MINUTES
TOWN BOARD
January 25, 2017

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
Kevin Schafer, Police Captain
Ann Oot, Town Manager
Allison A. Weber, Town Clerk
Doug Miller, Engineer for the Town

Other persons attending: Ellen & Mike McGrew, Manlius.

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 – January 4, 2017

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of January 4, 2017 as submitted by Town Clerk Weber.

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

Nayes: 0 All in Favor. Motion Carries.

Approval of Minutes – January 11, 2017

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of January 11, 2017 as submitted by Town Clerk Weber.

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

Nayes: 0 All in Favor. Motion Carries.

Tams-Whitmark Royalty & Rental Agreement.

Councilor Rossetti stated that the rental agreement currently states that any lawsuit filed related to the rental agreement will be filed in a court in New York City. Councilor Rossetti stated that the rental agreement should be amended to require that any lawsuit filed relating to the rental agreement should be filed in Onondaga County. Attorney Frateschi said he would make that change and provide it to the Recreation Department.

Councilor Green made a motion, seconded by Councilor Marnell, to authorize the Supervisor to sign the amended summer musical rental agreement for 2017 with Tams-Whitmark for the musical Bye-Bye Birdie.

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 # 26

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve Abstract # 26 as submitted by Town Clerk Weber.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 26 - 2016	
CODE	**FUND**	**TOTALS**
A	General Fund Townwide	$ 17,974.21
B	General Fund Town	$ 2,805.26
DA	Highway Fund Townwide	$ 18,915.70
DB	Highway Fund Town	$ 744.00

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 # 2

Councilor Marzola made a motion, seconded by Councilor Marnell, to approve Abstract # 2 as submitted by Town Clerk Weber.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 2 - 2017	
CODE	**FUND**	**TOTALS**
A	General Fund Townwide	$ 170,854.21
B	General Fund Town	$ 460.00
CM1	Police Trust	$ 110.30
DA	Highway Fund Townwide	$ 69,262.07
SR1	Manlius Trash District	$ 97,466.27
SR2	Manlius Res Brush District	$ 11,464.67
SS1	Manlius Con Sewer District	$ 198.61

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

Nayes: 0 All in Favor. Motion Carries.

BAN Renewals – Window Replacement & Watervale Water District BAN

Town Manager Oot reviewed the rate bids for the Watervale Water District BAN. Town Manager Oot stated that M&T Bank presented the best rate at 2.54 % for a one year BAN.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to renew the Watervale Water District BAN at a rate of 2.54 %, in the amount of $5,574 with M&T Bank for one year ending on February 2, 2018.

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

Nayes: 0 All in Favor. Motion Carries.

Town Manager Oot reviewed the rate bids for the Town Hall Window Replacement BAN. Town Manager Oot stated that M&T Bank presented the best rate at 2.54 % for a one year BAN.

Councilor Loeffler made a motion, seconded by Councilor Marnell, to renew the Town Hall Window Replacement BAN at a rate of 2.54 %, in the amount of $180,000 with M&T Bank for one year ending on February 2, 2018.

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

Nayes: 0 All in Favor. Motion Carries.

Public Hearing – Local Law – 2017-1 to Amend the Town of Manlius Code Section 155-15 entitled Commercial District (CA), to Allow Outdoor Seating by way of Special Permit.

Attorney Frateschi reviewed draft Local Law 2017-1.

SEQR
Councilor Marnell made a motion seconded by Councilor Rossetti, to declare the Town of Manlius lead agency for SEQR purposes in the matter of the Local Law - 2017- 1 Amending the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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 Marzola, to declare the matter of the Local Law - 2017- 1 Amending the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit an unlisted action for SEQR purposes.

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

Nayes: 0 All in Favor. Motion Carries

SEQR PART II – Short Environmental Assessment Form

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 approving the Local Law - 2017-1 amending the Town of Manlius Code Section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

Councilor Marnell made a motion, seconded by Councilor Rossetti, issue a negative declaration for SEQR purposes in the matter of the Local Law - 2017- 1 amending the Town of Manlius Code Section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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 Green, to waive the reading of the public notice in the matter of the Local Law – 2017- 1 Amending the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Rossetti, to open the public hearing at 7:15pm in the matter of the Local Law - 2017- 1 Amending the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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

Nayes: 0 All in Favor. Motion Carries.

With there being no comments from the public, Councilor Rossetti made a motion, seconded by Councilor Giordano, to close the public hearing at 7:16pm in the matter of the Local Law – 2017- 1 Amending the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Green made a motion, seconded by Councilor Marzola, to pass Local Law 2017-1 to Amend the Town of Manlius code section 155-15 entitled Commercial District (CA), to allow outdoor seating by way of Special Permit.

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

Nayes: 0 All in Favor. Motion Carries.

DOT Substance Use Testing Services Agreement for Highway the Department

Attorney Frateschi presented the DOT Substance Abuse Testing Agreement between NY Urgent Care and the Town of Manlius for substance use testing services.

Councilor Rossetti made a motion, seconded by Councilor Marzola to authorize the Supervisor to sign the Substance Abuse Testing Agreement for a period of year with NY Urgent Care for substance abuse testing services.

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

Nayes: 0 All in Favor. Motion Carries

Correspondence/New Business

A) Highway Superintendent – No New Business

B) Planning & Development – No New Business

C) Attorney – No New Business

D) Town Clerk

Town Clerk Weber presented the 2017 agreement with the CNYSPCA for cruelty investigations services. Town Clerk Weber presented the 2017 agreement with CNYSPCA for dog control services.

Councilor Rossetti made a motion, seconded by Councilor Marnell to authorize the Supervisor to sign a 1 year agreement with CNYSPCA for cruelty investigation services expiring on December 31, 2017.

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 Marzola to authorize the Supervisor to sign a 1 year agreement with CNYSPCA for dog control services expiring on December 31, 2017.

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

Nayes: 0 All in Favor. Motion Carries

Town Clerk Weber presented the 2016 Annual Town Clerks Report.

Councilor Marzola made a motion, seconded by Councilor Marnell, to approve the 2016 annual Town Clerk's Report.

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

Nayes: 0 All in Favor. Motion Carries.

E) Police Chief – No New Business

F) Town Board

Councilor Loeffler stated that Police Officer Gallup is being activated and the Town has a history of bridging the gap in an activated officer's pay. Councilor Loeffler asked the Town Board to approve bridging the difference in Officer Gallup's pay while he is activated.

Councilor Loeffler made a motion, seconded by Councilor Giordano to authorize the Town to bridge the gap in Officer Gallup's pay while he is activated should his pay not equal his current pay rate at the Town of Manlius.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Green commended Officer Carnie and Officer Gwilt for receiving traffic safety awards.

Councilor Green commended the Town of Manlius Recreation Department for the Frosty Forest event at Green Lakes.

Councilor Marnell gave an update on the Fayetteville Free Library budget process and encouraged everyone to keep attending meetings at the library. Councilor Marnell stated that the budget increase has been reduced from 6% to 4%.

G) Supervisor

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 7:36PM and enter into executive session to discuss personnel matters in the Town of Manlius Police Department and for an employee at Town Hall.

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 A. Weber
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

Executive Session
January 25, 2017

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

The Town Board re-entered Regular Session at 8:20 p.m.

Councilor Rossetti made a motion, seconded by Councilor Green, to accept Michael Jones resignation effective February 3, 2017 as the Town of Manlius Code Enforcement Officer.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Loeffler made a motion, seconded by Councilor Green, to approve the resolution designating an acting Chief of Police of the Town of Manlius Police department and authorizing the Supervisor to file any necessary paperwork with the State of New York on behalf of the Chief of Police as presented by the Attorney for the Town.

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

Nayes: 0 All in Favor. Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Giordano and seconded by Councilor Rossetti, the Board unanimously voted to adjourn the Regular Session at 8:23p.m.

Submitted by:

Tim Frateschi
Attorney for the Town