

**TOWN OF MARCELLUS**  
**TOWN BOARD MEETING MINUTES**  
August 9, 2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on August 9, 2010 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor  
James A. Sheridan, Councilor  
Thomas C. Lathrop, Councilor  
Donald G. Sherman, Councilor  
Kevin F. O'Hara, Councilor

Also present: Karen R. Pollard, Town Clerk; Sandy Taylor, Deputy Town Clerk; Margaret Gerbsch, Accountant; James Gascon, Counsel; Phil Coccia, Recreation Leader; Donald MacLachlan, Highway Superintendent; William Reagan, Codes Enforcement Officer; Ned Campbell, Marcellus Observer; William Burnette, Steve Lloyd, Kimberly Lloyd, Peg Nolan, Bob Beamish, Chuck Paul, Jamie Plis, Steven Wheeler, Robert Dorchester, Stephen Knapp, Timothy Chase, Jeff Berwald, Bernie Montgomery, Owen Haney, John Calley, Pat Bleakley, Ronald Bleakley, Dawn O'Hara, Martha Boyer, Linda Kelly, Anita Williams, Stephen Lilly and Mark Gallagher.

Supervisor Ross opened the meeting at 7 P.M. with the Pledge of Allegiance to the Flag.

**Public Hearing: Zoning Law: Camping and Recreational Equipment Regulations**

As there was no one present to speak either for or against this issue, it was determined to reschedule the public hearing on this matter for the September 13<sup>th</sup> Town Board meeting.

Copies of the minutes of the Town Board Meeting held on July 12, 2010 and the Special Town Board Meeting held on July 29, 2010 was given to the Board Members. Councilor Lathrop made a motion seconded by Councilor Sherman to approve the minutes as presented. All voted aye. Carried.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract # 8 as of August 9, 2010, Claims #20100528 – 20100631 and Highway Claims #2010106 - 2010126.

	<u>Expenses</u>
General Fund	\$ 75,025.99
General Fund – Part Town	1,549.66
Highway – Town Wide	4,469.68
Highway – Part Town	4,896.34
Ambulance Fund	116,511.50
Sewer	25,050.93

Bills paid between meetings:

NYSE&G	
Pole (Welcome Center) (clm)	\$1,783.12
24 E. Main Street (clm 523)	239.18

24 E. Main Street (clm 524)	357.62
Town Street Lighting (clm 525)	1,099.23
Check no. 23192	
State Insurance Fund (clm 526)	\$40.57
Check no. 23195	
Oliva Construction (clm 527)	\$37,834.15
Check no. 23193	

Board Members were given copies of the Activity Report for July 2010 and monthly statement of bank balances as of July 31, 2010.

	<u>Total Revenue</u>	<u>Total Expense</u>
General Fund	\$59,862.68	\$170,917.98
General Fund – Part Town	2,977.00	6,498.16
Highway – Town Wide	44,499.89	55,203.39
Highway – Part Town	38.21	53,413.63
Fire	197.87	-0-

Councilor Lathrop made a motion seconded by Councilor O’Hara to approve and pay the bills, approve the monthly activity report for July 2010 and the monthly statement of bank balances as of July 31, 2010. All voted aye. Carried.

**OLD BUSINESS:**

**Report from Department Liaisons:**

Supervisor Ross brought the Board up to date on the town attempt to purchase the Marcellus Fire Barn from the Village of Marcellus. He reminded the Board that at meeting of June 24<sup>th</sup>, the board passed the Bond Resolution and the permissive referendum. Once these were passed, by law, they need to be published in the Marcellus Observer the official town newspaper within ten (10) days of the date of adoption. Unfortunately the bond resolution was not published within this time frame. This oversight on the part of the newspaper has stopped the process of the purchase at this time. The Board will revisit the purchase in the spring.

**Hours for Deputy Codes Officer:** Councilor Lathrop made a motion seconded by Councilor O’Hara to increase the Deputy Codes Enforcement Officer’s hours by fourteen (14) days at a cost of \$2,016 for the remainder of 2010. The funds will be moved from the Codes Contractual budget line to the salary line. All voted aye. Carried.

**NEW BUSINESS:**

**Reschedule the Public Hearing on Zoning Law: Camping and Recreational Equipment Regulations (new item):**

#009-10  
TOWN OF MARCELLUS  
TOWN BOARD RESOLUTION  
August 9, 2010

Councilor Sherman introduced a proposed Amendment to the Mobile Home and Mobile Home Park Ordinance to clarify the provisions regarding use of camping and recreational equipment in the Town of Marcellus which was seconded by Councilor Lathrop:

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of an Ordinance in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed adoption of said Ordinance, with the result that the Town Board shall act as lead agency in this matter.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that this proposed legislation is an unlisted action for purposes of SEQR, and upon reviewing the short environmental assessment form submitted in support of this matter, the Board finds that there will be no adverse environmental impacts resulting from this action and therefore renders a negative declaration for purposes of SEQR; and it is further

**RESOLVED AND DETERMINED**, that the following proposed Ordinance Amendment is hereby introduced for the Town Board's consideration:

**AMENDMENT TO THE 1968 MOBILE HOME AND  
MOBILE HOME PARK ORDINANCE OF THE  
TOWN OF MARCELLUS, AS PREVIOUSLY  
AMENDED**

**BE IT ORDAINED**, by the Town of Marcellus, acting through its duly constituted Town Board that the 1968 Mobile Home and Mobile Home Park Ordinance of the Town of Marcellus, as amended, is hereby further amended as set forth below:

**Section 1.** So that Section 103 (Definitions) of the Mobile Home and Mobile Home Park Ordinance is amended such that the definition of Camping and Recreational Equipment is amended to read, in its entirety, as follows:

“3. *Camping and Recreational Equipment*, shall include tents, travel trailers, pick-up coaches, motorized homes, camping trailers, ATVs, snowmobiles, motorbikes, boats and their respective trailers, racing and horse trailers and other vehicles of the same general nature.”

**Section 2.** So that Section 200 (Use of Camping and Recreational Equipment) of the Mobile Home and Mobile Home Park Ordinance is amended to read, in its entirety, as follows:

“200 USE OF CAMPING AND RECREATIONAL EQUIPMENT

Any owner of camping and/or recreational equipment may park or store such equipment on zoned property subject to the following conditions:

- (a) At no time shall such parked or stored camping and recreational equipment be used for living or housekeeping purposes.  
Exceptions:

- 1) A camping or travel trailer occupied by a visiting relative for no more than 21 days in a calendar year.
- (b) If the camping or recreational equipment is parked or stored outside of a garage, it shall be parked subject to side and rear yard dimensions:
- 1) In the established driveway on the lot side of the street line, or
  - 2) Behind the front line of the principal building, or
  - 3) Elsewhere on the lot at least 100-feet from any street edge
- At no time shall there be more than one item of camping or recreational equipment stored between the street and the front line of the principal building.
- (c) Notwithstanding the provisions of subparagraph (b) camping and recreational equipment may be temporarily parked anywhere on the premises for loading, unloading or cleaning purposes.”

**Section 3.** All other provisions of the 1968 Mobile Home and Mobile Home Park Ordinance, as previously amended, shall remain in full force and effect, unchanged.

**Section 4. Effective Date.** This Amendment shall take effect in accordance with and as provided in the New York Town Law.”  
and it is further

**RESOLVED AND DETERMINED,** that the Town Board shall conduct a public hearing as to the adoption of this proposed Ordinance at the Marcellus at the Town Hall located at 24 East Main Street in the Town of Marcellus on September 13, 2010 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and the vote was as follows:

<b>VOTE:</b>	<b>Daniel J. Ross</b>	<b>Aye</b>
	<b>James A. Sheridan</b>	<b>Aye</b>
	<b>Donald G. Sherman</b>	<b>Aye</b>
	<b>Thomas C. Lathrop</b>	<b>Aye</b>
	<b>Kevin O’Hara</b>	<b>Aye</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 9, 2010**

**Enact Proposed Local Law A-2010:**

**#010-10  
TOWN BOARD RESOLUTION  
TOWN OF MARCELLUS**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga, State of New York on August 9, 2010, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2010, "A Local Law Changing the Term of Office for the Offices of Town Clerk, Town Superintendent of Highways and Town Tax Collector from Two Years to Four Years in the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on June 14, 2010; and

**WHEREAS**, a public hearing was held on such proposed local law on the 12<sup>th</sup> day of July, 2010 by the Town Board of the Town of Marcellus and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, the New York State Environmental Quality Review (SEQR) process for this action was completed by this Board at its June 14, 2010 meeting, this Board, having determined no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of SEQR, assumed lead agency status and determined this to be an unlisted action with no significant adverse effect; and

**WHEREAS**, it is in the public's interest to enact said proposed Local Law No. A-2010.

**NOW**, upon the Motion of Councilor Sheridan and seconded by Councilor O'Hara,

**IT IS HEREBY RESOLVED**, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. A-2010 as Local Law No. 1 of 2010 as follows:

**TOWN OF MARCELLUS  
PROPOSED LOCAL LAW NO. 1-2010**

**A Local Law Changing the Term of Office for the Offices of Town Clerk, Town Superintendent of Highways and Town Tax Collector from Two Years to Four Years in the Town of Marcellus**

**Be it enacted by the Town Board of the Town of Marcellus, as follows:**

Section 1. Purpose.

The term of office for the Town Clerk, Town Superintendent of Highways and Town Tax Collector for the Town of Marcellus is currently two (2) years. The Town Board of the Town of Marcellus has determined that it would be desirable to change the term of office for those three (3) officers from two years to four years. The purpose of this local law is to effect such change. Said change would be subject to a mandatory referendum. Therefore, an additional purpose of this local law is to place on the November 2, 2010 general election ballot, a referendum item which allows the electors of the Town of Marcellus to decide if they wish to have the term of office of these three (3) officers changed from two years to four years.

Section 2. Authority.

Pursuant to Municipal Home Rule Law Section 10(1)(ii)(a)(1), Town are permitted to adopt local laws relating to the term of office of its officers and employees.

Section 3. Term of Office Changed.

The term of office of the Town Clerk, Town Superintendent of Highways and Town Tax Collector for the Town of Marcellus shall be four (4) years. Such four-year term shall commence on the first day of January following the first biennial town election after the effective date of this Local Law. At the biennial town election next following the effective date of this Local Law, and every four years thereafter, the Town Clerk, Town Superintendent of Highways and Town Tax Collector in the Town of Marcellus shall be elected for a term of four (4) years.

Section 4. Supercession.

Pursuant to section 10(1)(ii)(a)(1) of Municipal Home Rule Law, this local law shall supersede Town Law section 24 with respect to the term of office of the Town Clerk, Town Superintendent of Highways and the Town Tax Collector in the Town of Marcellus.

Section 5. Mandatory Referendum.

Pursuant to Municipal Home Rule Law section 23(2)(e), this Local Law shall be submitted for approval to the electors of the Town of Marcellus at the next general town election to be held on November 2, 2010

Section 6. Effective Date.

This local law shall be effective upon filing with the Department of State after approval by a majority of the electors voting thereon in accordance with the requirements of section 27 of the Municipal Home Rule Law.

The question of the adoption of the foregoing Resolution was duly put to a vote and the vote was as follows:

<b>VOTE:</b>	Daniel J. Ross	Aye
	James A. Sheridan	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye

**Resolution duly adopted.**

**Dated: August 9, 2010**

**Litter Hearing: 4324 New Seneca:**

#011-10

**TOWN BOARD RESOLUTION  
TOWN OF MARCELLUS**

At a meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga, State of New York on August 9, 2010, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Supervisor
	James A. Sheridan	Councilor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor

**WHEREAS**, Section 4 of Local Law No. 4 of 2007 (Brush, Grass, Rubbish and Weed Control) requires that “[a]ll premises and immediate exterior property shall be maintained free from grass or weeds in excess of 10 inches for such distance from buildings and public spaces as is necessary to prevent unhealthful, hazardous or dangerous conditions”; and

**WHEREAS**, pursuant to Section 7 of Local Law No. 4 of 2007 (Brush, Grass, Rubbish and Weed Control) several Notices were sent by the Town of Marcellus Codes Enforcement Officer to Mr. James Shaver as property owner of the property located at 4324 New Seneca Turnpike (tax map number 14.-3-12) in the Town of Marcellus Ordering said Mr. Shaver to cut the grass and weeds which were in excess of 10 inches high; and

**WHEREAS**, despite said Notice (as well as Justice Court proceedings), Mr Shaver failed to comply and failed to cut said grass and weeds; and

**WHEREAS**, pursuant to Section 9 of Local Law No. 4 of 2007 (Brush, Grass, Rubbish and Weed Control), upon Mr. Shaver’s failure to comply with the Order to the Codes Enforcement Officer requiring him to cut said grass and weeds, a Notice of Hearing dated July 16, 2010 was issued and served upon Mr. Shaver advising him that he was in violation of said Local Law No. 4 of 2007 (Brush, Grass, Rubbish and Weed Control) and that a Hearing was scheduled before the Town Board of the Town of Marcellus on August 9, 2010; and

**WHEREAS**, said Notice of Hearing was served upon Mr. Shaver at least five (5) days before said hearing; and

**WHEREAS**, a public hearing was held by the Town Board of the Town of Marcellus on August 9, 2010 at 7:00 p.m., said public hearing was conducted by Town Supervisor, Daniel J. Ross and all councilors were present at said meeting; and

**WHEREAS**, at said public hearing the Town of Marcellus Codes Enforcement Officer also provided evidence in the form of testimony and written reports of his inspections of the property (including an inspection conducted on the date of the public hearing) which established that the grass and weeds on the property were several feet high and that the conditions caused thereby constituted unhealthy, hazardous and dangerous conditions and that the failure of Mr. Shaver to remedy the condition after multiple notices, communications and court proceedings constitutes a willful failure by Mr. Shaver to abide by the Notice and Order of the Town Board; and

**WHEREAS**, at said public hearing the public was given an opportunity to present evidence and testimony regarding the weeds and the evidence presented included a letter from a neighbor, Janice McCarthy, who characterized the condition of the property as an “unsightly dump;” and

**WHEREAS**, Mr. Shaver failed to appear at said public hearing and failed to present any evidence or testimony in rebuttal to the evidence and testimony of the Town of Marcellus Codes Enforcement Officer; and

**WHEREAS**, all statutory requirements of the Local Law have been met and complied with.

**NOW**, upon the Motion of Councilor Donald G. Sherman and seconded by Councilor Kevin O’Hara,

**IT IS HEREBY RESOLVED**, that this Board shall act as lead agency, the adoption of the instant Resolution is a Type II and therefore will have no significant effect on the environment, thus concluding environmental review under SEQR; and

**IT IS FURTHER RESOLVED**, that the overgrowth of grass and weeds in excess of ten (10) inches on the property of Mr. James Shaver located at 4324 New Seneca Turnpike, Marcellus, New York constitutes an unhealthful, hazardous or dangerous condition which currently exists on said property; and

**IT IS FURTHER RESOLVED**, that Mr. Shaver is the owner of the property and he has willfully failed to abide by the Notice and Order requiring abatement of said unhealthful, hazardous and dangerous condition; and

**IT IS FURTHER RESOLVED**, that the Town Codes Enforcement Officer or an agent retained by the Town may enter upon the property located at 4324 New Seneca Turnpike, Marcellus, New York and perform such remediation work as is required to alleviate the unhealthful, hazardous and dangerous conditions caused by the overgrowth of weeds and grass on the property; and

**IT IS FURTHER RESOLVED**, that the cost of the remediation work associated with the overgrown weeds and grass at the property shall be added to the tax bill for the subject property in the event that said costs are not paid by Mr. Shaver within thirty (30) days after the work is complete.



The question of the adoption of the foregoing resolution was duly put to a vote:

<b>VOTE:</b>	Daniel J. Ross	Aye
	James A. Sheridan	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye

**Resolution duly adopted.**

**Dated: August 9, 2010**

**#012-10**  
**TOWN BOARD RESOLUTION**  
**TOWN OF MARCELLUS**

At a meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga, State of New York on August 9, 2010, at 7:00 P.M., there were:

<b>PRESENT:</b>	Daniel J. Ross	Town Supervisor
	James A. Sheridan	Councilman
	Donald G. Sherman	Councilman
	Thomas C. Lathrop	Councilman
	Kevin O'Hara	Councilman

**WHEREAS**, pursuant to section 3(D)(2) of Local Law No. 2 of 1990 (as amended by Local Law No. 2 of 2002) relating to litter, the Codes Enforcement Officer found that Mr. Shaver had litter deposited outdoors on his premises located at 4324 New Seneca Turnpike, including a discarded television, broken wood chair and household trash such as metals, papers and plastics; and

**WHEREAS**, pursuant to Section 4A of said Local Law No. 2 of 1990 (as amended by Local Law No. 2 of 2002) a Notice of Violation & Hearing dated July 27, 2010 was served upon Mr. Shaver advising him of said violation, demanding that said litter be removed from said property and advising that a hearing would be held on August 9, 2010 to determine whether the condition constitutes a public nuisance under said Local Law; and

**WHEREAS**, said Notice of Violation & Hearing was mailed at least ten (10) days before said public hearing and was published in the Marcellus Observer at least five (5) days prior to said public hearing; and

**WHEREAS**, a public hearing was held by the Town Board of the Town of Marcellus on August 9, 2010 at 7:00 p.m., said public hearing was conducted by Town Supervisor, Daniel J. Ross and all councilors were present at said meeting; and

**WHEREAS**, at said public hearing the Town of Marcellus Codes Enforcement Officer provided written report of his inspections which established to the satisfaction of the Town Board that the litter upon the property located at 4324 New Seneca Turnpike

constituted a public nuisance; and

**WHEREAS**, at said public hearing the public was given an opportunity to present evidence and testimony regarding the litter and the evidence presented included a letter from a neighbor, Janice McCarthy, who characterized the condition of the property as an “unsightly dump;” and

**WHEREAS**, Mr. Shaver failed to appear at said public hearing and failed to present any evidence or testimony in rebuttal to the evidence and testimony of the Town of Marcellus Codes Enforcement Officer; and

**WHEREAS**, all statutory requirements of the Local Law have been met and complied with.

**NOW**, upon the Motion of Councilor Kevin O’Hara and seconded by Supervisor Daniel J. Ross,

**IT IS HEREBY RESOLVED**, that this Board shall act as lead agency, the adoption of the instant Resolution is a Type II and therefore will have no significant effect on the environment, thus concluding environmental review under SEQR; and

**IT IS FURTHER RESOLVED**, that the litter located upon the property located at 4324 New Seneca Turnpike, Marcellus, New York constitutes a public nuisance; and

**IT IS FURTHER RESOLVED**, that the Town Codes Enforcement Officer or an agent retained by the Town may enter upon the property located at 4324 New Seneca Turnpike, Marcellus, New York and remove any vehicle, solid waste or litter stored, deposited, placed or maintained on said property in violation of Local law No. 2 of 1990 (as amended by Local Law No. 2 of 2002) and dispose of or destroy the same; and

**IT IS FURTHER RESOLVED**, that the cost of the remediation work associated with the removal of the litter at the property shall be added to the tax bill for the subject property in the event that said costs are not paid by Mr. Shaver within thirty (30) days after the work is complete.

The question of the adoption of the foregoing resolution was duly put to a vote:

<b>VOTE:</b>	Daniel J. Ross	Aye
	James A. Sheridan	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O’Hara	Aye

**Resolution duly adopted.**

**Dated: August 9, 2010**

**Limeledge Water: Change Order No. 4 for Contract No. 1:** Councilor Sherman made a motion seconded by Councilor Lathrop to approve Change Order No. 4 for the Limeledge Water District Contract No. 1 for a credit of \$91,355.70. This credit reflects final over/under quantity adjustment for Contract No. 1 for final payment and contract closeout. All voted aye. Carried.

**Welcome Center: Change Order No. 9:** A Change Order No. 9 was received for the renovation of the Welcome Center located in Marcellus Park. This change order deals with replacing a section of carpet at a cost of an addition \$170.00. Councilor Sherman made a motion seconded by Supervisor Ross to authorize the Supervisor to sign Change Order No. 9 for the Welcome Center renovations. All voted aye. Carried.

**Town of Skaneateles: Request for Lead Agency for Two Actions:** A letter dated July 27<sup>th</sup> was received from the Town of Skaneateles stating that the Town Board of Skaneateles is considering the sale of town owned property located on Route 20 to Grace Chapel and acquisition and conveyance of property located Route 20 near Transportation Drive. The Town Board is willing to act as lead agency for this action and is asking if the Town of Marcellus has any objection. The Town of Marcellus has no objection to the Skaneateles Town Board acting as lead agency for the above action.

**M.A.V.E.S.: Letter of Support:** Steve Knapp, Director of Marcellus Ambulance Volunteer Emergency Services (M.A.V.E.S.) appeared before the Board to ask for the Town Board's support in the process of expanding their operating authority to two adjacent areas. First, the Navarino Fire Department and MAVES have entered into a Transfer of Ambulance Operating Authority Agreement whereby Navarino would transfer its ambulance operating authority to MAVES. Secondly, MAVES is seeking to expand its operating authority to include the entire Howlett Hill Fire District and a portion of the South Onondaga Fire District west of Griffin Road. Part of the process, MAVES needs to seek letters of support to demonstrate that there is a public need for its expanded ambulance service. Councilor Sheridan asked Mr. Knapp if this expansion would help the tax burden of the Marcellus residents. Mr. Knapp acknowledged that there could be a 5% reduction. Councilor Lathrop made a motion seconded by Supervisor Ross to send a letter of support for the proposed MAVES expansion. All voted aye. Carried.

**Syracuse Time and Alarm: Maintenance Agreement:** Councilor Sheridan made a motion seconded by Councilor Sherman to renew the maintenance contract with Syracuse Time & Alarm, Inc. for a period from 9/01/2010 to 8/31/2011 for the fire alarm system in the Town Hall. It was noted that the annual fee increased by \$30.00. All voted aye. Carried.

**Set Fall Trash Days:** Councilor Sherman made a motion seconded by Councilor Lathrop to hold the fall Trash Days on Fridays, September 24 and October 1 from noon to 3:00pm and Saturdays, September 25 and October 2 from 8:00am to noon. All voted aye. Carried

**Limeledge Water District: Approval of Bills:** Councilor Lathrop made a motion seconded by Councilor Sherman to authorize the payment of Limeledge Water District Abstract No. 7 - 2010. All voted aye. Carried.

**Southern Onondaga Water District: Approval of Vouchers #22:** Councilor Lathrop made a motion seconded by Councilor Sherman to approve the following payment in conjunction with the Southern Onondaga Area Water District:

Voucher #22	Craig Billinson	\$	252.15
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All voted aye.

Carried.

**Village Cemetery: Fence:** William Reagan, Codes Enforcement Officer, provided the Board with an estimate from HSE Consulting Services for the lead paint test on the Village Cemetery fence in the amount of \$286.00. Local resident and professional painter, Mark Gallagher, explained to the Board that he could perform the lead test on the fence cheaper than the quote. He is fully qualified in this area and would be happy to help. Councilor O'Hara made a motion seconded by Councilor Lathrop to have Mark Gallagher perform the lead testing on the Village Cemetery fence. All voted aye.

Carried.

**Moratorium on Hydrofracking:** Councilor Lathrop made a motion to direct the Town Attorney to draft the necessary documents for a possible moratorium on the process referred to Hydrofracking in the Town of Marcellus. These documents will be presented to the Board at a special Town Board meeting on August 26<sup>th</sup> at 7:00pm, held at the Town Hall located at 24 E. Main Street in Marcellus. Councilor O'Hara seconded the motion. All voted aye.

Carried.

**Coon Hill Grind (additional item):** Supervisor Ross brought to the Board's attention a request that he received today from Dick Searing, Assistant Race Director for the Skaneateles Labor Day Race Weekend. He is requesting the Town's approval for a bicycle race that will start at the Skaneateles Ski Club on Route 174 up Coon Hill and end on Rose Hill north of the Byrne Farm. There will be no road closure as the racers go with the flow of traffic and it is a timed race. Councilor Lathrop made a motion seconded by Councilor Sheridan to direct the Supervisor to send a letter of approval to Mr. Searing. All voted aye.

Carried.

**Resignation (additional item):** Supervisor Ross advised the Board that at 4pm today Margaret Gerbsch submitted her resignation as full time Accountant effective August 23, 2010. Councilor O'Hara made a motion seconded by Supervisor Ross to accept the resignation, with regret, of Margaret Gerbsch as full time Accountant effective August 23, 2010. All voted aye.

Carried.

## **Discussion Agenda**

### **Items from the Board**

Councilor O'Hara has been contacted by a resident of Limerick Street with a concern about the orange cones that have been aside the road for over a year. Councilor O'Hara. Highway Superintendent MacLachlan has had numerous conversations with the owner of the cones and he assured Mr. MacLachlan that they would be removed. It is now apparent that the property owner has not removed them, so Mr. MacLachlan, in his capacity as Highway Superintendent, will remove them tomorrow.

### **Items from the Floor**

Robert Dorchester, 4650 Howlett Hill Road, brought to the Board attention that traffic is not observing the speed limit on Howlett Hill Road. He also noted that there has been an increase in commercial traffic and they are not observing the speed limit either. He asked the Board if a letter could be sent to the owners of the commercial vehicles advising them of the speeding. Supervisor Ross stated that we as a Board are willing to work with Mr. Dorchester on this issue.

Jeff Berwald, President of the Marcellus Fire Department, spoke to the Board on the merits of the Town owning the Fire Department building. As a group they are concerned that once the Town owns the building, the department will have move and find another location. Supervisor Ross assured Mr. Berwald that it was never the Board's intention to remove the department from the building. It was built by the taxpayers to house the fire department and that is what it will be.

Councilor Sherman made a motion seconded by Councilor O'Hara to adjourn the Marcellus Town Board meeting at 8:50 P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk