

**REGULAR MEETING OF THE VILLAGE BOARD  
OF THE VILLAGE OF MARCELLUS HELD ON  
SEPTEMBER 22, 2014 AT THE VILLAGE HALL**

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

**ABSENT:** Patrick W. Cox, Trustee

Pledge of Allegiance.

Mayor Curtin opened the meeting at 7pm and explained that Trustee Cox was still deployed in Germany, serving our Country. Trustee Cox is a Lt. Col in the New York Air National Guard and the 274<sup>th</sup> Air Support Operations Squadron Commander.

**CONSENT**

**AGENDA:** The Village Clerk submitted the minutes of the special meetings and regular board meeting for the month of August 2014. The bills on Abstract Sheets #004 for General Fund in the amount of \$16,328.41, Water Fund in the amount of 1,987.72, Sewer Fund in the amount of \$9,439.71, and Capital Funds in the amount of \$1,482.89 were audited. The bills totaled \$29,238.73. The Board received the Police Report for August 2014 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of August 2014 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for August 2014. The financial statements as submitted by Village Treasurer Nino Provvidenti for August 2014 were given to the Board for their review. Trustee Tallman made a motion to approve the consent agenda. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the consent agenda. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**SCOTCH HILL CURBING**

**AWARD:** Trustee Tallman made a motion to award the bid that was submitted for the Scotch Hill Curbing Project to K. Fellows Construction at a cost of \$51,800. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on awarding the bid. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**AUTUMN LEAF/BRUSH**

**PICKUP:** Trustee Tallman made a motion to approve the fall brush and leaf pickup dates – brush pickup for 2014 will extend from Monday, September 29<sup>th</sup> to Monday, October 13<sup>th</sup> and leaf pickup will extend from Tuesday, October 14<sup>th</sup> to Sunday, November 9<sup>th</sup>. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the Autumn Leaf/Brush Pickup. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried. Trustee Tallman also informed residents of the Town Transfer Station Dates for Fall 2014. The dates are Fridays, September 26<sup>th</sup> and October 3<sup>rd</sup>, from 8:00 a.m. to 3:00 p.m., and Saturdays, September 27<sup>th</sup> and October 4<sup>th</sup>, from 8:00 a.m. to noon.

**NYS UNIFIED SOLAR**

**PERMIT:** Trustee Tallman made a motion to adopt a resolution pertaining to the NYS Unified Solar Permit – **WHEREAS**, the Village of Marcellus currently requires residents to obtain a building permit for the installation of solar panel, pursuant to Chapter 44 of the Code of the Village of Marcellus, **BE IT RESOLVED**, that the Village of Marcellus Code Enforcement Office is hereby directed to use said Unified Application in issuance of Building Permits for Solar Panel Installations. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the solar permit. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**METHODIST CHURCH**

**EMERG. OFF-SITE**

**SHELTER:** Trustee Tallman made a motion to approve a request by the director of the Marcellus Church Nursery School to designate the Village Hall as its emergency off-site shelter, should the need arise. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the emergency off-site shelter. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**COMPUTEL**

**AUDIT:** Trustee Tallman made a motion to approve an agreement with Computel Consultants whereby Computel Consultants will provide utility billing analysis services for NYCOM Member Municipalities, identifying, correcting and securing refunds for overcharges on utility accounts during the prior six-year time period and whereby the cost for the service will be 40% of any funds that are secured for the Village, and that there will be no fee at all if no funds are secured by Computel Consulting for the Village. The motion was

seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the contract with Computel. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**CLOSE FIRST ST. –**

**HALLOWEEN:** Trustee Tallman made a motion to again close First Street between the hours of 5:00 p.m. and 8:30 p.m. on Halloween for trick-or treating, subject to conditions on October 31<sup>st</sup>, which is a Friday this year. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on closing First St for Halloween. Hearing none, Mayor Curtin called for a vote. Both 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 for August 2014. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the budget modifications. Hearing none, Mayor Curtin called for a vote. Both 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 and asked residents to please note in particular that the Village Office will be closed for Columbus Day, October 13<sup>th</sup>, but that there would not be a delay in trash pickup that week. She also announced that there will also be a public hearing prior to the next Board Meeting on October 27<sup>th</sup> for the purpose of amending the sewer law.

**Updates by the**

**Mayor:**

Mayor Curtin provided updates on the following subjects:

- a. Village-Town Sewer Agreement – Mayor Curtin stated that he and Chief Operator Crysler met with the Marcellus Town Board in late August to discuss a new sewer agreement, whereby the Village will take over control and responsibility of the Town Sewer Districts – hopefully by January 2015. The new agreement should be finalized soon, pending legal counsel considerations, and the Board expects that the agreement will be a long term one – ten years. The agreement will relieve the Town of having to deal with sewer main issues, and will also allow the Village to maintain the infrastructure of the sewer system.
- b. Drainage Issues – following some rather torrential downpours this past summer, the Village and the Town met with a representative of Onondaga County Soil & Water Conservation recently. Mayor Curtin mentioned that they hiked two areas of much concern in particular – the Meadow-Highland-Limeledge watershed, as well as the Flower Lane-New Seneca Turnpike watershed in an effort to both understand more fully the situation as well as look for potential solutions to the flooding that occurs in the Village following heavy rains. The Board expects a report from the County Soil & Water Conservation group in a few weeks. Initially, Mayor Curtin reported that this will not be an easy fix in either area, and will first require a costly update of the Drainage Study that was conducted back in 1977. It will also require the full cooperation of residents whose properties are affected by the heavy rains. The areas of great concern are on private property and, as such, neither the Village nor the Town is able to provide much assistance without proper easements. A long-term solution would include not only an updated Drainage Study, but also the deepening of ditches, the installation of retention ponds, as well as the removal and installation of properly-sized storm water pipes, and possibly the creation of neighborhood drainage districts – a proposal that, because of the cost involved, might be objectionable to the residents affected. The Soil & Water Conservation representative, during the trek, noted that the large pond above Highland Drive, on Limeledge Road, has been satisfactorily secured recently and fears, on the part of residents below the pond, that heavy rains will overflow and flood their properties do not seem to be warranted. Following the report back from Soil & Water Conservation, the Board expects to schedule an informational meeting for Village and Town residents to more fully explain the report and to discuss some solutions to this long-standing problem. A letter inviting residents to that meeting will be forthcoming and the Board urges residents to make every effort to attend.
- c. Compost Project – continues to be very successful, and composting continues all year round even though the demand obviously lulls through the fall and winter. A consideration that may make spring plantings easier is to secure compost this fall. Compost can be stored outside, without cover, through the fall and winter for its intended use next spring. Also, resident may visit the facility on Face book to get updates on compost availability. The page can found by searching for Village of Marcellus Compost Facility.
- d. Road Reconstruction – on Highland Circle and Orchard Circle began with the milling of those streets on September 16, 2014. Since then, the streets have been

repaved with four inches of asphalt and the Board, along with the residents, is very grateful to the highway department for all of their efforts in having this reconstruction completed. The Board is sorry to note that additional paving on Hillside and Baker will have to be delayed another year due to budgetary constraints.

- e. Old North Street – the Board is still in the process of transferring, at an appropriately-appraised value, part of Old North Street, abandoned by the State to the Village, to the property owners of Daniel's Grill at 69 North Street. This should finalize the boundary lines for both Old North Street and the property at 69 North Street, a process that began back in 1966 when Nine Mile Creek was rerouted by the State of New York and a plan to abandon the street to the Village was contemplated.
- f. The Planning Board – will meet this week to discuss several items including some handicapped parking spots on Orange Street, across from St. John's Episcopal Church and a site plan review for the property at 3 East Main Street.
- g. School's Open – please watch for school children walking and remember that there are pedestrian crossings on Main Street, as well as 20 mph speed limits in school zones and a 25 mph speed limit on First Street, a route that is heavily traveled by schoolchildren. Please slow down. Tickets will be issued for speeders.
- h. SRO – the School Resource Officer Program and Agreement has been finalized by all parties and is in full effect, with three (3) Village officers as School Resource Officers in each of the school buildings.
- i. Notify the Police – Call 911 – Chief of Police Robert Wicks reminds residents, especially at a time of year when mischief makers are more active, that it is essential that they report incidents of crime or vandalism in their neighborhoods by calling 911. Sometimes, residents are not making these calls because they feel that an issue might not warrant it. Some might be calling the Police Department and will often listen to an answering machine because the officer is out on patrol. Residents must call 911. If you are still not satisfied, please contact the Village Office during business hours, at 673-3112, and express your concern. The Chief also encourages residents to call the Police Department if they have any concerns about contractors they may employ. The Police Department would be happy to do background checks so as to alleviate these concerns. Residents should also be aware of the fact that First Street will be closed to traffic on Halloween, October 31st, from 5 p.m. to 8:30 p.m. The Board will remind residents of this at the October board meeting.
- j. Sidewalks – on Slocombe Ave and on First Street and Bradley Street should be completed by the end of September. A very rainy summer has caused contractor delays for many weeks.
- k. Sump Pump Redirection Program – initiated last summer has been very successful. However, there are still about twenty (20) residences that need to be inspected. The Board authorized the Village Attorney to send another letter to these property owners, with the notation that (198-30 (Right of entry) - Village employees are entitled to "enter all properties for the purposes of inspection, observation, measurement, sampling and testing"

198-33 (Prohibited discharges) - "No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage...to any sanitary sewer."

198-66 (Violations - Penalty) - "The Village may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this Chapter is found to exist..."

In addition, the Board will propose an amendment to the sewer law, which will levy surcharges or fines on those property owners who refuse to comply. These surcharges will double the sewer rent each quarter, until an inspection takes place. The Board urged those property owners who have refused an inspection to contact the Village Inspector, John Holmes at 414-8299 or the Village Office (673-3112) to arrange for an inspection and avoid a surcharge on their sewer rents each quarter.

- l. Tree Removals and Plantings – trees have been removed in various spots in the Village and several new trees will be replanted in the fall in various locations, as determined by the Highway Department.
- m. Thanks to Village Employees - the Village thanked all who participated in the work they did on the flower boxes this year, particularly Village employee Kathy Welsh, and the highway crew, whose attention to their care all summer was exceptional and made it possible for all in the community to enjoy their beauty. In addition, Mayor Curtin called attention to the green space on the corner of Scotch Hill and North Street. Recently, the Village treatment plant employees expanded the landscaping there to address the deterioration of the plants due to the very hot summer weather. The space was reworked, with minimal cost, to provide the existing plants with adequate room for growth and provide another advertisement of the benefits that natural fertilizer can bring. Compost was mixed in with the plantings in the flowerbeds and distributed over the lawn area – proudly showcasing the use of compost to the residents of Marcellus and its visitors. Mayor Curtin expressed how pleased he and the

Board were with the appearance of the green space. The Board thanked these hard-working employees for all of the efforts.

- n. Creek Walk Project – an agreement with NYSDOT to secure the rights-of-way needed for the southern portion of the trail has been signed, and the State has begun to secure these easements. Unfortunately, because of delays, all rights-of-way will not be secured until May 1, 2015. That means that construction of the trail will be delayed until the spring.
- o. Overnight Parking – November 1<sup>st</sup> to April 1<sup>st</sup> – the public should be aware of the fact that as of November 1, 2014, there is no parking allowed on any street in the Village of Marcellus from 2 a.m. to 7 a.m. so that the Highway Department can plow snow. This no parking ban will remain in effect until April 1, 2015.
- p. Village Taxes – most have been paid, while the amount of unpaid taxes at present, including penalties, totals \$32,952.93 from 16 property owners, a figure similar to that in 2013. Unpaid taxes can continue to be paid to the Village until October 31, 2014, when they will be turned over to the County for reimbursement.
- q. Scotch Hill Project – having awarded the bid for the curbing project on Scotch Hill, the Board was notified that construction will most likely begin in early October and should be completed within a week's time. Residents of Scotch Hill will be notified as to when the project will actually take place so that they can plan ahead and they will not be inconvenienced, except possibly for one day, by driveway closures.
- r. Sewer Consolidation Grant Project – is just about complete and there has been a final walk-through in recent days by the engineering firm, MRB. The Board also expects a final meeting of the Consolidation committee to be held so as to coordinate plans to close out all paperwork for the project and submit to the New York Department of State for reimbursement of the \$600,000, awarded the Village in October 2012.
- s. County Health Dept. – the Board received additional news releases from Onondaga County Health Department regarding more evidence of Eastern Equine Encephalitis (EEE) Virus in the County as well as some first cases of Enterovirus D68 in several young children in Onondaga County – a respiratory illness that is spread by coughs, sneezes or touch surfaces.

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. Marie Moy of Kelly Avenue thanked the WPCP employees for the excellent job of providing the residents with compost from the wastewater plant. She also asked the Board to consider having a monthly brush pick up for residents during the months of June and July or July and August. The Board mentioned that they had received additional requests from other residents for summer brush pickup and will consider curbside brush pickup for Summer 2015. Marie also asked the Board to consider adding Kelly Avenue to the watershed areas (see Section b in Mayor updates above) that will be discussed at a future informational meeting of the Board with the Onondaga County Soil & Water Conservation District. The meeting will address drainage issues in certain areas of the Village. Mayor Curtin told Marie that he would include Kelly Avenue residents to the list of residents who will receive a letter about the upcoming informational meeting. Mayor Curtin said that the Board will have more information once they obtain the report from the Onondaga County Soil and Water District. 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 Mayor Curtin. Mayor Curtin called for a vote. Both board members voted aye and the motion carried. Mayor Curtin thanked everyone for coming to the meeting.

The Regular Board Meeting was adjourned at 7:21 p.m.

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Dawn M. O'Hara, Village Clerk