

Agenda  
Manlius Town Board  
July 28, 2021  
6:30 PM

1. Virtual Meeting Instructions

Documents:

[7-28-21 TOWN BOARD MEETING INSTRUCTIONS.PDF](#)

2. Pledge Of Allegiance

3. Open Podium

4. Approval Of Minutes

Documents:

[7-14-21 DRAFT.PDF](#)

5. Approval Of Abstract # 14

Documents:

[ABSTRACT 14.PDF](#)

6. 6:35 PM Public Hearing - Local Law Moratorium On Solar Arrays

Documents:

[LOCAL LAW 2021 - \\_\\_ PUBLIC HEARING - MORATORIUM ON SOLAR FARMS.PDF](#)

7. Highway Superintendent

8. Planning & Development

9. Attorney

10. Town Clerk

11. Police Chief

12. Town Manager

12.I. Medicare Part D Service Agreement

13. Committee Reports

14. Supervisor

15. Adjournment

This meeting is being recorded and live streamed. The recording will be broadcast live and will be posted to the town website at [www.townofmanlius.org](http://www.townofmanlius.org)





July 28, 2021 – 6:30PM

## Town Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or enter the meeting URL web address as listed below.

<https://us02web.zoom.us/j/88563395829?pwd=SE0rcTVwdHA5ZmFKSzgwMktvcTV1UT09>

Password to join when prompted:

Password: **118901**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 885 6339 5829

Press # again to skip the personal id and enter the password below followed by #

Password: **118901**

If this is your first time joining a ZOOM meeting you may practice using ZOOM meeting platform at <https://zoom.us/test>.

MINUTES  
TOWN BOARD  
July 14, 2021

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:

|        |                               |
|--------|-------------------------------|
|        | Karen Green, Councilor        |
|        | Sara Bollinger, Councilor     |
|        | Elaine Denton, Councilor      |
|        | John Deer, Councilor          |
|        | Heather Waters, Councilor     |
| Absent | Katelyn M. Kriesel, Councilor |

The following Town Officers were present:

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Tim Frateschi, Attorney for the Town | Allison A. Weber, Town Clerk        |
| Mike Crowell, Police Chief           | Rob Cushing, Highway Superintendent |
| Ann Oot, Town Manager                |                                     |

**1. Attendees**

Virtual Meeting Attendees: Stephen Fisher, Laken Kennington, Patrick Duffy, Dennis Flynn, Stephen Fisher, Donna Edgar, Maggie N, Nancy Zlomek, Grant deBruin, Roni Mongenstern, John Belton, Kelly Wells, Riya Gupta, Kmquinn, Molly Akers, Jennifer & David Satterlee, Lesley Pease, Audrey Boyd, Rebecca S, Valerie Beecher, Warren Linhart, Pilar Lyons, Rebecca Shiroff, Erin T, WSYR, Ari Spinoza.

In-Person Meeting Attendees: Max Mimaroglu, Linda & John Greiner, Lucy Gallery, Mike Fogel, Denis Mahns, Dan Tyrel, Joe Messineo, Jonathan Koch, Emily & Mark Zipprich, Linda McGuigan, Michael Friend, Steve Benson, Julie Fenster, Paul Birchmeyer.

**2. The Pledge of Allegiance**

Supervisor Theobald, called the meeting to order at 6:30 pm. Councilor Denton led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

**3. Open Podium**

Topic: Bowman Road - Tabled

Supervisor Theobald stated that the comment will not be taken this evening on the proposed widening of Bowman Road. Supervisor Theobald stated that he has spoken with residents on Bowman Road who have expressed concerns about the project. Supervisor Theobald stated that funding is not available through the County for this project.

Topic: Solar Moratorium – Tabled

Supervisor Theobald stated that he has received requests from residents requesting to speak about the proposed Solar Moratorium. Supervisor Theobald requested that anyone wishing to be heard on the moratorium wait to speak at the Public Hearing.

**4. Approval of Minutes – June 9, 2021 and June 23, 2021**

Councilor Bollinger made a motion, seconded by Councilor Denton, to approve the minutes of June 9, 2021 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Abstain: Councilor Green

Motion Carries.

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the minutes of June 23, 2021 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**5. Stipulation of Settlement and Order – Fayetteville Farms, LLC**

Town Manager Oot presented a stipulation of settlement and order for a court ordered reduction in assessment for the property located at 7152 E. Genesee St. for tax year 2020-2021 previous Assessment \$190,000 to \$90,000 with a refund of \$512.47.

Councilor Green made a motion, seconded by Councilor Waters, to approve the refund of \$512.47 from the court ordered reduction in assessment for the property located at 7152 E. Genesee St.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**6. Approval of Abstract # 13**

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 13 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**7. Fox Pest Control – Discussion of Application for Peddlers Permit**

Town Clerk Weber stated that Fox Pest Control does not have a permit to peddle in the Town of Manlius. Town Clerk Weber stated the town has received several complaints from residents about

the aggressiveness of the Fox Associates. Town Clerk Weber stated the police department has also had to response to several complaints from residents about the Fox sales associates in the Town and Villages. Town Clerk Weber stated that the company has finally submitted a peddler permit application which she must deny based on residents' complaints and the company refusing to comply with the Town Ordinances.

Chief Crowell and Councilor Deer supported the denial of the application and discussed their interactions with Fox Pest Control in the community.

Laken Kennington, Owner of Fox Pest Control and Stephen Fisher, Manager of the Syracuse office attended virtually. Mr. Kennington stated he disagrees with the allegations against his company.

Mr. Kennington discussed the training that his sales associated undertake before entering the sales field and apologized for the company not obtaining a permit.

A discussion ensued regarding the training for sales associated and sales tactics.

Mr. Kennington stated that he would like to have the opportunity to apply for a permit in 2022. Town Clerk Weber requested that Fox Pest Control submit their 2022 applications in January/February time frame to give ample time for the application to be reviewed.

Attorney Frateschi asked Mr. Kennington if he is formally withdrawing his application at this time. Mr. Kennington answered yes.

**8. Request for Annexation – Village of Minoa – Linda Greiner, 7364 Kirkville Rd., Minoa (tax map # 055.-01-05.0)**

Applicant Linda Greiner presented a proposal for an annexation of a parcel from the Town of Manlius to the Village of Minoa.

Ms. Greiner stated the parcel behind the lot which has their home is the parcel she would like to annex because it has a 50-foot right-a-way access.

Attorney Frateschi stated that the annexation process begins with a petition from the applicant to the Village of Minoa. Attorney Frateschi stated if the Village and Town agree this is acceptable then they would have to hold a joint public hearing.

The board discussed the steps involved in going through the annexation and subdivision process and recommended that the applicant retain an attorney.

The matter was tabled until a formal petition is submitted.

**9. Set Date – Public Hearing – Local Law 2021- Moratorium on the Processing of the Applications for Commercial Solar Arrays**

A lengthy discussion ensued regarding the proposed Moratorium on the processing of applications for Commercial Solar Arrays.

The Town Board discussed the following:

- Reasons for considering a Moratorium on Solar and how it would affect current proposed projects in the town.
- Which currently submitted application would be allowed to proceed and which would not based upon the status of their application.
- The length of the proposed moratorium.

The Town Board added an amendment to the proposed local law to allow an applicant to apply to the Zoning Board of Appeals for a Use Variance during the moratorium.

Councilor Denton stated that this proposed moratorium is for commercial solar installations and does not apply to residential solar.

Attorney Frateschi stated that the proposed local law is a six-month moratorium on any commercial solar arrays that have not been approved by the Planning Board for a special use permit or have not yet received site plan approval. Attorney Frateschi stated the moratorium will exclude the commercial solar installation on the town landfill that has a signed lease as well as residential solar installations.

Councilor Green made a motion, seconded by Councilor Bollinger, to set a date for a public hearing on July 28, 2021 at 6:35 pm in the matter of a local law to Amend the Town Code to Place a Moratorium on the processing of Commercial Solar Array Applications.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

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**IN THE MATTER**

**Of**

**A LOCAL LAW 2021-\_\_\_ TO AMEND THE  
TOWN CODE TO PLACE A MORATORIUM  
ON THE PROCESS OF SOLAR FARM  
APPLICATIONS**

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**RESOLUTION CALLING FOR  
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 14<sup>th</sup> of July, 2021, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

|                        |            |
|------------------------|------------|
| Edmond J. Theobald     | Supervisor |
| Sara Bollinger         | Councilor  |
| John Deer              | Councilor  |
| Elaine Denton          | Councilor  |
| Karen Green            | Councilor  |
| Heather Allison Waters | Councilor  |

The following resolution was moved, seconded and adopted:

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2021- \_\_\_\_, amending Chapter 155 of the Town Code by creating a new Article IX (“Moratorium”), that will suspend the processing of applications for Solar Photovoltaic Energy Systems under Section 155-27.2 of the Town Code;

**LOCAL LAW 2021-\_\_\_\_, A LOCAL LAW AMENDING  
CHAPTER 155 TO CREATED A NEW ARTICLE IX  
SUSPENDING THE PROCESSING OF APPLICATIONS FOR  
SOLAR PHOTOVOLTAIC ENERGY SYSTEMS TO BE  
APPROVED UNDER SECTION 155-27.2 OF THE TOWN  
CODE:**

**Be it enacted by the Town Board of the Town of Manlius, Onondaga County,  
New York as follows:**

Section 1. A new Article IX will be added to Chapter 155 of the Town Code as follows:

**ARTICLE IX  
Moratorium**

§155-54 Statement of Legislative Intent

It is the purpose of this moratorium to enable the Town of Manlius to have sufficient time to review the Town’s existing laws, (primarily Section 155-27.2 (the “Law”)), pertaining to large scale Solar Photovoltaic Energy Systems (“Solar PV collection systems” or “Solar Farms”) requiring a special permit and site plan approval, and to determine if modifications to the Law regarding such operations are necessary. This review is in accordance with the goals, objectives and policies of the Town Board related to the creation of a Town of Manlius Comprehensive Plan and in conjunction with the process for creating said Comprehensive Plan.

Further, the Moratorium would provide the Town Board the time necessary to: (i) review the Law and to make any updates if needed, (ii) make sure that policies and procedures are in place to develop Payment in Lieu of Tax (“PILOT”) agreements that serve the best interest of the Town; (iii) complete a solar use and capacity study to understand how many Solar PV collection systems may be installed in the Town; (iv) ensure that the Comprehensive Planning process takes into consideration the Law.

Amendments to the Law will be considered regarding further enhancing protection of the environment and modifications necessary to permit for careful review and approvals of such development.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all expansions to existing Solar Farms and approval of new Solar Farms.

Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such Solar Farms or approval of new Solar Farms are reviewed under the potential new regulations and not under the existing Law.

§155-55 Definitions.

A. SOLAR COLLECTION SYSTEM OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity. Solar farm facilities consist of more than one freestanding ground or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

B. TOWN: Town of Manlius, Onondaga County, New York

C. TOWN BOARD: Town of Manlius Town Board

D. PLANNING BOARD: Town of Manlius Planning Board

E. ZONING BOARD OF APPEALS: Town of Manlius Zoning Board of Appeals

F. CODE ENFORCEMENT OFFICER: Town of Manlius Code Enforcement Officer

§155-56 Moratorium.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Planning Board of any expansions to existing solar collection systems or Solar Farm or the approval of any new solar collection systems or Solar Farms anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for any expansions to existing solar collection systems or Solar Farms or the approval of new solar collection systems or Solar Farms and shall not grant any special permit or site plan approval to any such expansions to or new solar collection systems or Solar Farms within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any construction involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or solar farms anywhere within the Town that have not been granted site plan or special use permit approvals.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or Solar Farms shall be processed or granted; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing solar collection systems or Solar Farms.

#### § 155-57. Exceptions.

No part of the moratorium to be enacted by this local law shall apply to the following:

A. Reviews of existing special use permits or site plans that are required to come regularly before the Town Planning Board for re-approval, provided such applications do not request any modifications to the existing solar collection systems or solar farms; and

B. Solar farms that have been granted a special permit and site plan approval before this Local Law goes into effect; and

C. The review and processing of a special use permit and site plan for the proposed solar farm at Bowmen Road, which solar farm is to be developed on the Town Landfill pursuant to a lease with the Town of Manlius.

D. Solar photovoltaic energy systems designed to provide residential homes with renewable energy through the placement of solar panels on the home or its property.

#### § 155-58. Penalties.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

§ 155-59. Variances.

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

§155-60. Validity.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 2. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede Section 274-a, Section 274-b and Section 276 of the Town Law any other inconsistent provision of state or local law.

Section 3. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2021-\_\_\_\_, and that such Hearing shall be held in person and virtually on the Internet platform commonly referred to as ZOOM, directions for attendance which will be on the Town's

Website and such hearing shall take place on the 28<sup>th</sup> day of July, 2021 at approximately 6:30 p.m.  
and be it further

**RESOLVED**, that the Town Clerk shall give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 14<sup>th</sup> day of July 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 14<sup>th</sup> day of July, 2021.

**DATED: July 14<sup>th</sup>, 2021**  
**Fayetteville, New York**

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**

#### **10. Resolution – Consolidated Funding Application**

Councilor Bollinger stated the town is eligible to apply for funding through New York State in 2022 for Climate Smart Communities that includes Comprehensive Planning and Sustainability projects. Councilor Bollinger stated this is 50/50 matching grant which would require the town to budget for those matched funds in 2022.

Councilor Waters made a motion, seconded by Councilor Deer, to submit the Consolidated Funding Application for the Climate Smart Comprehensive Plan Funding in the amount of \$44,500 with the town matching half at \$22,250 as outlined in the resolution prepared by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

#### **11. EV Charging Station at Town Hall – Councilor Denton**

Councilor Denton stated after reviewing quotes it was decided to go with Plug Stations Online LLC. Councilor Denton stated they would place two EV stations with four ports in the back parking lot at Town Hall for public use. Councilor Denton stated there are two grants available which could cover about 75% for the EV charging stations and the installations.

The Board discussed further about possible grants and how the EV charging stations work.

Councilor Denton made a motion, seconded by Councilor Waters, enter into a contract for the purchase of 2 electric vehicle charging stations with Plug In Stations On-line, LLC, which is on State Contract, contingent upon the Town obtaining a NYSEDA grant that will lower the total cost of the Town's expenditure to no more than \$12,000.00 and to authorize the Supervisor to enter into a contract as set forth herein and on the invoice presented to the Town Board.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: Supervisor Theobald, Councilor Green

Motion Carries.

#### **12. Salt Springs Water District Update**

Councilor Bollinger stated that the Salt Springs Water District will not be formed due to a lack of petition signatures. Councilor Bollinger stated that the law requires signatures from property owners with 51% of the assessed value within the proposed special district and the petitions only achieved 23.8% of the signatures required.

#### **13. Appletree Ridge Water District**

Councilor Bollinger stated the town has received a request from neighbors in the Appletree Ridge area to form a water district. There are three property owners in the proposed water district.

Councilor Bollinger discussed the process to form a water district and the matter was tabled for further review.

**14. Highway Superintendent**

Superintendent Cushing is asking the residents to be patient as the weather has slowed some of the construction and paving projects.

**15. Planning & Development**

Councilor Bollinger stated they will be interviewing a code officer candidate.

**16. Attorney – No New Business**

**17. Town Clerk**

Town Clerk Weber stated the annual MS4 Stormwater Report has been completed and is on the website. Town Clerk Weber stated there a public meeting on the MS4 report on July 28<sup>th</sup> at 4:00 PM in the Town Hall Board Room, 301 Brooklea Dr., Fayetteville NY and virtually.

**18. Police Chief**

Chief Crowell reported the following:

- The Fayetteville-Manlius School District has requested adding two additional Special Patrol Officers.
- The Department will be going through the New York State Accreditation Assessment.
- Chief Crowell will be attending the New York State Chief's Training Conference, which he will be attending.

**19. Town Manager**

Town Manager Oot stated the Trash & Brush contract expires at the end of this year and will need to be sent out to bid. This must be completed before the 2022 budget can be finalized.

Town Assessor Pat Duffy stated he has been interviewing to fill two vacant positions and has selected two candidates from the Civil Service Clerk I list.

Councilor Waters made a motion, seconded by Councilor Green, to hire Pilar Lyons for the position of Clerk I in the Assessor's office at an annual salary of \$32,000.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

Councilor Waters made a motion, seconded by Councilor Green, to hire Ryan Tyreman for the position of Clerk I in the Assessor's office at an annual salary of \$32,000.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

Councilor Waters made a motion, seconded by Councilor Green, to approve a title and salary adjustment for Cristine Del Fuoco to Assessment Clerk / Real Property Appraiser at an salary of \$53,500.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

Councilor Waters made a motion, seconded by Councilor Green, to approve a title and salary adjustment for Kristen Bowes to Clerk I / Assessment Clerk at an salary of \$40,000.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

#### Public Assistance Grant – New York – COVID-19 Pandemic

Town Manager Oot stated that the Town of Manlius applied for a FEMA Public Assistance Grant for reimbursement of costs related to emergency protective measures conducted as a result of the COVID-19 Pandemic. The Town was recently notified that FEMA will be reimbursing the Town \$18,237.16 for expenditures related to emergency protective measures.

#### ARPA Coronavirus Local Fiscal Recovery Fund

Town Manager Oot stated that New York State is required by the ARPA to distribute Coronavirus Local Fiscal Recovery Funds to certain units of local government on behalf of the United States Department of Treasury.

Town Manager Oot stated that the Town is eligible for a total ARPA payment of \$2,018,420 of which half will be paid this summer and half will be paid in the summer of 2022.

### **20. Supervisor**

Supervisor Theobald he is continuing his conversations with employees and the PBA concerning the 457 Deferred Compensation Plan.

Councilor Bollinger made a motion, seconded by Councilor Green, to accept the Supervisor's monthly report for June 2021 as presented.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

### **21. Adjournment**

There being no further business to come before the Board, upon motion duly made by Councilor Bollinger and seconded by Councilor Green the Board voted unanimously to adjourn regular session at 8:09 PM.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber  
Town Clerk

DRAFT

## \*\* G/L ACCOUNT TOTALS \*\*

| YEAR | ACCOUNT        | NAME                       | AMOUNT     | -----LINE ITEM----- |                     |              | -----GROUP BUDGET----- |                     |              |
|------|----------------|----------------------------|------------|---------------------|---------------------|--------------|------------------------|---------------------|--------------|
|      |                |                            |            | ANNUAL<br>BUDGET    | BUDGET<br>AVAILABLE | OVER<br>BUDG | ANNUAL<br>BUDGET       | BUDGET<br>AVAILABLE | OVER<br>BUDG |
| 2021 | A00-2.690      | Overpayments and Clearing  | 10,281.50  |                     |                     |              |                        |                     |              |
|      | A00-5.1220.480 | Supervisor - Payroll       | 862.53     | 31,700              | 15,183.28           |              | 89,850                 | 44,431.53           |              |
|      | A00-5.1620.405 | Buildings - Information Te | 13,162.13  | 194,500             | 58,437.19           |              | 270,130                | 80,341.13           |              |
|      | A00-5.1620.421 | Buildings - Phone          | 520.27     | 10,680              | 2,932.54            |              | 270,130                | 92,982.99           |              |
|      | A00-5.1620.424 | Buildings - Internet       | 139.99     | 2,150               | 794.22              |              | 270,130                | 93,363.27           |              |
|      | A00-5.1620.430 | Buildings - Cleaning       | 1,226.25   | 17,550              | 3,640.42            |              | 270,130                | 92,277.01           |              |
|      | A00-5.1640.410 | Central Garage - Gasoline  | 2,168.22   | 70,000              | 17,001.87           |              | 73,000                 | 14,533.59           |              |
|      | A00-5.9045.800 | Life Insurance             | 462.30     | 5,100               | 1,705.67            |              | 5,100                  | 1,705.67            |              |
|      | A00-5.9061.800 | Health Insurance Opt-Out   | 1,050.00   | 30,000              | 14,527.04           |              | 30,000                 | 14,527.04           |              |
|      | B00-5.3620.400 | P & D - Contractual        | 2,000.00   | 85,535              | 56,789.30           |              | 109,070                | 72,048.89           |              |
|      | B00-5.3620.421 | P & D - Phone              | 155.94     | 2,840               | 1,168.01            |              | 109,070                | 73,892.95           |              |
|      | SR1-5.8160.400 | Refuse - Contractual       | 112,500.67 | 1,313,915           | 526,410.70          |              | 1,313,915              | 526,410.70          |              |
|      | SR2-5.8160.400 | Refuse - Contractual       | 12,534.33  | 150,412             | 62,671.69           |              | 150,412                | 62,671.69           |              |
|      |                | ** 2021 YEAR TOTALS        | 157,064.13 |                     |                     |              |                        |                     |              |

## \*\* G/L ACCOUNT TOTALS \*\*

| YEAR                        | ACCOUNT        | NAME                       | AMOUNT     | -----LINE ITEM----- |                     |              | -----GROUP BUDGET----- |                     |              |
|-----------------------------|----------------|----------------------------|------------|---------------------|---------------------|--------------|------------------------|---------------------|--------------|
|                             |                |                            |            | ANNUAL<br>BUDGET    | BUDGET<br>AVAILABLE | OVER<br>BUDG | ANNUAL<br>BUDGET       | BUDGET<br>AVAILABLE | OVER<br>BUDG |
| 2021-2022                   | A00-2.700      | Rec Dept Clearing Acct     | 29,144.08  |                     |                     |              |                        |                     |              |
|                             | A00-5.1110.401 | Justices - Office Supplies | 123.63     | 2,800               | 2,152.53            |              | 19,195                 | 18,330.03           |              |
|                             | A00-5.1355.402 | Assessors - Seminars/Confe | 1,445.64   | 4,000               | 1,854.36            |              | 38,320                 | 7,031.95            |              |
|                             | A00-5.1355.403 | Assessors - Associations/D | 13.00      | 720                 | 867.00              |              | 38,320                 | 7,031.95            |              |
|                             | A00-5.1410.401 | Town Clerk - Office Suppli | 26.98      | 2,200               | 3,196.88            |              | 8,387                  | 4,288.90            |              |
|                             | A00-5.1410.408 | Town Clerk - Printing/Ads  | 67.13      | 1,200               | 587.32              |              | 8,387                  | 4,288.90            |              |
|                             | A00-5.1620.400 | Buildings - Contractual    | 134.96     | 5,000               | 1,694.31            |              | 270,130                | 93,503.26           |              |
|                             | A00-5.1620.405 | Buildings - Information Te | 2,147.57   | 194,500             | 71,599.32           |              | 270,130                | 93,503.26           |              |
|                             | A00-5.1670.401 | Central Printing - Office  | 1,520.00   | 3,000               | 1,405.17            |              | 42,300                 | 20,490.82           |              |
|                             | A00-5.1670.404 | Central Printing - Books/P | 647.97     | 1,800               | 42.97-              | Y            | 42,300                 | 20,490.82           |              |
|                             | A00-5.3120.400 | Police - Contractual       | 17.96      | 49,065              | 15,441.04           |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.401 | Police - Office Supplies   | 233.93     | 12,785              | 6,977.62            |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.402 | Police - Seminars/Conferen | 763.39     | 24,725              | 14,371.91           |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.412 | Police - Vehicle Repair    | 1,022.48   | 94,541              | 123,066.87          |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.421 | Police - Phone             | 1,314.02   | 30,600              | 18,233.40           |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.448 | Police - Uniforms & Cleani | 93.50      | 47,974              | 21,041.28           |              | 542,663                | 387,408.90          |              |
|                             | A00-5.3120.463 | Police - CPSS              | 515.00     | 2,660               | 2,788.40            |              | 542,663                | 387,408.90          |              |
|                             | A00-5.5132.423 | Garage - Fire Monitoring   | 45.90      | 574                 | 202.72              |              | 68,264                 | 29,374.17           |              |
|                             | A00-5.5132.425 | Garage - Garage/Bldg Maint | 2,071.86   | 16,000              | 8,940.02            |              | 68,264                 | 29,374.17           |              |
|                             | A00-5.5132.426 | Garage - Dumpster          | 481.89     | 5,957               | 2,583.77            |              | 68,264                 | 29,374.17           |              |
|                             | A00-5.7310.410 | Recreation - Program Expen | 621.95     | 64,000              | 50,118.42           |              | 82,750                 | 63,851.53           |              |
|                             | DA0-5.5130.411 | Machinery - Vehicle Expens | 9,387.53   | 124,589             | 67,458.86           |              | 191,015                | 113,315.92          |              |
|                             | DA0-5.5130.440 | Machinery - Equipment Expe | 940.63     | 45,044              | 27,887.39           |              | 191,015                | 113,315.92          |              |
|                             | DA0-5.5142.421 | Snow Removal - Phones/Page | 112.20     | 1,700               | 1,004.58            |              | 711,498                | 659,147.34          |              |
|                             | DA0-5.5142.440 | Snow Removal - Radios/CB's | 43.90      | 1,947               | 1,737.20            |              | 711,498                | 659,147.34          |              |
|                             | DA0-5.5142.441 | Snow Removal - Safety/Trai | 116.00     | 6,000               | 5,423.01            |              | 711,498                | 659,147.34          |              |
|                             | DA0-5.5142.447 | Snow Removal - Shop Suppli | 4,069.10   | 37,891              | 32,327.61           |              | 711,498                | 659,147.34          |              |
|                             | DA0-5.5142.448 | Snow Removal - Uniforms/Cl | 243.15     | 13,656              | 8,591.99            |              | 711,498                | 659,147.34          |              |
|                             | DB0-5.5110.441 | General Repairs - Safety/T | 56.92      | 1,000               | 826.92              |              | 1,284,090              | 321,492.83          |              |
|                             | DB0-5.5110.450 | General Repairs - Contract | 17,000.00  | 350,341             | 238,885.75-         | Y            | 1,284,090              | 321,492.83          |              |
|                             | DB0-5.5110.475 | General Repairs - Road Rep | 134,787.61 | 799,843             | 505,585.77          |              | 1,284,090              | 321,492.83          |              |
|                             | DB0-5.5110.478 | General Repairs - Drainage | 768.00     | 41,500              | 29,130.52           |              | 1,284,090              | 321,492.83          |              |
| ** 2021-2022 YEAR TOTALS ** |                |                            | 209,977.88 |                     |                     |              |                        |                     |              |

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**IN THE MATTER**  
**Of**  
**A LOCAL LAW 2021-\_\_\_ TO AMEND THE**  
**TOWN CODE TO PLACE A MORATORIUM**  
**ON THE PROCESS OF SOLAR FARM**  
**APPLICATIONS**

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**RESOLUTION CALLING FOR**  
**A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 14<sup>th</sup> day of July, 2021, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

|         |                        |            |
|---------|------------------------|------------|
|         | Edmond J. Theobald     | Supervisor |
|         | Sara Bollinger         | Councilor  |
|         | John Deer              | Councilor  |
|         | Elaine Denton          | Councilor  |
|         | Karen Green            | Councilor  |
|         | Heather Allison Waters | Councilor  |
| Absent: | Katelyn Kriesel        | Councilor  |

The following resolution was moved, seconded and adopted:

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2021- \_\_\_\_, amending Chapter 155 of the Town Code by creating a new Article IX

("Moratorium"), that will suspend the processing of applications for Solar Photovoltaic Energy Systems under Section 155-27.2 of the Town Code;

**LOCAL LAW 2021-\_\_\_, A LOCAL LAW AMENDING  
CHAPTER 155 TO CREATE A NEW ARTICLE IX  
SUSPENDING THE PROCESSING OF APPLICATIONS  
FOR SOLAR PHOTOVOLTAIC ENERGY SYSTEMS TO  
BE APPROVED UNDER SECTION 155-27.2 OF THE TOWN  
CODE:**

**Be it enacted by the Town Board of the Town of Manlius, Onondaga County,  
New York as follows:**

Section 1. A new Article IX will be added to Chapter 155 of the Town Code as follows:

**ARTICLE IX  
Moratorium**

**§155-54 Statement of Legislative Intent**

It is the purpose of this moratorium to enable the Town of Manlius to have sufficient time to review the Town's existing laws, (primarily Section 155-27.2 (the "Law")), pertaining to large scale Solar Photovoltaic Energy Systems ("Solar PV collection systems" or "Solar Farms") requiring a special permit and site plan approval, and to determine if modifications to the Law regarding such operations are necessary. This review is in accordance with the goals, objectives and policies of the Town Board related to the creation of a Town of Manlius Comprehensive Plan and in conjunction with the process for creating said Comprehensive Plan.

Further, the Moratorium would provide the Town Board the time necessary to: (i) review the Law and to make any updates if needed, (ii) make sure that policies and procedures are in place to develop Payment in Lieu of Tax ("PILOT") agreements that serve the best interest of the Town; (iii) complete a solar use and capacity study to understand how many Solar PV collection systems may be installed in the Town; (iv) ensure that the Comprehensive Planning process takes into consideration the Law.

Amendments to the Law will be considered regarding further enhancing protection of the environment, productive farmland, view shed and modifications necessary to permit for careful review and approvals of such development.

It is, therefore, the intent of the Town Board to temporarily suspend the review and approval of all expansions to existing Solar Farms and approval of new Solar Farms.

Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such Solar Farms or approval of new Solar Farms are reviewed under the potential new regulations and not under the existing Law.

§155-55 Definitions.

A. SOLAR COLLECTION SYSTEM OR SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity. Solar farm facilities consist of more than one freestanding ground or roof-mounted solar collector devices solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

B. TOWN: Town of Manlius, Onondaga County, New York

C. TOWN BOARD: Town of Manlius Town Board

D. PLANNING BOARD: Town of Manlius Planning Board

E. ZONING BOARD OF APPEALS: Town of Manlius Zoning Board of Appeals

F. CODE ENFORCEMENT OFFICER: Town of Manlius Code Enforcement Officer

§155-56 Moratorium.

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation by the Planning Board of any expansions to existing solar collection systems or Solar Farm or the approval of any new solar collection systems or Solar Farms anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for any expansions to existing solar collection systems or Solar Farms or the approval of new solar collection systems or Solar Farms and shall not grant any special permit or site plan approval to any such expansions to or new solar collection systems or Solar Farms within the Town during the moratorium.

E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits for any construction involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or solar farms anywhere within the Town that have not been granted site plan or special use permit approvals.

F. Pursuant to this moratorium, no applications for variances, special use permits or other approvals involving any expansions to solar collection systems or Solar Farms or involving any new solar collection systems or Solar Farms shall be processed or granted; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing solar collection systems or Solar Farms.

§ 155-57. Exceptions.

No part of the moratorium to be enacted by this local law shall apply to the following:

A. Reviews of existing special use permits or site plans that are required to come regularly before the Town Planning Board for re-approval, provided such applications do not request any modifications to the existing solar collection systems or solar farms; and

B. Solar Photovoltaic Energy Systems that have been granted a special permit and site plan approval before this Local Law goes into effect; and

C. The review and processing of a special use permit and site plan for the proposed solar farm at Bowman Road, which solar farm is to be developed on the former Town Landfill pursuant to a lease with the Town of Manlius.

D. Solar photovoltaic energy systems designed to provide residential homes or existing commercial or public structures with renewable energy through the placement of a solar panel on the home or its property.

§ 155-58. Penalties.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of a minimum of \$100.00 and a maximum of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

§ 155-59. Variances.

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals for a use variance and make use of the existing variance procedures under the Zoning Law of the Town of Manlius to seek relief from the restrictions of this local law.

§155-60. Validity.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 2. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede Section 274-a, Section 274-b and Section 276 of the Town Law any other inconsistent provision of state or local law.

Section 3. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing unless otherwise rescinded as set forth in the Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2021-\_\_\_\_, and that such Hearing shall be held in person and virtually on the Internet platform commonly referred to as ZOOM, directions for attendance which will be on the Town's Website and such hearing shall take place on the 28<sup>th</sup> day of July, 2021 at approximately 6:35 p.m. and be it further

**RESOLVED**, that the Town Clerk shall give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 14<sup>th</sup> day of July 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this        14<sup>th</sup>        day of July, 2021.

**DATED:        July 14<sup>th</sup>, 2021**  
**Fayetteville, New York**

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**