

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
FEBRUARY 27, 2012 AT THE VILLAGE HALL**

PRESENT: John P. Curtin, Mayor See List
Mary Jo Paul, Trustee
Patrick W. Cox, Trustee

ABSENT: Jeff Brown, Attorney

Pledge of Allegiance.

Mayor Curtin opened the regular board meeting at 7:11p.m.

**SEWER CONSOLIDATION
GRANT**

SEQRA: Trustee Paul made a motion to approve a resolution determining that the Local Government Efficiency Grant Application and the Inter-Municipal Agreements with the Town of Marcellus and the Marcellus Central School District related to the consolidation of sewer services constitutes a Type II action under the New York State Environmental Quality Review Act and requires no further environmental review. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the SEQRA. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**SEWER CONSOLIDATION
GRANT**

RESOLUTION: Trustee Cox made a motion to approve the resolution of the Marcellus Village Board authorizing the Mayor to enter into a grant application and an inter-municipal agreement with the Town of Marcellus and the Marcellus Central School District related to the consolidation of sewer services. The motion was seconded by Trustee Paul. Mayor Curtin asked if there was any discussion regarding the resolution. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

CONSENT

AGENDA: The Village Clerk submitted the minutes of the last regular board meeting for the month of January 2012. The bills on Abstract Sheets #009 for General Fund in the amount of \$27,781.25, Sewer Fund in the amount of \$43,982.34, and Capital Funds in the amount of \$2,058.68 were audited. The bills totaled \$73,822.27. The Board received the Police Report from Chief Robert Wicks for January 2012. The Board also received the Building Inspectors report for the month of January 2012 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for January 2012. The financial statements as submit by the Village Treasurer for January 2012 were also given to the Board for their review. Trustee Paul made a motion to approve the consent agenda. The motion was seconded by Trustee Cox. 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.

AUTHORIZE

B & L

CDBG: Trustee Cox made a motion to authorize Barton & Loguidice to complete the 2012 Community Development Block Grant (CDBG) Application. The motion was seconded by Trustee Paul. Mayor Curtin asked if there was any discussion on authorizing B & L to complete the application. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

EASEMENT/ROW

COONS POND: Trustee Paul made a motion to authorize the Mayor to sign an agreement between the Village of Marcellus and The Caster Family Housing Trust, whereby the Village, in response to flooding of property at 9 Flower Lane and adjacent property, as well as in response to a request from the owner of the property as well as neighboring owners, cleaned out a drainage ditch on the property, removed 590 cubic yards of sediment from Coon's Pond, constructed a four-foot sediment fore-bay and installed a permanent medium stone fill check dam so as to prevent flooding on the property and allow storm water from the street and from the hills to the west of the property to run freely through the drain at the easterly end of Coon's Pond to catch basins maintained by the Village on

South Street, which work effectively restored Coon's Pond and modified it to comply with NYSDEC regulations and whereas the Village has agreed to provide \$4,000.00 to the property owner for the purchase and installation of a protective fence around Coon's Pond, both the Village and the property owner agree to confirm in real property records the right of the Village to an easement for the operation and maintenance of and access to the Drainage Pipe and Coon's Pond so as to conform to NYSDEC storm water regulations, to prevent sediment-laden discharge from reaching Nine Mile Creek, to allow the free flow of water to travel to Nine Mile Creek and to prevent clogging of the draining of Coon's Pond which can cause flooding. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion regarding the easement agreement. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ELECTION

RESOLUTION: Trustee Cox made a motion to approve and publish an election resolution designating the following:

- a. The polling place for the Village election is the Village Hall, located at 6 Slocombe Avenue, Marcellus, NY
- b. The election will take place on March 20, 2012. Polls will open at 12:00 o'clock noon and close at 9:00 p.m.
- c. The names and addresses of the candidates nominated for the office of Trustee, a four year term, are:

William Burnette – 42 South Street, Marcellus, NY
Sara N. Tallman – 7 Reed Street, Marcellus, NY
- d. There will be no propositions to be voted upon at this election.

