

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
JANUARY 22, 2018 AT THE VILLAGE HALL**

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

ABSENT: None

**CONSENT
AGENDA:**

The Village Clerk submitted the minutes of the special board meeting and regular board meeting for the month of December 2017. The bills on Abstract Sheets #008 for General Fund in the amount of \$74,191.36, Sewer Fund in the amount of \$17,254.46, Capital Funds in the amount of \$11,085.50, and Trust & Agency in the amount of \$4,245.00 were audited. The bills totaled \$106,776.32. The Board received the Police Report for the month of December 2017 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of December 2017 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for December 2017. The financial statements as submitted by Village Treasurer Nino Provvidenti for December 2017 were given to the Board for their review. Trustee Cox made a motion to approve the consent agenda. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the consent agenda. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

AWARD/REJECT BIDS - WWTP

UPGRADES: Trustee Tallman made a motion to authorize the Mayor to sign the following contract agreements for construction projects at the Waste Water Treatment Plant, subject to permissive referendum:

The General Contract price, base bid only, of \$5,395,611.00 awarded to Blue Heron Construction Company of Jordan, NY.

The Electrical Contract price, base bid only, of \$739,000.00 awarded to Myriad Construction of Syracuse, NY.

The HVAC Contract price, base bid only, of \$79,263.00 awarded to King & King Mechanical, Inc. of Auburn, NY.

Mayor Curtin restated that the awarding of the bids was contingent on the permissive referendum and bonding timeline. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on awarding/rejecting the bids. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

POLICE DEPARTMENT TITLE:

PROMOTION: Mayor Curtin made a motion to appoint Officer Rich Curran of the Marcellus Police Department to the title of Detective within the Department, at the request of Police Chief Wicks, at an hourly rate of \$19.00 per hour, effective January 25, 2018. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the title promotion. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

REVIEW EMPLOYEE HANDBOOK – ADD

FLEX TIME: Trustee Tallman made a motion to approve acceptance of the annual review of the Village of Marcellus Employee Handbook by the Village Board. The Handbook went into effect on February 1, 2013 and the Board conducts an annual review of the handbook. There were no proposed changes to the Employee Hand book this year. A copy of the handbook is on file in the Village Office for public inspection. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the updating the Employee Handbook. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

SPECTRUM CABLE FRANCHISE

AGREEMENT: Village Attorney Brown informed the Board that he had received proposed edits from Charter Communication to the contract for the Charter Communications Cable Franchise Agreement with the Village. The one remaining provision in negotiating a new agreement with Charter was the stipulation that payments made by Charter for cable franchise fees (gross utilities) would be reduced from Charter's Village property tax bill. The Village Board is firm that Charter should pay the franchise fees, as well as their property taxes. Charter Communications rejected that provision. Charter Communications also proposed changes to the existing franchise agreement that the Village has with Time Warner. Attorney Brown mentioned that, for example, the standard drop that Charter would be responsible for is 150', which means that Charter Communications is required to provide service to any village resident within 150' of the

trunk line. Attorney Brown mentioned that the length of 150' is a relatively short distance. Some agencies allow 300'. If the distance to connect is over 150', residents will be required to pay. In addition, Charter previously had the provision that "any and all streets, municipal properties or private property" which is destroyed or damaged while Charter is completing work must be repaired by Charter. Charter's proposal removes "private property" from the provision, which means that only streets and municipal property will need to be repaired by Charter for any damage that may occur. Attorney Brown stated that it is unacceptable not to have private property included in the provision. Attorney Brown will try to negotiate with Charter to see if they would be willing to modify any of their proposed changes, but did not feel confident that Charter would be willing to compromise. Attorney Brown advised the Board that it may be best for the Village to continue to operate under the existing franchise agreement, which is "grandfathered" in. Trustee Cox made a motion to table the Charter Communications Franchise Agreement. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on tabling the agreement. Hearing none, Mayor Curtin called for a vote. All 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 Trustee Cox. Mayor Curtin asked if there was any discussion on the budget modifications. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ADDENDUM TO OPT OUT

PROGRAM: Trustee Cox explained that the Board had approved the health insurance opt-out Program for full time Village employees at their December board meeting for employees who are covered under another health care program. The program grants a buy-out incentive for employees who choose to opt-out, and also provides a financial benefit for the Village, whose annual premium on behalf of the employee, or 90% of the premium, is eliminated. The addendum specifies that employees who choose to opt out of health coverage with the Village of Marcellus will be paid the sum of money for the level which they are eligible for. Levels include: Individual (\$1,400) for single employees who opt out, Double (\$2,800) for married employees who opt out and Family (\$4,000) for employees with children under the age of 26 who opt out. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the addendum. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

COUNTY-WIDE SHARED SERVICES ETAX

SOFTWARE: Trustee Tallman made a motion to authorize the Mayor to sign and return a letter from Onondaga County Real Property Tax Department indicating that it is the intention of the Village of Marcellus to use the County's new eTax software when it become available, at no cost to the Village. Using the County's software is projected to save local governments within the County an estimated \$300,000 per year by reducing the annual fee for real property tax services administration and tax billing. The estimated savings to the Village of Marcellus is approximately \$642. Use of the software is also in keeping with New York State's County-wide Share Services Initiative Law. The motion was seconded by Trustee Cox. Mayor Curtin asked if there was any discussion on the eTax software letter. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

ANNOUNCE VILLAGE

MEETINGS: Trustee Cox 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 Village Offices will be closed on Monday, February 19th in recognition of Presidents Day and the second meeting of the Olde Home Days Committee will take place on Thursday, February 1 in the village board room.

Updates by the Mayor:

Mayor Curtin provided updates on the following subjects:

- a. Another Police Update – the Prescription/Drug Drop-Off Box located in the lobby of the Village Hall continues to be a welcome addition. Many individuals have taken advantage of fusing the drop-off box to dispose of prescription or other drugs anonymously. The Onondaga County Health Department stops by monthly to pick up and properly dispose of the items. Chief Wicks also announced that the Police Department will continue to collect needles and syringes that are brought to the police department. Chief Wicks is also working toward setting up drop-off box for anonymous needle and syringe disposal.
- b. F.O.G. (Fats, Oils, Grease) – in the wastewater will continue to be on the WPCP's agenda in the months ahead. The Board continues to provide a flyer that emphasizes the need to keep Fats, Oils and Grease out of the sanitary sewer system. The Wastewater Department previously sent a letter to all businesses in the Village making them aware of the responsibilities that they have in dealing with fats, oils and grease. The Department also intends to perform inspections in the near future to ensure full compliance with both Village and County laws.

- c. 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 1st to April 1st so that the highway crew can plow snow. If ticketed by Village Police, the fee will be \$35.00. The Board urged residents to use the municipal parking lots for overnight parking during those months.
- d. Snow Plowing – The Board continues to alert independent snowplow 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 MUST 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. The Board asked independent snowplow drivers to observe the regulations put in place for plowing in the village – no snow should be plowed onto a village street or sidewalk and any that has been must be removed before finishing the job.
- e. Special Board Meeting – on January 10, 2018, an emergency special meeting was held for the purpose of approving a Supplemental Bond Resolution of the Village of Marcellus authorizing the issuance of an additional \$1,700,000 serial bonds to finance the construction of improvements to the Village’s Wastewater Treatment Plant, for upgrades necessitated by the unfunded TMDL mandates for phosphorus removal, as required by the NYSDEC, including the acquisition of original furnishings, equipment, machinery or apparatus required in connection with the project. The bond resolution supplements the original bond resolution adopted by the Board of Trustees on December 23, 2013, which authorized the issuance of \$6,000,000 in serial bonds to finance the project. 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 approve 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.
- f. 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.
- g. Planning Board – met for a public hearing on December 20, 2017, for Site Plan Review of a new proposed parking lot and dumpsters at 34 North Street.
- h. 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.

- i. Olde Home Days – June 2nd, 3rd, and 4th – the first meeting was held on January 4, 2018, and the next meeting will be held on February 1, 2018 in the Village Board Room at 7 p.m.

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. Several residents from First Street, Second Street, Meadow Street, and Highland Drive brought up concerns about severe reoccurring flooding and drainage problems in the area in which they live due to heavy rains and snow melt off. The residents asked that the Village get involved in facilitating a solution for the stormwater that is flowing down, overflowing ditches, and flooding their homes and property. Several residents attended the January 2018 board meeting and expressed to the Board that they would like the Village to assist them in finding a solution to the continual serious flooding problems. The residents suggested the possibility of the Board establishing a village-wide stormwater district. Mayor Curtin explained that the Highland Drive Drainage Study is the first phase in finding a solution to the flooding and drainage problem. He will notify residents once the study is completed in the Spring of 2018. Mayor Curtin asked for a motion to adjourn the meeting. Trustee Tallman made the motion to adjourn, seconded by Trustee Cox. Mayor Curtin called for a vote. All board members voted aye and the motion carried. Mayor Curtin thanked everyone for coming to the meeting.

The Regular Board Meeting was adjourned at 7:57 p.m.

Dawn M. O'Hara, Village Clerk