

Marcellus Town Board
Board Meeting
Wednesday, May 6, 2026
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, May 6, 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: James Gascon, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; John Houser, Codes Officer; Tom Lathrop, Bill Southern, Linda Wilcox, Patty Bishop, Donna Nolan, Friends of the Park; Nancy Bunn, Art and Nancy Hudson, Tim Chase, Anthony DeCario, Bobby Mayers, Fire Department; Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

Waive the Reading and Accept the Minutes: Councilor Hoey made a motion seconded by Councilor Clarke to waive the reading and accept the minutes as submitted by the Town Clerk for April 1, 2026, Town Board meeting and April 15, 2026, Workshop meeting.

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Monthly Activity: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #4 for April 21, 2026, Claim #'s 159491-159500.

Expenses

General Fund	\$17,383.38
Part Town General	2,517.13
Part Town Highway	4,805.27
Trust and Agency	1,888.27
Total	\$26,594.05

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #4 for April 24, 2026, Claim # 159511

Expenses

General Fund	\$138.81
Total	\$138.81

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #5 for May 6, 2026, Claim #'s 159520-159558

	<u>Expenses</u>
General Fund	\$10,957.74
Part Town General	75.57
Townwide Highway	9,741.72
Part Town Highway	5,799.99
Total	\$26,575.02

Board Members were given the Activities Report as of May 1, 2026. Fiscal year 2026 Period 4.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(1,240,925.73)	483,637.62
Part Town General	(217,945.78)	61,664.27
Townwide Highway	(593,741.35)	234,234.95
Part Town Highway	(390,046.02)	36,033.78
Fire District	(447,155.78)	208,796.50
Hydrant Fund	(3,490.58)	1,797.83
Ambulance Fund	(311,763.84)	155,882.50
Sewer District	(215,967.82)	98,029.71
Water District	(168,691.48)	87,952.90

Bank Balances:

The total of all Bank Balances for April 2026 is \$6,125,043.62

Councilor Hoey made a motion seconded by Supervisor Attley to approve the Abstract of Audited Voucher Reports for April 21, 2026, April 24, 2026, May 6, 2026, Activities Report as of May 1, 2026, and the bank balance as of April 2026.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

New Business:

Enacted of Local Law No. A of 2026 (A Local Law Imposing a Twelve (12) Month Moratorium on Battery Energy Storage Systems): The proposed law was sent to the Onondaga County Department of Planning for review; their recommendation was no position.

TOWN OF MARCELLUS

TOWN BOARD RESOLUTION

May 6, 2026

TOWN OF MARCELLUS LOCAL LAW NO. A OF 2026

(“A Local Law Imposing a Twelve (12) Month Moratorium on
Battery Energy Storage Systems within 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. A-2026, “A Local Law Imposing a Twelve (12) Month Moratorium on Battery Energy Storage Systems within the Town of Marcellus,” was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held on March 18, 2026; and

WHEREAS, a public hearing was held on such proposed local law on April 15, 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, on March 18, 2026, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2026 is a Type II Action thus concluding environmental review under the State Environmental Quality Review Act; and

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

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. A-2026 as Local Law No. 1-2026 as follows:

“TOWN OF MARCELLUS

LOCAL LAW NO. 1 OF 2026

A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON

BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF MARCELLUS

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. INTENT.

It is the intent of the Town Board of the Town of Marcellus to impose a twelve (12) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of battery energy storage systems within the Town of Marcellus.

SECTION 3. LEGISLATIVE PURPOSE.

The purpose of this Local Law is to temporarily halt development of battery energy storage systems, for a period of up to twelve (12) months, while the Town of Marcellus considers zoning changes and the enactment of zoning measures to specifically address the 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 siting, establishment, placement, installation, construction, erection, modification and/or enlargement of battery energy storage systems on a Town-wide basis and to adopt land use regulations for provisions to specifically regulate same.

SECTION 4. DEFINITIONS.

BATTERY/BATTERIES: A single cell or a group of cells connected together electronically in a 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 of their safe operating parameters and disconnects when 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 1 or Tier 2 Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 kWh 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 capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Such systems shall include so-called “independent” or “stand-alone” systems or systems which are incidental to another primary use, including but not limited to any wind energy or solar energy systems.

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

SECTION 5. MORATORIUM.

A. The Town Board hereby enact a moratorium which shall prohibit the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of battery energy storage systems anywhere within 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 the Town Board of a resolution indicating that 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 of Marcellus.

D. Battery energy storage systems which have previously been approved and/or are located on Town-owned property are hereby expressly excluded from this moratorium and may be sited, established, placed, installed, constructed, erected and/or operated in accordance with the approved plans. Further modification, enlargement and/or alteration of previously approved battery energy storage systems is prohibited while the moratorium is in effect.

SECTION 6. 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 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 New York State Town Law §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 ninety (90) days of receipt by the Town's Code Enforcement Officer and shall issue its final decision on requests for relief within sixty (60) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, firm or corporation that shall establish, place, construct, enlarge and/or erect any battery energy storage systems 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) for each day a violation continues.

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 by-products which may have taken place in violation of this Local Law.

SECTION 8. 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 9. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State. It shall remain in full 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: May 6, 2026

The Town Board referred this topic to the Planning and Zoning Board for review.

Fire Department Compensation Insurance: The Town currently provides compensation insurance for the Fire Department under its policy through Comp Alliance at a cost of \$37,580 per year. The Fire Department requested permission from the Town Board to change insurance companies if they found a less expensive policy. A quote was provided by Mcneil & Company, INC, for a total cost of \$29,750, that is a savings of \$7,830 per year. NY volunteer firefighters’ insurance is statutory insurance, requiring all companies to provide the same coverage. **Mr. Gascon, Town Counsel**, confirmed it is statutory insurance providing identical coverage. **Councilor Hoey**, can we drop the policy mid policy period? **Rosemary Tozzi, Town Clerk** Lori Petrocci (Bookkeeper/HR) confirmed with the current company that the Town can withdraw from the current policy at any time if there is alternative coverage. **Councilor Pollard** cheaper isn’t always better, it should be compared to the current policy. **Dave Card** comp insurance for the volunteers’ fire department group is state mandated and must provide identical coverage regardless of carrier. **Mr. Gascon, Town Counsel** the coverage is statutorily mandated. All workers compensation policies provide the same coverage by statute. **Councilor Berwald** would like to confirm with Lori and table this topic. **Councilor Pollard** would also like to table this topic, compare it with the Town’s current policy and talk to Lori. She doesn’t think there is a time constraint. **Councilor Clarke** supports saving money. **Councilor Pollard** agreed the Town may want to save money but also wants quality. **Councilor Clarke** statutorily it must be the same coverage when it comes to workers comp, that’s law. **Councilor Hoey** doesn’t feel the need to delay but agreed to give other councilors more time if needed. Councilor Berwald made a motion seconded by Councilor Pollard to table the Fire Department compensation insurance to investigate this matter further.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

OCWA Project No. 9004232- Install Hydrant: OCWA will be installing a hydrant in the existing L627- Limeledge Water District, the hydrant will be installed north of 4960 Limeledge Road. The Developer, Andrew Aupperle will pay for the hydrant installation in conjunction with the 8” water main extension. The Town will be billed the annual hydrant maintenance rate which is currently \$99.47 per hydrant. Councilor Berwald made a motion seconded by Councilor Hoey to approve the installation of the new hydrant and authorize Supervisor Attley to sign the fire hydrant application form.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

Marcellus Youth Soccer- Oil and Stone Parking Lot: Marcellus Youth Soccer is a non-profit recreational soccer program for children in pre-K through 6th grade. MYS Board is asking for the Town’s help in the repair of their driveway and parking area, located at 2165-2383 Lawrence Rd. in Marcellus. MYS will pay for the material needed to complete the job. They are asking for assistance with obtaining the material with help from the Highway Department.

