

PART I – ADMINISTRATIVE LEGISLATION

Chapter 3 – Administration

[Amended and Adopted, December 27, 2012, as Chapter 3 of the Code]

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Article I – Officers and Elections

Section 3-1 – Village Officers – The officers of said village shall consist of a Mayor, two Trustees, a Village Clerk, a Village Treasurer, a Village Attorney and such other officers as are hereinafter named.

Section 3-2 – Eligibility to office – Any resident elector is eligible to serve in any village elective office. Any resident of Onondaga County is eligible to serve in any village appointive office.

Section 3-3 – Qualification of electors – No person shall vote upon at any election unless he or she shall at the time be a resident of the village and otherwise qualified to vote under the Election Law. For the purpose of carrying out this provision, the Village Clerk of the Village of Marcellus shall provide at the regular or special village elections in and for said village, the means by which said electors shall cast their ballots as well as provide inspectors for said elections who shall canvass, make and file a separate return of the votes so cast in the manner required by the Election Law.

Section 3-4 – Official year – The official year begins at noon on the first day of April in each calendar year.

Section 3-5 – Designation and nomination of candidates – The designation and nomination of candidates for elective village office shall be in accordance with the method of designation and nomination heretofore adopted and utilized for candidates for elective village office and as provided for by the Village Law and Election Law.

Section 3-6 – Elections – Elections in the Village of Marcellus, New York, for the election of all elective officers shall be held on the 3rd Tuesday of March in even numbered years and conducted coincident to and in conjunction with the general elections, using the general election officers and machinery, and held in accordance with and as provided by the Election Law.

Section 3-7 – Elective Officers – The Mayor and the Trustees are elective officers, and shall be elected in the manner prescribed in § 3-8 of this article.

Section 3-8 Terms of Office of Mayor and Trustees – The term of office of the mayor and all trustees of the village shall be four (4) years.

Section 3-9 – Appointive Officers – The Village Clerk, the Village Treasurer, and the Village Attorney are appointive officers, and shall be appointed by the Mayor with the approval of the Board of Trustees. Such officers shall be appointed at the Annual Meeting in April immediately following the expiration of their respective terms and shall take office immediately. The Village Clerk and Village Treasurer shall be appointed for a term of four years at such salary and for such terms as may be fixed and determined. The Village Attorney shall be appointed for a term of one year at such salary and for such terms as may be fixed and determined.

Section 3-10 – Vacancy upon failure to accept officer – The Clerk of the village shall, within three days after the election or appointment of a village officer, notify each person elected or appointed of his or her election or appointment and of the date thereof, and that he or she is required to file his or her oath of office with such Clerk before entering upon the duties thereof and, if an official undertaking is required of him or her by or in pursuance of law, that he or she is also required to file the same with such Clerk, and that upon his or her failure so to do, he or she will be deemed to have declined the office. If an undertaking is required of a village officer, by or in pursuance of law, after entering upon the duties of such office, the Clerk shall thereupon serve upon such officer personally, a written notice that he or she is required to file such undertaking with the Clerk, within 10 days after the service of the notice and that, upon his or her failure to do so, his or her office will become vacant.

Section 3-11 – Resignations – All resignations of office under this Article shall be made, in writing, to the Trustees, subject to their acceptance.

Section 3-11 – Vacancies – how filled – Whenever a vacancy shall occur in any of said offices for any cause, the Mayor shall appoint a qualified person to fill such vacancy; if an elective office, until the next Village Election, when the vacancy shall be filled at said election for the unexpired term of such office; if an appointive office, the Mayor shall appoint a qualified person to fill such unexpired term. No person shall hold more than one office either elective or appointive under this Article, and all officers shall continue to hold their respective offices until their successors shall have duly qualified under this Article.

Section 3-12 – Special elections – In case of a failure to elect any elective officer, the Board shall appoint the time and place for holding a special election, and give notice thereof in the usual manner.

Section 3-13 – Official Oath – All officers elected or appointed under this Article, shall, before entering upon the duties of their respective offices, take and subscribe the oath or affirmation of office prescribed by law.

Section 3-14 – Removals From Office – Except as hereinafter provided, Trustees shall have power to remove all persons elected or appointed under this Article at any time, for cause shown, based upon charges preferred in writing, and after a hearing to the accused, and to appoint their successors and to exercise all other powers conferred on them by this Article for any purpose whatever.

Section 3-15 – Refusal of Officer to Surrender Office – If a person who has been an officer of the village refuses or neglects to deliver to his or her successor in office, within 10 days after notification and request, all the moneys, books, papers, records, property and effects of every description which have come into his or her possession or under his or her control by virtue of his or her office and belonging to the village or appertaining to the office, he or she shall forfeit and pay to the village the sum of \$100 for each and every day he or she shall so neglect or refuse, and also all damages, costs and expenses caused by such neglect or refusal.

Sections 3-16 – 3-20 – Reserved

Article II – General Duties and Powers

Section 3-21 – Duties of Officers – General Statement – All officers under this Article shall perform such duties as are required by the provisions of this Article, and the proper and lawful resolutions of the Trustees. The Trustees shall have power from time to time to prescribe the duties of all officers and persons under this Article subject to the provisions of the same.

Sections 3-22 – Salaries and Compensation – the salaries and compensation of all officers and employees of the Village of Marcellus are as set forth from time to time by the Village Board of Trustees. Information concerning current salary and compensation figures is on file in the Village Office, where it is available for examination during regular office hours.

Section 3-23 – Powers and duties of the Board of Trustees – All legislative powers of the village conferred upon or possessed by it are hereby vested in the Board of Trustees. The Mayor and Trustees of the Village of Marcellus shall constitute the Board of Trustees.

A. The Trustees shall have power and authority within the village to make, publish, alter, modify, amend and repeal rules, resolutions, regulations, local laws and bylaws, for the Village of Marcellus.

B. The Trustees of said village may make, publish, ordain, amend, revise and repeal all such local laws, bylaws, rules or regulations, as may be necessary to carry into effect the

powers given to said Trustees under this Article and to provide for the imposition of fines or penalties on persons or corporations violating the same. Every such law shall be signed by the Mayor and Clerk and published in accordance with law. Proof of such publication filed with the Clerk shall be evidence of the legal publication of such laws in all courts and places.

Section 3-24 – Meetings of Village Board of Trustees

A. Time, Place, Frequency of Meetings of Village Board – Unless otherwise provided by the Village Board of Trustees, meetings of said Board shall be held on the fourth Monday of each month at the Village Hall, at 7:00 p.m. provided however, that if any such meeting shall occur on a legal holiday then such meeting shall be held on the following night; provided further that the annual meeting of the Board of Trustees shall be held on the first Monday in April at 7:00 p.m.

B. Presiding, Quorum, Votes – The Mayor of the Village shall preside at all meetings of such Board of Trustees, and shall have a vote upon all matters and questions coming before the Board. In the absence of the Mayor, the Deputy Mayor shall preside. A majority of the Board shall constitute a quorum for the transaction of business. No contract or obligation on the part of the Board of Trustees shall be binding or have any legal effect whatever against said Village of Marcellus unless such contract or obligation shall receive the affirmative vote of two members of said Board of Trustees in favor of said contract or obligation.

C. Meetings of Village Board to be Public – Exception – All meetings of the village board of trustees shall be open to the public; provided however, that said board shall have the authority to sit in executive session, which session shall be closed to the public.

D. Rules for conduct of Village Board Meetings – The Village Board of Trustees shall determine and prescribe the rules for the conduct of its meetings and the order of business thereat.

E. Minutes of Village Board Meetings – The Village Clerk shall keep a journal of the proceedings of the Village Board of Trustees, which journal shall be open to public inspection in the office of the Village Clerk.

Section 3-25 – Annual Meeting – At the annual meeting of the Village Board of Trustees in April of each year, the Board of Trustees shall conduct the following business:

A. Appointments – shall be made, including, but not limited to the following:

1. Deputy Mayor
2. Village Attorney
3. Village Employees
4. Village Committees
5. Village Engineers
6. Town Liaison
7. Planning Board Vacancies
8. Zoning Board of Appeals Vacancies
9. Other Board Vacancies
10. Others that the Board deems appropriate at this time

- B. Official Banks – shall be designated
- C. Official Newspapers – shall be designated
- D. Organizational Meetings – shall be authorized
- E. Annual Contracts – shall be approved
- F. Other Business – as the Board of Trustees shall deem necessary at the time

Section 3-26 – Duties and Powers of the Mayor – The Mayor shall be the official head of the village and shall preside at all meetings of the Board of Trustees. The Mayor shall have no power of veto, but shall have the same powers as a Trustee to vote upon all matters coming before the Board of Trustees. The Mayor shall have power to call special meetings of the Board of Trustees when he or she shall think proper, and it shall be his or her duty to call such special meeting when requested to do so by members of the Board of Trustees. The Mayor shall appoint all standing committees and other committees of the Board of Trustees, as shall be required by any law or resolution by said Trustees; he or she shall sign, as Mayor, all local laws, rules, regulations, orders, bonds, appointments, deeds and covenants made by the Trustees on behalf of the village, and in all cases where, in his or her judgment, such instruments are not inconsistent with the provisions of this Article. He or she shall give proper notice of every annual or special meeting of the inhabitants of said village held under the authority and for the objects specified in this Article; he or she shall preside at all such meetings thus convened; he or she shall collect or cause to be collected all fines, penalties and forfeitures incurred or any rule, law, order, regulation or decision made in pursuance thereof by suit or otherwise, and to commence and prosecute all such suits in the name of the village, as shall be ordered or directed by the Trustees; he or she shall pay all moneys that shall come into his or her hands for the use of said village to the Treasurer thereof and take his or her receipts therefor; he or she shall direct the payment of all accounts and demands against said village that have been audited and allowed by said Trustees, and all other legal drafts and demands upon the Treasurer of said village, and to do all such other acts and things as may appertain or belong to the duties of such presiding officer or which said Trustees may legally require him or her to do.

Section 3-27 – Duties of Treasurer

A. The Treasurer shall be the chief fiscal officer of the village. He or she shall have and possess all the powers that collectors of villages possess in the collection of taxes and assessments imposed and levied under this Code, except as hereinafter prescribed. He or she shall have custody of all moneys belonging to the village and shall deposit, within 10 days after receipt thereof, in the name of the village, in a bank or trust company designated by the Board of Trustees, all moneys received by him or her. He or she shall collect all taxes and assessments, receive all moneys collected for licenses, permits, fines or penalties paid under this Article and pay out said moneys under the direction of said Trustees and shall deliver all moneys, books, papers and property of the corporation, in his or her hands, to his or her successor in office on demand; no moneys shall be paid by the Treasurer for any purpose unless he or she receives an order from the Village Clerk directing him or her to pay the claims therein

specified, which order shall contain an abstract of all claims audited and ordered paid by resolution of the Board of Trustees; said claims shall be paid by draft signed by the Treasurer and countersigned by the Mayor or a Trustee; he or she shall keep accounts of all receipts and expenditures in conformance with a uniform system of accounts formulated and prescribed by the State Comptroller pursuant to § 36 of the General Municipal Law, and in the auditing of his or her accounts and his or her settlement thereof with the Trustees, he or she shall be allowed for no moneys except such as are paid out as above.

B. The Treasurer shall be responsible for the processing of the bi-weekly payroll. The Mayor or his designee will periodically review the payroll for accuracy.

C. The Treasurer shall collect all water and sewer rents for the Village of Marcellus Water and Sewer Funds and take his or her receipts therefor and file the same with the Clerk of said village within 30 days from the date of collecting the same.

D. The Treasurer shall perform such other duties not inconsistent with his or her offices as shall, from time to time, be determined and prescribed by the Board of Trustees by resolution or local law. The Treasurer shall attend at his or her office daily during the usual business hours.

E. The Village Clerk shall keep a complete set of books that will show the financial condition of the corporation, and said books shall be available for public inspection at the Village Office.

Section 3-28 – Annual Statement of the Treasurer

A. It shall be the duty of the Treasurer, within 60 days after the end of each fiscal year, to make and file with the Board of Trustees, an itemized statement of all moneys received by him or her during the preceding fiscal year and the manner in which he or she has paid out or expended the same, the outstanding indebtedness of the village as of the end of the fiscal year, which statement shall be verified by him; provided, however, that the Treasurer, if authorized by the Board of Trustees, may file with the Board of Trustees within such time period, a copy of the annual report required to be filed by § 30 of the General Municipal Law in lieu thereof. Such statement or report shall be audited by the Board of Trustees or by a certified public accountant or public accountant engaged for this purpose. Said statement or report and report of such audit, as completed by the Board of Trustees or accountant so engaged, shall be available for public inspection at the Village Office.

B. The Treasurer shall also during the year make regular monthly reports to the Board of Trustees and such other reports as may be requested from time to time by the Board of Trustees.

Section 3-29 – Payments by Treasurer – The Treasurer shall retain the residue or balance of all taxes and assessments, except for the above water and sewer rents collected, and shall pay the same only as hereinbefore prescribed.

Section 3-30 – Powers and duties of Clerk – The Clerk shall attend at his or her office daily during the usual business hours and at other times as directed by the Board of Trustees. He or

she shall attend and act as Clerk at all meetings and elections of the inhabitants and Trustees, record their proceedings, keep all books, official correspondence and papers and the seal of the corporation and deliver the same to his or her successor on demand, and copies of all papers duly filed in his or her office, and transcripts from the records of the proceedings of the Board of Trustees or Justice Court certified by him or her under the corporate seal shall be evidence in all courts in like manner as if the originals were produced, and for certifying the same he or she shall be entitled to receive a fee as provided in § 87 of the Public Officers Law from the person requiring the same. The books and papers under his or her custody and control shall always be produced for inspection to any person that may be interested therein. He or she shall attend to the publication of bylaws, rules, local laws and notices which the Trustees shall direct; notify all persons of their election or appointment to office under this Charter, and perform such other duties as the Trustees may, from time to time, lawfully direct. He or she shall also furnish the Treasurer of said village immediately after each meeting, at which any drafts have been ordered upon the Treasurer, a list of names and amounts of such drafts, and to what fund charged and payable from. Under the direction of the Trustees, the Clerk shall also keep a complete set of books which shall show the exact financial condition of the corporation, and said books shall be open to the inspection of all inhabitants and taxpayers at all reasonable times. In case of the absence of the Clerk from any meeting of the inhabitants of said village, authorized by this Article or of said Trustees, such persons as shall be chosen or appointed therefor by the Trustees shall, on such occasions, perform the duties appertaining to such Clerk.

Section 3-31 – Duties of Village Attorney - It shall be the duty of the Village Attorney, or his or her designee, to appear for and prosecute and defend all suits, actions or legal proceedings of any kind brought by or against the village or against any of the legally elected or appointed officers or agents of the village for acts done while in the discharge of their respective official duties and to prosecute on complaint of any of the village officers any and all persons or violations of the Code and the laws of the village. It shall also be the duty of the Village Attorney to advise, in writing, any village board or officer whenever so required. But said Counsel shall have no power or authority to settle, discontinue or compromise any pending suit, action or legal proceedings of any kind, nor to compromise or absolutely relieve any person from liability to pay any penalty for violation of the Charter or of any of the laws without first being authorized to do so by the Board of Trustees.

Sections 3-32 – 3-35 – Reserved

Article III – Police Department

Section 3-36 – Police force – organization and administration – The organization and administration of the Village of Marcellus Police Department shall be governed by Village Law

Article 8 (Section 8-800 et al.) and Section 5711 of the Unconsolidated Laws of the State of New York.

Section 3-37 – Appointments – The Chief of Police and patrolmen herein provided for, shall be appointed by the Mayor with the approval of the Board of Trustees at such salary and for such terms as may be fixed and determined by the Board of Trustees.

Section 3-38 – Police personnel to be graduates of police academy

All police personnel hired by the village now or in the future shall be graduates in good standing of a police academy approved by the state of New York.

Sections 3-39 – General Orders of the Police Department – a copy of the General Orders of the Police Department is available for public inspection in the Village Office.

Sections 3-40 – 3-45 – Reserved
