

**REGULAR MEETING OF THE VILLAGE BOARD
OF THE VILLAGE OF MARCELLUS HELD ON
SEPTEMBER 28, 2015 AT THE VILLAGE HALL**

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

ABSENT: Patrick W. Cox, Trustee

Pledge of Allegiance.

Mayor Curtin asked for a motion to open the regular board meeting at 7:10pm, after a public hearing was held on the subject of increasing sewer rates. Trustee Tallman made the motion, seconded by Mayor Curtin. Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

ADOPT RESOLUTION – RAISE

SWR RATES: Trustee Tallman made a motion to approve the Resolution raising the rates for Sewer charges, commencing October 1, 2015, as defined in Document G of the Village of Marcellus Code Book. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on adopting the Resolution. Hearing none, Mayor Curtin called for a vote. Both 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 August 2015. The bills on Abstract Sheets #004 for General Fund in the amount of \$78,827.63, Water Fund in the amount of \$1,987.72, Sewer Fund in the amount of \$10,972.50 and Trust & Agency in the amount of \$2,843.65 were audited. The bills totaled \$94,631.50. The Board received the Police Report for August 2015 from Police Chief Robert Wicks. The Board received the monthly report for August 2015 from Building Inspector Bill Reagan. The Board acknowledged receipt of the minutes of the Town Board meetings for August 2015. The financial statements as submitted by Village Treasurer Nino Provvidenti for August 2015 were given to the Board for their review. Trustee Tallman 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. Both board members voted aye and the motion carried.

B&L SCOTCH HILL SIDEWALK

PROPOSAL: Trustee Tallman made a motion to authorize the Mayor to sign the proposal submitted by B & L Engineers for the design and bidding assistance for the Scotch Hill Sidewalk Improvement Project, installing approximately 750 feet of sidewalk along the south side of Scotch Hill Road, using funds recently awarded by the Onondaga County Community Development Agency, at a cost of \$8,300. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the proposal. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

SEQR RESOLUTION: SCOTCH HILL

SIDEWALKS: Trustee Tallman made a motion to approve a resolution, whereby certain actions identified in subdivision (c) of the State Quality Environmental Review Act are not subject to environmental review under the Environmental Conservation Law, the Village of Marcellus hereby determines that the proposed Scotch Hill Sidewalk Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) and is therefore not subject to review under said part. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the SEQR Resolution. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

MASTERS DUMP SITE -

MOU: Trustee Tallman made a motion to table a Memorandum of Understanding for Masters Dump Site until further review by the attorneys involved. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the Memorandum of Understanding. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

STORMWATER RESOLUTION –

CNYRPDB: Trustee Tallman made a motion to approve a Resolution Supporting Participation in the CNY Storm Water Coalition Staff Services and Education Compliance Assistance Program, pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Storm Water Phase II General Permit for Municipal Separate Storm Sewer System (MS4), a copy of which is on file in the Village office for public inspection. The one-year Agreement to participate will cost the Village of Marcellus \$3,600, a cost that is strongly opposed by the Village Board and will be addressed by the Mayor in his updates. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the resolution. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

AUTUMN LEAF/BRUSH

PICKUP: Trustee Tallman made a motion to approve the fall brush and leaf pickup dates. Trustee Tallman announced that brush pickup for Fall 2015 would extend from Monday, September 28th to Monday, October 12th and leaf pickup would extend from Tuesday, October 13th to Sunday, November 8th. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the brush and leaf pickup. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

Trustee Tallman also informed residents of the dates for the Town Transfer Station for Fall 2015. The dates remaining are Friday, October 2nd, from 8:00 a.m. to 3:00 p.m., and Saturday, October 3rd, from 8:00 a.m. to noon.

INSURANCE - SIDEWALK

PLOWING: Mayor Curtin made a motion to reject a recommendation by our insurance carrier whereby it was recommended that the Village, because of liability concerns, consider changing its sidewalk ordinance to include provisions that would call for property owners adjacent to sidewalks to be responsible for snow/ice removal. In a letter rejecting the recommendation, the Village noted that it did not intend to change its ordinance and will continue, as it has for decades, to plow snow from the Village sidewalks. Since the Village owns the sidewalks, the Board felt that it is the responsibility of the Village to repair and maintain them. Mayor Curtin noted the insurance carrier's concern about liability, but also pointed out that the Village Code, as well as New York State Law protect the Village "from damages or injuries to person or property in consequence of any sidewalk being defective, in consequence of the existence of snow or ice, unless written notice of the existence of snow or ice was actually given to the Village Clerk and there was a failure or neglect within a reasonable time to remove the snow or ice." It is one of the unique features of the village and one of the benefits of village living. The motion was seconded by Trustee Tallman. Mayor Curtin asked if there was any discussion on the insurance issue of plowing village sidewalks. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

METH. CHURCH NURSERY SCHOOL-

SHELTER: Trustee Tallman made a motion to approve a request by the director of the Marcellus Church Nursery School to designate the Village Hall as its emergency off-site shelter, should the need arise. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the off-site shelter. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

POD APPLICATION/

FEE: Under Chapter 168, Section 14 of the Village Code, PODs or Personal On Demand Storage Units are allowed. There are regulations governing the use of PODs in the Village, including the length of time a POD storage container shall be permitted to remain - "A resident shall be allowed to have PODs for 10 days without need of permit as long as its use is to assist with the moving into or out of the dwelling, or any other lawful use not dealing with construction or catastrophe as described in the Code. After the 10-day period, the owner must submit an application to receive a permit not to exceed 30 days in length from the Municipality. The Village Board shall also establish a PODs permit fee." Trustee Tallman made a motion to approve the POD Application Permit Form as well as establish a fee of \$20 for a POD Permit. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on the POD application or fee. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

CLOSE FIRST ST. -

HALLOWEEN: Trustee Tallman made a motion to again close First Street between the hours of 5:00 p.m. and 8:30 p.m. on Halloween for trick-or-treating, subject to conditions on October 31st, which is a Saturday this year. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on closing First St. for trick-or-treating on Halloween. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

TIME WARNER FRANCHISE

AGREEMENT: Trustee 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 Mayor Curtin. Mayor Curtin asked if there was any discussion on tabling the agreement again. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

PERMA PROGRAM

AGREEMENT: Trustee Tallman again mentioned that the Village signed a contract agreement with PERMA in 1997 when it originally joined PERMA and the Village has not been required to sign another one since then. However, a consequence of PERMA's audit by the Workers Compensation Board last year, required that a revised program agreement had to be signed by all members and the Village was required to sign a new agreement last year. According to a PERMA representative, it appears as if the WCB will be making PERMA revise the

agreement again this year, but the agreement is still with the lawyers. Until PERMA has something finalized, the agreement signed in 2014 is completely valid. Once finalized, PERMA will forward a revised contract to be signed. Trustee Tallman made a motion to again table the agreement until the attorneys have finalized said agreement. The motion was seconded by Mayor Curtin. Mayor Curtin asked if there was any discussion on tabling the agreement with PERMA. Hearing none, Mayor Curtin called for a vote. Both 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 Mayor Curtin. Mayor Curtin asked if there was any discussion on the budget modifications. Hearing none, Mayor Curtin called for a vote. Both board members voted aye and the motion carried.

ANNOUNCE VILLAGE MEETINGS:

Trustee Tallman announced that printed copies of future meeting dates of the Village were available for residents. She asked residents to please note that the Board would hold a Special Meeting on October 9, 2015 to award the Scotch Hill Sidewalk bid, and that the Village Office is closed for Columbus Day, October 12th, BUT there will be NOT be a delay in trash pickup that week. The brush and leaf pickup dates were also listed on the handout. Trustee Tallman reiterated that First Street would be closed from 5:00 p.m. to 8:30 p.m. on Halloween.

Updates by the Mayor:

Mayor Curtin provided updates on the following subjects:

- a. Storm Water Management Program – Annual Participation in the Storm Water Management Program offered by the CNY Regional Planning Board costs the Village \$3,600 each year. The exorbitant cost is strongly opposed by the Village Board. There are 31 municipalities participating, including the Town of Clay with over 58,000 people and the Village of Marcellus with under 2,000 people. Yet, all 31 municipalities pay the same \$3,600. That amounts to about \$8 for every resident of Marcellus and 18 cents for every resident of the Town of Clay. The Board has protested the unfair agreement in the past, and will continue to object to the fee in the future, but, at present, the Board is somewhat obligated.
- b. Road Reconstruction – on Hillside Drive and Baker Ave began with the milling of the streets in September, then repaved with four inches of asphalt. The Board, along with the residents of the area, is very grateful to the highway department for their efforts in having the reconstruction completed. The Board also received comments from some residents inquiring as to when their streets might be repaved. In reply, the Board noted that it is always necessary, because of budgetary considerations, to follow a process and to establish some priority for street repair. The process begins with having the Highway Chief obtain estimates for the streets that he feels are most in need of repair. The estimates for the four streets in the Wilson Tract included \$32,436.41 for Baker Ave, \$15,460.89 for Hillside Drive, \$44,211.15 for Wilson Drive, and \$43,794.68 for Dunlap Ave. The Highway Chief reported to the Board that the streets most in need of repaving were Baker and Hillside. The Board informed the Highway Chief that the highway budget would only allow for the expenditure of approximately \$40,000-\$50,000 for repaving. This reasoning was used by the Board in order to determine what streets would be repaved and why Baker and Hillside were chosen to be resurfaced during the past summer. The Board is grateful that residents take such an interest in their neighborhoods. Yet, the Board has to make Village-wide decisions as to which areas of the budget should receive financial priority. Unfortunately, the Board cannot please all of its constituents all of the time. The Board explained that resident should be assured that every consideration is given to residents' requests for repaving in each budget year, but it often depends on circumstances that develop over the course of the next budget year.
- c. Welcome Sign – in early September, the welcome sign at the western entry to the Village was destroyed by an automobile, which also did some damage to the lawn of adjacent property. A claim was submitted to the auto driver's insurance company and the Village was reimbursed. The new sign, which is currently being constructed, will be paid for with the insurance recovery monies.
- d. The Planning Board – met last week to discuss several items including a site plan review for the property at 3-7 North Street, and discussion on a proposed change in zoning for the property across from the library.
- e. School's Open – please watch for school children walking and remember that there are pedestrian crossings on Main Street, as well as 20 mph speed limits in school zones and a 25 mph speed limit on First Street, a route that is heavily traveled by schoolchildren. Please slow down. Tickets will be issued for speeders.

- f. SRO – the School Resource Officer Program and Agreement was recently finalized by all parties and is in full operation, with three (3) Village Police Officers as School Resource Officers in each of the school buildings.
- g. Notify the Police – Call 911 – Chief of Police Robert Wicks reminded residents, especially at a time of year when mischief makers are more active, that it is essential that they report incidents of crime or vandalism in their neighborhoods by calling 911. Sometimes residents are not making these calls because they feel that an issue might not call for it. Some may be calling the Police Department and will often listen to an answering machine because the officer is out on patrol. Residents must call 911. If still not satisfied, please contact the Village Office during business hours, at 673-3112, and express a concern. The Chief also encouraged residents to call the Police Department if they have concerns about contractors they may employ. The Police Department is happy to do background checks to alleviate these concerns. Residents were reminded that First Street will be closed to traffic on Halloween, October 31st, from 5 p.m. to 8:30 p.m. The Board will also reiterate this at their October meeting.
- h. Internet Scam – Chief Wicks also informed the Board that a new type of scam is in operation that residents should be aware of if they are selling something on Craig's List or similar sites. The scam involves a situation where a buyer offers to purchase an item and sends a check in excess of the amount (e.g. \$500 item and a check for \$1,500 is sent). The buyer then asks the seller to cash the check and send the excess to an out-of-state moving company. The buyer then texts back, indicating that they no longer want to buy the item. The check ends up being cancelled and the seller is out the money. If you believe you are being scammed, call the Police Department.
- i. Sidewalks – on South Street and selected sections on First Street and Bradley Street will hopefully be completed before the end of the construction season. A very busy summer caused contractor delay for many weeks and the Board is discussing budgetary considerations before finalizing sidewalk construction.
- j. Tree Removals and Plantings – several trees will soon be removed in various spots in the Village, along with a number of tree stumps left over from last year's cutting. In addition, several new trees will be replanted this fall in various locations, as determined by the Highway Department.
- k. Thanks to Village Employees - the Board thanked those who participated in maintaining the flower boxes this year, particularly Village employee Kathy Welsh, whose attention to their care all summer was exceptional and enabled the community to enjoy their beauty. The Board also updated residents about the green space on the corner of Scotch Hill and North Street. Recently, the Village treatment plant employees expanded the landscaping in the area to address the deterioration of plants, due to the very hot summer weather. The space was reworked, with minimal cost, to give the existing plants adequate room for growth and provide another advertisement of the benefits of natural fertilizer. Compost was mixed in with the plantings in the flowerbeds and spread over the lawn area – proudly showcasing the use of compost to residents of Marcellus and its visitors. It looks great and the Board thanked the hard-working Village Treatment Plant employees for their efforts.
- l. Creekwalk – The Board continues to have a setback with the trail. Because two trees along the proposed trail could be nesting areas for the Northern Long-eared Bat, and because the U.S. Fish and Wildlife Agency declared the bat to be an endangered species, construction of the Creekwalk trail has been delayed at least until the fall of 2015 and possibly until next year.
- m. Overnight Parking – November 1st to April 1st – the public should be aware that as of November 1, 2014, there is no parking allowed on any street in the Village of Marcellus from 2 a.m. to 7 a.m. in order for the Highway Department to plow snow. The no parking ban remains in effect until April 1, 2015.
- n. Village Taxes – most have been paid, at present the amount of unpaid taxes, including penalties, totals \$22,588.26 from 20 property owners, similar to 2014. Unpaid taxes may continue to be paid to the Village until October 31, 2015, when they will be turned over to the County for reimbursement.
- o. Scotch Hill Project – having been awarded a Community Development Grant for the sidewalk project on Scotch Hill, the Board was notified that construction will most likely begin mid-October and should be complete within a week. Residents of Scotch Hill will be notified before the project takes place so that they can plan ahead and will not be inconvenienced, except possibly for one day, by driveway closures. The Board again thanked several residents on Scotch Hill for their assistance in helping the Village secure funding for the project.
- p. Wastewater Treatment Plant and Phosphorus Removal – The Board received a message from Dr. Cornelius Murphy, former President of ESF, and currently a Professor at the college. He wanted to know if the Board was interested in having a group of his seniors, as part of the final project and a capstone to their studies, look into the Village phosphorus removal situation. The Board was grateful for his offer, and sent him some information that will be passed on to his students. The Board didn't know what the students might be able to uncover, but thought it would look good if the Village goes into consent and is required to appear before a judge.

- q. Lead Hazard Reduction Program – Southern Hills Preservation Corporation provides outreach to communities in southern Onondaga County to let residents know of the County's Lead Hazard Reduction Program, a program to reduce lead paint hazards in privately owned, residential structures throughout Onondaga County.

Lead hazards are often found on painted window frames, wood siding, and painted doors. Common repairs provided by the program are new windows, doors, and siding. Onondaga County Community Development Division and the US Department of HUD fund the program.

Eligible repairs are determined by a thorough lead paint inspection of the home. The Community Development Housing Inspector, along with an independent contractor hired by Community Development, will perform the inspection according to established standards.

Owners of rental units may also be eligible for assistance.

For additional information and assistance go to <http://www.ongov.net/cd/leadReduction.html>, or call Onondaga County Community Development Division, (315) 435-3558.

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. There were none. Mayor Curtin asked for a motion to adjourn the meeting. Trustee Tallman made the motion to adjourn, seconded by Mayor Curtin. Mayor Curtin called for a vote. Both board members voted aye and the motion carried. Mayor Curtin thanked everyone for coming to the meeting.

The Regular Board Meeting was adjourned at 7:35 p.m.

Dawn M. O'Hara, Village Clerk