

MINUTES
TOWN BOARD
August 12, 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 & Mike McGrew, Manlius. Lisa Stratton, Syracuse. Rick McNeil, Syracuse. Sarah Whaley, Minoa. Hayleigh Gowans, Eagle Bulletin, Doug Amann, Manlius.

The Pledge of Allegiance

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

Approval of Minutes – July 22, 2015

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the minutes of July 22, 2015 as submitted by Town Clerk Edsall.

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

Nays: 0

All in Favor.

Motion Carries.

Return of Highway Funds to FCF LLC for Mallards Landing section 18A

Highway Superintendent Cushing stated that the roads in Mallards Landing Section 18A have been built to Town specifications. The developer, David Stringer, has requested the return of 95% of the highway securities. Highway Superintendent Cushing said he recommends the return of 95% of the highway securities for Mallards Landing Section 18A.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to return 95% of the highway securities for Mallard's Section 18A in the amount \$19,000 to FCF LLC (David Stringer) for Mallards Landing Section 18A.

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

Nayes: 0

All in Favor.

Motion Carries

Approval of Abstract # 15

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

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 15- 2015	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 150,591.89
B	General Fund Town	\$ 3,749.10
DA	Highway Fund Townwide	\$ 14,917.69
DB	Highway Fund Town	\$102,097.68
SD1	Consolidated Drainage #1	\$ 27,000.00
SD3	Consolidated Drainage #3	\$ 3,140.00
SL1	Overhead Lighting	\$ 1,600.22
SL2	Underground Lighting	\$ 2,044.27
SL3	Entry Lighting	\$ 93.67
SL4	Garden Park Lighting	\$ 596.98
SL5	Ratnaur Bridge Lighting	\$ 2,915.98
SR1	Manlius Trash District	\$ 88,061.19
SR2	Manlius Res Brush District	\$ 118.80
SS1	Manlius Con Sewer District	\$ 1,495.70
TA2	Trust & Agency - Other	20,470.00

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

Nayes: 0

All in Favor.

Motion Carries

Public Hearing – the appeal of the revocation of a Peddler Permit for Richard McNeil of Solvay Glass

Town Clerk Edsall reviewed the peddler permit application process that was completed by Richard McNeil of Solvay Glass. Town Clerk Edsall stated that Mr. McNeil and other applicants applied for a peddlers permit to represent Solvay Glass. A background check was completed on the national level with Accurate Background Investigations which did not return any convictions and a peddler's permit was issued to Mr. McNeil. Town Clerk

Edsall stated that after Mr. McNeil began going door to door, a Town of Manlius resident contacted a Town of DeWitt Police Officer about Mr. McNeil. Town Clerk Edsall stated that she received a call from that police officer regarding Mr. McNeil. Town Clerk Edsall stated that the Police Officer stated that Mr. McNeil had a criminal past. The Officer also contacted the Town of Manlius Police Department and Solvay Glass.

Town Clerk Edsall stated that she contacted Mr. McNeil and that Mr. McNeil was forthcoming about his arrests and criminal history. Town Clerk Edsall stated that Mr. McNeil answered, on the peddler application, that he was not aware of any facts that would cast doubt upon his good character. Town Clerk Edsall stated that Mr. McNeil was not truthful on his application. Town Clerk Edsall stated that she had to revoke the peddler permit because she felt a responsibility to the residents because Mr. McNeil was not truthful on the application.

Councilor Marnell made a motion, seconded by Councilor Loffler, to waive the reading of the public notice in the matter of the public hearing for the appeal of the revocation of a Peddler Permit for Richard McNeil of Solvay Glass.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Giordano, to open the public hearing at 7:05pm in the matter of the public hearing for the appeal of the revocation of a Peddler Permit for Richard McNeil of Solvay Glass.

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

Nayes: 0 All in Favor. Motion Carries.

Richard McNeil, Solvay Glass, stated that he has applied for and received other peddler permits throughout the County. Mr. McNeil stated that he has made a lot of mistakes in the past that were due to drug use and that he is not that person today.

Mr. McNeil read aloud a letter of reference from the Director of Syracuse Teen Challenge which is a faith based recovery program in Syracuse. Mr. McNeil submitted the letter of reference into the record.

Mr. McNeil stated that he checked on the peddler permit application that he was of good character because nothing has prevented him thus far from getting a permit in other Towns. Mr. McNeil stated that there was no place to write his violations on the application. Mr. McNeil stated that he plead down a lot of his charges.

Councilor Marzola asked what the position that he was applying for entailed.

Mr. McNeil stated that when he knocks on someone's door, he hands out a pamphlet and asks if the homeowner needs any home improvement for windows. Mr. McNeil stated that he sets up an appointment for a specialist to come to a customer's home.

Lisa Stratton, East Syracuse, stated that she is the business manager at Solvay Glass. Ms. Stratton stated that she lives in the community. Ms. Stratton stated that the solicitors are at the door for a few moments, they collect information and then the representative calls the manager on duty to verify appointments. Ms. Stratton stated that Solvay Glass cares about the community and the comfort of the people in the community.

Ms. Stratton stated that she has known Mr. McNeil for a little over a year and she has seen huge changes in him. Ms. Stratton stated that Mr. McNeil is a man of integrity and the questions on the peddler permit application could be more specific to include a timeframe. Ms. Stratton stated that she does not believe that Mr. McNeil intentionally mislead the Town on the application.

Ms. Stratton stated that she turned her life around 23 years ago because someone gave her a second chance. Ms. Stratton stated that Solvay Glass does not take this lightly. Ms. Stratton stated that Mr. McNeil is a standup guy who was recently married.

Ms. Stratton stated that she has been with Solvay Glass for over 12 years and she does all of recruitment, hiring and termination. Ms. Stratton stated that Solvay Glass takes these positions seriously.

Councilor Rossetti asked for more information about Mr. McNeil's arrests. Mr. McNeil stated that he has a Petit Larceny and DWI with drugs. Mr. McNeil stated that all of his charges stem from drug use, trying to get drugs and doing drugs. Mr. McNeil stated that he did not get in trouble before he had a drug problem.

Councilor Rossetti asked Mr. McNeil if he was turned down by the Town of Dewitt. Mr. McNeil stated that the Town of Dewitt denied his license after he applied at the Town of Manlius.

Councilor Green asked about the door to door procedures that Solvay Glass follows. Mr. McNeil and Ms. Stratton discussed the procedure that Solvay Glass follows when going door to door.

Councilor Marnell asked if the charges that were discussed were the original charges or what the charges were plead down to. Mr. McNeil stated that he plead down a lot of the charges.

Councilor Rossetti asked Mr. McNeil when the charges took place. Mr. McNeil stated that the charges were from 2009 but he was unsure.

Attorney Frateschi asked if the last charges were more than 3 years ago. Mr. McNeil stated that they were.

Conversation ensued regarding how many individuals go to a door at one time. Ms. Stratton stated that the solicitors use the buddy system and are always within eyesight of each other.

Town Clerk Edsall asked if Mr. McNeil has appealed or will appeal the other peddler permit licenses that were denied in other municipalities. Ms. Stratton stated that they will appeal the denials.

Conversation ensued regarding how the Town of Manlius became aware of Mr. McNeil's past. Conversation ensued regarding the background check process in the Town of Manlius compared to the other municipalities.

Councilor Marzola asked how long Mr. McNeil has been employed by Solvay Glass. Mr. McNeil stated that he has worked for Solvay glass for 8 months.

Councilor Loeffler asked how long Mr. McNeil has been working in other municipalities. Mr. McNeil stated that he has been going door to door in other municipalities since April.

Attorney Frateschi gave more clarification on the background check process and the inability of the Town to get a Division of Criminal Justice System rap sheet without an arrest.

Attorney Frateschi asked if Mr. McNeil has ever been on probation. Mr. McNeil stated that he just completed 3 years of probation in October. Attorney Frateschi stated that if he was on probation for 3 years, he must have at least a misdemeanor conviction. Attorney Frateschi asked Mr. McNeil if he had a conviction for petit larceny. Mr. McNeil stated that he had a conviction for petit larceny.

Attorney Frateschi stated that on question 6 of the application, Mr. McNeil stated that he did not have any misdemeanor or felony convictions. Mr. Frateschi showed Mr. McNeil the application and asked him if he filled it out. Mr. McNeil stated that the writing on the application was not his.

Attorney Frateschi asked him if the signature on the application was his. Mr. McNeil stated that it was his signature on the application but none of the writing on the application was his.

Attorney Frateschi asked Mr. McNeil if he had at least one misdemeanor conviction for petit larceny. Mr. McNeil stated that he did.

Conversation ensued regarding probation and why a person would be sentenced to probation. Conversation ensued regarding the background check process.

Councilor Giordano stated that the handwriting on the application is the same on both pages.

Ms. Stratton asked for a copy of Mr. McNeil's background check. Attorney Frateschi stated that the information regarding Mr. McNeil was brought to the Town from an individual.

With there being no further comments from the public, Councilor Loeffler made a motion, seconded by Councilor Rossetti, to close the public hearing at 7:25pm in the matter the public hearing for the appeal of the revocation of a Peddler Permit for Richard McNeil of Solvay Glass.

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

Nayes: 0

All in Favor.

Motion Carries.

Town Clerk Edsall discussed instances when peddler permit applications have been denied in the past.

Councilor Loeffler stated that he appreciates Mr. McNeil coming to talk about this in a public forum. Councilor Loeffler stated that it is an issue if Mr. McNeil lied or misspoke on the application.

Councilor Loeffler asked what the Town's liability is if the Town approves a peddler permit application and something goes wrong. Attorney Frateschi stated that there is always the potential for liability.

Supervisor Theobald stated that as an elected representative he is always concerned for the safety of the Town residents. Supervisor Theobald stated that he believes that the integrity of the Town Clerk is important and the trust that she puts into people when they fill out an application. Supervisor Theobald stated that if the trust is not there he can see why the Town Clerk has a hard time allowing this permit.

Councilor Loeffler stated that he believes that it (leaving the information off the application) may not have been intentional. Councilor Loeffler stated that he believes that the Town could reconsider an application if an individual is with a company for some period of time. Councilor Loeffler stated that he believes in giving individuals a second chance if he does have all of the information necessary. In the future, he may be willing to consider Mr. McNeil's application if he has a good work record.

Councilor Rossetti stated that he is also in favor of giving someone a second chance. Councilor Rossetti stated that if Mr. McNeil's probation resulted from a misdemeanor there is a serious offense of not being truthful on the application. Councilor Rossetti stated that he is not sure how long it would take to get over that offense.

Councilor Marnell stated that he is most bothered by the fact that Mr. McNeil is stating that he did not fill out this application.

Town Clerk Edsall stated that she does not require the peddler permit applicant to fill the application out in front of her. Town Clerk Edsall stated that she does verify the peddler permit applicant's signature with their driver's license.

Ms. Stratton stated that Mr. McNeil's direct manager may have filled the application out for him.

Mr. McNeil said that even if he did not fill out the application, it is his responsibility.

Councilor Giordano made a motion, seconded by Councilor Marnell, to revoke the peddler permit issued for Richard McNeil of Solvay Glass.

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

Discussion: Discussion ensued regarding putting a timeframe on the revocation.

Local Law 2015-2 – Planning Board Administration & Enforcement

Councilor Green presented the addition of an additional sub-lifeguard to the summer recreation staff.

Councilor Marnell made a motion, seconded by Councilor Rossetti to approve hiring an additional sub-lifeguard Emily Stoddard at the rate of \$10.82.

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

Nayes: 0 All in Favor. Motion Carries

Councilor Green requested a budget transfer for the cost of the recreation registration program.

Councilor Marnell made a motion, seconded by Councilor Rossetti to authorize the budget transfer of \$3,500 from Recreation-Printing & Advertising 5.7310.408 to Recreation - Program Expenses 5.7310.410.

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

Nayes: 0 All in Favor. Motion Carries

G) Supervisor

Supervisor Theobald stated that the Town has received an award for excellent recordkeeping from PERMA. Supervisor Theobald thanked Town Manager Oot, Highway Secretary Janet Vollmer and Secretary Lisa Beeman for all of their hard work with the PERMA records.

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Giordano the Board voted unanimously to adjourn regular session at 7:54 pm to enter into executive session to discuss the employment history of a person in the highway department.

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

Nayes: 0 All in favor. Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

Executive Session

August 12, 2015

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

The Town Board re-entered Regular Session at 8:10 p.m.

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 the Regular Session at 8:11 p.m.

Submitted by:

Tim Frateschi
Attorney for the Town