

## Monthly Updates – from the Mayor – October 2019

Since the minutes from our regular monthly Board meeting are not formally approved and posted on the Village website until the following month, it seems that our residents might be more fully informed of Village affairs by having regular updates posted on our website sooner, rather than later. To that end, it has been decided to provide our readers with some monthly updates, and if there are any concerns or a need for more information, please call (315-673-3112) or email (clerk@villageofmarcellus.com) the Village Office.

**Public Hearing – Local Law #4 of 2019** – The purpose of the public hearing was to allow all interested parties the opportunity to be heard regarding Local Law #4 – Amending Chapter 133, Article III – Garage Sales. At present, the Garage Sales Law is somewhat confusing, allowing garage sales to take place on residential property at virtually any time as long as the sale involves five (5) items or less to be sold. The original intent of the law was to limit garage sales for any items on residential property to two times in a calendar year. However, the law has been interpreted by some to mean that garage sales can take place at any time as long as no more than five (5) items are sold at a given time. The Board suggested that the phrase “of five (5) or more items” should be removed from Chapter 133, Article III, Section 133-46 and the phrase “. . . of any items . . .” should be added instead. In addition, the Board suggested that Chapter 133, Article III, Section 133-48 read “. . . for more than four (4) times in any one calendar year . . .” “replace the phrase “. . . for more than two (2) times . . . in any one calendar year.” These changes would address the original intent of the law, passed in 1997 as well as double the number of legal garage sales that some residents might desire.

**Public Hearing – Local Law #5 of 2019 – Creation of Article II of Chapter 231 of the Village Code – Small Cell Wireless Deployment Requirements.** The purpose of the public hearing was to allow all interested parties the opportunity to be heard regarding Local Law #5 – Small Cell Wireless Deployment Requirements. Because the wireless telecommunications industry has expressed interest in submitting applications to lease space within the Village for the installation of small cell wireless telecommunications facilities and because the Village does not, at present, have a law governing such, the Board feels like such requirements should be in place.

What is small cell technology? The Village Clerk has printed copies of what might help to explain this technology. Basically, at their core, small cells are wireless transmitters and receivers designed to provide network coverage to smaller areas. So while tall, high-power “macro” towers keep the network signal strong across large distances, small cells suit more densely developed environments like cities or villages.

The installation of small cell facilities may have both positive and negative impacts on our community, may impact property values, may pose a threat to public, health, safety and welfare, may create traffic and pedestrian hazards, may impact trees or branches or roots, may create visual and aesthetic blights and potential safety concerns from excessive size, height, weight, noise or associated pedestals, meters, equipment or power generators which may negatively impact the quality and character of the village.

The Village currently regulates wireless telecommunication facilities through zoning and special use permits. However, the existing standards have not been updated to reflect current telecommunications trends or necessary legal requirements. Further, the primary focus of zoning regulations has been on wireless telecommunications facilities located on private property, and the existing Code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with multiple small cell installations deployed in the public rights-of-way.

Federal regulations have changed substantially since the Village last adopted regulations on wireless telecommunications. A recent FCC Order provides that all local jurisdictions must comply with various restrictions on the exercise of local aesthetic, zoning, public works, and fee restrictions when dealing with wireless installation siting applications by the effective date of the Order, which was January 14, 2019. The FCC Order further provides that all agencies should be capable of fully implementing its provisions within 180 days of its adoption, which was on September 26, 2018. The Order also include modifications to “shot clocks” which require the Village to approve or deny applications within certain periods of time and may actually deem an application approved when a failure to act occurs. Thus the Village is in clear need of updated regulations for small cell installations given the number of anticipated applications and legal timelines during which the Village must act.

The Village recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that development activity does not endanger public health, safety, or welfare. The Village intends these code provisions to ensure that the installation, augmentation and relocation of small cell installations are conducted in such a manner as to lawfully balance the legal rights of applicants under the Federal Telecommunications Act and New York State with the rights, safety, privacy, property and security of residents of the Village.

This Article is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services in the Village; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions so long as such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the Village may not deny under federal or state law; or (6) otherwise authorize the Village to preempt any applicable federal or state law.

Based on the foregoing, the Village Board of Trustees determined that the preservation of public health, safety and welfare requires that this Article II of Chapter 231 of the Village Code be enacted.

**Vote on Local Law #4 of 2019 – Amending Chapter 133, Article III – Garage Sales** – the Board approved Local Law #4 of 2019, Amending Chapter 133, Article III – Garage Sales

**Complete SEQR For Local Law #5 of 2019 – Small Cell Wireless Deployment Requirements** – Attorney Brown guided the Board through the SEQR (Short Environmental Question Review) including SEQR Part 1 establishing the Village Board as Lead Agency, SEQR Part 2, completing all Impact Assessment Questions, and SEQR Part 3, indicating that No or small impact may occur and that the proposed action would not result in any significant, adverse environmental impacts

**Vote on Local Law #5 of 2019 – Creation of Article II of Chapter 231 – Small Cell Wireless Deployment Requirements** – the Board approved Local Law #5 of 2019, Small Cell Wireless Deployment Requirements, contingent on review by Onondaga County Review Board.

**Resignation of Village Trustee** – the Village Board received a letter of resignation from Trustee Kevin O'Hara who, because he is moving into the City of Syracuse, must resign from the Board of Trustees. A motion was made and approved to accept with regret the letter of resignation, which will be effective October 31, 2019.

**Appointment of Village Trustee** – the Mayor made a motion to appoint Timothy Manahan, who is presently the Chair of the Village Planning Board, to the position of Trustee to fill the term of Mr. O'Hara until the next General Election in March 2020. This appointment will be effective as November 1, 2019.

**Appointments to Planning Board** – the Mayor made a motion to appoint Richelle Schettine to complete the unexpired term of Timothy Manahan, recently appointed to the Village Board, as a member of the Village Planning Board – from November 1, 2019 to March 31, 2020. In addition the Mayor made a motion to appoint Jill Bristol to complete that term as an alternate member of the Village Planning Board – from November 1, 2019 to March 31, 2021. Also, whereas Timothy Manahan is no longer a member of nor Chair of the Village Planning Board, the Mayor made a motion to appoint Peter Chapman, presently a member of the Board, to complete Tim's term as Chair of the Village Planning Board – to March 31, 2022.

**Re-levy of Unpaid Village Taxes** – a motion was made and approved to re-levy all unpaid Village Taxes, as of November 1, 2019, to the County of Onondaga for payment.

**Resolution – World Polio Day** – October 24, 2019 was being recognized worldwide as Rotary World Polio Day. In recognition of that, a motion was made and approved to pass a resolution recognizing October 24th, 2019 as Rotary World Polio Day and to support Rotary International efforts to polio eradication until the world is certified polio-free. Today the world has one more country, Nigeria, which is certified to be polio free. This leaves two more to go, Afghanistan and Pakistan. On this World Polio Day, we encourage our own Marcellus Rotary to do everything it can, to raise the funds, raise the awareness, and be the inspiration to end polio now. For those interested, Rotary has prepared a brief Q & A outlining some of the basics, a copy of which has been prepared for our residents.

**Spectrum Cable Franchise Agreement** – a motion to was approved to again table the Spectrum Cable Franchise Agreement until the Village Attorney has been able to negotiate successfully, the terms of a new agreement, with Spectrum Communications.

**Reminder – Closing of First Street for Halloween** – a motion was approved to again close First Street between the hours of 5:30 p.m. and 8:30 p.m. on Halloween for trick-or treating, subject to conditions on October 31st, which is a Thursday. We might also note that the Marcellus Fire Department will sponsor cider, donuts, apples and coffee at the Marcellus Police Department Garage, 6 Slocombe Avenue. In addition, a Halloween Costume Parade, with prizes, will take place at the point and that Village merchants will be opened extended hours, with treats for kids of all ages.

**Reminder – No Parking – November 1st to April 1st** – the public should be aware of the fact that as of November 1, 2019, 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, 2020.

**Reminder – Village Polling Places** – Please note that polling places in Marcellus changed seven 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 two 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 may not realize the change is now permanent. Election Day is November 5, 2019 from 6 a.m. to 9 p.m., and we urge all residents to vote.

**Announce Village Meetings for November 2019** – the Village Clerk has printed copies of future meeting dates for the Village for the benefit of residents. Please make note that First Street will be closed to traffic on Halloween, October 31st, from 5:30 pm to 8:30 pm, that the Village Office will be closed on Monday, November 11th in honor of Veterans' Day and that the Veterans Day ceremonies will take place on Monday, November 11th, at 11:00 a.m. at the Point. In addition, the Village Office will be closed on November 28th and 29th for the Thanksgiving Day holidays. Also, the Village Tree Lighting Ceremony will take place on Friday, December 6th, in the Village, at the Point. This is a change from previous years when the tree lighting took place on a Thursday.

**Request to Adjust Utility Charges** – we have received a written request from the property owner at 13 Main Street, Ralph Share Post of American Legion, a non-profit organization, asking that the Board consider adjusting the Village utility charges for the 2nd quarter. The utility cost for the most recent billing cycle was approximately \$750.00 – 13 times the normal average use – and attributed to a leaky toilet in the basement. Because the American Legion is a non-profit organization, and because this utility charge is an abnormal cost, and because the property owner already paid the extraordinarily high utility charge, a motion was made and approved that the Board issue a credit of \$364.80, which is half of the amount owed for utilities for the second quarter of 2019. Attorney Brown noted that OCWA also forgave 51% of its most recent water billing to the American Legion Ralph Share Post 269

### **Mayor's Updates**

**Leaf and Brush Pickup** – brush pickup ended on October 8th and if any residents have missed the deadline, they are welcome to utilize the Village composting site behind the Village Hall. Leaf pickup extends from October 15th to November 18th. After November 19th, residents may collect leaves into large brown paper leaf bags and place the bags at the curb for pickup, weather permitting – please note that only these leaf bags will be picked up after November 19th. Residents may also drop off brush and leaves anytime at the Village compost site, located next to the Highway Department garage. Please remember to keep leaves in the Village right of way, between the sidewalk and the road, and out of the street where they might end up clogging the catch basins and lead to flooding.

**Compost Project** – continues to be very successful and please remember 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.

**Green Gateway Project** – last month, for the benefit of our residents, we provided a summary of what the Board and others have been working on since 2016 – a project that we hope will result in an environmentally positive gateway entrance to our Village –

at the site of the former woolen mill on North Street. Printed copies of this summary are provided for the benefit of residents and are available in the Village office, as well as on the Village website (click on <http://villageofmarcellus.com> and then on News, then Village News, then Recent News. Also, an article appears on Syracuse.com that highlights the project for those so interested, a copy of which I also on our website. We would also mention that the STEAM teachers and students at Marcellus Central have completed two volunteer clean ups of the site in September and October and perhaps another for November. A rough layout of a trail through the wooded area has been completed as well as a proposed outdoor classroom. The U.S. Fish and Wildlife Service has visited the site, as well as representatives of the DEC to offer advice and help. It is hoped that by the spring, students and staff from MCS, as well as the Village DPW will be able to continue their efforts to improve and make good use of this site.

**Parking Project** – a parking lot extension is that associated with the North Street Apartments on Paul Street. This extension not only adds more parking at the apartment complex, but also calls for the installation of refuse dumpsters for the apartments at 34 North Street, a significant improvement over the use of individual trash cans, especially on garbage pickup days.

**Trees** – some tree removals have been or will be done on South and Main Streets, and perhaps another on Chrysler and Paul Streets, along with some trimming. Some tree plantings are expected to take place in the fall, but the locations have not yet been determined.

**School's Open** – we continue to ask residents to 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.

**2020 Census** – Everyone Counts! – we encourage residents to visit our website and recent news for information on the 2020 Census, particularly “what you need to know” about the census, how this once-a-decade population count affects you and your government, as well as any concerns you may have about your responses to the 2020 Census.

**New Business in the Village – Jordy's Barbershop** – the Village is eagerly anticipating the expected opening of Jordy's Barbershop, at the former Great Wall location, at 22 West Main Street. Jordan Michel, proprietor, is hoping for a mid-November opening, and will provide a full line of barber services, including old fashioned scissor cuts and hot shaves. She brings over 5 years of experience with her as she begins her journey as a business owner and master barber here in Marcellus and is looking forward to meeting people in the community. We welcome Jordan Michel and her business to the Village and encourage our residents to patronize her business when it opens in mid-November.

**Call 911** – Chief Wicks again 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. Residents should also realize that First Street will be closed to traffic on Halloween, October 31st, from 5:30 p.m. to 8:30 p.m.

**Police Report** –we would like to compliment our department and its officers for the fine work that they do on behalf of our residents and non-residents. In addition, the Chief continues to encourage residents to call the Police Department if they have any concerns about solicitors or contractors they may employ. The Police Department would be happy to do background checks so as to alleviate these concerns.

**Street repairs** – West Main Street – we hope to have our contractor on site soon so as to complete the storm drainage repairs on a portion of the southern side of West Main Street (also known as County Rt. 41), from #15 West Main (the Grange) west to the Village line. Having also declared this action to be a public emergency permitting the Village to immediately retain a contractor, we are somewhat at the mercy of the contractor, who reassures us that the drainage pipes will be replaced this fall.

**The Onondaga County Community Development Division** – is reaching out to the Village to discuss the Onondaga County Village Main Street Revitalization and Beautification Grant Program. This program is an initiative for elected officials to work

with local business owners to develop a proposal that will positively impact Main Street and Village Center areas. This revitalization would involve aesthetic improvements, business creation/retention and beautification that will lead to healthier and more economically vibrant communities. Proposals will be evaluated and villages selected based on the overall impact of the project. The County will require a 25% match to any total project cost. For example, a beautification project totaling \$100,000.00 would require \$25,000.00 to be matched by the applicant. The Village has arranged for business (property) owners to meet with and ask questions of the Director of the Program, Martin Skahen, at a special gathering at the Marcellus Free Library Community Room, on Tuesday, November 19, 2019 at 7 p.m. If you are interested in participating in this program and/or want to find out more information about the program, please attend this meeting on November 19th.

**Veterans' Day** – commemoration will take place at 11 a.m. on November 11th, at the Village Point, and we ask residents to take time out and offer thanks to all veterans for the service they have and continue to provide us. Also, there will be no trash delay because of the Veterans' Day holiday.

**WWTP Upgrades** – to the plant are still going on, with an anticipated conclusion by the end of November 2019. While it has been over a year of construction, we did not experience much inconvenience or interruption in the plant's operation. There have been several change orders to the project, the costs for which have been absorbed by the contingency portion of the budget – which is still rather healthy. Funding for the project can only come from sewer rate increases, and the recent increase has brought the average annual rate up to about \$540.00 – a quarterly increase of about \$25.00, or an annual increase of about \$100.00. This is an average estimate, since sewer rates are based on water usage in the Village. For Village users, those rates have been reflected in the most recent utility bills. For Town sewer users the increase will be rather significant, given that outside users pay an additional 25% over that of the average Village sewer user. Beginning In January 2020, an average town sewer user will pay approximately \$677.00 annually, an annual increase of about \$128.00, beginning in 2020.

**Village Taxes** – most have been paid, while the amount of unpaid taxes at present, including penalties, totaling over \$13,000 from 18 property owners, a figure significantly smaller than in previous years. The Village will eventually be reimbursed by the County for these tax evaders, but must wait a year before that reimbursement happens. In the meantime, the responsible taxpayers in the Village will continue, as they have in the past, to be responsible for the irresponsible. Property owners may continue to pay unpaid taxes to the Village until October 31, 2019, when they will be turned over to the County for reimbursement.

**Parking** - as we approach the winter months, we again remind residents that there is no overnight parking (from 2:00 a.m. to 7:00 a.m.) on Village streets from November 1st to April 1st. If ticketed by Village Police, the fee will be \$35.00. We urge residents to use the Village parking lots for any overnight parking situations.

**Christmas Tree Lighting** – this year is being planned for Friday, December 6, 2019 at the Point. This is a change from previous years, when the lighting was on a Thursday, and is a request from local merchants. We also are on board with this especially since this is not a school night and more residents will be able to participate.

**Other** – Trustee O'Hara took the opportunity to thank the residents and the Board for helping him during this tenure as Trustee.