

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

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, February 4, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: James Gascon, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; John Houser, Codes Officer; Chad Clarke, Bill Southern, Linda Wilcox, Scott Stearns, Chris Christensen, Dave Card, Fire Department; Bobby Mayers, Fire Department; Tyler Cooper, Ryan Thomson, Thomas Thomson, Jean Sharlow, Landyn Young, Timothy Young, Mike Ossit, Tom Lathrop, Bill Southern, Art Hudson, Nancy Hudson, Patricia Bishop, Brandy Witthoft, Kaitlyn Millier, Olivia Somerville, Morghan Ossit, Saria Matthews, Adelle Aupperle, Grace Knox, John Pawlewicz, Lisa Slater, Mallory Zabinski, Joe Durand, Steven Bolewski, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

Waive the Reading and Accept the Minutes: Councilor Clarke made a motion seconded by Councilor Hoey to waive the reading and accept the minutes as submitted by the Town Clerk for January 2, 2026, Organizational meeting, January 7, 2026, Town Board meeting and January 21, 2026, Workshop meeting. Ayes – Attley, 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 #2 for February 4, 2026, Claim #'s 159162-159180, 159191-159196.

Expenses

General Fund	\$15,996.93
Part Town General	1,125.00
Townwide Highway	33,242.79
Total	\$50,364.72

Board Members were given the Activities Report as of January 30, 2026. Fiscal year 2026 Period 1.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(3,923.45)	107,662.52
Part Town General	(900.00)	19,697.00
Townwide Highway	(0.00)	5,418.00

Part Town Highway	(0.00)	5,710.25
Fire District	(0.00)	108,613.25
Hydrant Fund	(0.00)	0.00
Ambulance Fund	(0.00)	77,941.25
Sewer District	(0.00)	49,039.73
Water District	(0.00)	0.00

Councilor Hoey made a motion seconded by Councilor Pollard to approve the Abstract of Audited Voucher Reports for February 4, 2026, and the Activities Report as of January 30, 2026.

Ayes – Attley, Clarke Hoey and Pollard

Carried

Old Business:

2025 Court Audit: This topic was tabled. Councilor Berwald completed the audit but was not present at the meeting to provide his report.

Councilor Pollard made a motion seconded by Councilor Clarke to table this topic until February 18, 2026, Workshop meeting.

Ayes – Attley, Clarke Hoey and Pollard

Carried

New Business:

Fire Department Grant: Millennium Strategies is a company that assists with the application of grants. Currently the grant opportunity is NYS Division of Homeland Security and Emergency Services FY 26 Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program FY26. NYS Division of Homeland Security and Emergency Services is currently accepting applications through the grant program. Eligible funding categories: Facility Construction or Renovation Projects: Grants of up to \$1 million will be provided for the construction of new fire station and training facilities as well as for the renovation or expansion of existing fire stations and training facilities. Equipment Projects: Grants of up to \$500 thousand will be provided for the acquisition of personal protective equipment (PPE), PPE washers/extractors, PPE dryers, self-contained breathing apparatus (SCBA), SCBA fill stations, SCBA testing equipment, radio's/communication equipment, and firefighter rehabilitation equipment. Interested applicants may apply for funding through the V-Fire grant program under one of the below listed funding categories. The deadline for this grant is February 25, 2026. The Fire Department was going to investigate this but with the deadline quickly approaching it is unlikely the required documents would be submitted on time.

2026 Spring Days: Proposed Dates for the Spring trash days are April 24-25, 2026, May 1-2, 2026 from 8:00 AM - 12:00 PM with the shred event on April 25, 2026. Debris haulers will increase \$10.00 per ton; E-Waste will remain the same and the shredding event by Simple Shred will cost \$600.00. The Village of Marcellus pays half of the shredding cost. The Town was at a loss of \$3,899.20 for the 2025 trash days. The Town Board is discussing the possibility of increasing trash permit fees to offset the Town's loss. Councilor Hoey made a motion seconded by Councilor Clarke to set the 2026 spring trash days for Fridays and Saturdays: April 24th, 25th, May 1st, 2nd from 8:00 AM - 12:00 PM with the shred event on April 25, 2026, but would like to table the discussion of increasing the trash permit fees until the February 18, 2026, Workshop meeting.

Ayes – Attley, Clarke Hoey and Pollard

Carried

Marcellus Vet Health Assessment: New regulations from the State require the vet perform an evaluation on the dog(s) prior to vaccines. The State is also now requiring that dog(s) receive a deworming vaccine. Both State requirements will be paid by the dog owner along with any other fees accrued.

Marcellus Park Staff Resignation: Supervisor Attley made a motion seconded by Councilor Pollard to accept the resignation from a park employee.

Ayes – Attley, Clarke Hoey and Pollard

Carried

CNY Stormwater Resolution:

Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, Town of Marcellus herein called the “Municipality”, after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the “Project”, is desirable, is in the public interest, and is required to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the “Board”, has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve-month timeframe.

NOW, THEREFORE, BE IT RESOLVED BY Marcellus Town Board

1. That Jane Attley, Supervisor or such person’s successor in office is the representative authorized to act on behalf of the Municipality’s governing body in all matters related the Project;
2. That the Municipality agrees that it will fund its portion of the program cost in the amount of \$3,600, and that those funds will be made available to the Board upon receipt of invoice.
3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.
4. That this Resolution take effect immediately. CERTIFICATE OF RECORDING OFFICER That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Town of Marcellus Board duly held on the 4th day of February, 2026; and further that such Resolution has been fully recorded in the minutes book in my office.

Councilor Hoey made a motion seconded by Councilor Clarke to authorize Supervisor Attley to sign the resolution and pay the annual membership and service fee Stormwater Assisstance Program at a cost of \$3,600.00.

Ayes – Attley, Clarke Hoey and Pollard

Carried

Marcellus Olde Home Days: The Marcellus Rotary Club would like to request use of Marcellus Park, 2443 Platt Road, Marcellus, NY for the annual Olde Home Days celebration to be held June 5-7, 2026. They are requesting that upper Marcellus Park, including the baseball diamond, be reserved from Monday, June

1st through Monday, June 8th so rides may be set up. They are also requesting that all of Marcellus Park, upper and lower, including all pavilions, athletic fields, and Welcome Center, be reserved Friday, June 5th through Sunday, June 7th for the Olde Home Days Celebration.

Councilor Clarke made a motion seconded by Councilor Hoey to approve the Rotary Club's request to authorize them use of the Marcellus Park for Marcellus Olde Home Days.

Ayes – Attley, Clarke Hoey and Pollard

Carried

Reports From Department Heads:

Codes: John Houser, Codes Officer; At the Planning and Zoning Board meeting Monday night, I brought to the attention of the Board an application I have not received before. We had an applicant who I issued a PV solar system residential roof-mounted install. The company reached out to me asking if they could add a battery energy system piece inside the dwelling to go along with that solar system. I informed Jim prior to the meeting, Jim brought to the meeting the Town of Madison battery energy system ordinance he had prepared. We looked it over at the meeting, there is still some discussion to have. Mr. Gason submitted the Madison County battery storage law to the planning and zoning Board for their review and advice. It's based on the model battery storage law provided by NYSERDA and Planning and Zoning are looking at it now. I anticipate that they'll be referring this local law to the Town Board for its review and potential enactment.

Highway Department: Mike Ossit, Marcellus Highway Superintendent; The Highway staff is keeping up with the snow and doing a great job. I ordered more road salt.

Parks and Recreation: Don MacLachlan, Park and Recreation Director; Pavilion reservations are at 56, improvements have been made to the flow between our website and Community Pass (online system) which are helping. Winter Wrestling is underway with 39 participants. New this year, participants received shorts/t-shirts uniforms in hunter green. Michele met with Ryann Riefler to discuss school and grounds usage. All requests have been inputted on the school site for our Summer Recreation programs. On January 22nd an email blast was sent to notify our community of several dates, events and news. This was significant because families may begin planning their children's summer activities sooner than later! Last year, these dates were not solidified until mid-April. One more Moonlight Walk is scheduled for February 28, 2026.

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

Dog Licensing \$312.00

Certified Copies-Marriage \$10.00

Passport \$140.00

Conservation \$.28

Haulers Permit \$200.00

Marriage Licensing Fee \$17.50

Building \$204.00

Discussion Agenda:

Ryan Thomson, Marcellus Resident and Student at Marcellus High School; I've been taking Mr. Cooper's Professional Pathways class, which is an independent study. I plan to study structural engineering in college. I was setting up a project for my independent study class, and I had the idea to redo the Phil Coccia pavilion after meeting with Mr. Austin and Mr. Cooper, we came up with the idea of designing a new pavilion. The new pavilion will resemble an amphitheater that will host music in the park. One of

the main aspects of this pavilion that we wanted to include was that back memorial wall, this would create more space for memorials and give residents more options than benches and trees. I was wondering if the Board would like to support this project and fund it and what steps I should take next. **Don MacLachlan, Park and Recreation Director** this would also give the Town an additional pavilion to rent and use for events. **Councilor Clarke**, would all the concerts take place in the new pavilion? **Don**, yes. **Councilor Hoey**, would the concrete pad include a dance floor beyond the pavilion? **Ryan**, the current quote does not include an extended concrete pad but it could be added. **Councilor Hoey**, what is the proposed roof material? **Ryan**, a standard metal roof. **Don**, it will match the rest of the buildings except for the Welcome Center. **Councilor Hoey**, the pavilion, will need electricity for the concerts. **Ryan**, I did not receive any quotes for electricity. **Councilor Hoey**, plan to over plan for electricity because it's not something we will want to go back and redo. **Councilor Pollard**, do you know what the capacity would be for the pavilion? **Ryan**, I don't have the capacity, but the dimensions of the structure will be 30x20. **Councilor Hoey**, I think it's a great idea, I love the idea. **Councilor Pollard**, I agree. **Councilor Hoey**, what is next? **Ryan**, I'm wondering what you need from me to investigate and next steps? **Councilor Hoey**, and you're asking for funding from the Town. **Ryan**, yes. **Councilor Pollard**, do we need another quote based on the Town's procurement policy? **Mr. Gascon**, who will be doing the labor? **Don**, Park, Highway and Village staff. **Mr. Gascon**, you will not have to pay prevailing wage if the work is done by employees. It is the Highway Superintendent's discretion if he wants to dedicate his personnel. The materials will need to be secured based on the Town's procurement policy. I don't want to speak out of turn but if you are looking for funding, I strongly encourage Ryan talk to the Rotary Club and the Friends of the Park as they might be willing to contribute. Once Ryan has talked to those two organizations he can come back to the Board with possible funding from volunteer organizations. **Councilor Pollard**, would this be a purchase contract or public works contract? **Mr. Gascon**, a purchase contract because you are only buying materials. You will need three written quotes. Anything that is off State, County or other municipalities that has been competitively bid you can use that as an alternative to the three quotes. **Don**, we need to know if the Board is interested so Ryan can move forward with this project. **Councilor Clarke**, I'm interested in this project and think it's worthwhile continuing. **Councilor Hoey**, I agree but we do have budget questions. **Don**, it is in the park budget. The Town Board is very interested in this project and has encouraged Ryan to continue the process, receive more quotes, meet with local organizations that might help offset the Town costs and bring the new information to the Town Board.

Marcellus Collaborative is a combination of the Town of Marcellus, Village of Marcellus, Marcellus School district, Marcellus Together and TDK Engineering along with other entities. **Tyler Cooper**, I'm a teacher at Marcellus High School. We have many people from different entities that have been collaborating on several different projects that have been having a very positive impact on our local community, the Town and the Village. I would like to introduce some of the individuals participating; Mike DePaula who works with Joe Durand and TDK engineering that have worked primarily with the Town and Village in terms of a lot of the projects, Devin Negrete, President of Marcellus Together who is revamping of the Chamber of Commerce, Mallory Zabinski from the Village of Marcellus, Chad Clark, Marcellus Village Mayor, Jean Sharlow Superintendent of Schools, and Mike Ossit, Town of Marcellus Highway Superintendent. **Jean Sharlow, Superintendent of Schools**; I want to give Tyler incredible recognition for starting this collaborative. The work Tyler is doing with our students is real world application that will launch them into careers and beyond. **Tyler**, it started with a bridge idea, and it was primarily with the Green Gateway project. We had a student who decided that just taking a class wasn't enough. They wanted to do some real-world applications. At the time Village Mayor Curtin said we're looking to do something with a parcel of land that is adjacent to school property. It became a connection

between the district and the village. It started with a simple IMA agreement and then turned into a process where students were pitching, proposing, and then placing a bridge that now physically connects the district to the Village property. **Mallory Zabinski, Village of Marcellus**; there is an outdoor classroom, the park itself, and the pedestrian bridge. There's Walking Path historical signs that a student has designed. The two most current projects that are ongoing and underway is a fishing ramp that will be ADA compliant. It'll be the first one on Nine Mile Creek and as well as a pavilion where you can have community events or classroom activities. **Joe Durand, TDK Engineering**; we're working with the Town, Village and the State DOT to pull this all together. Dan Bishop with the DEC in Fish and Wildlife has resurrected the stream channel and worked with the group and students to put together the layout for the pavilion and parking lot. We are getting ready to put the pavilion and platform area out for bid. **Mike Ossit, Marcellus Highway Superintendent**; when we did the Limerick project, we paved the shoulder to allow for a walking path that connects Marcellus Park and Fred's Trail to the Green Gateway Park. **Mayor Chad Clark**, the Village has applied New York Forward grant, it is a state grant. Because the Village did apply with so many projects, we qualified for the DRI, which is the Downtown Revitalization Initiative, which is a \$10 million grant. **Devin Negrete, Marcellus Together**; we have a business mindset, but we're really focused on our community because our businesses can't thrive without our community and vice versa. We want the community to get involved. Marcellus Together has four core events, the Farmers' Market, Boo Fest, we have a new Christmas event that will be happening this year, and we also have the golf tournament that we'll be hosting. We welcome other people with ideas who want to enhance our community to come to the table. Those who come to the table with those ideas will oversee bringing them to fruition, but we will help provide volunteers, marketing and in any other way we can to support them. **Tyler**, we are thankful that Mike invited us. We presented a similar presentation to the School Board, and we will present it to the Village Board as well. We want to recognize all the individuals, entities, and municipalities that are making all these projects and improvements possible. Hopefully we have more transformative things coming up here in the future. Thank you.

Fire Department: Dave Card, Fire Department; the doors for the Fire Department are in; we will wait for better weather to install them. The roof repair is also weather related and will be scheduled once the weather improves. The Town Board has an open invitation to come to the Fire House for a tour and to have a conversation regarding the needs of the Fire Department. **Councilor Pollard**, what doors are you referring to? **Dave**, all the exterior main doors going into the building.

Councilor Hoey, we had a request to support increased safety precautions at the intersection of Slate Hill and Route 20. I noticed they had poured a pad and installed a pole with lights on it. It's currently covered but they made faster progress than I was expecting.

Mr. Gascon, A couple of meetings ago we discussed the issue of the Board vacancy that was created by the untimely death of Gabe Hood. I had informed the public at that time that it was a unique situation because the law wasn't entirely clear. The statutes, rules and regulations weren't entirely clear on the situation because he had been re-elected in November to serve a new term, which was to be commenced January 1, 2026. His old term would have expired December 31, 2025. So, the question was, how to handle the replacement of an early elected official who after he's elected unfortunately passes away. The research that my team and I did concluded that it was clear that the vacancy would be filled by a Board appointment and the Board appointment occurs by a majority vote of the Board. It was not clear as to whether the vacancy could be filled in December of 2025 and whether that vacancy would continue into 2026. Our opinion which we gave to the Board was that the vacancy could be filled in

December of 2025 by the existing Board. There is a holdover provision that the person who was appointed by that Board holds over into the new year unless and until the new Board by majority vote appoints a new person. So, it was our opinion that the person appointed in this case was Councilor Percy Clarke. In January there was a vote taken and it was a two-to-two split, so there was not a majority. Our opinion was that since there's not a majority vote to replace the position, Councilor Clarke holds over and continues. We submitted that opinion to the Attorney General's office and fortunately for us, we were correct at least in terms of what the Attorney General feels. So, it is our opinion supported by the Attorney General that Councilor Percy Clarke remains in his position unless or until there is a vote that replaces him and he will remain in that position throughout calendar 2026. Whereupon there will be an election in November for that position. That remains our opinion and thankfully we were correct in what we did, and I am personally happy to see that Mr. Clarke is filling the position.

Councilor Pollard, I want to thank Mr. Gascon and his office for looking into this matter and providing a timely response.

Councilor Clarke, Thank you Jim.

Supervisor Attley, Does anyone have any questions or comments?

Adjournment: Councilor Pollard made a motion seconded by Councilor Terry Hoey to adjourn the Meeting at 7:50 PM.

Ayes – Attley, Clarke Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk