

Marcellus Town Board
Workshop Meeting
Wednesday, May 18, 2022
6:30 PM

Call to Order

Salute to Flag

1. Approve Monthly Activity

11. OLD BUSINESS

- A. Jeff Lowe – Town Assessor
- B. Double Utility Poles

111. NEW BUSINESS

- A. Comments on Otisco Lake Drinking Water Source Protection Plan – Scott Stearns

IV. DISCUSSION AGENDA

V. ADJOURNMENT

Future Meeting Dates:

Town Board Meeting – Wednesday, June 1, 2022 – 6:30 pm – Town Hall

Planning/Zoning Board – Monday, June 6, 2022 – 6:30 pm – Town Hall

Workshop Meeting – Wednesday, June 15, 2022 – 6:30 pm – Town Hall

Offices will be closed on Monday, May 30, 2022 in observance of Memorial Day

**TOWN BOARD RESOLUTION
INTRODUCING LOCAL LAW __-2022
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 _____ 2022, at 6:30 P.M., there were:

PRESENT:	Karen Pollard	Town Supervisor
	Jamie Curtin	Councilor
	Gabe Hood	Councilor
	Terry Hoey	Councilor
	Laurie Stevens	Councilor

WHEREAS, Councilor _____ introduced proposed Local Law No. __-2022, "A Local Law Amending The Code Of The Town Of Marcellus To Include Chapter 99, Double Utility Poles," and made the following motion, which was seconded by Councilor _____:

WHEREAS, Local Law No. __, 2022 relates to the incomplete transfer of utilities and the failure to remove old utility poles within the Town of Marcellus;

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws 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 enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board;
and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, BE IT RESOLVED, that the enactment of this proposed Local Law is an unlisted action under SEQR, that there are no other involved agencies and the Town Board shall act as lead agency; and it is further

RESOLVED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. __-2022 at the Marcellus Town Hall located at 24 East Main Street in the Town of Marcellus on _____, 2022, at 6:30 P.M. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

VOTE:	Karen Pollard	Town Supervisor	Yes/No
	Jamie Curtin	Councilor	Yes/No
	Gabe Hood	Councilor	Yes/No
	Terry Hoey	Councilor	Yes/No
	Laurie Stevens	Councilor	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: _____, 2022

**TOWN OF MARCELLUS
LOCAL LAW ____ - 2022**

**A LOCAL LAW AMENDING THE CODE OF THE TOWN OF MARCELLUS
TO INCLUDE CHAPTER 99, DOUBLE UTILITY POLES**

BE IT ENACTED by the Town Board of the Town of Marcellus as follows:

Section 1. Legislative purpose and intent.

The Town Board hereby finds that double utility pole conditions are a problem throughout the Town of Marcellus. The Town Board finds that the incomplete transfer of utilities and failure to remove old utility poles pose safety and aesthetic concerns for the Town and its residents. Double utility pole conditions clutter and obscure visibility on sidewalks and roadways. They are also unnecessary eyesores on Town streets, obstructions for pedestrians and detriments to local aesthetics.

The Town Board also finds that public safety can be compromised when utility lines and equipment remain affixed to utility poles that are weathered or otherwise are damaged. The Town Board finds further that there is often an unreasonable delay of months to years before responsible utility providers relocate their equipment and remove weathered or damaged utility poles.

The Town Board finds and determines that local governments have the authority to regulate their highways, streets, roads and rights-of-way to protect the public.

The Town Board finds and determines that the interest of the public is best served by cooperation and communication between public utilities and the Town.

Therefore, the purpose of this Chapter is to require utilities that use the Town of Marcellus highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment and terminals have been removed from said poles.

Section 2. Authority.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

Section 3. Amendment of the Code of the Town of Marcellus to Include Chapter 99, "Double Utility Poles."

The Code of the Town of Marcellus is hereby amended to include a new Chapter 99, titled "Double Utility Poles," which shall read as follows:

“Chapter 99. DOUBLE UTILITY POLES

§ 99-1 Definitions.

DANGEROUS/DAMAGED POLE

Any utility pole or any portion thereof that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE UTILITY POLE CONDITION

Any utility pole which is placed in close proximity to another utility pole.

PLANT

The transformers, terminals, conductors, utility boxes, wires, cables, lights, antennae and any other fixture used for the transmission of utilities and attached or affixed to a utility pole.

PUBLIC UTILITY

Any corporation, authority or other entity that provides electric, telephone, cable television or other service, including telecommunications service, to the residents of the Town of Marcellus.

TOWN ROAD

Any street, highway or road so designated on the latest “Road Map of the Town of Marcellus” issued by the Town Highway Superintendent as well as all other Town Highways not so indicated, both existing and proposed.

§ 99-2 Removal of Dangerous/Damaged Utility Poles

- A. When the Town Highway Superintendent, or his or her designee, determines that a utility pole on a Town highway, street, road or right-of-way is damaged or otherwise poses a potential threat to public safety, the Town Highway Superintendent shall provide written notice to the pole owner and any public utility with a Plant on the damaged pole that the pole must be repaired, replaced or removed within 15 days or such shorter reasonable time period as may be necessary to protect the public safety.
- B. It shall be the joint and several obligation of the pole owner and any other public utility maintaining a Plant on the Dangerous/Damaged Utility Pole to repair, replace or remove the Dangerous/Damaged Utility Pole within 15 days or such other reasonable period designated by the Town Highway Superintendent.

§ 99-3 Double Utility Pole Conditions prohibited.

- A. When a public utility installs a utility pole which is directly next to or in close proximity to another utility pole on a Town highway, street, road or right-of-way, the public utility shall, within 30 days of installation of the new pole, provide written notice to all other public utilities maintaining a Plant on the existing pole that a new pole has been installed and that the Plant on the existing pole must be relocated to the new pole within 90 days of the date of the notice.

- B. It shall be the joint and several obligation of the public utility installing the new pole and any other public utility maintaining a Plant on the existing pole to remove the existing pole within 30 days after installation of the new pole.

§ 99-4 Extensions of time.

In the event of an emergency that affects the repair, replacement, removal or installation of utility poles or Plants, the Town Highway Superintendent may temporarily suspend the deadlines described above for periods not exceeding 30 days.

§ 99-5 Penalties.

- A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this Chapter shall be guilty of a violation, as follows: a first conviction is punishable by a fine not exceeding \$500; a second or subsequent conviction is punishable by a fine not exceeding \$1,000. Every day that the violation continues shall be deemed a separate violation. Each location of a Double Utility Pole Condition or Dangerous/Damaged Utility Pole shall be a separate violation.
- B. Any person, firm, corporation or public utility found guilty of violating this Chapter and that fails to remove its Plant from a dangerous/damaged pole, the dangerous/damaged utility pole and/or the double utility pole within 15 days from receipt of the order of the court shall be punished by a penalty of up to \$1,000 for each such violation. Each day that the violation continues shall be a separate violation.
- C. If a person, firm or corporation or public utility violates the provisions of this Chapter, the attorney for the Town may commence an action in the name of the Town of Marcellus in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this Chapter. Such action may seek to remove Damaged/Dangerous Poles and/or any Double Utility Pole Condition and may be commenced against a third-party Plant owner to remove a Plant from such poles, to impose civil penalties as authorized by this Chapter, to recover costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Town highway, street, road or right-of-way.

§99-6 Applicability.

- A. The provisions of this Chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations, and nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other applicable state or local laws, codes or regulations. In case of conflict between any provision of this Chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

- B. This Chapter shall apply to all utility poles located on any Town highway, street, road or right-of-way as of the enactment of this Chapter and to all utility poles installed after the enactment of this Chapter.
- C. Any person, firm, corporation or public utility which maintains a Double Utility Pole Condition as of the date of the adoption of this Chapter shall fully comply with the regulations set forth herein within 30 days of enactment of this Chapter. Any failure to timely comply with this Subsection C shall be enforced in accordance with the provisions of this Chapter.”

Section 4. Severability.

If any clause, sentence, paragraph, word, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved or in the controversy in which said judgment shall have been rendered.”

Section 5. Effective Date.

This Local Law shall be effective upon filing with the Office of the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
LOCAL LAW __-2022 Amending the Code of the Town of Marcellus to Include Chapter 99, Double Utility Poles			
Project Location (describe, and attach a location map):			
Town-Wide			
Brief Description of Proposed Action:			
To establish a procedure for addressing incomplete transfer of utilities and failure to remove old utility poles within the Town of Marcellus, pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.			
Name of Applicant or Sponsor:		Telephone: 315-673-3269	
Town Board of the Town of Marcellus		E-Mail: clerk@marcellusny.com	
Address:			
24 East Main Street			
City/PO:		State:	Zip Code:
Marcellus		New York	13108
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Town Board of the Town of Marcellus</u> Date: _____ Signature: _____ <u>Karen Pollard</u> Title: <u>Town Supervisor</u>		

Short Environmental Assessment Form
Part 1 - Question 1: Narrative Description

**A LOCAL LAW AMENDING THE CODE OF THE TOWN OF MARCELLUS
TO INCLUDE CHAPTER 99, DOUBLE UTILITY POLES**

Part 1 - Question 1: Narrative Description

The proposed action will adopt a Local Law amending the Code of the Town of Marcellus to include Chapter 99, "Double Utilities Poles," which establishes a procedure for addressing incomplete transfer of utilities and failure to remove old utility poles within the Town of Marcellus, pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

Project: LL __-2022 (Double Utility Poles)

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	
3. Will the proposed action impair the character or quality of the existing community?	☒	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☒	
b. public / private wastewater treatment utilities?	☒	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	
11. Will the proposed action create a hazard to environmental resources or human health?	☒	

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.



Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board of the Town of Marcellus

Name of Lead Agency

Karen Pollard

Print or Type Name of Responsible Officer in Lead Agency

Date

Town Supervisor

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)