Marcellus Town Board
Workshop Meeting
Wednesday, October 21, 2026
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, October 21, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present:	Jane Attley	Supervisor
	Percy Clarke	Councilor
	Jeff Berwald	Councilor
	Terry Hoey	Councilor
	Karen Pollard	Councilor

Also Present: Stacy Marris, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; Linda Wilcox, Town Historian; Dave Card, Fire Department; Bill Southern, Tom Lathrop, Tim Chase, Art and Nancy Hudson, Joel McNally, Lisa Slater, Herman Witthoft Jr., Steven Bolewski, Debbie Quick, Mary Lou Huroian, Doug Volcko, Donna Nolan, Rebekah Andre, Ben Millier, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

Public Hearing: Local Law E of 2026 Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities Within the Town of Marcellus (Speakers were not requested to state their names and addresses for the record.)

Councilor Pollard, having a moratorium is very wise and allows the Town Board time to work with the Planning and Zoning Board to explore passing a permanent law. The Board received an email from a resident that supports the moratorium. She stated many negatives regarding the health of the residents and negative impact on the community that is affiliated with these facilities.

Sara Payne, Annapolis Way: (public comment was submitted by email to be read by Supervisor Attley)

"Honorable Members of the Board and my Fellow Marcellus Residents.

While I am regrettably unable to attend tonight's meeting, I would like to provide the following public comment relating to the proposed twelve-month moratorium on data centers and data storage facilities.

I work for a company that has a manufacturing and retail footprint in Loudoun County, Virginia. Many of you may have heard of Loudoun County in the context of data centers – Loudoun is considered the data center capital of the world.

In short, data centers have wreaked havoc in Loudoun County. Residents have seen dramatic increases in air, light, noise and other pollution, 20% - 150%+ increases in electric bills, and strained/depleted water resources (additional details below).

Resident health and community enjoyment have suffered tremendously due to data center development in Loudoun communities.

As such, my husband Christian and I strongly support the temporary moratorium. We respectfully request that the Board pass it and thereafter develop local laws to permanently prohibit these types of facilities so that the quiet, peaceful and beautiful community we all love maintains its priceless character in the future.

Should the Board or any member of the Board have questions about this comment or wish to discuss it in more detail, please don't hesitate to contact me at any time.

Thank you for your consideration of this comment.
Summary of Loudoun County's Experience with Data Centers:
The primary complaints expressed by Loudoun County residents include constant, low-frequency hums and sudden roaring noise from massive cooling units and backup generators, localized air and health pollution from diesel exhaust, rising power bills, strain (and depletion) of local water supply, and high-voltage power lines cutting through backyards.
Noise Pollution
Constant Hum: Row-upon-row of industrial chillers and servers run 24 hours a day, creating an audible hum across nearby residential areas.
Generator Testing: Thousands of tractor-trailer-sized backup diesel generators test weekly at data center sites, and emergency power failures trigger loud, extended running times that disrupt sleep.
Air Quality and Health Risks
Diesel Fumes: Extended generator use or mechanical failures release nitrogen oxides, carbon monoxide, and particulate matter, causing throat and lung irritation for nearby homeowners.
On-Site Power Plants: Facilities relying on on-site gas turbines or backup generators raise localized health concerns, with independent studies linking emissions to millions in annual health-related damages.
Power Grid and Infrastructure Strain
Higher Utility Bills: Massive electricity demands strain the regional power grid and drive-up electricity costs for local residents.
Intrusive Transmission Lines: Sprawling new high-voltage power lines and substations are built directly through towns, neighborhoods, and backyards.
Quality of Life and Environment
Visual Blight: Massive, featureless warehouse-style buildings replace open fields, trees, and scenic views right next to residential lots.
Resource Depletion: Heavy power and fossil-fuel consumption generate localized heat islands and strain regional freshwater tables."
Speaker, have any data centers been proposed to date?
Supervisor Attley, not that I'm aware of.
Speaker, is it the Boards' plan to prevent it for twelve months, and in the meantime, come up with some sort of zoning or regulation?
Councilor Pollard, correct, we a looking to the Planning and Zoning Board to give us advice.
Speaker, is there a safe distance from these centers?
Councilor Pollard, not that we are aware of, that would be part of the findings from the Planning and Zoning Board.
Councilor Clarke, the State, is also putting a moratorium into effect, but theirs doesn't necessarily include small towns in it at this point. We will need to take their guidelines into consideration while making one for Marcellus.
Councilor Berwald, there is an article in Talk of Town on solar power struggle and battery energy storage systems. In the article it states that some of these facilities are being built on private land as what they call "as of right", which means you don't need Town or County approval because it's being built "as of right" as long as it's meeting the state environmental protection and safety laws. It continues to be said, if anybody is familiar with the home rule law, it is superseded by state laws when it comes to renewable energy approval processes. State law preempts all other state and local laws, including home rule. We can do all this just like we did with the solar law and the battery storage, and the State can come in, and override the Town's laws if they stand by the environmental laws. If it's a private owner that has the potential to earn large amounts of money, we can't stop them. I'm in favor of the moratorium. I'm just providing information I read in the article.

Speaker, there's a huge difference between a battery storage center, a solar field and a renewable energy structure and their footprint than there would be with a data mining center or a crypto center. Those facilities are enormous. You may be able to establish a safe distance from a battery storage center, which is relatively quiet, but it does carry the fire safety aspect to it. But the data centers impact an entire region, not just your village or your town. With the increases in electric infrastructure that needs to be done to support that, the diesel engines that have to run if they're not supported by electricity backup and the water usage. These projects really need thought in terms of what the scale of the project will be. I really appreciate you guys taking the step forward with a moratorium to think about that.
Councilor Pollard, this is what the Town needs to have in place in order to be prepared for any future proposal involving a data facility. The rules, requirements, and performance standards should be clearly defined in our local law and accompanying regulations. If the Town determines that a proposed facility is not appropriate, we must be able to support that decision with established standards and objective criteria rather than simply stating opposition.
Speaker, it is possible that companies that want to build these facilities are looking for smaller towns that have nothing in the books to regulate these types of facilities.
Councilor Berwald, these companies will offer financial incentives to local governments and schools which can entice communities and individuals.
Doug Volcko, Marcellus resident, if something came about within the village confines, and you're a town resident within proximity, what is happening in conjunction with the town and the village about this?
Councilor Clarke, good question. Currently I don't know what the village is doing.
Doug Volcko, Marcellus resident, living across the street from the sewage treatment plant there is constant hum and noise produced by the sewage treatment plant. The concern is how the Village and Town will work together regarding this issue.
Councilor Berwald, it hasn't been discussed yet.
Councilor Pollard, the Village will have to set their own regulations and guidelines. It is not the Town's decision.
Councilor Clarke, in our codes and ordinances, there are some slight differences than the Village, but generally they reflect each other. The village is smaller and more commercial with Main Street.
Supervisor Attley, any other comments or questions?
Councilor Berwald made a motion, seconded by Councilor Pollard to close the public hearing regarding Local Law E of 2026 Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities Within the Town of Marcellus at 6:45PM.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Public Hearing: Preliminary Budget
Supervisor Attley, the Board worked very hard on this over the last few months. We wanted to make sure that taxes stayed as low as possible. Some of the numbers still do need to come in, but our budget officer, accountant, put numbers in as high as she anticipated for employee health insurance and those kinds of things. Once she receives the final numbers she'll readjust the budget.
Councilor Pollard, the budget officer should provide the Board with a list of changes that will be made for the next public hearing.
Councilor Berwald, she sent an email.
Councilor Hoey, she is waiting to receive the final figures. Some of those figures involve insurance-related numbers, while others reflect requested modifications. We will need to discuss those requested modifications once all of the information is received.

Councilor Pollard, that would be at the next public hearing. I suggest the Budget Officer provides the Board with a document providing changes made and reasons for the changes. The overall budget shouldn't be a huge difference to the budget we have before us.
Councilor Pollard, does anybody have any questions about the budget?
Councilor Clarke, I'll take a second to thank everybody on the Board, everybody worked hard on this. This year was exceptional. We had more meetings than normal. We went over everything with a fine-tooth comb. So, thank you everybody for the hard work.
Bill Southern, Marcellus resident, MAVES budget went down? Is that per their request?
Councilor Pollard, yes.
Councilor Pollard made a motion, seconded by Councilor Hoey to adjourn the public hearing regarding the preliminary budget until November 4, 2026.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 for October 20, 2026. Claim #'s 160224-160239.

	Expense
General Fund	$21,449.38
Part Town General	4,961.42
Townwide Highway	3,156.76
Fire District	30,000.00
Trust and Agency	1,888.27
Total	**$61,455.83**

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 for October 21, 2026. Claim #'s 160188-160223.

	Expense
General Fund	$18,635.74
Part Town General	150.71
Townwide Highway	5,618.21
Part Town Highway	2,550.87
Sewer District	49,809.31
Total	**$76,764.84**

Councilor Clarke made a motion, seconded by Councilor Berwald, to approve the Abstract of Audited Vouchers and authorize payment of the bills for October 20, 2026, and October 21, 2026.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Old Business
Town Hall Security: The Town has reached out to QPK Design for a consultation regarding modifying the building to update security for all employees. More information will be provided at a later date.

Local Law C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus: Revisions to this law are underway to clarify and amend the provisions related to the various permit tiers and associated permit review processes, in accordance with recommendations provided by the Planning and Zoning Board.

New Business

Enactment of Local Law NO. E of 2026 Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities Within the Town of Marcellus:

TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
October 21, 2026
TOWN OF MARCELLUS LOCAL LAW NO. E OF 2026

("A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and Data Storage Facilities Within the Town of Marcellus")

The following resolution was offered by Councilor Pollard, who moved its adoption, seconded by Councilor Hoey, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2026, "A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and Data Storage Facilities Within the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on September 16, 2026; and

WHEREAS, a public hearing was held on such proposed local law on this 21st day of October 2026 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 of the State of New York; and

WHEREAS, the enactment of Local Law No. E-2026 has previously been determined to be Type II action under SEQR, thus concluding the environmental review process; and

WHEREAS, Local Law No. E-2026 was duly referred to the Onondaga County Planning Board ("OCPB") for review pursuant to General Municipal Law Section 239-m and -n, and, pursuant to Case No. Z-26-240, dated October 7, 2026, the OCPB returned the matter for local determination, with no position taken; and

WHEREAS, it is in the public interest to enact said Local Law No. E-2026.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Local Law No. E-2026 as Local Law No. 4-2026 as follows:

"**TOWN OF MARCELLUS**

LOCAL LAW NO. 4-2026

A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities Within the Town of Marcellus

Be it enacted as follows:

Section 1: Intent

It is the intent of the Town Board of the Town of Marcellus to impose a twelve (12) month moratorium on the development, construction or use of Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities within the Town of Marcellus. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

Section 2: Legislative Purpose

The Town Board of the Town of Marcellus finds that it is in the best interest of the Town of Marcellus to enact a moratorium on any new Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and Data Storage Facilities, which consist of buildings containing numerous servers and which have high demand for energy, cooling, and water mechanisms, and can result in disturbing noise generation. The Town Board recognizes the potential impact of Commercial Cryptocurrency Mining Operations, Data Processing Centers, Data Mining and Data Storage Facilities on the Town's infrastructure, environment, public health and safety, and welfare of its residents. Accordingly, it is the purpose of this temporary moratorium to provide the Town Board with sufficient time to study and address any concerns, including, but not limited to, zoning, environmental impacts, public safety, and economic implications

resulting from Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and Data Storage Facilities.

Section 3: Definitions

COMMERCIAL CRYPTOCURRENCY MINING: The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of Data Processing Centers employing data processing equipment.

CRYPTOCURRENCY: A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

CRYPTOCURRENCY DATA MINE: A specific type of data center using a facility or use of land, buildings, or structures where computing equipment is used to solve complex mathematical a1gorithms in connection with verifying and adding transactions to a blockchain or other distributed ledger, commonly known as cryptocurrency mining. For purposes of this law, a cryptocurrency data mining operation shall be considered a distinct land use, different from a data center as defined in this section.

DATA MINING: The process of using multiple computers to store or warehouse data, discover patterns in large data sets involving methods that are applied to extract data patterns, and transform it into an understandable structure for further use. For purposes of this definition, any equipment which requires a High-Density Load Service, or any Server Farm, will presumably be a commercial data mining operation.

DATA PROCESSING CENTER: A building, dedicated space within a building, or group of structures used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

DATA STORAGE FACILITIES: A building, or structure, or partial use of a building or structure, used to store, manage, process, or transmit digital data for business uses, including computers, network equipment, systems, servers, and other associated components related to the digital data storage and operations that is secondary, subordinate and customarily incidental to and located on the same lot as the principal use of a property. Such a use cannot operate as an independent principal use.

HIGH DENSITY LOAD SERVICE: The provision of electrical service where the requested load density has, for any monthly billing period, either an average power demand in excess of 300 kilowatts, or an average power density in excess of 250 kilowatt-hours per year per square foot of the leased or owned boundaries of floor space devoted to operating the data processing equipment, and excludes space used for offices, storage, and other non-electronic processing uses.

SERVER FARM: Three (3) or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

Section 4: Moratorium

A. The Town Board hereby enacts a moratorium which shall prohibit the development or construction of any Commercial Cryptocurrency Mining Operations, Cryptocurrency Data Mine, Data Mining, Data Processing Centers and Data Storage Facilities in the Town of Marcellus.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date twelve (12) months from said effective date of this Local Law, unless renewed; or (ii) the enactment by Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town of Marcellus.

D. Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and Data Storage Facilities within the Town of Marcellus which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium, and may be sited, placed, installed, constructed, erected and operated in accordance with approved plans. Further modification, alteration or enlargement of previously approved Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and/or Data Storage Facilities is prohibited while the moratorium is in effect.

Section 5: Relief from Provisions of this Local Law

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this local law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Office together with a filing fee of $250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys' fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board/ Zoning Board of Appeal for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Office and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

Section 6: Penalties

Any person, firm or corporation that shall establish, place, construct, enlarge, erect or engage in any

Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers and/or Data Storage Facilities in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars ($1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7: Enforcement

This local law shall be enforced by the Code Enforcement Office of the Town of Marcellus or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

Section 8: Validity & Severability

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or affect any other section of this local law.

Section 9: Effective Date

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call,

the vote was as follows:

Jane Attley	**Town Supervisor**	**Voted**	**Yes**
Terry Hoey	**Councilor**	**Voted**	**Yes**
Jeff Berwald	**Councilor**	**Voted**	**Yes**
Percy Clarke III	**Councilor**	**Voted**	**Yes**
Karen Pollard	**Councilor**	**Voted**	**Yes**

The foregoing resolution was thereupon declared duly adopted.

Dated: October 21, 2026

David's Refuge- 5K Run/Walk Fundraiser: David's Refuge, a nonprofit organization serving caregivers of children with special needs or life-threatening medical conditions, has requested permission to host a 5K Run/Walk fundraiser at Marcellus Park on Saturday, July 24, 2027. The organization is also requesting the use of the park pavilions for event activities.

Councilor Berwald made a motion, seconded by Councilor Clarke, to approve David's Refuge to host their 5K Run/Walk Fundraiser at Marcellus Park on Saturday, July 24, 2027, and the use of the park pavilions for event activities.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Friends of Marcellus Park: **Donna Nolan**, after talking to several people around Marcellus, my dream of a splash pad is going be put on hold for quite a while because our wastewater treatment plant can't handle any more water. We would like your feedback regarding building a handicapped-accessible fishing pier in Marcellus Park. We are just starting the planning phase. We will need to talk to the DEC and decide the best location.
Councilor Clarke, it's a great idea, making the space more accessible and inclusive for everyone.
Donna Nolan, on March 20th, we would like to host an Easter egg hunt at the park open to only Marcellus School District families. Serval local businesses have expressed interest in donating to the event.
Supervisor Attley, it would be a great idea.
Councilor Pollard, how will you limit it to only Marcellus residents?
Donna Nolan, residents, will have to pre-register. Friends of the Park wanted to inform the Board of the projects we would like to invest in this year. We will continue to upgrade any of playground equipment as needed.
Councilor Pollard, if you could keep the Board updated as the process moves forward.

