MINUTES
TOWN BOARD
March 26, 2014

The Town of Manlius Town Board assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Supervisor Edmond Theobald presiding and the following Board members present:

John R. Loeffler, Councilor
David M. Marnell, Sr., Councilor
Nicholas J. Marzola, Councilor
Jason Cassalia, Councilor
Vincent Giordano, Councilor
Karen Green, Councilor

The following Town Officers were present:

Steven Primo, Attorney for the Town
Police Captain, Brian Ackerman
Ann Oot, Town Manager
Allison A. Edsall, Town Clerk
Doug Miller, Town Engineer
Rob Cushing, Highway Superintendent

Other persons attending:

Ellen & Mike McGrew, Manlius. Michael & Emily Woloszyn, Lune Chocolat.

1. The Pledge of Allegiance

Supervisor Theobald, called the meeting to order at 7:00 pm. Highway Superintendent Cushing led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

2. Approval of Minutes – March 14, 2014

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the minutes of March 14, 2014 as submitted by Town Clerk Edsall.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

3. Approval of Abstract # 6

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 6 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 6 - 2014	
CODE	**FUND**	**TOTALS**
A	General Fund Townwide	$45,304.39
B	General Fund Town	$ 346.76
DA	Highway Fund Townwide	$35,772.69
SR1	Manlius Trash District	$11,757.49
SR2	Manlius Res Brush District	$81,905.45
SS1	Manlius Con Sewer District	$ 193.40
SS3	Megnin Sewer District	$17,111.38
SW2	Manlius Con Water District	$23,019.68
W10	Eagle Village Water District	$ 981.42
W20	Jas N Manlius Water District	$ 61.10
W40	Minoa Road Water District	$ 30.55
W50	Buttonvale Water District	$ 588.85
W60	Milnerfield Water District	$ 1,502.68
W70	Mycenae Water District	$ 1,459.15
W80	Schepp Water District	$ 196.28
W90	Watervale Water District	$ 30.55

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

Community Comment Request – Lune Chocolat

Mike & Emily Woloszyn, owners of Lune Chocolat, gave a brief presentation on the proposed chocolate business. The proposed business would be located at 187 West Seneca Turnpike, Manlius NY 13104. The store would have limited indoor seating, employ a total of six employees and increase production of their wholesale business.

Discussion ensued regarding spot zoning. Attorney Primo suggested that the Town Board consider expanding the uses allowed by the RM zoning in this specific corridor where the business is proposed to be located. These uses could be allowed by a special permit issued by the Town Board. This would allow the Town Board to monitor the uses in that zoning and place restriction on the uses to maintain the character of the corridor.

Councilor Loeffler discussed the various locations of RM zoning throughout the Town. Councilor Loeffler stated that the intent of RM zoning was to keep the architectural properties of a house in a residential area but allow professional businesses to operate and help maintain property value.

Discussion ensued regarding RM type uses in other municipalities.

Councilor Loeffler stated that he feels the Town Board has the following options regarding this particular proposed project; the Board could change the zoning to Commercial which is a less restrictive zoning with more allowed uses or modify the RM zoning in that corridor to allow additional uses by special permit.

Attorney Primo stated that the additional allowed uses would only be permitted by the issuance of a special use permit providing certain criteria are met. Attorney Primo stated that the Town Board can have a lot more control over site design and the effect of the business on the corridor through the special permit process. Any use that is not expressly permitted in the RM zoning would require a special use permit.

Councilor Marzola asked the owners to describe the importance of that specific location for their chocolate shop.

Mr. Woloszyn stated that they are following a business model of a chocolatier in Cape Cod. This business model emphasizes the use of locally produced ingredients and this location would allow them to grow their own natural ingredients.

Attorney Primo stated that if the Town Board would like to consider the special permitting process for RM zoning in that unique corridor he will draft the special permit criteria.

Discussion ensued regarding the approval process for a special permit. The Town Board requested the Attorney draw up the RM zoning special permit legislation and criteria.

4. Special Permit Renewal – Compassionate Care Veterinary Hospital, 8277 East Seneca Turnpike, Tax Map # 099.-01-33.0

Town Clerk Edsall stated that this renewal application has been reviewed by the Office of Planning and Development and there are no complaints or comments regarding the special permit issued to Compassionate Care Veterinary Hospital.

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the renewal of the special permit for Compassionate Care Veterinary Hospital, 8277 East Seneca Turnpike, Tax Map # 099.-01-33.0 for a period of seven years.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

5. Steven Bigness – Public Assembly Permit

Town Clerk Edsall stated that the public assembly permit application submitted by the Bigness Family is for a family reunion of approximately 175 people.

Conversation ensued regarding whether or not a public assembly permit is required in this case as this is a private family function and not a public gathering.

Councilor Marnell made a motion, seconded by Councilor Loeffler to approve the application for a public assembly permit for Steven Bigness, 7608 Rhinehart Circle, Manlius, NY for the purpose of a family reunion.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Discussion: The Town Board requested the application fee be returned to the Bigness Family and asked that the Police Department and the Fire Department be notified of the event.

Nayes: 0 All in Favor. Motion Carries.

6. Highway by Use – Avriel Drive & Star Gaze Circle

Attorney Primo stated that the Town has not been able to contact the developer who built Avriel Drive and Star Gaze Circle and the Town has been maintaining both Avriel Drive and Star Gaze Circle for at least ten years. The Town Board could make a finding that the roads are town owned roads by way of highway by use and state in an affidavit that the Town has been maintaining the roads for at least 10 years. This would allow the Town to officially claim these roads and obtain CHIPS funding.

Highway Superintendent Cushing stated the roads meet the Town's highway specifications and requirements.

Councilor Marzola made a motion, seconded by Councilor Loeffler, to adopt the resolution as prepared by the Attorney for the Town for the dedication of Avriel Drive & Star Gaze Circle as highways by use.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

7. Set Date – Public Hearing – Special Permit – Cindy Yates, Adult Social Day Center – 6912 Fremont Rd., East Syracuse

Councilor Marnell made a motion, seconded by Councilor Giordano to set a date for the public hearing on April 9, 2014 at 7:05p.m in the matter of the Special Permit Application of Cindy Carney Yates, to operate a non-medical social day center for adults. Located at 7040 Manlius Center Rd. East Syracuse, N.Y., Tax Map # 062.-04-07.1

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

5. Correspondence/New Business

A) Highway Superintendent

Highway Superintendent Cushing stated that OCWA has requested that the Town of Manlius consent to a permit to install a water main on Myers Road (7356 Myers Road) to Schepps Corners Road.

Councilor Marnell made a motion, seconded by Councilor Marzola to authorize Supervisor Theobald and Highway Superintendent Cushing to sign the work permit authorizing OCWA to install a water main from 7356 Meyers Rd. to Schepps Corners Road.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

B) Planning & Development –No New Business

C) Attorney

Attorney Primo presented information on reimbursement of professional fees in relation to certain Zoning Planning Development and enforcement violations. This matter was tabled for review until next meeting.

Attorney Primo submitted a Memo to the Town Board regarding Verizon FIOS. Several residents have requested that Verizon FIOS expand into the Town of Manlius and offer more services. Attorney Primo contacted Mr. Richard Windram, a representative at Verizon FIOS who liaisons to municipalities. Mr. Windram stated that Verizon's present business template is to provide service only to those areas where infrastructure already exists.

Attorney Primo requested Executive Session to discuss a personnel matter relating to the Justice Court.

D) Town Clerk

Town Clerk Edsall stated that Red Robin International had made an application for a liquor license. A special hearing will be held on April 10, 2014 as pursuant to the Alcohol Beverage Control Law as there are at least 3 other operating on premise liquor establishments within a 500 foot radius. The official position of the municipal board must be submitted in writing.

Councilor Giordano made a motion, seconded by Councilor Loeffler authorizing the Town Clerk to submit an official position stating that the Town Board does not object to the issuance of a liquor license to Red Robin International.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Giordano to approve the Board of Assessment Review terms as follows:

Anne Kelly 10/01/2012-09/30/2017
William Kendrat 10/01/2013 – 09/30/2018
William Massey 10/01/2014 – 09/30/2019

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

Town Clerk Edsall stated that the Town's Dog Control Officer Bill Pulaski is leaving the Town of Dewitt and joining the SPCA as a full time cruelty officer. The SPCA has offered to provide dog control services to both the Town of Manlius and the Town of Dewitt. Town Clerk Edsall stated that Bill Pulaski will oversee the training of the new dog control officer and ensure that the residents receive the professional service that has been previously provided. Discussion ensued regarding the terms of the contracts with both the SPCA and the Town of Dewitt. The Town Board requested that Attorney Primo send a courtesy letter to the Town of Dewitt notifying the municipality that the Town of Manlius will be contracting with the CNYSPA for dog control services.

Councilor Loeffler made a motion, seconded by Councilor Giordano to approve the dog control contract, substantially in form shown, with the CNYSPCA effective 04-01-2014 to 12-31-2014 at a prorated cost of $22,500.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

Councilor Loeffler made a motion, seconded by Councilor Giordano to update the dog control contracts with the Villages of Manlius, Fayetteville and Minoa to reflect the new agreement with the CNYSPCA.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

E) Police Chief

Captain, Ackerman stated the police would like to auction a surplus of technology equipment that is obsolete and of no value to the Town of Manlius Police Department.

Councilor Marzola made a motion, seconded by Councilor Giordano to authorize the auction of surplus equipment as presented by Captain Ackerman on the list dated 03-20-2014 as this equipment is obsolete and of no value to the Town of Manlius Police Department.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

F) Town Board

Councilor Giordano stated that the annual contract for Johnson Controls is about to expire and is ready for renewal. Councilor Giordano stated that the annual rate has increased by $225.

Councilor Giordano made a motion, seconded by Councilor Marnell to authorize the Supervisor to sign the annual Johnson Controls Contact effective 04-01-2014.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell and Councilor Cassalia discussed the draft policies and procedures for the Justice Court.

G) Supervisor – No New Business

7. Executive Session

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Giordano the Board voted unanimously to adjourn regular session at 8:47 pm to enter into executive session to discuss personnel matters relative to the Justice Court.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Green, Councilor Marnell, Councilor Cassalia

Nayes: 0 all in favor. Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk

EXECUTIVE SESSION MEETING MINUTES
Executive Session
March 26, 2014

Upon motion duly made by Councilor Marnell and seconded by Councilor Green, the Board unanimously agreed to close Executive Session and re-enter Regular Session.

The Town Board re-entered Regular Session at 10:53 p.m.

Councilor Marnell made a motion, seconded by Councilor Green, to adopt the Key Bank amended resolution and agreement relative to online banking as presented by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Green, Councilor Marzola, Councilor Cassalia, Councilor Marnell, Councilor Giordano

There being no further business to come before the Board, upon motion duly made by Councilor Giordano and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 10:54 p.m.

Submitted by:

Steven Primo
Attorney for the Town