

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

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

ABSENT: None

Mayor Curtin began the meeting with the Pledge of Allegiance and the following announcement:

ANNOUNCEMENT

As of March 17, 2020, all Village meetings are closed to public attendance for the safety of all concerned. Authority to make the adjustment was provided by Governor Cuomo's March 13, 2020 Executive Order to temporarily suspend Open Meetings Law to allow for public bodies to hold public meetings without public attendance. However, if anyone wishes to listen to what transpires at public Board meetings, please call the Village Office at 315-329-1330, just prior to the 7 p.m. start of our Monday night meetings and you will be connected to a conference call. In addition, the minutes to the Board Meetings will be recorded and summaries of the meetings will be available on the Village website (<https://www.villageofmarcellus.com>) under News, Mayor's Updates, for those so interested. Amid the COVID-19 Pandemic, Governor Cuomo has issued an Executive Order delaying Village elections statewide until the April 28 Primary. The Executive Order also calls for any elected official holding such position to remain in office until such time as a new election is held. We have already posted a letter of information on the Village website, to keep you informed of matters related to the operation of the Village during this health crisis, a hard copy of which will also be sent by mail to our residents early this week along with the Village newsletter.

TABLE PUBLIC

HEARING: Trustee Manahan stated that our meetings are closed to the public, by order of the Governor, and since the public hearing is about overriding the tax cap, and we will probably not go over the mandated cap (there is no tax increase) according to the Treasurer. Therefore, Trustee Manahan made a motion to table the public hearing in anticipation of dismissal and open the Regular Board Meeting. 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. All board members voted aye and the motion carried.

The Regular Board meeting was opened at 7:00 pm.

ADOPT LL#2

OF 2020: Trustee Manahan made a motion to table Local Law #2 of 2020 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. 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. 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 February 2020. The bills on Abstract Sheets #010 for General Fund in the amount of \$18,470.53, Water Fund in the amount of \$8,136.41, Sewer Fund in the amount of \$13,141.70, and Capital Funds in the amount of \$110,228.38 were audited. The bills totaled \$149,977.02. The Board received the Police Report for the month of February 2020 from Police Chief Bernie Podsiedlik. The Board also received the Building Inspectors Report for the month of February 2020 from Code Official Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for February 2020. The financial statements as submitted by Village Treasurer Nino Provvidenti for February 2020 were given to the Board for their review. Trustee Manahan 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. All board members voted aye and the motion carried.

SHORT ENVIRONMENTAL

FORM: Mayor Curtin stated that the Board, previously reviewed Part 1 of the Short Environmental Assessment Form regarding the proposed renovation of 28 ½ B East Main Street and asked the Village Attorney, Jeff Brown to guide the Board through Part 2, the Impact Assessment, of the Short Environmental Assessment Form, which he then did.

SEQR PART II: Trustee Manahan made a motion to approve a resolution determining that the proposed conversion/renovation of the property at 28 ½ East Main Street in the Village of Marcellus,

from two apartments and a dentist office to four apartments, 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 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. All board members voted aye and the motion carried.

SPRING BRUSH DATES AND

TRASH DAYS: Trustee Manahan announced that the Village Board and the DPW are going to continue the policy from last year for 2020 Brush Pickup. Trustee Tallman made a motion to allow brush to be placed at the curb on Saturdays and Sundays for pickup on Mondays from April 6th to May 11th. In addition, during the summer months (June, July and August), brush may also be placed at the curb on Saturdays and Sundays for pickup on the first Monday of those summer months. In addition, the Town of Marcellus announced the 2020 dates for the Trash Transfer Stations as follows: Fridays, April 25th, May 2nd, and May 9th, from 8 a.m. to 3 p.m. and Saturdays, April 26th, May 3rd, and May 10th, from 8 a.m. to Noon. Permits are required and issued through the Town of Marcellus Clerk's Office. The rates are \$20 for a passenger vehicle, \$35 for a pickup truck, \$45 for a trailer, \$10 for a one-time passenger car, \$3 for tires and \$15 for anything with Freon (such as refrigerators, freezers, air conditioners or dehumidifiers). 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. There will also be an Electronics Waste Disposal Day included with the trash days this year and that will require a special fee. The cost will be \$40 for televisions and monitors over 27", \$20 for televisions and monitors less than 27" and a \$5 miscellaneous fee. This year there will be a charge for flat screen televisions. Some items are not accepted including garbage, OCRRA recyclables, liquids or hazardous waste including paint, oil tanks, fuel tanks, motor vehicles, and contractor debris (home projects only), All items must be secured and covered when transporting to the Town Transfer Station. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on approving the dates. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

POLICE

RESIGNATION: Trustee Manahan stated that Officer Shawn Broton, employed by the Marcellus Police Department and as an SRO by the Onondaga Central School District has submitted his resignation from both positions as of March 10, 2020. Trustee Manahan made a motion to accept Officer Broton's resignation with regret and thank him for his outstanding service. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on approving the dates. Hearing none, Mayor Curtin called for a vote. All board members voted aye and the motion carried.

POLICE

APPOINTMENTS: – Mayor Curtin made a motion to approve the following two appointments to the Marcellus Police Department:

- a) Bernie Podsiedlik, now a Captain in the MPD, as the Interim Chief of the Marcellus Police Department, and to also convey our thanks to Robert Pitman, presently the Chief of Police in Homer, NY, who agreed to oversee police operations in the Village of Marcellus for these past several months while the Board conducted a search for a new Chief of Police.
- b) Darren McLaughlin to the Marcellus Police Department and as a School Resource Officer by Onondaga Central School District. Officer McLaughlin recently retired from the Onondaga County Sheriff's Department after a distinguished career in law enforcement and was initially appointed to his new position at a budget meeting of the Village Board on March 10, 2020. This appointment is a confirmation of that earlier appointment.

The motion was seconded by Trustee Tallman. 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.

ANNUAL STORMWATER

REPORT: Trustee Manahan made a motion to table the Annual Storm Water Report until the next regular meeting of the Village Board in April. The motion was seconded by Mayor Curtin. 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.

CHARTER COMMUNICATIONS FRANCHISE

AGREEMENT: Mayor Curtin 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. The motion was seconded by Trustee Manahan. 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.

WINDSTREAM: Trustee Manahan made a motion to authorize the Mayor to table a contract with Windstream Company wherein Windstream Company would provide Internet and phone service to all departments in the Village of Marcellus, until such time as the Village Attorney has been able to negotiate successfully, the terms of the agreement, with Windstream Company. Village Clerk Charnley Abbott stated that the contract has been reviewed by the Village Attorney and the Village awaits the amended contract from Windstream. The motion was seconded by Trustee Tallman. 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.

STATE OF EMERGENCY

DECLARATION: Mayor Curtin stated that at the request of the Marcellus Police Chief and the Village Attorney, the Board was advised that, in light of the on-going health crisis, an Emergency Declaration for the Village of Marcellus be considered and enacted. Following discussion regarding the issue among members of the Board of Trustees, a unanimous decision was reached authorizing the Mayor to exercise the authority given to him under the New York State Executive Law, Article 28, to preserve the public safety, health and welfare and hereby render all required and available assistance vital to the security, well-being and health of the citizens of the Village, to direct all departments to take whatever steps necessary to protect life and property, public infrastructure and other such emergency assistance as deemed necessary. Trustee Manahan made a motion to authorize the Mayor to issue the following declaration:

VILLAGE OF MARCELLUS EMERGENCY ORDER

WHEREAS, at 7:30 P.M., on March 23, 2020. A Local State of Emergency has been declared pursuant to Section 24 of the New York State Executive Law, Article 2B, and current Executive Orders of the New York State Governor's Office in response to the COVID-19 virus outbreak in and around the Village of Marcellus; and

WHEREAS, due to the potential danger to the health, safety and welfare of the general public in the Village of Marcellus and to Village of Marcellus personnel as a result of the COVID-19 virus outbreak, it is prudent to establish the following restrictions:

Effective immediately, the physical facilities of the Village of Marcellus shall be closed to the public until April 3, 2020. The closure extends to all physical facilities owned by the Village of Marcellus including the Village Hall, Water Treatment Plant, and Village Highway Garage.

NOW, THEREFORE, pursuant to Section 24 of the New York State Executive Law, I, John Curtin, Mayor of the Village of Marcellus, do hereby establish these restrictions as identified in this Order, effective at 7:30 P.M. on March 23, 2020.

BUDGET

MODS: Trustee Manahan 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. All board members voted aye and the motion carried.

ANNOUNCE ANNUAL MTG. & TENTATIVE BUDGET

HEARING: Trustee Manahan announced that the Annual Meeting will take place on April 6, 2020 and will include the appointment of non-elected officials, establish regular meeting dates, and designate official newspapers and depositories. In addition, a Public Hearing will take place on April 6, 2020 to consider the tentative budget for the Village for the next fiscal year. Approval of the final budget is anticipated to take place at the next regular Board meeting, on April 27, 2020.

ANNOUNCE VILLAGE

MEETINGS: Mayor Curtin announced that a list of those meetings scheduled for April 2020 is provided for those so interested, including the fourth meeting of the 2020 OHD Rotary will be held on Thursday, April 2, 2020 at the Welcome Center in the Park, beginning at 6:30 p.m. Please note also that the Worksheet Agenda Meeting will take place on Friday, April 3rd and the Annual Meeting will take place on Monday, April 6, 2020 in the Board Room, beginning at 7 p.m. The next Regular Board meeting will take place on Monday, April 27th, at which time the Board will adopt the 2020-2021 Budget and set Tax Rate. In addition, the Village Office will be closed on Good Friday, April 10th, and the Village-wide Earth Day Cleanup will take place on Thursday, April 23rd, with a rain date of April 24th. Don't forget to check the Spring Brush Pick-up Dates and the Spring Trash Days. The latter includes a Community Shred Day and an Electronics Waste Day as well.

UPDATES BY THE

MAYOR: The following updates are available on our website, www.villageofmarcellus.com

- a) Local Government Response to COVID-19 – a letter from the Mayor, on behalf of the Village Board, has already been posted on the Village website. The letter will also be mailed

to all Village residents this week, along with the Village Newsletter, and it provides our Local Village Government Response to COVID-

- b) Sign Placement – soon the Highway Department will re-install pedestrian crossing signs on Main Street in the Village. The signs are placed in the road, near the crosswalks, warning motorists that all vehicles must yield to pedestrians who are walking the crosswalk – a New York State law. It is hoped that the signs will make it easier for pedestrians, particularly schoolchildren, to cross Main Street safely as well as cause motorists to slow down as they approach these crosswalks.
- c) Flag Replacement – the American flags that line several of our streets in the Village will soon be in place. We thank the American Legion for its efforts in helping to keep these flags in good condition – an excellent example of how committed the Legion is to our Village and its residents. Thank you.
- d) Village Earth Day Participation – the Board would also like to announce that the Village will again participate in an Earth Day clean up on Thursday, April 23, 2020, with a rain date of Friday, April 24, 2020. We hope that students from Heffernan Elementary School will help to participate in this event and we welcome any individuals or groups to join us in helping clean the Village of any litter lying along the roadside and village rights of way. We will meet in front of the Village Hall to distribute bags and gloves. If you're interested in participating, as a group or an individual, please show up about 1:30 p.m. and contact the Village Clerk at 315-673-3112 for more information.
- e) Utility Bills – the utility bill that residents receive this month is the last bill for our fiscal year. Residents should note that if not paid by April 30, 2020, the bill will be re-levied to the tax bill for June 1, 2020. If those bills for tenants who pay their own utilities are not paid by April 30, 2020, these too will be re-levied onto the owner's taxes for June 1, 2020. Please note that, unlike previous utility bills, payment for this final bill for the year must be made within the month.
- f) Creek Walk – At first glance, it appears that the winter weather has not caused much damage to Fred's Trail. There were some hardy people who braved the elements to walk the trail this winter, although it was not officially open. We welcome the spring as well as those who will take advantage of this gem in our community.
- g) Budget – the Village Board is working to finalize the 2020-21 Village Budget in preparation for the Annual Meeting. We hope to maintain the Village tax rate at \$6.85 per \$1,000 of assessed valuation, a tax levy that will not exceed the NYS Tax Cap Limit. Due to increased costs to the Village, however, this proposed budget continues to include a trash collection rate of \$50 per unit, which rate became effective January 1, 2019. The news about the financial assistance received by the Village from NYS and from Onondaga County is also mixed. The NYS Governor's Executive Budget for the coming fiscal year eliminates the Village's allocation of State Aid to Municipalities, and also freezes the Village's allocation of State Transportation Aid at current year levels. The good news is that the Village Infrastructure Improvement Program (VIIP) agreement between Onondaga County and the Village has been now been extended for another ten years and includes multiple increases in the amount of financial assistance to the Village over the next ten years. Our budget continues to remain short of what the Board needs to provide adequate services but we do not anticipate a tax increase this year. This makes the fifth year in a row that the tax rate has remained unchanged.
- h) Update on WWTP Upgrades – the \$7.7 million treatment plant upgrades mandated by NYSDEC to remove phosphorus from the plant's effluent is virtually complete. 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.
- i) Increase in Sewer Rates – In trying to offset excessive sewer rates, the Village has been successful in securing some major funding and the Village Board has also 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 \$547.47 (from \$413.13). Keep in mind that this is an average estimate, since sewer rates are based on water usage in the Village and that fluctuates. The annual cost for outside users (Town and School District) is anticipated to be \$686.84 (from \$516.41), given that outside users pay an additional 25% over that of the average Village sewer user – an increase of about \$160.00 per year, beginning in 2019. In order to prepare our Treatment Plant for operation well into the 21st century, these increases, while hefty, are unavoidable.
- j) Property Tax Cap – as was mentioned, our Budget is complicated by the property tax cap of 2%, which is another State mandate and at our recent workshop meeting, the Board decided to override the tax cap. However, since a Public Hearing is required to override the cap, and the Governor's Order prohibits public attendance at our public meetings, and since we will probably not go over the mandated cap (there is no tax increase) according to the Treasurer, the Board has decided to table the Public Hearing at this time. We might note that there seems to be no meaningful relief from continuous unfunded State mandates and these

mandates, coupled with a cap on the Board's ability to raise revenue, it is very difficult to plan or even survive.

- k) Flushable Wipes Are NOT Flushable!!! – we continue to urge residents to avoid using what are called flushable wipes – they are NOT flushable – nor are dental floss, cotton swabs, hygiene products, kitty litter, facial tissue, fats, oils, and grease. All of these should be put in the trash and only human waste and toilet paper should be flushed. To avoid plumbing problems, which will most likely occur on residential property, not in the Village main, please be aware of this concern. We also reference an Internet video that explains the problems associated with flushable wipes. Please view the following: www.youtube.com/watch?v=SLTVqkXVvNk which is also posted on the Village website. We also urge residents to review the “Trash NOT Sewer” flyer that accompanied a previous newsletter. The information is invaluable and will help residents understand the importance of putting items in the trash, and not into the sewer.
- l) Homeowner Responsibility for Sewers – property owners should be aware that they are required to maintain the sewer laterals that extend from their homes to the sewer main – typically located in the middle of the road. Sewer laterals are entirely owned by the private property owner, who is responsible for the entire length of the lateral, to the sewer main. At the sewer main, the Village assumes responsibility.
- m) New Business in the Village – Look for an early summer opening of a new business in the Village at 4 E. Main St. called Gretchen's Confections, specializing in handcrafted chocolates, baked goods, coffees and soups. It will offer a chocolate shop and café, and will also feature a production kitchen. We welcome this new Village business, a long vacant site on Main Street.
- n) Olde Home Days, 2020 (June 5, June 6 and 7) – the fourth meeting of the 2020 OHD Rotary will be held on Thursday, April 2, 2020 at the Welcome Center in the Park, beginning at 6:30 p.m. Please support Marcellus Olde Home Days. A fun filled weekend is being planned.
- o) Election 2020 – amid the COVID-19 Pandemic, Governor Cuomo has issued an Executive Order delaying Village elections statewide until the April 28th Primary. The Executive Order also calls for any elected official holding such position to remain in office until such time as a new election is held. Therefore, Trustee Tallman and Trustee Manahan will remain in office until such time as a new election takes place.

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 Trustee O'Hara. Mayor Curtin called for a vote. All board members voted aye and the motion carried.

The Regular Board Meeting was adjourned at 7:09 p.m.

Charnley A. Abbott, Village Clerk