

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF MARCELLUS HELD ON
NOVEMBER 27, 2023 AT THE VILLAGE HALL**

PRESENT: John J. Murphy, Mayor See List
Timothy P. Manahan, Trustee
James P. Curtin, Trustee
Jeff Brown, Attorney
Charnley A. Abbott, Village Clerk

ABSENT: None

Pledge of Allegiance

Mayor Murphy called the meeting to order at 7:00pm.

VILLAGE BOARD

APPOINTMENT: Mayor Murphy made a motion to appoint James Curtin, who has recently resigned from the Marcellus Town Council, to the position of Trustee to fill the vacancy until the next General Election in March 2024. This appointment will be effective immediately. The motion was seconded by Trustee Manahan. Mayor Murphy asked if there was any discussion. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

CONSENT

AGENDA: The Village Clerk submitted the minutes of the regular Board meeting held in October 2023. The bills on Abstract Sheet #006 for General Fund in the amount of \$118,211.65, Water Fund in the amount of \$0.00, Sewer Fund in the amount of \$36,663.55, Capital Funds in the amount of \$0.00, and Trust & Agency in the amounts of \$59,659.00 were audited. The bills totaled \$214,534.20. The Board received the Police Report for the month of October 2023 from Police Chief Bernie Podsiedlik. The Building Inspectors report for the month of October 2023 was received by the Board from Paul Stacey. The Board acknowledged receipt of the minutes of the Town Board meetings for October 2023, and the financial statements as submitted by Village Treasurer Nino Provvidenti for October 2023. Trustee Manahan made a motion to approve the consent agenda. The motion was seconded by Trustee Curtin. Mayor Murphy asked if there was any discussion on the consent agenda. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

EMPLOYEE DRUG

TESTING: Trustee Curtin made a motion to approve and sign the 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 \$65.00 per employee. The contract is valid from January 1, 2024 to December 31, 2024. The motion was seconded by Trustee Manahan. Mayor Murphy asked if there was any discussion. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

ANNUAL DOT MAINTENANCE

PERMIT: Trustee Manahan made a motion to authorize the DPW Superintendent (and/or his designee) to complete and sign the appropriate forms in order to acquire the annual maintenance permit with the NYSDOT. The motion was seconded by Trustee Curtin. Mayor Murphy asked if there was any discussion on the matter. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

CNY STORMWATER

RESOLUTION: Trustee Curtin made a motion to approve the following resolution:

**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 Village 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 General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach, and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve-month timeframe.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of the Village of Marcellus

1. That Mayor John J. Murphy, or such person's successor in office, is the representative authorized to act on 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 program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.
4. That this Resolution take effect immediately.

The one-year Agreement to participate enables the Village to utilize CNY Stormwater support staff, who will help to expand public education and outreach, maintain a regional stormwater website, as well as provide municipal training and compile data needed to expand the storm sewer mapping system. It will cost the Village of Marcellus \$3,600, a cost that is strongly opposed by the Village Board. The motion was seconded by Trustee Manahan. Mayor Murphy asked if there was any discussion. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the resolution passed.

NYSMEC

RESOLUTIONS: Trustee Manhan made a motion to approve the following resolutions:

**RESOLUTION AUTHORIZING PARTICIPATION IN
COOPERATIVE ENERGY PURCHASING SERVICE
(NYSMEC) FOR ELECTRICITY**

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise of services, functions, powers, or activities on a cooperative or contract basis among themselves or one for the other, and

WHEREAS, Section 119-n of the General Municipal Law defines the term "municipal corporation" for the purposes of Article 5-G as a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, a fire district, or a school district; and

WHEREAS, the Village of Marcellus (hereinafter sometimes referred to as "Participant") is a "municipal corporation" as defined above; and

WHEREAS, this Board wishes for this municipal corporation to become or remain a Participant pursuant to the Municipal Cooperation Agreement For Energy Purchasing Services dated the 1st day of May 2005 (the "Agreement"), among municipal corporations collectively identified as the New York School and Municipal Energy Consortium ("NYSMEC") upon the terms of the Agreement and further wishes to authorize participation as an energy consumer as specified below.

NOW THEREFORE, BE IT RESOLVED, that this Board hereby determines that it is in the interests of the Village of Marcellus to participate in the NYSMEC, and authorizes and directs Mayor John J. Murphy to sign the Agreement/and or the Billing Schedule and Agreement for electricity on its behalf; and

BE IT FURTHER RESOLVED, that this Board authorizes the Administrative Participant (as defined in the Agreement) to prepare, advertise, disseminate and open bids pursuant to the General Municipal Law and to award, execute and deliver binding contracts on behalf of this Board for the purchase of electricity delivered to the delivery point of the local utility distribution company for the Participant's facility or facilities, on a firm basis, for this Participant to the lowest responsible bidder as is determined by the Administrative Participant at a price for such commodity electricity not to exceed \$.0845 cents per kWh for a term of at least one year and no more than three years commencing May 1, 2024, and other terms and conditions, all as may be determined by the Administrative Participant, or to reject any or all such bids; and

BE IT FURTHER RESOLVED, that this Participant agrees to advertise said bid as may be directed by the Administrative Participant; and

BE IT FURTHER RESOLVED, that the officers and employees of this Participant are authorized to execute such other confirming agreements, certificates and other documents and take such other actions as may be necessary or appropriate to carry out the intent of this resolution.

This Resolution shall take effect immediately.

**RESOLUTION AUTHORIZING
PARTICIPATION IN COOPERATIVE
ENERGY PURCHASING SERVICE
(NYSMEC) FOR NATURAL GAS**

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise of services, functions, powers, or activities on a cooperative or contract basis among themselves or one for the other, and

WHEREAS, Section 119-n of the General Municipal Law defines the term "municipal corporation" for the purposes of Article 5-G as a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, a fire district, or a school district; and

WHEREAS, the Village of Marcellus (hereinafter sometimes referred to as "Participant") is a "municipal corporation" as defined above; and

WHEREAS, this Board wishes for this municipal corporation to become or remain a Participant pursuant to the Municipal Cooperation Agreement For Energy Purchasing Services dated the 1st day of May, 2005 (the "Agreement"), among municipal corporations collectively identified as the New York School and Municipal Energy Consortium ("NYSMEC") upon the terms of the Agreement and further wishes to authorize participation as an energy consumer as specified below.

NOW THEREFORE, BE IT RESOLVED, that this Board hereby determines that it is in the interests of the Village of Marcellus to participate in the NYSMEC, and authorizes and directs Mayor John J. Murphy to sign the Agreement/and or the Billing Schedule and Agreement for natural gas on its behalf; and

BE IT FURTHER RESOLVED, that this Board authorizes the Administrative Participant (as defined in the Agreement) to prepare, advertise, disseminate and open bids pursuant to the General Municipal Law and to award, execute and deliver binding contracts on behalf of this Board for the purchase of natural gas delivered to the city gate of the local utility distribution company for the Participant's facility or facilities, on a firm basis, for this Participant to the lowest responsible bidder as is determined by the Administrative Participant at a price for such commodity natural gas not to exceed \$.656 cents per therm for a term of at least one year and no more than three years commencing May 1, 2024, and other terms and conditions, all as may be determined by the Administrative Participant, or to reject any or all such bids; and

BE IT FURTHER RESOLVED, that this Participant agrees to advertise said bid as may be directed by the Administrative Participant; and

BE IT FURTHER RESOLVED, that the officers and employees of this Participant are authorized to execute such other confirming agreements, certificates and other documents and take such other actions as may be necessary or appropriate to carry out the intent of this resolution.

This Resolution shall take effect immediately.

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

UTILITY ACCOUNT

ADJUSTMENTS: Trustee Curtin stated that the Board had been asked to consider the following utility bill adjustments:

The Board received a letter from the daughter of the owner of 7 Kinderwood Drive. The owner of the property has recently passed away and the house has been unoccupied for several months. Due to the vacancy, the family was unaware of a leaking toilet until notified by OCWA, and received a very high wastewater bill from the Village for sewer use. The average quarterly water consumption for 7 Kinderwood from June of 2021 through June of 2023 is less than 5 thousand gallons. The property owner has a history of on time payments, and the water is currently shut off while the house is vacant and the issue is repaired. The most recent charge was \$292.80 higher than that based on the average usage.

The Board received a letter from the son of the owner of 23 Highland Drive. The owner of the property has recently passed away and the house has been unoccupied for several months. Due to the vacancy, the family was unaware of a malfunction in the water softener system until notified by OCWA, and in result received very high wastewater bills from the Village for sewer use. The average quarterly water consumption for 23 Highland Drive from September of 2020 through September of 2022 is 9 thousand gallons. The property owner, prior to her illness, has a history of on time payments, and the water is currently shut off while the house is vacant and the issue is repaired, and OCWA adjusted the water bill due to this issue. The charges for the last three quarters were \$594.20 higher than those based on the average usage.

The Board received a letter from the owner of 12 Orchard Street requesting an adjustment to the charges for sewer use associated with the last three quarters, while he identified and repaired a leaking toilet. The average usage for this property from December of 2020 through December of 2022 is 12 thousand gallons. The wastewater fees have been abnormally high since January of 2023, totaling \$484.80 higher than those based on the average use.

Trustee Curtin made a motion to authorize the Village Clerk to apply the following adjustments:

7 Kinderwood- \$146.40

23 Highland- \$297.10

12 Orchard- \$156.60

These adjustments are half of the difference in charges

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

OCRRA HAULER

AGREEMENT: Trustee Manahan made a motion to authorize the Mayor to sign the 2024 Hauler agreement with OCRRA, which includes an increase of \$5 per ton for the MSW and C&D rates and an increase of \$6 per ton for curbside recycling materials delivered. The motion was seconded by Trustee Curtin. Mayor Murphy asked if there was any discussion on the matter. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

BUDGET

MODS: Trustee Curtin 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 Manahan. Mayor Murphy asked if there was any discussion on the matter. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

TREE LIGHTING

CEREMONY: Trustee Manahan announced that the annual Marcellus Tree Lighting Ceremony will take place on Friday, December 1, 2023 beginning at 6 p.m. in the Village, at the Point. A Christmas Tree has again been generously donated by the Christoff family and installed at the Point as usual, with much help from Town and Village workers. Having a tree at the Point is a tradition dating back to the first community tree installed in 1916 and the Board is very pleased that this tradition continues, decorated again this year by Village and Town employees. The Village would also like to thank Jen Klestinez, owner of SHINE, Inc., for decorating Village Hall. The Board is most grateful for these donations for our community.

CHANGE DECEMBER 2023 VILLAGE

MEETINGS: Trustee Manahan made a motion to change the December Agenda Workshop from December 22, 2023 to December 15, 2023 and the regular Board meeting from December 25, 2023 to December 18, 2023, because of the Christmas holiday. The motion was seconded by Trustee Curtin. Mayor Murphy asked if there was any discussion. Hearing none, Mayor Murphy called for a vote. All board members voted aye and the motion carried.

ANNOUNCE DECEMBER

MEETINGS: Trustee Murphy announced that the Village Clerk has printed copies of future meeting dates for the benefit of residents. Again, the Village Tree Lighting Ceremony will take place and we encourage residents of the community to attend. The December meeting of the Village Board is changed from the 4th Monday of the month to the 3rd Monday of the month, December 18th because of holiday preparations. The Village Office will be closed on Monday, December 25th for the Christmas holiday and the Village Office will be closed on Monday, January 1st for the New Years' Holiday.

ITEMS FROM

THE FLOOR: Mayor Murphy announced that the Village Clerk, Charnley Abbott, was awarded the New York State Association of City and Village Clerks Certification as Registered Municipal Clerk. This designation recognizes the professional competency of Village Clerks and is granted only after and applicant has demonstrated that they have met the high educational, experience and participatory standards established by the NYSACVC.

Mayor Murphy asked if there were any other items from the floor. Hearing none, Mayor Murphy made a motion to adjourn the meeting. The motion was seconded by Trustee Manahan. Mayor Murphy called for a vote. All board members voted aye and the meeting was adjourned at 7:13pm.

Respectfully Submitted by:

Charnley A. Abbott, Village Clerk