

MINUTES
TOWN BOARD
September 9, 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:

Absent	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. Jon Hefti, Manlius. Dorothy Money, Fayetteville. Hayleigh Gowans, Eagle Bulletin. Tony Rivizzigno, Syracuse. John & Stella Penizotto, Liverpool. Steven Muller.

The Pledge of Allegiance

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

Approval of Amended Minutes – August 26, 2015

Town Clerk Edsall stated that the motion in the August 26, 2015 minutes for the Highway Permit issued under Section 149 of the Highway Law to OCWA should be amended as follows:

Councilor Marnell made a motion, seconded by Councilor Rossetti to authorize the Highway Superintendent to sign the Highway Permit issued under Section 149 of Highway Law for OCWA to install a water main in Austin Meadows Phase 3.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Rossetti made a motion, seconded by Councilor Green, to approve the amended minutes of August 26, 2015 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

Approval of Abstract # 17

Councilor Marzola made a motion, seconded by Councilor Marnell, to approve Abstract # 17 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 17 - 2015	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$123,131.74
B	General Fund Town	\$ 4,928.81
DA	Highway Fund Townwide	\$ 21,949.86
DB	Highway Fund Town	\$136,065.92
SL1	Overhead Lighting	\$ 1,745.18
SL2	Underground Lighting	\$ 2,065.22
SL3	Entry Lighting	\$ 97.32
SL4	Garden Park Lighting	\$ 603.52
SL5	Ratnaur Bridge Lighting	\$ 3,013.73
SR1	Manlius Trash District	\$ 118.80
SR2	Manlius Res Brush District	\$ 208.20
SS1	Manlius Con Sewer District	\$ 585.46
TA2	Trust & Agency - Other	420.00

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

Nayes: 0

All in Favor.

Motion Carries

Oath of Office - Police Officer Steven Muller

Chief Marlowe gave a brief introduction of new Police Officer Steven Muller. Town Clerk Edsall gave Officer Muller the Oath of Office. The Town Board welcomed and congratulated Mr. Muller and his family.

7:05PM - Public Hearing - Local Law 2015-4 Overriding the Property Tax Cap in the Town of Manlius for Fiscal Year 2016

Attorney Frateschi gave a brief overview of Local Law 2015-4 Overriding the Property Tax Cap for Fiscal year 2016. Attorney Frateschi stated that the 2% that is often discussed is a formula based on CPI and inflation, and the tax cap for this year is estimated to be .75%. Attorney Frateschi recommended that the Town Board consider this local law

before the tax rate is calculated to prevent the Town from incurring any penalties if the rate increases by more than .75%.

Supervisor Theobald stated that the Association of Towns, the Conference of Mayors and the Association of Counties have joined together to recommend that the Governor oppose making the Property Tax Cap a permanent law. Supervisor Theobald stated that certain costs are constantly rising for most Towns and most Towns would have to cut services to stay within the tax cap. Supervisor Theobald discussed the rising costs of health insurance, pensions and fire contracts.

Councilor Marnell made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of the public hearing for Local Law 2015-4 to Override the Property Tax Cap in the Town of Manlius for Fiscal Year 2016

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

Nayes: 0 All in Favor. Motion Carries

Councilor Giordano, made a motion, seconded by Councilor Green, to open the public hearing at 7:05pm in the matter of the public hearing for Local Law 2015-4 to Override the Property Tax Cap in the Town of Manlius for Fiscal Year 2016

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

Nayes: 0 All in Favor. Motion Carries.

Dorothy Money, Fayetteville, stated that she is opposed to going over the Property Tax Cap. Mrs. Money stated that she understands that the tax cap is stringent but the Town will continue to do whatever it wants. Mrs. Money stated that she and several other residents received their school tax bill and the bill had gone up. Mrs. Money stated that the Town should consider reducing personnel costs by reducing the size of the police department. Mrs. Money stated that she has attended meetings at the Villages regarding the construction of the new fire stations. Mrs. Money stated that there were many residents who attended those meetings who were opposed to the construction and the fire stations were built anyways.

