

Nayes: 0

All in Favor.

3. Approval of Abstract # 14

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 14 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 14 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 72,941.56
B	General Fund Town	\$ 242.26
DA	Highway Fund Townwide	\$ 7,845.09
DB	Highway Fund Town	\$ 10,247.08
SD3	Consolidated Drainage #3	\$ 8,690.00
SS1	Manlius Con Sewer District	\$ 348.55

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

Nayes: 0

All in Favor.

Motion Carries.

4. Residential Transitional Zoning Classification – Text Amendment / New Zoning District – Local Law 2014-2 - Public Hearing Continued

Attorney Primo stated that he has received emails and letters with comments from Town Board members and Planning Board members regarding the draft of Local Law 2014-2. Attorney Primo stated that the Planning Board would like clarification regarding site plan review and the role of the Planning Board for site plan review.

Councilor Marzola asked for clarification of the current site plan review process. Attorney Primo reviewed the current site plan review process in the Residential Multiple Use (RM) zoning. Attorney Primo stated that the role of the Planning Board in the site plan review process will be clarified in the next draft of local law 2014-2.

Councilor Marzola asked if the changes being made in the Residential Transitional (RT) zone regarding site plan review also need to be made in the RM zoning classification as well. Attorney Primo stated that the site plan review process amendments apply only to the RT zoning classification. The site plan review process changes relate to the special permitting process that is found in the RT zoning classification and not in the RM zoning classification. Those same special permit provisions apply to special permits issued under other sections of the Town Code.

Attorney Primo stated that he would like to prepare a final draft based on the new comments that he has received regarding local law 2014-2 and send an updated draft to the Town Board to review before the next Town Board meeting.

Discussion ensued regarding the three resolutions received from the Onondaga County Planning Board and the recommendation from the Onondaga County Planning Board to the Town Board that “ the Purpose and Intent of the Residential Transitional (RT) zoning district be revised to reflect the distinctions between that district and the Residential Multiple-Use (R-M) zoning district.” (OCPB Case # Z-14-266, Z-14-267, Z-14-259)

Councilor Marzola discussed the current restrictions on allowed business in the RM zoning classification and what the intent of the restrictions of the RM zoning classification were at the time the classification was created. Councilor Giordano stated that when the RM zoning classification was created the businesses that were allowed under that zoning classification were the kinds of business that were found in someone’s home. The business owners at that time could conduct their business in their homes.

Councilor Marzola stated that he is concerned that, in the future, new types of businesses will come about and those businesses will be exempted from this zoning classification. Councilor Marzola stated that he believes the application from businesses outside the allowed uses in the RT zoning classification may happen due to the way the current zoning classification is written. Attorney Primo stated that he believes the purpose and intent section of the law addresses those concerns.

Councilor Giordano referred to the resolution of the Onondaga County Planning Board (Case # Z-14-259) which stated that “ per a conversation with a clerk to the Town Attorney on July 9, 2014, existing procedures and criteria for special use permits are also being expanded so that the Town Board can more consistently make decisions regarding the granting of special use permits.” Councilor Giordano asked how that above statement falls in line with the site plan approval process at the Planning Board level. Attorney Primo stated the Town Board can issue a special permit at the Town Board level which the Town Board can craft to be protective of the district the special permit is issued in. That same special permit then goes to the Planning Board for the normal site plan review and they are only limited by the Town Code and what the Town Board has put in the special permit conditions.

Attorney Primo stated that he will prepare the updated draft resolution for the Town Board to review before the next Town Board meeting.

Councilor Marnell made a motion, seconded by Councilor Green, to continue the public hearing in the matter of Local Law 2014-2 Residential Transitional Zoning Classification – Text Amendment / New Zoning District until August 13, 2014 at 7:05 pm.

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

Nayes: 0

All in Favor.

Motion Carries

5. Professional Fees – Tabled

6. Unsafe Buildings

Attorney Primo stated the unsafe building proceeding falls under chapter 63 of the Town of Manlius Code. Attorney Primo reviewed Chapter 63 of the Town of Manlius Code relating to Unsafe Buildings and the procedure that must be followed once a building has been deemed unsafe.

Attorney Primo submitted two unsafe building depositions / reports from the Code Enforcement Officer for the Town Board to review. Attorney Primo stated that these depositions / reports are unsigned by the Code Enforcement Officer and once the depositions / reports are signed and completed the Town Board can take action if they deem it necessary. Attorney Primo stated that inspection reports have been prepared for properties located at 7108 Kirkville Road (054.-01-08.0) & 8760 Andrus Road (072.-02-13.0). Attorney Primo stated that a resident has approached the Town about rehabilitating the property located at 7108 Kirkville Road (054.-01-08.0) and requested that the Town Board does not act on that property at this time.

Conversation ensued regarding the time allowed to a homeowner to repair a home once it has been deemed unsafe.

The Town Board tabled the matter to review the inspection reports prepared by the Town of Manlius Code Enforcement Officer.

7. Retired Police Officer Firearms Certification Policy – Law Enforcement Officers Safety Act HR 218

Captain Schafer gave a brief overview of the Law Enforcement Safety Officer Act which is a Federal Law (HR218) that allows qualified retired law enforcement officers to carry a concealed firearm in any jurisdiction in the United States. The law requires that the qualified retired law enforcement officers attend training every twelve months. This law allows the training to be conducted by the retiree's former agency. The Town of Manlius Police Department is requesting, by way of General Order 215, that any Town of Manlius retiree of 10 years or more who separated from the Department in good standing be allowed to train and qualify with the Department.

Attorney Primo stated that the offsetting benefit of having armed retired police officers in our community is equal to or exceeds any kind of liability exposure to the Town of Manlius.

Councilor Cassalia stated that as a retired officer himself, he believes this would be a great asset to our community.

Councilor Marnell asked if this General Order would only apply to retired officers who live in the Town of Manlius. Chief Marlowe stated that many of the Officers retired and presently employed do not reside in the Town of Manlius.

Councilor Cassalia made a motion, seconded by Councilor Giordano, to approve and authorize the Town of Manlius Police Department to enact General Order #215 regarding Retired Officers Firearms Qualification.

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

Nayes: 0

All in Favor.

Motion Carries

8. Trash and Brush Contract 2015 – Opting Out Policy

Supervisor Theobald gave a brief history of the creation of the trash and/or brush district and the history of the policy of allowing residents to opt out of the trash and/or brush district. Supervisor Theobald stated that the opting out process has become muddled over time and is difficult to operate under.

Discussion ensued regarding the pros and cons of allowing residents to opt out of the trash and brush district.

Attorney Primo stated that the option for a resident to opt out of the trash and brush district can be done by way of Town Board resolution.

The Town Board tabled the matter to allow the Attorney to prepare a resolution eliminating the Opt – Out policy for both the trash and brush district town wide effective January 1, 2015.

The Town Board directed Engineer Miller to begin preparing the trash and brush bids packets for the 2015 contract.

9. Justice Court Fiscal Procedures

Councilor Cassalia stated that he and Councilor Marnell prepared the Town Justice Court Fiscal Operating Procedures that are effective July 23, 2014. The purpose of these procedures are to ensure proper and lawful operations, accountability and commensurate due diligence, all while ensuring transparency of operations.

Councilor Cassalia made a motion, seconded by Councilor Marnell, to approve and enact Town of Manlius Standard Operating Procedure No.1 regarding Town Justice Court Fiscal Operating Procedures effective July 23, 2014.

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

Nayes: 0

All in Favor.

Motion Carries

5. Correspondence/New Business

Supervisor Theobald stated that Ellen McGrew (Manlius) would like to update the Town Board on recent litigation involving Three Falls Woods. Mrs. McGrew stated that the residents of the Three Falls Woods area have been successful in maintaining the natural state of the Three Falls Woods Area. After many trials and appeals the Court upheld the covenant on the land that was formerly owned by Allied Chemical that asserts that the land shall remain in its natural state forever.

A) Highway Superintendent – No New Business

B) Planning & Development – No New Business

C) Attorney –

Upon motion duly made by Councilor Giordano 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 Marzola made a motion, seconded by Councilor Green, to ratify the termination letter dated July 14, 2014 relating to a part time, seasonal Recreation Department employee.

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

Nays: 0

All in Favor.

Motion Carries

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

Submitted by:

Steven Primo
Attorney for the Town