Supervisor Attley made a motion seconded by Councilor Clarke to approve the Highway Department to assist with the Marcellus Youth Soccer driveway and parking area.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

Supervisor Attley Starting on or around May 12, OCWA will be flushing portions of the water distribution system in the Town. Routine flushing of the water mains to ensure high water quality, water pressure, and fire flows for our customers. The flushing will take place during regular business hours. Customers may temporarily experience low pressure when we are flushing in their neighborhood. Should customers experience discolored or cloudy water, they are advised to run the COLD WATER tap for 10 to 15 minutes until the water clears. If it persists, they can call OCWA Customer Service at 315-455-7061. More information on our Flushing Program and current updates can be found on our website at

www.ocwa.org.

Reports From Department Heads:

Codes: John Houser, Codes Officer, presented the building permits issued year to date

Commercial /Agricultural- 2

Deck, Porch, Ramp- 3

Dwelling- One Family- 1

Fence- 4

Heating Device/Fireplace- 2

Pole Barn- 2

Renovation/Alteration- 2

Solar Panels- 3

Swimming Pool- 2

Total Permits 21

Highway Department: Mike Ossit, Highway Superintendent; Reported that trash days went well.

Students will be coming to Town Hall to help with landscape cleanup. The Highway Department will be planting flowers and mulching Town Hall before Olde Home Days.

Parks and Recreation: Don MacLachlan, Park and Recreation Director; Michele is doing a great job. She has hired the summer recreation staff. The summer program is up and running and some programs are already full. Students will be coming to the park to help with landscaping.

Steps by the Grove Pavilion: The steps have been closed by park staff due to unsafe conditions. They were damaged during the winter. People have fallen because of the hazardous condition, so a quote was obtained from Mend – All Masonry to repair the steps on an emergency basis. The project cost is \$3,700 including labor, supplies and cleanup for project completion.

Supervisor Attley, when will the repairs begin? **Don**, Monday.

Councilor Berwald made a motion seconded by Councilor Clarke to declare the procurement procedure an emergency and approve the quote of \$3,700 to repair the park steps by Mend – All Masonry.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

Marcellus Park Memorial Amphitheater: Don MacLachlan, Park and Recreation Director; presented the Town Board with five quotes for the material for the amphitheater. The top three are Ryan Supply at a cost of \$15,328.98, Tully Building Supply at a cost of \$18,657.07 and Willey Lumber at a cost of \$19,791.31. The proposed quotes do not include electrical work or concrete. Don would like to award the bid to Ryan Supply. The Park staff and Highway Department will be completing the work. The Reagan

family will be donating \$35,000 to cover the cost of the pavilion/amphitheater in the memory of a loved one that passed away. The checks will be sent to the Friends of the Park. Don is estimating it will cost around \$30,000 to complete, the balance of the donated money will be given to the Friends of the Park. **Councilor Pollard** was this the project started by the high school student? **Don**, yes. **Councilor Pollard** is the student still involved with this project? **Don**, he has completed his portion of the project and now the Town will take over. A stamped drawing will go to John, Codes Officer, for a building permit. We have received one concrete quote and will be getting more. Building this pavilion will create extra revenue for the Town as we can rent this pavilion out. Currently the pavilions are all reserved for the summer and we don't have availability until the fall for rentals. Also, the back wall of the pavilion will be a fundraiser for the Friends of the Park, a memorial wall. **Councilor Berwald**, this will all be covered by the \$35,000 donation. **Councilor Pollard**, what size will the pavilion be? **Don**, it will be similar in size to the Coccia Annex pavilion. It will have better acoustics for bands due to the design. It will also add an additional pavilion for the Olde Home Days. The Park staff will also be able to drop the movie screen from the proposed structure which will save the Town money on movie screen rental. **Supervisor Attley**, is the new pavilion location going to be an inconvenience for the bands setting up? **Don**, we will have an access path from the side parking lot to the pavilion. This pavilion will also have power. **Councilor Pollard** will a dance floor be installed? **Don**, currently it is not part of the plan but can easily be added. **Supervisor Attley**, will the concession stand be moved? **Don**, no it would remain in the same location. **Councilor Clarke**, the Friends of the Park are the ones that use the concession stand during the summer concert series. **Donna Nolan, Friends of the Park**, no we are not okay with it. **Don**, during an event at Tuscarora Golf Course it was said that Friends of the Park were okay with it. **Donna**, the treasurer, has received a check for \$31,000 which has now put us over the edge for a not for profit. That is the reason we are against it. **Councilor Hoey**, why does that affect the not for profit? **Donna**, a not for profit can only have so much money in their bank account before you have to pay taxes. **Councilor Hoey** and **Mr. Gascon, Town Counsel**, disagreed with that statement. **Mr. Gascon**, you may have to file a different tax return. **Dave Card, Fire Department**, if money is allocated to a project there is no limit. **Bill Southern, Marcellus resident**, you will have to file a different tax return. **Donna**, Friends of the Park treasurer can only have a set amount of money in the account before a different form must be filed. That is extra work for her. **Councilor Pollard**, there was no motion made to approve the new pavilion, the Town Board asked for more information when available. **Supervisor Attley**, the new pavilion was not on the agenda when brought to the Town Board's attention. **Councilor Berwald**, a lot of time was put into this project by a student and Town staff. We have a family that wants to donate the money to complete this project in memory of a loved one. This project has more advantages and will create revenue for the Town. **Don**, if this is a problem we don't need to move forward. **Councilor Clarke**, this would benefit the Town. **Councilor Hoey**, this project could be utilized well, it is very generous of the Reagan's to contribute, it would be helpful to know the exact location. **Supervisor Attley**, in the past an additional pavilion was voted against because people didn't want the park to be built out. **Don**, one of the previous Supervisors was against additional pavilions. **Supervisor Attley**, the project is a great idea, but we want to maintain green space at the park. **Bill Southern**, \$35,000 is being donated for a park improvement, it seems that an agreement between everyone can be reached. **Donna** agreed to have the Friends of the Park treasurer deposit the donation checks they have received from the Reagan family for the new pavilion. **Councilor Pollard**, the size is bigger than was expected. **Supervisor Attley**, is it possible to stake out the location? **Don** will stake out the location, and this will be on the next agenda.

John MacLachlan is a proposed new park laborer hire at \$18.04 per hour.

Councilor Pollard made a motion seconded by Councilor Clarke to approve John MacLachlan as the new park laborer.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

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

Dog Licensing \$486.00
Certified Copies-Marriage \$40.00
Conservation \$8.03
Freon Removal \$660.00
Marriage Licensing Fees \$17.50
Trash Permit- Passenger One Trip \$270.00
Mattress Permit \$1,300.00
Trash Permit- Trailer \$2,650.00
Tire Permit \$352.00
Trash Permit - Large Vehicle \$180.00
Trash Permit- Passenger (6 trip) \$2,240.00
Trash Permit- Truck \$4,140.00
Building \$709.00
Zoning Fees \$150.00
Site Plan \$100.00

The Senior Class will be hosting a car wash on Saturday, May 9th from 9:00AM to 1:00PM. It's \$10.00 per car. Get your car washed and support the Senior Class.

Thank you to the Highway Department and Town staff for their hard work during spring trash days and their dedication to our community, it was a successful event.

Discussion Agenda:

Fire Department: Dave Card, The Fire Department roof has been repaired. The door project has started. A pancake breakfast is scheduled for the Saturday of Olde Home Days.

A public hearing is scheduled for Wednesday, May 20, 2026, at 6:30PM at Town Hall to review the charter communications franchise agreement.

Councilor Hoey made a motion seconded by Councilor Clarke to approve the public hearing for Wednesday, May 20, 2026, at 6:30PM.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

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

AED: Councilor Berwald is currently contacting organizations to conduct training for Town staff; more information will be presented when available.

Adjournment: Councilor Berwald made a motion seconded by Councilor Clarke to adjourn the Meeting at 7:35 PM.

Ayes – Attley, Berwald, Clarke Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk