

MINUTES
TOWN BOARD
June 11, 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
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. Sharon Lindberg, Thomas R. Schepp, Emily & Michael Woloszyn, T. R. Schepp, John Abbott

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.

2. Approval of Minutes – May 28, 2014

Councilor Marnell made a motion, seconded by Councilor Green, to approve the minutes of May 28, 2014 as submitted by Town Clerk Edsall.

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

Nays: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 11

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

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 11 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$137,944.69
B	General Fund Town	\$ 2,377.90
CM1	Police Trust	\$ 2,700.00
DA	Highway Fund Townwide	\$ 9,843.07
DB	Highway Fund Town	\$ 34,108.01
SL1	Overhead Lighting	\$ 1,815.17
SL2	Underground Lighting	\$ 1,982.52
SL3	Entry Lighting	\$ 97.86
SL4	Garden Park Lighting	\$ 596.11
SL5	Ratnaur Bridge Lighting	\$ 2,766.23
SR1	Manlius Trash District	\$ 114.60
SR2	Manlius Res Brush District	\$ 114.60
SS1	Manlius Con Sewer District	\$ 6,119.74
TA2	Trust & Agency - Other	4,600.00

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

Nayes: 0

All in Favor.

Motion Carries.

4. RM V-Modified RM Zone to include Special Use Permit Process

Supervisor Theobald stated that he would like the Town Board to table the RM Zone discussion for further review of the newly drafted RM-V zoning that was prepared by the Attorney for the Town.

Attorney Primo reviewed the comments from the June 9, 2014 Planning Board regarding the text amendment to the RM Zoning. Attorney Primo stated that he has made some changes to the amendment to address the concerns of the Planning Board. Attorney Primo reviewed the revised draft of the text amendment and stated that the amendment is limited to the existing RM zone on Rte. 173 in Manlius and he has tightened up the purpose and intent.

Discussion ensued regarding the zone change notification process and the costs associated with the notification process.

Discussion ensued regarding whether or not a single property in the RM zone on Rte. 173 in Manlius could be zoned commercial. Attorney Primo stated that it was his recommendation as counsel that the Town Board does not change the zoning of one parcel to Commercial as that could be considered spot zoning.

Councilor Marzola asked if the text amendment was specific to the RM zone corridor on Route 173 in Manlius. Attorney Primo stated that the amendment clearly defines the one corridor of Rm zoning on Route 173.

Councilor Loeffler asked if this text amendment would be considered a new zoning classification that could be used in other locations in the Town of Manlius. Attorney Primo stated that any zone change would have to go before the Town Board.

Councilor Marzola expressed concern that this text amendment could allow for a McDonalds or another fast food type business to apply for a special permit in RM zoning. Attorney Primo stated the purpose and intent of this text amendment excludes a project like a fast food restaurant.

Councilor Marnell stated that he does not understand why one parcel or the entire corridor could not be zoned commercial rather than having a text amendment to the RM zoning for the Town of Manlius.

Discussion ensued regarding the naming and wording of the text amendment. The Town Board stated that the wording Residential Transitional would more accurately reflect the intent of the amendment.

The Town Board tabled the matter for further review of the new draft and subsequent changes to the text amendment.

5. Employee Assistance Program – Renew Annual Contract ESI

Councilor Marzola made a motion seconded by Councilor Marnell, to authorize Supervisor Theobald to sign the annual 2014/2015 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, Councilor Marnell

Nayes: 0 All in Favor. Motion Carries

6. Auction Items – 2 Vehicles

Councilor Giordano made a motion, seconded by Councilor Marnell, to declare a 2001 Jeep (VIN 1J4FF48S51L6015422) and a 2008 Ford Crown Victoria (Vin FRAHP71V98X150628) surplus equipment and authorize that those vehicles be sold at auction.

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

Nayes: 0 All in Favor. Motion Carries

7. Intermunicipal Code Enforcement Agreement – Village of Manlius

Doug Miller, Engineer for the Town, stated that the Village of Manlius is very happy with the current codes contract and would like to renew the contract with the same terms and conditions.

Councilor Giordano stated that upon his review of the contract he discovered that the contract still references electrical inspection services which are now offered through a third party.

Councilor Giordano made a motion seconded by Councilor Loffler, to renew with the Code Enforcement Agreement with the Village of Manlius as amended to exclude any reference to electrical inspection services / fees.

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

Nayes: 0 All in Favor. Motion Carries

8. Lower Chittenango Creek Maintenance Agreement 2014-2019

Attorney Primo reviewed the Lower Chittenango Creek Maintenance agreement between the Town of Manlius, the Town of Sullivan, the Town of Cicero and the Madison County Soil and Water Conservation District for the removal of logjams from Chittenango Creek.

Councilor Marnell made a motion seconded by Councilor Loffler, to authorize the Supervisor to sign the Lower Chittenango Creek Maintenance agreement for 2014-2019.

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

Nayes: 0 All in Favor. Motion Carries

9. Correspondence/New Business

A) Highway Superintendent – No New Business

B) Planning & Development – No New Business

C) Attorney

Attorney Primo gave an update on the fire damaged properties throughout the Town and the procedure for unsafe buildings.

Attorney Primo reviewed the Law Enforcement Officers Safety Act (HR 218) which is a federal law that allows “qualified retired law enforcement officers” to carry a concealed firearm in any jurisdiction in the United States.

Conversation ensued regarding whether or not allowing this would expose the Town to liability. Attorney Primo advised that this is a policy decision by the Town.

D) Town Clerk – No New Business

E) Police Chief

Councilor Giordano made a motion, seconded by Councilor Cassalia, to authorize the Supervisor to sign an agreement with AmeriPride at a bi-weekly rate of \$69.70 for textile services for the Town of Manlius Police Department.

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

Nayes: 0 All in Favor. Motion Carries

Chief Marlowe stated that the Town of Manlius Police Department would like Town Board authorization to file for the COPS grant monies for the salary of an additional police officer.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to authorize the Town of Manlius Police Department to apply for the 2015 Federal COPS grant.

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

Nayes: 0 All in Favor. Motion Carries

F) Town Board

Councilor Giordano stated the Village of Manlius would like to know what elected officials will be participating in the 4th of Parade.

Councilor Cassalia stated that the Justice Court has requested to add an additional officer to the Court Security contract and would like to recommend Heather Berry to fill the position. Ms. Berry is currently employed as a New York State Unified Court Officer.

Councilor Cassalia made a motion, seconded by Councilor Green, to authorize the addition of Heather Berry to the Justice Court contract for court security.

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

Nayes: 0 All in Favor. Motion Carries

G) Supervisor

Supervisor Theobald stated that the Town of DeWitt would like a letter of support from the Town of Manlius for a feasibility study to convert food waste in biofuel. Conversation ensued regarding the process to convert food waste to biofuel.

Supervisor Theobald stated that the trash and brush contract is due to go out to bid. Supervisor Theobald reviewed how other municipalities handle the trash and brush contracts.

10. Executive Session

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Green the Board voted unanimously to adjourn regular session at 8:15 pm to enter into executive session to discuss personnel matters.

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

Nays: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

Executive Session

June 11, 2014

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

The Town Board re-entered Regular Session at 9:13 p.m.

Councilor Marnell made a motion, seconded by Councilor Giordano, to authorize the Supervisor to send a public notice for publication in the New York State Register for solicitation of proposals for services in connection with the deferred compensation plan.

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

Nays: 0

All in Favor.

Motion Carries

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Giordano, the Board unanimously voted to adjourn the Regular Session at 9:14 p.m.

Submitted by:

Steven Primo
Attorney for the Town