

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

Call to Order

Salute to Flag

Public Hearing: Local Law B of 2026 Steep Slope Protections

I. Approve Financials

II. Old Business

- A. Town Hall Security
- B. OCWA- provide information on the water service provided
- C. Town of Marcellus Legal services
- D. Local Law B of 2026 Steep Slope Protections
- E. Local Law C of 2026 Regulating Battery Energy Storage Systems in the Town of Marcellus
- F. Local Law D of 2026 Tax Levy Override

III. New Business

- A. Reagan Insurance
- B. Local Law NO. E of 2026 Twelve (12) Month Moratorium on Commercial Cryptocurrency Mining Operations, Data Mining, Data Processing Centers, and Data Storage Facilities Within the Town of Marcellus
 - a. Introductory Resolution for Local Law No. E of 2026

IV. Discussion Agenda

- A. Fire Department

V. Adjournment

Future Meeting Dates

Budget Meeting- Tuesday, September 22, 2026- 4:00 pm- Town Hall
Budget Meeting- Wednesday, September 23, 2026- 4:00 pm- Town Hall
Planning/Zoning Meeting-Monday, October 5, 2026 - 6:30 pm- Town Hall
Comprehensive Plan Committee Meeting- Tuesday, October 6, 2026 – 2:00 pm- Town Hall
Town Board Meeting- Wednesday, October 7, 2026- 6:30 pm- Town Hall
Workshop Meeting- Wednesday, October 21, 2026- 6:30 pm- Town Hall

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

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

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

SECTION 1 AUTHORITY.

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

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

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

“(1) Purpose

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

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

(2) Definitions.

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

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

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

(3) Steep slope protection areas (SSPA)

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

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

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

(5) General regulations

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

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

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

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

(6) Burden of proof

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

(7) Steep slope protection area review process

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

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

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

(8) Violations

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

SECTION 3 SEVERABILITY.

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

SECTION 4 EFFECTIVE DATE.

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

MAP 7. ENVIRONMENTAL FEATURES

Wetlands

-  DEC Wetlands
-  NWI Wetlands

Steep Slopes

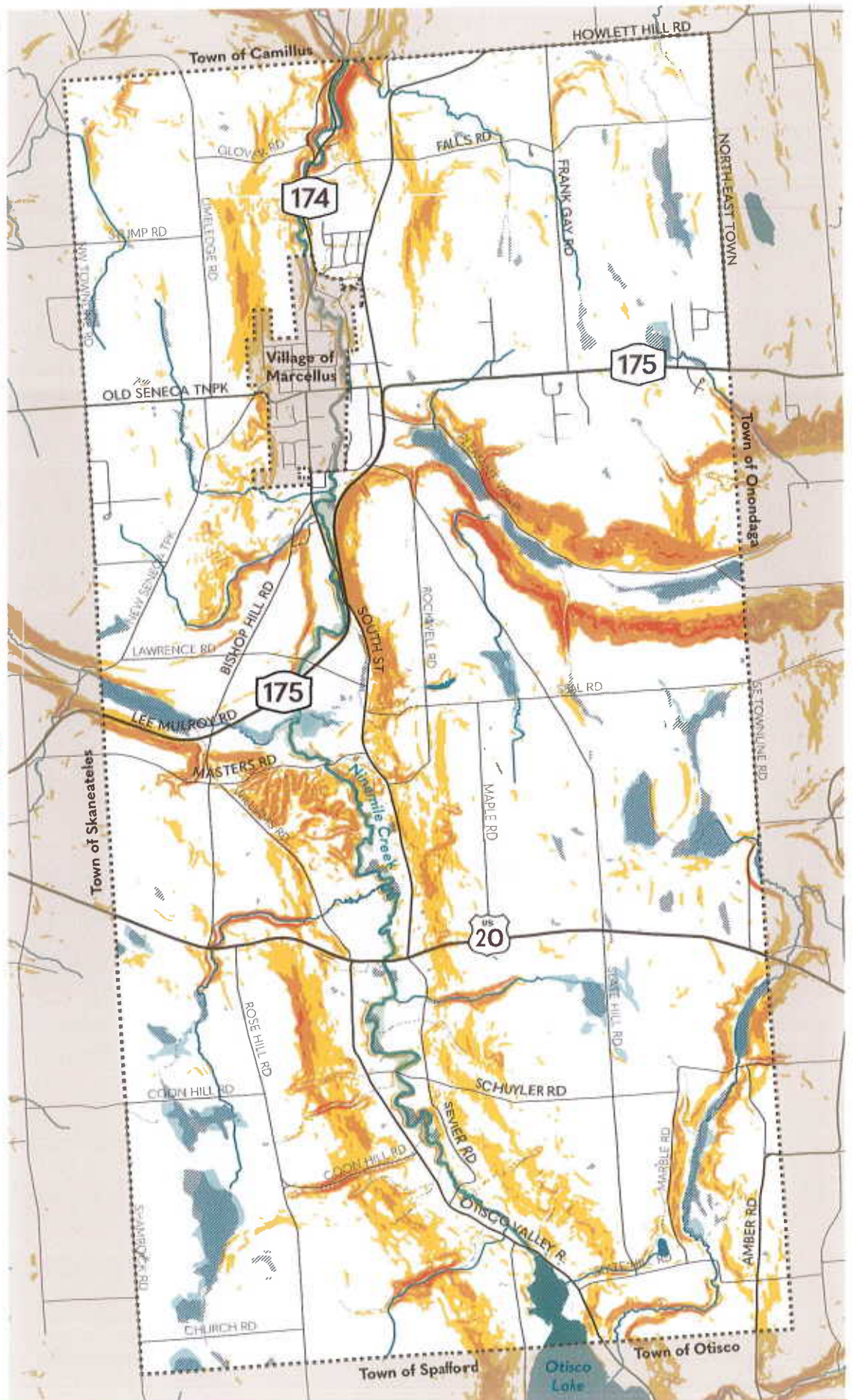
-  15% - 24.9%
-  25% - 49.9%
-  50% +

100 Year Flood Zones

-  A
-  AE
-  Town Boundary
-  Hydrography

 Roads

0 0.5 1 Miles



COSTELLO

COONEY & FEARON, PLLC

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James J. Gascon, Partner

jgascon@ccf-law.com

January 1, 2026

Laurie Stevens, Town Supervisor
Town of Marcellus
22 East Main Street
Marcellus, NY 13108

**Re: Agreement for Legal Services for Town of Marcellus
Calendar Year 2026**

Dear Supervisor Stevens:

This letter constitutes an agreement for legal services between the Town of Marcellus and Costello, Cooney & Fearon, PLLC for the calendar year 2026.

The firm will provide general legal services for the Town of Marcellus during the calendar year 2026 on an hourly basis. General legal services will include attending all Town Board Meetings, Public Hearings and Executive Sessions, responding to day-to-day questions of Town Officials and preparation of any necessary documents.

Hourly services also include attendance at Grievance Day(s) if required, and to provide all general legal services associated with the Board of Assessors. We will also provide legal counsel regarding:

- a. Litigation, including tax matters;
- b. Enforcement matters;
- c. Special District and bonding work;
- d. Legal work related to all special districts such as Sewer, Water and Lighting Districts;
- e. Environmental matters and enforcement;
- f. Matters before the Zoning Board of Appeals or the Planning Board; and
- g. Major non-routine projects (i.e., comprehensive plan, collective bargaining, labor and related matters other than routine telephone calls).

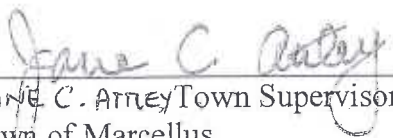
Our hourly fees will be \$210.00/per hour for attorneys and \$125.00/per hour for paralegals. Bills for these services will be itemized and provided on a monthly basis. Payment is due for these services within 30 days of the Town's receipt of the invoice.

, Town Supervisor
January 1, 2026
Page 2

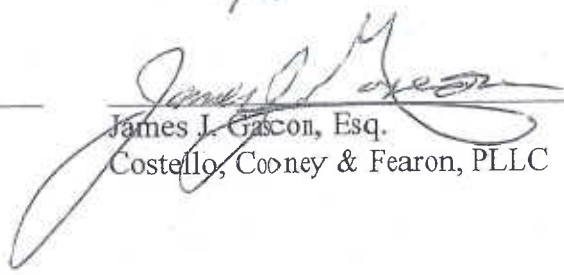
James J. Gascon will be the principal contact person and the attorney generally attending the meetings. In the event he is unable to attend a meeting, a qualified attorney will serve in his place.

Intending to be bound, the parties enter into this agreement on the 1st day of January, 2026.

Date: 01/07/26


JANE C. ARNEY Town Supervisor
Town of Marcellus

Date: 1/8/26


James J. Gascon, Esq.
Costello, Cooney & Fearon, PLLC

JJG/ss

September 3, 2026

RECEIVED

SEP 08 2026

Town of Marcellus

Jane Atley, Supervisor, Town of Marcellus
Town of Marcellus
22 East Main Street
Marcellus, New York 13108

RE: **Engagement Letter**

Dear Supervisor Atley:

This Engagement Agreement is furnished to you in accordance with Part 1215 of the Joint Rules of the Appellate Division.

Scope of Representation

To serve as general counsel to the Town, providing representation to the Town Board, Town Planning Board and Zoning Board of Appeals. To provide legal services to the Codes Office and Town employees as needed. James J. Gascon will serve as lead attorney.

Term and Termination

The term of this agreement will commence upon execution of this document by the Town Supervisor and will expire on or about December 31, 2027. This agreement may be terminated by either party upon written notification.

Fees, Expenses and Billing Practice

We intend to submit a bill to you no less frequently than every thirty (30) days. Expenses will be separately stated on the bill and our fees throughout the term of this agreement will be as follows:

\$210.00 per hour for Attorneys
\$125.00 per hour for Paralegals

Any expense over \$500.00 will be preapproved.

JAMES J. GASCON
ATTORNEY AT LAW
Direct Dial: (315) 233-8338
EMAIL: JGASCON@MACKENZIEHUGHES.COM

MACKENZIE HUGHES TOWER
440 S. WARREN ST., SUITE 400
SYRACUSE, NY 13202
PHONE: (315) 474-7571
FAX: (315) 474-6409
WWW.MACKENZIEHUGHES.COM

Jane Atley, Supervisor, Town of Marcellus
September 3, 2026
Page 2

File Retention and Description

At the conclusion of this matter, we will retain your legal files for a period of 7 years after we close our file. At the expiration of the 7-year period, we will destroy these files unless you notify us, in writing, that you wish to take possession of them. At no charge, the Town of will have access to its legal files during the length of this contract and upon termination of the contract.

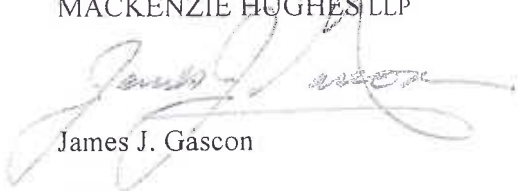
ACCEPTANCE

If the above arrangements are satisfactory, please sign the copy of this letter in the space provided below and return it to me. You understand that this Law Firm is not retained until the signed original Engagement Agreement is returned to the Firm, including, when applicable, the corresponding retainer. If we represent you on subsequent matters, this Agreement will extend to all such matters, except to the extent that we mutually agreed to modify it.

If you have any questions and/or concerns about the terms of this Engagement Agreement, please contact us immediately. On behalf of the Firm, we look forward to working with you and appreciate the opportunity to be of service.

Very truly yours,

MACKENZIE HUGHES LLP


James J. Gascon

JJG/kmr

ACKNOWLEDGED AND AGREED:

By signing this Agreement, I confirm that I have read this Agreement, understand its provisions and agree to abide by it.

By: _____
Jane Atley, Supervisor, Town of Marcellus

**TOWN OF MARCELLUS
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

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 algorithms 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.

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 16, 2026

TOWN OF MARCELLUS LOCAL LAW NO. E OF 2026

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

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

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

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

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

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

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter.

NOW, THEREFORE, BE IT

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

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. E-2026 at the Town Hall located at 22 East Main Street in the Town of Marcellus on October 21, 2026 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

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

The foregoing resolution was thereupon declared duly adopted.

Dated: September 16, 2026