

MINUTES
TOWN BOARD
May 13, 2015

The Town of Manlius Town Board assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Supervisor Edmond Theobald presiding and the following Board members present:

	John R. Loeffler, Councilor
Absent	David M. Marnell, Sr., Councilor
	Nicholas J. Marzola, Councilor
	Vincent Giordano, Councilor
	Karen Green, Councilor
	Richard Rossetti, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town	Deborah Demmon, Deputy Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
Ann Oot, Town Manager	Doug Miller, Engineer for the Town

Other persons attending:

Ellen & Mike McGrew, Manlius. Vicky Benedict, East Syracuse. Sandy Schepp, Fayetteville

The Pledge of Allegiance

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

Approval of Minutes – April 22, 2015

Councilor Marzola made a motion, seconded by Councilor Rossetti, to approve the minutes of April 22, 2015 as submitted by Town Clerk Edsall.

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

Nays: 0

All in Favor.

Motion Carries.

Approval of Abstract # 9

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 9 as submitted by Deputy Town Clerk Demmon.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 9 - 2015	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$173,387.44
B	General Fund Town	\$ 5,649.15
CM1	Police Trust	\$ 3,940.50
DA	Highway Fund Townwide	\$ 73,272.46
DB	Highway Fund Town	\$ 1,684.36
SD3	Consolidated Drainage # 3	\$ 433.33
SL1	Overhead Lighting	\$ 1,994.22
SL2	Underground Lighting	\$ 2,200.38
SL3	Entry Lighting	\$ 103.12
SL4	Garden Park Lighting	\$ 611.16
SL5	Ratnaur Bridge Lighting	\$ 3,650.94
SR1	Manlius Trash District	\$ 88,061.19
SR2	Manlius Res Brush District	\$ 118.80
SS1	Manlius Con Sewer District	\$ 2,062.96

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

Nayes: 0

All in Favor.

Motion Carries

Zone Change Request – Vicky Benedict, 6997 E. Taft Rd., East Syracuse Tax Map # 091.-01-02.1, change from Commercial to RA

Engineer Miller stated that Vicky Benedict the Applicant wishes to buy the property that is zoned Commercial and would like it changed to RA.

Ms. Benedict stated that she would like to purchase the property to live on and be able to bring her horses and dogs. Ms. Benedict stated that she had just been made aware that the driveway needs to be 20 feet wide to meet fire code and it is not at this time. And because this is a shared driveway, Ms. Benedict has gotten an easement from the owners to use the driveway but will have to consider the cost for the driveway update.

Engineer Miller stated that there is no house on the land at this time but when the applicant applies for a permit for a house, the fire code for the driveway will become an issue.

Discussion ensued about the driveway, the fire code and the cost

Attorney Frateschi stated that if the land goes from Commercial to RA the fire code issue is not done because it may be cost prohibitive for the applicant to do everything that is needed to be done. If that's the case why change from Commercial to RA.

Attorney Frateschi recommend that the zone change be referred to the Planning Board for the June 8, 2015 meeting.

Councilor Rossetti made a motion, seconded by Councilor Loeffler to refer the Zone Change Request Commercial to RA of Vicky Benedict, for a location at 8166 E. Genesee St. Fayetteville NY (Tax Map # 091.-01-02.1) to the Town of Manlius Planning Board.

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

Nayes: 0

All in Favor.

Motion Carries

Local Law 2015-1 – amending Chapter 155-12 Restricted Agricultural Districts (R-A) of the Code of the Town of Manlius to amend Article III entitled the “District Regulations”

Attorney Frateschi stated that this Local Law amendment was requested by the Office of Planning and Development. Attorney Frateschi stated that a homeowner who resided in a RA zoning classification would like to sell wood from his residence. Attorney Frateschi stated that the RA zoning classification does allow for a homeowner to sell wood from their residence but it does not allow for the sale of goods in an RA zoning classification if the property is within a subdivision filed in the County Clerk’s Office. Attorney Frateschi stated that this amendment would allow for a Rural Occupation Permit in the RA zoning classification even if the property is within a subdivision.

Councilor Loeffler stated that the special permit process would still be in place for the business process.

Councilor Marzola made a motion, seconded by Councilor Rossetti, to set a date for the public hearing on June 10, 2015, at 7:05 pm in the matter of Local Law 2015-1 amending chapter 155, article III : District Regulation” Rural Occupations.

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

Nayes: 0

All in Favor.

Motion Carries

Agreement - SIRO (School Information Resource Officer) for Fayetteville Manlius School District

Police Chief Marlowe stated the Fayetteville Manlius Schools District has requested a change of the SIRO (School Information Resource Officer) in the high school.

Fayetteville Manlius School is requesting a letter of intent stating the change in officer and the change in pay rate.

Councilor Loeffler made a motion, seconded by Councilor Green to authorize the Town of Manlius Police Chief to sign a letter of intent for the new officer (Officer Golden) at the per diem rate of \$469.93 and if necessary the overtime rate of \$62.13 during a period of May 11 through June 5, to replace the current SIRO officer for the Fayetteville Manlius School District

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

Nayes: 0

All in Favor.

Motion Carries

Correspondence/New Business

A) Community Agenda

Brian Ackerman – 457 Plan – Request Withdrawn

B) Highway Superintendent

Highway Superintendent Cushing presented the bid results for the 2015 Highway Paint Bid that was held on May 5, 2015 Ennis Paint was the lowest bidder with a price for white road paint of \$8.70 per gallon and for yellow road paint of \$8.95. There was one other bidder Franklin Paint with a bid of \$10.25 per gallon for white road paint and a bid of \$10.70 per gallon for yellow road paint.

Councilor Marzola made a motion, seconded by Councilor Giordano, to authorize the Highway Superintendent to purchase white and yellow road paint from Ennis Paint per the bid results for highway road paint held on May 5, 2015.

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

Nayes: 0

All in Favor.

Motion Carries

Highway Superintendent Cushing stated he had been contacted by a company called Finger Lakes Technologies, Rochester NY, to place about 7000 feet of fiber optic cable on existing utility poles along Duguid Rd. from Salt Springs Rd to the Village of Manlius.

Councilor Rossetti made a motion, seconded by Councilor Loeffler, to authorize the Highway Superintendent to sign a highway permit for Finger Lakes Technologies to place aerial fiber optic cable on existing in-service utility poles along Duguid Rd from Salt Springs Rd. to the Village of Manlius boundary.

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

Nayes: 0 All in Favor. Motion Carries

C) Planning & Development – No New Business

D) Attorney –

Attorney Frateschi received an e-mail from General Code concerning Local Law 2014 – 1, asking for clarification of section and chapter numbers in the law

The Town Board authorized Attorney Frateschi to redraft the Law to correct the errors in Local Law 2014 -1

Town Manager Oot gave a brief description of the services of "Fiscal Advisors & Marketing, Inc." such as: Financing Plan, Recommendations and Review of Securities Type, Official Statement Preparation, Private Placement Memorandum Preparation, Rating Analysis and Preparation, Credit Enhancement and Marketing. To aid the Town with the bonding for the Skyridge Water District

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Supervisor to sign a contract with Fiscal Advisors & Marketing, Inc. for recommendations with the bonding for the Skyridge Water District.

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

Nayes: 0 All in Favor. Motion Carries

Attorney Frateschi stated he had a letter agreement from the Performing Arts Center of Suffolk County, Inc. to provide set and props for the recreation department production of "The Music Man". Attorney Frateschi requested a motion from the Town Board to authorize the Supervisor to sign the contract.

Councilor Green made a motion, seconded by Councilor Rossetti, to authorizing Supervisor to sign the contract with the Performing Arts Center of Suffolk County, Inc. to rent set and props for the production of The Music Man from 7/6/2015 to 7/20/15.

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

Nayes: 0 All in Favor. Motion Carries.

Attorney Frateschi stated that he received an email from Kathy Bennett Attorney for Resort Lifestyle Communities, and she is requesting several changes to the special use permit:

1. Ms. Bennett is requesting a change in paragraph 1, the length of the permit of 7 years. Ms. Bennett would like language that would say if they are in compliance

at the end of the 7 years that the extension of the permit would not be unreasonably withheld.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to approve the change in language in the special use permit for Resort Lifestyle Communities – that the extension of the special use permit after 7 years would not be unreasonably withheld.

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

Nays: 0

All in Favor.

Motion Carries

2. Ms. Bennett is requesting an increase in construction hours for framing from 8am to 6pm to 7am to 8pm.

Discussion ensued about the construction hours

Councilor Rossetti made a motion, seconded by Councilor Green, to approve extending the construction framing hours for the Resort Lifestyle Communities project from 8am to 6pm to 7am to 8pm.

Ayes: Councilor Rossetti, Councilor Green

Nays: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano

Motion did not pass

3. Ms. Bennett is concerned that the wording in the special use permit states that the proposed facility is not an assisted living facility, and that the residents would not be able to have health aids visit the proposed facility if needed.

Councilor Loeffler made a motion, seconded by Councilor Green, to approve the change in language (take out *at* and replace it with *by*) to state: The Facility shall be, and remain, and independent living facility, meaning that medical aids and/or staff shall not be provided (*by*) the Facility (except for emergency aid).

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

Nays: 0

All in Favor.

Motion Carries

Attorney Frateschi requested executive session to discuss pending litigation and collective bargaining agreements.

E) Town Clerk

Deputy Town Clerk Demmon reviewed a fireworks permit application submitted by the Minoa Fire Department.

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Town Clerk to issue a fireworks permit to the Minoa Fire Department for May 30, 2015.

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

Nayes: 0

All in Favor.

Motion Carries.

F) Police Chief

Chief Marlowe stated he had met with the Village of Chittenango Police Chief, toured the new casino in Chittenango and discussed the policing of the casino. The casino will have nation police but the Nation Police will not be able to make arrests in the Village of Chittenango. Chief Marlowe's concerns are: leaving Onondaga County to go to Madison County, no mutual aid agreement in place and leaving the Town of Manlius uncovered if called upon to assist.

G) Town Board

Councilor Green stated two part time employees had not been included in the first roster of summer employees and she would like to have them added as budgeted for.

Councilor Green made a motion, seconded by Councilor Marzola, to approve the two additional part time employees to the summer recreation program as budgeted for.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Loeffler stated he had been approached by a resident asking why we don't have FIOS in the Town. Councilor Loeffler asked if the Town has something on file stating that the Town of Manlius is not in the Verizon Business Plan.

H) Supervisor

Supervisor Theobald talked about his trip to Washington DC for the National Association of Towns.

Supervisor Theobald stated that 2015 is the 11th year that the Town of Manlius has the designation as a tree city and how was celebrated jointly with the Village of Manlius.

There being no further business to come before the Board, upon motion duly made by Councilor Marzola and seconded by Councilor Loeffler the Board voted unanimously to adjourn regular session at 8:07PM to enter into executive session to discuss pending litigation and collective bargaining agreements.

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

Nays: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Deborah Demmon
Deputy Town Clerk

EXECUTIVE SESSION MEETING MINUTES
Executive Session
May 13, 2015

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

The Town Board re-entered Regular Session at 8:50 p.m.

Councilor Giordano made a motion, seconded by Councilor Rossetti, to redraft the dog control contracts with the Village of Manlius, Village of Fayetteville and the Village of Minoa to provide dog control services at a cost of \$1.00.

Councilor Green made a motion, seconded by Councilor Rossetti, to refund the village of Minoa for the 1st quarter dog control services in the amount of \$750.00.

There being no further business to come before the Board, upon motion duly made by Councilor Giordano and seconded by Councilor Marnell, the Board unanimously voted to adjourn the Regular Session at 8:50 p.m.

Submitted by:

Tim Frateschi
Attorney for the Town