

Town of Marcellus
Board Meeting
Wednesday, October 7, 2026
6:30 PM

Call to Order

Salute to Flag

Public Hearing: Local Law NO. B of 2026 Steep Slope Protections

Public Hearing: Local Law NO. C of 2026 Battery Energy Storage Systems

Public Hearing: Local Law NO. D of 2026 Tax Levy Override

- I. Waive the reading and accept the minutes
- II. Approve the monthly financials
- III. **Old Business**
 - A. Town Hall security
 - B. OCWA- provide information on the water service provided
- IV. **New Business**
 - A. Syracuse Technologies: Network Security/Firewall
 - B. Local Law NO. B of 2026 Steep Slope Protections
 - a. Onondaga County Planning Board Resolution
 - b. Enactment
 - C. Local Law NO. D of 2026 Tax Levy Override Enactment
 - D. Fire Department requests authorization to negotiate with truck manufacturers and dealers regarding the purchase of a new truck.
 - E. 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
 - a. Onondaga County Planning Board Resolution

V. Reports from Department Heads

- A. Codes
- B. Highway
- C. Parks/Rec
- D. Town Clerk - monthly report

VI. Discussion Agenda

- A. Fire Department Financials
- B. Fire Department
- C. Olde Home Days Committee Donation

VII. Adjournment

Future Meeting Dates

Workshop Meeting/Public Hearing- Wednesday, October 21, 2026- 6:30 pm- Town Hall

Planning/Zoning Meeting-Monday, November 2, 2026 - 6:30 pm- Town Hall

Comprehensive Plan Committee Meeting- Tuesday, November 3, 2026 – 2:00 pm- Town Hall

Town Board Meeting- Wednesday, November 4, 2026- 6:30 pm- Town Hall

**TOWN OF MARCELLUS
LOCAL LAW NO. B OF 2026**

**A LOCAL LAW TO AMEND THE TOWN OF MARCELLUS ZONING LAW
TO ADD A NEW SECTION REGARDING STEEP SLOPE PROTECTIONS**

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

SECTION 1 AUTHORITY.

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

**SECTION 2 AMENDMENTS TO THE TOWN OF MARCELLUS ZONING LAW TO
ADD A NEW SECTION 235-26.2 ("STEEP SLOPE PROTECTIONS").**

The Town of Marcellus Zoning Law is hereby amended to add Section 235-26.2 as follows:

"(1) Purpose

The purpose of this Steep Slope Protection Law is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development on steep slopes by:

- A. Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, unreasonably alter the natural topography of the area, require excessive grading, increase slope instability, increase stormwater runoff, contaminate surface waters, or create onsite sewage treatment problems.
- B. Guarding against property damage and personal injury.
- C. Minimizing the potential for erosion, slope failure, stream siltation, increased stormwater runoff, flooding, contamination of surface waters; and protecting the water quality of Nine Mile Creek, Otisco Lake, and other downstream bodies of water.
- D. Conserving existing steep slope woodlands for air and water quality benefits and the preservation of wildlife habitats.

(2) Definitions.

CLEARING: Removing or causing to be removed the vegetation growing in the soil which protects and stabilizes the soil. Such removing or causing to be removed shall include any intentional or negligent act to (1) cut down, (2) remove all or a substantial part of, or (3) damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, or by the damage of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions. The area of land disturbance of a mature tree shall be measured as the crown of the tree.

LAND DISTURBANCE: Any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into a Watercourse, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, paving of existing pervious areas or otherwise creating new impervious areas.

WATERCOURSE: Every spring, pond (other than artificial reservoirs and filter basins), stream, creek, lake, ditch, gutter, or other channel of every kind, the waters of which will run whether continuously or occasionally.

(3) Steep slope protection areas (SSPA)

- A. The steep slope protection areas shall include all lands having slopes 15% or greater.
- B. Steep slope protection areas are further categorized as:
 - (1) Moderately steep: 15% to less than 24.9% slope (3 to 6 in 12);
 - (2) Very steep: 25% to less than 49.9% slope (6 to 10 in 12); and
 - (3) Extremely steep: 50% or greater slope (> 10 in 12).
- C. The Town of Marcellus Steep Slopes map created, and as may later be amended, by the Syracuse - Onondaga County Planning Agency, the current version of which is attached hereto and incorporated herein as Exhibit "A", shall be accepted as preliminary evidence of slope. Other scientific or reliable evidence may also be accepted as evidence of steep slope in the sole discretion of the Planning Board.
- D. The regulations applicable to Steep Slope Protection Areas shall be in addition to and take precedence over the zoning regulations otherwise applicable in each zoning district.

(4) Activities within a steep slope protection area requiring site plan review

- A. The following activities require site plan approval through the Town of Marcellus Planning Board, pursuant to Section 235-28, when located in a steep slope protection area.
- (1) Area A1: 1000 square feet or greater of land disturbance on a Moderately Steep Slope within 100 feet horizontal distance from any watercourse.
 - (2) Area A2: 500 square feet or greater of land disturbance on a Very Steep or Extremely Steep Slope within 100 feet horizontal distance from any watercourse.
 - (3) Area B: 3000 square feet or greater of land disturbance occurring on a Moderately Steep Slope beyond 100 horizontal feet from any watercourse.
 - (4) Area C: 2000 square feet or greater of land disturbance occurring on a Very Steep or Extremely Steep Slope outside a Lake District and beyond 100 horizontal feet from any watercourse.
- B. Farming Operations, other than Timber Harvesting, existing as of the effective date of this Article are exempt from the site plan approval required for steep slope protection areas.
- C. All land disturbance that occurs on the steep slope protection area portion of the parcel (1) within two years or (2) that adjoins and adds to a previous area of disturbance (such as an extension of a driveway) shall be used to calculate the total area of land disturbance.
- D. Absent approval from the Planning Board, land disturbance in a steep slope protection area that exceeds the square foot limitations set forth above is prohibited.

(5) General regulations

- A. Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Town Planning Board with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut, and fill has been minimized.

- B. All single-family residential land-disturbing activities in steep slope protection areas, including but not limited to clearing, grading, excavation, building construction, construction of driveways and roads, cutting, and filling, shall be limited to the minimum steep slope protection area necessary to accommodate the proposed use or activity, and shall in no case be greater than 10,000 square feet of steep slope protection area disturbance per parcel, plus land necessary for driveway access, on-site wastewater treatment system, and stormwater management facilities.
- C. Changes to the natural elevation of a steep slope development site shall be minimized. Any changes to the natural elevation of the site shall meet the following criteria:
- (1) The original, natural elevation of a steep slope protection area shall not be raised and/or lowered more than five feet on average across a contiguous area of 2,500 square feet of grading and shall not exceed 10 feet in any location in the steep slope protection area.
 - (2) The natural elevation shall not be raised or lowered more than three feet within the required setback for structures.
 - (3) The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or 26.5° of angle) without a retaining wall, stacked rock rip rap, or other similar structural stabilization.
- D. Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York licensed professional engineer, landscape architect, or architect as to its structural integrity and written direction and certification as to its use.
- E. If a permanent driveway cannot be legally built to serve the residence or other improvement, no temporary construction road/driveway may be permitted in steep slope protection areas.
- F. Disturbed land areas in steep slope protection areas that are not worked for seven consecutive days or more shall not be left bare or exposed. Approved temporary or permanent seeding along with protective straw mulch and/or erosion control blankets must cover these disturbed areas. All seeding, straw mulching and erosion control blankets shall meet the installation methods and quantities as stated in the New York State Standards and Specifications for Erosion and Sediment Control.
- G. Trees with a diameter of six inches or greater measured at four feet above the uphill grade ("mature trees"), when located in Areas A1 and A2 on a steep slope, generally shall not be removed unless they are deemed unhealthy or a safety hazard

by a certified arborist or equivalent. Enhancing lake views can be done through a combination of canopy reduction and selective thinning without substantial tree removal. Tree removal may be allowed in the gully zone for the purposes of traversing a gully via a bridge or culvert structure to access another portion of the property. When removal of trees exceeds the square foot land disturbance limitations set forth in section 4, the Planning Board shall consider the impact on the environment.

- H. The Planning Board may approve modifications to these standards in this law if the applicant can prove that such modifications would result in less total land disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

(6) Burden of proof

The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in this law.

(7) Steep slope protection area review process

- A. Steep slope protection area application: The steep slope protection area review process will follow the Town of Marcellus Site Plan Regulations, in addition to the following criteria:

- (1) The preliminary site plan and final site plan shall include the following:
 - a. Documentation that the improvements were designed to comply with this law and have been designed to fit the existing natural elements of the site instead of altering the site to fit the development goals.
 - b. Contours of existing and proposed conditions at vertical intervals of no more than two feet.
 - c. Temporary roads, driveways, parking areas and pathways, including the widths and slopes of these features.
 - d. Location of all mature trees within the proposed project limits that are located in a steep slope protection area and which, if any, of these trees will be cut as part of this project.
 - e. An overlay of each steep slope category as defined in this local law for existing site conditions.

- f. Location and description of all existing and proposed, open and closed, drainage features, to include roof drains, footing drains and retaining wall drains, with discharge points identified. Stormwater calculations shall be provided for all existing and proposed culverts or changes to gullies. The applicant will need to document that each of these drainage features can convey the twenty-five-year one-hour storm event.
 - g. The Planning Board may request cross-sectional profiles of the existing and proposed slopes for projects that disturb greater than 2,500 square feet of a steep slope protection area. The applicant is encouraged to submit three cross-sectional profiles of the existing and proposed slopes if the applicant proposes greater than 2,500 square feet of disturbance in a steep slope protection area to expedite the review process.
- B. The application shall be prepared in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

(8) Violations

Violations of these provisions shall be subject to the enforcement, remedies, fines, and penalties as set forth in Section 235-30."

SECTION 3 SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Section, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional or in any way null and/or void, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 4 EFFECTIVE DATE.

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

**TOWN OF MARCELLUS
LOCAL LAW NO. C OF 2026**

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS
TO ADD A NEW SECTION REGULATING BATTERY ENERGY STORAGE SYSTEMS IN THE
TOWN OF MARCELLUS**

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

SECTION 1 LEGISLATIVE INTENT & PURPOSE.

The purpose of this Local Law is to enact battery energy storage system regulations in the Town of Marcellus. The Town Board of the Town of Marcellus makes the following findings, which are cumulative and interrelated and shall be liberally construed: Throughout New York State, shortsighted and haphazard planning has frequently resulted in the creation or exacerbation of problem industries which adversely impact public health and quality of life, cause proliferation of pollution, compromise aesthetics, and degrade community character;

- A. Battery energy storage systems have increased significantly in number throughout the State and country and without careful planning, they can be sited without sufficient regard for their impact on the health, welfare, and safety of residents;
- B. The Town of Marcellus is a suburban rural community with a diverse landscape consisting of extensive water frontage, significant amount of wetlands, and sensitive soils;
- C. The Town of Marcellus has a significant agricultural community supporting various agricultural uses;
- D. If not properly regulated, installation of battery energy storage systems can create drainage problems through erosion and lack of sediment control for facility and access roads and can harm farmland and wetlands through improper construction methods;
- E. Battery energy storage systems, when improperly sited, are known to adversely affect property values and cause economic hardship to property owners;
- F. Battery energy storage systems may be significant sources of noise, including infrasound, that, if unregulated, can negatively affect quiet enjoyment of the area, properties, and the health and quality of life of residents;
- G. Construction of battery energy storage systems can create traffic problems and can cause damage to local roads and infrastructure due to the weight of the units;
- H. Battery energy storage systems have the potential to cause electromagnetic interference with various types of communications;

- I. Battery energy storage systems need to be regulated for removal when no longer utilized. It is incumbent upon the Town of Marcellus to ensure that funding for removal is secured as part of the permitting process;
- (1) As of the date of enactment of this Law, the overwhelming majority of utility- or grid-scale battery energy storage systems in the United States, which are classified as "Tier 3" herein, utilize lithium-ion cells. While lithium-ion battery technology offers numerous advantages in terms of longevity, energy density, and weight, it has numerous drawbacks as well, many of which are of concern to the Town Board, including but not limited to the following: Lithium-ion batteries utilize flammable electrolytes rather than the aqueous (water-based) electrolytes found in older battery technologies such as lead-acid and nickel-metal hydride;
 - (2) Lithium-ion batteries are particularly vulnerable to a condition known as "thermal runaway" whereby heat is generated at a higher rate than it can be dissipated. If a cell-specific critical temperature is reached, the internal cell structure can break down and the flammable electrolyte generates a flammable gas. If the internal pressure within the cell exceeds the mechanical strength of the battery housing, the housing may rupture. Alternatively, if the pressure exceeds a pre-set limit, a safety valve may open. In either case, a situation known as an "off-gas" event has occurred, and if an ignition source is present, the gaseous electrolyte may ignite;
 - (3) Ignition of gaseous electrolyte or the heat generated by the thermal runaway itself can heat adjacent cells above their critical temperatures, resulting in a cascading thermal runaway. Thus, a failure in a single cell failure may propagate and cause a catastrophic event involving the entire system;
 - (4) Off-gas events can release substantial amounts of electrolyte and combustion gases. Off-gases from lithium-ion batteries are extremely toxic and can contain mixtures of carbon monoxide, hydrogen, ethylene, methane, ethane, benzene, hydrogen fluoride, hydrogen chloride, and hydrogen cyanide, depending on the battery type. Hydrogen fluoride forms hydrofluoric acid upon contact with water, including water vapor in the air and moisture in the lungs and on the eyes. Hydrofluoric acid is highly corrosive and can cause chemical burns and blindness and, in addition, is a powerful contact poison that is readily absorbed through the skin, eyes, and lungs and can cause cardiac arrest. Hydrogen chloride forms hydrochloric acid upon contact with water, including water vapor in the air and moisture in the lungs and on the eyes. Hydrochloric acid is corrosive and can cause chemical burns on the skin, respiratory tract, and eyes, and in severe cases can cause permanent eye damage and death; and
 - (5) If off-gas accumulates within a space, there is a high risk of instantaneous ignition. The pressure from the resulting deflagration can rupture the structure;
- J. In the event of a thermal runaway, other battery failure, or a conventional fire that spreads to the batteries, the foregoing constitute a serious danger to first responders, passers-by, and persons on nearby properties. They also constitute a serious environmental hazard;
- K. Due to the foregoing risks, this Section contains regulations requiring passive and active fire

protection, explosion prevention, and other measures to mitigate the serious risks inherent to battery energy storage systems. However, no policy, procedure, or measure can provide complete safety or an absolute guarantee against a catastrophic event. Accordingly, strict rules and regulations regarding the construction, operation, and placement of battery energy storage systems are appropriate; and when considering the construction and maintenance of large-scale systems, appropriate weight and consideration should be given to numerous factors, including but not limited to the following:

- (1) The proximity of the proposed system to residential areas, schools, environmental resources including but not limited to wetlands, rivers, lakes, streams, and creeks;
- (2) The relative distress and disruption caused to the community;
- (3) The actual necessity for such facility given energy production in the area and region, including but not limited to clean energy production;
- (4) Past and present stresses and disruption imposed upon an area due to all types of energy production;
- (5) Alternatives to the proposed facility, including location in other areas, location in areas where demand is greater; and
- (6) The need to balance the burden upon the community with the potential benefits that the community may enjoy if the facility is approved.

SECTION 2 AUTHORITY.

This Section regulates Battery Energy Storage Systems (BESS) to protect public health, safety, and welfare.

- A. New York State Constitution Article IX §2(c)(6) and §2(c)(10);
- B. Statute of Local Governments §10(1), §10(6), and §10(7);
- C. Municipal Home Rule Sections §10(1)(i), §10(1)(ii), §10(1)(ii)(a)(6), §10(1)(ii)(a)(11), §10(1)(ii)(a)(12), and §10(1)(ii)(a)(14);
- D. Town Code Section 235-29;
- E. The Town of Marcellus's inherent police powers; and
- F. The Laws of the State of New York.

SECTION 3 AMENDMENT OF CHAPTER 235, SECTION 235-26 ("SUPPLEMENTARY REGULATIONS") OF THE CODE OF THE TOWN OF MARCELLUS TO ADD A NEW SUBSECTION N ("BATTERY ENERGY STORAGE SYSTEMS").

Chapter 235, Section 235-26 ("Supplementary Regulations") of the Code of the Town of Marcellus shall be amended to add a new Subsection N, titled "Battery energy storage systems," which shall read in its entirety as follows:

"SECTION 235-26 N BATTERY ENERGY STORAGE SYSTEMS.

(1) Purpose and intent.

The Town Board of the Town of Marcellus recognizes that battery energy storage is a clean, readily available, and renewable energy source. However, the Town Board finds a need to properly site battery energy systems within the boundaries of the Town to protect residential, business areas, and other land uses, to preserve the overall beauty, nature, and character of the Town, to promote the effective and efficient use of battery energy resources, and to protect the health, safety, and general welfare of the citizens of the Town. This Battery Energy Storage System Section is adopted to advance and protect the public health, safety, and welfare of Town by creating regulations for the installation and use of battery energy storage systems and equipment, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources;
- D. To ensure appropriate siting of battery energy storage systems in accordance with Town policy and the Town's land use goals;
- E. To respond to the recommendation from the Onondaga County Board to compose and adopt an ordinance to manage the review and permitting of battery energy storage systems; and
- F. To create synergy between battery energy storage system development and:
 - (1) Promote and manage new development in the Town to protect resources and the Town's unique identity, create new places, and balance the cost of providing public services;
 - (2) Ensure that growth occurs in a manner that preserves the quality of life and character of the community;
 - (3) Preserve and enhance the character of existing neighborhoods and hamlets;

- (4) Preserve and protect natural resources and farmland, and support the agricultural economy; and
- (5) Ensure the availability of public facilities, infrastructure, and services that adequately serve the present and future needs of Marcellus.

(2) Definitions.

As used in this section, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute.

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this Section, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic supervisory system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. One of the main functions of the BMS is to keep the cells operating within their designed operating parameters to prevent thermal runaway.

BATTERY ENERGY STORAGE SYSTEM: A collection of cells, assembled together, housed in a self-contained unit, or in a building that is constructed to meet specific standards related to industry and local fire codes, that is capable of storing energy in order to supply electrical energy to a building, a group of buildings, and/or the electrical grid at a future time. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

A. Tier 1 battery energy storage systems include either:

- (1) Battery energy storage systems for one- to two-family residential dwellings within or outside the structure with an aggregate energy capacity that shall not exceed:
 - a. Forty kWh within utility closets and storage or utility spaces;
 - b. Eighty kWh in attached or detached garages and detached accessory structures;
 - c. Eighty kWh on exterior walls; or outdoors on the ground.
- (2) Other battery energy storage systems with an aggregate energy capacity less than or equal to the threshold capacity listed in Table 1.

Tier 2 battery energy storage systems include battery energy storage systems that are not included in Tier 1, have an aggregate energy capacity greater than the threshold capacity listed in Table 1, and have an aggregate energy capacity less than 600 kWh.

Table 1: Battery Energy Storage System Tier 2 Threshold Quantities

Battery Technology	Capacity
Flow batteries	20 kWh
Lead acid, all types	70 kWh
Lithium, all types	20 kWh
Nickel cadmium (Ni-Cd)	70 kWh
Nickel metal hydride (Ni-MH)	70 kWh
Other battery technologies	10 kWh

B. Tier 3 battery energy storage systems include either:

- (1) Battery energy storage systems with an aggregate energy capacity greater than or equal to 600 kWh; or
- (2) Battery energy storage systems with more than one storage battery technology provided in a room or indoor area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

CODE ENFORCEMENT OFFICER: The Code Enforcement Officer of the Town of Marcellus.

COMBUSTIBLE STORAGE FACILITY: Any facility dedicated to the large-scale storage of gasoline, propane, natural gas, fuel oil, or similar products stored in permanent and stationary storage.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

CORRELATED COLOR TEMPERATURE: The specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

CRITICAL TRANSPORTATION INFRASTRUCTURE: Roadways or railways that, if closed, isolate residents, seasonal dwellings, or camping sites from egress from the region.

DEDICATED-USE BUILDING: A building that is built for the primary purpose of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code. It is constructed in accordance with the Uniform Code, and it complies with the following:

- A. The building's only permitted primary use is for battery energy storage, energy generation, and other electrical-grid-related operations;

- B. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems;
- C. No other occupancy types are permitted in the building; and
- D. Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain battery energy storage system, provided the following:
 - (1) The areas do not occupy more than 10-percent of the building area of the story in which they are located; and
 - (2) A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

DISASTER RESPONSE FACILITY: Any building or structure that serves a disaster response role for the community, including, but not limited to, schools, hospitals, police stations, fire stations, public libraries, animal or human detention or shelter facilities, and garages or marina berths (and the berthing access pathways) providing dedicated storage of emergency response equipment.

DWELLING UNIT: One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping, facilities for cooking, and provisions for sanitation.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Section, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Section, as currently in effect and as hereafter amended from time to time.

FLOW BATTERY: A type of rechargeable battery that uses typically large, separated liquid reservoirs of electrolytes that flow through a reaction zone to store, charge, and discharge energy. These electrolytes are typically nonflammable.

INSTALLED HEIGHT: The height above average finished grade of the lowest point on an installed luminaire.

KELVIN: A unit increment of temperature which is used as a color temperature scale of a light bulb. The symbol for Kelvin is "K."

LEAD-ACID BATTERY: A rechargeable battery that is comprised of lead electrodes immersed in sulfuric acid electrolyte. These batteries may be flooded, vented, sealed, or may come in other form factors. They may produce hazardous gases during normal operations.

LITHIUM-ION BATTERY: A storage battery with lithium ions serving as the charge carriers of the battery. The electrolyte is typically a mixture of organic solvents with an inorganic salt and can be in a liquid or a gelled polymer form.

LUMENS PER NET ACRE: The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, of the property to be illuminated. For the purpose of this calculation, the initial lumen rating declared by the manufacturer, which consists of the lumen rating of a lamp at the end of 100 hours of operation, shall be used.

LUMINAIRE: An individual lighting assembly, including the lamp and any housings, reflectors, globes, lenses, shields, or other components designed to block or distribute light. For the purposes of this Section, an internally illuminated sign is not considered a luminaire.

MODULE: A combination of multiple battery cells electrically connected and housed within a protective casing.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NICKEL-BASED BATTERY: A rechargeable battery in which the positive active material is nickel oxide, the negative contains either cadmium (Nickel-cadmium, Ni-Cd), hydrogen ions stored in a metal-hydride structure (Nickel-metal hydride, Ni-MH), or zinc (Nickel-zinc, Ni-Zn) as the electrode and the electrolyte is potassium hydroxide.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements, including all other occupancy types such as, but not limited to, commercial, industrial, offices, and multifamily housing.

NONPARTICIPATING PROPERTY: Any property that is not a participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

ONE- TO TWO-FAMILY DWELLING: A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

SPECIAL FLOOD HAZARD AREA: The land area covered by the floodwaters of the base flood is the special flood hazard area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

THERMAL RUNAWAY: A condition whereby individual battery cells enter an uncontrollable, self-heating state in which heat is generated at a higher rate than it can be dissipated. Thermal runaway events can result in ejection of shrapnel, particulates, and/or toxic/flammable gas, as well as extremely high temperatures, smoke, and fire. Fires caused by thermal runaway or the thermal runaway itself can heat adjacent cells to critical temperatures, resulting in a cascading thermal runaway.

TOWN: The Town of Marcellus.

TOWN BOARD: The Town of Marcellus Town Board.

UNIFORM CODE: The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Section, as currently in effect and as hereafter amended from time to time.

(3) Applicability.

- A. The requirements of this Local Section shall apply to all Battery Energy Storage Systems permitted, installed, or modified in the Town after the effective date of this Section, excluding general maintenance and repair, but including all battery energy storage systems for which an application of any type was pending as of the effective date of this local law.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Section shall not be required to meet the requirements of this Local Section.
- C. Modifications to, retrofits, or replacements of a battery energy storage system constructed or installed prior to the effective date of this Section that increase the total battery energy storage system designed discharge duration, storage capacity, or power rating shall be subject to this Section.
- D. In the event the language of this law can not be harmonized with Section 235-26 M ("Solar energy systems"), the more stringent requirement will apply.

(4) General Requirements.

- A. A Building Permit and Battery Energy Storage System Permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Town Board and Planning Board shall include review pursuant to Article 8 of the Environmental Conservation Section and its implementing regulations at 6 NYCRR 617, also known as the State Environmental Quality Review Act or SEQRA.
- C. Prior to operation, electrical connections must be inspected by an appropriate licensed electrical inspection person or agency, as determined by the Town. An electrical inspector must supply written verification that all electrical connections pass inspection.
- D. All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.
- E. All battery energy storage systems, regardless of Tier, shall require the issuance of a Building Permit. Tier 2 and Tier 3 battery energy storage systems shall additionally require the issuance of applicable Town approvals and permits, including Site Plan approval and a BESS Special Use Permit. Applicable fees shall be established by the Town Board and may be amended from time to time by resolution.
- F. Tier 2 and Tier 3 battery energy storage systems may be permitted on sites occupied by approved solar farms located within Commercial Zoning Districts.
- G. Where a conflict exists between two or more codes, the more stringent code(s) shall apply.
- H. For battery energy storage systems subject to Site Plan review, the Town shall impose, and may update as appropriate, a schedule of fees or a deposit, to recover expenses associated with engineering, environmental, other professional services, and/or legal services determined to be reasonably necessary in the processing of an application under this Section. All fees for outside professionals shall be paid by the applicant. All approved sites and buildings shall be demarcated with a weatherproof decal, sticker, or sign to uniformly identify the presence of a battery energy storage system. Such decal, sticker, or sign shall be consistent with the requirements of Uniform Code Section 1206.11.8, and shall be placed on the electric meter, on the main electrical switch panel, and by the front entry door.
- I. Nothing listed herein shall be deemed to restrict the Planning Board or Town Board, as appropriate, from requiring stricter standards for safety, the mitigation of environmental impacts, and/or to protect the character of existing neighborhoods.

(5) Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 battery energy storage systems shall be permitted in all zoning districts through the issuance of a Building Permit and shall be exempt from Site Plan review by the Planning Board.

(6) Permitting Requirements and Procedures for Tier 2 and Tier 3 Battery Energy Storage Systems.

Tier 2 and Tier 3 battery energy storage systems shall be permitted only within the A-1, L-1 and B-1, and only upon the approval of a Site Plan by the Planning Board, the granting of a Battery Energy Storage System Special Use Permit by the Town Board and the issuance of a Building Permit. The Site Plan Application shall contain the information and materials required pursuant to Section 235-28 of the Zoning Law.

A. Applications for the installation of Tier 2 and Tier 3 battery energy storage system shall be:

- (1) Reviewed by the Code Enforcement Officer and the Planning Board for completeness. An application shall be complete when it addresses all matters listed in this Section, including, but not necessarily limited to compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and matters relating to the proposed battery energy storage system and floodplain utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, permit time frame, and abandonment. Applicants shall be advised within 90 calendar days of the completeness of their application or any deficiencies that must be addressed prior to substantive review;
- (2) Subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in a newspaper of general circulation in the Town at least 10 days in advance of such hearing. Applicants shall have delivered the notice by first-class mail to adjoining landowners or landowners within 1,000 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing;
- (3) Referred to the Onondaga County Planning Department pursuant to General Municipal Section 239; and
- (4) M and the Town Planning Board for Site Plan review and advisory report.

- B. Upon closing of the public hearing, the Town Board shall take action on the application within 90 days of the public hearing, which can include approval, conditional approval, or denial. The 90-day period may be extended upon consent of the Town Board and applicant.
- C. Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles with new easements and rights-of-way.

D. Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

E. Signage.

(1) Pursuant to NFPA 855 Annex B, Section B.4 – Hazard Considerations Under Emergency/Abnormal Conditions, NFPA 704 placarding in connection with all battery energy storage systems and signage in compliance with ANSI Z535 shall be of an appropriate size and material and shall be placed outside the access gate or facility door. Such placard shall also include the following:

- a. The type of battery technology;
- b. Any special hazards associated with said technology;
- c. The type of fire-suppression system installed in the area of the battery energy storage systems;
- d. Twenty-four-hour emergency contact information (name/number), including applicable local, public, and private entities.

(2) As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

F. Lighting.

(1) Except as otherwise provided herein, all outdoor lighting at Tier 3 battery energy storage system sites shall be designed, installed, and operated in such a manner as to reduce light pollution. Where practicable, and if consistent with applicable Section, reflective paints and self-luminous markers shall be used for signs, curbs, steps, and other locations to reduce the need for permanently installed outdoor lighting.

(2) Luminaires:

- a. All outdoor luminaires shall be fully shielded and installed in the proper orientation to achieve fully shielded performance with respect to the horizontal plane.
- b. The installed height of an outdoor luminaire shall not exceed twenty-five (25) feet.
- c. All light sources shall have a correlated color temperature of 3,000° Kelvin or less.
- d. Upward-directed lighting is prohibited.

- e. All outdoor luminaires shall be controlled by a system that automatically extinguishes them when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch, or equivalent functions from a programable lighting controller, building automation system, or lighting energy management system.
- (3) The total light output from all luminaires used for outdoor lighting shall not exceed 100,000 lumens per net acre. Lighting installations located under canopies shall contribute 50-percent of their light output toward this limit.
- (4) Exemptions. The following are exempt from the lighting restrictions set forth herein:
- a. Lighting required by Town, county, state, or federal Section, including single-purpose emergency egress lighting on a structure;
 - b. Portable lighting temporarily used for maintenance or repair, provided that it does not create a hazard or nuisance and is deployed in such a manner as to minimize transmission of light offsite;
 - c. Upward-directed lighting to illuminate a flag. Flag illumination shall have a maximum inclination of 45° with a light output of up to 1,100 lumens and 60° with a light output of up to 800 lumens;
 - d. Upward-directed lighting to illuminate a ground-mounted, non-internally illuminated sign. Sign illumination shall have a maximum inclination of 45° and a maximum light output is 1,100 lumens;
 - e. Lighting controlled a motion-activated sensor that illuminates the luminaire for no more than five (5) minutes upon activation, provided that said luminaire has the necessary shielding and/or beam-angle control such that the light source is not visible along any property line, as viewed at a height of 36 inches above grade;
 - f. Lighting activated automatically in response to an alarm, provided that said lighting is programmed to deactivate no more than thirty (30) minutes after the event that triggered the alarm has ended; and
 - g. Lighting under canopies and garage entrances are exempt from the automatic lighting control requirement only.
- G. Vegetation and tree cutting. Areas within 20 feet on each side of Tier 3 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

H. Noise. The 10-minute average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the extremities of the battery energy storage system-sited property, as well as the outside wall of any nonparticipating property and occupied community building. The "average noise" requirement shall be conducted when all cooling systems and associated fans/blowers are running at their loudest speed setting. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate initial compliance only if in situ readings are also provided as taken by a qualified acoustical consultant or engineer upon commissioning of the project. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard. No momentary noise generation shall exceed 90 dBA.

J. Decommissioning

- (1) Battery energy storage systems that have been abandoned, or not operational, for one year shall be removed at the owner's and/or operator's expense which, at the owner's option, may come in part or whole from any security made with the Town.
- (2) Decommissioning plan. The applicant shall submit a decommissioning plan developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall also include:
 - a. The anticipated life of the battery energy storage system;
 - b. The anticipated years to large (>10-percent of initial equipment capital cost) reinvestments or component replacements;
 - c. A narrative description of the activities to be accomplished for removing all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - d. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;
 - e. Disposal of all solid, liquid, and/or hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - f. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system that has been damaged by a fire or other event.

(3) The Town at its option may obtain its own decommissioning plan, the cost of which shall be borne by the applicant.

(4) Security, limited access agreement, assessment of expenses, and insurance.

- a. The Town of Marcellus recognizes the importance of the need to possess adequate security in an easily convertible and usable form in the event the Town is forced to act to decommission the arrays and remediate a property if a permitted operation is abandoned. The Town of Marcellus also recognizes the long-term nature of some of these projects and the need to have a full cash security posting before the life of the project expiration date. Accordingly, the Town of Marcellus will require the posting of a cash component of no less than 50-percent of the total security amount determined, in addition to the initial posting of an irrevocable letter of credit. The Town shall require all applicants to post additional cash with corresponding decreases in the letter of credit posting throughout the term of the project life until the Town has a full cash security posting. The deposit, executions, or filing with the Town of cash and/or irrevocable letter of credit shall be in an amount set by the Town Engineer or Attorney, and sufficient to ensure the good-faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. In addition to the NYSERDA guidelines, the security amount shall factor in: mobilization costs, a minimum 2.5-percent escalation, a 30-percent contingency and consideration that prevailing wage rates will be required should the decommissioning fall to the Town.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash and/or letter of credit security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit and/or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. The Town may also bring legal action against the applicant for any unrecovered losses.
- c. In the event of default or abandonment of the battery energy storage system, the system shall be decommissioned as set forth herein.
- d. Any expenses or losses incurred by the Town and not reimbursed by any security in connection with the cost of removal of abandoned equipment or other related items and legal fees and expenses shall be levied and collected in the same manner as provided in the Town Code for the levy and collection of a special ad valorem levy on the real property on which the battery energy storage system is located. This assessment shall be assessed on the next assessment against said property, and the same shall be levied and collected in the same manner as the regular Town tax.
- e. Insurance. The applicant and/or owner shall maintain a current insurance policy which will cover the installation and operation of the Tier 3 project at all times in the minimum amount of \$5,000,000 property and personal liability coverage and provide proof of such policy to the Town on an annual basis.

- f. Limited site access agreement. The Town of Marcellus shall require all applicants to enter into a limited site access agreement upon the posting of security to ensure the Town may access the property in the event the Town is forced to act to decommission the project. The agreement shall be prepared by the Town Attorney in a form and content acceptable to the Town Board.

K. System Owner's Representative.

- (1) Any applicant and subsequent system owner shall have an individual on-site within two hours of any emergency at any time to manage the emergency scene in conjunction with Town authorities, fire department(s), and other first responders. All emergency response activities shall be under the command of the local fire authority in accordance with the Incident Command System (ICS). For the purposes of this provision, emergencies include but are not limited to fire, explosions, smoke, leakage, excessive noise, and requests for medical assistance.
- (2) Any applicant and subsequent system owner shall have a trained representative available by telephone within fifteen (15) minutes to provide direction to first responders in case of an emergency. Said representative shall be fluent in the English language. The applicant and system owner shall consult with local fire departments to determine if two-way communication can be established from the site location or if a landline must be added to provide for such communication.
- (3) A system owner shall provide and maintain in working order a first responder panel that displays, in real-time, the operational status of the facility as well as clear language for fire response procedures. The system owner shall provide and keep operational a system for automated notification of any emergency events to inform local first responders.

L. Setbacks.

- (1) All Battery Energy Storage System (BESS) proposals shall comply with the minimum yard, setback, and dimensional requirements applicable to the underlying zoning district in which the project is located. Required setbacks shall be measured from the nearest property line of the subject parcel to the closest exterior component of the BESS facility, including but not limited to equipment enclosures, battery units, inverters, transformers, and security fencing.

In recognition of the scale and potential operational impacts associated with larger facilities, Tier 2 and Tier 3 BESS installations shall provide an additional fifty (50) feet of setback beyond the minimum setback otherwise required by the applicable zoning district along any property line directly abutting an existing residence and/or a residential zoning district. The additional setback requirement shall apply only to those portions of the site adjoining the residence and/or residential zoning district and shall not be construed to apply to the entire perimeter of the BESS site.

No portion of the BESS facility, including fencing or associated equipment, shall be located within any required setback area.

M. Roads.

- (1) Applicants shall avoid damaging roads and shall be responsible for mitigation of damage, if any. If the Town Board shall so direct, a Town Roads Damage Avoidance and Mitigation Plan may be required and shall contain the following:
 - a. Identification of potential road usage. The applicant shall identify, with the approval of the Highway Superintendent and Town Engineer, all state, county, and Town roads to be used within the Town of Marcellus to transport equipment, parts, and material for construction, operation, and/or maintenance of the battery energy storage system and related components.
 - b. Documentation of road conditions. Prior to construction and decommissioning, the Highway Superintendent, Town Engineer, and/or their designee shall document the then-current road conditions of the Town roads identified for use, with all associated costs paid by the applicant as provided in this Section. Conditions shall be reassessed and documented within sixty (60) days after the completion of construction and decommissioning, or as soon thereafter as weather allows.
- (2) Any road preparation and/or maintenance necessitated or occasioned by the construction or decommissioning of the proposed battery energy storage system or damage caused by the applicant, operator, and/or their contractors during construction and decommissioning shall be promptly completed or required, as appropriate, at the applicant or operator's expense.
- (3) If a Town Roads Damage Avoidance and Mitigation Plan is prepared, a copy shall be forwarded to the Onondaga County Department of Transportation and the New York State Department of Transportation.

(7) Site Plan Application.

- A. Site Plan approval by the Planning Board is required for Tier 2 and Tier 3 battery energy storage systems. In addition to the requirements imposed by Section 235-28 of the Zoning Ordinance, Site Plan Applications shall include the following information:
 - (1) Property lines and physical features, including roads, and all improvements for the project site as shown on a current survey prepared and certified by a licensed land surveyor;
 - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;
 - (3) A one- or three-line (as determined by the Planning Board) electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection

methods, with all National Electrical Code-compliant disconnects and over-current devices;

- (4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a Building Permit;
- (5) Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of a Building Permit, name, address, phone number, and signature of the project applicant as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system;
- (6) Zoning district designation for the parcel(s) comprising the project site and all parcels immediately adjacent thereto, including the identification of any existing residences and/or residential zoning districts adjoining the project site;
- (7) Commissioning plan.
 - a. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer or NYS registered architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town Board prior to final inspection and approval and maintained at an approved on-site location.
 - b. Such plan shall comply with the Uniform Code and include, at a minimum, the following information:
 - i. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities;
 - ii. A listing of the specific battery energy storage system and associated components, controls and safety-related devices to be tested, a description of the tests to be performed and the functions to be tested;
 - iii. Conditions under which all testing will be performed that are representative of the conditions during normal operation of the system;

- iv. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the battery energy storage system;
 - v. Verification that required equipment and systems are installed in accordance with the approved plans and specifications;
 - vi. Integrated testing for all fire and safety systems;
 - vii. Testing for any required thermal management, ventilation, or exhaust systems associated with the battery energy storage system installation;
 - viii. Preparation and delivery of operation and maintenance documentation;
 - ix. Training of facility operating and maintenance staff;
 - x. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase; and
 - xi. Identification and documentation of personnel who are qualified to service, maintain, and decommission the battery energy storage system, and respond to incidents involving the battery energy storage system, including documentation that such service has been contracted for.
- c. Energy storage system commissioning shall not be required for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC;
- (8) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- (9) System and property operation and maintenance manual.
- a. Such manual or plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information and shall meet all requirements set forth in the Uniform Code.
 - b. The operation and maintenance manual shall be provided to both the battery energy storage system owner and their operator before the system is put into operation. The battery energy storage system shall be operated and maintained in accordance with the manual and a copy of the documentation shall be retained at an approved on-site location to be accessible to facility personnel, fire code officials, and emergency responders.
 - c. In addition to complying with the Uniform Code, the battery energy storage system operation and maintenance manual shall, at a minimum, include design, construction, installation, testing, and commissioning information associated with the battery energy

storage system as initially approved after being commissioned, as well as the following information:

- i. Manufacturer's operation manuals and maintenance manuals for the entire battery energy storage system or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions;
 - ii. The name, address, and telephone number of a service agency that has been contracted to service the battery energy storage system and its associated safety systems;
 - iii. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions, and control sequence descriptions for all energy storage control systems;
 - iv. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions;
 - v. A schedule for inspecting and recalibrating all battery energy storage system controls;
 - vi. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on site; and
 - vii. Inspection and testing records;
- (10) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town Board;
- (11) Emergency operations plan.
- a. An emergency operations plan shall include the following information:
 - i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions;
 - ii. Procedures for inspection and testing of associated alarms, interlocks, and controls;
 - iii. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for

potentially hazardous conditions in the event of a system failure;

- iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures shall include at a minimum activation of an alarm, notification of a local fire department, evacuation of personnel, de-energization of equipment, and control/extinguishing of the fire if appropriate;
 - v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;
 - vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;
 - vii. Other procedures as determined necessary by the Town to provide for the safety of occupants and emergency responders;
 - viii. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures;
 - ix. A map of the area indicating emergency access roads with turning radii dimensions and a turn-around loop; and
 - x. A listing of the required personal protective equipment (including self-contained breathing apparatus) to be on-site immediately;
- (12) In the case of a battery energy storage system utilizing lithium-ion batteries, a Hazard Mitigation Analysis (HMA) and Fire Risk Assessment pursuant to NFPA 855 Annex G and New York State Fire Code.
- a. Such analysis and assessment shall include, in addition to or supplemental to the requirements of NFPA 855 Annex G:
 - i. A detailed analysis of the available water supply for the fire suppression system and intended fire suppression system design. Capacity for a minimum of two external fire hose streams shall be included for potential fire department use of intervention is required by the local fire department, provided, however, that the required quantity of hose streams may be increased based on consultation with the local responsible and backup fire departments;
 - ii. Emergency equipment availability;
 - iii. Availability of operator supervision in a timely manner in accordance with the current New York State Fire Code (Uniform Code) as well as any requirements set forth herein;

- iv. Capability and required actions of local first responders. special concerns shall be given to prior response data of the local fire departments and the applicant, and the documentation shall be clear as to who has decision making power in an emergency. This shall be reinforced through the first responder panel;
 - v. Environmental considerations in the event of an emergency; and
 - vi. A determination as to whether a backup natural gas or propane generator with a power output and runtime satisfactory to the Planning Board shall be required sufficient to operate the cooling system and other critical components if the electric grid is not delivering power;
- b. The Hazard Mitigation Analysis shall be a "living document" which shall be updated to reflect changes in operation, configuration, and response requirements, including a post-installation update to account for changes in design, if any, that occurred between its initial preparation and final installation;
- (13) A traffic safety circulation plan, taking into account general internal circulation, loading/truck movements, and similar factors. The plan shall identify appropriate impact protection including but not limited to traffic barriers, bollards, and walls; and
- (14) Any other procedure or measure deemed necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and first responders.
- B. Height. The maximum height for Tier 2 and Tier 3 battery energy storage systems shall be 16 feet.
- C. Fencing requirements. Tier 2 and Tier 3 battery energy storage systems, including all mechanical equipment, shall be enclosed by a fence at least eight (8) feet high with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Fences shall not interfere with ventilation or exhaust ports and shall bear warning/no trespassing signs in the English and Spanish languages no greater than fifty (50) feet apart.
- D. Screening and visibility. Tier 2 and Tier 3 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.
- E. Special and additional requirements for Tier 3 applications:
- (1) Plans and drawings of the proposed Tier 3 installation signed, marked and/or stamped by a professional engineer or architect registered in New York State showing the proposed layout of the entire site along with a description of all components whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved. The plans and development plan shall be drawn in sufficient detail and shall further describe:

- a. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals;
 - b. Location, approximate dimensions and types of all existing structure(s) and uses on the site;
 - c. Location and elevation of the proposed Tier 3 installation;
 - d. Location of all existing aboveground utility lines showing the connection of the system to the utility line within 1,500 linear feet of the site;
 - e. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Tier 3 project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Town Board may waive this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility;
 - f. Location of all structures proposed as part of the installation;
 - g. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, and similar features;
 - h. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site;
 - i. Documentation of utility notification, including an electric service order number; and
 - j. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.
- F. Prior to the issuance of the Building Permit or final approval by the Town Board, engineering documents must be signed and sealed by a New York State licensed professional engineer or registered architect.

(8) Ownership Changes.

If the owner or operator of a battery energy storage system changes or the owner of the property upon which a battery energy storage system is sited changes, the BESS Special Use Permit shall remain

in effect, provided that the successor owner or operator assumes in writing all of the obligations of the BESS Special Use Permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system or the property upon which a battery energy storage system is sited shall notify the Town of such change in ownership or operator within 30 days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Marcellus Town Hall. The BESS Special Use Permit and all other local approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Town as set forth above. Reinstatement of a void BESS Special Use Permit shall be subject to the same review and approval processes for new applications under this Section.

(9) Safety.

A. System certification.

- (1) Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 or CAN 9540 (standard for battery energy storage systems and equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical):
 - a. UL 1973 (Standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications);
 - b. UL 1642 (Standard for lithium batteries);
 - c. UL 1741 or UL 62109 (inverters and power converters);
 - d. Certified under the applicable electrical, building, and fire prevention codes as required; and
 - e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- (2) Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76 are not required to be listed.

- B.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

- C. Where deemed necessary by the Planning Board in the case of a Tier 2 application or the Town Board in the case of a Tier 3 application, the Applicant shall ensure emergency access to the Facility Area for local first responders by installing an emergency lock box or similar device, in a location and of a type subject to approval by the Fire Chief of the volunteer fire department responsible for fire protection at the site.
- D. The system owner or operator shall notify local fire departments, the Onondaga County Department of Emergency Management, and the Town of Marcellus at least ten (10) days prior to any scheduled maintenance or battery removal/installation.
- E. Security cameras shall be installed if required as part of the Hazard Mitigation Analysis or if recommended by the Town Supervisor or his/her designee.
- F. Compliance with the Uniform Code and applicable standards of NFPA 855 shall be certified annually to the Code Enforcement Officer.

(10) Permit Timeframe and Abandonment.

- A. The BESS Special Use Permit and Site Plan approvals shall remain valid for a period of twelve months from the date of approval, provided that a Building Permit is issued and substantial construction is commenced within such period. If construction is not completed in accordance with the approved final Site Plan, as may be amended, within twelve months of approval, the Commissioner of Planning & Development may authorize an extension of time upon a determination that substantial progress has been made, and the applicant is proceeding in good faith toward completion. If an extension is not granted, all approvals shall become null and void.
- B. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Tier 3 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

(11) Additional Environmental Regulations.

- A. Avoidance Areas. Battery energy storage systems shall not be located in the following areas:
 - (1) Flood Hazard Zones, unless compliance with FEMA regulations can be achieved without significant visual or safety impacts;
 - (2) Open space;
 - (3) Near historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the resource and is fully reversible;
 - (4) Areas of exceptional or unique social archaeological, recreational, or educational value;
 - (5) Designated conservation areas;

- (6) Areas adjacent to public, parklands, trails, or active recreation; and
- (7) Any Critical Environmental Areas adopted pursuant to SEQRA and/or the habitats of endangered species.
- (8) Wetlands Compliance.

All BESS proposals shall comply with all applicable federal and New York State freshwater wetland Sections and regulations, including those administered by the New York State Department of Environmental Conservation (NYSDEC). Where regulated wetlands or adjacent areas are present on or near the project site, the applicant shall identify and delineate such resources and obtain all required permits, approvals, and jurisdictional determinations from NYSDEC prior to the issuance of any local approval, Building Permit, or commencement of construction.

The applicant shall provide documentation satisfactory to the reviewing authority demonstrating compliance with all applicable NYSDEC wetland requirements. No land disturbance, clearing, grading, or construction activity shall occur within any regulated wetland or adjacent area except in accordance with duly issued permits.

- B. If ethylene glycol is used as part of a liquid cooling system, a containment pan shall be installed underneath the facility as a supplemental secondary containment, together with an off-site disposal plan satisfactory to the Planning Board.
- C. In the event of a fire or explosion, all expenses related to cleanup and remediation shall be paid or reimbursed by the system owner or operator.

(12) Enforcement.

Any violation of this Battery Energy Storage System Section shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Marcellus.

(13) Waiver.

The Town Board may, under appropriate conditions or circumstances, and in its absolute discretion, waive one or more of the submission requirements contained herein.

(14) Fees.

Fees for application are those as established by the Town of Marcellus by the resolution of the Town Board, and it shall be the responsibility of the applicant to reimburse the Town for any and all reasonable and necessary legal, engineering, and other professional fees incurred by the Town in reviewing and administering an application for a battery energy storage system under this Section.

(15) Community Host Agreement Authorization.

For any proposed Tier 2 or Tier 3 BESS, the Town Board shall have the authority, but not the obligation, to require the applicant to enter into negotiations for a Host Community Agreement (HCA) as a condition of approval.

The Town Board may authorize such negotiations upon receipt of a complete application or at any time during the review process. The purpose of the Host Community Agreement shall be to address potential impacts associated with the project and to ensure that the Town and its residents are appropriately protected and compensated. Such agreement may include, but shall not be limited to, provisions relating to community benefits, impact mitigation, emergency services coordination, infrastructure improvements, decommissioning assurances, and other matters deemed necessary by the Town Board.

Execution of a Host Community Agreement, in a form acceptable to the Town Board and Town Attorney, may be required prior to the issuance of any BESS Special Use Permit, Site Plan approval, Building Permit, or certificate of occupancy for a Tier 2 or Tier 3 BESS.

Nothing herein shall be construed to limit the Town Board's authority to deny an application or to impose conditions pursuant to its zoning and police powers in the absence of a Host Community Agreement."

SECTION 4 SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Section, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional or in any way null and/or void, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 5 EFFECTIVE DATE.

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

**TOWN OF MARCELLUS
LOCAL LAW NO. D OF 2026**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF MARCELLUS**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2027, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2027 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

August 26, 2026

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, August 26, 2026, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

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

Also Present: Lori Petrocci, Budget Officer, Linda Wilcox.

An overview of the Tentative Budget summary sheet was given along with the Board discussing each department's budget requests.

Discussion ensued regarding the cost of living and salaries. Currently, the salary increases for employees are being calculated at 3% and 3.5%. The Judges, Tax Collector, Dog Control, Town Supervisor, Councilors and the Assessor will remain at their current salaries.

The next budget meeting will be held on Wednesday, September 2nd 4:00 p.m.

The meeting concluded at 7:00 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 2, 2026

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 2, 2026, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

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

Also Present: Lori Petrocci, Budget Officer, Steve Knapp, Director of MAVES, Dave Card, Bobby Mayers, Nancy & Art Hudson from the Fire Department. Mike Ossit, Highway Superintendent and John Houser, Code Enforcement Officer.

Stephen Knapp, Director of MAVES, went over the proposed 2027 budget for MAVES, stating there would be a \$25,000 decrease to the budget. He stated that the bottom line has improved. MAVES has offset the costs to the Town by answering calls for several other towns.

Mike Ossit, Highway Superintendent, stated that 2 of his employees had left for other jobs and the main reasons for this are salary and retirement. He stated that the hourly wage the employees earn is lower than other towns and would like to see it raised from \$28.90 to \$32.00 per hour. The Board asked Mike to check into where new employees could be trained for the special license needed to drive a plow truck and what the cost may be. He also proposed increases in portals, phone stipend, comp time and clothing allowances for his employees. He also requested that the truck reserve be increased from \$60,000 to \$75,000 to cover the rising costs of the plow trucks that will need to be replaced. For himself, he proposed a stipend in the amount of \$5,000 for sewer maintenance. The sewer maintenance stipend was discussed last year, and it was decided that for the first year, he would see how it goes as far as time and what's needed to be done and that a stipend would be discussed for the following year.

John Houser, Codes Enforcement Officer proposed a storm water stipend in the amount of \$2,000 for the work he performs concerning storm water. He also stated that he is the chairman of the storm water committee. The Board asked how many fire inspections are scheduled per week by the Deputy Codes Enforcement Officer. Between 1-3 inspections are scheduled per week. Building inspections are decreasing and there will be no change in amount for the demolition of buildings.

Dave Card, President of the Marcellus Fire Department, gave an overview of the budget requesting an increase to the Truck Reserve of \$75,000 for a total amount of \$160,000 for a purchase of an Aerial Fire Engine. These are specialized fire vehicles equipped with extendable ladders or booms to provide access to high places, elevating platforms or water tower devices, each designed for a specific firefighting need. The selection of an Aerial Firetruck depends on the community's needs and the fire department's mission. Discussion ensued regarding the amount requested for the truck reserve. Dave Card is looking for a commitment from the Town to put \$160,000 each year into the Truck Reserve. He would like notification when the amount is decided.

To increase the Truck Reserve, Dave Card suggested billing an additional \$500 per parcel to each taxpayer. The Board stated that this will need to go to a referendum along with getting voter approval to purchase the fire truck.

With regards to the possible Worker' Comp change, Councilor Pollard stated that each year, the Town will on pay what the 1st quote stated. Should the premium increase, the fire department would be responsible.

The amount of the Reserve will be \$100,000, which is an additional increase of \$15,000 from 2025.

The next budget meeting will be held on Wednesday, September 9th at 4:00 p.m.

The meeting concluded at 6:15 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

Marcellus Town Board
Town Board Meeting
Wednesday, September 2, 2026
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 2, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: Mr. Eaton, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; John Houser, Codes Officer; Linda Wilcox, Town Historian; Bill Southern, Joel McNally, Fire Department; John Pawlewicz, Patty Bishop, Jim Gascon, Kathleen Joy, Tom Lathrop, Michael Patrick, Jeff Brown, Chris Burtis, Laurie Stevens, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

Town of Marcellus Legal Services:

Councilor Berwald, "I would like to make a motion to address this. Let me start off with, this is not an attack on Jim Gascon. It's about putting information out to the public and being transparent. After our meeting on Wednesday, August 19th, the board was advised by Counsel that Jim Gascon had resigned at 5:00PM that day for unspecified reasons. During that meeting we all agreed to stay with Costello, Cooney & Fearon and Jeff Eaton as our new Attorney.

Tuesday the 25th Supervisor Attley texted the Board and asked our thoughts about our legal services, stay or move to the new firm with Jim? I replied that there is nothing to discuss, we all agreed the previous week to stay with the current law firm. She replied that we didn't have all the information.

On Monday the 31st at approximately 4:00PM I received a call from our Town Attorney Jeff Eaton, that he received a message from Jim Gascon telling him that he would be attending tonight's Board meeting because the Town of Marcellus had decided to stick with him. Jeff called me since he had no conversations with the Town Supervisor and wanted to hear this from the Town Board itself. I told him it was the first time I had heard of it.

At 5:36, the same day, Supervisor Attley sent a text message to all the Board members telling us she sent an email to Jeff Eaton advising him that the majority of the Board along with Codes and the Planning and Zoning Board all want to continue with Jim.

This morning, I learned that Jim Gascon will be our attorney tonight and this topic was moved to the top of tonight's agenda. As of today, I still don't know why Jim resigned from his firm or why we need a new firm right now with four months left in our contract.

The Supervisor cannot make arbitrary decisions on her own without discussing it with the entire Board and voting on it.

Anyone with concerns about the CCF law firm shouldn't have. I haven't heard of any problems with the firm [in] all the time we've been with them. Except, now that Jim is gone. Jeff, Rich and several other attorneys from the firm have worked on all our legal issues behind the scenes for years for Jim. This goes for Planning/Zoning and Comprehensive Boards.

If the intention of some of the Board [members] is to find a new law firm for whatever reason, then the Board should vote on the issuing RFPs [Request for Proposal] to law firms for consideration. That's the procedure that has been followed in the past.

But, for now, I make a motion to continue until the end of this year's contract with Costello, Cooney & Fearon."

Councilor Hoey, "I think we are jumping. This is an awkward situation because she (Supervisor Attley) was in the process of introducing a motion, then we shifted over to a different motion. So now we are complicating matters."

Councilor Berwald, "I didn't hear a motion she made."

Supervisor Attley, "I was starting."

Councilor Berwald, "I didn't hear it."

Town Counsel, Mr. Eaton If there is no second to the motion then it dies on the floor, and you can move [onto] the second motion.

Councilor Hoey, "There are multiple ways you could vote on this. You could vote on ending a contract or an agreement. You could vote on as a standalone. You could vote on a combined resolution of ending something and then deciding to switch firms."

Councilor Berwald, "The motion is to continue with the current law firm we have until the end of the year until the contract is up."

Councilor Clarke, "That is for the Town and the Planning and Zoning all combined, correct?"

Councilor Berwald, "Yes."

Councilor Hoey seconded the motion to continue until the end of this year's contract with Costello, Cooney & Fearon.

Councilor Hoey requested a discussion before the final vote was taken.

Councilor Berwald if some members of the Board want to switch firms, then we need to go through the proper process of RFPs and work on that through the rest of the year and then start fresh at the beginning of the year. "I'm okay with that. But to do this, I think it's wrong, what is going to take."

Councilor Hoey there's an issue of timing. In terms of when those decisions are made.

Councilor Clarke based on emails from Department heads of Planning and Zoning and Codes, they have requested to stay with Jim Gascon as legal counsel. The Town Board and Planning and Zoning can have separate firms representing the Departments.

Councilor Hoey that is a decision the Town Board can make for Planning and Zoning. "I fall somewhere in the middle on this. There are strong opinions on this board going in both directions. They're two legitimate positions, which makes it tricky. There's a lot of benefits that Jim brings to the table, of course. And we also have an existing law firm that we are pleased with. So, I understand that. I'm not super fired up about this in terms of I need [needing] to do this."

Councilor Berwald, "Bottom line is we have a contract with Costello, and Jim is not with that firm anymore. So, we stay with Costello. If we want a new firm, if we want Jim back with another firm, then go through the RFP process."

Councilor Hoey, "Regardless, we have to make a new agreement at the end of December anyway."

Town Counsel, Mr. Eaton, "I do just want to point out [that] the board does have the option, because it's a personnel matter, if some of these conversations would be better had in executive session."

Councilor Clarke, "So the contract is year to year, and what's the binding penalties for ending the contract early on our part?"

Town Counsel, Mr. Eaton, "There's no penalty."

Councilor Hoey, "Does anyone feel a need to go into executive session?"

Councilor Berwald, "No. Are we done with discussion?"

Supervisor Attley, "Call for a vote."

Councilor Clarke, "What are your thoughts, Councilor Berwald?"

Councilor Berwald, "To stay with the attorney we have now, the Costello firm. Then we should work on an RFP. Get the information from different firms and look at which firm we want to go with for next year."

Councilor Clarke, "Did we get a contract from Jim and the new firm already?"

Supervisor Attley, "I did forward the email to all of you."

Marcellus Resident, Bill Southern, "Did you get a formal contract from the other firm?"

Supervisor Attley, "Not a formal contract, just the numbers of what twenty twenty-seven would be."

Marcellus Resident, Bill Southern, "So you don't have a contract to look at?"

Councilor Hoey, "If we had that now or if we had that next week, would it be something we would like?"

Councilor Clarke, "I would think so, you always want something in writing."

Mr. Gascon, "I think Supervisor Attley's motion clarifies the issue."

Councilor Berwald, "She doesn't have a motion, I made the motion."

Marcellus Resident, Bill Southern, "You don't have a contract, how can you vote on it?"

Councilor Berwald, "We must vote on the motion that is on the table to keep Costello until the end of the year."

Councilor Hoey, "I don't know when you can make a motion to table it. I don't know if that supersedes."

Town Clerk, Rosemary Tozzi if a motion is made to table it, does that supersede Councilor Berwald's motion or do they need to follow through with that motion before they can table it?

Councilor Pollard, "There's a motion on the table. We have a first and a second. We should be voting on that motion. Unless Jeff wants to rescind it or retable it."

Councilor Hoey, "Are you interested in tabling it?"

Councilor Clarke, "Yes, I would be interested in tabling it for further discussion and a contract."

Town Counsel, Mr. Eaton, "A motion may be taken from the table after one item of business has been conducted. A motion is not taken from the table by the end, then it is considered dead. So, you could potentially move to table the motion."

Councilor Clarke, "I'll move to table."

Councilor Hoey, "Supporting Percy's position, out of deference to Percy, I will second that motion. He's asking for more information and time with that information to make a decision. I respect that. I'm willing to support tabling if that's what he needs to make a decision."

Councilor Berwald, "I made a motion to continue with Costello firm until the end of the year. That was seconded by Councilor Hoey."

Councilor Hoey, "Councilor Clarke has concerns. I'm entertaining those concerns. He's asking for more information. I'm willing to second his motion."

Councilor Pollard, "What are we voting on?"

Councilor Berwald, "My motion."

Councilor Hoey, "If there's a motion to table, you have to deal with that first."

Councilor Pollard made a motion to go into executive session for personnel issue at 6:50 PM, Supervisor Attley seconded the motion.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Supervisor Attley I will call the meeting back in order at 7:07 PM.

Supervisor Attley I make a motion to table this discussion to further get more information. Councilor Clarke seconded the motion.

Ayes- Attley, Clarke and Hoey

Nyes – Berwald and Pollard

Carried

Waive the Reading and Accept the Minutes: Councilor Clarke made a motion seconded by Councilor Hoey to waive the reading and accept the minutes as submitted by the Town Clerk for August 5, 2026, Town Board meeting and for August 16, 2026, Workshop meeting.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #8 for August 24, 2026, Claim's # 159963-159971.

Expenses

General Fund	\$16,470.36
Part Town General	2,546.42
Townwide Highway	2,191.47
Part Town Highway	2,613.80
Trust and Agency	1,888.27
Total	\$25,710.32

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #9 for September 2, 2026, Claim's # 159972-160006, 160018-160022.

Expenses

General Fund	\$39,622.25
Part Town General	94.73
Townwide Highway	222.78
Part Town Highway	2,288.56
Fire District	89,983.50
Ambulance Fund	76,725.00
Total	\$208,936.82

Board Members were given the Activities Report as August 28, 2026. Fiscal year 2026 Period 8.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,425,029.93)	964,400.74
Part Town General	(225,179.34)	115,573.12
Townwide Highway	(684,537.11)	319,273.49
Part Town Highway	(391,337.86)	172,857.16
Fire District	(447,730.48)	307,370.25
Hydrant Fund	(3,493.64)	1,797.83
Ambulance Fund	(311,771.70)	233,821.50
Sewer District	(216,244.20)	137,967.76
Water District	(88,746.61)	181,099.90

Bank Balances:

The total of all Bank Balances for July 2026 is \$5,605,155.12

Councilor Hoey made a motion seconded by Councilor Clarke to approve the Abstract of Audited Voucher Report for August 24, 2026, September 2, 2026, the Activities Report as of August 28, 2026, and the bank balance as of July 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 NO. C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
September 2, 2026
TOWN OF MARCELLUS LOCAL LAW C-2026**

**("A Local Law to Amend Chapter 235 of the Code of the Town of Marcellus to Add a New Section
Regulating Battery Energy Storage Systems in the Town of Marcellus")**

Pursuant to the Municipal Home Rule Law § 10, Councilor Hoey introduced proposed Local Law C-2026, relating to amending the Town of Marcellus Zoning Law to add a new section regulating battery energy storage systems within the Town of Marcellus, which was seconded by Councilor Clarke.

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, 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 the New York State Environmental Quality Review Act (SEQRA) 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 of said Local Law is a Type 1 action for purposes of environmental review under SEQRA; and

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

WHEREAS, 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; and

WHEREAS, the Town Board previously introduced proposed Local Law C-2026 at the Town Board's regular meeting of August 19, 2026, with the proposed adoption of said proposed Local Law noted as an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, due to the heightened environmental review needed to adopt proposed Local Law C-2026 as a Type 1 action for purposes of environmental review under SEQRA, the Town Board desires to repeal the introduction of proposed Local Law C-2026, re-introduce proposed Local Law C-2026, and undertake a more thorough environmental review and completion of a full environment assessment form (EAF).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that the introductory resolution dated August 19, 2026 for proposed Local Law C-2026 is hereby repealed; and

RESOLVED AND DETERMINED that the introductory resolution dated September 2, 2026 for proposed Local Law C-2026, and adjoining full environment form (EAF), shall dictate the renewed re-introduction of proposed Local Law C-2026 and necessary environmental review under SEQRA; and

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law C-2026 at the Marcellus Town Hall located at 22 East Main Street,

Marcellus, New York in the Town of Marcellus on October 7, 2026 at 6:30 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 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: September 2, 2026

New Business:

Otisco Lake Preservation Association (OLPA): Kathleen Joy, OLPA Board Member is requesting the Town of Marcellus add \$8,000.00 to next year's Town budget and each year thereafter, dedicated to OLPA to remove the invasive weeds in Otisco Lake, specifically for the portion of the cost to operate and maintain the harvester. Weed abatement in the lake and contributing sources in the watershed have been a major focus of OLPA. Onondaga County has provided OLPA with a grant to purchase a weed harvester for the lake. Harvesting comes with an operating cost. Gas, maintenance, salaries, insurance, storage for the winter and weed disposal itself costs approximately \$44,000.00 per year. Weed management benefits the entire lake and its surrounding Towns yet there is no steady revenue to support it. Otisco Lake is not only a drinking water source for parts of Onondaga County, it is a recreational source bringing in sales tax and revenues it is also a source of property tax revenue for the Town. The request for \$8,000.00 in this year's budget is an investment in the future of the Town and the Lake itself.

Local Law NO. D of 2026 Tax Levy Override:

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
September 2, 2026
TOWN OF MARCELLUS LOCAL LAW NO. D OF 2026
("A Local Law Overriding the Tax Levy Limit Established
in General Municipal Law §3-c in the Town of Marcellus")**

Councilor Berwald introduced proposed Local Law No. D-2026, relating to the ability of the Town of Marcellus to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town

budget for the fiscal year 2027 in excess of the "tax levy limit," if necessary, and made the following motion, which was seconded by Town Supervisor Attley:

WHEREAS, 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 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 of 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, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. D-2026 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED, 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 AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. D-2026 at the Town Hall located at 22 East Main Street, Marcellus,

New York on October 7, 2026, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Marcellus and to any affected municipalities described above.

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: September 2, 2026

Reports from Department Heads:

Codes: John Houser, Codes Officer; I want to be transparent and present my support for Attorney Jim Gascon to remain as legal counsel for the Town Board and Planning and Zoning. I have worked with Mr. Gascon for fourteen years on multiple projects.

Highway: Mike Ossit, Highway Superintendent; We received an estimate today for more work to be done on the roof units from Advance Mechanical. They fixed the two motors that were not working on separate units. While they were doing that, they were going through and checking everything they found more repairs are needed. The RTU serving the meeting/court room and the RTU serving the middle of the building have a controller issue causing the condenser fan to run constantly. The quote provided for the repairs is \$3,646.92.

Councilor Berwald made a motion seconded by Councilor Clarke to approve the quote for \$3,646.92 to allow Advance Mechanical to complete the repairs.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Two staff members have resigned from the Highway Department. The Department is looking to hire new staff.

Parks/Recreation: Don MacLachlan, Park and Recreation Director; A recent part-time park staff hire has decided to resign from the position. I would like approval to hire Pat Cheevers to replace the staff member that left.

Councilor Berwald made a motion seconded by Councilor Hoey to approve Don to hire Pat Cheevers as a part-time park employee.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

The amphitheater will be completed soon apart from landscaping.

Town Clerk- monthly report: Rosemary Tozzi, Town Clerk; presented the monthly report for August 2026.

CNYSPCA \$5.00

Dog Licensing \$310.00

Certified Copies of Marriage \$20.00

One-day Marriage Officiant \$25.00

Passports \$560.00

Conservation \$129.91

Marriage Licensing Fees \$70.00

Trash Permit-truck \$45.00

Building \$654.00

Zoning Fees \$300.00

Discussion Agenda:

Fire Department Financials: The Marcellus Fire Department turned in their financial statements through July 31, 2026, and the chief's report. A copy is available at the Town Clerk's Office upon request during business hours 8:30AM-4:00PM Monday through Friday.

Joel McNally, Fire Department; The Marcellus Fire Department will be holding a 9/11 remembrance in the Village at the point. The American Flag will be hung from a fire truck, and a firefighter will sit in gear under the Flag from the time the first tower was hit at 08:46 to the time the last tower fell at 10:28.

Moratorium for Data Centers: Councilor Hoey, the moratorium for data centers comes from the comprehensive plan committee.

Councilor Pollard, the Town should have one. A company is trying to put one up on Cayuga Lake in the town of Lansing right now. Lansing has done nothing, moratorium or otherwise, to stop it. They're going to look at the northeast and say, "Look at the water we have." It's a mistake if we don't do a moratorium.

Councilor Hoey, the state has one, but it's for larger data centers. It doesn't cover smaller ones.

Councilor Berwald, it's only for a year.

Town Counsel, Mr. Eaton, we have had a lot of requests from towns in the area recently. In addition to the State's moratorium, Albany's objectives change at times, if that moratorium goes away, it's open season again. There is one in Lansing. There's also one in Lysander that was going to be considered before they adopted a moratorium as well. The issue with the data centers that people are concerned about is noise, location to residential or high-traffic areas like schools and things, and significant drain on resources such as power and water. We can have something ready, if the board wants to look at it at the next meeting.

Councilor Pollard, A moratorium would allow us time to study the issue and come up with some regulations that the planning board could go by. We have a lot of open land around here, and a lot of water, and that is what they want.

Town Counsel, Mr. Eaton, similar to how you are moving forward with the battery storage, with reasonable restrictions to allow for it in certain areas or not, it would probably make sense to adopt those sorts of things for data centers as well. A moratorium would allow you to do that in peace without the fear of somebody coming in and trying to rush for a permit before you get the legislation together

and exploit any weakness in the zoning to try and put it somewhere. So, if you are interested, we can have something for you at the next board meeting.

Councilor Hoey, it was the recommendation from the comprehensive plan committee to the Town Board that the Town Board acts and move forward with a moratorium for data centers.

Councilor Pollard, this should be put on the agenda for next month.

Budget Meetings:

Supervisor Attley, we are going to cancel the meeting on September 16th. We are going to add two meetings, one on Tuesday, September 22nd at 4:00, and another one on Wednesday, September 23rd at 4:00. The meeting on September 23rd will be as needed.

Adjournment: Councilor Clarke made a motion seconded Councilor Hoey to adjourn the Meeting at 7:39 PM.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 9, 2026

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 9, 2026, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

Jane Attley, Supervisor
Jeff Berwald, Councilor
Terry Hoey, Councilor
Karen Pollard, Councilor

Also Present: Lori Petrocci, Budget Officer, Rose Tozzi, and Linda Wilcox

Councilor Clarke was absent

Rose Tozzi, Town Clerk, gave a detailed reason for the suggested salary increases for herself and Suzanne Tobin, her Deputy Clerk. With the Recreation Office being part-time, Suzanne covers the office when the Recreation Clerk is not in the office along with covering the Town Clerk's office when Town Clerk is not there. The Town Clerk has taken on additional duties which include working with the bank to approve/disapprove checks that the bank is sending back for verification and assisting the Highway and other departments with clerical activities. At one time, the Deputy Clerk position was full-time. It has now become part-time. It was also suggested that a company come in and reassess the employee's positions and adjust the salaries to the job description.

Councilor Pollard read from the Fire Department contract questioning some of the articles in the contract. With respect to the request for an increase in the Fire Truck reserve, Councilor Pollard would like to increase the reserve fund an extra \$75,000, making the total reserve to be \$160,000. She would also like to add an additional \$75,000 for a total of \$225,000 to the General budget to reduce the amount that goes out to the taxpayers.

It was decided by the Board, the Fire Department may change Workers' Compensation carriers. Language in the Fire Department contract should be changed to reflect this. It was also stated that there should be more oversight with regards to the Fire Department.

Supervisor Attley suggested that the park employees hourly rate should be increased to \$20 per hour. The Board agreed.

It was also suggested that the Town Historian's contractual line be increased to \$6,500, increase the MEO's hourly rate to \$31. And give the Highway Superintendent a \$5,000 stipend for taking care to any sewer issues.

The next budget meeting will be held on Tuesday, September 22nd at 4:00 p.m.

The meeting concluded at 6:40 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

Marcellus Town Board
Workshop Meeting
Wednesday, September 16, 2026
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 16, 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, Denis Donovan, Josh Flege, Reagan Insurance; Tom Lathrop, John Pawlewicz, Tim Chase, Art and Nancy Hudson, Susan Dennis, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

PUBLIC HEARING: LOCAL LAW NO. B of 2026 STEEP SLOPE PROTECTIONS

The Onondaga County Planning Board resolution regarding Local Law No. B of 2026 was not received in time for this meeting. Therefore, the matter will remain open and will be discussed at the next meeting when all relevant information is available.

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #8 for September 16, 2026. Claim #'s 160034-160061.

	Expense
General Fund	\$32,685.73
Part Town General	1,734.25
Townwide Highway	32,371.64
Part Town Highway	5,585.90
Fire District	10,937.25
Ambulance Fund	1,209.50
Total	\$84,524.27

Councilor Pollard made a motion, seconded by Councilor Hoey, to approve the Abstract of Audited Vouchers and authorize payment of the bills for September 16, 2026.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Old Business:

Town Hall Security: Councilor Berwald, a meeting was held with Councilor Pollard, John Houser, the Code Enforcement Officer, Mike Ossit, Highway Superintendent, Mr. LaHood of QPK, and Rosemary Tozzi, Town Clerk. During the meeting, we explained the situation and discussed potential solutions. A simple remedy was identified: remove the gate located at the end of the hallway near the Codes Office and replace it with a wall containing a door.

Councilor Pollard, it was also agreed that panic buttons would be installed at the Town Clerk's and Deputy Town Clerk's workstations. The meeting room door will remain locked, and the door connecting the meeting room to the rear hallway will also remain locked. As a result, there will be no access or egress through the rear hallway from the meeting room. These measures are intended to enhance security while maintaining controlled access to the Town Clerk's Office and adjacent areas.

Susan Dennis, Assessor Clerk, will the gate remain in place until the new security door is installed? It does not seem practical for customers to access the Town Clerk's Office by passing through the conference room to reach other offices. Under that arrangement, members of the public would still be entering the Clerk's work area, which does not appear to address the underlying security concern.

Councilor Berwald, security is an inconvenience. Hopefully, it won't take long to have the new door installed.

Rosemary Tozzi, Town Clerk, yes, it's an inconvenience, but it's better to keep everyone safe. The doors should remain locked and the gate down.

Councilor Pollard, once we receive the quote(s) we will meet again with the committee and bring information to the Town Board.

Town of Marcellus Legal Services: Supervisor Attley, at the last meeting, there were many different opinions regarding this topic. We tabled the issue for more discussion. We have come to a compromise; some departments have requested to retain Mr. Gascon as legal counsel.

Supervisor Attley made a motion, seconded by Councilor Pollard, to retain Mr. Gascon with Mackenzie Hughes for Planning and Zoning and Codes.

Bill Southern, Marcellus Resident, the terms of the contract with Jim go through December 31, 2027. That is burdening the new board that will be elected this fall. Will the new contract come to an ending at the end of this year, 2026?

Supervisor Attley, we received that contract after the last meeting before we came to a compromise that the Town Board will remain with Costello Cooney & Fearon (CCF).

Bill Southern, Marcellus Resident, what will the terms be with the planning board?

Supervisor Attley, Mr. Gascon was letting us know that his terms would stay the same for next year if we chose to retain him.

Councilor Berwald, should we table this until a revised proposal is presented by Mr. Gascon and Mackenzie Hughes.

Bill Southern, Marcellus Resident, in addition the termination clause stated in the contract is immediate for either the Town or the attorney. That's not a good situation for the town; there should be a 30-day written notice period. The Board could end up without an attorney. The other thing is there's nothing in the contract about being on their liability insurance. Mr. Gascon has always stressed that when you have a contract with somebody, you should be co-named with their insurance policy. Has the Town Board interviewed Mackenzie Hughes or talked to any of their clients? To protect the public, you should know these answers.

Councilor Hoey, our intent is only to act through the end of this year. Mackenzie Hughes is another large, well-established, highly respected law firm.

Supervisor Attley, this is a decision that the Planning and Zoning Board has made, they would like Mr. Gascon and Mackenzie Hughes representing them.

Bill Southern, Marcellus Resident, so you intend to have this only to go through this year?

Supervisor Attley, correct.

Councilor Berwald, we don't need any paperwork or a contract from Mackenzie Hughes and Mr. Gascon to agree to this?

Bill Southern, Marcellus Resident, it should be in contract form, you can't vote on a non-contract. You don't know what you're voting on.

Stacy Marris, Town Counsel, these are sensitive issues, and I'm counseling about different counsel. In theory the Town Board can make a resolution tonight to enter an engagement letter that better reflects what the Planning and Zoning Board is going to do for the remainder of the year pending certain terms with representation from Mackenzie Hughes and Mr. Gascon.

Bill Southern, Marcellus Resident, another point is the destruction of records. Destruction of records after seven years, which may be fine for corporations because by that time the statute of limitations has passed. That is not the case for a municipality, those records should be retained, and they should be returned to the Town when or if the contract is terminated. They may need to be retained as historical records or for reference in the future. That is standard for a corporation not a municipality. Municipal records are different. A law firm should not destroy your records after seven years.

Denis Donovan, Marcellus Resident, what is the benefit to the Town other than spending several meetings discussing this to bring on another law firm for a few months. The Town has a contract with a law firm that is getting paid to tell you how to bring on another law firm and giving you advice on how to vote on that. It is counterproductive and wasteful to spend the residents time here at a meeting and to utilize our Town attorney to tell us how to bring somebody else in for what you guys have said is a compromise. That means there is a disagreement. You're using CCF law firm to tell you how to keep Mr. Gascon as legal counsel. That's inappropriate.

Councilor Hoey, there's nothing inappropriate about what we're doing.

Denis Donovan, Marcellus Resident, it's an inappropriate use of time and resources.

Supervisor Attley, Planning and Zoning Board, and Codes have reached out to the Board requesting to keep Mr. Gascon as their legal counsel. The Planning and Zoning Board are not required to use the same lawyer as the Town Board.

Councilor Berwald, the Town Board, makes the final decision. The Planning Board wrote an email a few weeks ago stating their support behind Mr. Gascon to stay on. However, just recently last week, the Planning Board wrote an email to everybody stating that they were happy and confident with Stacy from CCF and it will work out well until the end of the year. In addition to that we don't have a contract from Mr. Gascon or a proposal for the last three months.

Bill Southern, Marcellus Resident, the staff at CCF has been doing the bulk of the work on anything for the Planning Board. Mr. Gascon is an attorney; he oversees the staff. The Town would be dealing with the same staff if you kept CCF on for the rest of the year.

Rosemary Tozzi, Town Clerk, CCF has continued to provide excellent service following Mr. Gascon's departure. Communication has been consistent and proactive, and requested information has been provided promptly, often before it is requested. The transition has been handled smoothly, and no issues have arisen during the process.

Bill Southern, Marcellus Resident, CCF has the foundation for all the work that's going on with the Planning Board.

John Houser, Codes Officer, Mr. Gascon has a very nice place with Planning and Zoning. That can't just be dismissed. To say that CCF has been the backbone of everything is not correct. Mr. Gascon is appreciated. He has worked with my department for fourteen years.

Councilor Berwald, going back to the email from the Planning and Zoning Board on the representative who worked on the comprehensive plan. It was said that they'd like to work with Stacy from CCF. Yes, it's different from the Planning and Zoning Board but again, it's crazy to have two different firms. We have three months left; that's six meetings.

John Houser, Codes Officer, it's advantageous to have different attorneys for the two boards.

Councilor Berwald, the bottom line is we don't have a contract or proposal written by Mr. Gascon. This should be tabled until we have that.

Councilor Pollard, we do have a first and a second, there should be a vote on the motion.

Councilor Berwald made a motion to table the topic for discussion.

Councilor Pollard, you can't table it. There is already a first and a second on the previous motion.
Bill Southern, Marcellus Resident, you can table a motion, an active motion. That's what the action of tabling is. It can't be discussed further. If it gets a second, then it goes to vote.

No second to Councilor Berwald's motion. The motion dies.

Supervisor Attley's motion was revised based on conditions set forth during discussion:

Supervisor Attley made a motion, seconded by Councilor Pollard, to authorize the entering into an engagement letter with Mackenzie Hughes to represent the Planning and Zoning board and the Town Board remain with Costello Cooney & Fearon. Mackenzie Hughes' engagement conditions as set forth in the discussion, which is through the end of the year December 31, 2026, at the rate as provided by Mr. Gascon in his original proposal, \$125.00 per hour for Paralegals, \$210.00 per hour for Attorneys and any expense over \$500.00 will be preapproved.

roll call was taken; the vote was as follows:

Jane Attley	Town Supervisor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes
Jeff Berwald	Councilor	Voted	No
Percy Clarke III	Councilor	Voted	Yes
Karen Pollard	Councilor	Voted	Yes

New Business:

Reagan Insurance: Josh Flegel from Reagan Companies is asking the Board to consider a partnership for parking in the Town lot. Reagan Companies is requesting approval to expand the Town's municipal parking lot located behind Town Hall. Reagan is currently working with VIP Structures to plan an expansion, but the issue is the expansion would be in the place of the current parking lot space. The proposed project has been submitted for the New York Forward grant. The current building is 12,300 square feet. The expansion would be a 6,300 square foot first floor with full basement storage and meeting space, and then it would be constructed so that we could add an additional 6,300 square feet on a second floor with growth. We estimate that we could add twenty to twenty-two parking spaces if we extend the Town municipal parking lot. Reagan Companies would pay for expenses and cover maintenance. Our next step would be to spec out the project and confirm if it's viable, if the Town agrees.

Councilor Pollard, how many parking spaces are you looking for?

Josh Flegel, Reagan Companies, twenty-six spaces are what we would lose with the expansion so we would like at least twenty-six but would be happy with more.

Councilor Pollard, have you thought about contacting Key Bank, they might be willing to lease or rent you spaces in their lot? Mike Ossit, Highway Superintendent, looked at the space and thinks it's possible to add eight additional spaces. There is a retention basin at the back of the parking lot that may affect the available space.

Don MacLachlan, Park and Recreation Director, QPK designed it. They designed it for more space in the future.

Councilor Berwald, how would you get your employees from parking in Town lot to your building? Do you have access to other properties?

Josh Flegel, Reagan Companies, no, they would have to walk around.

Councilor Pollard, we should work with Reagan Companies to try to retain them as a Marcellus business. Work with Don and Mike to find out what options are available. The Town has an agreement with the

chiropractor next door, so we need to be mindful about that. Hopefully we can work something out because we want you to stay.

Josh Flegel, Reagan Companies, Reagan's are adamant, they are going to do everything they can to stay in Marcellus.

Councilor Hoey, it won't be a problem with exploring whether it's possible for us to do it.

Josh Flegel, Reagan Companies, we'll move forward.

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
September 16, 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")

Councilor Pollard introduced proposed Local Law No. E-2026, imposing a twelve (12) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and enlargement of cryptocurrency mining operations, data mining, data processing centers and data storage facilities within the Town of Marcellus, and made the following motion, which was seconded by Councilor Hoey:

WHEREAS, proposed Local Law No. E-2026 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, this proposed moratorium extension will enable the Town to complete its review and comprehensively address the issues involved with cryptocurrency mining uses and data processing center uses; and

WHEREAS, the Town Board has deemed this moratorium extension urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, 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 the New York State Environmental Quality Review Act (SEQRA) 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.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. E-2026 at the Town Hall located at 22 East Main Street in the Town of Marcellus on October 21, 2026 at 6:30 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 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: September 16, 2026

Discussion Agenda:

Fire Department: Dave Card turned in the August financial report, the report will be included in the October 7, 2026, meeting.

The Ladies Auxiliary is having a spaghetti dinner on October 10th from 5:00PM to 8:00PM. The dinner is during Fire Prevention Week, we will be doing fire prevention activities at the firehouse and giving tours.

Has the Board discussed anything regarding the Fire Department budget meeting? Do you have any questions?

Supervisor Attley, the budget is still being worked on. There will be two more meetings held on September 22nd and September 23rd.

Supervisor Attley announced that a special meeting of the Town Board will be held on Wednesday, September 30, 2026, at 6:30 p.m. The purpose of the meeting is for the Town Clerk to present the Town Board with the Preliminary Budget.

Councilor Hoey made a motion, seconded by Councilor Pollard, to schedule a special meeting for Wednesday, September 30, 2026, at 6:30 p.m. to receive the Preliminary Budget.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Supervisor Attley, does anyone have any questions or comments?

Adjournment:

Councilor Clarke made a motion, seconded by Councilor Hoey, to adjourn the meeting at 7:32PM.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 22, 2026

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Tuesday, September 22, 2026, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

Jane Attley, Supervisor
Karen Pollard, Councilor

Also Present: Lori Petrocci, Budget Officer, and Linda Wilcox

Councilor Clarke and Councilor Berwald were absent
Councilor Hoey participated by conference call

The Board members present looked over the budget stating that everything seems good. The tentative summary sheet will be forwarded to Councilors Berwald and Clarke for their review. Should they agree on this budget, it will be moved to the preliminary stage.

Motion by Councilor Pollard, seconded by Supervisor Attley to cancel the meeting scheduled for Wednesday, September 23, 2026.

Motion Carried 3-0 with 2 absent

Motion by Councilor Pollard, seconded by Councilor Hoey adjourn the meeting at 4:45 p.m.

Motion Carried 3-0 with 2 absent

Respectfully submitted,

Lori Petrocci
Budget Officer

Marcellus Town Board
Special Meeting
Wednesday, September 30, 2026
6:30 PM

A Special Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 30, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: Mike Ossit, Highway Superintendent; Linda Wilcox, Town Historian; Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

The Town Clerk presented the Town Board with the 2027 preliminary budget.

Councilor Hoey, no changes can be made to the budget until after the public hearing.

Supervisor Attley made a motion, seconded by Councilor Hoey, to set a public hearing on October 21, 2026, at 6:30PM to review the preliminary budget.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Supervisor Attley made a motion, seconded by Councilor Hoey, to adjourn the meeting at 6:33PM.

Ayes – Attley, Berwald, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

Syracuse Technologies

5 Lumber Way
Liverpool, NY 13090
www.cusetech.com
315-679-5360



Town of Marcellus
Rosemary Tozzi
22 East Main Street
Marcellus, NY, United States 13108

Estimate Name: Hardware: Fortinet FortiGate
Network Security/Firewall
Appliance

Estimate Number: 4913
Estimate Date: 09-17-26

This project will modernize the Town's end-of-life (EoL) Fortinet firewall equipment with a successor model. This is a highly recommended upgrade since the Town's current firewall will soon reach EoL status with the manufacturer. At that point, it will stop receiving important security updates and could experience limited functionality. This proactive hardware upgrade is recommended for the Town, and will ensure that the firewall is protected by the manufacturer's standard protections. Please contact us with any questions, and we are happy to discuss further.

Description	Unit Cost	Quantity	Line Total
Fortinet FortiGate Firewall: -Enterprise Security Model -1000Base-T Network Standard -Gigabit Ethernet with Firewall Throughput 10 Gbit/s -SHA-256 Encryption Standard -Ten (10) RJ-45 ports -Rack-mountable (or wall/desktop) -Firewall protection to support: Anti-spam, antivirus, content filtering, data protection, DDoS protection, DNS security, malware protection, SSL inspection, threat protection, URL filtering *Product includes a three-year license for OEM (Fortinet) hardware support and service: FortiCare Premium and FortiGuard Enterprise Protection	\$3,999.99	1.0	\$3,999.99
IT Services Scope of work covers remote and on-site configuration of new security appliance hardware: - Backup copy of existing production configurations - Firewall policy setup and security rule configuration - Physical installation of new security appliance in server room - Test all current systems downstream after replacing the firewall, including switching, wireless access points, endpoints, and other systems - Decommissioning and removal from service of existing end-of-life Fortinet FortiGate equipment - Clean cutover coordination to minimize disruption to business operations	\$768.00	1.0	\$768.00

Please note: There will be approximately 1-2 hours of network downtime while the firewall is refreshed. As the new unit is installed, the network will be brought online, and devices downstream will come back online. Because of the hardware upgrade, certain endpoints and/or devices may need to be rebooted. All other systems will be tested following the change as well. This estimate assumes that the upgrade can take place during business hours. Syracuse Technologies will work with the Town to schedule the upgrade for the least disruptive time period. If the work cannot take place during business hours, please contact us to schedule an after-hours installation. After-hours labor rates may apply.

THIS IS AN ESTIMATE

Disclaimer

Please read! By approving this estimate, customer agrees to the below policy.

Labor: Any labor charges included above are estimates. Additional labor or equipment needed to complete this work or requested by the client will be billed on a time and materials basis. In the case that there is an significant (25% or more) unforeseen deviation beyond the above estimated amount, every effort will be made to contact the customer and inform the customer of the situation and receive authorization to continue or stop at that estimate limit. In the case that you cannot be reached, work will be stopped until contact is established. Once you are reached, your decision to continue or stop will be honored by Syracuse Technologies.

Cancellation Policy: Customer may be subject to a minimum service fee according to our latest rate chart if cancellation is not made prior to 24 hours before a scheduled appointment or event.

Liability: In the case of accidental damage to your equipment or systems, including data loss caused by already existing problems in your system such as a virus, poorly configured software, hardware problems or hardware failures; You agree to not hold Syracuse Technologies responsible to any of these pre-existing problems.

Payment terms: Hardware, Software and Subscription items will be invoiced upon acceptance of this estimate. All labor items or equipment rentals will be invoiced upon job or event completion and will be due upon receipt.

Thank you for considering Syracuse Technologies. This estimate is valid for a period of 30 days.

Subtotal	\$4,767.99
Tax	\$0.00
Estimate Total	\$4,767.99

Signed: _____

Date: _____



J. Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: 9/16/2026

OCPB Case # Z-26-209

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Marcellus Town Board at the request of Town of Marcellus for the property located at Town Wide; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and

WHEREAS, the applicant is proposing Law No. B of 2026 to amend the Town of Marcellus Zoning Law to add a new section 235-26.2 regarding steep slope protections; and

WHEREAS, the proposed action is further summarized in the attached staff report and may be subject to additional county, state, and/or federal regulations, which may be cited in the staff report; the municipality and applicant are advised to contact the appropriate agencies to ensure these regulations are met, as applicable, prior to, or as a condition of, municipal approval of the project; this is not an exhaustive list of permit requirements by the agencies, but is intended to represent some of the most common regulations; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

A handwritten signature in black ink, appearing to read "Martin E. Voss".

Martin E. Voss, Chairman
Onondaga County Planning Board

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

ONONDAGA COUNTY PLANNING BOARD STAFF REPORT SEPTEMBER 16, 2026 Z-26-209

Case Number:	Z-26-209	Keyword:	Steep Slope Protection Areas
RelatedCases:		Applicant:	Town of Marcellus
Referring Board:	Town of Marcellus Town Board	Location:	Town Wide
Type of Action:	LOCAL LAW	Tax Map ID:	

RECOMMENDATION: No Position

JURISDICTION:

General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law

No Map Available

SUMMARY:

Local law regarding steep slope protection

No Map Available

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

MAP 7. ENVIRONMENTAL FEATURES

Wetlands

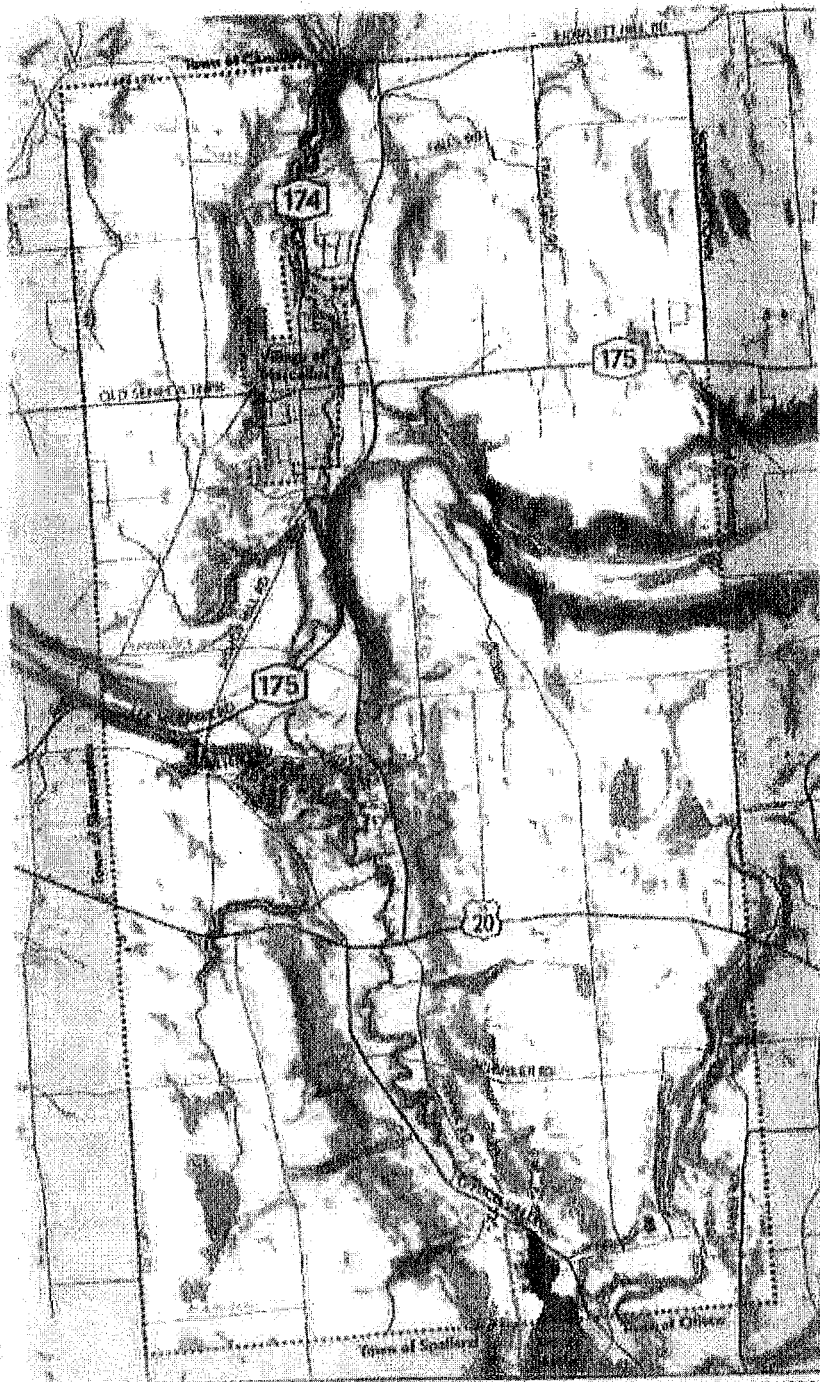
- DEC Wetlands
- NW1 Wetlands

Steep Slopes

- 15% - 24.9%
- 25% - 49.9%
- 50% +

100 Year Flood Zones

- A
- AE
- Town Boundary
- Hydrography
- Roads
- Highway
- Waterway



TOWN OF MARCELLUS | COMPREHENSIVE PLAN

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
Email: countyplanning@onondaga.gov Website: onondaga.gov/planning

PROPOSAL: the applicant is proposing Law No. B of 2026 to amend the Town of Marcellus Zoning Law to add a new section 235-26.2 regarding steep slope protections

STAFF REVIEW:

Description: Per the proposed law, the purpose of the "Steep Slope Protection Law is to conserve the sensitive environment of steep slope areas and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development on steep slopes".

Specifically, the proposed law is designed to guard against property damage and personal injury, provide for "reasonable use of steep slopes while ensuring development will not induce soil erosion" or other site concerns, prevent an increase in stormwater runoff, flooding, and erosion while protecting downstream water quality, and conserving steep slopes in woodlands as habitats.

Proposed Text: The proposed law designates "Steep Slope Protection Areas (SSPA) defined as areas having slopes 15% or greater with subcategories of:
·Moderately steep: 15% to <24.9% slope
·Very steep: 25% to <49.9%
·Extremely steep: 50% or greater slope

It is noted a Town of Marcellus Steep Slopes map was created by the Onondaga County Department of Planning and can be amended by the Planning Board upon receipt of "scientific or reliable evidence" of steep slopes.

(cont'd): Regulations applicable to SSPAs shall be in addition to, and take precedence over ,the zoning regulations otherwise applicable in each zoning district.

(cont'd): Per the proposed law, certain activities within SSPAs require site plan review. The Town has broken down proposed activities/locations requiring review based on the steepness of slopes, distance from a watercourse, and proposed land disturbance.

Farming operations, except timber harvesting, are exempt from the site plan approval process for SSPAs.

(cont'd): General regulations detail basic requirements for proposed work in all SSPAs including emphasizing minimizing land disturbance. The proposed work is to be designed to fit the "natural elements of the site" rather than converting the site to fit landowner goals, and cut and fill operations will require the applicant to prove "there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized."

·Single-family residential land-disturbing activities in SSPAs, "including but not limited to clearing, grading, excavation, building construction, construction of driveways and roads, cutting, and filling shall be limited to the minimum steep slope protection area necessary" and will be limited to no greater than 10,000 sf of the SSPA disturbance per parcel.

·Changes to the natural elevation of a steep slope development site will be minimized, retaining walls greater than 3' in height require evaluation by a NY licensed professional engineer, landscape architect, or architect.

·Mature trees (6" or greater in diameter) located in specific SSPAs shall not be removed except only after being deemed unhealthy or a safety hazard by a certified

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

arborist.

(cont'd): The SSPA Review process adds additional criteria to the standard site plan review process including documentation illustrating compliance with this proposed law, contours at two-foot intervals for existing and proposed conditions, location of mature trees, temporary roads, driveways, parking areas, and pathways, an overlay of each slope category, and location of all drainage features with associated calculations. Cross-sectional profiles may be requested by the Planning Board for projects that disturb greater than 2,500 sf of a SSPA.

Municipal Boundary ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality. Such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.

RECOMMENDATION: No Position

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
Email: countyplanning@onondaga.gov · Website: onondaga.gov/planning

**TOWN BOARD RESOLUTION
ENACTING LOCAL LAW B-2026
TOWN OF MARCELLUS**

At a regular meeting of the Town Board of the Town of Marcellus, held at the Marcellus Town Hall, 22 East Main Street, Marcellus, in said Town, County of Onondaga, State of New York, on October 7, 2026, at 6:30 P.M., there were:

PRESENT:	Terry Hoey	Councilor
	Jeff Berwald	Councilor
	Percy Clarke III	Councilor
	Karen Pollard	Councilor
	Jane Attley	Town Supervisor

WHEREAS, the following resolution was offered by _____, who moved its adoption, seconded by _____, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2026, "A Local Law to Amend the Town of Marcellus Zoning Law to Add a New Article Regarding Steep Slope Protections" was presented and introduced at a special meeting of the Town Board of the Town of Marcellus held on August 19, 2026; and

WHEREAS, a public hearing was held on such proposed local law on the 16th day of September, 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 Proposed Local Law No. B-2026 has previously been determined to be an Unlisted Action and will have no significant adverse impact on the environment thus concluding the SEQR review process; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact proposed Local Law No. B-2026 as Local Law No. 2-2026 as follows:

**"TOWN OF MARCELLUS
LOCAL LAW NO. 2 OF 2026**

**A LOCAL LAW TO AMEND THE TOWN OF MARCELLUS ZONING LAW
TO ADD A NEW SECTION REGARDING STEEP SLOPE PROTECTIONS**

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

SECTION 1 AUTHORITY.

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

SECTION 2 AMENDMENTS TO THE TOWN OF MARCELLUS ZONING LAW TO ADD A NEW SECTION 235-26.2 ("STEEP SLOPE PROTECTIONS").

The Town of Marcellus Zoning Law is hereby amended to add Section 235-26.2 as follows:

"(1) Purpose

The purpose of this Steep Slope Protection Law is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development on steep slopes by:

- A. Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, unreasonably alter the natural topography of the area, require excessive grading, increase slope instability, increase stormwater runoff, contaminate surface waters, or create onsite sewage treatment problems.
- B. Guarding against property damage and personal injury.
- C. Minimizing the potential for erosion, slope failure, stream siltation, increased stormwater runoff, flooding, contamination of surface waters; and protecting the water quality of Nine Mile Creek, Otisco Lake, and other downstream bodies of water.
- D. Conserving existing steep slope woodlands for air and water quality benefits and the preservation of wildlife habitats.

(2) Definitions.

CLEARING: Removing or causing to be removed the vegetation growing in the soil which protects and stabilizes the soil. Such removing or causing to be removed shall include any intentional or negligent act to (1) cut down, (2) remove all or a substantial part of, or (3) damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, or by the damage of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions. The area of land disturbance of a mature tree shall be measured as the crown of the tree.

LAND DISTURBANCE: Any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into a Watercourse, including, but

not limited to, clearing, grading, excavating, transporting, and filling of land, paving of existing pervious areas or otherwise creating new impervious areas.

WATERCOURSE: Every spring, pond (other than artificial reservoirs and filter basins), stream, creek, lake, ditch, gutter, or other channel of every kind, the waters of which will run whether continuously or occasionally.

(3) Steep slope protection areas (SSPA)

- A. The steep slope protection areas shall include all lands having slopes 15% or greater.
- B. Steep slope protection areas are further categorized as:
 - (1) Moderately steep: 15% to less than 24.9% slope (3 to 6 in 12);
 - (2) Very steep: 25% to less than 49.9% slope (6 to 10 in 12); and
 - (3) Extremely steep: 50% or greater slope (> 10 in 12).
- C. The Town of Marcellus Steep Slopes map created, and as may later be amended, by the Syracuse - Onondaga County Planning Agency, the current version of which is attached hereto and incorporated herein as Exhibit "A", shall be accepted as preliminary evidence of slope. Other scientific or reliable evidence may also be accepted as evidence of steep slope in the sole discretion of the Planning Board.
- D. The regulations applicable to Steep Slope Protection Areas shall be in addition to and take precedence over the zoning regulations otherwise applicable in each zoning district.

(4) Activities within a steep slope protection area requiring site plan review

- A. The following activities require site plan approval through the Town of Marcellus Planning Board, pursuant to Section 235-28, when located in a steep slope protection area.
 - (1) Area A1: 1000 square feet or greater of land disturbance on a Moderately Steep Slope within 100 feet horizontal distance from any watercourse.
 - (2) Area A2: 500 square feet or greater of land disturbance on a Very Steep or Extremely Steep Slope within 100 feet horizontal distance from any watercourse.
 - (3) Area B: 3000 square feet or greater of land disturbance occurring on a Moderately Steep Slope beyond 100 horizontal feet from any watercourse.

