Town of Marcellus
Board Meeting
Wednesday, November 4, 2026
6:30 PM

Call to Order
Salute to Flag

Public Hearing: Preliminary Budget

I. Waive the reading and accept the minutes

II. Approve the monthly financials

III. **Old Business**

A. Town Hall security
B. Local Law NO. C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus
C. Reagan Company- parking lot expansion

IV. **New Business**

A. Lions Club/Park
B. Park Amphitheater - Motorized screen
C. Local Law NO. F of 2026 Moratorium on Battery Energy Storage Systems
D. Town/Village IMA Sewer District

V. **Reports From Department Heads**

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

VI. **Discussion Agenda**

A. Fire Department

VII. **Adjournment**

Future Meeting Dates

Workshop Meeting- Wednesday, November 18, 2026- 6:30 pm- Town Hall
Town Board Meeting- Wednesday, December 2, 2026- 6:30 pm- Town Hall
Planning/Zoning Meeting-Monday, December 7, 2026 - 6:30 pm- Town Hall
Comprehensive Plan Committee Meeting- Tuesday, December 8, 2026 – 2:00 pm- Town Hall
Workshop Meeting- Wednesday, December 16, 2026- 6:30 pm- Town Hall
End of Year Meeting- Monday, December 28, 2026- 6:30 pm – Town Hall

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

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, October 7, 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: Stacy Marris, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; Linda Wilcox, Town Historian; Chris Christensen PBZB; Dave Card, Fire Department; Chris Burtis, Mary Haney, Vince Coon, Connor Haney, Patty Bishop, Jeff Brown, Bill Southern, Art and Nancy Hudson and Suzanne Tobin, Deputy Town Clerk.

Public Hearing: Local Law NO. B of 2026 Steep Slope Protections: Supervisor Atley opened the public hearing to questions and comments from the Town Board and audience. Councilor Clarke asked Chris Christensen (PZPB) if he might have an idea about what percentage of properties this law would affect. Chris replied roughly about 15% overall. There were no other comments from the audience. Supervisor Attley closed the hearing at 6:33 PM.

Public Hearing: Local Law NO. C of 2026 Battery Energy Storage Systems: Supervisor Atley stated that Local Law C was going to be tabled for this meeting due to it needing to be redrafted. Councilor Berwald wanted to discuss the reason for the table action and Stacy Marris explained that the language regarding the various tiers and the respective permit requirements needed to be revised according to the input from the Planning and Zoning Board and the Comprehensive Plan committee and that those revisions were being completed.

Public Hearing: Local Law NO. D of 2026 Tax Levy Override: Supervisor Atley opened the public hearing to questions and comments from the Town Board and audience. Councilor Hoey spent a moment to explain that the law was passed every year as a matter of form and did not necessarily mean that the annual budget will override the cap, the law is passed "just in case". Supervisor Attley closed the hearing at 6:37 PM.

Waive the Reading and Accept the Minutes: : Councilor Clarke made a motion seconded by Councilor Berwald to waive the reading and accept the minutes as presented by the Town Clerk and the Budget Officer for the Budget Meeting on August 26, 2026, Town Board Budget Meeting, September 2, 2026, Town Board Budget Meeting, September 2, 2026, Town Board Meeting, September 9, 2026, Town Board Workshop Meeting, September 16, 2026, Town Board Budget Meeting, September 22, 2026, and the Town Board Special Meeting, September 30, 2026.
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 #9 for September 22, 2026, Claim's # 160070-160100.

Expenses

General Fund	$18,183.42
Part Town General	2,546.42
Part Town Highway	747.41
Hydrant Fund	1,827.61
Water District	12,384.97
Trust and Agency	1,888.27
Total	$37,578.10

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #10 for October 10, 2026, Claim's # 160121-160161, 160163-160179.

Expenses

General Fund	$29,999.69
Part Town General	1,602.58
Townwide Highway	11,786.75
Part Town Highway	4,450.28
Trust and Agency	148.58
Total	$47,987.88

Board Members were given the Activities Report as September 28, 2026. Fiscal year 2026 Period 9.

	Revenue	**Expense**
General Fund	(1,500,815.12)	1,085,252.61
Part Town General	(226,385.61)	130,122.20
Townwide Highway	(684,804.62)	351,867.91
Part Town Highway	(391,347.74)	199,682.63
Fire District	(447,808.61)	408,291.00
Hydrant Fund	(3,494.42)	3,440.80
Ambulance Fund	(311,773.03)	311,756.00
Sewer District	(216,281.03)	137,967.76
Water District	(88,757.52)	191,909.21

Bank Balances:
The total of all Bank Balances for August 2026 is $5,980,666.94

Councilor Hoey made a motion seconded by Councilor Berwald to approve the Abstract of Audited Voucher Reports for September 22, 2026, October 10, 2026, the Activities Report as of September 28, 2026, and the bank balance as of August 2026.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Old Business:

Town Hall Security: Councilor Berwald said that the committee that is researching the building modifications to address these concerns is making progress.

OCWA – Information on the water service provided:

Jeff Brown OCWA Executive Director led the Town Board and the public through an informational Power Point presentation and answered the questions that the audience and the Board had at the finish of the presentation.

New Business:

Syracuse Technologies: Network Security/Firewall:

Councilor Pollard commented that it was very important to keep the security system protection current. Councilor Pollard made a motion to approve the contract submitted by Syracuse Technologies to upgrade the Town's security system protection as proposed. Councilor Hoey seconded the motion.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Local Law NO. B of 2026 Steep Slope Protections:

- **Onondaga County Plan Board Resolution:**

Stacy Marris summarized the Resolution and the position of the County being no action, clearing the Board to act on the Law.

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.

TOWN OF MARCELLUS LOCAL LAW B-2026

("A Local Law to Amend the Town of Marcellus Zoning Law to Add a New Article Regarding Steep Slope Protections")

WHEREAS, a public hearing was duly noticed and held on October 7, 2026 at 6:10 PM at the Town Hall regarding proposed Local Law No. B of2026, entitled: **A Local Law to Amend the Town of Marcellus Zoning Law to Add a New Article Regarding Steep Slope Protections**

WHEREAS, all parties in interest and citizens were given an opportunity to be heard at said public hearing; and

WHEREAS, the Town Board has completed its SEQR environmental review, received Planning Board input;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marcellus hereby adopts Local Law No. B of 2026, amending Chapter [Number] of the Town Code of the Town of [Town Name] as set forth in the attached copy; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to file said Local Law with the New York State Department of State as required by law.

ROLL CALL VOTE:

- Supervisor Attley: **Yes**
- Councilmember Pollard: **Yes**
- Councilmember Berwald: **Yes**
- Councilmember Hoey: **Yes**
- Councilmember Percy: **Yes**

Motion Carried by a vote of 5 Ayes to 0 Nays.

The foregoing resolution was thereupon declared duly adopted.
DATED: October 7, 2026

Local Law NO. D Tax Levy Override Enactment:

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 Clarke, who moved its adoption, seconded by Councilor Berwald, 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

The full text of the above-mentioned Law is available on file in the Town Clerk's office and can be viewed upon request.

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

ROLL CALL VOTE:

- Supervisor Attley: **Yes**
- Councilor Pollard: **Yes**
- Councilmember Berwald: **Yes**
- Councilmember Hoey: **Yes**
- Councilmember Clarke: **Yes**

Motion Carried by a vote of 5 Ayes to 0 Nays.

The foregoing resolution was thereupon declared duly adopted.
DATED: October 7, 2026

Councilor Clarke made a motion seconded by Councilor Berwald.
Ayes – Clarke, Berwald, Attley, Hoey, and Pollard Carried

Fire Department requests authorization to negotiate with truck manufacturers and dealers regarding the purchase of a new truck:

Dave Card began the discussion by explaining that the truck that they want to purchase will take 2 to 4 years to manufacture. He is requesting that the Board grant him permission to enter into serious pricing negotiations with the manufacturer so that the truck can begin to be built to their specs and so that he can have a firm price to work with in preparing various payment strategies which might include fund raising, use of the Truck reserve fund, selling parts of the pumper that failed inspection and can no longer be used or sold and ultimately, third party lending.

Councilor Pollard asked if this would be a binding contract or negotiation/talks.

Dave Card said that in order to enter into negotiations he would have to have a binding contract.

Councilor Pollard asked if he was confident that he would have the funds to pay for the truck when it eventually becomes available.

Dave Card stated that he was confident that the funds would be there to a point. We have savings, we have a truck reserve fund and over the next 2 - 4 years they will be looking into low interest rate loans from the State and raising monies with campaigns for donations from the community.

Councilor Pollard stated that she just did not want to get into a situation where you spend money and things go wrong, creating a liability for the Town.

Dave Card explained that as specified in the contract that the Town and the Fire Department renew each year, formal permission from the Board is mandated in any case where the Fire Department plans to enter into debt. During the discussion Dave also mentioned looking into obtaining grants to cover things other than the apparatus, such as a new roof, in order to keep other potential expenditures to a minimum.

Councilor Hoey inquired about the plans to keep the Board informed during the two to four years during which the chosen truck is being manufactured.

Councilor Pollard asked about having more than one company bid on the specs. Dave said that they could do that.

Councilor Berwald asked what the cost of the truck was.

Dave Card replied that the truck would cost 1.8 million.

Bill Southern, Sheehan Road, pointed out that most of the Fire Departments in the surrounding communities acquire their equipment independently and they are exempt from public bidding.

Councilor Berwald said that he just had an issue with the arrangements for paying for the truck, I just want to see a plan of where the money is coming from, I just want to see a written plan that we can evaluate and vote on.
Dave Card said that right now I have no negotiation power with these manufacturers, I cannot ask them to give me a cost for what we want, because I do not have a guarantee from you guys to do that.
Councilor Berwald said the Fire Department could go to a public referendum and let the voters say yeah or nay.
Councilor Hoey asked regarding our authority within the terms of current contract, if we vote on this request tonight to authorize the Fire Department to enter negotiations does that come back to us again? Or is that our final authorization?
Stacy Marris requested a copy of the year-to-year contract that the Town and Fire Department sign annually. She also said that the Town Board could approve that the Fire Department could enter negotiations subject to competitive bidding if it is necessary. She suggested that the issue be tabled until she can review the contract and advise on the Town's ultimate position of liability before the Board actually votes on backing the negotiation process until then.
Councilor Pollard suggested that Stacy Marris write up a resolution to that effect so that the Board could vote on it.
Dave Card suggested that it was also possible that a motion could be made by the Board right now, subject to that provision, so that the Board could vote on it tonight.
Councilor Pollard made a motion using the language suggested by Stacy Marris (that the Fire Department could enter into negotiations for the manufacture of a new truck to purchase subject to competitive bidding if it was required) and it was seconded by **Councilor Clarke**.
Ayes – Pollard, Hoey, Attley and Clarke Nay - Berwald Carried

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:

- **Onondaga County Planning Board Resolution**

Stacy Marris explained that this is just a line item to let you know that the Onondaga Planning Board met on October 2, 2026, and responded with an action of no position. The next step will be the public Hearing on October 21, 2026, and the enactment. No action is needed.

Reports from Department Heads
Codes: John House, Codes Officer; was absent.

Highway: Mike Ossit, Highway Superintendent; Trash days went well. I showed Jane the plans for the parking lot and they are still available for review in the Town Clerk's file room. Reagan now has the same information. The next step will be for Reagan to get back to us to propose any actions.

Parks/Recreation: Don MacLachlan, Park and Recreation Director; Rec just finished their overnight trip and that went well. The Amphitheatre is done and all the pavilions are painted now. All the ceilings in the bathrooms have been painted, and we will be winterizing on the 24th of this month.

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

CNYSPCA $195.00

Dog Licensing $409.00
Certified Copies of Marriage $10.00
Passports $105.00
Freon Removal $270.00
Marriage Licensing Fees $87.50
Conservation $177.48
Passenger One Trip $345
Mattress $375.00
Trailer $500.00
Tire $56.00
Large Vehicle $60.00
Passenger Six Trips $630.00
Trash Permit-truck $1,305.00
Building $1,544.00
Zoning Fees $300.00

Discussion Agenda:

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

Fire Department: Dave Card answered the Board's questions regarding the Expenses by Payee section of the Fire Department financial report. Dave then informed the Board that Cooney did the fall service on the HVAC rooftop units and found that 3 of the units have bad heat exchangers. They came back with an estimate of about $16,000.00 to replace the heat exchangers. He was told that two of the units had 10-year heat exchanger warranties and the third unit had a 15-year warranty. Cooney wrote up estimates on all three units (they red-tagged the units), and Dave asked them if they would be bidding the work as a tax-free prevailing wage job and they told him that they would not be. Dave suggested that, at some point it would be better if the building maintenance was taken over by the Town instead of having it handled by the Fire Department.

Olde Home Days Committee Donation: The Marcellus Olde Home Days Committee made a contribution to the Town of $1,000 and asked if the money could be used for a 50-amp electrical service for their food truck and also a switch that could shut off one of the streetlights. Don mentioned that the $1,000 would not touch the cost of the 50-amp service that was suggested and he was not even sure that the light could be switched off as they requested. Mike has spoken to an electrician who might be able to give us a price on a workaround making use of an extra conduit that had been run during previous work that might make the 50-amp service possible. Councilor Hoey stated that the Board is appreciative of the donation regardless.

Additional discussion: Councilor Berwald asked if the Supervisor should be the one signing the contract for legal services that was presented by Mr. Gascon regarding his work for the Planning and Zoning Board, currently it is signed by Jerry Wickett, head of the Planning and Zoning Board and Mr. Stearns. Stacy Marris said that technically, yes and suggested that Jerry Wicket's name could be crossed off and Supervisor Attley could sign the contract.

Adjournment: Councilor Clarke made a motion seconded Councilor Hoey to adjourn the Meeting at 8:42 PM.
Ayes – Attley, Berwald, Clarke, Hoey and Pollard Carried

Respectfully submitted,

Suzanne Tobin
Deputy Town Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your consideration of this comment.

Summary of Loudoun County's Experience with Data Centers:

The primary complaints expressed by Loudoun County residents include constant, low-frequency hums and sudden roaring noise from massive cooling units and backup generators, localized air and health pollution from diesel exhaust, rising power bills, strain (and depletion) of local water supply, and high-voltage power lines cutting through backyards.

Noise Pollution

Constant Hum: Row-upon-row of industrial chillers and servers run 24 hours a day, creating an audible hum across nearby residential areas.

Generator Testing: Thousands of tractor-trailer-sized backup diesel generators test weekly at data center sites, and emergency power failures trigger loud, extended running times that disrupt sleep.

Air Quality and Health Risks

Diesel Fumes: Extended generator use or mechanical failures release nitrogen oxides, carbon monoxide, and particulate matter, causing throat and lung irritation for nearby homeowners.

On-Site Power Plants: Facilities relying on on-site gas turbines or backup generators raise localized health concerns, with independent studies linking emissions to millions in annual health-related damages.

Power Grid and Infrastructure Strain

Higher Utility Bills: Massive electricity demands strain the regional power grid and drive-up electricity costs for local residents.

Intrusive Transmission Lines: Sprawling new high-voltage power lines and substations are built directly through towns, neighborhoods, and backyards.

Quality of Life and Environment

Visual Blight: Massive, featureless warehouse-style buildings replace open fields, trees, and scenic views right next to residential lots.

Resource Depletion: Heavy power and fossil-fuel consumption generate localized heat islands and strain regional freshwater tables."

Speaker, have any data centers been proposed to date?

Supervisor Attley, not that I'm aware of.

Speaker, is it the Boards' plan to prevent it for twelve months, and in the meantime, come up with some sort of zoning or regulation?

Councilor Pollard, correct, we a looking to the Planning and Zoning Board to give us advice.

Speaker, is there a safe distance from these centers?

Councilor Pollard, not that we are aware of, that would be part of the findings from the Planning and Zoning Board.

Councilor Clarke, the State, is also putting a moratorium into effect, but theirs doesn't necessarily include small towns in it at this point. We will need to take their guidelines into consideration while making one for Marcellus.

