

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES
May 14, 2007

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on May 14, 2007 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; Michael Cogswell, Counsel; James Rhinehart; County Legislator; Donald MacLachlan, Highway Superintendent; William Reagan, Code Enforcement Officer; Chris Christensen, Member of ZBA and Planning Board; Robert Palen, Deborah Rodrigo, Reg Durant, Peg Nolan, Dan Abbott, Kim Fuller, Laura Liellonder, Roxanne Wightman, Marc Hutchen, Emeric Orosz, Marlesha Minet, Tom Brooks and Jim Gascon.

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 April 9, 2007 were given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Montgomery 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 #24 as of May 11, 2007, Claims # 376 – 447 and Highway Claims #66 – 85.

	<u>Expenses</u>
General Fund	\$ 25,588.82
General Fund – Part Town	424.24
Highway – Town Wide	9,384.07
Highway – Part Town	6,978.15
Fire	14,224.69
Ambulance Fund	45,450.00
Sewer	87.96
Trust & Agency	723.00

Bills paid between meetings: NYSE&G: Town Street Lighting (clm 371) \$984.89, 24 E. Main Street (clm 372) \$644.81, Park Street Lighting (clm 373) \$214.46, Highway Garage (clm 374) \$2449.57 Check no. 19845, Platt Road (clm 375) \$450.82 Check no. 19846.

Board Members were given copies of the Activity Report as of April 30, 2007 and monthly statement of bank balances as of April 30, 2007.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$122,524.63	\$63,751.28
General Fund – Part Town	338.00	6,153.62
Highway – Town Wide	-0-	24,805.00
Highway – Part Town	-0-	8,593.05
Fire	2,220.26	18,645.89

Councilor Lathrop made a motion seconded by Councilor Sheridan to approve and pay the bills, approve the monthly activity report as of April 30, 2007 and the monthly statement of bank balances as of April 30, 2007. All voted aye. Carried.

OLD BUSINESS:

Report from Department Liaisons: Councilor Lathrop announced that on June 3rd at 2:00 pm a dedication ceremony would take place at the new the playground located in the Marcellus Park.

Approve the Proposed Local Law No. 3 (Administration and Enforcement of the New York State Uniform Fire and Prevention and Building Code): Councilor Montgomery made Resolution #027-07 seconded by Councilor Sheridan to enact Local Law No 3 of 2007 a Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

VOTING:	Supervisor Daniel J. Ross	Aye	
	Councilor Bernard L. Montgomery	Aye	
	Councilor Thomas C. Lathrop	Aye	
	Councilor James A. Sheridan	Aye	
	Councilor Donald G. Sherman	Aye	Carried.

This Local Law shall take effect upon filing with the Secretary of State on New York. Local Law No. 3 of 2007 is as follows:

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

Local Law No. 3 of 2007

Be it enacted by the Town of the of Marcellus, in the County of Onondaga, as follows:

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

Local Law No. 3 of 2007

Be it enacted by the Town of the of Marcellus, in the County of Onondaga, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other Section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

As used in this local law, the following terms shall have the meanings indicated:

BUILDING PERMIT: shall mean a permit issued pursuant to Section 4 of this local law. The term “Building Permit” shall also include a Building Permit that is renewed, amended or extended pursuant to any provision of this local law.

CERTIFICATE OF OCCUPANCY / CERTIFICATE OF COMPLIANCE: shall mean a certificate issued pursuant to Subdivision B of Section 7 of this local law.

CODE ENFORCEMENT OFFICER: shall mean the Code Enforcement Officer appointed pursuant to Subdivision B of Section 3 of this local law.

CODE ENFORCEMENT PERSONNEL: shall include the Code Enforcement Officer and all Inspectors.

COMPLIANCE ORDER: shall mean an order issued by the Code Enforcement Officer pursuant to Subdivision A of Section 15 of this local law.

ENERGY CODE: shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR: shall mean an inspector appointed pursuant to Subdivision D of Section 3 of this local law.

OPERATING PERMIT: shall mean a permit issued pursuant to Section 10 of this local law. The term Operating Permit shall also include an Operating Permit that is renewed, amended or extended pursuant to any provision of this local law.

PERMIT HOLDER: shall mean the Person to whom a Building Permit has been issued.

PERSON: shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP WORK ORDER: shall mean an order issued pursuant to Section 6 of this local law.

TEMPORARY CERTIFICATE: shall mean a certificate issued pursuant to Subdivision D of Section 7 of this local law.

TOWN: shall mean the Town of Marcellus.

TOWN BOARD: shall mean the Town Board of the Town of Marcellus.

UNIFORM CODE: shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

- A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:
- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
 - (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
 - (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to Subdivision A of Section 15 (Violations) of this local law;
 - (7) to maintain records;

- (8) to collect fees as set by the Town Board;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- D. One or more Inspectors may be appointed the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board.

SECTION 4. BUILDING PERMITS.

- A. **BUILDING PERMITS REQUIRED.** Except as otherwise provided in Subdivision B of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit

is required without first having obtained a Building Permit from the Code Enforcement Officer.

B. EXEMPTIONS. No Building Permit shall be required for work in any of the following categories:

- (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (3) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4) construction of temporary motion picture, television and theater stage sets and scenery;
- (5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (7) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (8) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (9) repairs, provided that such repairs do not involve:
 - (a) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) the enlargement, alteration, replacement or relocation of any building system; or
 - (d) the removal from service of all or part of a fire protection system for any period of time.

- C. **EXEMPTION NOT DEEMED AUTHORIZATION TO PERFORM NON-COMPLIANT WORK.** The exemption from the requirement to obtain a building permit for work in any category set forth in Subdivision B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. **APPLICATIONS FOR BUILDING PERMITS.** Applications for a Building Permit shall be made in writing on a form provided by the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) a description of the proposed work;
 - (2) the tax map number and the street address of the premises where the work is to be performed;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which
 - (a) define the scope of the proposed work;
 - (b) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (c) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (e) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. **CONSTRUCTION DOCUMENTS.** Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements

set forth in paragraph (5) of Subdivision D of this section. Construction documents that are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

- F. **ISSUANCE OF BUILDING PERMITS.** An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. **BUILDING PERMITS TO BE DISPLAYED.** Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. **WORK TO BE IN ACCORDANCE WITH CONSTRUCTION DOCUMENTS.** All work shall be performed in accordance with the construction documents that were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I. **TIME LIMITS.** Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this Subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. **REVOCATION OR SUSPENSION OF BUILDING PERMITS.** If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that:
 - (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and

(2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. FEE. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

A. **WORK TO REMAIN ACCESSIBLE AND EXPOSED.** Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in Subdivision B of this section is ready for inspection.

B. **ELEMENTS OF WORK TO BE INSPECTED.** The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

C. **INSPECTION RESULTS.** After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

- D. FEE. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- A. **AUTHORITY TO ISSUE.** The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. **CONTENT OF STOP WORK ORDERS.** Stop Work Orders shall:
- (1) be in writing,
 - (2) be dated and signed by the Code Enforcement Officer,
 - (3) state the reason or reasons for issuance, and
 - (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. **SERVICE OF STOP WORK ORDERS.** The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be posted on the affected property or to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- D. **EFFECT OF STOP WORK ORDER.** Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the Stop Work Order.
- E. **REMEDY NOT EXCLUSIVE.** The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Subdivision A. of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under Section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

- A. **CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE REQUIRED.** A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.
- B. **ISSUANCE OF CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE.** The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:
 - (1) a written statement of structural observations and/or a final report of special inspections, and
 - (2) flood hazard certifications.

C. CONTENTS OF CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

D. TEMPORARY CERTIFICATE. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work that is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines

- (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely,
- (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and
- (3) that all required means of egress from the building or structure have been provided.

The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary

Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- E. **REVOCATION OR SUSPENSION OF CERTIFICATES.** If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

- F. **FEE.** The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire, explosion, or incident involving any structural or electrical system damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

- A. **REPAIR OR REMOVAL REQUIRED.** The owner of a building or structure, or part thereof, shall at all times maintain and keep the same in good repair and in safe, secure, usable condition. A building or structure, or a part thereof, that may be or shall at any time become in disrepair, unsafe, insecure, or unusable, or which constitutes a health hazard or is an unsafe or dangerous structure, shall, unless placed into good repair and made safe, secure and usable, be removed by the owner.

- B. **DEFINITIONS.** As used in this local law, the following terms shall have the meanings indicated:

STRUCTURE: Includes a building or structure or part thereof.

UNSAFE OR DANGEROUS STRUCTURE: A structure is unsafe or dangerous when the walls are in poor structural condition, the floors are overloaded, or there are other major structural defects; there is a lack of safeguards against fire or the structure is so poorly maintained as to presently constitute a fire hazard; entry by unauthorized persons to an unoccupied structure is unobstructed; there are

substantial violations of the New York State Uniform Fire Prevention and Building Code, which violations constitute an endangerment of health, safety and public welfare; or there exist other conditions whereby the health, safety, or welfare of the public or of the occupants of the structure is endangered

C. INSPECTION; REPORT; NOTICE.

- (1) Upon the receipt of a written complaint that a structure is not being maintained and kept in good repair in a safe, secure or usable condition, or that the same is unsafe or dangerous to the health, safety or welfare of the public or of occupants of the structure, the Code Enforcement Officer shall make or cause to be made an inspection.
- (2) A report of that inspection shall be reduced to writing and maintained at the office of the Code Enforcement Officer.
- (3) If it is determined that said structure does not comply with the provisions herein, the Town Attorney of the Town of Marcellus shall serve or cause to be served a notice upon the owner, lessees, and all other persons having an interest in such property or structure, in the following manner:
 - (a) By delivering the notice within the state to the person to be served.
 - (b) Upon any domestic or foreign corporation, to an officer, director, managing or general agent, or cashier or assistant cashier, or to any other agent authorized by appointment or by law to receive service.
 - (c) Where service cannot be made personally upon a person by due diligence, by mailing the notice to the person to be served at his last known residence and by affixing the notice to the door of his place of business, dwelling house or usual place of abode within the state, or delivering the notice within the state to a person of suitable age and discretion at the place of business, dwelling house, or usual place of abode of the person to be served, and proof of such service shall be filed with the Clerk of Onondaga County, and service is completed 10 days thereafter.

D. CONTENTS OF NOTICE. A notice shall contain a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous, and orders and directions as more particularly set forth in subsections 1, 2 and 3 below.

- (1) **ORDER.** In addition to the description of the premises and the statement of the particulars in which the structure is unsafe or dangerous, the notice shall contain an order of the Code Enforcement Officer requiring the structure to be repaired or removed, indicating a specific time within which the owner shall commence the repair or removal of such structure and the time within which the repair or removal shall be completed.

- (a) When the Code Enforcement Officer determines that no emergency exists, no repairs or removal shall be required until the hearing has been held as prescribed herein.
 - (b) The notice shall inform the owners and other interested parties of the time and place of a hearing to be conducted to review the Code Enforcement Officer's determination of unsafe or dangerous structure.
 - (c) The interested parties may be represented by counsel, offer evidence, and call witnesses on their behalf at the hearing.
 - (d) A twenty-day notice shall be given of the date of the hearing to the owner and other interested parties. The hearing shall be scheduled, held, and hearing findings issued and served upon the owner and other interested persons in the same manner as prescribed for the service of the notice.
- (2) **PERFORMANCE BY TOWN.** The notice of unsafe or dangerous structure shall further state that the Town of Marcellus will cause the repair or removal of the structure in the event the owner fails or refuses to repair or remove the same within the time provided, unless the hearing findings prescribe some other time limitation or revoke the order contained in the notice of unsafe or dangerous structure.
- (3) **ASSESSMENT OF COSTS.** The notice shall state that assessment of all costs and expenses incurred by the Town of Marcellus in connection with the proceedings under this local law to repair or remove such structure, including but not limited to the cost of ascertaining the identity of the owner and other interested parties, service of process, and of actually repairing or removing the structure, shall be made on the land on which such structure is located.
- E. **FILING NOTICE.** A copy of the notice of unsafe or dangerous structure shall be filed in the office of the County Clerk of Onondaga County, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Clerk of Onondaga County shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