- (4) Area C: 2000 square feet or greater of land disturbance occurring on a Very Steep or Extremely Steep Slope outside a Lake District and beyond 100 horizontal feet from any watercourse.
- B. Farming Operations, other than Timber Harvesting, existing as of the effective date of this Article are exempt from the site plan approval required for steep slope protection areas.
- C. All land disturbance that occurs on the steep slope protection area portion of the parcel (1) within two years or (2) that adjoins and adds to a previous area of disturbance (such as an extension of a driveway) shall be used to calculate the total area of land disturbance.
- D. Absent approval from the Planning Board, land disturbance in a steep slope protection area that exceeds the square foot limitations set forth above is prohibited.

(5) General regulations

- A. Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Town Planning Board with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut, and fill has been minimized.
- B. All single-family residential land-disturbing activities in steep slope protection areas, including but not limited to clearing, grading, excavation, building construction, construction of driveways and roads, cutting, and filling, shall be limited to the minimum steep slope protection area necessary to accommodate the proposed use or activity, and shall in no case be greater than 10,000 square feet of steep slope protection area disturbance per parcel, plus land necessary for driveway access, on-site wastewater treatment system, and stormwater management facilities.
- C. Changes to the natural elevation of a steep slope development site shall be minimized. Any changes to the natural elevation of the site shall meet the following criteria:
 - (1) The original, natural elevation of a steep slope protection area shall not be raised and/or lowered more than five feet on average across a contiguous area of 2,500 square feet of grading and shall not exceed 10 feet in any location in the steep slope protection area.

- (2) The natural elevation shall not be raised or lowered more than three feet within the required setback for structures.
 - (3) The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or 26.5° of angle) without a retaining wall, stacked rock rip rap, or other similar structural stabilization.
- D. Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York licensed professional engineer, landscape architect, or architect as to its structural integrity and written direction and certification as to its use.
 - E. If a permanent driveway cannot be legally built to serve the residence or other improvement, no temporary construction road/driveway may be permitted in steep slope protection areas.
 - F. Disturbed land areas in steep slope protection areas that are not worked for seven consecutive days or more shall not be left bare or exposed. Approved temporary or permanent seeding along with protective straw mulch and/or erosion control blankets must cover these disturbed areas. All seeding, straw mulching and erosion control blankets shall meet the installation methods and quantities as stated in the New York State Standards and Specifications for Erosion and Sediment Control.
 - G. Trees with a diameter of six inches or greater measured at four feet above the uphill grade ("mature trees"), when located in Areas A1 and A2 on a steep slope, generally shall not be removed unless they are deemed unhealthy or a safety hazard by a certified arborist or equivalent. Enhancing lake views can be done through a combination of canopy reduction and selective thinning without substantial tree removal. Tree removal may be allowed in the gully zone for the purposes of traversing a gully via a bridge or culvert structure to access another portion of the property. When removal of trees exceeds the square foot land disturbance limitations set forth in section 4, the Planning Board shall consider the impact on the environment.
 - H. The Planning Board may approve modifications to these standards in this law if the applicant can prove that such modifications would result in less total land disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

(6) Burden of proof

The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in this law.

(7) Steep slope protection area review process

- A. Steep slope protection area application: The steep slope protection area review process will follow the Town of Marcellus Site Plan Regulations, in addition to the following criteria:
- (1) The preliminary site plan and final site plan shall include the following:
 - a. Documentation that the improvements were designed to comply with this law and have been designed to fit the existing natural elements of the site instead of altering the site to fit the development goals.
 - b. Contours of existing and proposed conditions at vertical intervals of no more than two feet.
 - c. Temporary roads, driveways, parking areas and pathways, including the widths and slopes of these features.
 - d. Location of all mature trees within the proposed project limits that are located in a steep slope protection area and which, if any, of these trees will be cut as part of this project.
 - e. An overlay of each steep slope category as defined in this local law for existing site conditions.
 - f. Location and description of all existing and proposed, open and closed, drainage features, to include roof drains, footing drains and retaining wall drains, with discharge points identified. Stormwater calculations shall be provided for all existing and proposed culverts or changes to gullies. The applicant will need to document that each of these drainage features can convey the twenty-five-year one-hour storm event.
 - g. The Planning Board may request cross-sectional profiles of the existing and proposed slopes for projects that disturb greater than 2,500 square feet of a steep slope protection area. The applicant is encouraged to submit three cross-sectional profiles of the existing and proposed slopes if the applicant proposes greater than 2,500 square feet of disturbance in a steep slope protection area to expedite the review process.
- B. The application shall be prepared in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

(8) Violations

Violations of these provisions shall be subject to the enforcement, remedies, fines, and penalties as set forth in Section 235-30."

SECTION 3 SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Section, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional or in any way null and/or void, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 4 EFFECTIVE DATE.

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

The question 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/No/Absent
Terry Hoey	Councilor	Voted	Yes/No/Absent
Jeff Berwald	Councilor	Voted	Yes/No/Absent
Percy Clarke III	Councilor	Voted	Yes/No/Absent
Karen Pollard	Councilor	Voted	Yes/No/Absent

The foregoing resolution was thereupon declared duly adopted.

DATED: October 7, 2026

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

October 7, 2026

TOWN OF MARCELLUS LOCAL LAW NO. D OF 2026
("A Local Law Overriding the Tax Levy Limit Established
in General Municipal Law §3-c in the Town of Marcellus")

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2026, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Marcellus," was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on September 2, 2026; and

WHEREAS, a public hearing was held on such proposed local law on October 7, 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 Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on September 2, 2026, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. D-2026 is an unlisted action and will

have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. B-2025.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Proposed Local Law No. D-2026 as Local Law No. 3-2026 as follows:

**“TOWN OF MARCELLUS
LOCAL LAW NO. 3 OF 2026**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF MARCELLUS**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus, County of Onondaga pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2027, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2027 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

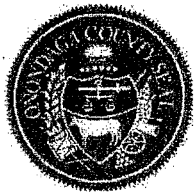
This Local Law shall take effect upon filing with the Secretary of State.”

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/No
Terry Hoey	Councilor	Voted	Yes/No
Jeff Berwald	Councilor	Voted	Yes/No
Percy Clarke III	Councilor	Voted	Yes/No
Karen Pollard	Councilor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: October 7, 2026



ONONDAGA COUNTY

DEPARTMENT OF PLANNING

J. Ryan McMahon, II
COUNTY EXECUTIVE

Troy Waffner
DIRECTOR OF PLANNING

TO: Members of the Town of Marcellus Town Board
FROM: Troy Waffner, Director of Planning
DATE: Friday, October 2, 2026
RE: GML Administrative Review - Town-wide
RECOMMENDATION: No Position

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.onondaga.gov/planning/ocpbpreferableactions.html>. Please contact Onondaga County Department of Planning staff with any questions.

CASE NUMBER: Z-26-240

REFERRING BOARD: Town of Marcellus Town Board

DATE RECEIVED: 9/23/2026

TYPE OF ACTION: LOCAL LAW

APPLICANT: Town of Marcellus

LOCATION: Town-wide

WITHIN 500' OF: General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law

PROPOSAL: The Town is proposing Local Law No. E-2026 to impose a 12-month moratorium on commercial cryptocurrency mining operations, data mining, data processing and data storage facilities in the Town of Marcellus. Per the proposed law, the Town recognizes commercial cryptocurrency mining operations, data mining, data processing centers and data storage facilities, can have a high demand for energy, cooling, and water mechanisms and can result in disturbing noise generation along with having a potential impact on the Town's infrastructure, environment, public health and safety, and welfare of its residents.

The proposed moratorium will "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." Excluded are previously approved commercial cryptocurrency mining operations, data mining, data processing centers and data storage facilities or those located on Town-owned property.

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

Relief may be applied for at the Town Code Enforcement Office and the Town Board shall review applications for relief utilizing the NYS Use Variance criteria.

ADVISORY NOTE(S): Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality. Such notices shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.

RECOMMENDATION: No Position

For agency contacts and additional information about advisory notes, please visit: <https://onondaga.gov/planning/ocpb/ocpbresources/>

335 Montgomery Street, Syracuse, NY 13202 Phone: 315.435.2611
Email: countyplanning@onondaga.gov Website: <https://onondaga.gov/planning/>

Account#	Account Description	Fee Description	Qty	Local Share
A.2543	Ag & Markets Donation	CNYSPCA Donation	5	195.00
		Sub-Total:		\$195.00
A2544	Dog Licensing	Female, Spayed	27	243.00
		Male, Neutered	16	162.00
		Replacement Tags	2	4.00
		Sub-Total:		\$409.00
A2545	Misc. Fees	Certified Copies - Marriage	1	10.00
	Passport	Passport	3	105.00
		Sub-Total:		\$115.00
A2590	Conservation	Conservation	20	177.48
	Freon Removal	Freon Rremoval	18	270.00
	Marr. Lic	Marriage Licensing Fees	5	87.50
	Permit	Trash Permit-Passenger One Trip	23	345.00
	Permit Fee	Mattress	15	375.00
		Trash Permit-Trailer	10	500.00
	Permit Fees	Tire	8	56.00
		Trash Permit- Large Vehicle	1	60.00
		Trash Permit-Passenger	22	630.00
		Trash Permit-truck	29	1,305.00
		Sub-Total:		\$3,805.98
B2110	Building	Building	15	1,544.00
	Plan & Zone	Zoning Fees	4	300.00
		Sub-Total:		\$1,844.00
Total Local Shares Remitted:				\$6,368.98
Amount paid to:	NYS Ag. & Markets for spay/neuter program			45.00
Amount paid to:	NYS Environmental Conservation			3,395.52
Amount paid to:	State Health Dept. for Marriage Licenses			112.50
Total State, County & Local Revenues:		\$9,922.00	Total Non-Local Revenues:	\$3,553.02

Marcellus Volunteer Fire Department, Inc.
Financial Statement Expenses
For the Period January 1, 2026 thru August 31, 2026

RECEIVED
SEP 16 2026
Town of Marcellus

Number in parenthesis indicates **UNDER** budget, number without parenthesis indicates **OVER** budget.

Acct #	Acct Name	Amount	Budget	Difference
<u>Admin</u>				
5000	Computer	2,430.00	16,634.00	(14,204.00)
5001	Insurance	20,114.00	25,000.00	(4,886.00)
5002	Legal & Accounting	-	15,000.00	(15,000.00)
5003	Office Supplies	90.00	3,000.00	(2,910.00)
5004	Postage	156.00	1,000.00	(844.00)
5005	Admin Miscellaneous	-	-	-
5006	Outside Services	3,557.00	5,000.00	(1,443.00)
5007	Travel	12,000.00	12,000.00	-
Group Total		38,347.00	77,634.00	(39,287.00)
<u>Building</u>				
6000	Cleaning	5,188.00	9,000.00	(3,812.00)
6001	Utilities & Telephone	29,932.00	25,000.00	4,932.00
6002	Building Repairs & Maintenance	12,854.00	30,000.00	(17,146.00)
6003	Building Supplies	589.00	3,000.00	(2,411.00)
Group Total		48,563.00	67,000.00	(18,437.00)
<u>Operations</u>				
7000	Turn Out Gear	299.00	10,000.00	(9,701.00)
7001	Communications Equipment	2,667.00	38,000.00	(35,333.00)
7002	Fire Truck Supplies/Loose Eqpmnt	1,913.00	4,000.00	(2,087.00)
7003	Truck & Vehicle Repairs & Maintenance	10,442.00	30,000.00	(19,558.00)
7004	Small Equipment Maintenance	1,277.00	5,000.00	(3,723.00)
7005	SCBA	575.00	8,000.00	(7,425.00)
7006	Fire & EMS Training	-	6,000.00	(6,000.00)
7007	Fire Protection	-	3,000.00	(3,000.00)
7008	Membership Recognition	1,346.00	2,500.00	(1,154.00)
7009	Physicals/Fit Test	445.00	9,500.00	(9,055.00)
7010	Fuel	3,917.00	6,000.00	(2,083.00)
7011	Response Supplies	251.00	2,000.00	(1,749.00)
7012	EMS Supplies	-	4,000.00	(4,000.00)
7013	Dress Uniforms	2,459.00	2,000.00	459.00
Group Total		25,591.00	130,000.00	(104,409.00)
Grand Total		112,501.00	274,634.00	(162,133.00)

Account	Current Account Balance	Current CD/MM balance	Total
Building Reserve	\$21,803	\$0	\$21,803
Truck Reserve	\$224,821	\$375,666	\$600,487
Capital Reserve	\$10,000	\$0	\$10,000
Contract Checking	\$80,452	\$0	\$80,452

This statement current as of September 1, 2026

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Town of Marcellus



Expense by Payee* ▼

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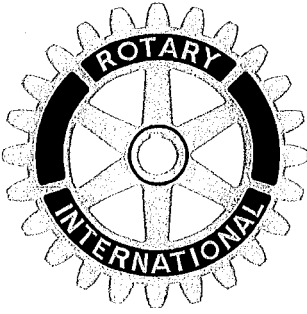
Town of Marcellus



Marcellus Volunteer Fire Department, Inc.
Expense by Payee
for the period of 08/01/2026 to 08/31/2026

Name	Amount
Aplos Software	\$ 49.50
Big Red Towing	\$ 615.00
Jan-Pro	\$ 655.60
McNeil & Co., Inc.	\$ 5,989.46
Morgan Rubbish Removal, Inc.	\$ 151.97
NYSMEC	\$ 5,685.15
Rick Kelly Electric	\$ 200.00
Windstream	\$ 182.68
Total	\$ 13,529.36





MARCELLUS OLDE HOME DAYS

September 28, 2026

Supervisor Jane Attley
Town of Marcellus
Marcellus, New York

RECEIVED

SEP 28 2026

Town of Marcellus

Dear Madame Supervisor,

On behalf of the Marcellus Olde Home Days Committee, please accept our donation of \$1,000 to the Town of Marcellus.

We would like to thank the Town for its continued support of Marcellus Olde Home Days and for the many ways the Town helps make this annual community celebration possible. We truly appreciate the partnership and support we receive each year and the role the Town plays in helping us continue this long-standing community tradition.

If possible, we would like to request that the donation be considered toward an improvement at Marcellus Park that would benefit Olde Home Days and the community. Our first preference would be to use the funds toward adding an additional 50-amp electrical outlet in the food vendor row, which would help us better accommodate our vendors during the event.

Alternatively, if that project is not feasible at this time, we would appreciate consideration of using the donation toward installing a switch on the power pole at the back of the park near the baseball field. Having the ability to control the lighting in that area would help improve the experience for those attending the annual fireworks display.

We certainly understand that the Town may have other considerations regarding these projects, and we appreciate your consideration of our request and of the donation. Our hope is that the funds can be used toward an improvement that will benefit Olde Home Days and the community for years to come.

Thank you again for your continued support of Marcellus Olde Home Days. We look forward to continuing our partnership with the Town and working together to make Olde Home Days a special part of our community each year.

With appreciation,

A handwritten signature in black ink, appearing to read "Charney Abbott".

Charney Abbott
Chairperson
Marcellus Olde Home Days Committee