

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
MARCH 24, 2014 AT THE VILLAGE HALL**

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

ABSENT: None.

Pledge of Allegiance.

Mayor Curtin asked for a motion to open the regular board meeting after the two public hearings at 7:08p.m. Trustee Cox made the motion, seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members votes ayes and the regular board meeting was opened.

**LL #1 OF 2014 –
PROPERTY**

TAX CAP: Trustee Cox made a motion to approve Local Law #1 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the local law. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**RESOLUTION –
COMM DEV.**

GRANT: Trustee Tallman made a motion to approve the following resolution: WHEREAS, the Board of Trustees of the Village of Marcellus is resolved to further enhance the Village with improvements of sewers, roads, drainage and sidewalks; and NOW, THEREFORE BE IT RESOLVED, the Village of Marcellus is eager to participate in the 2014 Onondaga County Community Development Grant Program; and BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Marcellus has previously authorized Barton and Loguidice, P.C. to apply for 2014 grant funding through the Onondaga County Community Development Grant Program on behalf of the Village for sidewalk rehabilitation work on Scotch Hill Road. 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.

CONSENT

AGENDA: The Village Clerk submitted the minutes of the regular board meeting for the month of February 2014. The bills on Abstract Sheets #010 for General Fund in the amount of \$15,110.08, Water Fund in the amount of \$1,955.32, Sewer Fund in the amount of \$6,034.28 and Capital Funds in the amount of \$3,165.00 were audited. The bills totaled \$26,264.68. The Board received the Police Report for February 2014 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of February 2014 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for February 2014. The financial statements as submitted by Village Treasurer Nino Provvidenti for February 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.

SPRING BRUSH

DATES: Trustee Tallman made a motion to designating the following: The Highway Superintendent has announced that the first day for brush pickup in the Village will be from Monday, March 31, 2014. The last day to put brush out to the curb for pickup will be Sunday, April 27, 2014. In addition, the Town of Marcellus has announced dates for the Trash Transfer Stations and they are: Fridays, April 25th and May 2nd, and May 9th, from 8 a.m. to 3 p.m. and Saturdays, April 26th, May 3rd, and May 10th, from 8 a.m. to Noon. Permits are required and are issued through the Town of Marcellus Clerk's Office. There is also an opportunity for residents to drop off electronic waste, including computers and printers. They are accepted free of charge, but must be separated from other trash. Tires require an additional permit, starting at \$2.00, as well as items that contain freon, such as refrigerators, freezers, air conditioners or dehumidifiers - these require another permit that costs \$30. Some items are not accepted including garbage, OCRRA recyclables, liquids or hazardous waste including paint, oil tanks, fuel tanks, motor vehicles, roofing shingles and brush over 6 inches in diameter. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the dates. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**ANNUAL
STORMWATER**

REPORT: Trustee Cox made a motion to table the Annual Storm Water Report until the regular meeting of the Village Board in April. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the report. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**BUDGET
MODIFICATIONS:**

Trustee Tallman made a motion to approve budget modifications requested by the Village Treasurer transferring revenues and appropriations in the General Fund. The motion was seconded by Trustee Cox. 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 ANNUAL MTG./
TENTATIVE BUDGET**

HEARING: Trustee Cox announced that the Annual Meeting will take place on April 7, 2014 and includes the appointment of non-elected officials, establishing regular meeting dates, as well as designating official newspapers and depositories. In addition, a public hearing will take place on April 7, 2014 to consider the tentative budget for the Village for the next fiscal year. Approval of the final budget will most likely take place at the next regular Board meeting, on April 28, 2014.

**ANNOUNCE
VILLAGE:
MEETINGS:**

Trustee Tallman announced that a list of meetings scheduled for April 2014 had been prepared and was available. She asked residents to please note that the Village Office would be closed on Good Friday, April 18th, and on Memorial Day, May 26th. Also, the Olde Home Days Committee meets the first Thursday of every month, in the Village Board Room and the next meeting was planned for April 3, 2014.

**Updates by the
Mayor:**

Mayor Curtin provided updates on the following subjects:

- a. No Parking – regulations during the winter months, which calls for no parking on any Village streets from 2 a.m. to 7 a.m., will end on April 1st.
- b. Village Earth Day Participation – the Board announced that the Village will again participate in an Earth Day clean up on Thursday, April 17, 2014. Second grade students from Heffernan Elementary School will participate in the event and the Board welcomes any individuals or groups to join in helping clean the Village of any litter lying along the roadside and village rights of way. Volunteers will meet in front of the Village Hall to distribute bags and gloves. Anyone interested in participating, as a group or individual, may show up about 1:30 p.m. or contact the Village Clerk for more information.
- c. Village Flags – 50 new American flags were donated by various individuals and organizations and The Board expects them to be installed in the spring
- d. Utility Bills – the utility bill that residents receive in April will be the last bill for the fiscal year. Residents should note that if this bill is not paid by April 30, 2014, it will be re-levied to the tax bill for June 1, 2014. If bills for tenants who pay their own utilities are not paid by April 30, 2014, these too will be re-levied onto the owner's taxes for June 1, 2014. Also, unlike previous utility bills, payment for the final bill for the year must be made within the month.
- e. Notice of Sign Placement – the highway department will soon re-install the pedestrian crossing signs on Main Street in the Village. The signs will again be placed in the road, near the crosswalks, warning motorists that all vehicles must yield to pedestrians who are walking in the crosswalk, which is a New York State law. The Board hopes that the signs will make it easier for pedestrians, particularly schoolchildren, to cross Main Street safely as well as cause motorists to slow down as they approach the crosswalks.
- f. Creek Walk Project – continues to move ahead. The Right of Way maps have been delivered to NYSDOT, which will order appraisals of the properties. Village engineers have finished all of the lingering environmental issues and finalized the Design Report and submitted it to the NYSDOT, which will have some comments to make. Once that is done, the NYSDOT will give the Village the okay to make the Design Approval Request Memo, and once the Design Approval is granted, the NYSDOT will have a green light to make offers to the property owners. The Board anticipates that all Rights of Way will be acquired by August 2014, and the project be put out to bid in September 2014.
- g. Local Government Consolidation Grant – the last major part of the construction project that will eventually consolidate the Village, Town and School District sewer districts into one operation will begin to take place in mid-April. The final phase of the project will include replacement of 8-inch diameter sanitary sewer with approximately 1,000 feet of new 12-inch and 300 feet of 15-inch diameter sewer, as well as replacement of a duplex grinder pump station off Orange Street. Having awarded the final component of the project to North Country Construction, the Board expects that construction will take place in early spring,

and will also include the North Street crossing during the April 21st school break. With the project complete, it is expected that the operation, maintenance, repair and billing of the entire sewage system will lead to a consolidated arrangement, under sole ownership and responsibility of the Village by the end of December 2014.

- h. Budget – the Village Board is working to finalize the 2014-15 Village Budget in preparation for the Annual Meeting. In January, Village residents received their County and Town tax bill and that bill reflected a tax reduction for Village residents, on average about \$25 for a house valued at \$100,000 in the Village. Similar to the last four years, this tax reduction was made possible by the County, having slashed by more than half the sales tax revenue that used to go to the Village, was then 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. This year is a bit different because the County has increased the amount of funding that is allotted to Villages under the Village Infrastructure Program. The increase still leaves the Village budget far short of what the Board needs to provide adequate services and the Board anticipates a slight tax increase of about 2%, or 13 cents/1000, which falls within the Governor’s tax cap freeze proposal. The Board also reminder residents that there is no guarantee the VIP increase will continue each year and might require an even larger tax increase next year.
- i. Property Tax Cap – the Village Budget is also complicated by the property tax cap of 2%, another State mandate, and at the March Board meeting, the Board voted to override the tax cap. The Governor has proposed a property tax cap freeze if the Village stayed under the tax cap and moved towards consolidation of some sort. The Board expects to be able to stay under the tax cap and has moved towards consolidation, particularly of the village, town and school district sewer districts. However, the Governor’s “tax cap freeze” proposal complicates the Village budget process. The Board favors a tax cap, as long as meaningful relief from unfunded State mandates accompanies it. With continued unfunded State mandates, coupled with a cap on the Board’s ability to raise revenue, it is very difficult to plan or even survive. In addition to the loss of sales tax revenue, the Village budget continues to be affected by other issues, including the fact that Village property assessments are down about \$200,000 and property exemptions have gone up about \$200,000. This means an immediate decrease in Village revenue of about \$2,000. There are too many variables in the Governor’s tax cap freeze proposal for the Village to adopt such a plan. In addition, the savings, according to NYCOM, would be quite minimal. The Village Board is more in favor of a proposal put forth by the NYCOM, the NYS Association of Counties, the NYS Association of Towns and the NYS School Boards Association – four groups who together propose tax relief through a significant infusion of incentive aid from the State whereby local governments would be able to halt increases in property taxes and property owners would get relief without having to pay higher taxes and await a refund months later from the state. NYCOM's plan is a much more common sense and grassroots approach and some parts of their proposal are more likely to be adopted by the State Legislature than the Governor’s heavy-handed, top-down approach. A letter sent to State legislators regarding the Governor’s proposal was printed for residents and explains in more detail the Board’s position.
- j. Fiscal Stress – In February, State Comptroller DiNapoli reported that the Village of Marcellus is “susceptible to fiscal stress.” In the Village’s response, the Board noted that much of the stress could be attributed to the debt on the village books and much of the debt will be reduced when the Village is reimbursed by the State of New York for several projects for which the Village has had to bond before being reimbursed. There are four particular sources for this “stress” including: a \$1.6 million borrowed for the Reed-Street-Reed Parkway project – a long term bond that will be paid off in 25 years; a state-promised Local Government Efficiency Grant of \$600,000 for the consolidation of the village, town and school district sewer system; a \$400,000 reimbursement from the state under the Clean Air-Clean Water Act for the composting of sludge project at the WPCP; and an 80% reimbursement of a \$278,000 grant from the State Department of Transportation for the Creek Walk project. The Board is confident that when state reimbursement takes place, the village books will look healthy.
- k. A Statement from the Marcellus Village Treasurer – upon the recent release of the findings of the NYS Comptroller’s Audit of the Town of Marcellus, some Village residents might express concern as to whether the Village of Marcellus has complied with all required financial filings with the State Comptroller. Since his appointment in 2010, the Village Treasurer has filed all annual financial statements with the Comptroller’s office on a timely basis. Additionally, all other documents required to be filed with Federal, State, and Local government agencies have all been filed on a timely basis. Each year after being filed, the State Comptroller’s office independently examines not only the Village’s annual financial report, but its real property tax cap calculation. In addition, each year, the Comptroller’s office provides the Village with its examination results. In 2009, the State Comptroller’s office performed a complete audit of the Village’s financial records. It should also be noted that, for the fiscal year ended May 31, 2011, the State Comptroller’s office performed a far more in-depth examination than normal, equivalent to an audit. This examination took over five (5) months to complete, and positive changes to the presentation of the Village’s financial statements in several areas resulted.

