

TOWN BOARD MEETING MINUTES

March 13, 2006

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on March 13, 2006 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor
Bernard L. Montgomery, Councilor
Thomas C. Lathrop, Councilor
James A. Sheridan, Councilor
Donald G. Sherman, Councilor

Also present: Karen R. Pollard, Town Clerk; Laurie Stevens, Deputy Town Clerk; Margaret Gerbsch, Accountant; Dick Clarke, Post Standard; Donald MacLachlan, Highway Superintendent; Phil Coccia, Recreation Leader; Chris Christensen, Member of ZBA and Planning Board; James Rhinehart; County Legislator; Amanda Meaney, Timothy Felicia, James Gascon, Marion Ossit, Greg Gilmore, Beth Guenther, Jamie Plis, Joe McVey, Chris Keegan, Tammy Jerome, Lenora Garrison, Bill Manciocchi, Nancy Bunn and Walt Snyder.

Supervisor Ross opened the meeting at 7 P.M. with the Pledge of Allegiance to the Flag.

Copies of the minutes of the Town Board Meeting held on February 13, 2006 and the Workshop Meeting held on February 23, 2006 on was given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sherman to approve the minutes as presented. All voted aye. Carried.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract as of March 9, 2006, Claims # 186 – 275 and Highway Claims # 30 – 47.

	<u>Expenses</u>
General Fund	\$20,462.85
General Fund – Part Town	194.67
Highway – Town Wide	12,717.70
Highway – Part Town	1,925.32
Fire	29,939.96
Hydrant	1,520.40
Sewer	17,642.53

Board Members were given copies of the Activity Report as of March 9, 2006 and monthly statement of bank balances as of February 28, 2006.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$727,030.56	61,858.42
General Fund – Part Town	76,761.00	8,465.03
Highway – Town Wide	328,823.00	44,532.98
Highway – Part Town	208,693.22	-0-
Enterprise Fund	29.00	246.00
Fire	347,646.17	125,469.01
Ambulance Fund	145,579.36	45,450.00

Councilor Lathrop questioned the late charge on voucher #20060261 payable to GMAC for lease on Fire Department vehicle. Margaret Gerbsch, Accountant, advised the Board that the bills never make it to her in time and she has advised all parties involved. Councilor Montgomery questioned voucher #20060215 payable to United Radio for repairs made on the repeater. Donald MacLachlan, Highway Superintendent, explained that the Marcellus Central School and the Village of Marcellus would share in this expense due to the fact they also use the radios. To date the Town has received the Village's share of the bill.

Councilor Lathrop made a motion seconded by Councilor Sherman to approve and pay the bills, approve the monthly activity report as of March 9, 2006 and the monthly statement of bank balances as of February 28, 2006. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: Councilor Montgomery reported to the Board that he and Supervisor Ross recently met with representatives of MAVES to discuss the proposed purchase of the ambulances. It was a very cooperative meeting. By changing the method of the purchase a substantial amount of money would be saved in interest. A decision was made to use funds for the purchase of one ambulance from the MAVES ambulance reserve and the funding for the second unit will be determined at a later date. Councilor Montgomery again commented that the meeting was very productive.

Planning Board Member to serve temporarily on Zoning Board of Appeals: This will be addressed at the April meeting.

Opening on Planning Board: Supervisor Ross advised the Board that Kathleen Carroll has expressed an interest in serving on the on the Planning Board. After a brief discussion, Councilor Lathrop made a motion seconded by Councilor Sherman to appoint Kathleen Carroll to the Planning Board for a term of seven (7) years ending December 31, 2012. All voted aye. Carried.

Windmills – schedule Public Hearing: Councilor Sherman made a motion seconded by Councilor Lathrop to hold a public hearing on April 10, 2006 at 7:00 pm to consider an Amendment to the Revised Zoning Ordinance of the Town of Marcellus. All voted aye. Carried.

The Notice of Public Hearing is as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that pursuant to resolution of the Town Board of the Town of Marcellus, made at a regular meeting of the Town Board on March 13, 2006, a public hearing will be held before the Town Board at the Town Hall, East Main Street in the Village of Marcellus, on April 10, 2006 at 7:00 p.m. to consider:

AMENDMENT TO THE REVISED ZONING ORDINANCE OF THE TOWN OF MARCELLUS, NEW YORK

AMENDMENT – WIND ENERGY

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

PURPOSE AND LEGISLATIVE INTENT OF AMENDMENT:

It is the intent and purpose of this amendment to enhance the individual construction and installation within the Town of Marcellus of wind mill energy creating devices, a desirable, alternate energy source, balancing to the maximum degree possible the health, welfare and safety of the community and preserving and protecting the aesthetic qualities of the Town of Marcellus. Accordingly, the Marcellus Zoning Ordinance is amended to accomplish this stated purpose and intent.

Section 4. Definitions

Wind Energy Conversion – a free standing tower or pole to which is attached to a wind driven device for energy conservation or creation.

Section 24. Supplementary Regulations

M. WIND ENERGY CONVERSION SYSTEMS

1. Wind energy conversion systems are allowed in all districts with the exception of R-2 and R-4 districts.
2. Wind energy conversion systems shall be used, erected, moved, reconstructed, changed or altered after approval by Special Permit issued by the Zoning Board of Appeals and site plan approval issued by the Planning Board as provided in Section 26 of this Zoning Ordinance.
3. Special Use Permits shall be granted for wind energy conversion systems when it is determined by the Zoning Board of Appeals that the proposed use meets all of the following criteria:
 - a. Individual wind energy conversion systems shall be not be installed in any location along the major axis of an existing microwave communications where its operation is likely to produce electromagnetic interference in the link's operation.
 - b. Individual wind energy conversion systems shall be not be installed in any location where its proximity interferes with existing fixed broadcast, retransmission, or reception antenna for radio, television or wireless phone.
 - c. Use of nighttime, and overcast daytime condition, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration may be subject to on-site field testing before the Zoning Board of Appeals as a prerequisite to that Board's approval with specific respect to existing residential uses within 2000 feet of each tower for which such strobe lighting is proposed.
 - d. Individual tower facilities shall not be installed in any location that would create an intermittent visual impact, substantially detract from or block view of a portion of a

recognized scenic viewshed, as viewed from any public road right-of-way or publicly owned land within the Town of Marcellus, that extends beyond the border of the Town of Marcellus.

- e. Individual wind energy conversion systems shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special use permit application.
- f. Wind energy conversion systems shall not be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- g. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- h. All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.
- i. Procedures acceptable to the Zoning Board for emergency shutdown of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.
- j. Wind energy conversion systems shall comply with all setbacks within the affected zone. Additional setbacks may be required to contain on-site substantially all ice-fall or debris from tower failure and/or to all wind energy conversion system parts including guide wire anchors and to any accessory facilities. Wind energy conversion systems shall not be located closer than 200 ft. from any residential zone. Additionally, they shall be so located on a lot of sufficient size that the distance from the center of the structure to the nearest property line is not less than the height of the structure plus five percent of the height.

Section 26.

Site Review

The following additional material may be required by the Planning Board for wind energy conversion systems facilities when two or more systems are proposed for construction or expansion.

- A. Digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other location, to a

distance radius of three miles from the center of the project. Scale used shall depict 3-mile radius as not smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

- B. No fewer than four and no more than the number of proposed individual wind energy conversation systems plus three color photos, no smaller than 3" x 5" taken from locations with a 3-mile radius from it an to be selected by the Planning Board, and computer-enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from these locations.
- C. The Planning Board in granting any approval may require the applicant to provide adequate and suitable screening, fencing, anti-climb protection or other protective measure as it deems necessary or proper to reduce or eliminate aesthetic or safety concur

Separability

If any part or provision of this amendment or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Zoning Ordinance or the application thereof to other persons or circumstances, and the Town Board of the Town of Marcellus hereby declares that it would have passed this amendment or the remainder thereof had such invalid application or invalid provision been apparent.

Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Effective Date

This amendment shall take effect upon posting and publishing with the Town Clerk pursuant to Town Law.

Marcellus Park lighting: Councilor Montgomery advised the Board that the proposal has been received from NYSE&G for the street lighting upgrade in the Marcellus Park. The new lighting plan will space the lights for better coverage and be more cost effective. Five new fixtures will be installed on each pole in the park driveway for which a two-year contract is required for a fixture only installation. Three fixtures, three poles and wire are required to light the southeast parking area along Platt Road for which a five-year contract is required for pole installation. Councilor Lathrop made a motion seconded by Councilor Sheridan for the Supervisor to enter into a contract with NYSE&G for the installation of the street lighting in Marcellus Park as outlined in the proposal. All vote aye. Carried.

Building project update: Supervisor Ross brought the Board up to date on the developments for the proposed Town Hall. Progress is being made, and hopefully there will be a meeting sometime next week.

NEW BUSINESS:

Earth Day-April 22, 2006: Supervisor Ross brought to the Board attention that this year's Earth Day would be on April 22, 2006. Councilor Lathrop made a motion seconded by Councilor Sheridan that the Town participates in Earth Day Litter Clean-Up on April 22, 2006 and to advise OCRRA of the Town's intentions. All voted aye.
Carried.

Municipal Youth Program Site Visit Report: A report was received from the Syracuse/Onondaga County Youth Bureau concerning a site visit that was conducted on December 1, 2005. The visit observed a program that was sponsored by the Recreation Department and this information will be instrumental in future funding. Supervisor Ross commended the Recreation Department for the excellent programs it offers the youth of the community.

OCM BOCES Contract – Safety Training \$2000.00: Supervisor Ross reminded the Board that the contract with BOCES to conduct safety training and record keeping is up for renewal. Councilor Sheridan made a motion seconded by Councilor Montgomery to authorize the Supervisor to renew the contract with BOCES to conduct safety training and record keeping for the period of 1/1/06 - 12/31/06 in the amount of \$2,000.00. All voted aye.
Carried.

Request to file special franchise complaint late: A letter has been received from GT Group Telecom, which is based in Vancouver, BC, Canada requesting consent from the Town to file special franchise complaint late. After a brief discussion Councilor Montgomery made motion seconded by Councilor Sherman for the Supervisor to sign the consent form to allow Group Telecom to file a special franchise complaint late. All voted aye.
Carried.

Optimist Club: Concession Cart: The Marcellus Optimist came before the Board requesting permission to sell snacks at the Marcellus Park during Little League games. A recently obtained concession cart would be used and they look at this endeavor as a resource for their organization. The Board questioned if other organizations would be allowed to use the cart? Walt Snyder responded on behalf of the Optimist, that they had no objections for other organizations using the concession cart. Councilor Lathrop made a motion seconded by Councilor Sheridan to grant permission to the Marcellus Optimist to sell concessions at the Marcellus Park during Little League games. All voted aye.
Carried.

Schedule Public Hearing for the proposed Limeledge Water District: Councilor Montgomery made a motion seconded by Councilor Sherman to hold a Public Hearing on April 17, 2006 at 7:00 PM at the Marcellus Fire House located at 4242 Slate Hill Road for the purpose of considering the petitions for the establishment of the proposed Limeledge Area Water District. All voted aye.
Carried.

The Order is as follows:

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 E. Main Street in the Town of Marcellus, County of Onondaga and State of New York on March 13, 2006

PRESENT:	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilman
	Donald G. Sherman	Councilman
	Thomas Lathrop	Councilman
	Bernard L. Montgomery	Councilman

IN THE MATTER OF THE ESTABLISHMENT OF THE LIMELEDGE
(MARCELLUS) WATER DISTRICT, TOWN OF MARCELLUS, COUNTY OF
ONONDAGA AND STATE OF NEW YORK, PURSUANT TO ARTICLE 12 OF THE
TOWN LAW.

ORDER CALLING FOR PUBLIC HEARING

WHEREAS, the Town Board of the Town of Marcellus (the “Town Board” and the “Town,” respectively), in the County of Onondaga, New York, has received petitions, acknowledged on October 14, October 16, October 17, November 14, November 23, November 28, November 29, November 30, December 5, December 9, and December 30, 2005, pursuant to section 191 of the Town Law, for the establishment of the Limeledge (Marcellus) Water District, (the “District”), which petitions are purportedly signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed District, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed District, owned by resident owners according to the latest completed assessment roll; and

WHEREAS, said petition purported to describe the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed District is bounded and described as follows:

Commencing at a point of beginning, said point being the intersection between the eastern highway boundary of North West Town Line Road and the southern highway boundary of Stump Road; thence easterly along the southern boundary of Stump Road, to the intersection with the eastern boundary of Parcel 1.6, as shown on the Town of Marcellus Tax Map 13-01; thence southerly along the eastern boundary of Parcel 1.6 to the southeastern corner of Parcel 1.6; thence southerly, easterly, northerly, easterly, southerly and easterly along the eastern, northern, western, northern, eastern and northern boundaries of Parcel 1.1 to the intersection with the western boundary of Parcel 15, as shown on the Town of Marcellus Tax Map 13-01; thence northerly and easterly along the western and northern boundaries of Parcel 15 to the intersection with the western boundary of Parcel 12.0, as shown on the Town of Marcellus Tax Map 13-01; thence northerly and easterly along the western and northern boundary of Parcel 12.0, as shown on the Town of Marcellus Tax Map 13-01, to the intersection with the western boundary

