

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

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 16, 2026, in the Town Hall, 22 East Main Street, Marcellus, New York.

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

Also Present: Stacy Marris, Town Counsel; Mike Ossit, Highway Superintendent; Don MacLachlan, Park and Recreation Director; Linda Wilcox, Town Historian; Dave Card, Fire Department; Bill Southern, Denis Donovan, Josh Flege, Reagan Insurance; Tom Lathrop, John Pawlewicz, Tim Chase, Art and Nancy Hudson, Susan Dennis, Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk.

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

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

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

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

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

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Old Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supervisor Attley, correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

roll call was taken; the vote was as follows:

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

New Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION
September 16, 2026
TOWN OF MARCELLUS LOCAL LAW NO. E OF 2026**

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

The foregoing resolution was thereupon declared duly adopted.

Dated: September 16, 2026

Discussion Agenda:

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

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

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

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

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

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

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Supervisor Attley, does anyone have any questions or comments?

Adjournment:

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

Ayes – Attley, Berwald, Clarke, Hoey and Pollard

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk