

Marcellus Town Board  
Organizational Meeting  
Friday, January 2, 2026  
4:00 PM

The Organizational Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Friday, January 2, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Jane Attley	Supervisor
Jeff Berwald	Councilor
Terry Hoey	Councilor
Karen Pollard	Councilor

Also present: James Gascon, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Recreation Director; John Houser, Codes Officer; Percy Clarke, Linda Wilcox, Krissy Lanning, Jeremy Perry, Bill Southern, Jim Rossiter, Denis Donovan, Stephanie Donovan, Mallory Zabinski, Lisa MacLachlan, Sandy Taylor, Tim and Erica Leubner, Mike and Tara Lanning, Claudia Hastings, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

**A. Appointment of Town Board Councilor:** Supervisor Attley stated at this time this topic would be tabled as questions still needed to be answered. **Mr. Gascon** then addressed the public "We have a very unique legal situation that has arisen due to the untimely death of Gabe Hood. State law indicates if there's a vacancy that occurs before September of any given year the board may appoint a replacement and then the position is up for election at the next November election cycle. Unfortunately, Gabe's vacancy didn't occur before September. It occurred after September, according to state law. Then the appointment would be made until the end of that person's term, and an election would be held to replace that person. We also have the unique situation that Gabe's term, the term that he was in terminated on December 31, 2025. So, we have a case of first impression wherein we have a vacancy. You have a board member who's re-elected for a new term, which does not commence until January 1, 2026, who then passes away before the end of his previous term. So, we have a unique situation and based on the research that we've done, there is no case law, whether it's occurred in the past or not, it's never been litigated. There's no case law that directs us in the right direction. So, the board can be conservative and to be cautious to make sure we're not misstepping and we're not making a mistake. The board has agreed to table this particular issue and has directed me to seek guidance from the Attorney General of the State of New York on how to handle this."

**Councilor Berwald** added that the Town Board must go this route because both parties cannot come to an agreement.

Councilor Pollard made a motion seconded by Supervisor Attley to table the appointment of a Town Board Councilor. The Board was divided, roll call was taken:

Supervisor Attley- Aye  
Councilor Berwald – Nay  
Councilor Hoey- Aye  
Councilor Pollard- Aye Carried

**B. Meeting Rules & Procedures:** The Board was presented with the Meeting Rules & Procedures pamphlet.

Councilor Berwald made a motion seconded by Councilor Pollard to approve the meeting rules and procedures.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

**C. Town Board Meeting Schedule:** The meeting schedule for 2026 will be the first and third Wednesdays of the month at 6:30 pm. The Year-End Meeting will be held on Monday, December 28, 2026.

**2026 Schedule:**

January 02 Organizational Meeting

07 Monthly Meeting

21 Workshop Meeting

February 04 Monthly Meeting

18 Workshop

March 04 Monthly Meeting

18 Workshop

April 01 Monthly Meeting

15 Workshop

May 06 Monthly Meeting

20 Workshop

June 03 Monthly Meeting

17 Workshop

July 01 Monthly Meeting

15 Workshop

August 05 Monthly Meeting

19 Workshop

September 02 Monthly Meeting

16 Workshop

October 07 Monthly Meeting

21 Workshop

November 04 Monthly Meeting

18 Workshop

December 02 Monthly Meeting  
16 Workshop  
28 End of Year Meeting

**D. Holiday Schedule – Town Hall Closed:**

New Year's Day  
Martin Luther King's Birthday  
President's Day  
Good Friday  
Memorial Day  
Juneteenth  
Fourth of July  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day

**E. Official Bank:** Solvay Bank will continue as the official bank for the depository for all monies from the Town Supervisor, Town Clerk, Tax Collector and Court.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Town Board meeting schedule, Town Hall holiday schedule (office closure) and the official bank as Solvay Bank.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

**F. Town Investment Policy:** Idle monies shall be invested at the designated bank of the Town either in Certificate of Deposit or any kind of Savings Account. The Town requests that the depository (Solvay Bank) protect these investments in the event they exceed FDIC coverage by pledging securities as collateral. The Collateral is to be held by a third party.

