

MINUTES  
TOWN BOARD  
October 23, 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   |
| Absent | Jason Cassalia, Councilor        |
|        | Vincent Giordano, Councilor      |
|        | Karen Green, Councilor           |

The following Town Officers were present:

|                                    |                                     |
|------------------------------------|-------------------------------------|
| Don Martin, 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. Donald Rosen, Albany.

**1. The Pledge of Allegiance**

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

**2. Approval of Minutes – October 9, 2013**

Councilor Marnell made a motion, seconded by Councilor Green, to approve the minutes of October 9, 2013 as submitted by Town Clerk Edsall.

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

Nays: 0

All in Favor.

Motion Carries.

**3. Approval of Abstract # 20**

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 20 as submitted by Town Clerk Edsall.

TOWN OF MANLIUS  
Fund Summary  
Abstract # 20 - 2013

| <u>CODE</u> | <u>FUND</u>                | <u>TOTALS</u> |
|-------------|----------------------------|---------------|
| A           | General Fund Townwide      | \$ 19,369.04  |
| B           | General Fund Town          | \$ 1,201.00   |
| DA          | Highway Fund Townwide      | \$ 12,551.67  |
| DB          | Highway Fund Town          | \$ 27,203.35  |
| HA          | Landfill Capital Fund      | \$ 1,773.40   |
| SR1         | Manlius Trash District     | \$ 8,143.10   |
| SR2         | Manlius Res Brush District | \$ 11,769.16  |
| SS1         | Manlius Con Sewer District | \$ 107.88     |

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

Nays: 0                                      All in Favor.                                      Motion Carries.

**4. Special Permit Renewal – AT&T Cell Tower, 6430 Hoag Rd., Kirkville**

Don Rosen a representative of Phillips Lytle LLP gave a brief presentation on the proposed special permit renewal for the cell tower on Hoag Road.

Conversation ensued regarding the renewal of the cell tower special permit

Councilor Giordano made a motion seconded by Councilor Marzola, to approve the renewal of the Special Permit under the same terms and conditions now in place for an additional 7 years, to expire (October, 2020) Phillips Lytle LLP, 6430 Hoag Rd. Kirkville tax map # 060.-02-02.1

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

Nays: 0                                      All in Favor.                                      Motion Carries

**5. Public Hearing – Preliminary Town Budget 2014**

Supervisor Theobald stated that the Town Board will be presenting the 2014 preliminary budget at this meeting, open the public hearing for public input, and then will adjourn the public hearing to the November 13, 2013 Town Board meeting for further public input.

Councilor Marzola and Councilor Loeffler gave a detailed presentation of the Town's 2014 Preliminary Budget at the October 23rd Board Meeting.

Councilor Marzola highlighted a recent study completed by the New York State Comptroller's Office which ranked NYS municipalities' ability to manage fiscal and budgetary stress indicators. Councilor Marzola noted that the Town achieved a percentile ranking that was among the lowest of all municipalities in New York State. The Town was the strongest ranked township in Onondaga County in the study's measurement of fiscal stress.



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

Nayes: 0

All in Favor.

Motion Carries.

#### **6. Road Dedication – Brandywine**

Highway Superintendent Cushing stated that Brandywine Drive has been inspected and it meets Town standards. Highway Superintendent Cushing stated that the Town can release the remaining security to Mr. Sampogna and accept the conveyance / dedication of Brandywine Drive.

Councilor Marnell made a motion, seconded by Councilor Giordano, to accept conveyance/ dedication of Brandywine Drive as outlined in the resolution prepared by the Attorney for the Town.

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

Nayes: 0

All in Favor.

Motion Carries.

#### **7. Set Date – Public Hearing – 8 Stop Signs – Brinan Fields & Austin Meadows South**

Highway Superintendent Cushing reviewed the proposal for 8 stop signs to be placed in Brinan Fields and Austin Meadows South.

Councilor Marnell made a motion, seconded by Councilor Green to set a date for a public hearing for Wednesday, November 20, 2013 at 7:05 PM in the matter of Ordinance 2013-1 to place 8 stop signs in the following places:

- On Brinan Fields Run on the Northwest Corner at the intersection of Rte. 92 and Brinan Fields Run
- On Fallen Oaks Lane on the Southwest Corner at the intersection of Fallen Oaks Lane and Brinan Fields Run
- On Edwards Falls Lane on the Northeast Corner of Edwards Falls Lane and Enders Road
- On Austin Meadows Drive South on the Southeast corner of the intersection of Austin Meadows Drive South and Rte. 92
- A 4-way stop on the Southwest Corner of Edwards Falls Lane at the intersection of Edwards Falls Lane and Austin Meadows Drive South
- A 4-way stop on the Northeast Corner of Edwards Falls Lane at the intersection of Edwards Falls Lane and Austin Meadows Drive South
- A 4-way stop on the Northwest Corner of Edwards Falls Lane at the intersection of Edwards Falls Lane and Austin Meadows Drive South

- A 4-way stop on the Southeast Corner of Edwards Falls Lane at the intersection of Edwards Falls Lane and Austin Meadows Drive South

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

Nayes: 0

All in Favor.

Motion Carries.

### **8. Correspondence / New Business**

A) Highway Superintendent – No New Business

B) Planning and Development – No New Business

C) Attorney

Attorney Don Martin stated that the special permit issued to Michael Hare, 7026 North Manlius Road, on October 12, 2012 has not been implemented. After neighbor complaints the Town of Manlius Codes Officials visited the site. Mr. Hare advised the Codes Officials that he is not and does not intend to breed, sell or train dogs on this property. Therefore, it is the recommendation of the Attorney for the Town and the Office of Planning and Development that the special use permit issued to Mr. Hare be revoked. This revocation would be based on the neighbor complaints, lack of development of any of the conditions or plans for the special permit and statements from the applicant that the property will not be developed.

Conversation ensued regarding the conditions of the special permit issued to Mr. Hare.

Councilor Loeffler made a motion, seconded by Councilor Marzola to repeal the special permit issued October 10, 2012 to Michael Hare for the operation of a dog training facility located at 7026 North Manlius Rd., Kirkville NY ( Tax Map # 040.-01-03.0).

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

Nayes: 0

All in Favor.

Motion Carries.

Discussion ensued about special permits including a time limit to develop the terms of the permit.

D) Town Clerk

Town Clerk Edsall stated that the dates for the Fire Department Contract public hearings are set to be scheduled in November.

Councilor Marnell made a motion, seconded by Councilor Green to set a date for a public hearing in the matter of Fayetteville Fire Contract 2014 on November 13, 2013 at 7:05p.m.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Green made a motion, seconded by Councilor Loeffler to set a date for a public hearing in the matter of Minoa Fire Contract 2014 on November 13, 2013 at 7:10p.m.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Giordano to set a date for a public hearing in the matter of Manlius Fire Contract 2014 on November 13, 2013 at 7:15p.m.

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

Nayes: 0 All in Favor. Motion Carries.

Town Clerk Edsall stated that the CNYSPCA contract is due for renewal for the 2014 calendar year. Town Clerk Edsall stated that the contract is exactly the same as the 2013 contract except for a clause which allows the Town to be reimbursed for bullets provided to the SPCA by the Town of Manlius Police Department.

Councilor Giordano made a motion, seconded by Councilor Marnell to authorize the Supervisor to sign the 2014 contract with the CNYSPCA for animal cruelty services.

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

Nayes: 0 All in Favor. Motion Carries.

Town Clerk Edsall stated that the Department of Conservation has contracted with a new software company to manage the sale of hunting and fishing licenses. As such the DEC needs a current Licensee Issuing Agent Agreement signed.

Councilor Marnell made a motion, seconded by Councilor Marzola to authorize the Town Clerk to sign the New York State Department of Environmental Conservation License Issuing Agent Agreement. This agreement shall remain in effect from the date of execution until such termination.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Green stated that the Town of Manlius Police Department has received the National Challenge Award for Rookie of the Year for traffic safety.

Councilor Green announced that Wicked Woods will take place on Saturday October 26, 2013 at Green Lakes State Park. There will be a haunted house, trick or treat trail and a pumpkin carving contest.

Town Manager Oot stated that a budget transfer in the amount of \$7,123.41 is needed to reimburse the Highway DB fund for work done in Drainage District #3.

Councilor Marnell made a motion, seconded by Councilor Giordano to approve a budget transfer in the amount of \$7,123.41 from SD3 5.8540.400 (Drainage-Contractual) to DB0 5.5110.478 (General Repairs – Drainage).

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

Nayes: 0

All in Favor.

Motion Carries.

Supervisor Theobald reviewed the CRC exercise that was held Wednesday, October 16, 2013 at Pine Grove Middle School.

Discussion ensued regarding the radio system.

## **9. 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 adjourn regular session at 8:32pm.

Respectfully Submitted by:

Allison Edsall  
Town Clerk