

MINUTES  
TOWN BOARD  
April 9, 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   |
| Absent | Jason Cassalia, Councilor        |
|        | Vincent Giordano, Councilor      |
|        | Karen Green, Councilor           |

The following Town Officers were present:

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| Courtney Hills, Attorney for the Town | Allison A. Edsall, Town Clerk       |
| Police Captain, Brian Ackerman        | Doug Miller, Town Engineer          |
| Ann Oot, Town Manager                 | 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. Town Clerk Edsall led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

**2. Approval of Minutes – March 26, 2014**

Councilor Marnell made a motion, seconded by Councilor Marzola, to approve the minutes of March 26, 2014 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

**3. Approval of Abstract # 7**

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 7 as submitted by Town Clerk Edsall.

|                    |                            |                      |
|--------------------|----------------------------|----------------------|
|                    | TOWN OF MANLIUS            |                      |
|                    | Fund Summary               |                      |
|                    | Abstract # 7 - 2014        |                      |
|                    |                            |                      |
| <b><u>CODE</u></b> | <b><u>FUND</u></b>         | <b><u>TOTALS</u></b> |
|                    |                            |                      |
| A                  | General Fund Townwide      | \$169,760.85         |
| B                  | General Fund Town          | \$ 2,373.37          |
| DA                 | Highway Fund Townwide      | \$ 66,532.25         |
| DB                 | Highway Fund Town          | \$ 671.50            |
| SL1                | Overhead Lighting          | \$ 2,788.31          |
| SL2                | Underground Lighting       | \$ 2,040.78          |
| SL3                | Entry Lighting             | \$ 122.43            |
| SL4                | Garden Park Lighting       | \$ 600.93            |
| SL5                | Ratnaur Bridge Lighting    | \$ 3,668.05          |
| SR1                | Manlius Trash District     | \$ 114.60            |
| SR2                | Manlius Res Brush District | \$ 114.60            |
| SS1                | Manlius Con Sewer District | \$ 2,377.78          |

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

Nayes: 0

All in Favor.

Motion Carries.

**4. Public Hearing - Special Permit - Cindy Yates, Adult Social Day Center – 6912 Fremont Rd., East Syracuse.**

Cindy Yates, Applicant, made a brief presentation on the proposed social adult daycare center located at 6912 Fremont Road, East Syracuse. Ms. Yates stated that the center will provide supervision to any adult over the age of 18 that requires assistance during the day. Ms. Yates stated that breakfast, lunch and snacks will be served on a daily basis. There will regular activities and entertainment but no therapies will be offered. Ms. Yates stated that the daycare center will serve between 10 to 15 people a day.

Doug Miller, Engineer for the Town, stated that if a special permit is issued the site plan process will begin.

Discussion ensued regarding the number of adults that can be cared for at the daycare center and the certification process for an adult day care center.

Ms. Yates stated that she would not exceed 15 people per day and currently there are no regulatory agencies or certifications for adult day care centers. She would train her staff to be in compliance with the regulations for group homes. Ms. Yates stated that a licensed dietician would create the meal plans.

Engineer Miller stated that the Uniform Building Code will cover the number of people allowed on site. The Town Fire Inspector visited the site and has advised that what the applicant was proposing was reasonable at that location.

Councilor Marnell made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of – Cindy Yates – Special Permit- Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Green, to open the public hearing at 7:18 PM in the matter of – Cindy Yates – Special Permit- Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

Denise Robertson, Minoa, asked about the pricing for the daycare service. Ms. Yates discussed her proposed pricing schedule.

Councilor Marnell made a motion, seconded by Councilor Green, to close the public hearing at 7:20 PM in the matter of – Cindy Yates – Special Permit- Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

### SEQR

Attorney Hills stated that this is an unlisted action and the Town of Manlius should assume lead agency. Attorney Hills stated that she has reviewed the Environmental Assessment form and filled out part II of the Short Environmental Assessment Form and there is little or no impact to the environment.

Councilor Marnell made a motion, seconded by Councilor Marzola, to declare the Town of Manlius lead agency, issue a negative declaration and declare this matter an unlisted action, for SEQR purposes in the matter of – Cindy Yates – Special Permit- Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Supervisor to sign the SEQR form in the matter of – Cindy Yates – Special Permit- Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Giordano, to issue a special permit for a period of seven years ending on April 9, 2021 to Cindy Yates for an Adult Social Daycare Center – Tax Map # 062.-01-07.1.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

Attorney Hills stated that Attorney Primo will draft a resolution approving the special permit for the applicant to sign.

**5. Reimbursement of Professional Fees In Relation to Certain Zoning, Planning & Development, and Enforcement/ Violation Matters.**

Attorney Hills stated that while there are fees built into the fee structure, the Town Code does not have any statutory provisions requiring the repayment of professional fees for zoning, planning, development and enforcement violation matters. This local law will take the burden off the taxpayers to pay the professional fees every time an application is received. Attorney Hills stated that this is standard for most municipalities.

Councilor Marzola made a motion, seconded by Councilor Loeffler, to set a date for a public hearing in the matter of Local Law 2014-1 – Development Fee Deposits on May 14, 2014 at 7:05 PM.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

**6. Correspondence / New Business**

**A) Highway Superintendent**

Robert Cushing, Highway Superintendent, stated that he has received a request from Fibertech Networks to work within the Town of Manlius R-O-W on Enders Road near Pewter Lane.

Councilor Marzola made a motion, seconded by Councilor Loeffler, to authorize the Supervisor to sign a contract with Fibertech Networks to work within the Town of Manlius R-O-W on Enders Road near Pewter Lane and that Fibertech Networks will assume all liabilities for working within that R-O-W.

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

Superintendent Cushing stated that the Town of Manlius will be receiving more money from the CHIPS fund this year. Superintendent Cushing stated that he will have Emerald Ash Borer

experts present at the upcoming Town Board meeting. Superintendent Cushing stated that he will go out to bid for road paint in April.

B) Planning & Development – No New Business

C) Attorney

Attorney Hills discussed the proposed amendment to the RM Zoning. Attorney Hills stated that the amendment to the RM Zoning will allow for additional uses in the RM Zoning by way of a special permit process that is issued by the Town Board.

Discussion ensued regarding whether this amendment would apply to all of the RM zoning in the Town or specific parcels in the Town of Manlius. Attorney Hills stated that the local law was written to amend all of the RM Zoning in the Town of Manlius.

Engineer Miller recommended that the Town Board send the amendment to the Town of Manlius Planning Board.

The Town Board requested that Local Law be referred to the Onondaga County Planning Board and the Town of Manlius Planning Board for review. The Town Board requested that the Villages of Manlius and Fayetteville be sent a copy of the proposed zoning amendment.

**SEQR – RM Zoning Amendment**

Attorney Hills stated that she has reviewed part II of the long form EAF and the Town of Manlius Board should assume lead agency, conduct an uncoordinated review. Attorney Hills stated that she found there little to no environmental impact from this amendment and recommended the Town Board issue a negative declaration.

Councilor Loeffler made a motion, seconded by Councilor Green, to declare the Town of Manlius Lead Agency, issue a negative declaration, and authorize the Supervisor to sign the SEQR form for SEQR purposes in the matter of Local Law 2014-2 – Amendment to RM Zoning and Special Permit Process.

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

Nayes: 0

All in Favor.

Motion Carries.

D) Town Clerk

Town Clerk Edsall stated that there was a bail claim payment on the abstract.

E) Police Chief

Chief Marlowe stated that the new recruits are doing well and stated that the Police Department has applied for a COPS grant.

F) Town Board

Councilor Marnell asked for executive session to discuss a personnel matter.

Councilor Giordano reviewed the quote from Time Warner for updated panic buttons for Town Hall.

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Supervisor to sign the agreement with Time Warner Cable for the installation of updated panic buttons in Town Hall, for security purposes, at a cost of \$1500.00.

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

Nayes: 0                                      All in Favor.                                      Motion Carries

G) Supervisor

Supervisor Theobald stated that the Town of Manlius had received a ten year Tree City award from the Arbor Day Foundation and Superintendent Cushing has installed highway signs declaring the Town of Manlius a Tree City.

### **7. Executive Session**

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Marzola, the Board unanimously voted to adjourn regular session at 7:50pm to enter into executive session to discuss personnel matters in the Justice Court.

Respectfully Submitted by:

Allison Edsall  
Town Clerk

### **EXECUTIVE SESSION MEETING MINUTES**

#### **Executive Session**

**April 9, 2013**

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

#### **The Town Board re-entered Regular Session at 8:30 p.m.**

Councilor Marnell made a motion, seconded by Councilor Marzola, to authorize the hiring of a part time Deputy Clerk to Court at an hourly rate of \$14.50 for up to 20 hours per week.

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

Nayes: 0                                      All in Favor.                                      Motion Carries

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Green, the Board unanimously voted to adjourn the Regular Session at 8:32 p.m.

Submitted by:

Courtney Hills  
Attorney for the Town