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

COYNE TEXTILE

CONTRACT: Trustee Paul made a motion to approve a contract/service agreement with Coyne Textile Services to provide work garments for Village Highway and WWTP employees. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the contract. Trustee Paul asked if the cost for the service was less than what the Village was currently paying. Mayor Curtin let her know that there will be a cost savings with Coyne Textile. Mayor Curtin called for a vote. All board members voted aye and the motion carried.

MRB GROUP FLOW MGMT

PROPOSAL: Trustee Cox made a motion to authorize the Mayor to approve a proposal submitted by MRB Engineering Group for professional services, which scope of services will include the preparation of a Flow Management Plan in accordance with NYSDEC regulations, as well as evaluate the Village Waste Water Plant so as to identify modifications that will meet new DEC regulations (phosphorus removal) and may provide additional capacity at the Plant, the compensation for which is not to exceed \$12,500. The motion was seconded by Trustee Paul. Mayor Curtin asked if there was any discussion on the proposal from MRB Group. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

BUDGET MODIFICATIONS:

Trustee Paul 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 Cox. Mayor Curtin asked if there was any discussion on the budget modifications. Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ANNOUNCE VILLAGE

MEETINGS: Trustee Cox announced the scheduled meetings for the month for March 2012 and let everyone know that a list of the meetings had been made available to the public. He wanted everyone to take note that the 100th Anniversary of the Girl Scouts will be celebrated on March 12th with a celebration in front of the Village Hall and that the Village election, for the office of Trustee, is scheduled for Tuesday, March 20, 2012. In addition, the Olde Home Days Committee continues to meet the first Thursday of every month, in the Village Board Room and the next meeting is planned for March 1, 2012.

Updates by the Mayor:

Mayor Curtin provided updates on the following subjects:

- a. Old Library – as mentioned previously, the Village closed on the sale of the property in January and the new buyer has taken possession of 2-4 Slocombe Avenue. The new owner has completed some great renovations, and hopes to be open for business by the early part of March, if not sooner.
- b. Another unfunded mandate – a new state law took effect on February 2, 2012, requiring the Village and all municipalities make available to the public, prior to or at an open meeting, records which will be the subject of discussion at the meeting. While the Village Board is in favor of the Open Meetings Law, it is another example of the State of New York imposing its will on Villages and other municipalities without providing adequate guidelines or the funding that will be necessary for the Village to comply. The Village Board will of course comply with the new State mandate. Beginning at the February board meeting, the board had, to the extent practicable, provided on the Village website, and posted in the Village Office, an agenda that lists the items that were discussed at the monthly Board meeting. Members of the public, who wish to examine any items on the agenda, should contact the Village Clerk by 4:00 p.m. prior to the monthly meeting. The Village Clerk will provide such documents at a fee of 25 cents per page.
- c. No Parking – the board continues to alert residents that there is no parking allowed on Village streets, from 2 a.m. to 7, despite the lack of snow thus far.
- d. Two Hour Parking – the Village continues to receive complaints that some individuals are violating the two-hour parking ban during the day, particularly on North and Main Streets. For long-term parking, the board urges residents and business owners to use the public parking lots.
- e. Village Banners – many are in need of repair and/or replacement and will be addressed in the spring
- f. Village Entrance Sign – on South Street has been vandalized and will need to be replaced, probably at a cost of about \$1,000 to \$1,500.
- g. Compost Project – continues to move along steadily and it is about 95% complete – it is expected that the first composting will be done this week. The WWTP operators intend to have an Open House in mid April, at which time, they will be able to distribute compost to Village residents.
- h. Composting Brochure – as mentioned at the last Board meeting, a composting brochure is being completed and the board hopes to have it ready for the public when the facility is fully operational – probably in time for the spring newsletter.
- i. Creek Walk – for a number of reasons, it may become necessary for the Village to abandon its plans for a Village creek walk. Mayor Curtin is in the process of composing a letter to the NYS DOT, under whose auspices monies for the creek walk were first granted in 2002. The letter will stress the fact that, due to economic hardship, including the loss of sales tax revenue and the recently passed NYS 2% property tax cap legislation, rising construction costs, new wetlands identified along the trail corridor which will require specialized treatment, right of way costs, and an increase in lack of support for the trail from some property owners along the corridor, the Village will be forced to cancel any further work on the project. The Village has some preliminary designs, if, in the future, economic realities and an increase in support for its construction, make it possible to resume the project.
- j. SRO Earl Smith – Mayor Curtin announced that School Resource Officer Sgt. Earl Smith had been chosen by members of the 2012 Graduating Class at MCS to be its commencement speaker. On behalf of the Village Board, Mayor Curtin extended congratulations to Sgt. Smith for an honor that is received by few. Sgt. Smith is an excellent representative of the Village's professional police force.
- k. County Tax Bill – a resolution was recently introduced in the County Legislature that called for a new policy whereby the property tax bill be clear and understandable with the amount of County property taxes readily identifiable. At present, when a property owner receives a tax bill, the amount of County taxes is to be found under the heading "State Mandates." This is confusing and the reason for the resolution. Mayor Curtin informed everyone about the resolution but did not think it had been adopted by the Legislature yet.
- l. Budget – the Village Board has begun to work on its 2012-13 Budget and at first glance, it appears that things are still somewhat stagnant at the Village level. In January, Village residents received their County and Town tax bill and that bill reflected a tax reduction for Village residents, on average about \$30 for a house valued at \$100,000 in the Village. The County, similar to last year, was able to drop the tax because the County, having slashed by more than half the sales tax revenue that used to go to the Village, was able to pass on those tax savings to Village property owners in the form of reduced County taxes. Ever since, the Village has had to make up for the revenue taken by the County and then passed onto Village property owners in the form of reduced County taxes. This year will be no different, and the savings that Village residents saw in their County tax bill will be offset, most likely, by an increase in Village taxes – about \$30 for a house valued at \$100,000 in the Village.

- m. Property Tax Cap – the Budget is complicated by the property tax cap of 2%, another recent State mandate, and at the March Board meeting, the Board will probably vote to override the tax cap. Having learned from the experience of several towns, it is best to override, if only to protect the Village from penalty. Should the adopted budget vary from the actual budget, resulting in a tax hike of more than 2 percent, the Village would be responsible for violating the governor’s tax cap. The public might think that the Village, by overriding the cap, is just ignoring the law and not in support of a tax cap, when in actuality the Village is very much in favor of it. With the Village continuing to receive unfunded mandates from the state, coupled with a cap on its ability to raise revenue, it is very difficult for the Village to plan or even survive. Therefore, the Village will most assuredly vote to override the tax cap next month.
- n. March Election – a four year term as Village Trustee will be on the ballot this year. Tuesday, March 20, 2012, from Noon to 9 p.m. is the date and time set for that election.

After concluding with his updates, Mayor Curtin asked if there were any comments from the Board. Trustee Paul wanted to expand on item k listed above. She wanted the public to know that every penny of the property taxes collected by the County on the Town and County tax bill goes to New York State for Medicaid and Medicare. County representatives was trying to make a point by having the county property tax line labeled “State Mandates”. Because the County line read “State Mandates”, there was not a line labeled “County Taxes”, which created confusion for many taxpayers. County Legislators are striving to make the County tax bill more transparent.

Items from the floor:

Mayor Curtin opened up the floor to the public and asked if there were any comments or questions from the audience. Mike Alexander of Park Street wanted to thank Mayor Curtin and the Board, and with the Marcellus Betterment Association, on behalf of all of the residents of Park Street, for the improvements on Park Street including the new street lighting. Mayor Curtin asked if there were any other questions or comments from the public. Hearing none, Mayor Curtin made a motion to adjourn. Trustee Paul seconded the motion. 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 7:30 p.m.

Dawn M. O’Hara, Village Clerk