

MINUTES
TOWN BOARD
August 27, 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
Absent	Karen Green, Councilor

The following Town Officers were present:

Steven Primo, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
Ann Oot, Town Manager	

Other persons attending:

Doug Miller, Engineer for the Town, Ellen & Mike McGrew, Manlius. Jason Emerson, Eagle Bulletin, Gemma Corbin, Andrew Corbin

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.

A moment of silence was held in remembrance of Paul Susco and Vincent Palerino. Mr. Susco served as a Town Councilor on the Town of Manlius Board and Mr. Palerino served as the Town of Manlius Recreation Director. Both Mr. Susco and Mr. Palerino served on many Community Boards and were dedicated to their civic duties.

2. Approval of Minutes – August 13, 2014

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the amended minutes of August 13, 2014 as submitted by Town Clerk Edsall.

Discussion: Councilor Marnell stated that he would like to amend the minutes because he did not state that he would like the entire (W. Seneca Trnpg) corridor zoned Commercial but rather he proposed that three properties (187 W. Seneca Trnpg, the dog groomer and the insurance company) would be rezoned. Councilor Marnell also stated that he is very pro-business.

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

Abstain: Councilor Loeffler

Nayes: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 16

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 16 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 16 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 37,650.77
B	General Fund Town	\$ 498.40
DA	Highway Fund Townwide	\$ 3,651.40
DB	Highway Fund Town	\$ 18,433.53
SL1	Overhead Lighting	\$ 1,718.10
SL2	Underground Lighting	\$ 1,952.79
SL3	Entry Lighting	\$ 95.50
SL4	Garden Park Lighting	\$ 591.73
SL5	Ratnaur Bridge Lighting	\$ 2,634.15
SR1	Manlius Trash District	\$ 82,712.61
SR2	Manlius Res Brush District	\$ 10,950.33
SS1	Manlius Con Sewer District	\$ 760.90

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

Nayes: 0

All in Favor.

Motion Carries.

4. Public Hearing – Local Law 2014-3 Override Property Tax Cap

Councilor Marzola made a brief presentation on the 2015 Property Tax Cap calculations and the factors affecting the property tax cap. The 2015 Property Tax Cap has been reduced to 1.56%.

Councilor Marzola reviewed the 2015 property challenges that include increased New York State retirement costs, increased healthcare costs, increased personnel / union costs, and the non-tax revenue is flat. The 2015 Fire Budgets are up 10.2%.

Councilor Marzola stated that the fund balance meets the state sustainability requirement and explained how the tax cap is calculated. Discussion ensued regarding the budgeting challenges facing the Town of Manlius for the 2015 fiscal year.

Attorney Primo gave a brief overview of the Local Law to Override the Property Tax Cap for the 2015 Fiscal Year. Conversation ensued regarding the process to override the property tax cap.

Councilor Marnell made a motion, seconded by Councilor Marzola, to waive the reading of the public notice in the matter of Local Law 2014-3 Override Property Tax Cap for the Fiscal Year 2015.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Marzola made a motion, seconded by Councilor Giordano, to open the public hearing at 7:26 PM in the matter of Local Law 2014-3 Override Property Tax Cap for the Fiscal Year 2015.

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

Nayes: 0 All in Favor. Motion Carries

There being no comment from the public Councilor Giordano made a motion, seconded by Councilor Marnell, to close the public hearing at 7:26 PM in the matter of Local Law 2014-3 to Override Property Tax Cap for the Fiscal Year 2015.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Marzola made a motion, seconded by Councilor Giordano, to approve and enact Local Law 2014-3 Override Property Tax Cap for the Fiscal Year 2015.

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

Nayes: 0 All in Favor. Motion Carries

5. Onondaga County Board of Elections – Polling Place Agreement

Robert Cushing, Highway Superintendent, stated that the Onondaga County Board of Elections would like to use the highway garage as a polling place in the upcoming elections. The highway garage has been used a polling place in the past.

Attorney Primo stated that he has reviewed the polling agreement and it is a standard polling place agreement.

Councilor Marnell made a motion, seconded by Councilor Marzola, to authorize the Supervisor to execute and enter into a polling place agreement with the Onondaga County Board of Elections to use the Town Highway Garage as a polling place.

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

Discussion ensued regarding the use of the highway garage as polling place in the past.

Nayes: 0

All in Favor.

Motion Carries.

6. Agreement for Transfer of Surplus Ambulance

Chief Marlowe stated that the Village of Manlius has agreed to transfer a retired ambulance to the Town of Manlius Police Department for \$1 dollar.

Discussion ensued regarding the proposed maintenance schedule and the current condition of the vehicle.

Councilor Marnell made a motion, seconded by Councilor Giordano, to authorize the transfer and purchase of a surplus ambulance from the Village of Manlius for \$1 dollar.

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

Nayes: 0

All in Favor.

Motion Carries

7. Townwide Trash & Brush District Resolution

Attorney Primo presented the proposed resolution to terminate the opt out option from the trash and brush district.

Councilor Marzola asked about the status of the current hauler contracts that any homeowners association may have within the Town of Manlius, if the Town of Manlius eliminates the opt out option from the trash and brush district? What is differentiation between an individual contract and a homeowner's association contract with a hauler?

Attorney Primo discussed the haulers contracts with Homeowners Associations versus the homeowners (individual) contract which is usually terminable at will.

Councilor Cassalia stated that there is a potential for lower district charges. The Haulers pay a fee based on the quantity of trash that the haulers bring to OCCRA (Onondaga County Resource Recovery Agency). Councilor Cassalia stated that while the trash and brush district charges to the homeowner could be reduced he is not comfortable with taking away someone's right to choose who they do business with.

Attorney Primo stated that a resident can use any hauler that they choose but the district charge will still be applied. Many of the Towns do not have an opt out option for their trash and brush districts.

Town Manager Oot stated that there have been a lot of issues with haulers picking up trash at residences when the resident has opted out of the trash district.

Supervisor Theobald stated that he has spoken with Onondaga County Legislator Kevin Holmquist who was a Town Councilor at the time the district was formed and Legislator Holmquist felt that the Town has had enough positive history and experience with the trash and brush district that the timing would be right to eliminate the opt out option.

Conversation ensued regarding why residents choose to opt out of the trash and brush districts.

Councilor Cassalia stated that he is always concerned when we (the Town) tell citizens that they do not have the right to choose.

Conversation ensued regarding the creation of the trash and brush district and the number of people that opt out of the district.

Supervisor Theobald stated that he agrees with the philosophy behind Councilor Cassalia's concerns.

Supervisor Theobald discussed the notification process. Attorney Primo will prepare a letter of notification to the Homeowners Association.

Councilor Marzola made a motion, seconded by Councilor Marnell, to adopt the resolution relative to the administration of the trash and brush district eliminating the opt out option from the trash and brush districts as prepared by the Attorney for the Town.

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

Nayes: 0 All in Favor. Motion Carries

8. Correspondence/New Business

A) Highway Superintendent

Highway Superintendent Cushing stated that he has received an agreement from Fibertech Networks to perform work in the Town Right of Way along Duguid Rd.

Councilor Giordano made a motion, seconded by Councilor Marnell, to authorize the Supervisor to sign the right of way agreement with Fibertech Networks to perform work in the Town's right of way along Duguid Rd.

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

Nayes: 0 All in Favor. Motion Carries

Highway Superintendent Cushing stated that he has received an application from OCWA (Onondaga County Water Authority) to install a water main in Austin Meadows North Phase II.

Councilor Marnell made a motion, seconded by Councilor Giordano, to authorize the Supervisor to sign the agreement with OCWA to install a water main in Austin Meadows North Phase II.

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

Nayes: 0

All in Favor.

Motion Carries

Highway Superintendent Cushing discussed the July 8th windstorm that caused significant damage on the North end of the Town of Manlius. There was difficulty in getting the County to come and clear the damage that occurred on the County roads and the County did not offer support. County Legislator Holmquist addressed the fact the County did not offer support during that incident and discussed creating a mutual aid system between the County and Town highway departments during an emergency event.

B) Planning & Development

Councilor Marnell made a motion, seconded by Councilor Giordano, to authorize the Supervisor to execute and enter into an agreement with OCWA for the installation of two fire hydrants on Turning Leaf Drive at a rate of \$61.61 per hydrant annum.

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

Nayes: 0

All in Favor.

Motion Carries

C) Attorney

Attorney Primo stated that the Town Board needs to ratify the release and assignment given by the Town of Manlius to American Alternative Insurance Corporation dated 08-27-2014.

Councilor Marnell made a motion, seconded by Councilor Giordano, to ratify the release and assignment given by the Town of Manlius to American Alternative Insurance Corporation dated 08-27-2014.

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

Nayes: 0

All in Favor.

Motion Carries

Attorney Primo stated that the joint meeting of the Town Board and the Zoning Board of Appeals has been rescheduled for September 11, 2014 at 7:00pm.

Councilor Marnell made a motion, seconded by Councilor Giordano to cancel the joint meeting of the Town Board and the Zoning Board of Appeals scheduled for August 28, 2014 and reschedules the joint meeting of the Town Board and the Zoning Board of Appeals on September 11, 2014 at 7:00pm.

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

Nayes: 0

All in Favor.

Motion Carries

D) Town Clerk

Town Manager Oot stated that a 6 month Certificate of Deposit (CD) is ready for renewal. Pathfinder Bank currently holds the CD and has given .30% rate for a 6 month CD. Discussion ensued regarding the current 6 month CD rates.

Councilor Marzola made a motion, seconded by Councilor Marnell, to renew the CD with Pathfinder Bank at a rate of .30% for six months contingent upon the results of rates from other banks.

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

Nayes: 0 All in Favor. Motion Carries

E) Police Chief

Chief Marlowe requested approval from the Town Board for three retired police vehicles that have been auctioned through Auctions International.

Councilor Loeffler made a motion, seconded by Councilor Giordano, to declare the following vehicles surplus items and authorize the sale of 1999 Saturn SC 3DR Hatchback for \$780, 2009 Ford Crown Victoria Police Inceptor for \$1825 and 2002 Ford Crown Victoria Police Inceptors for \$910 through Auctions International as presented by Chief Marlowe.

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

Nayes: 0 All in Favor. Motion Carries

F) Town Board

Councilor Cassalia discussed the recent events in Ferguson Missouri and the new use of body cameras in the Town of Manlius Police Department. Councilor Cassalia stated that the Town of Manlius has been very proactive and had already begun to use body cameras.

G) Supervisor

Supervisor Theobald discussed the recent flooding in the Whetstone area and the Village of Manlius. A meeting was held with the Town of Manlius and the Town of Pompey Officials to discuss how the municipalities can work together to solve drainage issues in the Whetstone area. Highway Superintendent Cushing discussed the work that has been performed in that drainage district (in the Whetstone area). Highway Superintendent Cushing stated that the Town can never promise that there will be an absolute fix to any flooding problems. In a flash flood situation, debris that is put into the creeks and streams gets caught in the Town's infrastructure.

Discussion ensued regarding storm water education for the public.

Highway Superintendent Cushing discussed the difference between the Town's Right of Way and the Towns property. The goal is to make sure that the Town's drainage infrastructure is working properly.