of Parcel 3.3, as shown on the Town of Marcellus Tax Map 13-01; thence northerly along the western boundaries of Parcels 3.3 and 3.6 to the intersection with the southern highway boundary of Stump Road; thence northerly along the northerly prolongation of the western boundary of Parcel 3.6 to the intersection with the northern highway boundary of Stump Road; thence westerly along the northern highway boundary of Stump Road to the intersection with the western boundary of Parcel 11.1 as shown on Town of Marcellus Tax Map 10.01; thence northerly along the western boundary of Parcel 6.4 to its northwest corner; thence easterly along the northern boundary of Parcel 6.4 to the intersection with the western boundary of Parcel 3.0, as shown on Town of Marcellus Tax Map 10-01; thence northerly along the western boundary of Parcel 3.0 to the northwestern corner of Parcel 3.0; thence easterly along the northern boundary of Parcel 3.0 to the intersection with the western boundary of Parcel 2.0 , as shown on Town of Marcellus Tax Map 10-01; thence northerly along the western boundary of Parcel 2.0 to the northwestern corner of Parcel 2.0; thence easterly along the northern boundary of Parcel 2.0 to the intersection of the western boundary of Parcel 1.0, as shown on the Town of Marcellus Tax Map 10-01; thence northwesterly along the western boundary of Parcel 1.0, to the northwestern corner of Parcel 1.0, said corner also being along the boundary between the Town of Marcellus and the Town of Camillus; thence easterly along the Town boundary, to the intersection with the eastern boundary of Parcel 14.0, as shown on the Town of Marcellus Tax Map 10-02; thence southerly, easterly, southerly, and easterly along the eastern, northern, eastern and northern boundaries of Parcel 14.0, to the intersection with the northwestern corner of Parcel 13.0, as shown on the Town of Marcellus Tax Map 10-02; thence easterly and southerly along the northern and eastern boundaries of Parcel 13.0 to the intersection with the northeastern corner of Parcel 11.0, as shown on the Town of Marcellus Tax Map 10-02; thence continuing southerly along the eastern boundary of Parcel 11.0, to the intersection with the northern highway boundary of Glover Road; thence southerly along the southerly prolongation of the eastern boundary of Parcel 11.0 to the intersection with the southern highway boundary of Glover Road; thence northeasterly along said southern highway boundary to the intersection with the eastern boundary of Parcel 39.0, as shown on the Town of Marcellus Tax Map 13-02; thence southerly, easterly, southerly, westerly and southerly along the eastern, northern, eastern, southern and eastern boundaries of Parcel 39.0 to the southeastern corner of Parcel 39.0; thence westerly along the southern boundary of Parcel 39.0 to the southeastern corner of Parcel 35.0, as shown on the Town of Marcellus Tax Map 13-02; thence westerly and southerly along the southern boundary of Parcel 35.0, to the northeast corner of Parcel 34.0, as shown on the Town of Marcellus Tax Map 13-02; thence southerly along the eastern boundary of Parcel 34.0, to the southeast corner of Parcel 34.0; thence westerly along the southern boundary of Parcel of 34.0 to the intersection with the eastern boundary of Parcel 33.0, as shown on the Town of Marcellus Tax Map 13-02, thence southerly along the eastern boundary of Parcel 33.0 to the southeast corner of Parcel 33.0, said corner being along the northern boundary of Parcel 30.1, as shown on the Town of Marcellus Tax Map 13-02; thence easterly along the northern boundary of Parcel 30.1 to the northeast corner of Parcel 30.1; thence southerly along the eastern boundary of Parcel 30.1 to the southeastern corner of Parcel 30.1; thence westerly along the southern boundary of Parcel 30.1 to the southwest corner of Parcel 30.1, said corner also being the northeastern corner of Parcel 29.0, as shown on the Town of Marcellus Tax Map 13-02; thence southerly along the eastern boundary of Parcel 29.0 to the southeastern corner of Parcel 29.0, said corner also being the northwestern corner of Parcel 25.1, as shown on the Town of Marcellus Tax Map 13-02; thence easterly along the northern boundary of Parcel 25.1 to the northeast corner of Parcel 25.1; thence southerly, westerly and southerly along the eastern, southern and eastern boundaries of Parcel 25.1 to the southeast corner of Parcel 25.1, said Parcel also

being along the northern boundary of Parcel 25.5, as shown on the Town of Marcellus Tax Map 13-02; thence easterly along the northern boundary of Parcel 25.5 to the northeastern corner of Parcel 25.5; thence southerly along the eastern boundaries of Parcels 25.5 and 25.6, to the southeast corner of Parcel 25.6, as shown on the Town of Marcellus Tax Map 13-02; thence westerly along the southern boundary of Parcel 25.6 to the intersection with the northwestern corner of Parcel 5.0 (not in proposed district), as shown on the Town of Marcellus Tax Map 13-02; thence generally southerly along the western boundary of Parcel 5.0 to the intersection with the northern highway boundary of Old Seneca Turnpike; thence continuing southerly along the southern prolongation of the western boundary of Parcel 5.0 to the intersection with the southern highway boundary of Old Seneca Turnpike; thence easterly along said highway boundary to the intersection with the western highway boundary of County Highway 41; thence continuing across County Highway 41 along the easterly prolongation of the southern highway boundary of Old Seneca Turnpike to a point on the western boundary of Parcel 13.0, as shown on the Town of Marcellus Tax Map 14-03; thence generally easterly along the northern boundary of Parcel 13.0 to its southeastern corner; thence westerly and southerly along the southern and eastern boundaries of Parcel 13.0, to the intersection with the eastern boundary of Parcel 10.0, as shown on the Town of Marcellus Tax Map 14-03; thence southerly, westerly and southerly along the eastern boundary of Parcel 10.0, to the southeastern corner of Parcel 10.0; thence southerly along the eastern boundary of Parcel 9.0, as shown on the Town of Marcellus Tax Map 14-03, to the to the southeast corner of Parcel 9.0; thence southerly along the western boundary of Parcel 7.1, as shown on the Town of Marcellus Tax Map 14-03, to the southeast corner of Parcel 7.1; thence southerly, easterly and southerly along the eastern, northern and eastern boundaries of Parcel 6.0, as shown on the Town of Marcellus Tax Map 14-03, to the southeastern corner of Parcel 6.0; thence westerly along the southern boundary of Parcel 6.0 to the intersection with the eastern border of Parcel 3.2, as shown on the Town of Marcellus Tax Map 14-03; thence southerly, easterly, and generally southwesterly along the eastern, northern and generally eastern boundaries of Parcel 3.2, to the intersection with the northeastern boundary of Parcel 1.1, as shown on the Town of Marcellus Tax Map 17-02; thence easterly along the northern boundary of Parcel 1.1 to the intersection with the western highway boundary of Bishop Hill Road; thence southerly along said western highway boundary to the intersection with the northerly prolongation of the eastern boundary of Parcel 16.0, as shown on the Town of Marcellus Tax Map 17-03; thence southerly along said northerly prolongation to the intersection with the eastern highway boundary of Bishop Hill Road; thence continuing southerly along the eastern boundary of Parcel 16.0 to the intersection with the northern boundary of Parcel 14, as shown on the Town of Marcellus Tax Map 17-03; thence easterly along the northern boundary of Parcels 14.0 and 13.0, as shown on the Town of Marcellus Tax Map 17-03, to the northeastern corner of Parcel 13.0; thence southerly along the eastern boundary of Parcel 13.0, to the intersection with the northern boundary of Parcel 12.0, as shown on the Town of Marcellus Tax Map 17-03; thence easterly along the northern boundary of Parcel 12.0, to the northeastern corner of Parcel 12.0; thence southerly along the eastern boundary of Parcel 12.0, to the southeast corner of Parcel 12.0, said corner being on the northern highway boundary of Lawrence Road; thence easterly along said northern highway boundary to the southwestern corner of Parcel 10.0, as shown on the Town of Marcellus Tax Map 17-03; thence northerly along the western boundaries of Parcels 10.0 and 7.1 to the northwestern corner of Parcel 7.1, as shown on the Town of Marcellus Tax Map 17-03; thence easterly along the northern boundary of Parcel 7.1 to the northeastern corner of Parcel 7.1; thence northerly along the western boundary of Parcel 20, as shown on the Town of Marcellus Tax Map 17-03, to the northwestern corner of Parcel 20; thence southeasterly and southwesterly along the eastern boundaries of Parcel 20 to the

northwest corner of Parcel 8.0, as shown on the Town of Marcellus Tax Map 17-03; thence easterly along the northern boundary of Parcel 8.0 to the northeast corner of Parcel 8.0, said corner also being on the western highway boundary of County Route 175, Lee Mulroy Road; thence easterly along the eastern prolongation of the northern boundary of Parcel 8.0 to the intersection with the western highway boundary of County Route 175, Lee Mulroy Road, said intersection also being the northwestern corner of Parcel 5.1, as shown on the Town of Marcellus Tax Map 17-05; thence easterly along the northern boundary of Parcel 5.1 to the northeastern corner of Parcel 5.1, said corner also being on the western highway boundary of New York State Route 174; thence southerly along said western highway boundary to the intersection with the westerly prolongation of the southern boundary of Parcel 23 (Parcel not included in district), as shown on the Town of Marcellus Tax Map 17-04; thence easterly along said westerly prolongation of the Parcel 23 to the eastern highway boundary of New York State Route 174; thence easterly, northerly and easterly along the northern and western boundaries of Parcel 19, as shown on the Town of Marcellus Tax Map 17-04, to the northeast corner of Parcel 19; thence southerly, westerly and southerly along the eastern and southern boundaries of Parcel 19 to the southeast corner of Parcel 19; thence westerly and northerly along the southern boundary of Parcel 19 to the southeast corner of Parcel 18, as shown on the Town of Marcellus Tax Map 17-04; thence westerly along the southern boundary of Parcel 18 to the western highway boundary of New York State Route 174; thence northerly along said western highway boundary to the intersection with the eastern prolongation of the southern highway boundary of Lawrence Road; thence northwesterly along the southeasterly prolongation of said southern highway boundary to the western highway boundary of New York State Route 174; thence northwesterly along the southern highway boundary of Lawrence Road to the intersection with the southern highway boundary of County Route 175, Lee Mulroy Road; thence westerly along the westerly prolongation of the southern highway boundary of Lawrence Road to the intersection with the northern highway boundary of the County Route 175, Lee Mulroy Road, said intersection also being the northeastern corner of Parcel 5.0, as shown on the Town of Marcellus Tax Map 17-07; thence southwestwardly along the southeastern boundary of Parcel 5.0 to the southwestern corner of Parcel 5.0; thence northerly along the western boundary of Parcel 5.0 to the southern highway boundary of Lawrence Road; thence westerly along said southern highway boundary to the northeastern corner of Parcel 3.0, as shown on the Town of Marcellus Tax Map 17-07; thence southerly along the eastern boundaries of Parcels 3.0, 1.1 and 1.5, as shown on the Town of Marcellus Tax Map 17-07, to the southeastern corner of Parcel 1.5, said corner being on the northern highway boundary of County Route 175, Lee Mulroy Road; thence southwestwardly along said northeastern highway boundary to the southwestern corner of Parcel 1.5; thence northerly and westerly along the western and southern boundaries of Parcel 1.5, to the intersection with the northeastern corner of Parcel 1.2, as shown on the Town of Marcellus Tax Map 17-07; thence southerly along the eastern boundaries of Parcels 1.2, 1.4, 6.1 and 6.2, as shown on the Town of Marcellus Tax Map 17-07, to the southeast corner of Parcel 6.2, said corner being on the northern highway boundary of County Route 175, Lee Mulroy Road; thence southerly along the southern prolongation of the eastern boundary of Parcel 6.2 to the southern highway boundary of County Route 175, Lee Mulroy Road; thence northeasterly along the southern highway boundary of County Route 175, Lee Mulroy Road to the intersection with the northeast boundary of Parcel 1.0, as shown on the Town of Marcellus Tax Map 17-06; thence southeasterly and southerly along the northeastern and eastern boundaries of Parcel 1.0 to the southeastern corner of Parcel 1.0, said corner also being on the northern highway boundary of Masters Road; thence westerly along said northern highway boundary to the intersection with the northwesterly prolongation of the eastern boundary of Parcel 1.0, as shown on the Town of Marcellus Tax Map 18-

02; thence southeasterly along the northwesterly prolongation of the eastern boundary of Parcel 1.0 to the intersection with the southern highway boundary of Masters Road, said intersection also being the northeastern corner of Parcel 1.0; thence southeasterly along the eastern boundary of Parcel 1.0 to the southeast corner of Parcel 1.0; thence westerly along the southern boundary of Parcel 1.0 to the southwestern corner of Parcel 1.0; thence northerly along the western boundary of Parcel 1.0 to the intersection with the easterly prolongation of the southern boundary of Parcel 6.0, as shown on the Town of Marcellus Tax Map 18-01; thence westerly along said easterly prolongation of Parcel 6.0 to the western highway boundary of Bishop Hill Road; thence westerly along the southern boundary of Parcels 6.0, 5.0 and 2.0, as shown on the Town of Marcellus Tax Map 18-01, to the southeastern corner of Parcel 2.0, said southeast corner also being on the western Town Boundary of Marcellus and also being the eastern Town Boundary of Skaneateles; thence northerly along the western boundary of the Town of Marcellus to the northwest corner of Parcel 1.0, as shown on the Town of Marcellus Tax Map 17-08; thence easterly along the northern boundary of Parcels 1.0 to the northeast corner of Parcel 1.0, said corner also being on the southern highway boundary of County Route 175, Lee Mulroy Road; thence northerly along the northerly prolongation of the western boundary of Parcel 2.0, as shown on the Town of Marcellus Tax Map 17-08, to the intersection with the northern highway boundary of County Route 175, Lee Mulroy Road, said point also being the southeast corner of Parcel 17.0, as shown on the Town of Marcellus Tax Map 17-09; thence northerly and westerly along the western and southern boundaries of Parcel 17 to the southeast corner of Parcel 1.5, as shown on the Town of Marcellus Tax Map 17-09; thence westerly along the southern boundary of Parcel 1.5 to the southwest corner of Parcel 1.5, said southeast corner also being on the western Town Boundary of Marcellus and also being the eastern Town Boundary of Skaneateles; thence northerly along the western boundary of the Town of Marcellus to the southwest corner of Parcel 7.0 (not in proposed district), as shown on the Town of Marcellus Tax Map 17-01; thence easterly along the southern boundary of Parcel 7.0 to the eastern corner of Parcel 7.0; thence westerly along the northern boundary of Parcel 7.0 to the northwestern corner of Parcel 7.0, said southeast corner also being on the western Town Boundary of Marcellus and also being the eastern Town Boundary of Skaneateles; thence northerly along the western boundary of the Town of Marcellus to the intersection with the southern highway boundary of Murphy Road; thence easterly along said southern highway boundary to the point of intersection with the southern prolongation of the eastern boundary of Parcel 16, as shown on the Town of Marcellus Tax Map 14-01; thence northerly along the southern prolongation of the western boundary of Parcel 16 to the intersection with the northern highway boundary of Murphy Road; thence northerly along the western boundary of Parcel 16 to the northwest corner of Parcel 16; thence westerly and southerly along the northern and western boundaries of Parcel 17.0 (not in proposed district), as shown on the Town of Marcellus Tax Map 17-01, to the southeastern corner of Parcel 5.0, as shown on the Town of Marcellus Tax Map 14-14; thence westerly along the southern boundaries of Parcels 5.0 and 6.0, as shown on the Town of Marcellus Tax Map 14-14, to the intersection with the eastern highway boundary of North West Town Line Road; thence northerly along said eastern highway boundary to the point of beginning.

The above-described parcel is in accordance with a map entitled "Limeledge (Marcellus) Water District", Town of Marcellus, prepared by Barton & Loguidice (BC Consulting Engineers) and included as Appendix "B" of the map, plan and report of the Limeledge (Marcellus) Water District, Town of Marcellus prepared by Barton & Loguidice, PC dated January, 2004 (revised September, 2005) and having filed no. 265.053/9.05

WHEREAS, as stated in the map, plan and report by Barton & Loguidice, P.C., Consulting Engineers the “District” will consist of 59,620 linear feet 12-inch and 8-inch ductile iron water mains within the Town of Marcellus. It is proposed to construct 12-inch diameter water mains along NYS Route 174, Lawrence Road, Old Seneca Turnpike, Gypsy Road, New Seneca Turnpike and a portion of Northwest Townline Road to the south of a proposed tank. It is proposed to construct an 8-inch diameter water main along Glover Road, Limeledge Road, Deerpath Road, Deerpath Circle, Browsing Lane, Bishop Hill Road, Masters Road, a portion of New Seneca Turnpike, the majority of Northwest Townline Road and a portion of Stump Road. Valves would be installed at approximately 800 ft. intervals along the new water mains at the connections to the OCWA water system, and its branches. Hydrants would be installed at approximately 600 ft. intervals. A 500,000-gallon elevated water storage tank would be constructed within the Town of Marcellus along Northwest Townline Road south of the intersection with Old Seneca Turnpike.

WHEREAS, the Town Board will give due consideration to the impact that such construction in District may have on the environment and on the basis of such consideration, the Town Board will determine the environmental impact, if any, to be caused by such construction; and

WHEREAS, the water system in the district shall be maintained and operated by the Onondaga County Water Authority (OCWA), and OCWA shall provide the water supply, pursuant to operation and maintenance agreements between OCWA and the district; and

WHEREAS, the proposed Limeledge (Marcellus) Water District project contemplates the formation of two separate water districts, one in the Town of Marcellus and one in the Town of Skaneateles, that separate petitions requesting district formation will be circulated in each of the two towns and the construction of the water system is dependent upon the successful formation of both districts; and

WHEREAS, It is further anticipated that the Town of Marcellus and the Village of Marcellus will enter into an agreement where the Village of Marcellus will contribute a portion of the projected capital costs in the construction of a water storage tank and pumping facilities to provide a water supply from OCWA to the residents of the Village of Marcellus; and

WHEREAS, The maximum amount proposed to be expended for the construction of the entire water system, including district formation costs and legal and engineering expense, is estimated to be Six Million Two Hundred Eighty Seven Thousand (\$6,287,000.00) Dollars, and

WHEREAS, The maximum amount proposed to be expended for the construction of the water improvements in the Limeledge (Marcellus), Water District including district formation costs and legal and engineering expense, is estimated to be Five Million Eight Hundred Two Thousand and 00/100 (\$5,802,000.00) Dollars; and

WHEREAS, Financing for the proposed project will be pursued through the New York Drinking State Water Revolving Fund (DWSRF). There is no guarantee that such

funding will be available, and if not available it is unclear as to whether the water district project will proceed; and

WHEREAS, it is proposed that the payment of this money will be made by collecting a special benefit assessment on all parcels served within the proposed water district on an Equivalent Dwelling Unit (EDU) basis. The benefit charge would be based on an Equivalent Dwelling Unit (EDU); and

WHEREAS, the estimated annual unit cost per single residential unit (including hydrant maintenance charge) would be \$567.00, with a water use charge of \$176.00 for a total of \$743.00. The annual cost per single residential unit would increase after ten (10) years from \$567.00 to \$705.00 for years 11 through 20, and for years 21 through 30 increase from \$705.00 to \$842.00. Water use charges by OCWA would be in addition; and

WHEREAS, in addition to the total annual cost for debt and hydrant maintenance charge, service and each property that connects to the waterline will incur a one time connection cost, which consists of the cost of having a licensed plumber install the service pipe between the curb box provided by the district at the property line and the plumbing inside the structure. This cost is usually about \$15 to \$20 per lineal foot of service pipe required. Thus, for a building about 75 feet from the highway boundary, the installation cost would be about \$1,125 – 1,500. There is no hookup fee. The Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such typical property is above the average estimated cost to the typical properties for the establishment of similar types of districts, as computed by the State Comptroller, and be it

ORDERED, that at a special meeting of the Town Board of the Town of Marcellus, held at Marcellus Fire House, in the Town of Marcellus, County of Onondaga and State of New York on April 17 at, 7:00 p.m., this Board will consider the petitions for the establishment of the proposed Limeledge (Marcellus) Water District herein referred to and the construction of such water system therein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Marcellus Observer, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this order, certified by said Town Clerk, the first publication thereof and said posting to be not less than 10 nor more than 20 days before the date of such public hearing; and

FURTHER ORDERED, that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication of a copy of this order; and

FURTHER ORDERED that the Map, Plan and Report prepared by Barton & Loguidice (BC Consulting Engineers) and included as Appendix "B" of the map, plan and report of the Limeledge (Marcellus) Water District, Town of Marcellus prepared by

Barton & Loguidice, PC dated January, 2004 (revised September, 2005) and having filed no. 265.053/9.05 is available at the Town Offices for review; and

FURTHER ORDERED that the Order be posted on the Town of Marcellus website; and

FURTHER ORDERED that this Order be entered in the minutes of the meeting.

DATED: Marcellus, New York March 13, 2006

By Order of the Town Board Of

S/Daniel J. Ross
Daniel Ross, Supervisor
Town of Marcellus

S/Karen R. Pollard
Town Clerk
Town of Marcellus

Southern Onondaga County Trash System: Supervisor Ross has discussion with Robert DeMore, Town Supervisor of Fabius, concerning the trash system that is in place for the towns of Fabius, LaFayette, Pompey and Tully. Mr. Ross has invited a representative to the next workshop meeting to give the Board an over view of the Southern Onondaga Trash System that was formed in 1999.

Agreements for Summer Sensations Concert for 2006: Councilor Lathrop made a motion seconded by Councilor Montgomery to allow Supervisor Ross to enter into the following contracts for the 2006 Summer Concerts: Smokin', Letizia & the Z Band, Fritz's Polka Band, Thunder Canyon and Flyin' Column. All voted aye. Carried

Southern Hills Preservation – request for letter of support: Supervisor Ross was contacted by the Southern Hills Preservation for a letter of support from the Town. This show of support would be beneficial for Southern Hills when they apply for grants. Councilor Sherman made a motion seconded by Councilor Montgomery to have the Supervisor send a letter of support to the Southern Hills Preservation. All voted aye. Carried.

ITEMS FROM THE BOARD: None.

ITEMS FROM THE FLOOR: James Gascon of 3981 Aquinnah Heights presented to the Board a petition from the residents of Aquinnah Heights requesting the removal of the current sidewalk requirement for the development. After a discussion, Supervisor Ross advised Mr. Gascon that the Board would consider the comments and review the issue.

James Rhinehart, County Legislator, informed the Board that the Town of Skaneateles has set April 6th for the public hearing on the proposed Limeledge Water district.

Councilor Montgomery made a motion seconded by Councilor Sherman to adjourn the meeting at 8:07 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk