to cut each other off or cut individuals off when asked a question without being able to answer the question without interruption. The Fire Department has made 67 calls (over a two-month period of time); that's about one per day. The volunteer Firemen receive nothing for their time, no paycheck or mileage. It is the Town's responsibility to provide fire protection to the Town and Village residents. The Town Board is fighting the department at every turn. Does any member of the board expect their vehicle to last twenty to thirty years? What is your thought process? Are you looking down the road? Are you looking at how you are going to reasonably, financially keep this town protected

by up-to-date fire equipment? We are trying to tell you to look down the road, help us, work with us. We are doing this for nothing.

**Supervisor Stevens:** We are trying to make this financially, fiscally responsible to all taxpayers. Give the residents of Marcellus the ability to make the decision if they want to pay a tax bill that large. It is not up to the Town Board to put that financial burden on the taxpayers. That is why the Town Board wants this topic to go to a public referendum. To let taxpayers say yes or no, we are not stopping the Fire Department, we are giving the residents the right to make the decision.

**Councilor Berwald:** Mrs. Hudson we can have a discussion regarding fire commissioners and a fire district. It would solve a lot of problems.

**Attendee and Fire Department Board Member, Art Hudson:** The problem is the truck reserve is low because the Town has been telling the Fire Department the State will only allow for \$60,000 per year to be placed in the truck reserve. I called the State and the information provided by the Town regarding the amount allowed per year is incorrect, now the Fire Department is behind \$40,000-\$60,000 per year for ten years.

**Mike Ossit** requested a meeting with the Board regarding an employee issue.

**Adjournment:** Councilor Berwald made a motion seconded by Councilor Clarke to adjourn the Workshop Meeting at 7:20 pm.

Councilor Berwald made a motion seconded by Councilor Clarke to reopen the meeting and call an executive session at 7:23 pm with Mike Ossit regarding an employee issue.

**Ayes** — Berwald, Clarke, Hoey and Stevens      **Carried**

Councilor Clarke made a motion seconded by Councilor Berwald to end the executive session and adjourn the meeting at 7:26 pm.

**Ayes** — Berwald, Clarke, Hoey and Stevens      **Carried**

Respectfully submitted,

Rosemary Tozzi  
Town Clerk