

MINUTES
TOWN BOARD
February 23, 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
Sandra A. Schepp, Councilor
Vincent Giordano, Councilor
Karen Green, Councilor

The following Town Officers were present:

David Capriotti, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
David Tessier, Planning & Development	Ann Oot, Town Manager

Other persons attending:

Ellen & Mike McGrew, Manlius. Benita Rogers, Manlius. Curlene & Jonathan Autrey, Manlius. Mariel Prue, Manlius.

1. THE PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF MINUTES – February 8, 2012

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the minutes of February 8, 2012 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

3. APPROVAL OF ABSTRACT # 4

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 4 as submitted by Town Clerk Edsall.

TOWN OF MANLIUS
Fund Summary
Abstract # 4

<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 142,271.26
B	General Fund Town	\$ 3,695.77
DA	Highway Fund Townwide	\$ 56,285.80
DB	Highway Fund Town	\$ 1,315.20
SF1	Fayetteville Fire Protection	\$1,313,002.00
SF2	Manlius Fire Protection	\$1,056,467.00
SF3	Minoa Fire Protection	\$ 751,969.00
SF4	Kirkville Fire Protection	\$ 169,116.00
SR1	Manlius Trash District	\$ 98.85
SR2	Manlius Res Brush District	\$ 98.85
SS1	Manlius Con Sewer District	\$ 378.60

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

Nayes: 0

All in Favor.

Motion Carries.

4. APPOINTMENT OF PLANNING BOARD MEMBER

Supervisor Theobald stated that a motion to appoint Joseph Lupia to the Planning Board was tabled at the last Town Board meeting. Supervisor Theobald stated that there was some concern raised that he may have a conflict of interest because Mr. Lupia's son is married to his daughter.

Supervisor Theobald stated he has checked with legal counsel who has advised him, based upon State Law and State Comptroller opinion, that there is no conflict of interest. Supervisor Theobald stated that his decision was based on qualifications and the Planning Board Chairman's recommendation. Supervisor Theobald stated that it is past practice to move members of the Zoning Board to the Planning Board and Mr. Lupia has been a Zoning Board member since 2009. Supervisor Theobald stated that geographical representation is important in the Town of Manlius and Mr. Lupia's representation would be from North of the canal.

Councilor Loeffler made a motion, seconded by Councilor Giordano to appoint Joseph Lupia to the Planning Board to replace Les McDermott with a term expiring 12-31-2018.
Aye: Councilor Loeffler, Councilor Giordano, Councilor Marzola, Supervisor Theobald
Nay: Councilor Marnell, Councilor Green, Councilor Schepp

Ayes: 4

Nayes: 3

4-3

Motion Carries.

Councilor Marnell stated for the record that the reason that the topic (conflict of interest) was brought up was due to the fact that it was recommended that the Supervisor recuse himself from this vote. Councilor Marnell stated that the Supervisor stated at an earlier meeting that he was not going to vote on this matter.

Supervisor Theobald stated that he only stated that he would recuse himself if there was a conflict of interest.

Councilor Marnell stated that the criteria for Board Members should be stated from the beginning and not after the fact.

Councilor Loeffler stated that any opinion about qualifications is the opinion of one person and there is no written criteria for selecting Board Members. Councilor Loeffler stated that what the Supervisor stated was his opinion about diversification of geography.

Conversation ensued regarding what the individual criteria and qualifications were during the selection process for the Planning Board Member.

5. KINSELLA QUARRY - CERTIFICATE OF DEPOSIT

David Tessier, Director of Planning and Development, stated that Kinsella Quarry has petitioned the Town Board to eliminate the need for the \$40,000 site restoration bond that the Town has required in case the Quarry was to fail. Director Tessier stated that the DEC now requires a similar bond that is in excess of \$400,000 and that the Kinsella Quarry continues to complete site restoration while mining continues. Director Tessier also stated that the Quarry Monitoring Committee has also reviewed the request for the elimination of the bond and they feel there is no need to continue with the \$40,000 bond with the Town. Director Tessier stated that he also recommends the Town does not continue the requirement for the \$40,000 site restoration bond.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to discontinue the requirement for the \$40,000 site restoration bond with the Town of Manlius as the DEC has a \$400,000 site restoration bond requirement and Kinsella Quarry continues to complete site restoration on a regular basis.

Discussion: Councilor Marzola asked if there were any state requirements for the Town to hold this bond. Discussion ensued.

David Capriotti, Attorney for the Town, stated for the record that Harris Beach represents Kinsella Quarry in other matters and does not represent Kinsella Quarry in Town of Manlius matters.

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

Nays: 0

All in Favor.

Motion Carries.

6. CORRESPONDENCE/NEW BUSINESS

A) Robert Cushing, Highway Superintendent, reviewed the February 21, 2012 bid results for the 2013 4x2 (6 wheel) cab and chassis and a separate bid for the Plow equipment and installation for the cab and chassis.

Councilor Marzola made a motion, seconded by Councilor Giordano to award the February 21, 2012 bid for a 2013 4x2 (6 wheel) cab and chassis only to Stadium International for \$94,727.00.

Discussion: Councilor Marzola stated that these bids were budgeted for. Discussion ensued regarding the bid process.

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

Nays: 0 All in Favor. Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Giordano to award the February 21, 2012 bid for a Plow Equipment and installation to Tracey Road Equipment for \$53,236.00.

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

Nays: 0 All in Favor. Motion Carries.

B) Planning & Development – No New business

C) Attorney - No New business

D) Town Clerk – No New Business

E) Town Board

Councilor Giordano stated that it is more cost effective for the Town to lock in prices with a five year lease. Councilor Giordano reviewed the bid results for the copier machines in Town Hall. The bid results are on file in the Town Clerks Office.

Councilor Giordano stated that some of the pricing is only good until March 1, 2012.

Discussion ensued regarding the different features and services offered by each of the companies.

Councilor Giordano stated that bids includes the process of the lease and a locked in price for the service charge. Councilor Giordano stated that one difference is that Advance Business will come in every month and service the machine whereas the other companies come in only when called. Councilor Giordano stated that both Advance and Eastern will pay to have our current machines shipped back.

Discussion ensued regarding the supplies that are included with the bids results.

Councilor Giordano stated that Advance Business has offered to extend this bid price and contract to the Police Department for their two copy machines. Councilor Giordano stated that the police Department normally handles their own contracts for copy machines.

Councilor Marnell stated that he would like the other copier companies to have the opportunity to bid on the Police Department machines.

Conversation ensued regarding how the pricing of the current bids would be affected by adding the two machines from the police department, the length of the copier lease bids and the current copier lease expiring.

Attorney Capriotti stated that the Town Board could make a bifurcated motion to enter into a contract with Advance Business and a second motion to authorize Councilor Giordano to renegotiate with all of the companies with the addition of the two additional copy machines. If Councilor Giordano finds that he can get a better price for combining Town Hall and Police contracts then he is authorized to enter into that contract.

Councilor Loeffler made a motion, seconded by Councilor Green, to enter into a 60 month contract with Advance Business Systems for copy machine leases for the Town Hall.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to authorize Councilor Giordano to renegotiate the copier lease bids with all of the copy machine companies to include the additional copier machines in the police department and to further authorize Councilor Giordano to enter into a contract with a company if he receives an overall net reduction.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Giordano reviewed the status of the lawn care contracts and the heating and ventilation contracts.

Councilor Green stated that the recreation department has updated its recreation fees with a different rate for residents and non-residents. Discussion ensued regarding how a resident of the Town of Manlius is determined, including the inclusion of every family that is in the FM School District.

Councilor Green made a motion, seconded by Councilor Marnell to approve the Town of Manlius Recreation fees as presented by Director Peggy Kenyon.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Green stated that the summer production will be a Chorus Line.

Councilor Green thanked the Town of Manlius for the opportunity to attend the Association of Towns meeting and she received a lot of valuable information.

Councilor Schepp stated that the Court Staff wanted to thank the Town for the opportunity to attend the Association of Towns and they learned a lot of valuable information. Councilor Schepp also stated that Court Clerk Kimberly Amidon has been asked to serve on the Board of New York State Court Clerks Association.

Councilor Loeffler discussed the purchase of two new vehicles for the Town of Manlius Police Department. Discussion ensued regarding the purchasing process.

Councilor Loeffler stated that the Town of Manlius Police Department has a room that was filled with records that is now empty. Councilor Loeffler stated that the room is needed for a conference but it is in disrepair. Conversation ensued regarding negotiating with the Village of Manlius for the costs of the room repairs.

Chief Marlowe discussed the upcoming promotion for the vacant Captains position. Discussion ensued.

Supervisor Theobald discussed the different classes that he attended at the Association of Towns and was thankful for the opportunity to attend.

7. EXECUTIVE SESSION

There being no further business to come before the Board, upon motion duly made by Councilor Marzola and seconded by Councilor Marnell, the Board unanimously voted to adjourn regular session at 7:55pm to enter into executive session to discuss contract matters.

Respectfully Submitted by:

Allison Edsall
Town Clerk

TOWN BOARD MEETING MINUTES Executive Session February 23, 2012

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

The Town Board re-entered Regular Session at 8:24 p.m.

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 8:25 p.m.

Submitted by:

Ann Oot
Town Manager