

**REGULAR MEETING OF THE VILLAGE BOARD  
OF THE VILLAGE OF MARCELLUS HELD ON  
FEBRUARY 26, 2018 AT THE VILLAGE HALL**

**PRESENT:** John P. Curtin, Mayor See List  
Sara N. Tallman, Trustee  
Jeff Brown, Attorney

**ABSENT:** Patrick W. Cox, Trustee

Mayor Curtin asked for a motion to open the regular board meeting at 7:05pm, after a public hearing was held to receive public input on proposed Local Law No. 1 of 2018, which will amend Chapter 250, Zoning, of the Code of the Village of Marcellus to add municipal solar as a permitted use in Open Land (OL) districts and to change the zoning classification of the parcel located at 71 North Street, tax map no. 001.-01-01.1 from Commercial District to Open Land District. Trustee Tallman made the motion, seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion. Hearing none, both board members voted aye and the regular board meeting was opened.

**SEQR**

**RESOLUTION:** Trustee Tallman made a motion approving a resolution determining that the adoption of Local Law #1 of 2018 will not have any significant adverse impact on the environment and will require no further review. Mayor Curtin announced that the Village had assumed the role of Lead Agency and completed the required SEQR Form, thus resulting in the determination of the Negative Declaration. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on approving the SEQR resolution. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**APPROVE LOCAL LAW**

**#1 OF 2018:** Trustee Tallman made a motion to approve Local Law #1 of 2018, which amends Chapter 250, Zoning, of the Code of the Village of Marcellus to add municipal solar as a permitted use in Open Land (OL) districts and to change the zoning classification of the parcel located at 71 North Street, tax map no. 001.-01-01.1 from Commercial District to Open Land District. The change will promote the public interest as envisioned in the Village Comprehensive Plan. Mayor Curtin explained that the motion is contingent upon approval of the Onondaga County Planning Board. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on approving the local law. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**CONSENT**

**AGENDA:** The Village Clerk submitted the minutes of the regular board meeting for the month of January 2018. The bills on Abstract Sheets #009 for General Fund in the amount of \$22,551.12, Sewer Fund in the amount of \$21,558.12, Capital Funds in the amount of \$5,521.85 and Trust & Agency in the amount of \$4,166.81 were audited. The bills totaled \$53,797.90. The Board received the Police Report for the months of January 2018 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of January 2018 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for January 2018. The financial statements as submitted by Village Treasurer Nino Provvidenti for January 2018 were given to the Board for their review. Trustee Tallman made a motion to approve the consent agenda. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the consent agenda. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

**ELECTION**

**RESOLUTION:** Trustee Tallman made a motion to approve to approve and publish an election resolution designating the following:

- a. The polling place for the Village election is the Village Hall, located at 6 Slocombe Avenue, Marcellus, NY.
- b. The election will take place on March 18, 2018. Polls will open at 12:00 o'clock noon and close at 9:00 p.m.
- c. The name and address of the candidate nominated for the office of Mayor, a four year term, is:  
John P. Curtin – 12 First Street, Marcellus, NY
- d. The name and address of the candidate nominated for the office of Trustee, a four year term, is:  
Kevin F. O'Hara – 11 Reed Parkway, Marcellus, NY
- e. There will be no propositions to be voted upon at this election.

The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on approving the resolution. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **AUTHORIZE B&L – COMMUNITY**

**DEV. APPLIC.:** Trustee Tallman made a motion to forego completion of the 2018 Community Development Block Grant Application by Barton & Loguidice. The reason for this stems from the fact that no part of the Village of Marcellus is any longer eligible for funding from Community Development, according to HUD standards. Mayor Curtin expressed that it is unfortunate because many of the streets, sidewalks and other public infrastructure projects were funded through this grant program. The Village of Marcellus no longer meets the low income standards set forth by HUD to be eligible for the grant. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on foregoing completion of the CDBG application. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **EXTENTION OF IMA WITH**

**COUNTY WEP:** Trustee Tallman made a motion to authorize the Mayor to sign the Intermunicipal Wastewater Agreement with the Onondaga County Department of Water Environment Protection whereby the current 2017 fee schedule will remain in effect until June 1, 2018 or each IMA's expiration date, unless otherwise notified. The moratorium will provide an opportunity for the parties to discuss and evaluate a new fee schedule. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the extension of the IMA. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **APPROVE CONTRACT FOR TRUNKLINE**

**REPAIR:** Trustee Tallman mad a motion to approve the contract and authorize the Mayor to sign the contract with Kenyon Pipeline Inspection, LLC to clean and reline the 15” sanitary sewer trunkline leading to the sewer plant. The cost to complete the emergency work, including bypass pumping is \$52,257.10. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the contract. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **CHARTER COMMUNICATIONS FRANCHISE**

**AGREEMENT:** Trustee Tallman made a motion to again table the Charter Communications Cable Franchise Agreement until the Village Attorney has been able to negotiate successfully the terms of a new agreement with Charter Communications. Since the update in January, Attorney Brown had not heard back from representatives at Charter. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on tabling the agreement. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **BUDGET**

### **MODIFICATIONS:**

Trustee Tallman made a motion to approve budget modifications requested by the Village Treasurer transferring revenues and appropriations in the General and Sewer Funds. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the budget modifications. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

## **ANNOUNCE**

### **VILLAGE**

### **MEETINGS:**

Trustee Tallman announced that the Village Clerk had printed copies of future meeting dates for the Village for the residents and asked residents to please note that the third meeting of the Olde Home Days Committee would take place on Thursday, March 1 in the Village board room at 6:30pm. She also mentioned that there will be upcoming budget meetings on March 9 and March 20, both at 10 a.m. and that additional budget meetings may be scheduled, as needed. Daylight Savings Time begins on March 11 and the Village Annual Meeting and Tentative Budget Hearing will take place on Monday, April 2 beginning at 7pm.

## **Updates by the**

### **Mayor:**

Mayor Curtin provided updates on the following subjects:

- a. Police Updates – Chief Wicks asked that all residents continue to lock their autos and houses. Last year around this time, both in the Village and Town, there were burglaries – particularly into unlocked automobiles, and property (GPS, other electronics and pocketbooks) were stolen. Most of the thefts took place because autos were left unlocked. If cars are locked, the thieves typically move on.
- b. Clean Energy Communities – The Board was recently notified that the Village of Marcellus had been awarded a \$100,000 grant to implement additional clean energy projects. The monies granted have been earmarked for clean energy projects scheduled for the Spring, and will include retrofitting existing Village historic lights on Main, North and South Streets, as well as coach lights on Kinderwood Drive to direct wire LED type fixtures. Other LED lighting retrofits have already occurred in the Village Hall, Village Garage and at the Water Pollution Control Plant. The Board is delighted in having received the award and again recognized the tireless efforts of former employee, Ryan Riefler, who helped secure the grant.

- c. Village Banners – through the efforts of former Trustee Bob Wilson, his committee, and the Village DPW, funding has been secured to refresh the Welcome Banners in the village. The Board anticipates that the new banners will be installed by mid-April.
- d. No Parking – The Board continues to alert residents that there is no parking on any of the Village streets, from 2 a.m. to 7 a.m., from November 1<sup>st</sup> to April 1<sup>st</sup> so that the DPW employees can plow snow. If ticketed by Village Police, the fee will be \$35.00. The Board encouraged residents to use the Village parking lots for overnight parking during winter months.
- e. Snow Plowing – the plowing of Village streets and sidewalks by the DPW has again been exemplary. The Board commended members of the department for their work. Their dedication to the Village and residents is excellent.
- f. Snow Plowing by Independent Snow Plow Operators – as in the past, the Board alerted 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 **CANNOT** 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. Last winter, some drivers claimed that they had no place to put the snow but that was 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. The Board asked 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, must be removed.
- g. Creek Walk – has been completed and reimbursement has been made by the NYSDOT. Final paperwork still needs to be finalized and will most likely be concluded by mid-April 2018.
- h. Budget – the Village Board has begun to work on its 2018-2019 Budget and at this early stage, it appears that things are still somewhat stagnant at the Village level. In January, Village residents received their County tax bill. That bill reflected, as it did last year, a tax reduction for Village residents. The County, similar to past years, has been able to drop that tax because the County, having slashed by more than half, the sales tax revenue that used to go to the Village, is then able to pass on those tax savings to Village property owners in the form of reduced County taxes. Ever since, the Village has had to make up for the revenue taken by the County and then passed onto Village property owners in the form of reduced County taxes. The County did not add any additional VIP monies to the Villages, which may have helped to offset an increase in Village taxes this year.
- i. Property Tax Cap – the Budget is also complicated by the property tax cap of 2%, another State mandate. At the March Board meeting, the Board might have to vote to override the tax cap, to protect the Village from penalty. If the adopted budget varies from the actual budget, resulting in a tax hike of more than 2 percent, the Village would be responsible for a host of penalties for violating the governor's tax cap. The Governor also previously proposed a property tax freeze if the Village stayed under the tax cap and moved towards consolidation. The Village was not able to stay under the cap last year. The Village might not be able to stay under the tax limit this year as well. There are too many variables in the Governor's tax proposal, and the savings, according to NYCOM, would be minimal.
- j. Waste Water Treatment Plant – at its January 23, 2018 Meeting, the Board authorized the Mayor to sign the following contract agreements for construction projects at the Waste Water Treatment Plant, which are subject to permissive referendum.
  - 1) The General Contract price, base bid only, of \$5,395,611.00 awarded to Blue Heron Construction Company of Jordan, NY.
  - 2) The Electrical Contract price, base bid only, of \$739,000.00 awarded to Myriad Construction of Syracuse, NY.
  - 3) The HVAC Contract price, base bid only, of \$79,263.00 awarded to King & King Mechanical, Inc. of Auburn, NY.

The awarding of the bids remains contingent upon the permissive referendum and the bonding timeline. The new maximum authorized cost of the project, and the maximum amount of obligations authorized to be issued is \$7,700,000. The period of probable usefulness is forty (40) years, computed from the date of the first bond anticipation note. The bonds are payable from amounts to be annually levied on all the taxable real property in the Village. Because the bids that were received on December 5, 2017 for the WWTP Phosphorus Removal and Upgrade were disappointing and greatly in excess of the amount that was initially anticipated when the original bond resolution of \$6,000,000 was approved in 2013, the supplemental bond resolution was necessary. The Village Board decided to move ahead with the construction of the project because the DEC expects the Village to get moving on the project, and because the Village would like to take advantage of the zero percent (0%) interest rate offered by the Environmental Facilities Corporation. The Board and the DEC will continue to look for more funding to offset the cost of the project, but the Board expressed that any further delay will result in even higher costs, as well as possible fines for lack of action.

- k. Increase in Sewer Rates – in an attempt to offset excessive sewer rates, the Village has been successful in its endeavors to secure partial funding, including WQIP awards of \$80,000 and \$1,000,000, an EPG grant of \$30,000, and zero percent (0%) financing from the Environmental Facilities Corporation, to help meet the NYSDEC mandate to upgrade the treatment plant. The Board is hopeful that additional funding can be secured to help meet the DEC mandate. A potential SAM grant of \$250,000 is pending, as is a WIIA grant estimated in excess of \$1,000,000. In spite of this, the plant upgrade of now over \$7,000,000 and will need to be funded by sewer rate increases, if no further funding is established. The Board had hoped that the recent sewer rate increases would be sufficient to meet the expense involved but because the bids received were disappointing higher than anticipated, it is likely that the Board will need to raise rates again, this time in excess of 30%. Village sewer users currently pay \$413.23 annually, based on an average bill. A 31% increase of an average bill will increase the average rate up to \$541.39 per year, which is a quarterly increase of about \$128.00 per year, or \$32.00 per quarter. The increase for Town sewer users will be even more, given that outside users pay an additional 25% over the average Village sewer user, which equates to \$676.74 annually, an increase of about \$160.00 per year, beginning in 2019.
- l. Highland Drive Drainage Study – as was mentioned at previous board meetings, there are reoccurring problems with flooding in the village that still need to be addressed. At the October 2017 board meeting, the Board approved a drainage study by MRB Engineering Firm for the area of Highland Drive, which affects all of the neighboring properties on Second Street, Meadow Street, Reed Street, Reed Parkway and part of First Street. MRB will build off of a drainage study from 1997, consider changes in the area upland of Highland Drive, and develop potential improvements for the Village to consider. MRB will also perform a topographical survey of the storm system and immediate surrounding area on the west side of Highland Drive and the Reed Parkway storm systems, set up a base map of the Village's storm sewer system, conduct a hydrologic analysis of the contributing watershed area to determine the peak flow rate during 2, 5, 10 and 50 year storm events at various inflow points into the Highland-Reed Parkway drainage system, create a hydraulic model of the Highland-Reed Parkway drainage systems, and determine the impacts to the system under peak flow rates. The study will also develop alternatives to control the flow to and along the Highland Drive and elsewhere in the drainage system along Reed Parkway to mitigate the stormwater overflowing during heavy storms that causes drainage and flooding issues for residents. MRB will also estimate material and construction costs for each of the potential improvements. Mayor Curtin reminded residents that the study is the first phase of what will hopefully lead to development of long-term operation and maintenance solution for property owners in the area. Since there are several areas in the village that experience severe drainage issues and flooding, the Board is considering a village-wide stormwater district. Another option would be to establish a stormwater management district for only those property owners in that area. Village involvement will require drainage maintenance easements, which would need to be recorded and will impact property deeds. The Board expects the study to be completed by Spring 2018 and will notify residents once the study is finalized. Cost will have been determined and options.
- m. Planning Board – has not met recently
- n. Code Enforcement – mainly 3-year rental inspections and fire inspections this month. The Board reminded residents that all garbage must be contained in a proper receptacle, not left at the curb in plastic bags.
- o. Sewer Repairs – the cold winter weather has taken its toll on some of the Village's older sanitary sewer lines, which has resulted in emergency repairs to the sewer lines. These included breaks near what will be the new Marcellus Library parking lot (repaired early February) and the sewer trunk line at the entrance to the Treatment Plant (repaired in mid February during winter break at MCS).
- p. Olde Home Days – June 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> – the first meetings were held in January and February, and the third meeting will be held on March 1, 2018 in the Village Board Room at 6:30pm.

After concluding with his updates, Mayor Curtin asked if there were any comments from the Board. There were none.

**Items from the Floor:**

Mayor Curtin asked if there were any items from the floor. Hearing none, Mayor Curtin asked for a motion to adjourn the meeting. Trustee Tallman made the motion to adjourn, seconded by Mayor Curtin. Mayor Curtin called for a vote. Both board members voted aye and the motion carried. Mayor Curtin thanked everyone for coming to the meeting.

The Regular Board Meeting was adjourned at 7:15 p.m.