- l. Flushable Wipes Are NOT Flushable!!! – The Board continues to urge residents to avoid using what are called flushable wipes – which are NOT flushable – nor are dental floss, cotton swabs, hygiene products, kitty litter, facial tissue, fats, oils, and grease. All of these should be put in the trash and only human waste and toilet paper should be flushed. To avoid plumbing problems, which will most likely occur on residential property, not in the Village main, Mayor Curtin asked residents to be aware of this concern. The Board also referenced an Internet video that explains the problems associated with flushable wipes. Please view the following: <http://www.youtube.com/watch?v=SLTVqkXVvNk>. The video is also posted on the Village website. The Board urged residents to review the “Trash NOT Sewer” flyer that accompanied a previous newsletter. The information is invaluable and will help residents understand the importance of putting items in the trash, and not into the sewer.
- m. Illegal Sump Pumps, Roof Downspouts, Exterior Drains – most have been disconnected and the result has been much improvement in the flows at the Waste Water Treatment Plant. These are illegal connections and it may become necessary for another inspection if a resident has allowed them to be re-connected.

After concluding with his updates, Mayor Curtin asked if there were any comments from the Board. Trustee Cox noted that Village Treasurer felt that it was necessary to make a statement following revelations by the NYS Comptroller audit of Town of Marcellus. Trustee Cox wanted everyone to know that the Village Treasurer is quite scrupulous and takes his position very seriously and the Board is very pleased with his performance. Trustee Cox also felt that new leadership at the Town will help to bring about more transparency and that financial statements will be filed appropriately, leading to the positive changes that the Village has come to expect from its Chief Financial Officer.

Items from the Floor:

Mayor Curtin asked if there were any items from the floor. There was discussion with residents Scott and Laura Brown regarding a dog control issue in the Village. The Browns felt that the law as written is too vague and that a ticket should have been issued for their dog having been attacked by another dog. A warning was issued by the Dog Control Officer and a police report taken, including two affidavits filed, which constitutes a paper trail. There had not been any history regarding the dog that attacked. The dog control law on the Village books calls for “reasonable” controls over a resident’s dog. Police Chief Wicks advised that the couple’s daughter, who had been witness to the events, is free to proceed with a petition to the court asking that the attacking dog be labeled a “vicious dog” under the State Agricultural & Markets Law. Mayor Curtin asked if there were any further 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 7:51 p.m.

Dawn M. O’Hara, Village Clerk