**G. Petty Cash Accounts:** Allow the Town Clerk to continue to have a petty cash fund of \$200; Recreation Department to continue to have a petty cash fund of \$200; this is to be administered by the Town Clerk, the Tax Collector to have a petty cash of \$100.00 and the Court Clerk to have petty cash of \$200.00

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Town investment policy and petty cash.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

**H. Supervisor to Pay Bills:** Authorize the Supervisor to pay utility bills, postage, and insurance prior to audit.



Town Clerk appointing Susan Dennis as a backup Deputy Town Clerk- 1/1/26-12/31/26  
Highway Superintendent appointing Jeremy Perry as Deputy Highway Superintendent – 1/1/26-12/31/26

Tax Collector appointing Lori Petrocci as Deputy Tax Collector – 1/1/26-12/31/26  
Dog Control Officer appointing James LaRose IV as Deputy Dog Control Officer 1/1/26-12/31/26

Councilor Pollard made a motion seconded by Councilor Hoey to approve the Advisory Appointments for 2026.

Ayes- Attley, Berwald, Hoey and Pollard Carried

**3. Safety Committee:** The Safety Committee will be John Houser, Mike Ossit, Jim Rossiter and Supervisor Jane Attley.

**4. Department Liaisons:** The following are appointed as liaisons for the Departments that are not run by an Elected Official:

MAVES- Supervisor Attley  
Fire Department- Councilor Pollard  
Codes- Councilor Hoey  
Recreation- Councilor Berwald

Councilor Berwald made a motion seconded by Councilor Hoey to approve the safety committee members John Houser, Mike Ossit, Jim Rossiter and Supervisor Attley. The Department Liaisons are Supervisor Attley for MAVES, Councilor Pollard for the Fire Department, Councilor Hoey for Codes Department and Councilor Berwald for Recreation Department.

Ayes- Attley, Berwald, Hoey and Pollard Carried

**N. Annual Salaries and Payment Schedule:**

**Salaries:**

Supervisor-\$12,000  
Town Justices (2) - \$15,411.50 each  
Court Clerk - \$49,162  
Deputy Court Clerk - \$18.00 per hour  
Councilors (4) - \$6,500 each  
Town Clerk - \$49,327  
Deputy Town Clerk - \$19.10 per hour  
Tax Collector - \$11,088  
Bookkeeper - \$58,607  
Budget Officer - \$3,800  
Assessor - \$36,000  
Clerk to Assessor - \$6,078  
Parks & Recreation Director - \$18,000  
Recreation Attendant - \$21.00 per hour  
Dog Control Officer - \$10,325  
Highway Superintendent - \$72,486  
Deputy Highway Superintendent - \$29.40 per hour  
Highway MEO - \$28.90 per hour  
Codes Officer - \$61,104  
Deputy Codes Officer - \$14,060

Councilor Berwald made a motion seconded by Councilor Hoey to approve the Annual Salaries and Payment Schedule for 2026.

Ayes- Attley, Berwald, Hoey and Pollard Carried

#### **O. Cell Phone Stipend:**

## Highway Superintendent - \$45/Month

## Codes Officer - \$45/Month

## Highway Employees - \$25/Month

**P. Clothing Allowance:**

Highway Employees - \$500/year per employee

\$100 per year for Park Employees for work boots

\$100 per year for Codes Officer for work boots

Councilor Hoey made a motion seconded by Councilor Berwald to approve the cell phone stipend and clothing allowance for 2026.

Ayes- Attley, Berwald, Hoey and Pollard Carried

## **Q. Contracts:**

**All contracts are available in the Town Clerk's Office for review during business hours**

**Marcellus Historical Society**: \$5,000. This will help offset the cost of insurance and utilities related to operating expenses of the Steadman House.

Councilor Pollard recused herself from this vote as she is the treasurer of the Marcellus Historical Society.

Councilor Hoey made a motion seconded by Councilor Berwald to approve the 2026 contract with the Marcellus Historical Society.

**American Legion:** \$600. This is to provide Flags for the veteran grave sites in the three cemeteries in the Town. The Flags are to be placed prior to Memorial Day and removed within five (5) days after July 4, 2026.

**Health/Loan Closet:** \$500. This will help offset the costs of new equipment.

**Ascap:** \$500. Annual license fee for any music played at the park.

**OCMBOCES:** BOCES provides services and training for the Highway and Park Department. The services consist of health, safety, risk management and hazard communication. The 2026 contract price for services provided is \$2,200.

Councilor Berwald made a motion seconded by Councilor Hoey to approve the American Legion, Health/Loan Closet and OCMBOCES 2026 contracts.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

**Costello Cooney & Fearon, PLLC:** The firm will provide general legal services for the Town of Marcellus during the calendar year 2026 on an hourly basis. General legal services will include attending all Town Board Meetings, Public Hearings and Executive Sessions, responding to day-to-day questions of Town Officials and preparing any necessary documents. Hourly services also include attendance at Grievance Day(s) if required, and providing all general legal services associated with the Board of Assessors. We will also provide legal counsel regarding: Litigation, including tax matters; Enforcement matters; Special District and bonding work; Legal work related to all special districts such as Sewer, Water and Lighting Districts; Environmental matters and enforcement; Matters before the Zoning Board of Appeals or the Planning Board; and Major non-routine projects (i.e., comprehensive plan, collective bargaining, labor and related matters other than routine telephone calls).

Our hourly fees will be \$210.00/per hour for attorneys and \$125.00/per hour for paralegals. Bills for these services will be itemized and provided on a monthly basis. Payment is due for these services within 30 days of the Town's receipt of the invoice.

**Supervisor Attley** asked to table this topic to review an alterative retainer contract with legal services with Costello Cooney & Fearon.

**Councilor Berwald** informed the Town Board the 2026 budget was based on the hourly contract with Costello Cooney & Fearon, PLLC. Councilor Berwald has concerns with Mr. Gascon acting as the Town Counsel as he is no longer a partner in the firm and will be acting as a consultant.

Councilor Berwald made a motion to have a partner from the firm Costello Cooney & Fearon replace Mr. Gason as Town Counsel.

**Marcellus Resident, Denis Donovan:** Asked why the counsel contract was being negotiated with Mr. Gascon and not Costello Cooney & Fearon as he is an employee of the firm and not listed on the contract. **Mr. Gascon** responded by informing Mr. Donovan he is a duly appointed representative of the law firm to the Town of Marcellus. Mr. Donovan said his question was directed at Supervisor Attley, she did not respond. Mr. Donovan has concerns that Counsel is running most of the meeting not the Supervisor and Town Board managing itself.

**Supervisor Attley** asked again for a motion to table this topic to review both contract options for legal services with Costello Cooney & Fearon.

**Councilor Berwald** again stated that the Town budgeted for the hourly contract not the monthly retainer fee.

**Councilor Pollard** stated with Supervisor Attley being new she may have more questions and will need to contact Mr. Gascon more frequently. The monthly retainer option might be more cost-effective than the hourly contract based on the current circumstances.

**Mr. Gascon** stated there are two motions one from Supervisor Attley, to table the contract regarding Costello Cooney & Fearon and the second was from Councilor Berwald to replace Mr. Gascon with a law firm partner. Councilor Berwald made his motion first.

**Councilor Berwald** made a motion to have a partner from the firm Costello Cooney & Fearon replace Mr. Gason as Town Counsel. There was no second to his motion. The motion failed.

**Supervisor Attley** asked for a motion to table this topic to review the hourly and retainer contracts with Costello Cooney & Fearon for legal services.

Councilor Berwald made a motion seconded by Councilor Pollard to table the discussion regarding the contract with Costello Cooney & Fearon for legal services.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

**Marcellus Veterinary Hospital:** Fees for housing, vaccinating and caring for stray dogs. No increase in fees for 2026.

**Marcellus Library:** The library will receive four payments of \$2,062.50. Total for 2026 will be \$8,250.00.

**TDK:** 2026 general service agreement. Based on prior work, services were separated into three general groupings as follows: TOWN MEETINGS We will attend town board, planning board and/or zoning board of appeals meetings, as requested by Town representatives for a fixed fee of \$510 per meeting. Please note that this fee is exclusive of any project-specific reviews, which have individual escrow account(s) established as part of the municipal review process. GENERAL ENGINEERING SERVICES We will perform general engineering services, as requested by Town representatives, on an hourly basis in accordance with our Standard Terms and Conditions. These services are for projects that are relatively minor in nature and are typically below an engineering budget of \$3,000. TOWN-SPECIFIC COMMUNITY IMPROVEMENT PROJECTS If requested, we will provide the Town with an estimated engineering budget for specific community improvement projects that exceed an engineering budget of \$3,000.

Councilor Berwald made a motion seconded by Councilor Pollard to approve the Marcellus Veterinary Hospital, Marcellus Library and TDK contract.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

Councilor Berwald made a motion seconded by Councilor Hoey to adjourn the Organizational Meeting at 4:46 pm.

Ayes- Attley, Berwald, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi

Town Clerk