Councilor Berwald, there is an article in Talk of Town on solar power struggle and battery energy storage systems. In the article it states that some of these facilities are being built on private land as what they call "as of right", which means you don't need Town or County approval because it's being built "as of right" as long as it's meeting the state environmental protection and safety laws. It continues to be said, if anybody is familiar with the home rule law, it is superseded by state laws when it comes to renewable energy approval processes. State law preempts all other state and local laws, including home rule. We can do all this just like we did with the solar law and the battery storage, and the State can come in, and override the Town's laws if they stand by the environmental laws. If it's a private owner that has the potential to earn large amounts of money, we can't stop them. I'm in favor of the moratorium. I'm just providing information I read in the article.

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

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

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

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

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

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

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

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

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

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

New Business

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

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

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

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

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

WHEREAS, a public hearing was held on such proposed local law on this 21st day of October 2026 by the Town Board of the Town of Marcellus and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

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

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

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

NOW, THEREFORE, it is

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

"**TOWN OF MARCELLUS**

LOCAL LAW NO. 4-2026

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

Be it enacted as follows:

Section 1: Intent

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

Section 2: Legislative Purpose

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

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

Section 3: Definitions

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

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

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

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

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

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

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

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

Section 4: Moratorium

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

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

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

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

Section 5: Relief from Provisions of this Local Law

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

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

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

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

Section 6: Penalties

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

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

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

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

Section 7: Enforcement

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

Section 8: Validity & Severability

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

Section 9: Effective Date

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

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

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

The foregoing resolution was thereupon declared duly adopted.

Dated: October 21, 2026

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supervisor Attley strikes the gavel

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

Adjournment

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

Respectfully submitted,

Rosemary Tozzi
Town Clerk

TOWN OF MARCELLUS
LOCAL LAW NO. C OF 2026

A LOCAL LAW TO AMEND THE SUPPLEMENTARY REGULATIONS OF CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS TO ADD NEW REGULATIONS FOR 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 PURPOSE AND INTENT.

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 industries which adversely impact public health and quality of life, cause proliferation of pollution, compromise aesthetics, and degrade community character, including the solar industry and associated battery energy storage:

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, a 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;

DRAFT

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;

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K. Due to the foregoing risks, this Local Law 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.

In light of the foregoing, the Town Board finds a need to properly site battery energy storage 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 Local Law is adopted to do so 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 the Town's Comprehensive Plan, and other Town policy and land use goals;

E. To create synergy between battery energy storage system development and:

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(1) Promotion and management of new development in the Town which protects resources and the Town's unique identity;

(2) General growth of the Town, which shall occur in a manner that preserves the quality of life and character of the community;

(3) Preservation and enhancement of the character of existing neighborhoods;

(4) Preservation and protection of natural resources and farmland, and support for the agricultural economy; and

(5) The availability of public facilities, infrastructure, and services that adequately serve the present and future needs of the Town.

SECTION 2. AUTHORITY.

This Local Law is adopted pursuant to the New York State Constitution, Article IX, Section 2(c)(6), (10); New York Statute of Local Governments, Section 10(1), (7); New York State Town Law Sections 261-263; and Municipal Home Rule Law Section 10; all which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

SECTION 3. AMENDMENT OF SECTION 235-26 ("SUPPLEMENTARY REGULATIONS") OF CHAPTER 235 ("ZONING") OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-26, "Supplementary Regulations," of Chapter 235, "Zoning," 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:

"N. Battery energy storage systems.

(1) 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 Subsection, 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:

i. 40 kWh within utility closets and storage or utility spaces;
ii. 80 kWh in attached or detached garages and detached accessory structures;
iii. 80 kWh on exterior walls; or
iv. 80 kWh 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.

(b) 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: Tier 2 Battery Energy Storage System 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

(c) 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.

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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, and is constructed in accordance with the New York State Uniform Code, and 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) No other occupancy types are permitted in the building; and

(c) 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;

(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

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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

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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 Subsection, 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.

NON-PARTICIPATING PROPERTY

Any property that is not a participating property.

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NON-PARTICIPATING RESIDENCE
Any residence located on non-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.

PLANNING BOARD
The Planning Board of the Town of Marcellus.

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, New York.

TOWN BOARD
The Town Board of the Town of Marcellus.

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

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time to time.

ZONING BOARD OF APPEALS
The Zoning Board of Appeals of the Town of Marcellus.

(2) Applicability.

(a) The requirements of this Subsection shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of this Subsection 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 Subsection.

(b) Battery energy storage systems constructed or installed prior to the effective date of this Subsection shall not be required to meet the requirements of this Subsection.

(c) Modifications to, retrofits, or replacements of a battery energy storage system constructed or installed prior to the effective date of this Subsection that increase the total battery energy storage system designed discharge duration, storage capacity, or power rating shall be subject to this Subsection.

(d) In the event the language of this Subsection cannot be harmonized with § 235-26(M) ("Solar energy systems"), the more stringent requirement(s) will apply.

(3) General Requirements.

(a) A Building Permit and Special permit granted by the Zoning Board of Appeals, pursuant to the criteria established at Section 235-27 and the additional criteria established at the relevant parts of this Subsection, as applicable, shall be required for installation of all battery energy storage systems.

(b) For all battery energy storage systems, regardless of Tier, the Zoning Board of Appeals shall review special permit applications on the following general criteria:

[1] Consistency with the goals of the Town's adopted plans and studies;

[2] The meeting of all relevant standards, guidelines and requirements set forth in the Zoning Law of the Code of the Town of Marcellus, including any applicable additional requirements included in this Subsection;

[3] The economically viable use of the property and/or whether there shall be a significant decrease in the future economic viability of the property;

[4] The compatibility with existing uses adjacent to and near the property;

[5] The providing of adequate measures (such as landscaping and screening) to mitigate

Commented [SM1]: The way the prior version was written, paragraph (b) below conflicted with this paragraph. It read:

"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 [Special Permit]. Applicable fees shall be established by the Town Board and may be amended from time to time by resolution."

Does the Town wish ALL tier systems to be subject to Special Permit approval, or just Tier 2 and Tier 3? Right now, I've edited it to make it more stringent (all tiers subject to special permit, but some have more strict criteria, but it may be changed).

potential adverse impacts on surrounding property and preserve or enhance the character of the Town;

[6] Whether there will be an undue burden or effect on the orderly development and character of the neighborhood or upon the development and conduct of other lawful uses in the vicinity;

[7] Whether there will be a nuisance to adjacent residents and property in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, traffic, crowds, parking of automobiles, unsightliness, contamination or other similar conditions;

[8] Whether there will be undue harm to or destruction of existing sensitive natural features on the site or in the surrounding area or adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation or water quality;

[9] Whether there will be destruction of or adverse impact on significant historic and/or cultural resource sites; and

[10] Whether the use will otherwise be detrimental to the convenience and general health, safety or welfare of the public.

Upon closing of the public hearing, the Zoning Board of Appeals shall take action on the special permit application within 62 days of the public hearing, which can include approval, conditional approval, or denial. The 62-day period may be extended upon consent of the Zoning Board of Appeals and applicant.

(c) Tier 2 and Tier 3 battery energy storage systems shall additionally require the issuance of Site plan approval by the Town Planning Board.

(d) Issuance of permits and approvals shall include the requisite review pursuant to Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617, also known as the State Environmental Quality Review Act ("SEQRA").

(e) 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.

(f) 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 Code of

the Town of Marcellus.

(g) Applicable fees for any of the permits and/or approvals shall be established by the Town Board and may be amended from time to time by resolution.

(h) For battery energy storage systems subject to Site plan review and approval, the Town shall impose, and may update as appropriate, a schedule of fees and a deposit, to recover expenses associated with engineering, environmental, other professional services, and/or legal services determined to be reasonably necessary for the processing of an application under this Section. All fees for outside professional services shall be paid by the applicant.

(i) All approved sites and buildings shall be clearly marked 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, and shall be placed on the electric meter, on the main electrical switch panel, and by the front entry door.

(j) Tier 2 and Tier 3 battery energy storage systems may be permitted on sites occupied by approved solar farms located within the Agricultural Zone (A-1), Light Industry Zone (L-1) or Business Zone (B-1).

(k) Where a conflict exists between two or more codes, the more stringent code(s) shall apply.

(l) Nothing listed herein shall be deemed to restrict the Planning Board or the Zoning Board of Appeals, as appropriate, from requiring stricter standards for safety, for the mitigation of environmental impacts, and/or to protect the character of existing neighborhoods.