- F. **EMERGENCIES.** Nothing contained in this chapter shall be construed as preventing the Code Enforcement Officer from proceeding pursuant to Section I hereof in case of conditions, which in his opinion constitute an emergency.
- G. **HEARING.** The hearing which is conducted to review the determination of unsafe or dangerous structure made by the Code Enforcement Officer shall be conducted by a hearing officer appointed by the Town Board. The owner and other interested parties may be represented by counsel. The owner or other interested parties or their counsel may cross-examine the witnesses for the Code Enforcement Officer, present evidence and call witnesses in their behalf. The rules of evidence prevailing in a court of record shall not be controlling in hearings held pursuant to this section.
- H. **COMPLIANCE WITH NOTICE AND ORDERS.**
- (1) No person having been served with a notice to repair or remove an unsafe or dangerous structure shall fail, within the time limitations set forth in the notice of unsafe or dangerous structure, to comply with the requirements thereof unless the hearing findings prescribe some other time limitation or revoke the order contained in said notice. If the hearing findings direct some other repair or removal action or time limitation within which to commence or complete the work originally ordered in the notice of unsafe or dangerous structure, the owner shall comply with the directions of the hearing findings within the time prescribed therein.
 - (2) If such structure shall be used for a purpose requiring a license, the licensing authority may revoke said license in case of failure to comply with the notice served, as herein provided.
 - (3) In the event that an owner served with a notice to repair or remove a structure fails to comply with the notice and fails to comply with an order issued after a hearing, as provided herein, for a reasonable time after the hearing is held, then the Code Enforcement Officer may cause said structure to be repaired or removed as required by the order issued after the hearing. If the Code Enforcement Officer causes such repair or removal of a building, then all costs and expenses incurred by the Town regarding the proceedings required, the cost of ascertaining the owner and other interested parties, service of process fees and the cost of actual repair and removal of said structure shall be assessed against the land on which the structure is located.
- I. **PERFORMANCE OF EMERGENCY WORK.** In case there shall be, in the opinion of the Code Enforcement Officer, actual and immediate danger of the falling of a structure, so as to endanger the public safety, life or property, or actual and immediate menace to health or public welfare as a result of conditions present in or about a structure, he shall cause the necessary work to be done to render said structure temporarily safe, whether the procedure prescribed in this local law for unsafe or dangerous structures has been instituted or not. When emergency work is to be performed under this section, the Code Enforcement Officer shall send the

owner, by registered or certified mail, return receipt requested, and shall post on the premises, a notice to comply, containing a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous, and orders and directions to correct said conditions which constitute an emergency within a specified period not to exceed three days from receipt of the notice. In the event the emergency does not permit any delay in correction, the notice shall state that the Town has corrected the emergency condition. In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner. Emergency work performed under this section shall be assessed against the land on which the structure is located.

- J. **VACATING STRUCTURES.** When a structure is in unsafe or dangerous condition so that life or public safety is endangered thereby, the Code Enforcement Officer may order and require the tenants or occupants to vacate the same forthwith. He may, when necessary for public safety, temporarily close structures and places adjacent to such structures and prohibit the same from being used.
- K. **LABORERS AND MATERIALS.** For the purposes of this chapter, the Code Enforcement Officer shall employ such laborers and procure such materials as may be necessary to perform said work as speedily as possible.
- L. **RECORDS.** A record of inspection reports, notices and orders and hearing findings relative to unsafe or dangerous structures, and of all pertinent action taken in connection therewith, shall be kept on file in the office of the Code Enforcement Officer.

SECTION 10. OPERATING PERMITS.

- A. **OPERATING PERMITS REQUIRED.** Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR Section 1225.1;
 - (2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (3) Use of pyrotechnic devices in assembly occupancies;
 - (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

- (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.

Any person who proposes to undertake any activity or to operate any type of building listed in this Subdivision A. shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B. **APPLICATIONS FOR OPERATING PERMITS.** An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. **INSPECTIONS.** The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.
- D. **MULTIPLE ACTIVITIES.** In any circumstance in which more than one activity listed in Subdivision A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.
- E. **DURATION OF OPERATING PERMITS.** Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- F. **REVOCATION OR SUSPENSION OF OPERATING PERMITS.** If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- G. **FEE.** The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

A. **INSPECTIONS REQUIRED.** Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this Subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this Subdivision, shall be performed at least once every thirty-six (36) months.

B. **INSPECTIONS PERMITTED.** In addition to the inspections required by Subdivision A. of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this Subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. **OFPC INSPECTIONS.** Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law Section 156-e and Education

Law Section 807-b. Notwithstanding any other provision of this section to the contrary:

- (1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - (3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of Subdivision A. of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of Subdivision A. of this section; and
 - (4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of Subdivision A of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in Paragraph (3) of Subdivision A of this section.
- D. FEE. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This Subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints, which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the

violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Section 15 (Violations) of this local law;

- C. if appropriate, issuing a Stop Work Order;
- D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all other features and activities specified in or contemplated by Sections 4 through 12, inclusive, of this local law, including; and
 - (9) all fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

- A. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in Section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town, relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

- A. **COMPLIANCE ORDERS.** The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order.

The Compliance Order shall:

- (1) be in writing;
- (2) be dated and signed by the Code Enforcement Officer;
- (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law;
- (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity;
- (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and
- (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided,

however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- B. **APPEARANCE TICKETS.** The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. **CIVIL PENALTIES.** In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this Subdivision shall be recoverable in an action instituted in the name of this Town.
- D. **INJUNCTIVE RELIEF.** An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this Subdivision shall be commenced without the appropriate authorization from the Town Board.
- E. **REMEDIES NOT EXCLUSIVE.** No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 6 (Stop Work Orders) of this local law, in any other Section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Section 6 (Stop Work Orders) of this local law, in any other Section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time,

whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 382 of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Town Board may, by resolution, enter into an agreement with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any Section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Resolution for Revaluation for the 2008 Tax Roll: Councilor Lathrop made Resolution # 026-07 seconded by Councilor Sherman. Resolution #026-07 is as follows:

Resolution #026-07

On May 14, 2007, at a regular scheduled Town Board meeting of the Town of Marcellus it was unanimously resolved:

BE IT HEREBY RESOLVED that the Town of Marcellus herein expresses its support for Townwide Revaluation to be completed by the Town Assessor, Lawrence E. Fitts, for implementation on the 2008 Assessment Roll.

It is understood that this Townwide Revaluation will be completed in strict compliance with the Rules and Regulations of Article 15-b as promulgated by the New York State Office of Real Property Services, Bureau of Certification and Training.

It is further understood that the Townwide Revaluation will be completed in conjunction with ORPS, Bureau of Local Assessment Services (LAS) through its regional office in Syracuse, N.Y. That office will be furnishing certain computer and personnel services necessary for completing the Townwide Revaluation in compliance with Article 15-b.

The Town further understands the ORPS will prepare a letter of commitment covering the scope of services it will provide, the responsibilities of the parties involved and the cost to the Town. All voted aye. Carried.

Signed: S/Daniel J. Ross, Supervisor

Dated: May 15, 2007

Sage Meadows: Hydrant Locations: A revised plan for hydrant location was received from OCWA for the Sage Meadows subdivision. This revision reduces the number of hydrants from five (5) to four (4). The reduction was caused by the use of a hydrant located near West Seneca Turnpike. The use of the existing hydrant allowed for the relocation of one hydrant in the subdivision. Councilor Sherman made a motion seconded by Councilor Montgomery to authorize Supervisor Ross to sign the application for the placement of four (4) hydrants in the Sage Meadows subdivision. All voted aye. Carried.

Purchase: Lawn Mower for Cemetery: Hold for next Town Board Meeting, June 11, 2007.

NEW BUSINESS:

Recreation Department Agreements: Supervisor Ross read the following agreements on behalf of the Recreation for the Board's consideration: Street Corner Band for Concert in Park for \$500, Thunder Canyon for Concert in Park for \$550, Skaneateles Community Band for Concert in Park for \$300, Marcellus Bluegrass Artist for Concert in Park for \$300, Skaneateles Community Center for Swim Lessons for \$50/ student, West Side Gymnastic for Gymnastic Camp for \$30/student and Music Masters for Acapella Show for \$400. Councilor Lathrop made a motion seconded by Councilor Sherman to authorize Supervisor Ross to sign the aforementioned Recreation agreements. All voted aye. Carried.

Steering Committee for the Olde Home Days – 2007: Councilor Sherman made a motion seconded by Councilor Sheridan to add the Olde Home Days Steering Committee, consisting of Walt Snyder, John Curtin, Bill and Tammy Bednarski and Cathy Marsden to the Town's liability insurance. All voted aye. Carried.

Speed Limit Reduction on Lawrence Road: A petition was presented to the Town Board by Roxanne Wightman, 2383 Lawrence Road, signed by five (5) residents of Lawrence Road requesting a reduction of the speed limit on the section of Lawrence Road from Bishop Hill Road to Lee Mulroy. The request is to reduce the speed from fifty five (55) mph to forty (40) mph. Councilor Sheridan made a motion seconded by Councilor Montgomery to forward the request to lower the speed limit on Lawrence Road from Bishop Hill to Lee Mulroy to the Onondaga County Department of Transportation. All voted aye. Carried.

Agreement: Basketball Court in Park: A proposal was received from Atlas Fence for the installation of four (4) basketball poles, backboards and flex goals in the amount of

\$9690.00. They will be placed in the Park at the site of the old skateboard park. Councilor Montgomery made a motion seconded by Councilor Lathrop to authorize Supervisor Ross to sign a contract with Atlas Fence for the installation of four (4) basketball poles, backboards and flex goals was received from Atlas Fence in the amount of \$9690.00. All voted aye.

Carried.

Request from Martisco Lions Club: The Martisco Lion's Club will be holding their annual Duck Derby in the Marcellus Park on August 19th. They are seeking permission from the Board to expand the event into a "Family Fun Day" in the Grove area. Chairperson, Robert Palen, has written a letter to the Board to that effect and was on hand to answer any questions. There was a discussion on their request to control the parking in the Grove area for only handicapped parking and the antique cars and motorcycles. With the other pavilions rented for that day, care needs to be taken that the overflow of cars does not have an adverse impact on the rest of the park. Councilor Lathrop made a motion seconded by Councilor Montgomery to allow the Martisco Lion's Club expansion of their annual Duck Derby into a "Family Fun Day" subject to approval and guidance from the Recreation Department on the parking for that day. All voted aye.

Carried.

Southern Onondaga Water District: Approval of Vouchers #20 - #23: Councilor Sheridan made a motion seconded by Councilor Montgomery to approve the following payments in conjunction with the Southern Onondaga Area Water District:

Voucher #20	Reagan and Dailey	\$ 687.50
Voucher #21	Barton & Loguidice	\$ 654.50
Voucher #22	Barton & Loguidice	\$ 25,519.50
Voucher #23	Barton & Loguidice	\$ 38,000.00

All voted aye.

Carried.

Designate Playground as a No Smoking Area: A letter was received from Kara Williams of Tobacco-Free Onondaga County inviting the Town to join "Young Lungs at Play" project to eliminate children's exposure to second hand smoke at public playgrounds. Councilor Montgomery made a motion seconded by Councilor Lathrop to designate all the playground areas in Marcellus Park as "Tobacco Free" with voluntary compliance. Proper signage will be provided by the "Young Lungs at Play" project. All voted aye.

Carried.

Limeledge Water: Acceptance of Comptroller's Decision: Councilor Montgomery made a motion seconded by Councilor Lathrop to accept the State of New York Comptroller's decision concerning the Limeledge Water District. The Comptroller has granted permission for the Town of Marcellus to establish the Limeledge Water District. All voted aye. Carried.

Southern Area Water District: Authorization for Joint Application and Water Supply Permits: Councilor Lathrop made motion seconded by Councilor Montgomery to authorize Supervisor Ross to sign the Joint Application for Permit and the Water Supply Application for the Southern Area Water District. All voted aye.

Carried.

Onondaga County Resolution: Highway Department Recognition: James Rhinehart, County Legislator presented to Donald MacLachlan, Highway Superintendent on behalf of the Highway Department the following resolution:

**LEGISLATURE CHAMBERS
ONONDAGA COUNTY, NEW YORK**

April 3, 2007

Presented By: Mr. Farrell, Mr. Holmquist, Mr. Kraft, Mr. Jordan, Mr. Kinne, Mr. Laguzza, Mr. Rhinehart

**RESOLUTION OF THE COUNTY FACILITIES COMMITTEE COMMENDING
THE EMPLOYEES WHO PERFORMED SNOW AND ICE REMOVAL SERVICES
ON COUNTY ROADS IN 2007**

WHEREAS, Onondaga County experienced severe and sustained winter conditions from January 9, 2007 through March 14, 2007, receiving 50 inches more snow than typical for this time of year; and

WHEREAS, over the course of this time period, employees of the Onondaga County Department of Transportation, as well as the employees of the Towns and Villages that plow County roads by contract, were engaged in snow and ice removal operations for 57 of those 65 days, including 45 consecutive days when snow and ice removal was required on a daily basis; and

WHEREAS, in addition to periods of heavy snowfall, Transportation Department employees were required to work long and hard dealing effectively with difficult and potentially dangerous conditions involving blowing and drifting snow, freezing rain, and black ice; and

WHEREAS, it is the intent of this Legislature to commend the employees of the Onondaga County of Transportation, as well as the employees of the Towns and Villages that plow County roads by contract, on their efforts and success in removing the snow and ice from county roads in the winter of 2006/2007; now therefore be it

RESOLVED, that this County Facilities Committee of the Onondaga County Legislature hereby commends our county, town, and village employees who performed admirably keeping the local roads in safe condition for the traveling public, and requests the Clerk of this Legislature to provide a copy of this resolution to the Onondaga County Commissioner of Transportation to distribute the same in a manner deemed appropriate to convey the appreciation of this Committee.

ITEMS FROM THE BOARD:

Supervisor Ross informed the Board that there would be a security survey of the Town Hall on Thursday May 17th at 9:00am. performed by the Office of Court Administration and that on May 1st Barton & Loguidice completed the environmental study.

Councilor Montgomery informed the Board that he has been contacted by developer of Aquinnah Heights, Mr. Killian, for documentation that the Town Board has rescinded the sidewalk requirement. The Town Clerk was directed to send the proper resolution to the developer.

ITEMS FROM THE FLOOR:

James Rhinehart, County Legislator, reiterated to the Board that it is important to let the highway department know that the County appreciates the work that they do. He also reported on the Department of Transportation plan for work on Frank Gay Road and a portion of Howlett Hill Road.

Peg Nolan, President of the Marcellus Historical Society, wondered if the Town wanted anyone present when the repaired head stones are going to be placed in the Village Cemetery? Supervisor Ross advised Mrs. Nolan to be in contact with the Parks Department and perhaps Councilor Sheridan.

Deb Rodrigo, Masters Road, wanted to thank the Board, especially Councilor Montgomery, for the positive result from the State Comptroller concerning the Limeledge Water District.

Marlesha Minet, 3063 Rt. 174, addressed the Board with her concerns with the Otisco Lake Rod and Gun Club which is located at 3015 Rt. 174. She voiced concerns over the hours of operation and the direction of the shots when there is a trap shoot. Reg Durant, an officer of the Rod and Gun Club was present to respond to Mrs. Minet concerns. The hours of operation are 8AM to 9PM and are posted. A suggestion was made to notify the nearby residents when there is a special event. Mr. Durant will be available to respond to any future concerns that may arise.

Councilor Sherman made a motion seconded by Councilor Montgomery to adjourn the meeting at 8:13 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk