

MINUTES
TOWN BOARD
July 22, 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
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	Allison A. Edsall, 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 McGrew, Manlius. Lisa Stratton, E. Syracuse. Rick McNeil, Syracuse. J. Thomas Bassett, Manlius. Barb Sturick, E. Syracuse. Hayleigh Gowans, Eagle Bulletin. Jim Stevens, Syracuse. Michelle Watts, Syracuse. David Watts II, Fayetteville.

The Pledge of Allegiance

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

Approval of Minutes – July 8, 2015

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of July 8, 2015 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

Approval of Abstract # 14

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 14 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 14 - 2015	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 61,549.42
B	General Fund Town	\$ 651.78
DA	Highway Fund Townwide	\$ 5,851.74
DB	Highway Fund Town	\$128,648.06
HA	Landfill Capital Fund	\$ 3,841.00
SR2	Manlius Res Brush District	\$ 8,965.15
SS1	Manlius Con Sewer District	\$ 4,849.88

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

Nayes: 0

All in Favor.

Motion Carries

7:05PM Public Hearing - Barbara Sturick for a Rural Occupation Permit to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).

Attorney Frateschi stated that the Applicant has applied for a rural occupation permit to sell firewood at 5839 Bowman Road, Manlius. Attorney Frateschi stated that the Applicant has been selling firewood at that property for several years. He stated that the Applicant has subdivided the property and must apply for a rural occupation permit which is now allowed by Local Law 2015-1 that was enacted at the June 10, 2015 Town Board meeting.

Barbara Sturick, Applicant, stated that her father has sold firewood on the property for many years. Mrs. Sturick stated that the business will continue to operate as it has in the past.

Councilor Giordano made a motion, seconded by Councilor Marnell, to waive the reading of the public notice in the matter of the application for a Rural Occupation Permit by Barbara Sturick to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).

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

Nayes: 0

All in Favor.

Motion Carries

Councilor Rossetti made a motion, seconded by Councilor Marnell, to open the public hearing at 7:05pm in the matter of the application for a Rural Occupation Permit by Barbara Sturick to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).

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

Nayes: 0 All in Favor. Motion Carries

Supervisor Theobald reviewed the Rules of Decorum for public hearings.

Lisa Stratton, E. Syracuse, stated that the Sturicks' have a lovely place to stop and buy firewood. Ms. Stratton stated that she has purchased firewood from the Applicant and supports the approval of the rural occupation permit.

With there being no further comments from the public, Councilor Marnell made a motion, seconded by Councilor Rossetti, to close the public hearing at 7:06pm in the matter of the application for a Rural Occupation Permit by Barbara Sturick to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).

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

Nayes: 0 All in Favor. Motion Carries

Councilor Marnell made a motion seconded by Councilor Rossetti, declare the Town of Manlius lead agency for SEQR purposes in the matter of the application for a Rural Occupation Permit by Barbara Sturick to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1).

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

Nayes: 0 All in Favor. Motion Carries

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 the Rural Occupation Permit based on the reasons set forth in the Resolution drafted by the Attorney for the Town.

Councilor Marnell made a motion, seconded by Councilor Marzola, to issue a negative declaration under the State Environmental Quality Review act.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Marnell made a motion, seconded by Councilor Marzola, to approve the Rural Occupation Permit for a period of 7 years for Barbara Sturick to sell firewood at 5839 Bowman Road East Syracuse (Tax Map # 073.-03-03.1) as set forth on the Resolution drafted by the Attorney for the Town and presented to the Town Board.

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

Nayes: 0

All in Favor.

Motion Carries

Continued Public Hearing in the matter Local Law 2015-3 zone change application by Blue Moon Stables to change the zoning from Commercial A to Restricted Agricultural at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1)

Attorney Frateschi stated that the original applicants (Blue Moon Stables) are not going to proceed with the zone change application.

The Supervisor continued the public hearing that was adjourned at the last meeting.

Jim Stevens, Property Owner of 8166 East Genesee St. Fayetteville, stated that he is one of the owners of the property and the three owners would like to proceed with the zone change application.

Councilor Rossetti asked Mr. Stevens about the discrepancy in the acreage. Councilor Rossetti stated that the application shows the acreage total as 4.26 acres and the County Real Property Tax information lists the total acreage as 3.64 acres. Mr. Stevens stated that the property will be resurveyed.

With there being no further comments from the public, Councilor Rossetti made a motion, seconded by Councilor Green, to close the public hearing at 7:13pm in the matter of the application for a Zone Change, from Commercial A to Restricted Agricultural, by the Watts Family for the property located at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1)

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

Nayes: 0

All in Favor.

Motion Carries

Councilor Marnell made a motion seconded by Councilor Marzola, to declare the Town of Manlius lead agency for SEQR purposes in the matter of the application for a Zone Change, from Commercial A to Restricted Agricultural, by the Watts Family for the property located at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1)

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

Nayes: 0

All in Favor.

Motion Carries

Attorney Frateschi reviewed Part II of the short Environmental Assessment Form with the Town Board. The Town Board determined that each of the 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 changing the zoning from CA to RA based on the reasons set forth in the Resolution drafted by the Attorney for the Town for Local Law 2015-3.

Councilor Marnell made a motion seconded by Councilor Green, to issue a negative declaration for SEQR purposes, in the matter of the application for a Zone Change, from Commercial A to Restricted Agricultural by the Watts Family for the property located at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1).

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

Nays: 0 All in Favor. Motion Carries

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the zone change set forth in Local Law 2015-3, from Commercial A to Restricted Agricultural by the Watts Family for the property located at 8166 East Genesee St. Fayetteville (Tax Map # 091.-01-02.1), as set forth in the resolution prepared by the Attorney for the Town.

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

Nays: 0 All in Favor. Motion Carries

Letter of Intent – Water Quality Improvement Project Grant Application – Syracuse Urbanized Area Comprehensive Storm Sewer Mapping Project.

Doug Miller, Engineer for the Town, gave a brief overview of the project and stated that he added language to the letter of intent that the mapping would be completed in a compatible GIS program.

Councilor Loeffler asked if there was a cost to the Town. Town Engineer Miller stated that there was language added to the letter of intent that states that there will be no additional cost to the Town.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to authorize Supervisor Theobald to sign the letter of intent to participate in the Water Quality Grant Application for the Syracuse Urbanized Area Comprehensive Storm Sewer Mapping Project at no additional cost to the Town.

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

Nays: 0 All in Favor. Motion Carries

Correspondence/New Business

A. Community Comment

Tom Bassett, Manlius, discussed his concern regarding the long term deviation from published Town of Manlius Annual Reassessment Assessment Practices.

Mr. Bassett reviewed the annual reassessment system and its benefits which are published on the Town of Manlius website. Mr. Bassett reviewed his analysis of the assessments of the last 10 years. This analysis was performed on 22 single family dwelling properties fronting on Penstock Way in Manlius.

Mr. Bassett stated that the properties that were analyzed had few assessment changes over a 9 year period and this practice resulted in the likelihood that individual assessments would not reflect the current fair market value. Mr. Bassett stated that there is no evidence that the Board of Assessment Review serves as an effective check on the potential abuses in the annual reassessment process. Mr. Bassett requested that the Town Board review and examine the entire Annual Reassessment Process.

* A copy of Mr. Bassett's full presentation regarding the annual reassessment practices is on file in the Town Clerk's Office.

Supervisor Theobald thanked Mr. Bassett for his presentation. Supervisor Theobald stated that the Town Board will review his presentation and the annual reassessment practices. Supervisor Theobald asked Town Assessor Duffy for a written response to Mr. Bassett's presentation.

B. Highway Superintendent

Highway Superintendent Cushing stated he has received a request for a stop sign and Children at Play sign on East Ave in Minoa. Highway Superintendent Cushing stated that he will contact the resident that requested the signs to discuss the matter.

Highway Superintendent Cushing stated that Towns and Villages no longer use Children at Play Signs for legal reasons but the Town does have some "We Love Our Children" signs that could be used if it is necessary.

C. Planning & Development

D. Attorney

Attorney Frateschi stated that the Town Board has requested that he draft a new brush bid. Attorney Frateschi stated that the review process is complete by the Town Board and the final brush bid packet is completed.

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Town Clerk to advertise for sealed bids for the Collection and Disposal of Brush in the Town of Manlius and to notify the current hauler of the bid request.

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

Nayes: 0

All in Favor.

Motion Carries

Attorney Frateschi stated that he has submitted the final draft of Local Law 2015-2 to the Town Board which sets forth the administration and enforcement of the 7 member Planning Board. The Town Board tabled the matter for review of the final draft of Local Law 2015-2.

E. Town Clerk – Peddler Permit Appeal – Richard McNeil, Solvay Glass

Attorney Frateschi reviewed the Peddler / Solicitor section of the Town Code.

Town Clerk Edsall stated that she received a peddler / solicitor application from Richard McNeil of Solvay Glass. Town Clerk Edsall stated that she completed a standard national background check on Mr. McNeil which yielded no results. Town Clerk Edsall stated that Mr. McNeil was issued a peddler permit and began going door to door. The Town Clerk was contacted by an investigator in the Town of Dewitt Police Department who stated that Mr. McNeil had a criminal history and should not have been issued a peddler permit. Town Clerk Edsall stated that she contacted Solvay Glass and Mr. McNeil regarding this information. Mr. McNeil admitted that he had a criminal history and Solvay Glass sent the Town Clerk 3 character reference letters. Town Clerk Edsall stated that she reviewed Mr. McNeil's peddler application and Mr. McNeil stated on the application that he had nothing in his past that the Town should be aware of that could cast doubt upon his good character. Town Clerk Edsall stated that Mr. McNeil was professional and courteous during their interactions. Town Clerk Edsall stated that she had to revoke his permit due to the fact that he was not up front and totally truthful on his application. Town Clerk Edsall stated that the Town of Dewitt has denied Mr. McNeil's application and to date no appeal has been filed in the Town of Dewitt.

Mr. McNeil stated that he has not had any issues in other municipalities in the past and that is why he did not say that he had anything that would cast doubt upon his good character. Mr. McNeil stated that he has spent a lot of time changing himself and that he had plead down a lot of his charges. Mr. McNeil stated that his boss from Solvay Glass has attended to show her support.

Supervisor Theobald stated that the Town will need to hold a public hearing on this matter.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to set a date for a Public Hearing on August 12, 2015 at 7:05pm in the matter of the appeal of the revocation of Richard McNeil of Solvay Glass Peddler Permit

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

Nayes: 0

All in Favor.

Motion Carries

F. Police Chief

The Board began discussion about the Town Manager position and whether to make that position a full-time, salaried position rather than a part-time hourly position, as it is now. The unanimous opinion among the Board was that because it is a management position, it should be compensated by a salary, not at an hourly rate. The Board determined that since the position was last evaluated in 2010, the role the Town Manager has played in the day to day operation of the Town has significantly increased based on new federal regulations related to labor, employment and insurance as well as mandates imposed by the State. The Town Supervisor indicated that he has reviewed similar positions in other towns and the compensation for those positions is significantly higher than what the Board is considering for Town Manager. In addition, those similar positions have greater support staff which adds costs. The unanimous decision of the Board was to establish the salary commensurate with the increased responsibilities of the Town Manager, the fact that the position is changing to full-time, and based on the merit of the person currently serving in that position.

A motion was made by Councilor Marnell, seconded by Councilor Rossetti, as follows:

RESOLVED, that the Town Manager position shall be changed from an hourly position to a salary position; and be it

FURTHER RESOLVED, that the Town Manager position shall be changed from a part-time position to a full-time position; and be it

FURTHER RESOLVED, that the Town Board hereby sets the salary of Town Manager at the rate of \$56,550; and be it

FURTHER RESOLVED, that the above actions become effective on August 1, 2015.

All in favor

Aye – 7

Nay – 0

There being no further business to come before the Town Board, Councilor Rossetti made a motion, seconded by Councilor Loeffler, to adjourn the meeting a 9:00 pm.

Submitted by:

Frateschi Law Firm, PLLC
Timothy A. Frateschi
Attorney for the Town