

**MINUTES
TOWN BOARD
August 8, 2012**

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

	John R. Loeffler, Councilor
	David M. Marnell, Sr., Councilor
	Nicholas J. Marzola, Councilor
Absent	Sandra A. Schepp, Councilor
	Vincent Giordano, Councilor
	Karen Green, Councilor

The following Town Officers were present:

Timothy Frateschi, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	David Tessier, Planning & Development
Ann Oot, Town Manager	

Other persons attending:

Mike McGrew, Manlius. Bill Meyer, County Legislator. Joseph Chiarenza, Kirkville. Jackie Fowler, Spencer Sieison, Kirkville. Lou VanWie, Kirkville. Sam Bardani, Weedsport. Mike & Cindy Hare, Kirkville. Judy Dardzinski, Manlius. Andrea Goodwater, Manlius.

1. The Pledge of Allegiance

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

2. Approval of Minutes – July 25, 2012

Councilor Giordano made a motion, seconded by Councilor Marzola, to approve the minutes of July 25, 2012 as submitted by Deputy Clerk Demmon.

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

Abstain: Councilor Marnell

Nayes: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 15

Councilor Marzola made a motion, seconded by Councilor Marnell, to approve Abstract # 15 as submitted by Town Clerk Edsall.

TOWN OF MANLIUS
Fund Summary
Abstract # 15

<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 39,318.63
B	General Fund Town	\$ 358.89
DA	Highway Fund Townwide	\$ 8,717.61
DB	Highway Fund Town	\$167,606.17
SL1	Overhead Lighting	\$ 1,779.24
SL2	Underground Lighting	\$ 1,690.18
SL3	Entry Lighting	\$ 98.10
SL4	Garden Park Lighting	\$ 526.43
SL5	Ratnaur Bridge Lighting	\$ 2,600.75
SR1	Manlius Trash District	\$ 78,873.02
SR2	Manlius Res Brush District	\$ 11,724.83
SS1	Manlius Con Sewer District	\$ 6,556.60

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

Nayes: 0

All in Favor.

Motion Carries.

4. County Legislator Bill Meyer – County Sustainability

County Legislator Bill Myer gave a brief presentation on the County Sustainability Plan Draft Proposal dated June 2012. County Legislator Myer submitted a copy of the draft plan to the Town Clerk and suggested the Town Board get involved by having a public meeting on the draft. County Legislator Myer stated that this draft plan will have a big impact on the Towns.

5. 7:05 PM Public Hearing – Special Permit Application of Michael & Cynthia Hare to train and provide service dogs for people with disabilities on the property located at 7026 N. Manlius Rd., Kirkville NY (tax map number 040.-01-03.0)

Michael Hare, Instinctive Guardians, gave a brief presentation on the current dog training operations at his location and the proposed kennel operations he would like granted under the special permit.

Mr. Hare stated that he owns three dogs that are always on the property and that four other dogs visit the property and sometimes stay overnight. Mr. Hare stated that all seven dogs are licensed to him at the Town Clerk's Office.

The Town Board asked for clarification on how many dogs Mr. Hare has and how many dogs he would like to have at the kennel in the future.

Mr. Hare stated that currently there is room for five dogs. Mr. Hare stated that the application has a total number of twenty dogs but he could never train that many dogs at one time.

Discussion ensued regarding the development of the project. The first kennel would house 10 dogs (Phase I). Phase II would consist of a training facility. Phase III would consist of another kennel housing 10 more dogs. Phase I and Phase II would be done as close in time as possible. Phase III would depend upon how well his training business goes.

Discussion ensued regarding the certification required for dog trainers in New York State. Attorney Frateschi stated that it is his understanding that there is no State certification or licensing for dog training. The only certifications that he is aware of are from private organizations only.

Discussion ensued regarding the number of dogs that the applicant would like to have on the property. The Town Board questioned the discrepancy in the number of dogs the applicant claims are on the property and the number that are licensed by the Town. Mr. Hare stated that while he owns 7 dogs, only three stay on the property at all times as pets. The other 4 come and go so he is not in violation of the Town Code. Mr. Hare stated that he has applied to have twenty dogs on the property for training purposes but he is not able to train twenty dogs at one time.

Councilor Loeffler stated that the short form EAF application states that there will only be 12 dogs on the property. Mr. Hare indicated that it should be 20.

Attorney Frateschi reviewed the allowable uses in RA zoning and stated that a kennel is one of those uses. He also discussed the special use purpose and process for the Town. Attorney Frateschi also indicated that the Planning Board has reviewed this application and adopted a positive recommendation with several conditions (attached to these minutes).

Councilor Marnell made a motion, seconded by Councilor Green to waive the reading of the public notice in the matter of the public hearing for the Special Permit Application of Michael & Cynthia Hare to train and provide service dogs for people with disabilities on the property located at 7026 N. Manlius Rd., Kirkville NY (tax map number 040.-01-03.0)

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Loeffler to open the public hearing at 7:49 p.m. in the matter of - Special Permit Application of Michael & Cynthia Hare to train and provide service dogs for people with disabilities on the property located at 7026 N. Manlius Rd., Kirkville NY (tax map number 040.-01-03.0)

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

Nayes: 0

All in Favor.

Motion Carries.

William Raesky, 7020 North Manlius Road, stated that he is has lived at that location for over 26 years for the peace and quiet. Mr. Raesky stated that there is no quiet now as the dogs bark 7 days a week and he has to listen to them. Mr. Raesky stated that he has a right to not have his home devalued. Mr. Raesky also stated that on June 2 one of Mr. Hare's dogs got loose and went after him. Mr. Raesky asked the Town Board if anyone had done a background check on the applicant.

Andrea Goodwater, Wisteria Circle, stated that people will have a lot of issues with noise. Ms. Goodwater also brought up questions and concerns regarding how a person is trained and qualified to train dogs.

Joseph Chiarenza, Landlord North Manlius Road, stated that he does not want to stop anyone from building but there have been issues with noise and dogs being loose. Mr. Chiarenza stated that on one occasion a dog got loose and bit someone. Mr. Chiarenza stated that he is concerned because his tenant has a small child.

Mr. Hare stated that was not his dog that Mr. Chiarenza was referring to.

Lou VanWie, Kirkville, reviewed his history and experience with dogs and the German shepherd breed. Mr. VanWie stated that if the Town Board does allow this the fences installed should be at least 6 feet high so that the dogs are not able to jump them.

Bill Pulaski, Town of Manlius Dog Control Officer, stated that he has visited Mr. Hare's house on more than one occasion to monitor the sound and handle other dog complaint related matters. Officer Pulaski stated that he has heard Mr. Hare's dogs barking from a long distance away and that has happened at all times of the year. Officer Pulaski also stated that there is an odor coming from that location as well. Officer Pulaski stated that the applicant should be required to take measures to control the noise, odor and make sure the dogs do not get loose.

Attorney Frateschi asked if it would be reasonable to say that if the kennel was properly built the dogs could be contained and the other problems could be addressed. Officer

Pulaski stated that the applicant would have to use the proper fencing and have it built to the proper height.

Discussion ensued regarding the tickets the Town of Manlius has issued to Mr. Hare regarding dog control.

Town Clerk Edsall stated that the recent Town of Manlius dog law that was passed states that there can be no barking from a dog continuously for ten minutes or intermittently for an hour.

Councilor Loeffler stated that the new dog control law will be a useful enforcement tool to regulate sound.

Mr. Hare asked Officer Pulaski to confirm that he has not seen his dogs act in an aggressive manner. Officer Pulaski stated that he has been able to walk around Mr. Hare's dogs without a problem.

Judy Dardinski, Ledyard Drive, stated that it is not clear how many dogs are going to be kept on the property.

Councilor Marnell made a motion, seconded by Councilor Marzola, to close the public hearing at 8:24 p.m. in the matter of - Special Permit Application of Michael & Cynthia Hare to train and provide service dogs for people with disabilities on the property located at 7026 N. Manlius Rd., Kirkville NY (tax map number 040.-01-03.0)

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

Nayes: 0

All in Favor.

Motion Carries.

The Town Board tabled the matter of the Special Permit Application of Michael & Cynthia Hare to train and provide service dogs for people with disabilities on the property located at 7026 N. Manlius Rd., Kirkville NY (tax map number 040.-01-03.0) as there are significant concerns regarding sound and odor abatement. The Town Board also had concerns regarding safety.

6. Correspondence/New Business

A) Highway Superintendent – No New business

B) Planning & Development

Director Tessier reviewed the recent interview process for a part time codes officer in Planning & Development.

Councilor Giordano made a motion, seconded by Councilor Marzola, to hire David Weber as a part time codes officer in the Department of Planning and Development for 20 hours a week at a rate of \$17.00 an hour with a possible increase to \$18.00 an hour after a six month review.

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

Nayes: 0 All in Favor. Motion Carries.

C) Attorney

Attorney Frateschi stated that the timeframe set forth in the highway agreement to complete the top coat for Brandywine Drive has expired. The Town is holding security from the developer and now must use a portion of that security to put the top coat on the road.

Councilor Marzola made a motion, seconded by Councilor Giordano, to authorize the Town to use the necessary security as set forth in the highway agreement submitted by Angelo Sampogna to finish the top coat on Brandywine Circle.

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

Nayes: 0 All in Favor. Motion Carries.

D) Town Clerk – No New Business

E) Town Board

Councilor Giordano reviewed the roofing contract with WCA roofing to perform annual inspections and maintenance of the roof on Town Hall.

Councilor Marzola made a motion, seconded by Councilor Marnell, to enter into an annual contract with WCA Roofing for a cost of \$1000.00 to perform scheduled inspections and maintenance of the roof at Town Hall

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

Nayes: 0 All in Favor. Motion Carries.

F) Supervisor – No New Business

7. Adjournment

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Green, the Board unanimously voted to adjourn regular session at 8:37 p.m.

Respectfully Submitted by:

Allison Edsall
Town Clerk