

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
FEBRUARY 24, 2020 AT THE VILLAGE HALL**

PRESENT: Sara N. Tallman, Deputy Mayor
Timothy P. Manahan, Trustee
Jeffrey D. Brown, Attorney
Charnley A. Abbott, Village Clerk

ABSENT: John P. Curtin. Mayor

Deputy Mayor Tallman made a motion to open the regular board meeting at 7:02pm, after a public hearing was held to receive allow all interested parties the opportunity to be heard regarding the granting of a Special Use Permit, which would allow the property at #28 ½ B East Main Street to be reconstructed as multiple dwelling in the Village Center. The motion was seconded by Trustee Manahan. Deputy Mayor Tallman called for a vote, all board members voted aye and the regular board meeting was opened.

APPROVE SPECIAL USE

PERMIT: Deputy Mayor Tallman made a motion, having reviewed the application for a special permit, as well as the site plan, and noting that the application conforms to those standards in a manner appropriate to the particular circumstances, in addition to all applicable standards prescribed in the rules and regulations of a special permit process, to grant a special use permit to the owners of the property at #28 ½ B East Main Street to complete the remodeling of said property as outlined in the site plan application for a multiple dwelling in the Village Center, as required by the Village Code, subject to review and approval by the Code Enforcement Officer and the Village Planning Board. The motion was seconded by Trustee Manahan. Deputy Mayor Tallman asked if there was any discussion. Hearing none, Deputy Mayor Tallman called for a vote. All 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 2020. The bills on Abstract Sheets #009 for General Fund in the amount of \$24,965.44, Sewer Fund in the amount of \$15,778.31, Capital Funds in the amount of \$267,341.10 and Trust & Agency in the amount of \$0.00 were audited. The bills totaled \$308,084.85. The Board received the Police Report for the month of January 2020 from Captain Bernie Podseidlik. The Board also received the Building Inspectors Report for the month of January 2020 from Code Official Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for January 2020. The financial statements as submitted by Village Treasurer Nino Provvidenti for January 2020 were given to the Board for their review. Trustee Manahan made a motion to approve the consent agenda. The motion was seconded by Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion on the consent agenda. Hearing none, Deputy Mayor Tallman called for a vote. All board members voted aye and the motion carried.

RESOLUTION FOR ELECTION

2020: Deputy Mayor Tallman stated that Section 15-104 of the Election Law provides that the Board of Trustees shall adopt a resolution at least seventeen days before any Village Election designating the polling place in each election district, the hours during which the polls shall be open, the names and addresses of all those who have been duly nominated in accordance with Section 15 of the Election Law, for village office by certificate or petition of nomination duly filed with the Village Clerk; and the office and term of such office for which they have so nominated, and abstract of any proposition to be voted thereon. Deputy Mayor Tallman made a motion to accept the following resolution:

In the Matter of the 2020 Village Election in
Village of Marcellus, New York

**RESOLUTION DESIGNATION POLLING PLACE IN EACH
DISTRICT, HOURS DURING WHICH POLLS ARE OPEN,
NAMES AND ADDRESSES OF CANDIDATES, OFFICES
AND TERMS NOMINATED FOR, AND ABSTRACT OF ANY
PROPOSITION TO BE VOTED UPON**

WHEREAS, Subdivision 3(b) and (4) of Section 15-104 of the Election Law provides that the Board of Trustees shall adopt a resolution at least seventeen days before any Village Election designating the polling place in each election district, the hours during which the polls shall be open, the names and addresses of all those who have been duly nominated in accordance with Section 15 of the Election Law, for village office by certificate or petition of nomination duly filed with the Village Clerk; and the office and term of such office for which they have so nominated, and abstract of any proposition to be voted thereon;

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Marcellus as follows:

- (A) Village of Marcellus Election for the year 2020 shall be held at the Village Hall located at 6 Slocombe Avenue, Marcellus, New York.
- (B) The Election shall take place on March 18, 2020. The polls will open at 12:00 o'clock noon and close at 9:00 p.m.
- (C) The names and addresses of those who have been duly nominated for village office, and the office and term of such office which they have been nominated for are as follows:

<u>TRUSTEE</u>	<u>TERM</u>
Timothy P. Manahan 44 North Street Marcellus, NY	2 years (Vacancy)
John J. Murphy 6 Chrisler Street Marcellus, NY	4 years

- (D) There will be no propositions to be voted upon at this election.

BE IT FURTHER RESOLVED, that the Clerk of the Village is hereby ordered to publish a copy of this resolution in the official newspaper of the Village at least ten days prior to the election, and is hereby further ordered to post copies of this resolution in at least six conspicuous public places within the Village, with one of the copies of such notice

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

RESOLUTION OPPOSING CRIMINAL JUSTICE

REFORMS: Deputy Mayor ZTallman stated tgat The Village of Marcellus strongly objects to some of the criminal justice reforms that were agreed to last session by the Governor and the State Legislature and which have now gone into effect, particularly the drastic changes in the laws pertaining to discovery. The acceleration in the timing of discovery and the expansion of matters to which it will apply will have significant cost and compliance implications for cities and villages, particularly those with police departments or justice courts. Therefore, Deputy Mayor Tallman made a motion to accept the following resolution:

**RESOLUTION
BOARD OF TRUSTEES
VILLAGE OF MARCELLUS
February 24, 2020**

WHEREAS while there was a need to reform New York’s criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED that the Village of Marcellus supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted resolution of the Village of Marcellus be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and Assembly Member Gary D. Finch, the New York State Conference of Mayors, and local media outlets.

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

REQUEST TO ALTER UTILITY

CHARGES: Deputy Mayor Tallman stated that the Board has received a written request from the property owner at 2 Austindale Avenue, asking that the Board consider adjusting the utility penalties that have accrued for said property since June 1, 2018. Due to his and his bank’s misunderstanding as to the bank escrow not being remitted to the Village, the property owner is asking for some relief from the hundreds of dollars that have been accumulating for almost two years in penalties. Deputy Tallman made a motion to provide some relief

and authorize the Village Clerk to reduce said penalties by half the amount owed. The motion was seconded by Trustee Manahan. Deputy Mayor Tallman asked if there was any discussion. Hearing none, Deputy Mayor Tallman called for a vote. All board members voted aye and the motion carried.

SPRING TRASH DATES AND

SHRED DAY: Trustee Manahan announced that the Town of Marcellus has scheduled the 2020 dates for the Trash Transfer Stations as follows: Fridays, April 24th, May 2nd, and May 8th, from 8 a.m. to 3 p.m. and Saturdays, April 25th, May 3rd, and May 9th, from 8 a.m. to Noon. Permits are required and issued through the Town of Marcellus Clerk's Office. The Town Board agreed to also have a shred day during the Spring Trash Days. The cost to the Town is \$600 for four (4) hours and the Village will share in that cost. There will be no cost to the residents for the shredding. The motion was seconded by Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion. Hearing none, Deputy Mayor Tallman called for a vote. All board members voted aye and the motion carried.

SPECTRUM CABLE FRANCHISE

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

BUDGET

MODIFICATIONS:

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

ANNOUNCE VILLAGE

MEETINGS: Trustee Manahan made note of the list of those meetings scheduled for March 2020, which is provided for those so interested. Trustee Manahan stated that the Village Election will be held on March 18, 2020. Also, the third meeting of the Olde Home Days Committee 2020, will take place on Thursday, March 5, 2020 in the Marcellus Park Welcome Center, at 6:30 p.m.

UPDATES FROM THE

MAYOR: The following updates are posted on the Village of Marcellus website and available at the Village Office for any interested party as well.

- a) Police Update – as a result of his recent election as Supervisor of the Town of Lysander, Village Police Chief Robert A. Wicks retired from the Marcellus Police Department effective December 31, 2019. In the interim, while the Board conducts a search for a new Chief, Robert Pitman, presently the Chief of Police in Homer, NY, has agreed to oversee police operations in the Village of Marcellus. In addition, at its January Meeting, because MPD Police Captain Bernie Podsiedlik was retiring from the Onondaga County Sheriff's Department, effective January 30, 2020, the Board approved the resignation of Police Captain Podsiedlik from Marcellus Police Department, effective January 17, and his reinstatement to the Marcellus Police Department effective February 1, 2020
- b) 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.
- c) 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.

- d) 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.
- e) 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.
- f) 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.
- g) Planning Board – the Village Planning Board plans to meet on February 26, 2020 to review a site plan proposed by the owner of 28 ½ B East Main Street, reconstructing the second-floor office space into two 1-bedroom apartments. This reconstruction will require a special use permit, approved by the Village Board, and subject to site plan approval of the Village Planning Board as well as the Code Enforcement Officer.
- h) Zoning Board- The Village Zoning Board plans to meet on February 27, 2020 to consider the granting of an area variance to reduce the side yard setback for the construction of an addition on the one-family dwelling located at 36 First Street.
- i) 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.

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

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

ITEMS FROM THE

FLOOR:

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

The Regular Board Meeting was adjourned at 7:13 p.m.

Charnley A. Abbott, Village Clerk