

**REGULAR MEETING OF THE VILLAGE BOARD  
OF THE VILLAGE OF MARCELLUS HELD ON  
OCTOBER 27, 2014 AT THE VILLAGE HALL**

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

**ABSENT:** Jeff Brown, Attorney

Pledge of Allegiance.

Mayor Curtin asked for a motion to open the regular board meeting after a public hearing on Local Law #4 at 7:07p.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 voted aye and the regular board meeting was opened.

**LL #4 OF 2014 –  
AMEND**

**SEWER LAW:** Trustee Tallman made a motion to approve Local Law #4 authorizing the Village Board to add a surcharge, the amount of which is to be set by the Village Board, to the sewer bill of any person violating any of the provisions of Chapter 198, the Sewer Law. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on amending the law. 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 September 2014. The bills on Abstract Sheets #005 for General Fund in the amount of \$45,299.37, Sewer Fund in the amount of \$50,672.02, Capital Funds in the amount of \$53,375.82 and Trust & Agency in the amount of \$149.36 were audited. The bills totaled \$149,496.57. The Board received the Police Report for September 2014 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of September 2014 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for September 2014. The financial statements as submitted by Village Treasurer Nino Provvidenti for September 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.

**SEWER AGREEMENT**

**WITH TOWN:** Trustee Tallman made a motion to authorize the Mayor to sign an Inter-municipal Agreement with the Town of Marcellus whereby the Village agrees to lease from the Town, the Town Sewer System and thereby assume responsibility for the operation, maintenance and repair of the Town Sewer System, and also agrees to eliminate the “outside user fee” currently paid by Town sewer users to the Village in favor of collecting a Transmission and Maintenance Fee which is currently paid by the Town sewer users to the Town; and also agrees to continue to bill Town sewer users through the Town of Marcellus. The Town shall bill the Town sewer users at the beginning of each calendar year, when Town taxes are levied, said payment shall be based upon a Basic Service Fee (average Village sewer user payment) plus a twenty-five (25%) Transmission and Maintenance Fee, times the number of Town sewer units. The Town agrees to transfer to the Village, by March 1<sup>st</sup> each year, in a single payment, to be approved at the Town’s Organizational Meeting each year, those sewer rent payments that have been made to the Town by the Town sewer users. This Agreement supersedes all prior negotiations and written or oral understandings and replaces all prior agreements, both written and oral between Village and Town for the Town Sewer System, except the Sewer line and Pump Agreement, dated March 25, 2013, relating to the Town Fire Hall and Town Park sewer mains and pump station, attached as Exhibit 1, which shall remain in effect until otherwise superseded or terminated. The Agreement shall be from January 1, 2015 until December 31, 2024, and will be revisited every five (5) years so as to negotiate any adjustments that either party may find necessary. 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.

**RELEVY OF  
UNPAIDS:**

Trustee Cox made a motion to re-levy all unpaid Village Taxes, as of November 1, 2014, to the County of Onondaga for payment. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the relevy. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**NYSMEC:** Trustee Tallman made a motion to approve resolutions authorizing Village of Marcellus participation in the New York School and Municipal Energy Consortium (NYSMEC) for purchase of electricity and natural gas, and another motion to authorize the Mayor to sign the billing schedule and agreement with the New York School and Municipal Energy Consortium (NYSMEC) for purchase of electricity and natural gas. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the resolutions or agreements. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**ONON. COUNTY  
SOIL & WATER**

**AGREEMENT:** Trustee Cox made a motion to authorize the Mayor to sign an agreement with Onondaga County Soil & Water Conservation whereby the Village will contract with the District for certain professional services, on an as needed basis to be determined by the Village. The services would include reviewing Stormwater Pollution Prevention Plans, conduct on-site construction inspections to monitor erosion and sediment control measures, as well as on-site post construction inspections to monitor sediment control measures. The motion was seconded by Trustee Tallman. 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.

**STORMWATER**

**RESOLUTION:** Trustee Tallman made a motion to approve a Resolution supporting participation in the CNY Storm Water Coalition Staff Services and Education Compliance Assistance Program, pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Storm Water Phase II General Permit for Municipal Separate Storm Sewer System (MS4). Mayor Curtin mentioned that a copy of the proposal is on file in the Village office for public inspection. The one-year Agreement to participate will cost the Village of Marcellus \$3,600. The cost is strongly opposed by the Village Board and was addressed by the Mayor in his updates. 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.

**UPDATE VILLAGE**

**DOCUMENTS:** Solar Permit and Freon Removal (Document C) – Trustee Cox made a motion to update the Fee Schedule for two items recently added to Code Enforcement, including a \$125.00 fee for solar permit installation and a \$30.00 fee for the removal of Freon from items that are picked up by the Highway Department.

Update Village Parking Restrictions for Scotch Hill Road (Document E-1) – Trustee Cox also made a motion to update the Village Parking Restrictions, as it relates to Scotch Hill Road, whereby, as of November 1, 2014, no parking will be allowed on the south side of Scotch Hill Road. With the installation of curbing on the south side of the road, and since all residences on Scotch Hill have adequate driveway space, the Board does not feel that this would cause an inconvenience. In addition, because oversized vehicles use the road frequently, particularly school busses, safety on the highway is a factor that was considered by the Board in making the decision. The Board mentioned that current restrictions do not allow any parking in the Village right of way, the area between the curb and the sidewalk.

Both motions were seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on updating the documents. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motions carried.

**APPOINT POLICE**

**OFFICER:** Trustee Tallman made a motion to appoint Gabriel Storto, from the Civil Service List, as a part-time officer in the Marcellus Police Department. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the appointment. 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 Fund. 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.

**REMINDER:**

**CLOSE FIRST**

**STREET:**

Trustee Tallman announced that the Board wanted to remind the residents that First Street would be closed between the hours of 5:00 p.m. and 8:30 p.m. on Halloween, October 31<sup>st</sup> for trick-or-treating, subject to weather conditions.

**REMINDER:**

**NO PARKING:** Trustee Cox announced that the Board wanted to remind the public 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. in order for the Highway Department to plow snow. The no parking ban will remain in effect until April 1, 2015.

**REMINDER:**

**POLLING**

**PLACES:**

Trustee Tallman announced that the Board wanted to remind residents that the polling places in Marcellus had changed two years ago. In 2012, the Board of Elections redrew the Town of Marcellus election district lines to create two districts entirely within the Village. Those 2 districts (ED3 and ED4) will vote at the high school auditorium. Residents living outside the Village will vote at the Fire House. All residents were notified by mail by the Board of Elections, but some residents may not realize that the change is permanent. Election Day is November 4, 2014. Polls are open from 6 a.m. to 9 p.m., and the Board urged all residents to vote.

**ANNOUNCE**

**VILLAGE**

**MEETINGS:**

Trustee Cox announced that the Village Clerk had printed copies of future meeting dates of the Village for the benefit of residents. He asked residents to make particular note that the Village Office would be closed on Tuesday, November 11<sup>th</sup> in honor of Veterans Day and that the Village Office will be closed on November 27<sup>th</sup> and 28<sup>th</sup> for the Thanksgiving Day holidays. Trustee Cox also mentioned that the Village Tree Lighting Ceremony will take place on Thursday, December 4<sup>th</sup>, in the Village, at the Point.

**Updates by the**

**Mayor:**

Mayor Curtin provided updates on the following subjects:

- a. Village-Town Sewer Agreement – the consolidation of operation, maintenance, repair, and billing of the Village-Town-School sewer systems under the direction of the Village is completed by virtue of the new agreement. Mayor Curtin let everyone know that a copy of the agreement is on file in the Village office for public inspection. Having been awarded a \$600,000 Local Government Efficiency Grant in 2012, monies were used to pay for several system-wide improvements, as well as targeted improvements throughout the Village, Town and School District. It is a tribute to all parties involved that the agreement is now complete and is an excellent example of consolidation of governmental services. Now that the consolidation is complete, the Village, which had to borrow the money beforehand, begins the process of having the State of New York reimburse the Village for the grant monies of \$600,000, awarded by the State of New York back in 2012.
- b. Sewer Consolidation Project – with the completion of the Project, the Board thanked residents of the Village as well as the sewer users in the Town and School District, for their exceptional cooperation in helping to make the project so successful. In particular, Mayor Curtin, on behalf of the Village Board, thanked Town Supervisor Paul and School Superintendent Tice, as well as members of those Boards, for their willingness not only to make application for the grant monies, but also for their continued dedication to working with the Village to arrive at such an effective outcome.
- c. Drainage Issues – Mayor Curtin let everyone know that on October 29, 2014, an informational meeting would be held at the Marcellus Fire Station for both Village and Town residents to discuss some of the drainage and flooding issues that continue to result from heavy rains in the community this past summer. Representatives from both the Village and the Town, Onondaga Soil & Water Conservation, Code Enforcement Officers and an engineering firm (MRB) will be in attendance to offer some thoughts regarding the drainage situation and potential solutions to the flooding that occurs in the Village following heavy rains. The Board noted that there will not be an easy fix to the drainage issue, and will also require the full cooperation of the residents whose properties are affected by the heavy rains. Most of 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. Knowing that solutions to drainage issues in the Village will not be easily found or inexpensive, the Board encouraged residents to attend the meeting for mutual discussion of the information that will be presented.
- d. Leaf and Brush Pickup – brush pickup ended on October 14<sup>th</sup> and if any residents have missed the deadline, they are welcome to utilize the Village composting site behind the Village Hall. Leaf pickup will extend from October 14<sup>th</sup> to November 10<sup>th</sup>. With weather permitting, the Highway Department may continue leaf pickup beyond the November 10<sup>th</sup> deadline, since many trees have not yet dropped their leaves. The Board asked residents to please remember to keep leaves in the Village right of way, between the sidewalk and the road, and out of the street where they sometimes end up clogging the catch basins.

- e. Compost Project – continues to be very successful. Mayor Curtin reminded residents that composting continues all year round even though the demand obviously lulls through the fall and winter. Some residents might want to secure compost this fall, since it can be stored outside, without cover, through the fall and winter for its intended use next spring.
- f. Scotch Hill Project – The Board thanked Scotch Hill and Village residents for their patience and understanding during the recent construction that took place on Scotch Hill Road, as well as apologize for any inconvenience that the work may have caused. The Board also mentioned that the installation of curbing on Scotch Hill Road has been a great improvement, helping to beautify an important gateway to the Village. The contractor, K. Fellows Excavation, completed, in the Board's estimation, an excellent project, on budget and with no delay, and extended its gratitude to the company. Not only will the new curbing eliminate roadway and drainage deficiencies that currently exist on Scotch Hill Road, but also create additional green space and snow storage between the street and the sidewalk. The Board hopes that monies will be available next year to install new 5-foot sidewalks on the south side of Scotch Hill Road from North Street to the Village line. The Board would have preferred to complete both curbing and sidewalk reconstruction in one project, but it became necessary to split this project into two separate phases because of the uncertainty of funding.
- g. Old North Street – Mayor Curtin announced that the Board is still waiting for the attorney for Daniel's Grill to complete all necessary legal work to transfer, at an appropriately-appraised value, the property that is now owned by the Village to Daniel's Grill.
- h. Planning & Zoning Board – a review of the property zoning classification at 3 East Main Street by Onondaga County Planning is being addressed at present by the Village Planning Board.
- i. Tree Removals and Plantings – several diseased or dying trees on First and Meadow have been removed, along with another on East Main Street. New trees have been planted in various locations throughout the Village in recent weeks.
- j. School's Open –The Board continues to ask residents to 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.
- k. Notify the Police – Call 911 – Chief of Police Robert Wicks reminded residents, again 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 encouraged 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 to alleviate these concerns. Residents should also be aware that First Street will be closed to traffic on Halloween, October 31st, from 5 p.m. to 8:30 p.m.
- l. Health Care Costs – information for Village employees seems to be on hold since the Exchanges cannot be accessed, and Excellus has not mapped over the groups. With the delay, it appears that meetings with Village employees are going to be pushed back to mid or late November, since our agent remains several weeks away from being able to present all of the options that need to be analyzed. Last year, the Village budgeted an increase of 12%, but the Board is unable to project what it may be for the new year.
- m. Pension Costs – for next year have not yet been released by the NYS Retirement System. It is expected that such figures will be available by mid-November.
- n. Creek Walk – right-of-way (ROW) acquisitions by NYSDOT for the project are moving forward and should be secured within the next several months. The Village will end up owning the ROW after acquisition by the NYSDOT. Unfortunately, because of delays, all rights-of-way will not be secured until May 1, 2015, which means that construction of the trail will be delayed until the spring.
- o. 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. In addition, the Board has approved an amendment to the sewer law, which will levy surcharges or fines on those property owners who refuse to comply. These surcharges could double the sewer rent each quarter, until an inspection takes place. The Board urged the 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.

- p. Veterans' Day – commemoration will take place at 11 a.m. on November 11<sup>th</sup>, at the Village Point, and the Board asked residents to take time out and offer thanks to all veterans for the service they have and will continue to provide us.
  
- q. Storm Water Management Program - Participation in the Storm Water Management Program offered by the CNY Regional Planning Board costs the Village \$3,600 each year. The one-year Agreement to participate costs the Village of Marcellus \$3,600, a cost that is strongly opposed by the Village Board. There are 31 municipalities participating, including the Town of Clay with over 58,000 people and the Village of Marcellus with under 2,000 people. Yet, all 31 municipalities pay the same \$3,600. That amounts to about \$8 for every resident of Marcellus and 18 cents for every resident of the Town of Clay. The Board has protested the seemingly unfair agreement in the past, and the Board will continue to object to the fee in the future, but the Village, at present, is somewhat obligated.

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. The Village cemetery wall on Maple Street will be repaired by Town and Village Highway Departments in the near future. There was a concern about traffic on Reed Street and the possible installation of "No Thru Traffic" signs. There was also concern about a potentially dangerous cover on Coon's Pond outlet. The Highway Chief will check this out. 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 7:35 p.m.

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Dawn M. O'Hara, Village Clerk