

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
JANUARY 25, 2021 AT THE VILLAGE HALL**

PRESENT: John P. Curtin, Mayor See List
Timothy P. Manahan, Trustee
John J. Murphy, Trustee
Jeffrey D. Brown, Attorney
Charnley A. Abbott, Village Clerk

ABSENT: None

Mayor Curtin asked for a motion to open the regular board meeting at 7:05pm, Trustee Murphy made the motion, seconded by Trustee Manahan. Mayor Curtin called for a vote, all board members voted aye and the meeting was opened.

**CONSENT
AGENDA:**

The Village Clerk submitted the minutes of the regular board meeting for the month of December 2020. The bills on Abstract Sheets #008 for General Fund in the amount of \$20,810.03, Sewer Fund in the amount of \$14,325.48, Capital Funds in the amount of \$86,636.43 and Trust & Agency in the amount of \$43,063.59 were audited. The bills totaled \$164,835.53. The Board received the Police Report for the month of December 2020 from Police Chief Bernie Podsjedlik and the Building Inspectors Report for the month of December 2020 from Code Official Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for December 2020. The financial statements as submitted by Village Treasurer Nino Provvidenti for December 2020 were given to the Board for their review. Trustee Manahan made a motion to approve the consent agenda. The motion was seconded by Trustee Murphy. 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.

REVIEW OF EMPLOYEE

HANDBOOK: Trustee Murphy made a motion to approve a review by the Village Board of the Village of Marcellus Employee Handbook, a copy of which is on file in the Village Office for public inspection. The Handbook went into effect on February 1, 2013, and it has been decided that the Board would conduct such a review each year upon its anniversary. This year, as part of the review, the Board will approve those changes that have been already ratified in previous years. 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.

POLICE

RESIGNATION: Mayor Curtin made a motion to accept, with regret, the resignation of Officer Andrea Mourey, effective 1/10/2021. Officer Mourey served with distinction as the SRO at KCH Elementary School but due financial constraints and COVID shutdowns, found it necessary to return to the Air Force as a full-time member. The Board is most grateful for her service to our school and community and wishes her the best in her chosen occupation. 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.

POLICE

APPOINTMENT: Mayor Curtin made a motion to confirm the appointment of James O'Brien to the Marcellus Police Department and as a School Resource Officer at KCH Elementary School of the Marcellus Central School District. Detective O'Brien recently retired from the City of Syracuse Police Department after a distinguished career in law enforcement and was appointed to his new position on January 13, 2021. The motion was seconded by Trustee Manahan. 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.

FIRST REQUEST TO ADJUST UTILITY

ACCOUNT: Trustee Manahan stated that the Village Clerk is in receipt of a letter from the owner of 22/24 Reed Street. The owner states that he is in the process of evicting a tenant who has been delinquent in rent for several months, and has also neglected to pay the Village utility bill since September of 2018. The owner was unaware of the accumulating balance and penalties and has since paid the balance of the charges owed. The property owner would like to ask the Board for assistance with the penalties that have accumulated since 2018 so that he may get the account paid up to date. The total balance unpaid by the tenant is \$1,284.60. The property owner has already paid \$1,108.00, the total amount due in refuse and wastewater treatment. The penalties total \$176.60 since January of 2019. The property owner would also like to note that he owns another property, 27 Reed St, and has a near perfect payment history on that account. I make a motion to forgive those penalties that have accumulated since 2018, through no fault of the property owner in the amount of \$176.60. 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.

SECOND REQUEST TO ADJUST UTILITY

ACCOUNT: Trustee Murphy stated that the Village Clerk is in receipt of a letter from the owners of 17 Flower Lane. The owners state that they were unaware of the billing process due to a communication error that occurred several years ago. The owners stated that they attempted to pay a utility bill in 2017 and were informed by Village staff that the bill would be sent to the County and added to their annual tax bill. The property owners understood this to mean that it was routinely handled that way, and that they were to pay the utility bill annually to Onondaga County, rather than quarterly, as is the custom. Upon receipt of the letter sent by the Village Clerk in August of 2020 to all residents regarding utilities and the re-levy process, the owners realized their error and have asked the board for assistance with the penalties that have accumulated since 2018. The penalties total \$1,076.60, including \$897.10 for Sewer and \$179.50 for Refuse. I make a motion to forgive those penalties that have accumulated since 2017, by reason of the confusion generated by the Village staff in 2017, in the amount of \$1,076.60. The motion was seconded by Trustee Manahan. 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.

VILLAGE IMPROVEMENT

PROJECT: Trustee Manahan made a motion to approve and accept the Onondaga County Resolution authorizing funding to the Villages of Onondaga County to make public improvements for the years, 2020-2030. While this County Resolution does not fully restore the sales tax revenue that Villages once enjoyed and which was taken from the Villages in 2010, it does go a long way towards resolving some of the acrimony that resulted from the seizure of sales tax revenue. In addition, it represents a commitment on the part of the County to provide additional financial assistance to Villages so that they will remain viable and the centers around which the Towns revolve. Based on population, the Village of Marcellus is slated to receive 4.01% of the funding allocated by the County each year, from January 1, 2020 through December 31, 2030. 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.

MRB ENGINEERING REVIEW

PROPOSAL: Trustee Murphy stated that the Village has received a proposal from MRB Engineering to provide for engineering and review services to assist the Village with State Environmental Quality Review (SEQR) review and Planning Board support services associated with the Baltimore Ridge Development project. The total compensation will be hourly, as needed, and MRB Group will submit monthly statements for services rendered. MRB Group also recommends that a developer deposit be established in the amount of \$10,000 for planning board support review fees. Trustee Murphy made a motion to accept the MRB proposal to provide for engineering and review services for the Baltimore Ridge Development project. The motion was seconded by Trustee Manahan. 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.

RESOLUTION-DEVELOPER DEPOSIT AND SCHEDULE OF

DEPOSITS: Trustee Manahan stated that it is very commonplace for developer deposits to be required by a municipality and the Village has to protect the taxpayers in the event a project is terminated in the middle of the development. Therefore, Trustee Manahan made a motion to accept the following resolution:

WHEREAS, pursuant to the authority conferred upon the Village Board by Marcellus Village Code Chapter 84 Article I §84-2 to amend the Village of Marcellus Schedule of Fees, Deposits and Penalties by resolution at a regular meeting;

THEREFORE, BE IT RESOLVED that the Board of Trustees establishes a mandated developer deposit for any subdivision of 10 lots or more; and be it further

RESOLVED that these deposits will be used to reimburse the Village for any engineering, legal or other professional review costs it incurs in evaluating such large subdivisions; and be it further

RESOLVED that the initial deposit amount shall be \$400.00 per proposed lot; and be it further

RESOLVED that the reimbursement rate for attorney services shall be \$175.00 per hour; and be it further

RESOLVED that the Village shall comply with the requirements of the Code of the Village of Marcellus §84-8 in administering such deposits.

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. A copy of this resolution is on file in the Village Office for public inspection.

BALTIMORE RIDGE PUBLIC

HEARING: Mayor Curtin, on behalf of the Village Planning Board, announced that the Public Hearing originally scheduled by the Planning Board at its January 20, 2021 meeting for February 17, 2021 and then moved to February 24, 2021 might now be moved to March 3, 2021. Because the Village and its engineers from MRB need a complete package (plans, drainage report, SEQR documentation, etc.) submitted to the Village at least one week prior to the public hearing, the new date will allow the developer and his engineers enough time to complete the required due diligence. In addition, the site of the Public Hearing has been moved from the Village Hall to the St. Francis Xavier Parish Hall across the street so as to accommodate what is expected to be a larger than normal crowd. Mayor Curtin made this announcement on behalf of the Village Planning Board which authorizes the Village Clerk to have legal notice regarding the above-mentioned date, time and place for the Public Hearing published in the newspaper of record.

BUDGET

MODIFICATIONS:

Trustee Manahan made a motion to approve budget modifications for December 2020 requested by the Village Treasurer transferring revenues and appropriations in the General and Sewer Funds. The motion was seconded by Trustee Murphy. 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.

ANNOUNCE VILLAGE

MEETINGS: Trustee Murphy made note of the list of those meetings scheduled for February 2021, which is provided for those so interested and noted that the Village Offices will be closed on Monday, February 15th for the Presidents' Day Holiday, and there will be no trash delay. Also, the second meeting of the Olde Home Days Committee 2021, will take place on Thursday, February 4, 2021 and will be held virtually.

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) Another Police Update – the Prescription/Drug Drop-Off Box as well as the drop-off box for needle and syringe disposal, both located in the lobby of the Village Hall, continue to be a welcome addition to the Village. Any numbers of individuals continue to take advantage of using the drop-off boxes to dispose of any prescription or other drugs, as well as needles and syringes anonymously. We would also announce that complimentary containers, specifically designed for the disposal of used needles and syringes, are available from the Village Clerk, while supplies last.
- 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, 2020, 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, 2021. 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) Notes on the Governor's Budget – when Governor Cuomo's Budget Division in June began to withhold 20% of local aid payments, there was much uncertainty as to when and to what degree the State's fiscal picture would improve. Now, seven months later, it has become clear that New York State and its \$178 billion budget can afford to -- and must immediately -- release the more than \$250 million in AIM funding and transportation aid payments owed to our municipal governments. Here are a few key facts regarding the affordability of restoring these cuts in aid: State Comptroller DiNapoli has reported that state tax receipts are \$3.8 billion ahead of where they were budgeted to be back in April 2020; New York State has already received more than \$10 billion in federal stimulus funding to provide critically important budgetary relief, and the Governor has expressed confidence in receiving additional federal funding from Washington since there is a new President and new Senate Majority Leader who both strongly support such assistance; The 20% withholding was deemed a "cash flow" device, yet the State has issued \$3.5 billion in Revenue Anticipation Notes as a means of dealing with cash flow needs. The \$250 million in aid owed to municipalities represents only 0.14% of the State budget and the Budget Division has stopped withholding school aid. It is time to end the use of municipalities as pawns in the effort to get more federal funding.
- f) WWTP Upgrades – with two years of construction of a very costly project having been completed, sewer users in the Village, Town and School District can be assured that a modern, fully operational water pollution control plant will serve their needs well into the 21st century. Funding for the project can only come from sewer rate increases, and the recent increase has brought the average annual rate

for a Village sewer user up to about \$540.00 – a quarterly increase of about \$25.00, or an annual increase of about \$100.00. This is an average estimate, since sewer rates are based on water usage in the Village. For Village users, those rates have been reflected in the most recent utility bills. For Town sewer users the increase will be rather significant, given that outside users pay an additional 25% over that of the average Village sewer user. Beginning in January 2021, the average town sewer user will begin to pay approximately \$677.00 annually, an annual increase of about \$128.00, beginning in January 2021. In order to prepare our Treatment Plant for operation well into the 21st century, these increases, while hefty, are unavoidable. We have also had a sustained complaint by a neighbor about the noise generated by the plant blowers. We are continuing to investigate and try to determine what else can be done to alleviate this noise.

- g) Planning Board – Baltimore Ridge – the Board met on December 16, 2020 and to listen to a developer regarding development of the Roche Property, about 20 acres of land at the south end of the Village, which property was annexed to the Village in 1978. Since 1978, plans have come and gone, parties have lost interest or passed away, and Linda Roche now owns the property exclusively. Linda has contracted with a developer who is interested in development of the property, to include approximately 20 new residential lots, building quality homes as well as preserving the natural beauty of the land. The proposed subdivision off South Street would be called “Baltimore Ridge” and according to a new design presented to the Board on January 20, 2021 would be accessed from South Street as well as from Dunlap Ave and Baker Street. Sewer follows natural flow and would hook up to existing conditions as would water, since there are stubs at the end of both Baker and Dunlap. The developer would need subdivision approval and will need to file a full environmental assessment form as well. The Planning Board will be the lead agency and Village Engineers will need to review complete plans. There are a number of issues that will have to be addressed, including surface water runoff, site grading on individual lots, road construction, sidewalks, curbing, and lighting, among others. The Planning Board will schedule a Public Hearing on February 24, 2021, or March 3, 2021 (depending on the recommendations of the engineers involved) at the St. Francis Xavier Parish Hall across the street from the Village Hall so as to accommodate what is expected to be a larger than normal crowd, and to allow for more open discussion of the project. By clicking on the Village website (villageofmarcellus.com), members of the community will be able to view the concept (design) that is being proposed for the project, as well as review minutes from both of the earlier Planning Board minutes.

*Baltimore Ridge – the Board realizes that some individuals are opposed to the growth of the Village of Marcellus, as some were when the property was annexed back in 1978. However, residents should also be aware that growth is inevitable and that a municipality can best protect the interests of its citizens by ensuring that development is done in an orderly, beneficial manner. It is this type of development that is proposed for the Village of Marcellus, and by working together we will be able to preserve the integrity and character of the Village.

- h) Second Access Road into the development – the CEO contacted the Department of State Division of Building Standards and Codes (DBSC) and it was noted that if the additional dwellings in question had site plan approval prior to January 1, 2011 then the second access road is not required. If the additional dwellings did not have approval prior to January 1, 2011 then the second access road is required. Even though the new portion of the development (27 new units) does not exceed 30, the total number of (56 + 27) 83 units in the development far exceeds the 30 units allowed without a second FAAR (Fire Apparatus Access Road), unless it had been approved prior to January 1, 2011. Exception 3 of D107.1 essentially leaves it up to the fire code official. If you want to require it then you should and let the applicant appeal. This requirement is not surprising and perhaps it could be constructed to village standards, less paving and maintained as a “creek walk” style access road to South Street. They also may want to push the number of lots back, to stay below the threshold.

*The Planning Board Minutes from its January 20, 2021 meeting, as well as the minutes from its December Board meeting, including the new sketch of the proposed concept can be found on the Village website at

the following link: <https://www.villageofmarcellus.com/baltimore-ridge.html>.

- i) Meadow Street – the Village of Marcellus is proposing a project that will provide storm water drainage and road improvements to Meadow Street. Over the years, larger storm events have resulted in road and backyard flooding in the Meadow Street area. The Village has worked on incremental improvements to try to address these drainage concerns on the west side of the Village and the most recent drainage improvement project on Highland Drive included a new storm water collection system, improvements to roadside swales and road re-paving. These project improvements have resulted in a much lower frequency of storm water issues in this area. The current project proposes to design and install a new storm water collection system on Meadow Street while also reconstructing the road with new base material, asphalt and gutters or curbs. The design will also look to flatten the current high crown on this road in order to improve the overall drainage and future maintenance of this road. Improvements would also include new field inlet(s) and swale improvements where necessary. MRB engineers are heading up the design for this project and are working well with our DPW to review some design and coordination issues and have also been in touch with both NYSEG and OCWA – both have been very cooperative and very interested to replace their mains prior to our project work. Once MRB has a preliminary design and layout in place, they would schedule a time to meet with the Village Board, the Village DPW, Greg and any others with the Village to review the plans and gather any input. While we wait to note what the spring rains will bring, we are cautiously optimistic that our efforts in helping to address the flooding in this area will have been met with some success.
- j) Main Street Façade Grants – in the spring of 2020, Onondaga County approved 13 commercial projects and 1 public project under the County Main Street Façade Grant program, a plan that awarded almost \$300,000 in funding for Marcellus businesses. Most of the projects have been completed and property owners have already been reimbursed, including a repaving of the two Village parking lots, remarkable renovations of 17 North Street, 19 South Street, 14-18 West Main, 3 North Street, 60 East Main, 20-22 West Main, 52-56 East Main and 2 East Main Street. Other projects are in the works and some have been delayed because of material shortages and contractor scheduling but we expect them to be completed within the next several months.
- k) Olde Home Days, 2021 (June 4, June 5 and 6) – the second meeting of the 2021 OHD Committee will be held on Thursday, February 4, 2021 at the Welcome Center in the Park, beginning at 6:30 p.m.
- l) Green Gateway Project – is one 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. Printed copies of a project summary are provided for the benefit of residents and are available in the Village office, as well as on the Village website (click on <http://villageofmarcellus.com> and then on News, then Village News. While the coronavirus has interrupted and delayed our plans, the Village and the students at MCS continue working on the site and it is hoped that conditions will soon improve so that the project will begin anew in the months ahead.
- m) Pandemic Operations Plans – our attorney has advised us of a new state mandate that requires all municipalities to develop a plan “for operations in the event of a [future] declared public health emergency involving a communicable disease” by April 1, 2021. These so-called Pandemic Operations Plans are required pursuant to a law signed by Governor Cuomo on Labor Day. Our Village Clerk is presently developing the plan and it should be finalized, as required by April 1, 2021, no foolin.

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 Murphy made the motion to adjourn, seconded by Trustee Manahan. Mayor Curtin called for a vote. All board members voted aye and the motion carried.

The Regular Board Meeting was adjourned at 7:32 p.m.

Charnley A. Abbott, Village Clerk