Fire Department Heating Unit: During the fall service inspection, the heating units were red tagged due to failed heat exchangers. As a result, the units have been deemed unsafe for operation. Three written quotes have been obtained for the repair or replacement of the heating units: Cooney Air Conditioning and Heating for $17,683.12, Advance Mechanical Services INC. for $21,066.32 and Card Plumbing Heating and Air Conditioning for $23,683.12. Dave Card has requested that the units be repaired as soon as possible, as there is currently no heat. In addition, voting will be taking place at the Fire Department within the next two weeks, making the repairs time sensitive.
Councilor Berwald made a motion, seconded by Councilor Clarke, to declare the repair of the Fire Department heating units an emergency and to award the contract to Cooney Air Conditioning and Heating in the amount of $17,683.12.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Easement Agreement: This is a standard temporary easement agreement with a homeowner on Glover Road. The resident is having water issues. Mike Ossit needs Town Board approval for him to sign it before discussing it with the property owner.
Councilor Pollard made a motion, seconded by Councilor Clarke, to authorize Mike Ossit, Highway Superintendent to sign and enter into an easement agreement.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Discussion Agenda
Fire Department: Dave Card, the Fire Department hosted an open house, and the Ladies Auxiliary provided a spaghetti dinner, they had a good turnout. We have had a few new members join the department.
Dave Card, was research done on the competitive bidding for the fire department?
Stacy Marris, Town Counsel, yes, we did. What concerns me is the contract you have with the Town. I understand that the fire department is not-for-profit, and it probably wouldn't be required to go with

public bidding. But because it will require financing from the Town and it will be over the eighty-five thousand, it would be our recommendation to use the competitive bidding procedures.
Dave Card, if this truck had been bid previously and we were piggybacking, is that a different pathway?
Stacy Marris, Town Counsel, Is there a piggybacking law on the books by the town? I couldn't find it from the prior attorney's records.
Councilor Pollard, can you please explain what you mean by piggybacking.
Stacy Marris, Town Counsel, "piggybacking" is a procurement method that allows a municipality to purchase goods, equipment, and certain related services through a contract that has already been competitively bid and awarded by another governmental entity, rather than conducting its own separate bidding process. Before utilizing piggybacking, the municipality should ensure that its procurement policies authorize its use and, if purchasing under a contract awarded on a "best value" basis, may need to adopt a local law or resolution authorizing best value purchasing as required by New York law. I'm sure that it was done at some point, and we just have to locate it.
It was decided that the Town Board, Town Counsel, Fire Department and the Fire Department Counsel have a meeting to discuss this topic further. This will not be a public meeting as Counsel will be present.

Councilor Hoey, since we are talking about the contract Dave. We have basically carried over the same contract for a long time with minor changes. If we're thinking about making changes then we don't want to wait until the end of December. That's something we both should be doing sooner rather than later.

Councilor Hoey, before we adjourn in the context of the budget, we were talking about Town Historian, and I came across a document from the Office of State History. It's titled Duties and Functions of New York State's Local Government Historians. The Board and our Town Historian have received copies. I thought that might lead us to a conversation.

Supervisor Attley, if there isn't anything else, we can adjourn the meeting.

Herman Witthoft Jr., a Marcellus resident, addressed Town Clerk Rosemary Tozzi regarding a social media post. Ms. Tozzi stated that the matter was not Town business and offered to discuss it privately if he wished. Mr. Witthoft continued the discussion, expressing his opinion that elected officials should not promote partisan politics.

Ms. Tozzi stated that the Facebook post was made from her personal phone and personal Facebook page that is not affiliated with the Town. Councilor Hoey noted that the Town Clerk is a town-wide elected official and that elected officials may make endorsements. Ms. Tozzi questioned whether similar political activity by Democratic elected officials would be viewed differently, noting that Democratic officials engaged in political activities. Mr. Witthoft responded that activity on a Democratic Party Facebook page was acceptable.

Bill Southern, a Marcellus resident, stated that elected officials are individuals with the same rights as other citizens to express their opinions and positions. He noted that the post was made on a public social media platform available to all users.

Discussion on the matter continued for approximately five minutes. During the exchange, Supervisor Attley was asked to intervene and bring the discussion to a close as it’s the Supervisor’s responsibility to maintain orderly conduct of the meeting. It was noted that the subject was not Town business.

Supervisor Attley strikes the gavel

Supervisor Attley, we're all done. The meeting is being adjourned.

Adjournment

Councilor Berwald made a motion, seconded by Councilor Pollard, to adjourn the meeting at 7:35PM.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk