

TOWN OF MARCELLUS
TOWN BOARD MEETING MINUTES

August 13, 2007

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Monday, August 13, 2007 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

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; Donald MacLachlan, Highway Superintendent; William Reagan, Code Enforcement Officer; Chris Christensen, Member of ZBA and Planning Board; Matt Michel, Post Standard; Garth Snyder, Park Crew Leader, Ed Heinrich, Peg Nolan, Charles Black, James LaRose, Tom Emerton, Corey Kociela, Andrew Nutting, Wayne Norris and William Burnette.

Councilor Lathrop opened the meeting at 7 P.M. with the Pledge of Allegiance to the Flag.

The first order of business was the Public Hearing on Proposed Local Law #4, Brush, Grass, Rubbish, and Weed Control.

Councilor Lathrop stated the purpose of this public hearing is to give the opportunity for the residents of Marcellus to express their support or opposition to the proposed Local Law #4, Brush, Grass, Rubbish, and Weed Control. Councilor Montgomery made a motion seconded by Councilor Sherman to waive the reading of the Legal notice that was published in the Marcellus Observer on August 1, 2007. This notice is on file in the Town Clerk's Office. All voted aye. Carried.

Councilor Lathrop asked for anyone wishing to speak in favor or if there are any questions, to give his or her name and address to the Town Clerk for the record.

Chris Christensen, 2656 West Seneca Tpke, stated that the proposed law, it seems overdone, too large in its scope.

William Reagan, Code Enforcement Officer, responded that this proposed law parallels the New York State Law that is already in place. The state is leaving up to each municipality to craft their own law. It would not impact any farms or agriculture.

Counsel Cogswell stated that most of the wording in the law is to cover the due process aspect.

Margaret Nolan, 2503 Station Lane, stated that her property has a large bank leading down to Nine Mile Creek, under the proposed law, would she need to mow this? William Reagan responded that it intended to keep the grass and weeds around premises less than 10 inches.

Corey Kociela, 4381 Clarke Terrace, questioned whether this law would compel owners of vacant lots to keep them mowed? William Reagan replied that there has to be a structure on the lot to be covered under this proposed law.

Supervisor Ross entered the meeting at 7:15.

Councilor Lathrop asked for anyone wishing to speak against to give his or her name and address to the Town Clerk for the record.

Tom Emerton, 3050 Seal Road, is opposed to the language of the proposed law. In the enforcement of the law, who would determine what is an unhealthy condition.

Wayne Norris, 3063 Cherry Valley Tpke, feels that it should be more specific, the law as written is too general.

Andrew Nutting, 2514 Cherry Valley Tpke, feels that it is very broad in the wording and is fearful that it would be enforced to tightly.

Councilor Lathrop responded that the main purpose of the proposed law is help in the cleaning up of abandoned properties where the owner cannot be located.

Hearing no other comments, Councilor Montgomery made a motion seconded by Councilor Sherman to close the Public Hearing at 7:30pm on the proposed Local Law #4, Brush, Grass, Rubbish, and Weed Control. All voted aye. Carried.

Daniel J. Ross, Supervisor thanked Councilor Lathrop for conducting the Public Hearing in his absence then proceeded with the agenda.

Copies of the minutes of the Town Board Meeting held on July 9, 2007 were given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sheridan 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 #37 as of August 10, 2007, Claims # 120 – 148 and Highway Claims #681 - 838.

	<u>Expenses</u>
General Fund	\$112,371.13
General Fund – Part Town	1,112.40
Highway – Town Wide	14,834.37
Highway – Part Town	6,299.28
Fire	19,155.14
Sewer	30.63
Trust & Agency	5,540.00

Bills paid between meetings:

NYSE&G: 24 East Main Street (clm 673) \$281.20, Town Street Lighting (clm674) \$1171.79, 24 East Main Street (clm 675) \$315.17, Slate Hill Park Building (clm 676) \$36.11 Check no. 20086; Park Street Lighting (clm 677) \$188.39, New Park Building (clm 678) \$242.20, Old Park Building (clm 679) \$202.93 Check no. 20087

State Ins. Fund (clm 680) \$3.69 Check no. 20088

Board Members were given copies of the Activity Report for July 2007 and monthly statement of bank balances as of July 31, 2007.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$86,672.28	\$79,976.85
General Fund – Part Town	1,054.00	6,027.56
Highway – Town Wide	-0-	9,508.20
Highway – Part Town	-0-	73,259.13
Fire	100.00	9,835.11

Councilor Sheridan made a motion seconded by Councilor Lathrop to approve and pay the bills, approve the monthly Activity Report for July 2007 and the monthly statement of bank balances as of July 31, 2007. All voted aye.

Carried.

OLD BUSINESS:

Report from Department Liaisons:

Councilor Montgomery pointed out that the front area of the Town Hall has been cleaned up and the “Town Hall” sign moved back closer to the front of the building.

Councilor Lathrop related a request from Garth Snyder, Park Crew Leader, to leave certain areas in Marcellus Park as “forever wild”. This would prevent the clearing of the areas in the future; provide a natural habitat and a buffer zone around the Park. Mr. Lathrop identified these areas as: the east woods area; across from the Marcellus Fire Department, west upper Grove area; located in the north corner of the Park and the area where the north Crooked Creek walking trail is. Supervisor Ross recommended that this request be discussed at the next work session when Phil Coccia, Recreation Leader, can be present.

NEW BUSINESS:

Memorandum of Understanding – Reassessment for 2008: A Memorandum of Understanding was received from the Office of Real Property Services clarifying and outlining the roles and responsibilities of the Town and Office of Real Property Services in the reassessment process for the 2008 assessment roll. Councilor Sherman made a motion seconded by Supervisor Ross to authorize the Supervisor to enter into the agreement, a Memorandum of Understanding, with NYS Office of Real Property Service for the reassessment process for the 2008 assessment roll. All voted aye. Carried.

Resolution of Support for the Town and Village Courts: Supervisor Ross brought to the Board attention the correspondence dated June 25th from the Unified Court System Fifth Judicial District requesting the Town’s support of the existing Town and Village Justice Court structure. There is a movement by the State of New York to centralize the local court system and require all justices to be lawyers. Councilor Lathrop made a motion seconded by Councilor Sherman to support the existing Town and Village Court structure. After a discussion, Councilor Lathrop rescinded his motion and requested this topic be discussed further at the next work session.

Appointment: Assessor and Assessment Board of Review Member: Hold for September 10th Town Board Meeting.

Snow Plow Contract – Spafford (2006-2007): Councilor Sherman made a motion seconded by Councilor Lathrop to authorize Supervisor Ross to enter into an agreement with the Town of Spafford for the plowing of Church Road from October 15, 2006 to April 15, 2007 for \$4,848.00. All voted aye. Carried.

Set Trash Days for Fall: Councilor Lathrop made a motion seconded by Councilor Sheridan to hold the fall Trash Days on Fridays, September 28 and October 5 from noon to 3:00pm and Saturdays, September 29 and October 6 from 8:00am to noon. All voted aye. Carried

Resolution Opposing Article X: Supervisor Ross brought to the Board's attention a letter dated July 13, 2007 from the Association of Towns concerning a proposal by Governor Spitzer to renew and revise Article X of the Public Service Law that would also include the siting of windmills. Councilor Sheridan made Resolution #037-07 seconded by Councilor Montgomery to oppose the revision of Article X.

#037-07

Town of Marcellus Resolution Opposing Article X

RESOLUTION

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002; and

WHEREAS, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and

WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and

WHEREAS, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

WHEREAS, the Town of Marcellus, along with numerous municipalities throughout New York State, has undergone considerable time and expense to develop and implement windmill siting polices that best fit our community;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marcellus is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our state; and

IT IS FURTHER RESOLVED that the Town Board of the Town of Marcellus encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and

BE IT FURTHER RESOLVED that the Town Clerk forward copies of this resolution to Governor Eliot Spitzer and elected officials.

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

Dated: August 13, 2007

BY ORDER OF THE TOWN BOARD
TOWN OF MARCELLUS

Proposal from for CNYRPDB for MS4's Program: A letter was received from Barton & Loguidice expressing their support for the proposal from Central New York Regional Planning and Development Board (CNYRPDB) for the implementation of the Public Education and Outreach and the Public Involvement and Participation portions of the MS4 Stormwater Program. Councilor Sherman made a motion seconded by Councilor Montgomery to support participating in the CNYRPDB Regional SPDES Stormwater Phase II MS4 Compliance Implementation Program. Resolution #038-07 is as follows:

#038-07

Resolution Supporting Participation in the
Central New York Regional Planning & Development Board's
New York State Pollutant Discharge Elimination System
Stormwater Phase II Compliance Implementation Program for
Municipal Separate Sewer System Operators

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of Marcellus herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II for Municipal Separate Storm Sewer System (MS\$) operators since 2002, and

WHEREAS, the Board has proposed to conduct a regional public education, outreach and training compliance program to "reduce municipal staff burdens, ensure message consistency, provide widespread priority audience targeting, and provide the most efficient use of limited municipal funds by distributing total program costs over a number of entities" within a fifteen month timeframe as outlined in Attachment C;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Marcellus

1. That Daniel J. Ross, Town Supervisor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;
2. That the Municipality agrees that it will fund its portion of the cost of the Project according to the fee schedule included in Attachment B, and the 50% of the funds will be made available to the Board no later the February 15, 2008 to initiate the project, and the 50% of the funds will be made available to the Board no later than September 15, 2008 to complete the project.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board no later than October 31, 2007
4. That this Resolution take effect immediately.

