

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
DECEMBER 15, 2014 AT THE VILLAGE HALL**

PRESENT: John P. Curtin, Mayor See List
Sara N. Tallman, Trustee
Patrick W. Cox, Trustee
Jeff Brown, Attorney

ABSENT: None

Pledge of Allegiance.

Mayor Curtin opened the regular board meeting at 7:00p.m.

**CONSENT
AGENDA:**

The Village Clerk submitted the minutes of the regular board meeting for the month of November 2014. The bills on Abstract Sheets #007 for General Fund in the amount of \$25,595.47, Sewer Fund in the amount of \$15,618.01 were audited. The bills totaled \$41,213.48. The Board received the Police Report for November 2014 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of November 2014 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for November 2014. The financial statements as submitted by Village Treasurer Nino Provvidenti for November 2014 were given to the Board for their review. Trustee Cox made a motion to approve the consent agenda. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the consent agenda. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

TIME WARNER FRANCHISE

AGREEMENT: Trustee Tallman made a motion to table the Time Warner Cable Franchise Agreement until the Village Attorney has been able to negotiate successfully, the terms of the agreement, with Time Warner Cable. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on tabling the agreement. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

RESOLUTION –

ATTORNEY: Trustee Cox made a motion to approve a resolution to appoint Jeffrey D. Brown as Village Attorney:

WHEREAS, the Village of Marcellus has created the appointive office of Village Attorney pursuant to Marcellus Village Code Sections 3-1 and 3-9; and

WHEREAS, the general responsibilities of the Village Attorney are to negotiate, prepare, approve and audit written contracts, leases and other legal instruments; attend meetings of the Village Board, Planning Board (as requested) and Zoning Board of Appeals (as requested); draft local laws and resolutions for consideration by the Village Board; create or extend special districts; provide legal advice and counsel to the Village Board, Planning Board and Zoning Board of Appeals; and provide litigation services to the Village on an as-needed basis; and

WHEREAS, the accomplishment of the above duties involves the exercise of discretion by the Village Attorney on behalf of the Village; and

WHEREAS, Section 3-2 of the Village of Marcellus Code provides that “[a]ny resident of Onondaga County is eligible to serve in any Village appointive office.”

NOW, THEREFORE, BE IT RESOLVED, that Jeffrey D. Brown, Esq., a resident of Onondaga County, is hereby appointed to the position of Village Attorney to perform the above-mentioned responsibilities for a term beginning January 1, 2015 and ending on March 31, 2015, at an annual compensation of \$12,000, plus any actual out of pocket expenses incurred in providing such services; and

BE IT FURTHER RESOLVED, that the Village Attorney position is considered a public office and as such the Village Attorney shall sign and file an oath of office with the Village Clerk.

The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the Resolution. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

STANDARD WORKDAY

RESOLUTION: Trustee Tallman made a motion to approve a resolution that will establish a standard workday of seven (7) hours for appointed officials in the positions of Clerk, Treasurer and Attorney. The previous resolution approving the standard workday for Clerk and Treasurer expired this past April and should have been renewed when their terms of office were renewed. The standard workday for Attorney needs to be established due to the Attorney being employed as a public officer. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the Resolution. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

LAKESHORE DRUG

TESTING: Trustee Cox made a motion to approve a contract with Lakeshore Employee Testing Services, to perform drug and alcohol testing for commercial drivers who are employed in the Village Highway Department at a cost of \$55.00 per employee and authorize the Mayor to sign said contract. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the contract. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

LAKE COUNTRY

VETERINARY: Trustee Tallman made a motion to authorize the Mayor to sign an agreement between the Village of Marcellus and Lake Country Veterinary Clinic whereby Lake Country veterinary will establish a shelter to house dogs picked up by the Village Dog Control Officer. The cost for boarding and vaccinations of dogs will be billed to the owner of the dog. For stray dogs eligible for adoption, boarding and medicine will be billed to the person adopting the animal. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion of the contract. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

MARCELLUS VET

HOSPITAL: Trustee Cox made a motion to authorize the Mayor to sign an agreement between the Village of Marcellus and Marcellus Veterinary Hospital whereby Marcellus Veterinary Hospital will establish a shelter to house dogs picked up by the Village Dog Control Officer, said contract to include the hospital fees for housing, vaccinating, and caring for stray dogs. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the contract. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

VILLAGE IMPROVEMENT

PLAN: Trustee Tallman made a motion to continue the Village Infrastructure Program, an agreement whereby the County provides financial assistance to the Village for the construction and maintenance of public improvements, and to complete the Application for Financial Assistance provided to the Village by the County of Onondaga and to submit such application by January 1, 2015. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on improvement plan. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

HEALTH INSURANCE

CONTRACTS: Trustee Cox made a motion to authorize the Mayor to sign the Health Insurance Contracts with Excellus Blue Cross/Blue Shield, which contracts provide health and dental benefits for Village employees. The Village will cover 90% of the cost of an employee's benefits, while the employee will pay 10% of said cost. The new contracts and coverage which begin January 1, 2015, copies of which are available for inspection in the Village Office, have resulted in a 13% cost increase for both the Village and its employees. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the contracts. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

OCRRA HUALER

AGREEMENT: Trustee Tallman made a motion to authorize the Mayor to sign the 2015 Hauler Agreement with the Onondaga County Resource Recovery Agency, the terms of which are similar to those signed in the past. This is one-year contract due to the fact that OCRRA recently signed a new twenty (20) year contract extension with Covanta Onondaga, the operators of the waste-to-energy facility, and financing is still being planned. The tipping fee for the hauler remains at \$80 per ton. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the agreement. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

RESIDENT REFUND

REQUEST: Trustee Cox made a motion to authorize the Treasurer to reimburse a resident, who paid for a building permit, but has now decided not to build. The amount of the permit fee was \$45, and this will be reimbursed to the resident following this motion and approval. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on changing the board meeting. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

CHRISTMAS**HOLIDAY:**

Trustee Tallman made a motion to allow Village Employees to receive the day after Christmas off. If the Highway Employees are called in to plow, they will be able to take off another day at the discretion of the Highway Chief. This will not be considered a Holiday. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the Christmas Holiday. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

BUDGET**MODIFICATIONS:**

Trustee Cox made a motion to approve budget modifications requested by the Village Treasurer transferring revenues and appropriations in the General and Sewer Funds. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the budget modifications. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**ANNOUNCE
VILLAGE****MEETINGS:**

Trustee Tallman announced that the Village Clerk had printed copies of future meeting dates of the Village for the benefit of residents. She asked residents to make note the list of meetings scheduled for the remainder of December and for January 2015. The Village Offices will be closed on Thursday, December 25th and Friday, December 26th for the Christmas Holiday. They will also be closed on Thursday, January 1st for the New Year's Holiday, and on January 19, 2015 to honor the memory of Dr. Martin Luther King Jr. Several handouts were also available on Drainage, Electronics (E-Waste) Disposal, Grease in the Waste Water and the 2015 rate increases from Time Warner Cable.

**Updates by the
Mayor:**

Mayor Curtin provided updates on the following subjects:

- a. F.O.G. (Fats, Oils, Grease) – in the wastewater is a topic that had been much discussed and will continue to be on the WPCP's agenda in the months ahead. The Board continues to provide a flyer that emphasizes the need to keep Fats, Oils and Grease out of the sanitary sewer system.
- b. No Parking – The Board continues to alert residents that there is no parking on any of the Village streets, from 2 a.m. to 7 a.m., from November 1st to April 1st so that the highway crew can plow snow.
- c. Snow Plowing – The Board alerted independent snow plow operators that it is illegal to plow or shovel snow or ice during snow removal operations upon a village sidewalk or other public way. While most of the independent snow plow operators in the Village comply as much as possible with the law, there are some who need to be reminded that if a driveway is being plowed, that snow **CANNOT** be plowed into the street. **NOR** can the snow be plowed out of a driveway, across the street and into the village right-of-way across from the plowed driveway. Some drivers have claimed that they have no place to put the snow. That is not an excuse to put the snow into the street, nor across the street when plowing. The Village is not responsible for snow that accumulates on a resident's property and the Village is not responsible for removing snow that has been plowed onto the Village right-of-way. The Board asked that independent snow plow drivers take this into consideration when they are plowing residential properties in the village. No snow should be plowed onto a village street or sidewalk, and any that has been, accidentally, must be removed before finishing the job.
- d. Composting – continues to move along and the Board thanked the operators as they prepare more compost for pickup in the spring.
- e. Sump Pump Program – will continue throughout the winter months – there are about 20 residences in the Village left to inspect and certify.
- f. Community Development Application – of \$50,000 for Scotch Hill sidewalks is on hold as Onondaga County is now studying new census data from HUD and determining whether the 2014 capital projects selected by the Community Development Steering Committee, and included in its Action Plan submitted to HUD last July, still qualify. Onondaga County Community Development is also examining different ways a project might qualify under the new changes. In the meantime, Onondaga County is holding its project approval letters and asks that the Board wait on any formal announcements of approved projects.
- g. Code Enforcement – violations at several Village properties, have been addressed by the Code Enforcement Officer and listed in his monthly report.
- h. Sewer Consolidation Project – it is hoped that a meeting will be held before Christmas to finalize the project and submit all relevant data to the Department of State for reimbursement of the \$600,000 that the Village had to borrow and spend before the project could be completed.
- i. Christmas Tree Lighting – on behalf of the Board, Mayor Curtin extend special thanks to all who were instrumental in conducting a very successful Tree

Lighting on December 5, 2014, in particular Village Clerk, Dawn O'Hara, and the Highway crew and Police Department.

- j. Police Warning – residents should be aware of the fact that some thieves have been active in the Village and Town, following FedEx and other vehicles delivering and leaving packages unattended at various locations and then stealing the packages. Chief Wicks urged residents to be vigilant about this activity and notify the police if they have suspicions.
- k. Health Care Costs – as mentioned earlier have risen 13% for both the Village and its employees.
- l. Skid Steer – the Village skid steer (bobcat) is in serious need of repair and the Board is looking into the possibility of purchasing or leasing a new one soon. The vehicle is a workhorse for the Highway Department all year long and its replacement is vital in order for the department to complete its duties.
- m. Christmas Trees – will be picked up by the Village Highway Department after the first of the year, probably beginning on January 5, 2015. Residents should place trees in the Village right of way between the sidewalk and the street.
- n. Olde Home Days, 2015 – the first meeting of the 2015 OHD Committee will be held on Thursday, January 8, 2015 in the Village Hall, beginning at 7 p.m.
- o., Time Warner Cable Rate Increases – residents may have already received a letter explaining the reasons for the rate increases, as well as a chart on what the increases will be beginning January 1, 2015.
- p. Christmas Wish – on behalf of the Village Board, Mayor Curtin extended a very Merry Christmas and wished all Village residents the joy of family, the gift of friends and the best of everything for the New Year.

After concluding with his updates, Mayor Curtin asked if there were any comments from the Board. There were none.

Items from the Floor:

Mayor Curtin asked if there were any items from the floor. Hearing none, Mayor Curtin asked for a motion to adjourn the meeting. Trustee Tallman made the motion to adjourn, seconded by Trustee Cox. Mayor Curtin called for a vote. All board members voted aye and the motion carried. Mayor Curtin thanked everyone for coming to the meeting.

The Regular Board Meeting was adjourned at 7:16 p.m.

Dawn M. O'Hara, Village Clerk