Agenda
Town Board Meeting
December 20, 2023
6:30 PM

1. Virtual Meeting Instructions - December 20, 2023

   Documents:

   12-20-23 TOWN BOARD MEETING INSTRUCTIONS.PDF

2. Pledge Of Allegiance
3. Town Board Proclamations
4. Open Podium
5. Historian Report - Fremont

   Documents:

   FREMONT HISTORIAN REPORT.PDF

6. Intermunicipal Police Services Agreement

   Documents:

   POLICE INTERMUNICIPAL AGREEMENT AMENDED .PDF

7. Public Hearing - Local Law - Amending Chapter 34 Of The Town Code Entitled Tree Commission And Replacing It With An Updated Tree Code

   Documents:

   LOCAL LAW 2023 - DRAFT LOCAL AMENDMENT TO LOCAL LAW CHAPTER 34 (TREE CODE) ENACTING.PDF

8. Amended Deer Management Plan

   Documents:

   TOWN OF MANLIUS DEER MANAGEMENT PLAN_UPDATED BY USDA.PDF

9. Agreement For Outside Service Connection - 8303 East Seneca Turnpike (Route 173)

   Documents:

   AGREEMENT FOR OUTSIDE SERVICE CONNECTION - EMMONS 4893-5550-2487 V.1.PDF

10. Hire Part Time Deputy Town Clerk

    Motion to hire Deborah Witzel at a rate of $25.00 per hour for no more than 30 hours per week effective 12/30/23

11. Approval Of Minutes - December 6, 2023

    Documents:

    12-6-23 DRAFT.PDF

12. Approval Of Abstract # 24

    Documents:

    ABSTRACT 24.PDF

13. 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

Town of
MANLIUS
New York

December 20, 2023

6:30 PM

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/87377586234?pwd=dzJsdUpDQmJZbWxYY3hnYk1FM25vQT09

Password to join when prompted:

Password: **770859**

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: 873 7758 6234

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

Password: **770859**

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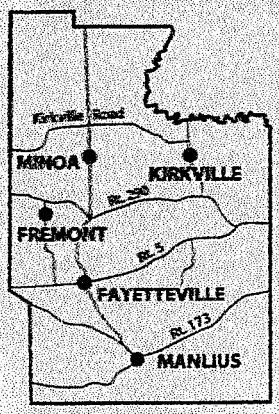

Manlius Town Historian

Barbara S. Rivette

301 BROOKLEA DRIVE ■ FAYETTEVILLE, NEW YORK 13066

Fremont

If you live in Fremont you have an East Syracuse mailing address, a telephone number probably assigned to Minoa, Fayetteville or cyberspace and your children attend the East Syracuse - Minoa schools. The streets are maintained by the Town of Manlius that collects taxes to supply street lights, drainage, water to drink and sewers.

Yet Fremont is a very real residential community with a population that rivals nearby Fayetteville or Minoa. Although it was a small crossroads settlement when it was named in the 1850s, today's community was created 100 years later after 1945, mostly by the one firm – Oot Brothers and affiliated Oot family enterprises.

Fremont's informal boundary on the north is the railroad yards and on the south by the Erie Canal, on the east by Clemons Road and on the west by Manlius/DeWitt town line. The first official recognition was achieved in 2003 when New York State's Department of Transportation installed green and white "Fremont" signs on North Burdick Street.

There has never been a Fremont post office. Rural mail delivery came first from Kirkville and later East Syracuse addresses were assigned to the streets. Until about 2010, the land-line telephones had a 656- prefix that was developed for Minoa.

The school building at 407 Fremont Road was built in 1927 and is now the district offices for the entire East Syracuse-Minoa school district. This brick building replaced an earlier wooden school at the same location.

Subdivisions planned and built by the Oot family are Oot Park also known as Fremont Heights (300 lots 1946), Fremont Manor (350 lots 1955), Fremont Hills (280 lots 1959), Fremont Meadows (158 lots 1986), Fremont Ridge near the elementary school (47 lots 1972) and Erie Village (488 homes 1984), Fremont Meadows (158 lots 1986) and Erie Village condominiums (488 units.1984)

Clark Hill (125 lots 1986) was developed by the Davis family relatives whose family farmhouse was on Bowman Road.

Fremont's "Main Street" is a commercial strip plaza. Built in 1957 by the Oot firm on the Manlius Center Road/Route 290 as the commercial part of the original overall Fremont plan. It started with a bank, grocery store, drug store, restaurant, gas station and barber shop. Across the road, Fremont Lanes, a bowling alley, bar and restaurant, was completed in 1958, also by the Oots.

The actual plaza size has remained the same since that time, but the main building was expanded in 1989. The outer parcels for the bank and drug store were developed after 1995.

The church on Eisenhower Blvd., on the west side of the shopping plaza, has had several different religious affiliations over the years.

Some street names in Fremont relate to family farms replaced by homes such as Erkenbeck, Dauenhauer and Salmonsen, Others are for town officials of the late 1940s – Davis for Tom Davis, the supervisor and Miller for the town's highway superintendent.. Pencee (PC) and Cannonball are near the railroad yards that had PennCentral as the main operating firm when the streets were developed.

Three names reflect the heroes of World War Two -- Generals Eisenhower, Patton and Stillwell. Earl Oot was an Army Captain in the 353th Infantry leading trooops cross the Rhine and was in Paris on VE Day.

Doow Lumber Co. ("wood" spelled backwards), on North Burdick St. was started by the Oots in 1960 to supply their home building enterprises and the nearby home owners. Until 1977, freight cars of limber and hardware arrived on the Doow railroad siding from the Chenango branch line of New York Central. The Doow hardware store is a reminder of those early days with the lumber shed stretching out eastward.

The name Fremont was originally identified with a small cluster of homes surrounding the intersection of the main east-west road to Syracuse , now Route 290, and Ratnour Bridge Road, now called Fremont Road. The correct American spelling is "Fremont," although "Freemont" has been used on some road signs and in at least one housing proposal. The name is spelled "Fremont" on the District Number 20 school building erected in 1927.

The early settlement was named in the 1850s to honor General John C. Fremont, hero of the nation's western exploration and first Presidential candidate of the new Republican Party in 1856. His campaign slogan was "Free men, Free soil, Fremont."

General Fremont (1813 - 1890) was one of the most prominent men of his day -- an opponent of slavery, a daring explorer of the west and a military hero. But he was also quixotic and temperamental. Fremont made and lost fortunes in the California gold rush. He (or probably his wife) vividly described his exploratory trips and was great favorite of the press of his day. Acting on his own, he freed all the slaves in Missouri in 1861. He was married to Jessie Benton, the daughter of Senator Thomas Hart Benton, the most powerful man in the U. S. Congress.

General Fremont was a political rival of James Polk (1795 - 1849), elected president on the Democratic ticket in 1844 and for whom a similar Town of Manlius crossroads settlement was named. Polkville was at the Myers and Fremont roads intersection, north of today's East Syracuse-Minoa High School and the name was carried on Onondaga County maps until the 1960s. At President Polk's instigation, troops occupied what became southwestern United States, forcing out the Mexicans (1848). When taking office, he announced he would only serve one term. His health

collapsed during his final days as president and he died three months after leaving office.

The naming of Fremont apparently was to "raise the banner" for a political hero, Today, Polkville, a crossroads north of the Thruway, ~~was named as~~ is a reminder of a 1850s political fight, a century before. .

The beginning of today's Fremont came just after World War Two, when the prospect of a "home of your own for $9,999" was advertised by the Oot family – Leonard C. Oot and his sons Leo, Earl, Robert, Ronald and Donald. The family worked together to plot out subdivisions and build homes and businesses in the new modern community. Earl the lawyer, Leo managing construction, etc

The first Oot home for sale had been built by Leonard in 1932 at 6474 North Manlius Rd. near Minoa with a horse and scoop as excavation equipment and his young sons to hammer in nails. When his sons returned from World War Two, Oot Brothers began as a home development and construction firm.

Today, only a few reminders of the earlier 1840 days of Fremont remain. The Ratnour farmhouse is on the northwest corner of Fremont and Manlius Center Rds. The earlier Chase family farmhouse is just to the west and the Chase family burial ground is in back of 201 Fremont Rd. opposite Davis Rd. At least five tombstones have been recorded but were removed about 1990 although an access path is shown on town maps.

There is also the much larger Manlius Center Burial Ground on Route 290 near Clemons Road. Maintained by the Town of Manlius because there was never a formal operating organization, this graveyard was used by families from Manlius Center and the Fremont area from 1810 to about 1900. It is distinguished by a white concrete wall which the state installed about 1910 when they widened Route 290 and cut off part of the burial ground.

On Bowman Road, just west of Fremont Road, is St. Michael's Orthodox Cemetery, operated currently by Sts. Peter and Paul Russian Orthodox Church of Syracuse.

A later phase of the development of Fremont came when a golf course was built on the flat land along Limestone Creek, with an entrance off Fremont road

Oot Park, also known as Fremont Heights, was started in 1946. It centered on the former Dauenhauer farm at Route 290 and what is now Fremont Rd. but then called Ratnour Bridge Rd. These homes were priced at $9,999, a very attractive price to veterans, and the Oots remember selling "10 a day."

After Oot Park was in operation, a sewer treatment plant was installed in 1955 by the Oot firm on at the end of Manor Drive and "no more septic tanks" became a big selling point. This was probably the first such privately owned and operated residential sewer treatment plant in New York State.

While most of the homes were two, three and even a few four bedroom models, there were also "specialty" designs. The house at 7241 Manlius Center Rd. just west of Burdick St. with its large brick chimney in front was the "House and Garden" model. **The** house at 7288 Manlius Center Rd (Route 290) was a "modern" design that has been greatly remodeled. Just west of Burdick St. with its large brick chimney in front was the "House and Garden" model. **The** house at 7288 Manlius Center Rd (Route 290) was a "modern" design that has been greatly remodeled.

Access to the Fremont area was considerably improved in 1972 when the old wooden bridge over the railroad yard was replaced. The Ratmour bridge with its high wood sides and wooden floor slats had grown longer and longer as the railroad yards underneath had expanded. The controversy over who would pay to rebuild the bridge – the railroad, the state or the county – ended when the ESM school superintendent refused to allow school buses to use it. That which resulted in increases in gas consumprion and and, perhaps most importantly-- time. The new smooth, wider concrete bridge provided a pleasant, safer access to Fremont and the Ratnour name was replaced with Fremont Bridge.

Erie Village was develeped in 1984 with 488 condominiums on land close to Limestone Creek formerly used for gravel excavation.

Technically, Fremont is an unincorporated, primarily residential community in the Town of Manlius

Clark Hill has 53 acres with 122 lots, developed by the ICC Corp., of San Francisco, a firm created by Harvey Davis and family formerly of Bowman Rd. in February 1987.

Also under construction in 1987 are Erie Village, 500 mixed use units of apartments, condominiums and single family houses. Also Fremont Meadows with 160 single family homes; of Kendall East extension and creation of Wimbleton. --

In 2023, Fremont has a larger population than the villages of Fayetteville, Masnlius and Minoa.

AMENDED AND RESTATED
AGREEMENT PURSUANT TO SECTION 119-0
OF THE GENERAL MUNICIPAL LAW

THIS AGREEMENT, as amended and restated with respect to the Agreement entered into the 26th day of September, 1984 by and between the VILLAGE OF FAYETTEVILLE, with offices at 425 East Genesee Street, Fayetteville, New York; the VILLAGE OF MANLIUS, with offices at Manlius Village Center, One Arkie Albanese Avenue Manlius, New York; the VILLAGE OF MINOA, with offices at 240 North Main Street, Minoa, New York; and the TOWN OF MANLIUS, with offices at 301 Brooklea Drive, Fayetteville New York, (hereinafter collectively referred to as the "Municipalities").

WITNESSETH:

WHEREAS, the Municipalities have previously entered into an agreement pursuant to Section 119-0 of the General Municipal Law on September 26, 1984 to ensure police services would be provided for all of their citizens; and

WHEREAS, there have been subsequent amendments to the General Municipal Law that affect provisions of the 1984 agreement; and

WHEREAS, it is in the best interests of the Municipalities to amend the 1984 agreement to ensure it complies with New York State law; and

WHEREAS, the Municipalities have agreed that police services continue to be a vital function of municipal government, which service has come to be expected by all the citizens in the Town and Villages; and

WHEREAS, the Village of Fayetteville, the Village of Manlius; the Village of Minoa have previously taken steps to abolish their existing police forces in favor of a consolidated police department under the administrative authority of the Town of Manlius for the benefit of all the Municipalities; and

WHEREAS, the Municipalities each have the power to provide police services individually; and

WHEREAS, it is in the best interests of all the citizens of the Municipalities for the Municipalities to work cooperatively to ensure that police services are adequately provided throughout the Town and in the Villages; and

WHEREAS, the following provisions have been duly approved by a majority vote of the Town Board of the Town and by a majority vote of the Board of Trustees of each Village, each having respectively authorized their representatives to execute this Agreement as set forth below;

NOW, THEREFORE, the Municipalities agree as follows;

1. The Municipalities will work cooperatively to ensure that police services are provided to their citizens through the Town of Manlius Police Department (hereinafter "Department").

2. The Police Committee will convene monthly, or as it deems appropriate, to serve as a mechanism by which the Department and the Municipalities can share information, answer questions, and make determinations, as a Committee, about policies for the Department. The Police Committee will consist of five members, one appointed by the Village of Fayetteville, one appointed by the Village of Manlius, one appointed by the Village of Minoa, and two appointed by the Town of Manlius. Committee members will serve at the pleasure of their appointing municipality without compensation. Each year at its January meeting the Committee shall elect a chair person to serve a one year term.

3. The responsibilities of the Police Committee are as follows:

a. To understand the rules and regulations of the Department, and to provide input on the content and enforcement of said rules and regulations;

b. To provide input as to the conduct of disciplinary hearings and as to the issues raised thereat as they relate to the operation of the Department, all in accordance with law and applicable labor contracts;

c. To make recommendations about the Department's personnel matters, including, but not limited to, the manner of employing, engaging, transferring, or discharging necessary personnel, subject to applicable provisions of law and in relation to the individual needs of the Municipalities;

d. To provide input and recommendations to the Town Board regarding employing and discharging the Chief of the Police Department, in accordance with law and as the Committee members deem necessary. The Town agrees that it will review the Committee's input and recommendation before hiring any new Chief of the Police Department.;

e. To review the annual budget of the Department as submitted by Chief of Police and make recommendations its recommendations to the Town Board.

f. To make recommendations as to the purchase and contracts in the name of the Town, on behalf of the Department, for capital equipment and supplies, within available appropriations;

g. To make such recommendations to the Town Board of the Town of Manlius regarding matters relating to the Department; and

h. To formulate such rules of procedure or otherwise for the conduct of its business as the Committee shall deem necessary.

4. The Chief of Police shall be responsible for the development and administration of the rules and regulations of the Department and shall direct the day-to day operations of the Department, including scheduling and assignment of duties, evaluation and discipline of personnel, and recruitment

of prospective employees. The Chief of Police shall be responsible for preparation of the Department budget and for operation of the Department within the budget, as adopted. The Chief of Police shall also be responsible for keeping the records and making the reports of the Department, except as otherwise provided herein.

