MINUTES
TOWN BOARD
June 12, 2013

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

The following Town Officers were present:

Timothy Frateschi, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Doug Miller, Town Engineer
Ann Oot, Town Manager	Rob Cushing, Highway Superintendent

Other persons attending:

Ellen & Mike McGrew, Manlius. Dorothy & Nick Agrippino, Manlius. Henry McIntosh, Fayetteville. Anne & Jerry Menter, Manlius.

1. The Pledge of Allegiance

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

Fran Marlowe, Chief of the Manlius Police Department, made a brief presentation introducing Police Officer Todd Duval to the Town Board. Officer Duval was sworn in by Town Clerk Edsall. Supervisor Theobald thanked Chief Marlowe, and congratulated Officer Duval.

2. Proclamation – Jerry Alan Menter

Chief Marlowe presented Jerry Alan Mentor with a proclamation thanking him for his continued support of the Town of Manlius Police Department. Captain Ackerman presented

3. Approval of Minutes – May 22, 2013

Councilor Green made a motion, seconded by Councilor Marzola, to approve the minutes of May 22, 2013 as submitted by Town Clerk Edsall.

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

Nayes: 0 All in Favor. Motion Carries.

4. Approval of Abstract # 11

Town Clerk Edsall stated that there is a $15,000 return of bail payment on the abstract. Town Clerk Edsall stated that this followed the normal purchase order process after being thoroughly researched by the Town Court and a bail affidavit was submitted.

Attorney Frateschi stated that this is a legitimate claim against the Town and that he recommended settlement of this claim. Attorney Frateschi stated that the Town Board can approve this claim along with the abstract.

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 11 as submitted by Town Clerk Edsall.

TOWN OF MANLIUS
Fund Summary
Abstract # 11 - 2013

CODE	FUND	TOTALS	
A	General Fund Townwide	$	177,716.87
B	General Fund Town	$	725.11
CM1	Police Trust	$	434.99
DA	Highway Fund Townwide	$	35,522.73
DB	Highway Fund Town	$	35,962.44
SL1	Overhead Lighting	$	1,908.19
SL2	Underground Lighting	$	1,768.75
SL3	Entry Lighting	$	100.73
SL4	Garden Park Lighting	$	562.56
SL5	Ratnaur Bridge Lighting	$	2,792.53
SR1	Manlius Trash District	$	81,537.77
SR2	Manlius Res Brush District	$	12,016.34
SS1	Manlius Con Sewer District	$	1,789.21

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

Nayes: 0 All in Favor. Motion Carries.

5. Cell Tower – Renewal Special Permit – American Tower Corp, 7182 East Taft Rd. Tax Map # 034.-02-31.1/1

Town Clerk Edsall stated that American Tower has submitted the renewal application for the special permit for the cell tower on East Taft Rd and the Office of Planning and Development has reviewed the application.

Conversation ensued regarding the additional antenna that was requested along with this application and whether that antennae would change the appearance of the cell tower.

Councilman Giordano made a motion, seconded by Councilor Green issuing a negative declaration and declaring the Town of Manlius the lead agency in the matter of special permit renewal American Tower Corp, 7182 East Taft Rd. Tax Map # 034.-02-31.1/1

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Green made a motion seconded by Councilor Giordano, to approve the Special Permit with the addition of a new antennae under the same terms and conditions now in place for an additional 7 years, American Tower Corp. Located at 7182 East Taft Rd. Tax Map # 034.-02-31.1/1

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

Nayes: 0 All in Favor. Motion Carries

6 Special Permit -Dorothy Agrippino, 5040 Palmer Rd, Manlius (tax map # 116.-01-22.6)

Attorney Frateschi reviewed the resolution and special permit that he prepared based on the comments and direction of the Town Board at the public hearing.

Conversation ensued regarding the location of the fence on the property. The Town Board discussed and agreed to amend the conditions of the permit to state that the fence should be opaque.

Conversation ensued regarding the sound attenuation and the planting of shrubbery on the property to help with sound attenuation. The Town Board discussed and agreed to amend the special permit to state that the tress and plantings should be on the outside the perimeter of the fence on the South side of the property to attenuate sound.

Supervisor Theobald stated that he has visited the area and there are all types of commercial businesses along this stretch of road such as construction, landscaping and farming. Supervisor Theobald stated that the concerns of the neighbors are noise and odor and diminished property value. The owners of the property do not want to diminish their own property value and the owners themselves stated that they will not tolerate noise and odor.

Councilor Loeffler stated that this parcel is zoned for this type of operation and there are no mitigating circumstances that would disallow this.

Attorney Frateschi stated that the allegations of cruelty were investigated and all of the allegations were unfounded. Attorney Frateschi stated that SEQR is done by the Town Board in the case of a special permit and that is final and binding. SEQR is completed within the resolution and the board has reviewed it.

Councilman Giordano made a motion, seconded by Councilor Green issuing a negative declaration in the matter of Special Permit -.Dorothy Agrippino, 5040 Palmer Rd, Manlius (tax map # 116.-01-22.6)

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

Nayes: 0 All in Favor. Motion Carries

Councilor Loeffler made a motion seconded by Councilor Giordano, to issue a negative declaration, declare the Town of Manlius lead agency for SEQR purposes and approve the Special Permit as amended for 5 years, in the matter of Dorothy Agrippino, 5040 Palmer Rd, Manlius (tax map # 116.-01-22.6)

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

Nayes: 0 All in Favor. Motion Carries

7. Summer Show Recreation Contracts

Councilor Green stated that the preparations for the summer production have begun and the production is well within the budget.

Councilor Green made a motion seconded by Councilor Marzola, to authorize Kristine Zingaro to sign the Performing Arts Center of Suffolk County contracts for set props and travel in the amount $11,500 for the summer production of Peter Pan.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Green made a motion seconded by Councilor Giordano, to authorize Kristine Zingaro to sign the contract with Foy Inventerprises for Flying equipment, services and hotel accommodations in the amount of $3,414 for the summer production of Peter Pan.

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

Nayes: 0 All in Favor. Motion Carries

8. Employee Assistance Program – Contract Renewal

Councilor Marzola made a motion seconded by Councilor Giordano, to authorize Supervisor Theobald to sign the renewal contract with Employee Assistance Group ESI for the Employee Assistance Program.

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

Nayes: 0 All in Favor. Motion Carries

9. Codes Contract with the Village of Manlius

Supervisor Theobald reviewed the codes contract that was negotiated with the Village of Manlius. Supervisor Theobald stated that the permit fees will now go to the Town of Manlius in addition to the contract fee collected.

Conversation ensued regarding the automatic renewal clause of the contract.

Councilor Marzola asked about the contract length of 5 years. Attorney Frateschi stated that there are provisions in the contract if either party wants to terminate the contract.

Councilor Giordano made a motion seconded by Councilor Marzola, to approve the Codes Contract with the Village of Manlius at an annual rate of $32,000.

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

Nayes: 0 All in Favor. Motion Carries

10. Correspondence/New Business

A) Highway Superintendent

Highway Superintendent Cushing thanked all of his employees who volunteered for the highway garage open house and stated that there were at least 150 residents in attendance.

B) Planning & Development

Doug Miller stated that there is an issue of tall grass at three properties 7304 Manlius Center Rd, 7271 Roumare Rd and 5188 Hoag Lane. Town Engineer Miller stated that his department has attempted to contact each of the property owners there has been no response to the Town's request to remedy the problem.

Councilor Giordano made a motion, seconded by Councilor Marzola, to authorize the Department of Planning & Development to hire a contractor to mow the grass at 7304 Manlius Center Rd, 7271 Roumare Rd and 5188 Hoag Lane and put the cost of this service on the Town tax bill.

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

Nayes: 0 All in Favor. Motion Carries

C) Attorney – No New Business

Attorney Frateschi stated that there is some need for clarification in the Town's zoning code regarding outdoor seating. The Town Board discussed the matter and directed Attorney Frateschi to prepare a draft of zoning codes that clarify the issue of outdoor seating.

D) Chief of Police

Chief Marlowe stated that Officer Jack Beattie has resigned and has joined the State Police.

E) Town Clerk – No New Business

F) Town Board

Councilor Giordano stated that Sno Top Ice Cream is collaborating with the Town of Manlius Police Department to hand out reflective belts to pedestrians to encourage safety.

Councilor Green stated that 20 people have graduated from the citizen's police academy and congratulated Officer Angela Palmer on a job well done.

G) Supervisor

Supervisor Theobald read aloud a letter from Richard Griffith, a recent graduate from the Citizen's Police Academy. Mr. Griffith stated that he thought that Officer Palmer did an excellent job.

11. Executive Session

There being no further business to come before the Board, upon motion duly made by Councilor Loeffler and seconded by Councilor Giordano, the Board unanimously voted to adjourn regular session at 8:17 pm to enter into executive session to discuss PBA negotiations.

Respectfully Submitted by:

Allison Edsall
Town Clerk

EXECUTIVE SESSION MEETING MINUTES
Executive Session
June 12, 2013

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

The Town Board re-entered Regular Session at 8:25 p.m.

Councilor Loeffler made a motion seconded by Councilor Giordano, to authorize the Attorney for the Town to finalize the contract language with the PBA pursuant to the terms and conditions outlined in the May 14th 2013 letter from Attorney Frateschi to the PBA Attorney.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Cassalia, 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 Marzola and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 8:27 p.m.

Submitted by:

Allison Edsall
Manlius Town Clerk