

**ANNUAL MEETING HELD BY
THE VILLAGE BOARD OF TRUSTEES ON
APRIL 3, 2023 AT THE VILLAGE HALL**

PRESENT: John P. Curtin, Mayor See List
Timothy P. Manahan, Trustee

ABSENT: John J. Murphy, Trustee
Jeffrey D. Brown, Village Attorney
Charnley A. Abbott, Village Clerk

Pledge of Allegiance.

Mayor Curtin called the meeting to order at 7:00 p.m.

Trustee Manahan read the following official notice:

**VILLAGE OF MARCELLUS
NOTICE OF ANNUAL MEETING**

Pursuant to Section 3-302 of the Village Law, NOTICE IS HEREBY GIVEN of the Annual Meeting of the Board of Trustees of the Village of Marcellus to be held on Monday, April 3, 2023 at 7:00 p.m. prevailing time, at the Village Hall, 6 Slocombe Avenue, Marcellus, New York 13108, for the purpose of swearing in elected officials, making appointments of non-elected officials, designating the official newspaper and official depositories, establishing the regular meeting dates of the Board and other matters to come before the Board of Trustees of the Village of Marcellus.

DEPUTY MAYOR:

Mayor Curtin announced that the appointment of Deputy Mayor does not require Board approval, and is the sole prerogative of the Mayor. Mayor Curtin appointed Trustee Timothy P. Manahan to serve as Deputy Mayor of the Village of Marcellus. In the Mayor's absence or inability to serve, the Deputy Mayor is vested with all the powers of the Mayor.

**DATE & TIME OF
REGULAR BOARD**

MEETINGS: Trustee Manahan made a motion to set the date and time of the regular Board Meeting for the 4th Monday of each month, at 7:00 p.m., in the Village Hall and for Board Workshop Meetings to be held on the Thursday or Friday prior to the Regular Meeting at 9:30 a.m., in the Village Hall. The Workshop Meetings may be canceled or changed at any time by the Mayor, with appropriate notification to the media and other members of the Board of Trustees. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**DATE & TIME OF
SPECIAL BOARD**

MEETINGS: Mayor Curtin made a motion to allow the Mayor to call Special Board Meetings, when necessary, at a time and date to be decided, and to authorize the Village Clerk to notify each of the Trustees (as soon as reasonably possible) as to the date, time, and place of Special Board Meetings. The Village Clerk will also post the appropriate Public Notice and notify the media as to the time, place, and reason for the Special Board Meeting. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

RULES OF

PROCEDURE: Trustee Manahan made a motion to conduct Village Board Meetings pursuant to Rules of Procedure that have been in effect in previous years. He mentioned that a copy of the Rules is on file in the Village Office.

a. Agenda – the Village Clerk shall prepare an agenda for each meeting of the Village Board, which shall list the matters to be considered by the Village Board at such meeting. The matters to be listed in the agenda shall be determined by the Mayor, in consultation with the other members of the Board of Trustees.

b. Presiding Officer – the Mayor shall preside at all meetings of the Village Board and may vote on any matter before the Board. In addition, the Mayor must vote in the case of a tie.

c. Questions of Order – the Mayor shall decide all questions of order. In discussing a question or issue, a Trustee shall address the Mayor and will have the floor when recognized by the Mayor.

d. Robert's Rules of Order – "Robert's Rules of Order" shall govern the deliberations of the Board of Trustees. The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members of the Board present at any meeting.

e. Recording of Open Meetings – all open meetings of the Village Board of Trustees shall be audio taped by the Village Clerk. Nothing in this section precludes the

videotaping of open meetings of the Board of Trustees. It is the policy of the Village Board to cooperate with representatives of the print and broadcast media and with other members of the public who wish to record public meetings of the board by tape, film, or other means, so long as said recordings are not disruptive to the meeting, and do not violate the rights of the members of the public body, witnesses, and the public.

f. The Order of Business – the order of business at regular meetings of the Village Board shall be as follows:

1. Call Meeting to Order
2. Roll Call
3. Pledge of Allegiance
4. Consent Agenda – shall include
 - a. Acceptance of minutes of previous Regular Board Meeting and any Special Board Meetings
 - b. Acceptance of Audit of Bills on Abstract Sheets for previous month
 - c. Acceptance of Police Report for previous month
 - d. Acceptance of Building Inspector's Report for previous month
 - e. Acceptance of minutes of Marcellus Town Board Meeting for previous month
 - f. Acceptance of Financial Statements for previous month
 - g. Acceptance of Other Reports
5. Regular Agenda Items
6. Village Updates – new business
7. Other Recognitions
8. Items from the Floor
9. Adjournment

g. Transaction of Business at Special Board Meetings – at special meetings of the Village Board, the business to be transacted thereat shall be only that stated in the notice of such meeting, except that any other business may be transacted at such special meeting by two-thirds consent of all the members of the Village Board.

h. Voting – every member of the Village Board present at any meeting thereof, when a vote is taken, shall vote for or against or abstain or recuse, or be excused from voting by the Village Board. In the event of a roll call vote, silence, when a Trustee's name is called, shall be deemed an affirmative vote by the Trustee. Roll call vote shall be called in alphabetical order of the last name of the Trustee. The Mayor shall be the last one to cast a vote.

i. Suspension of Regular Order of Business – the regular order of business at a stated meeting may at any time be suspended by the affirmative vote of two-thirds of the members of the Village Board present at such meeting.

j. Executive Sessions – upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board of Trustees may conduct an executive session for matters which Federal, State, or Local law permits an executive session.

k. Comments by Members of the Public – during that part of the Agenda, Items from the Floor, the Mayor shall entertain comments from members of the public as to the merits of any item set forth on the agenda, or any other items that members of the public may wish to address. The Mayor shall have the discretion to withhold recognition of members of the public until the regular agenda has been completed

The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. By a vote of 2-0, the motion to adopt the Rules of Procedure was carried.

**OFFICIAL
BANKS:**

A resolution appointing Solvay Bank as the official depositories for the Village of Marcellus was moved for adoption by Mayor Curtin, seconded by Trustee Manahan.

“**Whereas**, the Board of Trustees has determined that Village Law requires the designation of banks or trust companies for the deposit of all Village monies,

“**Now, therefore be it resolved:** that Solvay Bank be, and is hereby designated as the depository for regular accounts, and as the depository for capital and investments, and that all monies received by the Village Treasurer, Village Clerk, and Receiver of Taxes be deposited in said depository.

“This resolution, upon approval is effective immediately.”

Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

**OFFICIAL
NEWSPAPER:**

Trustee Manahan made a motion to designate The Press Observer and The Post Standard as the official newspapers for publication of official Village notices, seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ATTORNEY

RESOLUTION: Mayor Curtin made a motion, seconded by Trustee Manahan, to approve the following resolution:

WHEREAS, the Village of Marcellus created the appointive office of Village Attorney pursuant to Marcellus Village Code Sections 3-1 and 3-9 on December 15, 2014; and

WHEREAS, the general responsibilities of the Village Attorney are to negotiate, prepare, approve and audit written contracts, leases and other legal instruments; attend meetings of the Village Board, Planning Board (as requested) and Zoning Board of Appeals (as requested); draft local laws and resolutions for consideration by the Village Board; create or extend special districts; provide legal advice and counsel to the Village Board, Planning Board and Zoning Board of Appeals; and provide litigation services to the Village on an as-needed basis; and

WHEREAS, the accomplishment of the above duties involves the exercise of discretion by the Village Attorney on behalf of the Village; and

WHEREAS, Section 3-2 of the Village of Marcellus Code provides that "[a]ny resident of Onondaga County is eligible to serve in any Village appointive office."

NOW, THEREFORE, BE IT RESOLVED, that Jeffrey D. Brown, Esq., a resident of Onondaga County, is hereby appointed to the position of Village Attorney to perform the above-mentioned responsibilities for a term beginning April 1, 2023 and ending on March 31, 2024, at an annual compensation of \$18,212.19 plus any actual out of pocket expenses incurred in providing such services; and

BE IT FURTHER RESOLVED, that the Village Attorney position is considered a public office and as such the Village Attorney shall sign and file an oath of office with the Village Clerk.

The question of the adoption of the foregoing resolution was put to a vote at the Annual meeting of the Village of Marcellus Board on April 3, 2023, which resulted as follows:

Mayor Curtin	Aye
Trustee Manahan	Aye

The resolution was declared adopted.

STANDARD WORKDAY

RESOLUTION: Trustee Manahan made a motion to approve a standard workday resolution that will establish a standard workday of seven (7) hour standard workday for appointed officials in the positions of Clerk, Treasurer, and Attorney and an eight (8) hour standard workday for the Code Enforcement Officer. The standard workday resolution for Clerk and Treasurer as well as Attorney and Code Enforcement Officer shall be renewed when their terms of office are renewed. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

APPOINTMENT OF PUBLIC OFFICERS AND VILLAGE

EMPLOYEES: Mayor Curtin made a motion to appoint the following Village Public Officers/Employees:

- a. Four-Year Appointments- April 1, 2023 to March 26, 2027
Mayor Curtin stated that there were no 4-year appointments this year.
- b. One Year Appointments- April 1, 2023 to March 31, 2024:

Custodian, Part Time	Katherine Welsh
Department of Public Works, Full-Time	Greg Crysler, James LaRose, John Holmes, Mallory Zabinski
Department of Public Works, Part-Time	Katherine Welsh
Chief of Police, Part Time	Bernard Podsiedlik
Police Sergeants, Part Time	Richard Curran, Keith Gates
Patrol Officer, Part Time	Matthew Hayes, Jeffrey Fortino, Raymond Herrick, Shannon Ray, Edward Bragg, Leonard Richer, Patrick DiCraсто, Sean Clere, Peter Heise, Stephen Smolen, Darren McLaughlin
SROs/ Special Patrol Officers	Sean Clere, Peter Heise, Darren McLaughlin, David Kimball, Stephen Smolen, Raymond Herrick, Vincent Carnicelli, Glen Wintermute
Police Clerk, Part Time	Brenda Giacchi
School Crossing Guard	Katherine Welsh
CEO/Fire Inspector	William Reagan
Deputy CEO/Fire Inspector	Brett Gary

The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

SALARY & BENEFITS:

Trustee Manahan made a motion to continue to provide to Village employees with the same benefits (federal and state recognized holidays, vacation days, sick leave, bereavement leave, extenuating circumstances, health benefits, retiree health care coverage, clothing, and equipment allotment) that have been in effect for the previous year, accompanied by a 3% salary increase for most employees, except for the Mayor and Trustees. A copy of employee salaries and employee benefits is on file in the Village Office. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

EXECUTE BONDS:

Mayor Curtin made a motion to notify the public that the Village, having secured property and liability insurance coverage, executed surety bonds for all Village employees in the amount of \$50,000 and in the amount of \$100,000 for the Village Treasurer and Village Clerk and that the expense of the undertaking has been a charge to the Village. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

APPOINT VILLAGE

COMMITTEES: One Year Appointments 4/1/23-3/31/24

Chair of Senior Housing Committee – Trustee Manahan made a motion to table the nomination of a Chairperson for the Senior Citizens’ Research Committee until a later date. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

Marcellus Betterment Association – Trustee Manahan made a motion to approve an extension of the Marcellus Betterment Association for another year, to 3/31/24. The Association was originally created to raise funds for the purchase and installation of historic lampposts in the Village. The Association may consider adding additional lampposts in the future to beautify the Village. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

VILLAGE

ENGINEERS:

Mayor Curtin made a motion to utilize the services of and solicit competitive bids, when appropriate or deemed necessary by the Village Board, from several engineering firms including MRB Group, and TDK Engineering. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

VILLAGE

HISTORIAN:

Mayor Curtin made a motion to appoint Peg Nolan as Village Historian for a period of one year, 4/1/23 to 3/31/24. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

PLANNING

BOARD:

Mayor Curtin made a motion to re-appoint Jill Bristol to a full 5-year term as a member of the Village Planning Board from April 1, 2023 to March 31, 2028. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

Mayor Curtin made a motion to re-appoint Hugh White to a 2-year term as an alternate member of the Village Planning Board from April 1, 2023 to March 31, 2025. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ZONING

BOARD:

Mayor Curtin made a motion to re-appoint Kimberly Spitzer to a full 5-year term as a member of the Village Zoning Board of Appeals from April 1, 2023 to March 31, 2028. The motion was seconded by Trustee Manahan. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

CONTRACTS: Trustee Manahan made a motion to authorize the Mayor to sign the annual contracts with the Marcellus Historical Society, and the Marcellus Health/Loan Closet and to table the SRO agreements with the Marcellus School District, the Lyncourt Union Free School District, Tully Central School District and the Onondaga Central School District, until such time as the Chief of Police has been able to negotiate successfully the terms of a new contract with each of the school districts mentioned. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ANNUAL

RESOLUTIONS: Trustee Manahan made a motion to adopt the following resolutions:

AUTHORIZE MAYOR TO SIGN CHECKS

WHEREAS in the absence or inability of the Village Treasurer or a Village Trustee to sign checks,

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the Mayor to sign checks, a certified copy of which resolution will be provided to the bank or Village depository.

This resolution is effective immediately.

ADVANCED APPROVAL OF CLAIMS

WHEREAS the Board of Trustees had determined to authorize payment in advance of audit of claims for public utility services, postage, freight, and express charges; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees authorizes payment in advance of audit of claims for public utility services postage, freight, and express charges. All such claims must be presented that the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows.

This resolution is effective immediately.

SET MILEAGE ALLOTMENT

WHEREAS the Board of Trustees had determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official duties; in advance of audit of claims for public utility services, postage, freight, and express charges; and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees will approve reimbursement to such officers and employees at the rate of \$0.655 per mile, which is a federal standard.

This resolution is effective immediately.

AUTHORIZE ORGANIZATIONAL MEETINGS

WHEREAS there is to be held during the coming official year several schools, conferences, and seminars for the benefit of the local government, and

WHEREAS attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

NOW, THEREFORE BE IT RESOLVED that the following officers and employees are authorized to attend the following schools:

Mayor, Trustees
NYS Conference of Mayors – bi-monthly meetings
Onondaga County Mayors Association-monthly meetings

Mayor, Trustees, Village Clerk and Village Treasurer
NYS Association of City and Village Clerks- annual meeting
NYCOM Fall Training School

Mayor, Trustees, DPW Employees
Association of Towns Highway Superintendent Meetings – Monthly and Annual Conference
Highway School – Ithaca – Cornell Local Roads Program
CNY Water Works Conference –twice annually (Spring and Fall)

NYWEA Training- Spring and Fall
NY Rural Water Annual Training – Spring
Board of Transportation – 3-4 times per year

Mayor, Trustees, Chief of Police
NYS Chiefs of Police Association – Annual four-day conference
Onondaga County Chiefs of Police – Monthly Meetings
Central New York Chiefs of Police – Monthly Meetings

This resolution is effective immediately.

The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the resolutions were approved.

PROCUREMENT

POLICY: Mayor Curtin, having reviewed the procurement policy adopted in 1993, updated in 2002, and reviewed again in April 2018, made a motion to approve the following resolution:

WHEREAS, §104-b of the General Municipal Law requires every village to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS, comments have been solicited from those officers of the village involved with procurement;

NOW, THEREFORE, BE IT RESOLVED that the Village of Marcellus does hereby adopt the following procurement policies and procedures, updating the original policy adopted March 22nd, 1993 and amended in October 2002, and most recently in April 2018:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of §103 (competitive bidding). Every Village officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply and the canvass of other village departments of past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML §103.

Guideline 3. All estimated purchases of:

- Less than \$20,000, but greater than \$5,000, require a written request for a proposal (RFP) and written quotes from three (3) vendors.
- Less than \$5,000, but greater than \$1,000, require an oral request for the goods and oral quotes from 2 vendors.
- Less than \$1,000, but greater than \$500, are left to discretion of the Purchaser.

All estimated public works contracts of:

- Less than \$35,000, but greater than \$15,000, require a written (RFP) and proposals from 3 contractors.
- Less than \$15,000, but greater than \$3,000, require a written (RFP) and proposals from 2 contractors.
- Less than \$3,000, but greater than \$500, are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/oral quotes have been requested and the written/oral quotes offered.

All information gathered in complying with the procedures of the Guideline shall be preserved and filed with the documentation supporting the subsequent purchase and public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. In those situations when competitive bidding is not required, except when directed by the village board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies (must be documented)'
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Good purchased at auction;
- h) Goods purchased for less than \$500
- i) Public works contracts for less than \$500

Guideline 7. This policy shall be reviewed annually by the village board at its organizational meeting or as soon thereafter as is reasonably practicable. continue that policy governing the procurement of all goods and services which are not required to be purchased pursuant to the competitive bidding requirements of General Municipal Law §103. A copy is on file in the Village Office.

The motion was seconded by Trustee Murphy. Mayor Curtin asked if there was any discussion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

EARTH DAY: Trustee Manahan announced that the Village of Marcellus plans to again participate in the Earth Day observance. This observance will take place on April 21, 2023, in conjunction with 3rd graders from the KCH Elementary School in the Marcellus Central School District. The students will gather at the Village Hall after policing the area and the streets north of Main Street, where the Board of Trustees would like to thank all the students and MCS staff members, as well as our own staff for their help in this matter. This event is subject to cancellation because of weather.

Trustee Manahan made a motion to adjourn the annual meeting and open the public hearing on the Tentative Budget. Mayor Curtin seconded the motion. Mayor Curtin called for a vote. All board members voted aye and the motion carried.

The Annual Meeting was adjourned at 7:13 p.m.

Charnley A. Abbott
Village Clerk