MINUTES
TOWN BOARD
September 11, 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
David M. Marnell, Sr., Councilor
Nicholas J. Marzola, Councilor
Jason Cassalia, Councilor
Vincent Giordano, Councilor
Karen Green, Councilor

The following Town Officers were present:

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

Other persons attending:

Ellen & Mike McGrew, Manlius. Jane Lorraine, Kirkville. T.R. Schepp, Minoa. Brendan Palfreyman, Vestal. Lou VanWie, Kirkville. Marcia & Joe Novak, Manlius. Lisa Dolak, City of Syracuse. Tina Press, Fayetteville. David Rubin, Fayetteville. Peter Moller, Syracuse. Liz Doran, Post Standard. Mark Tetley, Fayetteville. Ronald & Madeline, Fayetteville. Dorothy Money, Fayetteville.

1. The Pledge of Allegiance

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

Supervisor Theobald asked that a moment of silence be held in remembrance of the victims of September 11, 2001 attacks.

2. Approval of Minutes – August 28, 2013

Councilor Marnell made a motion, seconded by Councilor Marzola, to approve the minutes of August 28, 2013 as submitted by Town Clerk Edsall.

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

Nayes: 0 All in Favor. Motion Carries.

3. Approval of Abstract # 17

Councilor Marzola made a motion, seconded by Councilor Giordano, to approve Abstract # 17 as submitted by Town Clerk Edsall.

TOWN OF MANLIUS
Fund Summary
Abstract # 17 - 2013

CODE	FUND	TOTALS
A	General Fund Townwide	$114,629.09
B	General Fund Town	$ 618.05
DA	Highway Fund Townwide	$ 235.00
DB	Highway Fund Town	$ 19,771.20
SL1	Overhead Lighting	$ 107.67
SL2	Underground Lighting	$ 247.18
SS1	Manlius Con Sewer District	$ 189.95
SW2	Manlius Con Water District	$ 22,440.64
W10	Eagle Village Water District	$ 993.60
W20	Jas N Manlius Water District	$ 58.88
W40	Minoa Road Water District	$ 29.44
W50	Buttonvale Water District	$ 596.10
W60	Milnerfield Water District	$ 1,519.84
W70	Mycenae Water District	$ 1,468.32
W80	Schepp Water District	$ 198.72
W90	Watervale Water District	$ 29.44

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

Nayes: 0 All in Favor. Motion Carries.

4. Public Hearing – Local Law 2013-2 Amending or Repealing Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius

Supervisor Theobald reviewed the Open Meetings Law and Rules of Decorum.

Councilor Marnell made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of the – Local Law 2013-2 Amending or Repealing Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Marnell, to open the public hearing at 7:06pm in the matter of the – Local Law 2013-2 Amending or Repealing Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius

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

Nayes: 0 All in Favor. Motion Carries.

Joseph Novek, Manlius, stated that the Town of Manlius Government has a history of freedom of speech violations that have crossed party lines. Mr. Novek discussed a previous election where political signs were stolen or removed from his property. Mr. Novek stated that a former code official acting improperly, in a political manner, removed political signs and that was not in his job description. Mr. Novek stated that freedom of speech must be protected in all of its forms and all violations must be addressed no matter how minor they may seem. Actions to control and limit freedom of speech have led to the discriminatory practices that have been instituted at Town Board meetings and public participation decreased. Mr. Novek asked that the Town Board respect freedom of speech and institute proper constitutional opportunities in signage and open forums.

Lou VanWie, Kirkville, stated that he is not clear about what part of the local law regarding signage the Town is considering amending or changing.

Town Attorney Don Martin stated that the entire political section of the ordinance regarding signage is being considered and he read aloud section 155-26 E of the Town of Manlius Code.

Supervisor Theobald stated that the Town of Manlius code is not intended to restrict political speech protected by the first amendment to the Constitution. Supervisor Theobald stated that the whole purpose of this public hearing is to consider whether Section E Political Signs should be amended or repealed in part or in whole. Supervisor Theobald stated there are many different sections of the sign ordinance and we are deciding if the Town should wipe the slate clean and start with new verbiage that does not infringe on your first amendment rights.

Dorothy Money, Fayetteville, stated she is active with the Democratic Committee so she is aware of regulations regarding signs and problems with signs within the Villages and Towns. Ms. Money outlined the process for enforcing the sign regulations and asked how much time the Town Employees spend enforcing these regulations?

Discussion ensued regarding how the political sign code has been enforced in the past.

Councilor Loeffler stated that the Villages have their own ordinances as well as the Town and that can cause confusion. Discussion ensued regarding jurisdiction over signage.

David Rubin, Fayetteville, asked the Town Board to consider political lawn signs that are not within the context of an election, such as signs regarding hydrofracking. Mr. Rubin stated that whatever the Town Board decides regarding the political sign ordinance the solution must consider all political speech.

Mike McGrew, Manlius, stated that the Town spends a lot of time worrying about people who do not mow their lawn and have rubbish in their lawns. If there are no regulations

regarding political signs the signs will be up for a long time. Mr. McGrew asked the Town Board to put some restraints on the political signs so we can keep the Town beautiful.

Lou VanWie, Kirkville, stated that he is concerned with the sign ordinance as a safety issue. He is a retired commercial driver and he has a problem with the size and location of signs. Mr. VanWie asked that the Town Board consider maintaining the size of the signs and a restriction on sight limitations.

Marcia Novek, Manlius, stated the she believes there should maybe be time limits but the Town Clerks form does not explain to the party applying about the lists that should be submitted with the application. Mrs. Novek stated that she feels that is an infringement on her privacy and that the Town should not document that a resident had a certain political parties sign in their front yard. The application form does not specifically say anything about the lists of sign locations and those lists could be foiled. Mrs. Novek stated the Town of Manlius is so sanitized about speaking freely and you should be able to speak freely on your own property.

David Rubin, Fayetteville, stated that the Town should consider whether any sort of permit is required to put up a political sign in the Town of Manlius. Mr. Rubin stated that as long as the sign meets with the clear requirements of public safety then the sign can be put up. The Town does not need to be in the business of inventorying political signs.

Madeline Bort, Fayetteville, stated that she is concerned about aesthetics and she supports time limits on the placement of signs before and after elections.

With there being no further comments from the public, Councilor Giordano made a motion, seconded by Councilor Green, to close the public hearing at 7:29pm in the matter of the – Local Law 2013-2 Amending or Repealing Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius

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

Nayes: 0 All in Favor. Motion Carries.

Attorney Martin explained the time requirements for a local law and the need for a certificate of necessity to waive the waiting period for the local law review as outlined in the General Municipal Law.

Supervisor Theobald read aloud the Certificate of Necessity dated September 11, 2013 regarding Local Law 2013-2.

Attorney Martin stated that he has drafted a proposed resolution to vote to repeal Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius.

Councilor Loeffler made a motion seconded by Councilor Giordano, to consider the resolution to repeal Chapter 155-26 Section E, Political Signs of the Code of the Town of Manlius. No final vote was taken on this matter and discussion ensued.

Councilor Marzola stated that the Town Board is considering this law tonight because the Town has been served with litigation and it has never been the intent of the Town Board that any section of the zoning laws would infringe on a person's constitutional rights. The intent behind this zoning law was to promote safety and maintain the aesthetics of the Town. Councilor Marzola stated that he would like to have a detailed discussion and review to see what the Town can do to reword the law to make sure that the aesthetics of the Town are maintained. Councilor Marzola stated that the Town cannot have an unconstitutional law on the books.

Supervisor Theobald stated that there are other municipalities that have political sign laws with limits that have been found to be constitutional and the Town will be considering those. Supervisor Theobald stated that he believes that both political parties will not let things get out of hand during this election.

Councilor Marzola stated that the permitting process was never meant to require an individual resident to apply but rather to have the political party apply. This application would then let the political party understand the rules and provide contact information.

Councilor Loeffler stated that the sign ordinance was recently refreshed but the political section has the vestiges of things that are over 20 years old. Councilor Loeffler stated that many municipalities have similar laws. Councilor Loeffler stated that if there is a possibility that the sign ordinance is unconstitutional the Town Board should repeal the entire section E and then have further consideration to design a new ordinance. If a new ordinance was drafted it would require a public hearing. Councilor Loeffler discussed the temporary sign ordinance that is in place.

Councilor Marzola made a motion, seconded by Councilor Loeffler, to pass Local Law 2013-2 Amending Chapter 155-26 Repealing Section E, Political Signs of the Code of the Town of Manlius as outlined in the resolution prepared by the Attorney for the Town.

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

Nayes: 0 All in Favor. Motion Carries.

Town Clerk Edsall explained the filing process for local laws.

Supervisor Theobald thanked everyone for attending.

5. Set Date - Public Hearing - Preliminary Town Budget 2014

Councilor Green made a motion, seconded by Councilor Marzola to set a date for a public hearing in the matter of Preliminary Budget 2014 on October 23, 2012 at 7:05p.m.

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

Nayes: 0 All in Favor. Motion Carries.

6. Correspondence/New Business

A) Highway Superintendent

Highway Superintendents Cushing stated that recently a 1993 Badger was put up for auction, the minimum bid was not reached and the Badger was not sold. The highest bidder has since contacted the auctioneer and would like to purchase the 1993 Badger at the minimum bid or higher.

Councilor Marnell made a motion, seconded by Councilor Loeffler to authorize the sale of the 1993 Badger for $5,500 through Auctions International.

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

Nayes: 0 All in Favor. Motion Carries.

Highway Superintendent Cushing stated that he is preparing to go out to bid for the pickup truck that it is in the 2013 budget.

B) Planning & Development – No New Business

C) Attorney – No New Business

D) Town Clerk – No New Business

E) Police Chief

Chief Marlowe stated that all of the SIRO contracts with the Fayetteville Manlius School District and the East Syracuse Minoa School District have been completed.

F) Town Board –

Councilor Giordano stated that the Village of Manlius is going to referendum for a new fire station. Discussion ensued.

Councilor Marzola stated that he would like to set up an Ad Hoc Committee to review the sign law.

G) Supervisor –

Supervisor Theobald read aloud a letter from David Stringer thanking the Highway Department for their outstanding job on the renovation and repaving of Gadwall Lane this past July.

Supervisor Theobald stated that he has received word from Senator DeFrancisco that the NYS DOT will be receiving 3.3 million dollars in grant monies to repair the bridge on the canal on N. Burdick and Cedar Bay.

7. Adjournment

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

enter into executive session at 8:05pm regarding pending litigation and contractual discussions.

8. Executive Session

Councilor Marnell made a motion, seconded by Councilor Green to exit executive session at reenter regular session at 9:14 p.m.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Giordano to authorize Bowers and Co. to perform an annual review of the Town Justice Court.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Green to cancel the budget sessions scheduled on September 14, 2013 and September 21, 2013.

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

Nayes: 0 All in Favor. Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Cassalia and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 9:16 p.m.

Respectfully Submitted by:

Allison Edsall