(4) 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 Special permit, pursuant to Section 235-27 and this Subsection, but shall be exempt from any Site plan review by the Planning Board, either advisory or actual.

(5) Permitting requirements for Tier 2 battery energy storage systems.

Tier 2 battery energy storage systems shall be permitted only within the Agricultural Zone (A-1), Light Industry Zone (L-1) and Business Zone (B-1), and only upon the approval of a Site plan by the Planning Board, the granting of a Special permit by the Zoning Board of Appeals, pursuant to Section 235-27 and this Subsection, and the issuance of a Building Permit. The application for a Site plan shall contain the information and materials required pursuant to Section 235-28 and Section 235-26(N)(7) of the Code of the Town of Marcellus, and any other information and materials that the Planning Board may deem necessary.

(6) Permitting requirements and procedures for Tier 3 battery energy storage systems.

Commented [SM2]: The prior version made reference to "Commercial Zoning Districts" here, but the Town of Marcellus doesn't have "Commercial Zoning Districts." Would the Town like this to read the Zones that such projects are allowed (i.e., A-1, B-1 and L-1)?

Commented [SM3]: See comment on page 10.

Commented [SM4]: The prior version combined the Tier 2 and Tier 3 procedures, such that Tier 2 had to follow the Tier 3 procedures below, as well. This differs from Cicero's and Clay's, which just have what is included here and Tier 3 is the only type with super specific procedures.

Tier 3 battery energy storage systems shall be permitted only within the Agricultural Zone (A-1), Light Industry Zone (L-1) and Business Zone (B-1), and only upon the approval of a Site plan by the Planning Board, the granting of a Special permit by the Zoning Board of Appeals, pursuant to Section 235-27 and this Subsection, and the issuance of a Building Permit. In addition, the application for a special permit shall contain the information and be evaluated on the requirements set forth below. The application for a Site plan shall contain the information and materials required and be reviewed pursuant to Section 235-28 and Section 235-26(N)(7) of the Code of the Town of Marcellus, and any other information and materials that the Planning Board may deem necessary.

(a) Applications for the installation of Tier 3 battery energy storage system shall be:

[1] Reviewed by the Code Enforcement Officer and the Chair of the Planning Board for completeness. An application shall be complete when it addresses all matters listed in this Subsection, 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 of the completeness of their application or any deficiencies that must be addressed prior to substantive review. Once an application has been deemed complete it will be considered "received" for the purposes of Town Law § 274-b;

[2] Subject to a public hearing to hear all comments for and against the application. The Zoning Board of Appeals shall have a notice printed in a newspaper of general circulation in the Town at least five (5) 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 ten (10) days prior to such a hearing. Proof of mailing shall be provided to the Zoning Board of Appeals at the public hearing;

[3] Referred to the Onondaga County Planning Board pursuant to General Municipal Law § 239-m, as required; and

[4] Referred to the Planning Board for an advisory report to the Zoning Board of Appeals and further be subject to official Site plan review and approval by the Planning Board pursuant to this Subsection. Said Site plan review and approval may be done concurrently with, but following the granting of a Special permit from the Zoning Board of Appeals, at the determination of the Planning Board.

(b) 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.

Commented [SM5]: The prior proposed local law included a 90-day limit to advise of completeness. Why not eliminate this? The only requirement related to this is that a ZBA must hold a public hearing on the application within 62 from the day an application is received. That's a *complete* application is received, not just when one is submitted.

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

(d) 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:

i. The type of battery technology;

ii. Any special hazards associated with said technology;

iii. The type of fire-suppression system installed in the area of the battery energy storage systems;

iv. Twenty-four-hour emergency contact information (name/number), including applicable local, public, and private entities.

[2] As required by the 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.

(e) 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 law, 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:

i. All outdoor luminaires shall be fully shielded and installed in the proper orientation to achieve fully shielded performance with respect to the horizontal plane.

ii. The installed height of an outdoor luminaire shall not exceed twenty-five (25) feet.

iii. All light sources shall have a correlated color temperature of 3,000° Kelvin

or less.

iv. Upward-directed lighting is prohibited.

v. 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 programmable 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:

i. Lighting required by Town, county, state, or federal law, including single-purpose emergency egress lighting on a structure;

ii. 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;

iii. 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;

iv. 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;

v. 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;

vi. 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

vii. Lighting under canopies and garage entrances are exempt from the automatic lighting control requirement only.

(f) Vegetation and tree cutting. Areas within 20 feet on each side of Tier 3 battery energy

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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.

(g) 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. Applicants 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.

(h) 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:

i. The anticipated life of the battery energy storage system;

ii. The anticipated years to large (>10 percent of initial equipment capital cost) reinvestments or component replacements;

iii. 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;

iv. 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;

v. The estimated decommissioning costs and how said estimate was determined.

vi. An affirmative statement that the requisite cash security, as set forth below, will provided at the outset of the project.

vii. Disposal of all solid, liquid, and/or hazardous waste in accordance with local, State, and federal waste disposal regulations; and

viii. 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.

i. The Town 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 also recognizes the long-term nature of some of these projects and the need to have a full cash security at the outset of such projects. Accordingly, the Town will require the posting of a cash component of 100 percent of the total security amount determined. The deposit, executions, or filing with the Town of cash 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. The Town shall cause the security amount to be evaluated by the Code Enforcement Officer, from time to time, for the life of the project, and may demand additional cash security as required based on said evaluation(s).

ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit 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.

iii. In the event of default or abandonment of the battery energy storage system,

Commented [SM6]: It is recommended that the Town only accept cash security based on our experiences with such companies and other towns. We should also look into requiring cash only for solar projects (and wind). This can also act as a barrier to applicants coming in because some don't want to put up full cash amounts.

the system shall be decommissioned as set forth herein.

iv. 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 Law 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 taxes.

v. 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. If the Zoning Board of Appeals requires, the Town shall be named as an additional insured on such insurance policy.

vi. The Town 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 Zoning Board of Appeals.

(i) Battery energy storage system owner's representative.

[1] Any applicant and subsequent battery energy storage 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 battery energy storage 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 battery energy storage 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 battery energy storage 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 battery energy storage system owner shall provide and keep operational a system for automated notification of any emergency

events to inform local first responders.

(j) Setbacks.

[1] All battery energy storage system applications shall comply with the minimum yard, setback, and dimensional requirements applicable to the underlying zoning district in which the project is to be located. Required setbacks shall be measured from the nearest property line of the subject parcel to the closest exterior component of the battery energy storage system facility, including but not limited to equipment enclosures, battery units, inverters, transformers, and security fencing.

[2] In recognition of the scale and potential operational impacts associated with larger facilities, battery energy storage systems shall provide the following modified setbacks:

i. There shall be 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 non-participating residence and/or a residential zoning district. The additional setback requirement shall apply only to those portions of the site adjoining the non-participating residence and/or residential zoning district and shall not be construed to apply to the entire perimeter of the battery energy storage system site.

ii. There shall be a setback of a minimum of 750 feet from any occupied community building, disaster response facility, combustible storage facility or other similarly sensitive location.

iii. There shall be a setback of a minimum of 500 feet from any critical transportation infrastructure.

iv. No portion of the battery energy storage system facility, including fencing or associated equipment, shall be located within any required setback area.

(k) Roads.

[1] Applicants shall avoid damaging roads and shall be responsible for mitigation of damage, if any. If the Zoning Board of Appeals shall so direct, a Town Roads Damage Avoidance and Mitigation Plan may be required and shall contain the following:

i. 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 to transport equipment, parts, and material for construction, operation, and/or maintenance of the battery energy storage system and related components.

ii. Documentation of road conditions. Prior to construction and prior to

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 Subsection. 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 review.

(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 Code of the Town of Marcellus, 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 NEC-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.

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[6] 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;

[7] 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;

[8] Commissioning plan.

i. Such plan shall document and verify that the battery energy storage 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-licensed professional engineer or New York State-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 battery energy storage system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

ii. Such plan shall comply with the Uniform Code and include, at a minimum, the following information:

A. 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;

B. 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;

C. Conditions under which all testing will be performed that are representative of the conditions during normal operation of the system;

D. 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;

E. Verification that required equipment and systems are installed in

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accordance with the approved plans and specifications;

F. Integrated testing for all fire and safety systems;

G. Testing for any required thermal management, ventilation, or exhaust systems associated with the battery energy storage system installation;

H. Preparation and delivery of operation and maintenance documentation;

I. Training of facility operating and maintenance staff;

J. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase; and

K. 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.

iii. 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.

[9] 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.

[10] System and property operation and maintenance manual.

i. 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.

ii. An operation and maintenance manual shall be provided to both the battery energy storage system owner and its operator before the battery energy storage 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.

iii. 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:

A. 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;

B. 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;

C. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions, and control sequence descriptions for all energy storage control systems;

D. 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;

E. A schedule for inspecting and recalibrating all battery energy storage system controls;

F. 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

G. Inspection and testing records.

[11] 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 Planning Board;

[12] Emergency operations plan. 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

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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 Planning Board 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;

[13] 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.

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i. Such analysis and assessment shall include, in addition to or supplemental to the requirements of NFPA 855 Annex G:

A. 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 local fire department(s), provided, however, that the required quantity of hose streams may be increased based on consultation with the local responsible and backup fire departments;

B. Emergency equipment availability;

C. 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;

D. Capability and required actions of local first responders. Special consideration 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;

E. Environmental considerations in the event of an emergency; and

F. 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.

ii. 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.

[14] A traffic safety circulation plan, taking into account general internal circulation, loading/unloading requirements, and similar factors. The plan shall identify appropriate impact protection including but not limited to traffic barriers, bollards, and walls.

[15] 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 both Tier 2 and Tier 3 battery energy storage systems

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shall be 16 feet, which shall be depicted in plans submitted with the site plan review application.

(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 battery energy storage system site plan review 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:

i. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals;

ii. Location, approximate dimensions and types of all existing structure(s) and uses on the site;

iii. Location and elevation of the proposed Tier 3 battery energy storage system installation;

iv. 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;

v. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Tier 3 battery energy storage system project shall be buried underground and include necessary encasements in accordance with the NEC and Town requirements. The Planning 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

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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;

vi. Location of all structures proposed as part of the installation;

vii. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, and similar features;

viii. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site;

ix. Documentation of utility notification, including an electric service order number; and

x. 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 a Building Permit, 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 special permit shall remain in effect, provided that the original owner or operator notifies the Town of such upcoming change pursuant to this provision and the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, as applicable, and decommissioning plan, as applicable, pursuant to this provision. The original 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 at least thirty (30) days prior to the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Town Hall. The successor 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 its assumption of all the obligations of the special permit, site plan approval, as applicable, and decommissioning plan, as applicable, within thirty (30) days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Town Hall. The special use permit and all other local approvals for the battery energy storage system shall be void if either the original owner or operator fails to provide written notification to the Town as set forth above or if the successor owner or operator fails to provide written assumption to the Town as set forth above. Reinstatement of a void special permit shall be subject to the same review and approval processes for new applications under this Subsection.

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(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):

i. UL 1973 (Standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications);

ii. UL 1642 (Standard for lithium batteries);

iii. UL 1741 or UL 62109 (inverters and power converters);

iv. Certified under the applicable electrical, building, and fire prevention codes as required; and

v. 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(s) and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps.

(c) 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.

(d) Where deemed necessary by the Zoning Board of Appeals or the Planning Board, or both, 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(s) responsible for fire protection at the site.

(e) The battery energy storage system owner or operator shall notify local fire

department(s), the Onondaga County Department of Emergency Management, and the Town at least ten (10) days prior to any scheduled maintenance or battery removal/installation.

(f) Security cameras shall be installed if required as part of the Hazard Mitigation Analysis or if recommended by the Code Enforcement Officer or their designee.

(g) 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 special 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 Planning Board 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 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] On parcels containing prime agricultural soils; provided, however, that a Tier 1 battery energy storage system may be placed on a portion of the parcel not containing prime agricultural soils;

[4] Near historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the resource and is fully reversible;

[5] Areas of exceptional or unique social archaeological, recreational, or educational value;

Commented [SM7]: The prior version had here the "Commissioner of Planning & Development." Upon belief, the Town does not have such a commissioner. Is the Planning Board, as a whole, okay?

Commented [SM8]: This was not included in the prior version, but is contained in Cicero's. Keep or remove?

[6] Designated conservation areas;

[7] Areas adjacent to public, parklands, trails, or active recreation;

[8] Areas within a disadvantaged community as identified by New York State; and

[9] Any Critical Environmental Areas adopted pursuant to SEQRA and/or the habitats of endangered species.

(b) Wetlands compliance. All battery energy storage systems proposals shall comply with all applicable federal and New York State freshwater wetland laws, rules and regulations, including those administered by the New York State Department of Environmental Conservation. 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 the State Department of Environmental Conservation prior to the issuance of any local approval, Building Permit, or commencement of construction.

The applicant shall provide documentation satisfactory to the Zoning Board of Appeals or the Planning Board, whichever the case may be, demonstrating compliance with all applicable State Department of Environmental Conservation 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.

(c) 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, as part of the site plan review process.

(d) 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 Subsection 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.

(13) Waiver. The Zoning Board of Appeals or the Planning Board, whichever is applicable, 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 applications are those as established by resolution of the Town Board by, and it shall be the responsibility of the applicant to reimburse the Town for any and all

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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 Subsection.

(15) **Host community agreement authorization.**

(a) For any proposed Tier 2 or Tier 3 battery energy storage system, the Town Board shall have the authority, but not the obligation, to require the applicant to enter into a host community agreement (HCA) as a condition of any of the approvals required pursuant to this Subsection.

(b) 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.

(c) Nothing herein shall be construed to limit the Town Board's authority 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.

Commented [SAM9]: The one thing we'd recommend keeping with the Town Board is this provision, as it concerns the entirety of the Town.

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Supervisor
Jane Attley
Councilors
Jeff Berwald
Percy Clarke
Terry Hoey
Karen Pollard

Town Clerk
Rosemary Tozzi
Tax Collector
Sandy Taylor
Highway Superintendent
Mike Ossit

MARCELLUS

New York
PROCUREMENT PROCEDURE

ITEM: Park Amphitheater motorized screen
DESCRIPTION: _____

QUANTITY: _____

2. VERBAL QUOTES OR 3 WRITTEN QUOTES (See Below)

1. Ship Shape	(561) 777-4149	$ 10,500.00
COMPANY	PHONE NUMBER	QUOTE
2. The Awning Mart	(315) 699-5928	$ 10,575.00
COMPANY	PHONE NUMBER	QUOTE
3. Alumaroll Awning + Window Co	544-2110	$ 11,844.00
COMPANY	PHONE NUMBER	QUOTE

Purchase Contracts:

Less than $1,000 at discretion of the purchaser
$1,000 to $5,000 – Requires (2) VERBAL Quotes
$5,000 to $20,000 – Requires a written RFP (Request for Proposal) and (3) Written quotes
$20,000 or more requires a formal Bid.

Public Works:

Less than $3,000 at discretion of the purchaser
$3,000 to $15,000 – Requires (2) VERBAL Quotes
$15,000 to $35,000 – Requires a written RFP (Request for Proposal) and (3) Written quotes
$35,000 or more requires a formal Bid.

This includes all aggregate amounts of equipment/supplies/repairs on same or like item in a calendar year.
This excludes goods or services purchased through state and county contracts—include state and county contract numbers.
Prevailing wage needs to be included with all service contracts.

PLEASE ATTACH THIS WORK FOR, TO ALL VOUCHRES TO SHOW THE REQUIRED QUOTES WERE RECEIVED.

22 East Main Street
Marcellus, NY 13108

Phone: 315-673-3269
fax: 315-673-9102

ESTIMATE

Ship Shape Retractable Screens and Awnings
2530 State Route 5 And 20
Stanley, NY 14561-9521

jodi@shipshapeoutdoorliving.com
+1 (561) 777-4149
https://Www.shipshaperetractablescreensandawnings.com

SHIP SHAPE

Bill to
Michelle Norstad
2443 Platt Rd.
Marcellus, NY 13108

Ship to
Michelle Norstad
2443 Platt Rd.
Marcellus, NY 13108

Estimate details
Estimate no.: 1226-JD
Estimate date: 09/29/2026

#	Product or service	Description	Qty	Rate	Amount
1.	**MagnaTrack Retractable Screen**	SIZE: 28'9" x 14'8", MOUNT: Under header-surface mount tracks on 2x2, FRAME COLOR: Bronze , MESH TYPE: Nano 97%, MESH COLOR: White , MOTOR PLACEMENT: left	1	$10,406.00	$10,406.00
2.	**Build Out**	2x2 rec tube- bronze- 15'	2	$375.00	$750.00
3.	**Single Channel Remote**		2	$135.00	$270.00
4.	**MagnaTrack Screen Warranty**	Hardware: 15 years, Motors/Controls: 5 years, Fabric/Mesh: 10-15 years, Vinyl: 1 year, Service: 1 year. ***Screens over 120" MAY HAVE A SEEM***	1	$0.00	$0.00
5.	**Lead Time**	3-5 Week Lead Time	1	$0.00	$0.00
6.	**Terms**	50% Deposit, 40% upon delivery of materials, 10% upon completion. ***Payment of deposit is acceptance by customer of all information and terms of this invoice*** ***Please note that final payment is due upon completion of installation. Remotes will be given at final payment***	1	$0.00	$0.00

Subtotal	$11,426.00
Discount	-$926.00
Total	**$10,500.00**

#2

AWNING Mart
EVERYTHING IN CANVAS AND VINYL

8453 Brewerton Road
Cicero, NY 13039
315-699-5928
315-253-7552
FAX 315-699-9114

BACK LIT-AWNINGS
CUSTOM CANVAS WORK
COMMERCIAL SEWING
WINDOW & PATIO AWNINGS
TRAILER AWNINGS

ESTIMATE/CONTRACT

PROJECT NO _____

NAME Marcellus Park DATE 1027-X PHONE 315-673-3769 FAX _____

STREET 243 Platt Rd CITY Marcellus STATE NY ZIP 13108 CELL _____

Fabricate and install one motorized power screen, 7" cassette unit Brown framework, Black cord

Approx size 19'-4" wide X 15' Drop E-Zip unit

Total cost installed

$ 10,575.00

CONDITIONS OF SALE (PLEASE READ CAREFULLY BEFORE SIGNING)
A 50% DEPOSIT ON DATE OF ORDER. BALANCE UPON COMPLETION OF INSTALLATION. **AWNING MART RESERVES THE RIGHT TO REPOSSESS ALL MATERIAL INSTALLED ON CUSTOMERS PREMISES.** SERVICE CHARGE OF 1 1/2% PER MONTH ADDED TO ALL UNPAID INVOICES 30 DAYS AFTER INSTALLATION. ANNUAL RATE OF 18%. **AWNING MART IS OWNER OF RECORD UNTIL PAYMENT IS MADE IN FULL.**

ALL DRAWINGS AND FIGURES ARE PROPERTY OF AWNING MART
PERMISSION MUST BE MADE IN WRITING TO BE USED

CUSTOMER SIGNATURE X _____ DATE _____

RECEIVED BY _____ DATE _____

OPTION 1	
OPTION 2	
OPTION 3	
SUB TOTAL	
SALES TAX	
TOTAL	
LESS DEPOSIT	
BALANCE DUE	

Michele Norstad

From: Shellie <shellie.theawningmart@gmail.com>
Sent: Tuesday, October 27, 2026 3:19 PM
To: Michele Norstad; Doug Loguidice; Angela Loguidice
Subject: Fwd: Town of Marcellus
Attachments: Marcellus Park.pdf

Please see attached Estimate/Contract. If you have any questions please let us know. If approved please sign and send back to us with a 50% deposit.

Thank you
The Awning Mart
315-699-5928
---------- Forwarded message ---------
From: **Doug Loguidice** <doug@theawningmart.com>
Date: Tue, Oct 27, 2026 at 3:15 PM
Subject: Fwd: Town of Marcellus
To: Shellie <shellie.theawningmart@gmail.com>

---------- Forwarded message ---------
From: **Michele Norstad** <mnorstad@townofmarcellusny.gov>
Date: Tue, Oct 27, 2026 at 9:06 AM
Subject: Town of Marcellus
To: doug@theawningmart.com <doug@theawningmart.com>

Sincerely,

#3

Member Better Contractors Bureau

AGREEMENT

ROCHESTER
ALUMAROLL AWNING & WINDOW CO., INC.

Aluminum & Fabric Awnings, Door Canopies, Patio Covers, Vinyl Replacement Windows, Steel Entry Doors, Storm Windows and Doors, Vinyl Siding

15 Sheppler St. Rochester, NY 14612 **Phone: 544-2110 Fax: 544-0197**

Date 10/28/20

Name Marcellus Park
Address 243 Platt Rd
City Marcellus NY Zip 13108
Phone 315 673 3269

Workmen's Compensation and Public Liability Insurance Carried on All Work

Statement of Transaction

1.	Cash Price	$ 11844.00
2.	~~Taxes~~	+ 947.52
3.	~~Total Cash Price~~	$ ~~12,791.52~~
4.	Amount Paid Down	-
5.	Unpaid Balance of Total Cash Price on Completion	$

manufacture one motorized power screen unit. Brown 7" cassetted E-zip unit with a black cord. Size to be 19'-4" x 15' Drop. Cost includes installation, materials, and Labour

please send exempt certificate if applicable.

I promise to pay you the unpaid balance of the total cash price (Item 5 above) upon completion by you the work described above. In the event of a minor defect, the owner may withhold 10% until the defect is corrected.
This agreement is subject to the approval of an officer of the Company. I agree to the terms of this contract.

AGREED TO FOR THE SELLER,

BY: _____
Seller

_____
Signature of Buyer

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION".

ANY CONTRACTOR, SUBCONTRACTOR, OR MATERIALMAN WHO PROVIDES HOME IMPROVEMENT GOODS OR SERVICES PURSUANT TO YOUR HOME IMPROVEMENT CONTRACT AND WHO IS NOT PAID MAY HAVE A VALID LEGAL CLAIM AGAINST YOUR PROPERTY, KNOWN AS A MECHANIC'S LIEN. ANY MECHANIC'S LIEN FILED AGAINST YOUR PROPERTY MAY BE DISCHARGED. PAYMENT OF THE AGREED UPON PRICE UNDER THE HOME IMPROVEMENT CONTRACT PRIOR TO FILING OF A MECHANIC'S LIEN MAY INVALIDATE SUCH LIEN. THE OWNER MAY CONTACT AN ATTORNEY TO DETERMINE HIS RIGHTS TO DISCHARGE A MECHANIC'S LIEN

Michele Norstad

From: Angela Loguidice <angela@theawningmart.com>
Sent: Wednesday, October 28, 2026 11:48 AM
To: Michele Norstad
Subject: second estimate
Attachments: DOC102826-10282026114549.pdf

Good Morning, All our pricing comes with labor and materials included. once we are awarded the contract i ca break it down further for you. I have attached a second estimate from a different company. please let me know if you have any questions.

TOWN OF MARCELLUS
LOCAL LAW NO. F OF 2026

A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF MARCELLUS

Be it enacted by the Town of Marcellus Town Board, 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. LEGISLATIVE PURPOSE AND INTENT.

Earlier this year, the Town Board of the Town Marcellus enacted a moratorium on battery energy storage systems within the Town, which was prematurely repealed. The purpose of this local law is to temporarily halt development of battery energy storage systems, for a period of up to six (6) months, while the Town considers zoning changes and the enactment of zoning measures to specifically address matters of community concern.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate battery energy storage systems. In the coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of battery energy storage systems on a Town-wide basis and to adopt land use regulations for provisions to specifically regulate same.

It is the intent of the Town Board of the Town of Onondaga to impose a six (6) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and enlargement of battery energy storage systems within the Town of Onondaga. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

SECTION 3. DEFINITIONS.

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 law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM
An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM
A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier I or Tier 2 Battery Energy Storage System as follows:

A. Tier I Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

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

SECTION 4. MORATORIUM.

A. The Town Board hereby enacts a moratorium which shall prohibit the development, placement, construction or erection of any battery energy storage system within the Town of Marcellus and/or the processing or further processing of such applications.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this local law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Battery energy storage systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium. However, further modification, alteration or enlargement of previously approved battery energy storage systems is prohibited while the moratorium is in effect. Further, applications for such uses which have not received appropriate approvals from the Town's Zoning or Planning Boards are included in the moratorium.

SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

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

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

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

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

SECTION 6. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a battery energy storage system in violation of the provisions of this local law, shall be subject to:

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

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

SECTION 7. ENFORCEMENT.

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

SECTION 8. VALIDITY & SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.

TOWN OF MARCELLUS
TOWN BOARD RESOLUTION

November 4, 2026

LOCAL LAW NO. F OF 2026
("A Local Law Imposing A Six (6) Month Moratorium
On Battery Energy Storage Systems Within the Town of Marcellus")

Councilor _____ introduced proposed Local Law No. F-2026, titled "A Local Law Imposing A Six (6) Month Moratorium On Battery Energy Storage Systems Within the Town of Marcellus," and made the following motion, which was seconded by Councilor _____:

WHEREAS, proposed Local Law No. F-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, the Town of Marcellus recognizes there has been an influx of interest in battery energy storage system uses within New York State; and

WHEREAS, such interest has caused the Town to determine to assess the state of its laws and regulations concerning such uses; and

WHEREAS, this moratorium will enable the Town of Marcellus to continue to undertake a review to comprehensively address the issues involved with battery energy storage systems within the Town of Marcellus; and

WHEREAS, the Town has determined that time and research are necessary to determine how to properly regulate such uses; and

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

WHEREAS, the adoption of said Local Law is a Type II action for purposes of environmental review under SEQRA thus concluding the environmental review process.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law F-2026 at the Marcellus Town Office located at 22 East Main Street, Marcellus, New York, on December 2, 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.

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

The foregoing resolution was thereupon declared duly adopted.

DATED: November 4, 2026

INTERMUNICIPAL AGREEMENT
BETWEEN
The Town of Marcellus on behalf of
the Marcellus Sewer District and The Village of Marcellus

Agreement made as of this 30 day of October, 2026, by and between the Town of Marcellus, a municipal corporation, with its offices at 22 East Main Street, Marcellus, New York (hereinafter referred to as the "Town") on behalf of the Town of Marcellus Joint Consolidated Sewer District (formerly known as Consolidated Sewer Districts # 1 and 2), and the Village of Marcellus, a municipal corporation of the State of New York, with its offices at 6 Slocombe Ave, Marcellus, New York (hereinafter referred to as the "Village").

WITNESSETH:

WHEREAS, the Town has formed, operates and maintains the Marcellus Sewer District within the Town, to include sewer lines and the Platt Road pumping station, for the purpose of providing public sanitary sewer services to Town residents ("Town Sewer System"),

WHEREAS, the Village operates and maintains a sewer system within its corporate boundaries, which include sewer lines, pumping stations, and a water pollution control plant ("Village Sewer System"),

WHEREAS, the Town and Village consolidated the operation, maintenance, and repair of their sewer systems in an effort to improve operational efficiency, address inflow and infiltration issues, reduce flows within the system, and minimize costs to taxpayers,

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

1. VILLAGE SERVICES

a. The Village, by virtue of the authority invested in it pursuant to Article 5-D of the General Municipal Law, hereby grants the Town the right to continue all existing connections and to discharge sanitary sewage into the Village Sewer System. If there is adequate capacity at the Village Water Pollution Control Plant (WPCP), upon approval of the Village Board of Trustees, the Town may make additional connections to the Village Sewer System.

b. The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

determined by written order of any authorized agency of the State of New York to be inadequate for the use of the Village and its inhabitants within the meaning of Section 14-1404 of the Village Law, the parties to this Agreement shall work together to find an acceptable solution to the determination. If such a solution is not reached, this Agreement shall terminate as of the date of such order, and the Town shall cease to discharge into the Village Sewer System. Upon any such termination, any payment due would be pro-rated to the date of termination. If by any reason of any natural calamity (force majeure) or act beyond the control of the Village (e.g. loss of power, vandalism, or sabotage) and, as a result, the service of the Town hereunder is terminated, any payment due shall be pro-rated to date of termination.

d. The Village shall continue to bill Town sewer users through the Town of Marcellus pursuant to the formula set forth in section 3 below.

2. TOWN ACTIONS

The Town agrees to:

a. Comply with the Village of Marcellus Sewer Ordinance and all written orders, directions and regulations of the Village for the use of such sewer system which are now in force and which shall hereafter be adopted by the Village or by the County of Onondaga, or by the State of New York.

b. In the event of an emergency, such as a sewer line break or other significant repairs are needed to the Town Sewer System described above, which the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.

c. Obtain the approval of the Board of Trustees of the Village before making any additional connections to or extensions of the Town Sewer System and make corresponding adjustments for sewer rent payments to the Village as necessary;

d. Report any and all sewer leaks/spills that happen within the Town Sewer System per the Sewage Pollution Right to Know Act (2013);

e. Continue to have Town sewer users in Town Sewer District make payment for sewer services to the Town pursuant to the formula listed in section 3 below;

f. Ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties;

g. Ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings

may be amended upon mutual written consent of the parties; and

3. SCHEDULE OF PAYMENTS

The Town agrees to pay the Village as follows:

a. The amount of each quarterly bill will be based upon a Basic Service Fee (average Village Sewer user payment), plus a fifteen percent (15%) administrative/outside user fee, times the number of Town sewer units.

b. The Village will render invoices on a calendar quarterly basis: Q1 Jan, Feb, March; Q2 April, May, June; Q3 July, Aug, Sept; Q4 Oct, Nov, Dec.

c. The Village will issue the Town invoices on a calendar monthly basis for operations and maintenance services. Village services shall include labor (see Exhibit B), maintenance, equipment and utilities only.

d. All payments are due within 30 calendar days from the invoice date. If a payment is not received by the due date, a late fee equal to ten percent (10%) of the outstanding invoice amount will be assessed.

4. COMPENSATION FOR SERVICES

The Town hereby agrees to pay the Village for all such work, labor, services rendered and materials furnished pursuant to the Scope of Services. The Village shall provide an itemized bill for all services provided, which shall be charged at the rate provided in Exhibit B attached hereto and incorporated herein.

5. CLASSIFICATION OF UNITS

The following classification of units will be used in both the Village and Town to determine the applicable annual sewer user payments to be made by the Town to the Village:

CLASSIFICATION FACTOR	
1. Single Family House	1 Unit
2. Multi-Family House	1 Unit per residence
3. Apartment Houses	1 Unit for 1st Apt. and 1 Unit for each additional Apt.
4. Mobile Home or Private Lot	1 Unit
5. Mobile Home in Park	1 Unit each
6. Church	1 Unit
7. Parsonage – Separate Structure	1 Unit
8. Parsonage – Attached to Church	1 Unit

9. Town Municipal Building	1 Unit
10. Town Highway Garage	3 Units
11. Firehouse	5 Units
12. Town Park Facilities	6.5 Units
13. Campsite or RV Rental Unit w/Sanitary Facilities	1/8 Unit
14. County DOT	17 Units
15. Industrial & Commercial (Stores, Restaurants, Motels, Hotels, Gas Stations, Laundromat, etc.)	1 Unit and 1 Unit per 80,000 gals. of sewage per year or part thereof over 80,000 gals

The number of units to be used in calculating the applicable quarterly sewer use payments as per Sections 2(f) and 3 herein shall be determined quarterly.

(a) The Village shall determine and submit its actual unit count on or before October 1st of each year.
(b) The Town is responsible for updating the Village Treasurer of any unit increases/decreases prior to the beginning of each new billing quarter.

6. OTHER AGREEMENTS

a. This Agreement supersedes all prior negotiations and written or oral understandings, if any, and may not be amended or supplemented except by an instrument in writing signed by both parties hereto.

b. This Agreement shall replace all prior Agreements both written and oral between Village and Town for the Town Sewer System, including the Intermunicipal Agreement entered into on November 21st, 2025, except as referenced in c. below

c. The Sewer Line and Pump Addendum to this Agreement effective January 1st, 2027, relating to the Town Fire Department, Town Highway Department and Town Park sewer mains and Park Pump Station herein attached as Exhibit A here to shall remain in effect until December 31st, 2027.

7. INTERPRETATION

a. The paragraph captions are for convenience only and shall not affect the interpretation of this Agreement.

b. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

8. ASSIGNMENT

This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns to which this Agreement relates.

9. NOTICES

Notices will be deemed properly given when in writing sent by certified mail, postage prepaid and addressed:

If to the Town: Supervisor, Town of Marcellus
22 East Main Street
Marcellus, New York 13108

If to the Village: Mayor, Village of Marcellus
6 Slocombe Avenue
Marcellus, New York 13108

10. HOLD HARMLESS

The parties agree as follows: 1) the Village covenants and agree to indemnify, defend, and hold harmless the Town, its officers, agents and employees from and against any and all loss or expense that may arise by reason of claims, costs, damages, suits, actions, judgements, injury or death, or for invasion of personal or property rights, of every name and nature, and whether causal or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Village, its employees and agents as it relates to the Village Sewer System; 2) the Town covenants and agrees to indemnify, defend, and hold harmless the Village, its officers, agents and employees from and against any and all loss or expense that may arise by reason of claims, costs, damages, suits, actions, judgements, injury or death, or for invasion of personal or property rights, of every name and nature, and whether causal or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Town, its employees and agents as it relates to the Town Sewer System and Sewer Line and Pump Addendum.

11. LENGTH OF AGREEMENT

The term of this Agreement shall be from the date upon which the Agreement is executed by the Village Mayor and automatically renew every calendar quarter until December 31st, 2027. The parties may agree to terminate the agreement earlier upon mutual written agreement.

12. SEVERABILITY

If any term or provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

IN WITHNESS WHEREOF, the parties hereto have caused this Agreement to be signed and their respective seals to be hereunto affixed by their duly authorized officers the day and year first above written.

TOWN OF MARCELLUS

By _____
Jane Attley, Town Supervisor

VILLAGE OF MARCELLUS

By _____
Chad Clark, Village Mayor

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this 30 day of October, 2026, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the mayor of the ~~Town~~ Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.

_____
Notary Public

CHARNLEY A. ABBOTT
Notary Public, State of New York
Reg. No. 01AB6381323
Qualified in Onondaga County
Commission Expires 10-01-20

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that _____ is the _____ of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

_____
Notary Public

EXHIBIT A

Marcellus Sewer Line and Pump Addendum

This Agreement is made this 30 day of October 2026, by and between the Town of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices at 22 East Main Street, Marcellus New York 13108 ("Town") and the Village of Marcellus, a municipal corporation organized and existing under the laws of the State of New York with its principal offices at 6 Slocombe Avenue, Marcellus, New York 13108 ("Village").

WITNESSESTH

WHEREAS, the Town owns, operates and maintains Marcellus Park located at 2443 Platt Road, Marcellus, New York 13108 ("Marcellus Park");

WHEREAS, the Town owns the Park Pump Station and sewer lines within the Marcellus Park boundaries for the purpose of providing public sanitary sewer services to Marcellus Park ("Marcellus Park Sewer System");

WHEREAS, the Town is the owner of three-bathroom facilities located in Marcellus Park, including the grinder pumps located outside of each, and responsible for all maintenance excluding the Village from any responsibility;

WHEREAS, the Town is the owner of the fire hall facilities located at 4242 Slate Hill Road, Marcellus, New York 13108 ("Firehouse");

WHEREAS, the Town is the owner of the highway garage facilities located at 4262 Slate Hill Road, Marcellus, New York, 13108 ("Town Highway Garage");

WHEREAS, the Town is responsible for maintenance, repair and replacement of the Park Pump Station, including the right of way or easement for the pipe leading westerly to the Firehouse and Town Highway Garage, thereof and whereby the Town agreed to pay the Village for such sewer service at a rate commensurate with the amount of wastewater entering the system to be billed by the Village on a quarterly basis.

NOW, THEREFORE, in consideration of the terms, covenants and conditions contained herein, the Town and Village do hereby agree as follows:

To the extent requested by the Town, the Village will monitor and oversee the normal operation, maintenance and repair of the Park Pump Station and sewage lines described above. The Town agrees to reimburse the Village for all costs incurred by the Village in providing such service. In the event of an emergency, such as a sewer line break or other significant repairs are needed to the Marcellus Park Sewer System described above, which

the Village determines are beyond its capabilities to address, the Town shall pay for such repairs directly to the vendors selected by the Village to make the repairs.

The Town is responsible to report any and all sewer spills that happen for the Marcellus Park Sewer System mentioned above per the Sewage Pollution Right to Know Act (2013) State Law.

The Town shall use such sewer system for sanitary purposes only, and said shall not be used for the disposal of fluids, disposal of grit/oil separators, chemicals or solids which may cause injury or damage to the sewer pipes, equipment or treatment plant or said sewer system, or for surface or roof water drain runoff.

The Town shall ensure that the oil/grit separator located at the Firehouse is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

The Town shall ensure that the oil/grit separator located at the Town Highway Garage is professionally cleaned out biannually to the satisfaction of the Village. The frequency of such cleanings may be amended upon mutual written consent of the parties.

The term of this Agreement shall be from the date upon which the Agreement is executed by the Village Mayor and automatically renew every calendar quarter until it terminates on December 31, 2027. The parties may agree to terminate the agreement earlier upon mutual written agreement.

TOWN OF MARCELLUS

By_____
Jane Attley, Town Supervisor

VILLAGE OF MARCELLUS

By_____
Chad Clark, Village Mayor

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that ____ is the _____ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this 30 day of October, 2026, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in him vested.

Notary Public

CHARNLEY A. ABBOTT
Notary Public, State of New York
Reg. No. 01AB6381323
Qualified in Onondaga County
Commission Expires 10-01-20 30

Exhibit B – Sewer Maintenance Service Rates
SCHEDULE 1

Hourly rate is: $86/hour
All rates are one-hour minimum per person with ½ hour increments after.

After hours and weekends hourly rate: $167/hour
All after hours and weekends rates are two-hour minimum per person with ½ hour increments after.

TOWN OF MARCELLUS

By_____
Jane Attley, Town Supervisor

VILLAGE OF MARCELLUS

By_____
Chad Clark, Village Mayor

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
TOWN OF MARCELLUS)

On this _____ day of _____, 20____, before me personally appeared _____, to me personally known, who, acknowledged that ____ is the _____ of the Town of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in _____ vested.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.
VILLAGE OF MARCELLUS)

On this 30 day of October, 2026, before me personally appeared Chad Clark, to me personally known, who, acknowledged that he is the Mayor of the Village of Marcellus, the corporation described in and which executed the within instrument, and that the instrument was sealed and executed pursuant to the authority in hem vested.

_____
Notary Public
CHARNLEY A. ABBOTT
Notary Public, State of New York
Reg. No. 01AB6381323
Qualified in Onondaga County
Commission Expires 10-01-20

Town Clerk's Monthly Report
October 01, 2026 - October 31, 2026

Account#	Account Description	Fee Description	Qty	Local Share
A2544			1	0.00
	Dog Licensing	Female, Spayed	19	189.00
		Male, Neutered	11	99.00
			Sub-Total:	**$288.00**
A2545	Misc. Fees	Certified Copies - Marriage	1	10.00
		Returned Check Fee	1	10.00
	Passport	Passport	2	70.00
			Sub-Total:	**$90.00**
A2590	Conservation	Conservation	15	52.22
	Freon Removal	Freon Rremoval	6	90.00
	Marr. Lic	Marriage Licensing Fees	3	52.50
	One Day Officiant License	One Day Officiant License	1	25.00
	Permit	Trash Permit-Passenger One Trip	4	60.00
	Permit Fee	Mattress	4	100.00
		Trash Permit-Trailer	2	100.00
	Permit Fees	Tire	4	28.00
		Trash Permit-Passenger	2	60.00
		Trash Permit-truck	4	180.00
			Sub-Total:	**$747.72**
B2110	Building	Building	17	1,943.00
	Plan & Zone	Sub Division Book	1	300.00
		Zoning Fees	2	600.00
			Sub-Total:	**$2,843.00**
			Total Local Shares Remitted:	**$3,968.72**

Amount paid to:	NYS Ag. & Markets for spay/neuter program	32.00
Amount paid to:	NYS Environmental Conservation	1,322.78
Amount paid to:	State Health Dept. for Marriage Licenses	67.50

Total State, County & Local Revenues: $5,391.00

Total Non-Local Revenues: $1,422.28

To the Supervisor:
Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Sandra Taylor, Town Clerk, Town of Marcellus during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor _____ Date _____ Town Clerk _____ Date _____