5. The Town Board of the Town of Manlius shall assume responsibility for all budgetary and financial matters relating to the operation of the Department. Revenue for the Department will be raised through the general town tax. All such revenues will be collected by the Chief Fiscal Officer of the Town of Manlius, who shall receive deposits and invest moneys in the name of the Department in depositories or institutions as authorized by law.

6. The Town Supervisor shall notify the Mayor of each Village in writing, as soon as practicable, of any pending changes to the status of the Police Chief including, but not limited to, resignation, suspension, discharge, or disciplinary action and meet with the Committee as soon as practical thereafter, so that the Committee may provide input and recommendations to the Town regarding such matters.

7. The Chief Fiscal Officer of the Town of Manlius will keep such records and make such reports as are required by law, including those required by Article Three of the General Municipal Law.

8. Gifts, grants, or bequests to the Department shall be accepted by the Town Board, in its discretion, and applied to the account established for the operation of the Department.

9. The Town shall respond to any claim arising out of the operation of the Department and will maintain appropriate liability insurance covering the activities of the Department and naming each of the Villages as an additional insured.

10. An annual budget for the Department will be prepared by the Chief of Police and submitted to the Police Committee electronically. The Police Committee will review the Chief's proposal and submit its recommendations to the Town Board.

11. The Municipalities will do everything in their power that is necessary to effectuate the intent of this Agreement in a continuing spirit of cooperation. The Town of Manlius will allocate sufficient funds to ensure the proper operation of the Department, including, but not limited to, moneys necessary to compensate needed personnel, to purchase proper equipment, uniforms, and any other necessary property, real or personal, and to provide for travel or other expenses incurred in the performance of official duties. The Town may also provide, on the written request of the Police Committee, sufficient funds to pay the costs of the Committee's work.

12. The term of this Agreement shall be five (5) years. Any Municipality which chooses to withdraw from this Agreement may do so on sixty days' written notice to the other participating Municipalities. The Agreement will continue in effect as to the remaining Municipalities.

13. This Agreement will be effective upon execution by all of the Municipalities.

14. This Agreement shall be interpreted in accordance with the laws of the State of New York. It shall be interpreted liberally so as to effectuate the intent of the parties to cooperatively ensure police services for all of their citizens. In the event that any Section of this Agreement shall be held to be invalid by any competent court, this Agreement shall be interpreted as if such invalid Sections were not contained herein.

15. This Agreement embodies the entire understanding of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written,

between the parties hereto. This Agreement may not be modified except by written agreement executed by all the participating Municipalities.

VILLAGE OF FAYETTEVILLE

_____

By: Mark A. Olson, Mayor

VILLAGE OF MANLIUS

_____

By: Paul Whorrall, Mayor

VILLAGE OF MINOA

_____

By: William F. Brazill, Mayor

TOWN OF MANLIUS

_____

By: John T, Deer, Supervisor

IN THE MATTER

Of

LOCAL LAW 2023 -___ AMENDING CHAPTER 34 OF THE TOWN CODE ENTITLED TREE COMMISSION AND REPLACING IT WITH AN UPDATED TREE CODE

RESOLUTION ENACTING LOCAL LAW

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 20th of December 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the preservation, stewardship and placement of trees and types of natural vegetation in the Town of Manlius is an important policy initiative for the Town Board;

WHEREAS, the Town of Manlius has the benefit of 100s of acres of State, village and other municipal land and is recognized for its natural beauty; and

WHEREAS, the Town of Manlius has been designated as a Tree City for the past 23 years by the Arbor Day Foundation in cooperation with the U.S. Department of Agriculture Forest Service and the National Association of State Foresters;

WHEREAS, the Town Board, which already has a Tree Commission that has been delegated certain responsibilities, desires to strengthen its commitment to the stewardship of our natural resources;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2023 - ____, amending Chapter 34 of the Town Code entitled "Tree Commission" and replacing with the "Tree Code" as follows:

LOCAL LAW 2023 -___, A LOCAL LAW AMENDING CHAPTER 34 ENTITLED "TREE COMMISSION" AND REPLACING WITH THE "TREE CODE" UNDER THE SAME:

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

Section 1. The exisiting language in Chapter 34 of the Town Code shall be removed as follows:

~~**§ 34-1. Establishment; appointment of members.**~~

~~The Town Board of the Town of Manlius hereby establishes a Tree Commission the members of which shall be appointed by the Town Board.~~

~~**§ 34-2. Purpose.**~~

~~The purpose of the Tree Commission shall be to gather information and make recommendations to the Highway Superintendent and to the Town Board with respect to the planting and maintenance of trees in the Town of Manlius.~~

~~**§ 34-3. Procedures.**~~

~~The procedures and rules of the Tree Commission shall be subject to the approval of the Town Board.~~

Section 2. Chapter 34 of the Town Code shall be amended as follows:

CHAPTER 34 – TREE ~~COMMISSION~~ CODE

§ 34-1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Board herein delegates the authority and responsibility for managing public trees, creates a Tree Commission, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

§ 34-2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of the critical root zone; a substantial change in the natural grade within the critical root zone or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Clearing – Any activity that removes the vegetative surface cover.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Public tree – any tree or woody vegetation on town-owned or town-maintained property or rights-of-way.

Top or **Topping** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree - a plant having a permanently woody main stem(s) or trunk(s), ordinarily growing to a considerable height.

Tree Canopy - the extent of the outer layer of branches and leaves of an individual or group of trees.

Landscape Buffer - all landscaping proposed for the specific purpose of filtering runoff to waterways, providing visual screening to or from adjacent properties, and/or to assist in noise abatement where located alongside a noise abatement structure.

Underground Utilities - All wires, conduits, and pipes underground.

Street Trees - Trees planted in the ROW between the pavement edge and the right-of-way boundary.

Overhead Utility Wires - Wires with greater than 50 volts above ground.

§ 34-3. Authority and power.

A. Delegation of authority and responsibility.

The Town of Manlius Highway Superintendent and/or their designee, hereinafter referred to as the "Highway Superintendent", shall have full authority and responsibility to plant, prune, maintain and remove street trees and woody plants growing in or upon all municipal streets, rights-of ways, Town parks, and other public property. This shall include the removal of trees that may threaten underground utilities or overhead utility wires such as electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

B. Coordination among town departments.

All town departments will coordinate as necessary with the Highway Superintendent and will provide services as required to ensure compliance with this Ordinance as it relates to public trees and street trees occupying rights-of-way, underground utilities, easements, and other public properties not under direct jurisdiction of the Highway Superintendent.

C. Interference.

No person shall hinder, prevent, delay, or interfere with the Highway Superintendent or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

§ 34-4. Tree Commission.

The Town Board hereby establishes a Tree Commission the members of which shall be appointed by the Town Board.

A. Purpose.

The purpose of the Tree Commission shall be to gather information and make recommendations to the Highway Superintendent and to the Town Board with respect to the planting and maintenance of trees in the Town of Manlius, and shall:

(1) Coordinate and promote Arbor Day activities;

(2) Review and update a five-year plan to plant and maintain trees on town property;

(3) Support public awareness and education programs relating to trees;

(4) Review town department concerns relating to tree care;

(5) Submit an annual report of its activities to the town board;

(6) Assist with the annual application to renew the Tree City USA designation;

(7) Recommend a list of tree species for planting on town property, street trees, and a list of prohibited species;

(8) Identify opportunities for tree-related grant funding and coordinate application efforts; and

(9) Other duties that may be assigned by the Town Board.

B. Membership.

(1) The Tree Commission shall consist of five members. Each of the Commissioners shall be residents of the Town of Manlius with the exception of one Commissioner upon a finding by the Town Board to be an individual with demonstrated expertise in one or more areas reasonably related to the mission and function of the Town Tree Commission.

(2) Associate members. In addition to its regular members, the Tree Commission may include up to two associate members who shall be appointed to one-year terms by the Town Board. Each associate member may attend meetings and may participate in deliberations including executive session deliberations unless excluded from such executive sessions by vote of the Commission.

C. Term of office.

The term of those members hereafter appointed to fill other than an unexpired term shall be so fixed that one term shall expire at the end of each official year. At the expiration of the term of a member appointed to a term foreshortened to comply with the preceding sentence, their successor shall be appointed for a five-year term. No member shall be appointed to a term longer than five years.

D. Meetings.

The Tree Commission shall meet a minimum of four times each year, per the schedule developed and approved by the Tree Commission at the start of each calendar year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

E. Compensation

The members of the Tree Commission shall serve without compensation.

§ 34-5. Tree planting and care standards.

A. Standards.

All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies.

The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Planting distances.

No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

D. Planting trees under electric utility lines.

For all plantings located under or within 25 lateral feet of any overhead utility wire, tree selections shall follow National Grid's Recommended Small Trees For Planting Under Low Overhead Utility Lines or Confined Spaces. Substitutions may be submitted to the Highway Superintendent for approval.

§ 34-6. Prohibition against harming public trees.

A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Highway Superintendent.

B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Highway Superintendent.

D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Highway Superintendent and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management

Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the Highway Superintendent shall constitute a separate violation.

§ 34-7. Pruning; sight visibility.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§ 34-8. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 34-9. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars ($500.00) for each offense.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

*Underline indicates New Language

WHEREAS, the Town Board held a public hearing on Local Law 2023-__ at which time the public had an opportunity to speak for and against this Local Law;

WHEREAS, the Town Board wishes to continue the important policy initiative of the preservation, stewardship and placement of trees and types of natural vegetation in the Town of Manlius;

NOW, THEREFORE, BE IT RESOLVED, that Local Law 2023-__ is hereby enacted as set forth in this resolution; and be it further

RESOLVED, that this Local Law shall be filed with the Secretary of State within 20 days of its adoption as set forth in the Municipal Home Rule Law.

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 20th day of December 2023; 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 20 th day of December, 2023.

DATED: _____ 2023
Fayetteville, New York

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

Town of Manlius, NY
Deer Management Plan
Draft created by: Town of Manlius Deer Committee
Revised Plan –

*This document is not copyrighted and is free and available for other municipalities or individuals to use in part or in whole.

Introduction

The objective of the Town of Manlius Deer Management Plan (TOMDMP) is to safely and effectively reduce the white-tailed deer (*Odocileus virginianus*) population within the Town of Manlius NewYork, to address the following issues:

1. Increase in Lyme disease within Town residents and pets.
2. Negative impacts to natural plant communities.
3. Frequent deer-vehicular accidents within the Town and surrounding community.
4. Property damage from white-tailed deer; including, but not limited to residential landscapes.

The ultimate success of this program is defined as reaching a deer population density of eight (8) or fewer per square mile within the Town limits. Numerous studies have shown significant reductions in tick density following a reduction in deer density, with other hosts present. Other measures of success, because they imply progress towards the ultimate goal of eight (8) or fewer deer per square mile, will include:

1. Reduced risk of new Lyme disease incidents, as measured by tick drags, which will occur annually in the same locations.
2. Reduced deer-vehicle collisions as reported by the Town of Manlius Police Department annually.
3. Reduced property damage as reported by Town residents.

This TOMDMP will serve as a document Town officials, program participants, and Town residents can turn to for general guidance, rationales for management decisions, and answers to procedural questions.

The Deer Committee anticipates that the process of managing the deer population within the Town will be a long-term project that will utilize adaptive management to accommodate changing conditions and lessons learned. Furthermore the Deer Committee anticipates the success of this program is dependent upon the following:

1. Assistance from professional wildlife management organization(s)
2. Utilization of multiple management approaches and supplements
3. Transition from “initial phase” which is anticipated to rely primarily on culling, to a “maintenance phase” which will utilize a controlled hunting program and non-lethal measures.

To ensure the safety of persons and property as well as the quick and humane cull of deer, all NYS, Town and TOMDMP rules and regulations must be followed.

Managed Culling Procedures

The Town will employ one of the following options annually:

1. The Town may hire wildlife management professionals to cull deer on its behalf. In the event that the Town hires wildlife management professionals to participate in the TOMDMP, the professionals may use a variety of methods to cull deer, including firearms and archery. Hired professionals must follow all guidelines set forth by the New York State Department of Environmental Conservation.
2. The Town may select a small group of proficient participants who are Town residents or otherwise closely connected with the Town and who successfully complete the permit application process. Participants will most likely use compound bows or crossbows exclusively. See Appendix A: Guidelines for Use of Archers
3. The Town may engage in an agreement with the USDA. In the event of conflict of any provisions of this TOMDMP with any agreement with the USDA, the USDA agreement shall supersede and control.

All efforts will be made to target both antler and antlerless deer. While culling efforts normally focus on antlerless deer for population control, antlered deer are also responsible for other deer damage/public health issues in the village such as traffic collisions, vegetation and landscape damage, and as tick hosts. In addition, antlered deer dominate bait sites and reduce antlerless deer activity around the bait site resulting in reduced take of antlerless deer during culling operations. Because of these reasons, antlered will be included on the permit request.

Dates and Times

- The deer management season within the Town is anticipated to start after deer hunting season is over, but in no event, any earlier than November annually and run no later than April annually.
- All culling activities within Town limits are to take place between one hour before legal sunset and sunrise the following morning.
- The Town of Manlius Deer Management Committee will regularly review the success of the program and shorten or extend the season based on deer harvest numbers.

Program Review Activities

The Manlius Deer Management Committee will meet regularly during the program to review activities and to determine if the program should continue or be terminated. The Deer Management Committee will provide regular updates to the Town Board.

Public Notification and Citizen Input

The views of local citizens, businesses and interest groups are valuable and helped shape the TOMDMP.

The development, implementation and review of this program will be transparent and involve citizen input at every step. The public is encouraged to attend and participate at Town Board meetings and public information meetings.

Town residents will be sufficiently notified of deer management program activities via press releases that will be published in local newspapers, the Town newsletter, and postings on the Town website. For the safety of participants and the public, and for an effective program, the Town may withhold details regarding exact locations and times of culling activities.

Additional management supplements are available on the Town website.

Description of Deer Management Areas

Deer Management Areas (DMA's) are defined as properties located within the Town of Manlius or owned or managed by the Town of Manlius or properties the Town of Manlius has been given permission to access for the purposes of this Plan where culling activities are to take place during the TOMDMP per NYSDEC deer damage permit. DMA's may include but are not limited to parks, land preserves, commercial and private properties and other Town/town properties. All DMA's will have the written consent of the owner for culling activities and adjacent properties will be notified. The DMA's are generally set forth on the map attached hereto as Exhibit A.

Appendix A

Guidelines for Use of Archers

Participant Application Process and Selection

The participant application and selection process is designed to enlist proficient individuals that are capable of confidently and safely reducing the deer herd within the Town as humanely as possible. With the exception of hired wildlife management professionals, all participants in the TOMDMP must complete the following requirements (as outlined in the participant application packet, which will be made available if/when the Town decides to use volunteer archers):

1) Proof of residency within the Town of Manlius or a contiguous town.
2) Provide a copy of his/her driver's license
3) Provide the Town Clerk with the original copy of current NYS hunting license
4) Provide the Town Clerk with the original copy of either a) current bowhunting privilege, or b) valid bowhunter education certificate
5) Provide completed Participant Application for Deer Management Program
6) Provide completed Participant Signature Page, stating they have read and will abide by all rules and regulations
7) Provide completed Waiver and Release of Liability
8) Provide the completed Archery Proficiency Test page accompanied with stamped and signed target
9) Submit to a background check

Deer management tag(s) will be issued to the Town by NYSDEC for subsequent distribution to participants on a first-come, first-served basis. Participant applications will be reviewed and accepted or rejected by the Town of Manlius Deer Committee. Preference will be given to individuals who live near the designated deer management areas.

If compound bows or crossbows are used, approved participants will be given a unique six digit code that is to be written in permanent marker on the cock fletching (vane) of every arrow taken afield. This code will only be known by the Town and the participant, and will serve to provide an identifier between a deer and the participant as well as, in the unlikely event that this happens, to identify deer that are shot within the Town by persons not permitted by this program.

Participants will agree to report any form of harassment to the Town of Manlius Police Department.

Safety Considerations

- Top priority of all culling activities will be to protect the safety of participants, property owners, property, pets, other wildlife, and bystanders.
- Participants are required to wear properly functioning safety harness and utilize a lifeline at any moment they leave the ground to prevent falls from treestands while climbing, descending, or in the stands.
- All shots must be either broadside or quartering away and well within the participant's comfort level.
- Maximum shot distance is 25 yards.

- Participants will not be under the influence of drugs or alcohol. The Town has a zero tolerance policy for individuals under the influence of alcohol or drugs.
- Participants must follow motto of "when in doubt, don't shoot".

Establishment of Bait Stations and Stand Locations

A representative from the NYSDEC and the Town Deer Management Committee will inspect all deer management areas where culling activities are proposed. Culling activities will take place from ladder-style tree stands with a minimum height of 12 feet (participant feet) above ground level. Bait (corn) will be placed in appropriate locations within 25 yards of stands within 3 weeks prior to culling activities for the purposes of attracting deer. A few small branches or other small vegetation may be trimmed to improve shooting lanes. Treestand locations may be moved slightly or abandoned depending on cull success and observations of participants. Trail cameras may be installed to monitor deer activity to target the best possible times to utilize specific locations. Use of supplemental red lights will allow for safe, highly accurate shots at close range.

It is the right of each landowner to restrict the number of individuals on their property, the times and dates participants are allowed on properties, stand locations, baiting locations and access routes. The agreement to use properties can be terminated by landowners at any time by contacting the Town Clerk.

Tracking, Field Dressing, and Processing of Deer

It is understood that despite all precautions and skill, deer may be wounded, may not expire immediately, may expire on neighboring properties or may not be found. Every effort possible will be made, possibly including the use of trained dogs, to recover all animals or assure that they suffered only a superficial wound that will quickly heal.

When possible, participants will have pre-authorization to retrieve deer from adjoining properties. All participants will have the names and phone numbers of neighbors should they need to be contacted regarding deer retrieval. In most instances landowners/neighbors will not notice activities or deer harvest because it happens quickly and quietly.

Participants may use flashlights to track deer after they are shot or when traveling to/from treestands; therefore, property owners may notice slow moving lights. In very rare circumstances tracking operations may continue the following morning with better light. In the event a deer is wounded and mobile, or has expired on a property that the participant does not have pre-approved access onto, the Town of Manlius Police will be contacted to assist in locating and/or collecting the deer.

Once a deer is recovered, it is to be removed discreetly and field dressed at the Town of Manlius DPW. Deer may then be transported to a venison processing facility. All harvested deer will be consumed by landowners, or participants, or donated to local food banks and pantries.

Appendix B

The Town of Manlius Deer Committee considered the following methods of safely and effectively reduce the white-tailed deer population within the Town of Manlius before settling on the current plan of action. These options, as well as any other relevant options, will be reconsidered when applicable.

Alternatives to the TOMDMP - Nonlethal Methods

Fencing
Fencing prohibits deer movement via physical barrier. To be effective, fencing must be a minimum of ten feet in height and not possess any openings. This option is not feasible due to the large geographic area of the Town and installation and maintenance costs.

Habitat Alteration
The practice of habitat alteration as a method of white-tailed deer population control would involve altering the vegetative landscape within the Town to reduce or eliminate species that deer use for forage and/or shelter. This option is not viable as the extensive habitat alteration and coordination of the Town and property owners is not feasible.

Capture and Relocate
The practice of capture and relocate as a method of white-tailed deer population control would involve reducing the deer herd within the Town by capturing deer and moving them elsewhere. This option is not viable as the NYSDEC prohibits the trapping of deer except under special permit for scientific purposes. In addition, survival of relocated deer has proven to be poor, up to three-quarters of relocated deer don't survive the first year after release.

Fertility Control
Immunocontraception and surgical sterilization techniques have been employed by some townships in an effort to reduce white-tailed deer populations. When used solely this option is not viable as these techniques have not proven effective in controlling wild populations of deer (Bishop et. al., 2007). However; surgical sterilization may prove to be a valuable management option when used as a component of a larger management strategy, specifically surgical sterilization of deer located in densely populated areas of the Town.

Utilization of TCS Bait Box
This is a box with bait that applies Fipronil (ingredient used in frontline for dogs/cats) to small mammals (mice, squirrels etc). See http://www.tickboxtcs.com/. This devise shows potential as it has been shown to be effective in test areas in CT and is currently being used by the Cary Institute in their five year tick research project in the Hudson Valley. The downsides to this devise are its cost ($40-50, twice a year per unit), the large number of units required (one every 30-40 linear feet, or 10 per 1/2-1 acre parcel) and it must be installed by a licensed pesticide applicator.

Utilization of Met52 fungal spray
This consists of naturally occurring fungal spores that targets ticks and is applied to landscape twice a season (April/May, and July). This biopesticide shows potential as it poses no risk to humans, has effectively reduced tick populations in test areas in CT and is currently being used by the Cary Institute in

their five year tick research project in the Hudson Valley. The downside to this spray is it is very expensive and will require special approval to be applied in certain areas, such as school grounds.

Management Supplements
Management supplements are actions that, while they do not affect the deer population directly, help work towards the program's success. Examples of management supplements members of the Deer Committee are reviewing are:

- Removal of Town ban on chicken hens and guinea hens, as they have been shown to be helpful with reducing tick populations.
- Utilization of 4-Poster permethrin deer feeding stations, if the NYSDEC and the EPA change their rules to allow them to be used in Upstate NY, as they are documented as an effective means of controlling ticks.
- Distribution of permethrin "tick tubes" to Town residents. While "tick tubes" are relatively affordable and can be installed by the homeowner, test areas in Connecticut and New York have shown them to be ineffective at controlling tick populations (Stafford, 2007). This is likely a result of a lack of chipmunks and squirrels utilizing the product.
- Educational outreach aimed at helping Town residents learn to minimize the chance of contracting Lyme disease and maximize the chance of recognizing it early when it is contracted.

The Deer Committee will continue to search for any practical management supplement that will help work towards this programs success.

Alternatives to the TOMDMP - Lethal Methods

Predator Introduction
The introduction of large mammalian predators would generate safety concerns from residents. And furthermore, the Town does not contain suitable habitat.

Parasite or Disease Introduction
The risks and uncertainties associated with parasite or disease introduction make it an impractical option for deer population control (Bishop et. al., 2007).

Poison
Currently there are no toxins, poisons or lethal baits registered for deer control (Bishop et. al., 2007). Furthermore there are no safe methods of delivering lethal doses within the Town limits.

Capture and Kill
Capture and kill via trapping falls under the same legal and safety constraints as "capture and relocation" previously described. Furthermore, the use of drugs to capture or euthanize the deer would preclude donation of the venison to charitable organizations.

Traditional Hunting
Traditional hunting utilizing firearms and archery methods to cull white-tailed deer has proven effective at controlling white-tailed deer populations. The use of firearms by the general public is unwise in the densely populated Town. Sportsmen and women must adhere to hunting regulations and seasons as set by the NYSDEC, and pass an education course(s) before purchasing their hunting license(s). Individual's must use their own carcass tags and are not allowed the use of bait.

Traditional hunting via vertical bows may be a viable option in situations where it can be performed, following all NYS hunting regulations, specifically while maintaining a 150 ft setback from any dwelling unless the hunter has the written permission of the landowner. Furthermore, hunts could move deer from previous areas of refuge, including areas not suitable for the TOMDMP and instill a heightened awareness in any remaining deer, thus making them less likely to inhabit the Town.

This option deserves consideration and could be a supplement to the TOMDMP.

Controlled Hunting

Controlled hunting is similar to traditional hunting, but with additional focus on reaching specific management goals. Landowners or managers can implement a controlled-hunt format by imposing restrictions such as limiting times or days when hunting can occur, specifying the types of implements that can be used, requiring proficiency tests or other qualifications of participating hunters, or limiting the number of hunters that can use an area simultaneously. The use of DMAP permits can be helpful for municipalities implementing controlled hunts.

NYSDEC DMAP Program

Under the deer management assistance program (DMAP) the NYSDEC issues a special permit and determined number of deer tags to a landowner or resource manager, or a group of landowners or resource managers whose property is in need of site specific deer management efforts (NYSDEC, 2015). This program will be available to Town residents bordering Green Lakes State Park during the open hunting season. This option deserves consideration and could be a supplement to the TOMDMP.

Appendix C

References

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Bishop, P., Glidden, M., and Riehlman, D. "A Citizens Guide to the Management of White-Tailed Deer in Urban and Suburban New York." New York State Department of Environmental Conservation. 2007.

Boulanger Jason R., Curtis, Paul D., and Blossey, Bernard. "An Integrated Approach for Managing White-Tailed Deer in Suburban Environments: The Cornell University Study." Cornell University Cooperative Extension and the Northeast Wildlife Damage Research and Outreach Cooperative. 2014.

Deblinger, Robert D., Wilson, Mark L., Rimmer, David W., and Spielman, Andrew. "Reduced Abundance of immature *Ixodes dammini* (Acari: Ixodidae) Following Incremental Removal of Deer." Journal of Medical Entomology. Vol 30, Issue 1. 1 January, 1993.

Kilpatrick, Howard J., and LaBonte, Andrew M. "Managing Deer in Urban Connecticut, A Guide for Residence and Communities." Second Ed. Connecticut Department of Environmental Protection, Bureau of Natural Resources – Wildlife Division. June, 2007.

New York State Department of Environmental Conservation. *Deer Management Assistance Program.* Retrieved from: www.dec.ny.gov/animals/33973.html (2015, September 18).

Stafford, Kirby C. "Tick Management Handbook. An integrated guide for homeowners, pest control operators, and public health officials for the prevention of tick-associated diseases", Revised Edition. The Connecticut Agricultural Experimental Station. 2007.

Telford, Sam R. III. "Deer Tick-Transmitted Zoonoses in the Eastern United States." Conservation Medicine: Ecological Health in Practice. Oxford University Press. 2002

AGREEMENT FOR OUTSIDE SERVICE CONNECTION

PUBLIC WATER TO SERVE

LANDS OF EMMONS AT

8303 East Seneca Turnpike (Route 173) Town of Manlius, NY

THIS AGREEMENT, made this _____ day of _____, 2023, by and between Town of Manlius, hereinafter referred to as "Town", and Barbara Emmons Irrevocable Trust, hereinafter called "Owner", and the Onondaga County Water Authority, hereinafter called "OCWA";

WITNESSETH:

WHEREAS, OCWA operates Manlius Consolidated Water District ("Water District") in and for the lands within the boundaries of the Town;

WHEREAS, Owner are persons owning certain lands located outside the boundaries of the Water District and identified as 8303 East Seneca Turnpike, Manlius, NY – Tax Parcel #099.-01-32.0, more specifically described on Exhibit A attached hereto ("Property"), and

WHEREAS, said owners are desiring to connect a single-family dwelling to the public water main owned and operated by OCWA; and

WHEREAS, the Property is located in an area adjacent to, but not in, a Water District within the Town; and

WHEREAS, the Town is willing to allow Owner, as owning a Property outside of the Water District to connect to and use the water main within the Water District, provided they shall be the subject of a special contract between the applicant and the Town, and applicant shall be charged for water service in the same degree and manner as others now within the boundaries of the affected Water District; and

WHEREAS, the Town is willing to allow the connection of a water main lateral from the Property to the water main within the Water District.

NOW THEREFORE, in consideration of the mutual promises and conditions hereinafter declared and entered into between the parties hereto, the parties do covenant and promise as follows:

1. OUTSIDE WATER AGREEMENT: Town hereby determines that the Property lies outside the boundary of a public water connection in the Town, and outside the sphere of influence of a Water District within the Town.

2. FEES AND CHARGES: Owner agrees that prior to connection to the facilities of the Water District, Owner will pay all applicable fees and charges to OCWA associated with connection to the Property to the main.

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3. ANNUAL WATER CHARGE: Owner further agrees to pay such annual water district fees to the Town and/or Water District and OCWA, as may be established, from time to time, by the rules and regulations of the Town and/or Water District and OCWA, which are of universal application within the Water District. Owner hereby authorizes the Town to collect such charges on the tax roll pursuant to the rules and regulations of the State of New York, County of Onondaga and Town of Manlius, and specifically waives any right to challenge the Town or Water District's ability to do so because the property is outside of the Water District.

4. INSPECTION CHARGE: Owner further agrees to pay the regular permit and inspection charge for the connection to be made to the Water District system.

5. COMPLIANCE WITH TOWN RULES: Owner hereby agrees to abide by all of the ordinances, rules and regulations of the Town governing the manner in which the connection shall be used, the manner of connecting thereto, and the plumbing in connection therewith.

6. PERMISSION TO CONNECT: Owner by this agreement is hereby permitted to connect one single-family dwelling to the Water District.

7. NOTICE TO CONNECT: No change in the facilities to be connected to the Water District's system shall be made without first giving written notice to the Town and OCWA that such change is to be made. No additional connections shall be connected to the facilities of the Water District without having first given written notice to the Town and OCWA that such facilities are to be connected to the system. Prior to making any such change in facilities or to the addition of any units to the District's system, the Owner shall pay such additional inspection, connection and annual fees which may then be established by the Town and/or Water District.

8. PROPERTY TO CONNECT: The property is restricted to the connection of one single-family dwelling to the Water District main on the north side of East Seneca Turnpike (Route 173).

9. NO FURTHER OUTSIDE WATER CONNECTION WITHOUT DISTRICT EXTENSION. The Town and OCWA acknowledge that the singe-family dwelling in 8 above is directly across the street from the public water line and the cost and expense of extending the Manlius Consolidated Water District to this Property would be burdensome given the property's location. However, the Owner and the Town agree that if there are any additional adjacent dwellings on East Seneca Turnpike (Route 173) that may request public water in the future, the Town and Owner will require the extension of the Manlius Consolidated Water District under Article 12 or 12-A of the Town Law before any public water is extended to those additional adjacent dwellings.

10. WATER SUPPLY AGREEMENT FOR MANLIUS CONSOLIDATED WATER DISTRICT: The Town understands and agrees that all the terms and conditions of the existing Water Supply Agreement with OCWA are incorporated into this Agreement to the extent that they are not inconsistent with this Agreement.

11. EASEMENTS: Owner is responsible for obtaining any easements as may be necessary for Owner to make the connection to the water main as contemplated by this Agreement and Town makes no representations as to the said easement(s).

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12. INDEMNIFICATION: Owner agrees to indemnify and hold harmless the Town from all claims of loss or injury to third persons, or the property arising out of the construction, operation, maintenance or use of the outside water service connection herein provided.

13. WATER SERVICE: Town and Water District hereby agrees to use reasonable diligence to provide a regular and uninterrupted service to the Property which is connected to the Water District facilities; but shall not be liable for damages, breach of contract, or otherwise, to the Owner for failure, suspension, diminution, or other variations of service occasioned by, or in consequence of, any cause beyond the control of the Town or Water District, including but not limited to, acts of God or of the public enemy, fires, floods, earthquakes, or other catastrophes, strikes or failure or breakdown of transmission of other facilities.

14. NON-TRANSFERABILITY OF RIGHTS: None of the rights hereby granted to Owner may be assigned or transferred without the prior written consent of the Town. In the event Owner's single-family residence located upon the Property ceases to exist, Owner's rights under this Agreement shall immediately terminate.

15. VIOLATIONS; NOTICE AND DISCONNECTION: In the event Owner shall violate any of the terms of this Agreement or of any of the ordinances, rules or regulations of the Town or Water District, as they now or may hereafter exist, Town or Water District shall give notice of the violations, in writing, to Owner. If the violation is not corrected within 30 days of the date of such notice, Town shall have the right to disconnect the outside water system of Owner from the Water District's system. Owner shall not reconnect said system until the violation has been corrected and the cost of such disconnection shall have been paid.

16. COVENANTS RUNNING WITH THE LAND: This Agreement and the provisions hereof are intended to be covenants running with the land by this Agreement, and are intended to bind the parties, their heirs, representatives, assigns and successors in interest, and any future owner of the whole or any part of the property covered by this Agreement, and this Agreement shall be made a matter of official record by recording the Agreement in the Onondaga County Clerk's Office.

IN WITNES WHEROF, the parties hereto have caused these presents to be executed in their name, or in their corporate names, by their officers thereunto duly authorized, the day and year first above written.

TOWN OF MANLIUS

By: _____
John T. Deer

OWNER
Barbara A. Emmons Irrevocable Trust

By:_____
Barbara A. Emmons

By:_____
Paula B. Ellenberg, Co-Trustee

DRAFT

By:_____
Daniel P. Emmons, Co-Trustee

ONONDAGA COUNTY WATER AUTHORITY

By: _____
Name:
Title:

State of New York)
County of) ss.:

On the _____ day of _____, 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared John T. Deer personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed same in their capacity, and that by their signature on this instrument, the individuals, or persons upon behalf of which the individuals acted, executed the Instrument.

_____
Notary Public

State of New York)
County of) ss.:

On the _____ day of _____, 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared Barbara A. Emmons personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed same in their capacity, and that by their signature on this instrument, the individuals, or persons upon behalf of which the individuals acted, executed the Instrument.

_____
Notary Public

State of New York)
County of) ss.:

On the _____ day of _____, 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared Paula B. Ellenberg personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed same in their capacity, and that by their signature on this instrument, the individuals, or persons upon behalf of which the individuals acted, executed the Instrument.

DRAFT

_____
Notary Public

State of New York)
County of) ss.:

On the _____ day of _____, 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel P. Emmons personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed same in their capacity, and that by their signature on this instrument, the individuals, or persons upon behalf of which the individuals acted, executed the Instrument.

_____
Notary Public

State of New York)
County of) ss.:

On the _____ day of _____, 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed same in their capacity, and that by their signature on this instrument, the individuals, or persons upon behalf of which the individuals acted, executed the Instrument.

_____
Notary Public

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MINUTES
TOWN BOARD
December 6, 2023

The Town of Manlius Town Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here;
https://www.youtube.com/channel/UC3pS9-uTiX4l7aEgciGEVSA

Supervisor Deer presided, and the following Board members were present:

	Elaine Denton, Councilor
	Heather Waters, Councilor
	Alissa Italiano, Councilor
	William Nicholson, Councilor
	Katelyn M. Kriesel, Councilor
Attending Virtually	Sara Bollinger, Councilor

The following Town Officers were present: Timothy Frateschi, Attorney for the Town. Will Wolfe, Attorney of the Town. Ann Oot, Town Manager. Allison Weber, Town Clerk. Kay Blythe, Deputy Town Manager. Tom Poitras, Code Enforcement Officer. Jason Cassalia, Police Chief.

1. Attendees

In-Person Meeting Attendees: Mark & Cheryl Matt, Fayetteville. Mike Friend, Manlius. Tom Bassett, Manlius. Bill Lazure, E. Syracuse. Eric Downie, Fayetteville.

Virtual Meeting Attendees: Anthony Rojas, Laura Ricardo, Marie Nicholson, J. Messineo.

2. 6:33 PM The Pledge of Allegiance

Supervisor Deer called the meeting to order at 6:33 PM. Councilor Nicholson led the Pledge of Allegiance. Supervisor Deer welcomed everyone and thanked all for attending.

3. 6:34 PM Moment of Silence

The Town Board held a moment to honor retired Police Chief Francis Marlowe. Councilor Waters reviewed his career with the Manlius Police Department and the Town Board expressed gratitude for his service to the community.

4. 6:36 PM Open Podium – None

5. 6:40 PM Garden Park – Planned Unit Development (PUD) Request – Zone Change – Highbridge St. (tax map # 093.-01-05.1)

Supervisor Deer reviewed the history of project.

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SEQR
PART II – Short Environmental Assessment Form

Attorney Frateschi reviewed Part II of the short environmental assessment form with the Town Board. The Town Board determined that each of the environmental factors would have no more than a small to moderate impact. After further discussion, the Board agreed that there would be no significant environmental impact by issuing (approving for LL 2023-14) the Zone Change request based on the reasons set forth in the Resolution drafted by the Attorney for the Town.

Councilor Kriesel made a motion, seconded by Councilor Denton, to issue a negative declaration for SEQR purposes in the matter of the Garden Park District Plan and Proposed Amendments to the Zoning Map of the Town of Manlius.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Kriesel, Councilor Italiano, Councilor Nicholson, Councilor Waters

Nayes: 0 All in Favor. Motion Carries.

Councilor Kriesel made a motion, seconded by Councilor Denton, to adopt the Garden Park District Plan for the parcel located on Highbridge St.

Ayes: Supervisor Deer, Councilor Denton, Councilor Kriesel, Councilor Italiano, Councilor Nicholson, Councilor Waters

Nayes: Councilor Bollinger

Motion Carries

Councilor Kriesel made a motion, seconded by Councilor Denton, to adopt Local Law 2023-14 to change the zoning from CA to PUD for the parcel located on Highbridge St. as outlined in the resolution presented.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Kriesel, Councilor Italiano, Councilor Nicholson, Councilor Waters

Nayes: Councilor Bollinger

Motion Carries

6. 6:51 PM Continued Public Hearing – Unsafe Building – 6602 Fremont Road (tax map # 045.-02-06.0)

Marie Nicholson, Attorney Representing a Mortgage Company for the Parcel, discussed the progress being made on repairing the home.

Code Officer Poitras confirmed that the permit will be obtained by January 10th. Ms. Nicholson answered, yes.

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With there being no further comments from the public, Councilor Nicholson made a motion, seconded by Councilor Waters, to close the public hearing at 6:52 PM in the matter of Unsafe Building – 6602 Fremont Road (tax map # 045.-02-06.0).

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Kriesel, Councilor Italiano, Councilor Nicholson, Councilor Waters

Nayes: 0 All in Favor. Motion Carries.

Councilor Nicholson made a motion, seconded by Councilor Waters, to extend the date to January 10, 2023, for the owners of the property located at 6602 Fremont Road to bring the building located on that parcel into compliance with the safety requirements outlined in the report provided by the Code Officer and the Notice Pursuant to Town Code 63-3 & 4.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Kriesel, Councilor Italiano, Councilor Nicholson, Councilor Waters

Nayes: 0 All in Favor. Motion Carries.

7. 6:54 PM Deer Management Plan & Intermunicipal Agreement

Councilor Nicholson gave an overview of the Deer Management Plan and the Intermunicipal Agreement with the Village of Fayetteville.

Councilor Nicholson made a motion, seconded by Councilor Denton, to authorize the supervisor to sign the 2024 Intermunicipal Agreement with the Village of Fayetteville for the Deer Management Plan.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

The Deer Management Plan was tabled.

8. 6:58 PM Manlius Tree Code Update – Set Date for a Public Hearing

Councilor Waters reviewed the proposed changes to the Tree Code.

Councilor Waters made a motion, seconded by Councilor Italiano, to set date for a public hearing on December 20th at 6:35 PM for proposed local to amend Chapter 34 of the Town Code Entitled Tree Commission and replace it with an updated Tree Code.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

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9. 7:04 PM Revised Muirfield Proposal

Councilor Bollinger reviewed the proposal.

Councilor Bollinger made a motion, seconded by Councilor Nicholson, to approve the amended scope of work for CNY Land Surveying to provide survey services for the Muirfield Drainage Basin at a rate of $3,876.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

10. 7:05 PM Public Water Service Agreement – Outside Service Connection - TABLED

11. 7:05 PM Megnin Farms Sewer – 2024 Budget Amendment

Councilor Kreisel made a motion, seconded by Councilor Denton, to modify the 2024 budget because of a typographical error. The total for SS3 should be $76,453 (not $74,320) for the Megnin Farms Sewer District as follows:

- SS3 4.1001 Real Property Taxes $76,453
- SS3 5.8110.400 Sewer Administration $76,453

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

12. 7:06 PM Highway Permit

Councilor Nicholson made a motion, seconded by Councilor Denton to authorize the Highway Superintendent to sign the Town of Manlius Highway Permit for the easterly side of Ferstler Road.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

13. 7:07 PM Motion to Hire Deputy Town Clerk

Councilor Denton made a motion, seconded by Councilor Nicholson, to appoint Carrie Grevelding to the position of Deputy Town Clerk at a salary of $44,600 effective December 11, 2023.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

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Councilor Denton made a motion, seconded by Councilor Nicholson, to appoint Carrie Grevelding to the position of Zoning Board of Appeals Secretary at a Salary of $3,600 annually effective December 11, 2023.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

14. 7:09 PM Set Date for 2024 Organizational Meeting

Councilor Kriesel made a motion, seconded by Councilor, to set a date for the 2024 Organizational Meeting on January 3rd at 6:30 PM.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

15. 7:10 PM Set Date for Work Session

Councilor Waters made a motion, seconded by Councilor Bollinger, to set a date for a work session on January 10th at 5:00 PM for the purposes of discussing the implementation of the Comprehensive Plan and other business matters as necessary.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

16. 7:11 PM Approval of Minutes – November 15, 2023

Councilor Nicholson made a motion, seconded by Councilor Kriesel, to approve the minutes of November 15, 2023, as amended.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Abstain: Councilor Denton

Motion Carries.

17. 7:13 PM Supervisor's Report – November

Councilor Nicholson made a motion, seconded by Councilor Kriesel, to accept the Supervisor's Report for the month of November 2023 as presented.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Denton, Councilor Waters, Councilor Kriesel, Councilor Italiano, Councilor Nicholson

Nayes: 0 All in Favor. Motion Carries.

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18. 7:14 PM Approval of Abstract # 23

Councilor Nicholson made a motion, seconded by Councilor Bollinger, to approve Abstract # 23 in the amount of $845,275.14 as submitted by Town Clerk Weber.

TOWN OF MANLIUS
Fund Summary
Abstract # 23 - 2023

CODE	FUND	TOTALS
A	General Fund Townwide	$751,391.07
B	General Fund Part Town	$4,983.60
DA	Highway Fund Townwide	$62,066.71
DB	Highway Fund Part Town	$7,661.36
SL1	Overhead Lighting District	$1,760.98
SL2	Underground Lighting	$2,420.17
SL3	Entry Lighting	$117.56
SL4	Garden Park Lighting	$711.06
SL5	Ratnour Bridge Lighting	$2,655.89
SR1	Trash	$185.87
SR2	Brush	$185.87
Total		$845,275.14

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Kriesel, Councilor Waters.

Nays: 0 All in Favor. Motion Carries.

Adjourn Regular Session

By motion made by Councilor Italiano and seconded by Councilor Denton, the Board voted unanimously to suspend the public portion of the meeting at 7:15 PM to enter Executive Session to discuss contract negotiations.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters, Councilor Kriesel

Nayes: 0 All in Favor. Motion Carries.

Councilor Bollinger exited the meeting at 7:15 PM.

Respectfully Submitted by:

Allison A. Weber
Town Clerk

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EXECUTIVE SESSION MEETING MINUTES
Executive Session
December 6, 2023

Councilor Italiano made a motion seconded by Councilor Denton, to exit executive session at 7:29 PM.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters, Councilor Kriesel

Nayes: 0 All in Favor. Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Denton and seconded by Councilor Kriesel the Board voted unanimously to come out of regular session at 7:30 PM.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters, Councilor Kriesel

Nayes: 0 All in Favor. Motion Carries.

Submitted by:

Allison A. Weber
Town Clerk

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** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
A00-1220	Supervisor	375.00
A00-1420	Attorney	3,569.35
A00-1620	Buildings	18,623.25
A00-1640	Central Garage	6,810.91
A00-1670	Central Printing	487.53
A00-9045	Employee Benefits	402.50
A00-9061	Employee Benefits	1,450.00
A00 TOTAL	General Fund Townwide	31,718.54

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
B00-3620	Codes Enforcement	118.02
B00-8010	Zoning	552.50
B00-8020	Planning	1,020.00
B00 TOTAL	General Fund Part Town	1,690.52
SR1-8160	Refuse	205,581.50
SR1 TOTAL	Manlius Res Trash Dist	205,581.50
SR2-8160	Refuse	25,187.50
SR2 TOTAL	Manlius Res Brush Dist	25,187.50

** DEPARTMENT TOTALS **

ACCT	NAME	AMOUNT
A00	NON-DEPARTMENTAL	1,019.80
A00-1110	Justices	649.80
A00-1410	Town Clerk	380.69
A00-1620	Buildings	7,860.66
A00-1670	Central Printing	950.27
A00-3120	Police	9,407.66
A00-5132	Garage	1,475.96
A00-7310	Recreation	1,780.00
A00 TOTAL	General Fund Townwide	23,524.84
B00-3620	Codes Enforcement	13.49
B00-8010	Zoning	36.33
B00-8020	Planning	54.51
B00 TOTAL	General Fund Part Town	104.33
CM1-3120	Police	1,390.00
CM1 TOTAL	Police Special Revenue	1,390.00
DA0-5130	Machinery	17,831.14
DA0-5140	Brush & Weeds	12,420.00
DA0-5142	Snow Removal	53,109.17
DA0 TOTAL	Highway Fund Townwide	83,360.31
	** TOTAL **	108,379.48

NO ERRORS

** END OF REPORT **