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

Agreement: Shepard Settlement Fire Protection District: Councilor Sherman made a motion seconded by Councilor Montgomery to authorize Supervisor Ross to enter into an agreement with the Town of Skaneateles for fire protection and ambulance service for the Shepard Settlement Fire Protection District in the amount of \$9,900. All voted aye.
Carried.

Marcellus Park: Proposal from QPK for Renovations to Old Office/Restrooms Building: A proposal was received from QPK Design for the renovation of the old office/restrooms building in Marcellus Park for (not to exceed) \$5,800.00 plus estimated expenses of \$350.00. Garth Snyder, Park Crew Leader, stated the there is a need for the building to be open this winter and to achieve this is; it would be necessary to winterize the building. Councilor Montgomery wondered if the \$5,000 would be better spent on a new furnace. He went on to state that a replacement furnace would be approximately \$7,500. Councilor Lathrop made a motion seconded by Councilor Sheridan to purchase a new furnace for the old office/restrooms building and winterize it. All voted aye.
Carried.

Flexible Benefits Administration Services Agreement: P&A Group submitted a Flexible Benefits Administration Services Agreement that outlines the duties and responsibilities of the flex-spending plan the Town of Marcellus has had for the employees since January 2007. Councilor Sherman made a motion seconded by Councilor Montgomery to enter into the Agreement with P&A for the administration of the flexible spending plan for the Town of Marcellus employees. All voted aye.
Carried.

Employee Handbook: Cancer Screening Leave: Jeff Whittemore of Public Sector HR, informed Supervisor Ross of an amendment to the Employee Handbook dealing with Cancer Screening Leave. This amendment is due to a bill that was signed by the Governor requiring all units of government to provide all employees with up to four hours a leave each year for breast and prostate cancer screenings. Public Sector HR has taken the position that the leave would be unpaid. Councilor Sherman made a motion seconded by Councilor Montgomery to amend the Town of Marcellus Employee

Handbook with a section entitled "Leave for Cancer Screening". All voted aye.
Carried.

Agreement: Syracuse Time and Alarm: Councilor Sheridan made a motion seconded by Councilor Lathrop to renew the maintenance contract with Syracuse Time & Alarm, Inc. in the amount of \$415.00 for a period from 9/01/2007 to 8/31/2008 for the fire alarm system in the Town Hall. All voted aye. Carried.

Agreement for Ambulance Service (2007): Supervisor Ross advised the Board that the Agreement for Ambulance Service (2007) was never formalized. Councilor Lathrop made a motion seconded by Councilor Montgomery to authorize Supervisor Ross to enter into a contract with MAVES for the year of 2007. All voted aye. Carried.

Municipal Project Application: Councilor Sheridan made a motion seconded by Councilor Sherman to authorize Supervisor Ross to sign the application from the State of New York Office of Children and Family Services, Syracuse/Onondaga County Youth Bureau for Youth Recreation for future projects. All voted aye. Carried.

Southern Onondaga Water District: Approval of Vouchers #36 & #37: Councilor Lathrop made a motion seconded by Councilor Sherman to approve the following payments in conjunction with the Southern Onondaga Area Water District:

Voucher #36	Reagan and Dailey	\$ 6,414.25
Voucher #37	Barton & Loguidice	\$ 9,654.00

All voted aye.

Carried.

Limeledge Water: Resolution Adopting Lateral Restrictions:

#039

**Resolutions of the Town Board of the Town of Marcellus
Adopting Lateral Restrictions in the Limeledge (Marcellus) Water District
As Required by the State of New York Department of Agriculture and Markets**

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 August 13, 2007

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

Whereas, Town Supervisor, Dan Ross, received a letter from Patrick H. Brennan, Commissioner of the Department of Agriculture and Markets dated September 1, 2006 advising the Town Board that such Department has given preliminary approval of the Final Notice of Intent for the Town relative to the Project which was prepared by, and submitted to the Department of Agriculture and Markets by the Town's Engineering Firm for the Project, Barton and Loguidice, on behalf of the Town. Such letter also advised the Town Supervisor that, among other things, the Town must adopt the lateral restriction policy of the Department of Agriculture and Markets; and

Whereas, the Town must provide a Certification to the Department of Agriculture and Markets as required under AML section 305 (4)(g) in order to assure the Commissioner that the Town has considered the impact of construction of the Project on agricultural properties within the Town and will endeavor to protect and continue the promotion of the agricultural uses of such properties in the Town;

Now, therefore, upon motion made by Councilor Montgomery and duly seconded by Councilor Sherman, the Town Board voted to adopt the following Resolutions:

Resolved, that the Town of Marcellus adopts the lateral restriction policy as outlined by the Department of Agriculture and Markets for the Limeledge Water District and stated herein:

As warranted or recommended on the management of the water line within the agricultural district within the Limeledge Water District;

(1) The only land and/or structures which will be allowed to connect to the proposed waterline within the agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality. Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval is needed to move forward with project plans and the governing body has approved the action.

(2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

(3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from the agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

VOTING:

Daniel J. Ross	<u>Aye</u>
James A. Sheridan	<u>Aye</u>
Donald G. Sherman	<u>Aye</u>
Thomas C. Lathrop	<u>Aye</u>
Bernard Montgomery	<u>Aye</u>

Resolution Carried.

Southern Onondaga Water: Amendment No. 3: Barton & Loguidice sent a copy of a

letter dated June 28, 2007 that was sent to Webb Stevens, Supervisor, Town of Spafford, concerning an Amendment No. 3 to Engineering Agreement. This amendment includes additional services that have been completed to date and were not in the original agreement dated August 25, 2006. This amendment will not result in an increase to B&L's current approved fee but a reallocation of the current authorization. B&L requires authorization from each of the Board's involved in the Southern Area Water District. Councilor Lathrop made a motion seconded by Councilor Montgomery to allow the Supervisor to sign the authorization for amendment No. 3 to Engineering Agreement. All voted aye. Carried.

Justice Court Request for Approval to Apply for Grant Monies: Mary Reagan Dailey, Town Justice, is requesting on behalf of the Marcellus Justice Court, approval from the Town Board to apply for grant monies from the NYS Unified Court System's Justice Court Assistance Program (JCAP). This grant would be used for the upgrading of the firewall and security system for the Court. Councilor Sherman made a motion seconded by Councilor Lathrop to grant approval for the Marcellus Justice Court to apply for a grant monies from NYS Unified Court System's Justice Court Assistance Program (JCAP) for the upgrading of the firewall and security system for the Court. All voted aye. Carried.

ITEMS FROM THE BOARD:

Counsel Cogswell requested to meet with the Board at the conclusion of the Town Board Meeting to discuss a legal matter as counsel and client.

Councilor Lathrop questioned the status of the Limeledge Water District. Counsel Cogswell informed the Board that the Lateral Extension Resolution will be forwarded to Bonding Counsel by August 17th and the lease agreement with OCWA was passed at a previous meeting. There is no further information on the location of the water tower.

Councilor Lathrop questioned the status of obtaining easements for the Southern Water District. Counsel Cogswell informed the Board that he went out today and obtained some.

Councilor Lathrop would like to continue on cleaning up the Town Hall with items such as; painting the trim, repointing up the bricks, repairing the front steps, etc. Supervisor Ross would like the Councilor to provide a list of items to be done. Councilor Lathrop presented to the Board an estimate he has received from Edward MacLachlan for the repointing and repairing the bricks in the amount of \$4,575. Councilor Montgomery made a motion seconded by Councilor Lathrop to proceed with the repointing and repairing of the bricks in the amount of \$4,575. All voted aye. Carried.

Councilor Sheridan has been getting quite a few complaints from the residents concerning the Post Office being closed for an hour at lunchtime. Councilor Montgomery made a motion seconded Councilor Sheridan for a letter to be drafted and be sent to Congressman Walsh's office expressing the dismay of the residents over the closing of the Post Office for an hour each day during lunchtime. All voted aye. Carried.

Councilor Montgomery questioned if there was any new information on the bank proposals. Supervisor Ross informed the Board there is no new information at this time. He noted that our current bank, Partner's Trust has been sold to M&T.

Highway Superintendent, Donald MacLachlan, wondered if the Town Board has ever considered building a new highway garage on our land on Lee/Mulroy. Supervisor Ross informed Mr. MacLachlan that a project of this scale should be discussed at a work session first.

ITEMS FROM THE FLOOR:

James LaRose, 2457 Lawrence Road, requested the Town Board to make changes to the Limeledge Water District boundary by excluding the four properties that already receive water from the Village of Marcellus water system. Counsel Cogswell advised Mr. LaRose that any changes in the boundaries of the district are not possible now that the district is formed.

Councilor Sherman made a motion seconded by Councilor Montgomery to adjourn the meeting at 9:00 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk