

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
MAY 23, 2016 AT THE VILLAGE HALL**

PRESENT: Sara N. Tallman, Trustee
Patrick W. Cox, Trustee
Jeff Brown, Attorney

ABSENT: John P. Curtin, Mayor

Pledge of Allegiance.

Deputy Mayor Tallman asked for a motion to open the regular board meeting at 7:00pm. Trustee Cox made the motion to open the regular board meeting, seconded by Deputy Mayor Tallman. Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

**CONSENT
AGENDA:**

The Village Clerk submitted the minutes of the special meetings and the regular board meeting for the month of April 2016. The bills on Abstract Sheets #012 for General Fund in the amount of \$24,443.53 and Sewer Fund in the amount of \$11,551.84 were audited. The bills totaled \$35,995.37. The Board received the Police Report for April 2016 from Police Chief Robert Wicks. The Board also received the Building Inspectors Report for the month of April 2016 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for April 2016. The financial statements as submitted by Village Treasurer Nino Provvidenti for April 2016 were given to the Board for their review. Trustee Cox 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. Both board members voted aye and the motion carried.

OLD CROWN MILL UNSAFE – BLDG INSPEC.

REPORT: Deputy Mayor Tallman informed the public that the Code Inspector had issued a report stating that the north and south wings of the remaining mill building at 71 North Street have, in his opinion, become dangerous and unsafe to the public due to age, lack of maintenance, being open to the elements and general deterioration. The building has been vacant for many years and has been internally accessible to the public due to frequent break-ins. It was the recommendation of the Code Enforcement Officer that the building be demolished as soon as possible. The Board has examined the Code Inspectors report in detail and a copy of the report is on file in the Village Office for public inspection. Deputy Mayor Tallman made a motion to approve the report. The motion was seconded by Trustee Cox. Deputy Mayor Tallman asked if there was any discussion on the Building Inspector's Report. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

OLD CROWN MILL UNSAFE – BLDG INSPEC.

RESOLUTION: Trustee Cox made a motion to approve the following resolution confirming findings that the former Crown Mill at 71 North Street is unsafe and should be demolished, to wit:

WHEREAS, an Inspection Report prepared by Village Code Enforcement Officer (CEO) Bill Reagan, in such manner and in such detail as required by the Code of the Village of Marcellus Chapter 47, Section 47-4, declaring that the North and South wings of the former Crown Mill building located at 71 North Street, Marcellus, NY are unsafe and should be demolished as soon as possible, has been duly filed in the office of the Village Clerk, and

WHEREAS, the Inspection Report states more particularly that the North and South wings of the building are in "dangerous and unsafe to the public due to age, lack of maintenance, being open to the elements and general deterioration.... In my opinion the external and internal condition of this building pose a threat to the health, safety and welfare of the community including the general public and emergency responders. The building should be demolished as soon as possible.", and

WHEREAS, the current owner of the Crown Mill property was notified by the Village CEO of the dangerous condition of the building, and the owner informed the CEO that he did not intend to take action to rectify the situation, and

WHEREAS, the current owner of the Crown Mill property was notified in writing that the status of the building was to be further discussed at the Village Board's regularly scheduled meeting on May 23, 2016, in the Village Hall, 6 Slocombe Avenue, Marcellus, New York, and

WHEREAS, the Village Board did discuss the status of the property in public session during the Board's regularly scheduled meeting on May 23, 2016, in the Village Hall, 6 Slocombe Avenue, Marcellus, New York, at which time all interested persons were allowed to speak, it is hereby

RESOLVED AND DETERMINED, that the Village Board confirms the findings of the Inspection Report that the North and South wings of the former Crown Mill building are unsafe and should be demolished as soon as possible; and it is hereby further

RESOLVED AND DETERMINED, that the North and South wings of the building have become unsafe due to age, poor maintenance, the elements and general deterioration. These portions of the building have been vacant for years and have been internally accessible to the public due to frequent break-ins. The building serves as an unattractive nuisance for children who may be injured therein and poses a danger to fishermen who frequently enter the grounds to access Nine Mile Creek; and it is hereby further

RESOLVED AND DETERMINED, that specific structural issues include:

- The west end of the North wing roof structure is at risk of collapse due to exposure to the elements;
- Two of the main load-bearing columns in the North wing have failed causing partial collapse of the second, third and fourth floors;
- The south wall of the North wing is at risk of collapse due to significant areas of missing bricks on the interior layer of the wall and exposure to the elements;
- Several load-bearing beams in the North wing have partially collapsed due to decay, causing the floor structures to partially collapse;
- The first, second, third and fourth floors of the South wing have partially or completely collapsed due to failure of the roof and exposure to the elements; and
- The roof structure of the South wing is in danger of collapse due to exposure to the elements.

RESOLVED AND DETERMINED, that the North and South wings of the building shall be demolished and removed according to the following requirements:

- New York State Department of Environmental Conservation shall be contacted and all stormwater requirements to protect Nine Mile Creek shall be implemented;
- A demolition permit shall be obtained from the Village of Marcellus (to include payment of the appropriate permit fee);
- A licensed asbestos demolition contractor shall perform all demolition and site work;
- Asbestos project notification shall be made to the New York State Department of Labor at least 10 days prior to the commencement of work;
- An asbestos project notification fee of \$4,000 shall be paid to State of New York;
- Asbestos project notification shall be made to the U.S. Environmental Protection Agency;
- New York State Department of Transportation shall be notified at least 10 days prior to the commencement of work;
- Dig Safely New York shall be called at least 10 days prior to the commencement of work; and
- The site shall be filled, graded with topsoil and seeded to the satisfaction of the Village's Code Enforcement Officer.

RESOLVED AND DETERMINED that the demolition and removal of such building shall commence within 30 days of the service of this Resolution/Notice/Order and shall be completed within sixty days thereafter; and it is hereby further

RESOLVED AND DETERMINED, that a public hearing be held before the Village Board in relation to such dangerous or unsafe building at 7 p.m. on June 27, 2016 at Village Hall, 6 Slocombe Avenue, Marcellus, New York and it is hereby further

RESOLVED AND DETERMINED, that notice of this Resolution/Notice/Order shall be served upon the current owner of the Crown Mill property as provided in the Code of the Village of Marcellus Chapter 47, Section 47-7; and it is hereby further,

RESOLVED AND DETERMINED, that the Village Clerk shall file a certified copy of this Resolution/Notice/ Order in the Office of the Clerk of the County of Onondaga.

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

RELEVY OF UNPAIDS:

Deputy Mayor Tallman made a motion to have the outstanding utility bills (refuse and sewage) re-levied to the Village of Marcellus 2016 – 2017 property tax bills. The amount being re-levied to the taxes is \$49,248.41. As a point of interest, the amount re-levied in 2015 was 47,954.00, in 2014 was \$45,533.15, and in 2013 was \$49,517.33. Deputy Mayor Tallman also included a motion to re-levy special assessments totaling \$3,000.00 for unpaid vacant dwelling registration fees (from six separate properties), and \$150 for unpaid rental dwelling inspection fees to Village of Marcellus 2016 – 2017 property tax bills as well. The motion was seconded by Trustee Cox. Deputy Mayor Tallman asked if there was any discussion on the relevy. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

WWTP IMPROVEMENTS

ENG. DESIGN: Trustee Cox made a motion to authorize the Mayor to sign the design proposal for WWTP Improvements as submitted by MRB Group, up to a level of \$300,000. The proposed design will begin to address the DEC mandate to remove phosphorus from the WWTP effluent to a 1.0 mg/L (12 month rolling average) limitation, which will require extensive and very expensive upgrades to the existing WWTP. In anticipation of the expense, the Village Board increased sewer rents significantly within the last year. It is expected that the sewer rate increases will begin to offset the cost of design while the Village continues to search for new funding. The motion was seconded by Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion on the engineering design. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

SPECIAL USE PERMIT –

4 FIRST ST: Deputy Mayor Tallman made a motion to grant a Special Use Permit to Michael and Theresa Greenfield and Rich and Theresa LaMarre, approving the temporary blocking off of a part of First Street so that a Graduation/Block Party can be held on Saturday, June 18th, from 5 p.m. to 9 p.m. This will guarantee the safety of all graduation guests. The applicants also obtained approval from Police Chief Wicks. The motion was seconded by Trustee Cox. Deputy Mayor Tallman asked if there was any discussion on the special use permit. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

ANNUAL STORMWATER

REPORT: Trustee Cox made a motion to accept the Annual Storm Water Report completed by W-M Engineering, and a motion to keep a copy on file in the Village Office and post the report on the Village web site. Trustee Cox thanked Bill Reagan and Kurt Field for their assistance in providing pertinent information to the Engineer in order to complete the lengthy report. The motion was seconded by Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion on the report. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

REVIEW DRIVING

POLICY: Because the Board wants to ensure the safety of Village employees, as well as village residents, the Board previously adopted a Driving Policy to protect employees and community members while on the road. Deputy Mayor Tallman made a motion to approve review of the policy which requires all employees of the Village who drive Village-owned vehicles to follow the Village of Marcellus Driving Policy. A copy of the policy is on file in the Village Office. The motion was seconded by Trustee Cox. Deputy Mayor Tallman asked if there was any discussion on the policy. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

COMP ALLIANCE-WORKERS COMP

AGREEMENT: Trustee Cox made a motion authorizing the Mayor to sign a Workers Compensation Agreement with the NYS Workers Compensation Alliance for the time period, July 1, 2016 to July 1, 2017 at a cost of \$27,042. The motion was seconded by Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion on the agreement. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

TIME WARNER FRANCHISE

AGREEMENT: Deputy Mayor Tallman made a motion to again table the Time Warner Cable Franchise Agreement until the Village Attorney has been able to negotiate successfully the terms of the agreement with Time Warner Cable. The motion was seconded by Trustee Cox. Deputy Mayor Tallman asked if there was any discussion on tabling the agreement again. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

BUDGET

MODIFICATIONS:

Trustee Cox 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 Deputy Mayor Tallman. Deputy Mayor Tallman asked if there was any discussion on the budget modifications. Hearing none, Deputy Mayor Tallman called for a vote. Both board members voted aye and the motion carried.

ANNOUNCE VILLAGE

MEETINGS:

Deputy Mayor Tallman announced that the Village Clerk had printed copies of future meeting dates of the Village for the residents. She asked residents to please note that the Marcellus Olde Home Days, sponsored by the Village and Town of Marcellus were scheduled for June 3rd, 4th, and 5th 2016. In addition, the Village Office will be closed for the Memorial Day Holiday and Parade on May 30th and for Independence Day on July 3rd. The Village-wide garage sale is planned for Saturday, July 11, 2015 from 9 a.m. to 3 p.m. Garage Sale Permits will not be required on that day.

Updates by the Mayor:

Deputy Mayor Tallman provided updates on the following subjects:

- a. Trucks in the Village – The Board received complaints about the many trucks, loaded with gravel, stone and dirt, that have been coming through the Village for the last several years and residents have asked when it will end. After speaking with the County DOT Commissioner, the Board was put in contact with Honeywell, the company behind the cleanup of Onondaga Lake. Craig Melbourne of Honeywell called Mayor Curtin notifying him that the trucks hauling through the Village along North Street and Main Street should cease by the end of June 2016. The Board had been anticipating the good news for some time. Mr. Melbourne also told Mayor Curtin that he would look into having the trucks use Scotch Hill Road, rather than North and Main Streets, during Olde Home Days celebration weekend, June 3, 4 5. The Board is grateful for Honeywell's response and eagerly awaits the end of the trucks traveling through the village.
- b. Planning Board – few items to address at this time
- c. WPCP Compost – is available for residents to pick up during normal working hours (7 a.m. to 3:30 p.m.). For residents who cannot pick up compost during normal business hours, please call the Treatment Plant (673-4491) to make an appointment with one of the operators.
- d. SRO Contract – with the Marcellus Central School District has been completed and is in the hands of the Marcellus School Board. Details of the contract, which will provide three (3) Village police officers (SRO) on the Marcellus Central School Campus, are provided in the agreement, and may be subject to slight change before final approval by both parties.
- e. Paul Street Sidewalks Project – Community Development is reviewing our application to obtain funding for the installation of approximately 450 feet of deteriorated sidewalk with new 5-foot wide ADA compliant sidewalk located on the north side of Paul Street. Improvements would begin near the intersection of Paul Street with North Street (NYS 174) and would extend east approximately 450 feet to Austindale Avenue. Minor drainage improvements, such as cleaning existing drainage pipes and replacement of catch basins, are also included. The new sidewalk will eliminate a gap in the existing Village sidewalk system, by connecting to existing sidewalks at North Street and Austindale Avenue. Currently, there are no sidewalks along Paul Street. Pedestrians, including senior citizens from Nine Mile Landing Apartments and school children are forced to walk along the edge of the busy road. The proposed sidewalk would provide an accessible route between Austindale Avenue and North Street, eliminating the need for walking in the street. The entire project, unfortunately, does not lay within an area eligible for CDBE funding. Because there is no longer any area in the Village eligible for CD funding, the Village would be required to have residents on Paul Street submit an income survey to Community Development to determine if the project is eligible for hardship consideration. Recent HUD requirements have altered the areas of the Village eligible for Community Development funding, which means that no areas of the Village are now being considered. With an income survey, strictly confidential, the Board hopes that new sidewalk on Paul Street, from North Street to Austindale Avenue will be approved. The estimated cost of the project is about \$52,800. The grant would provide 75% (\$39,600) of the funding for the project, while the Village would have to provide for 25% (\$13,200) of the funding. This is because there is a limit of \$50,000 in a CDBG application.
- f. Phosphorus limit at WWTP – is an issue that continues to complicate sewer matters and presently, the Board is still working on how to adequately address the issue. The Board continues to meet with State officials to discuss funding, and is in conversation with Village Engineers regarding the cost of preparing a design. The Board also hopes that the phosphorus removal mandate will be revisited, especially in light of the fact that Onondaga Lake has shown marked improvement in the levels of phosphorus in the lake.

- g. Benches, banners and flags – have been or will be installed. The Board thanked the Highway Department for doing this and the Banner and Flag Committee, headed by Bob Wilson, and Village Clerk, Dawn O’Hara, for their efforts in helping to beautify the village.
- h. Earth Day Cleanup – in the Village was rescheduled for May 6th and the 2nd graders at Heffernan Elementary School were able to spread out across the Village to help in this cleanup, beginning at 1:30 p.m. The Village provided gloves and bags for the cleanup and the Board again thanked Nojaims Grocery store for providing refreshments for the students. The Board also thanked the students, staff and faculty at KCH for their help in making the annual event a success.
- i. Memorial Day – parade and ceremonies are planned for Monday, May 30th, and the Board urged residents to plan to attend the annual event.
- j. Olde Home Days – is planned for June 3rd, 4th and 5th in the village and town, and the Board urged resident participation. The Public Works Employees of the Village and Town of Marcellus are being honored this year. The Grand Marshals for the Parade are Village Highway Chief, Harold Muncy, and Town Highway Superintendent, Don MacLachlan. The Board offered their congratulations to the employees for the distinguished honor.
- k. Sidewalks – per the Highway Chief’s recommendations, repairs will be made to selected areas on South Street, Bradley Street and First Street pending budgetary concerns.
- l. Street repairs – per the Highway Chief’s schedule, repairs will be made on Orchard Street, Austindale Avenue and South Highland Drive, pending budgetary considerations.
- m. Tree Removals – per the Highway Chief’s schedule, some trees on Meadow Street and First Street need to be removed, pending budgetary considerations. There is not much in the budget for new trees, but the Board may be able to plant several on side streets.
- n. Flower Boxes – will be filled again this year, using compost from WWTP, giving a good indication of the value of the compost. Kathy Welsh will again be in charge of the plantings in the boxes using flowers that she has both grown from seed as well as some that she has purchased on behalf of the Village. The Board thanked the Highway Department for their efforts in preparing the boxes and installing them. They also thanked the Treatment Plant operators for providing the compost from the Plant for the flower boxes.
- o. Village Web Site – Village Clerk Dawn O’Hara regularly updates the website and tries to be accommodating to the Village and its residents. If there are items that residents feel should be included on the site, please contact the Village Office (673-3112) with your requests.
- p. E-Waste Recycling – Don MacLachlan, Town Highway Superintendent, received information on having an E-waste Recycling Day. At the spring and fall trash days, residents asked about bringing old televisions, computers, monitors and other electronic items. The Town Board decided that on Saturday, June 18, 2016 an E-Waste Recycling Day will be held at the Town Hall. The board voted on prices at their May 9, 2016 Board Meeting.
- q. Creek Walk Project – The Board had a setback with the Creek Walk Project, in that the bids opened on May 9, 2016 were much too high for the Board to consider and were rejected by the Board. The Board is in the process of consulting with Village Engineers and NYSDOT to determine if part of the trail could be constructed now, and the remainder constructed when more funds become available. The Board is also looking into having Highway Department employees complete some of the clearing involved. The Board hopes that construction of the trail can begin this summer or fall. For residents not familiar with the project, the Board urged them to click on the home page of the Village website <http://villageofmarcellus.com/> and then on Village News.

After concluding with the updates, Deputy Mayor Tallman asked if Trustee Cox had any comments. There were none.

Items from the Floor:

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

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