Supervisor Theobald stated that firing people and police officers would be reducing services and sacrificing public safety. Supervisor Theobald stated that the Town is concerned about the fire station construction costs but the Town does not have any control over those costs. Supervisor Theobald stated that when the Property Tax Cap Law was passed municipalities were promised mandate relief and there has been no mandate relief.

Councilor Rossetti stated that this vote (Local Law 2015-4) is not a vote on the budget. Councilor Rossetti stated that this vote is only to give the Town flexibility.

Mrs. Money stated that she knows that Councilor Rossetti is new to the Board but this is not his money.

There being no further comment from the public, Councilor Marnell made a motion, seconded by Councilor Rossetti, to close the public hearing at 7:15pm in the matter of Local Law 2015-4 to Override the Property Tax Cap in the Town of Manlius for Fiscal Year 2016.

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

Nayes: 0 All in Favor. Motion Carries.

Attorney Frateschi stated that when the Property Tax Cap was enacted there were certain costs such as pension and fire district costs that were originally thought to have been left out of the calculation. Attorney Frateschi stated that all of the recently negotiated collective bargaining agreements have been at or around the 2% level, based on the Property Tax Cap law.

Councilor Marzola made a motion, seconded by Councilor Rossetti to approve Local Law 2015-4 Overriding the Property Tax Cap in the Town of Manlius for Fiscal Year 2016

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

Nayes: 0 All in Favor. Motion Carries

Zone Change Request – Shining Stars Daycare – John & Stella Penizotto – 4581 Enders Rd. Tax Map #'s 114.-01-09.0 thru 114.-01-13.0 and 114.-01-31.0

Tony Rivizzigno, Attorney for the Applicant, stated that the applicant is applying to have part of the zoning changed to Commercial A. Mr. Rivizzigno stated that he has spoken with Attorney Frateschi and a different zoning classification for these parcels may be more appropriate. Mr. Rivizzigno stated that the applicant would also like to apply for a subdivision of the main parcel.

Mr. Rivizzigno stated that the applicant may rent out the gym at the proposed daycare for other recreational activities such as recreational sports leagues.

John Penizotto, Applicant, stated that the proposed facility would be similar to other facilities that he operates in other nearby towns. Mr. Penizotto stated that the daycare will be the #1 priority.

Discussion ensued regarding the allowed uses in the Commercial A zoning classification.

Councilor Marzola asked what uses would be allowed with accessory use permits. Attorney Frateschi stated that the Planning Board would decide the uses allowed with an accessory use permit.

Discussion ensued regarding the difference between the Commercial A zoning classification and the Commercial B zoning classification.

Attorney Frateschi stated that he does not believe that Commercial A is the proper zoning classification for this project, since it does not allow day care centers. RM makes the

most sense with an accessory use permit for the types of accessory uses being proposed by the applicant.

Councilor Rossetti made a motion, seconded by Councilor Giordano to refer the Zone Change Request Application by Shining Stars Daycare – John & Stella Penizotto located at 4581 Enders Rd. Tax Map #'s 114.-01-09.0 thru 114.-01-13.0 and 114.-01-31.0 to the Planning Board for a recommendation on proper zoning.

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

Discussion ensued regarding the state code and the requirements for an accessory use permit.

Nayes: 0 All in Favor. Motion Carries

Annual Audit – Town of Manlius Police Department

Councilor Marzola made a motion, seconded by Councilor Rossetti to approve the 2014 Annual Audit for the Town of Manlius Police Department.

Ayes: Supervisor Theobald, 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 Edsall stated that the Village of Minoa has applied for a fireworks permit for September 19, 2015. Town Clerk Edsall stated that the Office of Planning and Development has reviewed the application and recommends approval.

Councilor Giordano made a motion, seconded by Councilor Marzola to approve the Fireworks Permit for the Village of Minoa on September 19, 2015.

Ayes: Supervisor Theobald, 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 – No New Business

G) Supervisor – No New Business

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Rossetti the Board voted unanimously to adjourn regular session at 7:35 pm

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

Nays: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk