

Monthly Updates – from the Mayor – January 2020

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 #1 of 2020 – Amending Chapter 198 (Sewage & Sewage Disposal)

Article IV of the Code of the Village of Marcellus to clarify the rent responsibility of owners and tenants

Because Chapter 198 (Sewage & Sewage Disposal) Article IV – Sewer Rent – appears to be confusing to some property owners and to some village residents, the Board has found it necessary to clarify and distinguish who is responsible for the payment of the sewer rent and other utility charges.

Therefore the Board is proposing that Chapter 198, Article IV, Sewer Rent be amended and that a new Section 198-79 – Owner/Occupant Responsibility – be added. That new section will state that the owner of a property in the Village is ultimately responsible for the payment of the sewer rent and other utility charges. The Village, as a courtesy to the Owner and/or Occupant, may in its sole discretion, send bills to the Occupant, thereby making both the Owner and Tenant jointly aware of the amount due. The Village reserves the right to rescind this courtesy billing at any time for failure to timely remit payment. Ultimately, it is the Owner's responsibility to ensure all utility charges are paid on time.

The Village is not responsible for determining the lease arrangement that a landlord and a tenant have between one another regarding rented property in the Village. Ultimately, it is the Owner's responsibility to ensure all utility charges are paid on time.

Vote on Local Law #1 of 2020 – Amending Chapter 198 (Sewage & Sewage Disposal) Article IV – Sewer Rent – a motion was made and approved to approve Local Law #1 of 2020, whereby Chapter 198 (Sewage & Sewage Disposal) Article IV – Sewer Rent be amended and that a new Section 198-79 – Owner/Occupant Responsibility – be added.

MPD Police – Captain Bernie Podsiedlik is retiring from the Onondaga County Sheriff's Department, effective January 30, 2020. A motion was made and approved to Accept Resignation of Police Captain Bernie Podsiedlik from Marcellus Police Department, effective January 17, and reinstatement to the Marcellus Police Department effective February 1, 2020.

Review of Employee Handbook – a motion was made and approved to approve a review by the Village Board of the Village of Marcellus Employee Handbook, a copy of which is on file in the Village Office for public inspection. The Handbook went into effect on February 1, 2013, and it has been decided that the Board would conduct such a review each year upon its anniversary. This year, as part of the review, the Board will, approve those changes that have been already ratified in previous years and, as required by a new state law, amend our employee handbook with the following resolution to prohibit reproductive health discrimination and to allow time off to vote. The resolution reads as follows:

WHEREAS, the Village Board of the Village of Marcellus approved a Village of Marcellus Employee Handbook on February 1, 2013 and

WHEREAS, the Employee Handbook states that the policies contained therein may be added to, deleted or changed by the Village Board as necessary, and

WHEREAS, New York State recently passed legislation prohibiting discrimination based on an employee's reproductive health decision making and allowing employees time off to vote on election day, and

WHEREAS, the Village Board hereby desires to amend the Employee Handbook to reference these two new legislative initiatives.

THEREFORE, BE IT RESOLVED, that the Discrimination and Harassment Prevention section of the Village of Marcellus Employee Handbook is hereby amended to add a new section re: reproductive health decision making as follows:

1. Accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent, is prohibited.

2. Engaging in discrimination or retaliatory action against an employee with respect to compensation, terms, conditions or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including but not limited to, a decision to use or access a particular drug, device or medical service, is prohibited.

3. Requiring an employee to sign a waiver or other document that denies the employee the right to make his or her own reproductive health care decisions, including but not limited to, the decision to use of a particular drug, device or medical service, is prohibited.

4. Retaliatory action is defined as discharging, suspending, demoting, or otherwise penalizing an employee for:

a. Making or threatening to make, a complaint to an employer, co-worker, or public body, that rights under New York State Labor Law Section 203-e have been violated.

b. Causing to be instituted any proceeding under or related to this section.

c. Providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into a violation of a law, rule or regulation.

BE IT FURTHER RESOLVED, that the Time Off section of the Village of Marcellus Employee Handbook is hereby amended to add the following:

Time allowed employees to vote.

1. A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable him or her to vote at any election.

2. The employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the Village may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote the employee shall notify his or her supervisor not less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, the Village shall post conspicuously for employees to see, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on Election Day.

Election Notices – Is there a motion? – Trustee ____ – a motion was made to announce that Tuesday, February 4, 2020 is the first day to file an independent nominating position and that Tuesday, February 11, 2020 is the last day to file independent nominating petitions for an office to be filled at the general election on March 18, 2020. In addition, it might again be noted that there is no registration day for the Village of Marcellus, since the Village opted out of registration day by resolution on January 25, 1993, that to receive a ballot by mail, applications must be received by the Village Clerk at the Village Hall, located at 6 Slocombe Avenue, Marcellus, NY, no later than 5:00 p.m. on Tuesday, March 10, 2020, that to receive an absentee ballot in person, personal applications must be received by the Village Clerk by the applicant or the applicant's agent no later than by 5:00

p.m. on Monday, March 16, 2020, and the Village Clerk must deliver the absentee ballots to the Election Inspectors by 9.p.m. on election day. Also, the Village Election for the Village of Marcellus shall be held on Wednesday, March 18, 2020, at the Village Hall, 6 Slocombe Avenue, Marcellus, NY, between the hours of 12 o'clock noon through 9 o'clock p.m., local time. The offices to be filled on that day are that of Trustee (4 years) and Trustee (2 years), the latter to fill a vacancy. Is there a second? Is there any discussion? All in favor – All opposed –

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

Budget Modifications for December 2019 – a motion to approve budget modifications requested by the Village Treasurer transferring revenues and appropriations in the General and Sewer Funds was approved.

Village Improvement Project – a motion to approve and accept the Onondaga County Resolution authorizing funding to the Villages of Onondaga County to make public improvements for the years, 2020-2030 was approved. While this County Resolution does not fully restore the sales tax revenue that Villages once enjoyed and which was taken from the Villages in 2010, it does go a long way towards resolving some of the acrimony that resulted from the seizure of sales tax revenue. In addition, it represents a commitment on the part of the County to provide additional financial assistance to Villages so that they will remain viable and the centers around which the Towns revolve. Based on population, the Village of Marcellus is slated to receive 4.01% of the funding allocated by the County each year, from January 1, 2020 through December 31, 2030 (\$208,500 as compared with \$180,450).

Request to Alter Utility Account – the Board received a written request from the property owner at 20-22 West Main Street, asking that the Board alter the utility charges of account #553 at said property and adjust that account balance to \$0.00 since this unit is already included in Account #552 and paid for accordingly. The request is also to deactivate account #553. The Village Clerk was authorized to adjust the utility charges at said account and to deactivate the account accordingly.

Village Meetings for February 2020 – we would make note of the list of those meetings scheduled for February 2019, which is provided for those so interested – please note that the Village Offices will be closed on Monday, February 17th for the Presidents' Day Holiday – there is no trash delay because of this holiday. Also, the second meeting of the Olde Home Days Committee, 2020, will take place on Thursday, February 6, 2020 in the Town Park's Welcome Center, at 6:30 p.m..

Updates – Mayor and Board

Another Police Update – the Prescription/Drug Drop-Off Box as well as the drop-off box for needle and syringe disposal, both located in the lobby of the Village Hall, continue to be a welcome addition to the Village. Any numbers of individuals continue to take advantage of using the drop-off boxes to dispose of any prescription or other drugs, as well as needles and syringes anonymously. We would also announce that complimentary containers, specifically designed for the disposal of used needles and syringes, are available from the Village Clerk, while supplies last.

F.O.G. (Fats, Oils, Grease) – in the wastewater is a topic that had been much discussed and will continue to be on the WPCP's agenda in the months ahead. We continue to provide a flyer that emphasizes the need to keep Fats, Oils and Grease out of the sanitary sewer system.

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. 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.

Snow Plowing – as in the past, we would like to alert independent snow plow operators that it is illegal to plow or shovel snow or ice during snow removal operations upon a village sidewalk or other public way. While most of the independent snow plow operators in the Village comply as much as possible with the law, there are some who need to be reminded that if a driveway is being plowed, that snow **CAN NOT** be plowed into the street. **NOR** can the snow be plowed out of a driveway, across the street and into the village right-of-way across from the plowed driveway. Some drivers have claimed that they have no place to put the snow. That, however, is not an excuse to put the snow into the street, nor across the street when plowing. The Village is not responsible for snow that accumulates on a resident's property and the Village is not responsible for removing snow that has been plowed onto the Village right-of-way. We ask that independent snowplow drivers take this into consideration when they are plowing residential properties in the village. No snow should be plowed onto a village street or sidewalk, and any that has been, accidentally, must be removed before finishing the job.

Notes on the Governor's Budget – while we await the release of the Governor 2020-21 Executive Budget for the fiscal year beginning April 1, 2020, NYCOM noted that Number One appears to be fixing the criminal justice reforms that went into effect on January 1st. In particular, NYCOM objects to some of the drastic and far-reaching changes in the laws pertaining to discovery. The dramatic acceleration in the timing of providing evidence and the broadening of the types of charges to which the expedited discovery applies have significant cost and justice implications for cities and villages with police departments, justice courts, or code/parking enforcement departments.

The local expense of delivering this state-imposed mandate will be significant and result in property tax increases throughout New York. In many villages, expenses related to purchasing new technology, hiring additional personnel, increasing police resources, and adding monthly court dates will rise by \$millions of dollars, the equivalent of a major property tax increase. On a statewide basis, it is estimated that it will cost cities, villages, counties and towns approximately \$750 million in additional spending to provide local district attorneys with suitable evidence in time for them to comply with the new 15-day discovery mandate. On top of all this, municipalities are still trying to live within the 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NYCOM has been loud and clear on this issue and momentum is starting to build to fix the criminal justice reforms. But we must continue to fight these unfunded mandates. To that end, please contact your State Senator (518-455-2800), Member of Assembly (518-455-4100) and Governor Cuomo (518-474-8390) ASAP and tell them to Fix the Reforms Now!

NYCOM has offered a series of reasonable amendments to the discovery reforms that are consistent with the law's intent but which will allow for more affordable and equitable implementation. These amendments include:

- Ensure that cities and villages are provided with additional financial support to offset the cost of these mandated measures;
- Exclude from discovery any violations or information not charging a misdemeanor or crime;

- Require expedited discovery only when defendants are incarcerated;
- Make discovery in felony cases not applicable until after an indictment;
- Provide a stay from discovery requirements for 30 days in cases which may be subject to plea discussions; and
- Allow for withholding of sensitive information, such as victim contact information, without having to obtain a court order.

Update on WWTP Upgrades – the \$7.7 million treatment plant upgrades mandated by NYSDEC to remove phosphorus from the plant’s effluent continues to be underway with an expected substantial completion date of February 28, 2020. There will be some site restoration as well as paving and sidewalk construction that will not be completed until the spring of 2020. The financing package which the Village has been able to secure includes a \$5,202,600 short term (30 year), interest-free hardship loan and a \$1,379,900 WIIA Grant (formerly called a NYS Water Grant) along with an \$80,000 WQIP #11 grant, a \$1,000,000 WQIP #14 Grant and a \$250,000 SAM (DANSY) Grant.

Sewer Rates – in anticipation of WWTP upgrades, the Village Board has increased the sewer rents significantly within the last three years. This has meant a minimum quarterly sewer rate, for Village sewer users, of \$100.00 (from \$75.00) and a minimum annual cost of \$400 (from \$300) and an average annual cost of about \$541.39 (from \$413.13). The annual cost for outside users is anticipated to be \$676.74 (from \$516.41). In order to prepare our Treatment Plant for operation well into the 21st century, these increases, while hefty, are unavoidable.

Planning Board – the Board does not plan to meet on February 19, 2020 since no items of concern have developed, as yet, for the Board to review.

Highland Drive Drainage – the construction work completed on Highland Drive last fall, which included deepening the ditches and installed new culvert pipes under designated driveways, appear to have been somewhat successful. While we wait what the spring rains will bring, we are cautiously optimistic that our efforts in helping to address the flooding in this area will have been met with some success.

Main Street Grant Program – As mentioned in a previous meeting, the Onondaga County Community Development Division has reached out to the Village to apply for 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 had to be completed by any interested business owners in sufficient detail, particularly the project description and estimated costs, and returned to the Village by January 10, 2020. To date, we have received 14 proposals and these have been evaluated and combined into one application and submitted to the County. The reason for this is that we were told that such an application would have a better chance of approval than multiple single applications. Also bear in mind, that the limit for the five villages chosen is \$300,000 each, with a 25% match by the business owner. While some projects might be rather costly in scope, others might be small, but together the application’s chance of success will look better. If some of the projects are large, and would utilize a significant amount of the total to be awarded, that business owner might be asked to provide more than the 25% match, which would increase our chances of having all of the projects funded. The Board

continues to be excited about the potential of this grant opportunity and we thank those who completed the application. We expect that by the end of February, announcement of the awards will be made.

Olde Home Days, 2020 (June 5, June 6 and 7) – the second meeting of the 2020 OHD Committee will be held on Thursday, February 6, 2020 at the Welcome Center in the Park, beginning at 6:30 p.m.

Green Gateway Project – despite the winter weather, we are continuing to work the Green Gateway Project – 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. We have recently had the property resurveyed and the STEAM teachers and students at Marcellus Central are now working on the design for the parking lot at the site, as well as Nine Mile creek stabilization using the plans for the previous creek vanes in Marcellus Park and working on the arboretum aspect of the project, referencing a list of trees suitable for the site as well as their location. We are also investigating Public Fishing Rights for the creek, which essentially are a permanent deed restriction that simply allows people to access and fish the stream regardless of who the land may be sold to in the future.

West Main Street Drainage Project – last fall, the Board approved a Resolution, authorizing the Village of Marcellus DPW to immediately cause the removal and/or replacement of the storm water drainage pipes on a portion of the southern side of this road (also known as County Rt. 41), from #15 West Main (the Grange) west to the Village line. The Board also declared this action to be a public emergency permitting the Village to immediately retain a contractor to remove and/or replace the storm water drainage pipes without conducting competitive bidding, bypassing the usual procurement policy of the Village. Subsequently, the Village Board of Trustees awarded the bid for removal and/or replacement of the storm water drainage pipes to North Country Contractors at a cost of \$100,000.00. The Board also approved a resolution determining that the removal and/or replacement of storm water drainage pipes on West Main Street in the Village of Marcellus constitutes a Type II action under the New York State Environmental Review Act and will not have a significant effect on the environment and require no further environmental review. The Board also approved a Bond Resolution authorizing the issuance of \$100,000 serial bonds to finance removal and/or replacement of Storm Water Drainage Pipes on West Main Street. In addition, the public should know that the bond resolution is not subject to permissive referendum because the length of borrowing will not exceed five years. Plans were finalized by the Village engineer, MRB, and submitted to the County DOT for its comments. While we thought that the drainage project might begin by the fall of 2019, we were at the mercy of construction schedules until recently. We are now pleased to announce that the West Main Street Drainage Project is now complete, with 1,000 feet of 18” storm pipe and four large drainage structures installed on the south side of County Route 41. North Country, working through some very mild and then some very dreadful winter conditions did a yeoman’s service, completing the task most efficiently and on budget. We thank the company and its workers for their diligence and reliability. While some site restoration will be necessary in the spring, the Village and its residents should no longer be affected by the storm surges and flooding that has often occurred in the past.