

MINUTES  
TOWN BOARD  
July 26, 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 |
| Absent | 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. Weber, Town Clerk        |
| Kevin Schafer, Police Captain         | Rob Cushing, Highway Superintendent |
| Richard Carbery, Manlius Police Chief | Doug Miller, Engineer for the Town  |
| Randy Capriotti, Director of Codes    | Ann Oot, Town Manager               |

Other persons attending: Ellen & Mike McGrew, Manlius. Sara Bollinger, Fayetteville.

**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.

**Approval of Minutes – July 12, 2017**

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of July 12, 2017 as submitted by Deputy Clerk Witzel.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

**Approval of Abstract # 14**

Councilor Green made a motion, seconded by Councilor Loeffler, to approve Abstract # 14 as submitted by Town Clerk Weber.

|                    |                            |                      |
|--------------------|----------------------------|----------------------|
|                    | TOWN OF MANLIUS            |                      |
|                    | Fund Summary               |                      |
|                    | Abstract # 14 - 2017       |                      |
| <b><u>CODE</u></b> | <b><u>FUND</u></b>         | <b><u>TOTALS</u></b> |
| A                  | General Fund Townwide      | \$ 61,894.59         |
| B                  | General Fund Town          | \$ 3,568.12          |
| DA                 | Highway Fund Townwide      | \$ 6,600.25          |
| DB                 | Highway Fund Town          | \$ 333,131.51        |
| SR1                | Manlius Trash District     | \$ 97,466.27         |
| SR2                | Manlius Res Brush District | \$ 11,464.67         |
| SS1                | Manlius Con Sewer District | \$ 255.70            |

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

Nayes: 0

All in Favor.

Motion Carries.

**7:05PM - Public Hearing – Local Law 2017-3 to Amend the CA zoning classification to allow for outdoor sales upon issuance of a special permit**

**SEQR**

**PART II – Short Environmental Assessment Form**

Councilor Marnell made a motion seconded by Councilor Giordano, declare the Town of Manlius lead agency for SEQR purposes in the matter of Local Law 2017-3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit.

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

Nayes: 0

All in Favor.

Motion Carries.

Attorney Frateschi stated for the record that the amendment of the CA zoning classification is an unlisted action. Attorney Frateschi stated that the current code is vague as it relates to outdoor sales in the CA zoning classification. Attorney Frateschi stated that the proposed amendment to the code clarifies the matter and gives the Town Board control over how the outdoor sales will take place.

Discussion ensued regarding the number of parcels with the CA zoning classification in the Town of Manlius.

Councilor Rossetti asked if the parcels that are currently zoned Commercial A that have outdoor sales would be grandfathered under the proposed law? Attorney Frateschi stated that the Commercial A properties with outdoor sales would be grandfathered until they modify or expand their current outdoor sales.

Conversation ensued regarding other zoning classifications that allow for outdoor sales.

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 - 2017-3 amending the CA zoning classification to allow for outdoor sales upon issuance of a special permit

Councilor Marnell made a motion seconded by Councilor Giordano, to issue a negative declaration for SEQR purposes in the matter of Local Law 2017-3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of the Local Law – 2017- 3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Rossetti, to open the public hearing at 7:15pm in the matter of the Local Law - 2017- 3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit.

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

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 7:17pm in the matter of the Local Law – 2017- 3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit.

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

Nayes: 0 All in Favor. Motion Carries.

Attorney Frateschi reviewed resolution Z-17-263 from the Onondaga County Planning Board. Attorney Frateschi stated that the Onondaga County Planning Board recommended

that the Town more clearly define the scope and size of outdoor sales. Attorney Frateschi stated that the special permit process will allow the Town to govern the scope and size of outdoor sales during the special permit process.

Councilor Loeffler made a motion, seconded by Councilor Rossetti, to pass Local Law 2017- 3 to amend the Town of Manlius CA zoning classification to allow for outdoor sales upon issuance of a special permit.

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

Nayes: 0

All in Favor.

Motion Carries.

**Special Permit – Solar Array -Tetra Tech - Green Lakes Rd. (Tax Map # 082.-02-15.1)**

Timothy Aherns, Applicant, stated that Tetra Tech has submitted answers to all the questions asked by the Town Board during the public hearing.

Town Engineer Miller stated that he has reviewed the information submitted by the applicant. Town Engineer Miller stated that the applicant has adequately addressed and answered all the questions asked by the Town Board. Town Engineer Miller stated that the applicant is looking for further information on the fencing around the array and the securities required for the decommissioning plan.

Mr. Aherns stated that other municipalities have different requirements for securities and decommissioning plans. Mr. Aherns stated that, in some cases, municipalities do not require securities until year 10.

Attorney Frateschi stated that the town would like securities in place by the time the interconnection agreement is in finalized. The Town Board requested that the bond required for the decommissioning plan is provided at the time the interconnect agreement is finalized.

Councilor Loeffler asked for further explanation of the concerns raised by residents about any possible adverse health effects from chemicals released by the array if the array is damaged. Mr. Aherns stated that the array is monitored remotely and if a panel breaks a repair service will be dispatched. Mr. Aherns stated that the array is safe and the manufacturer also provides information on the products that are used to create each panel.

Conversation ensued regarding electromagnetic fields (EMF). Mr. Ahrens stated that there is a minimal amount of EMF emitted from the inverters and that EMF. Mr. Aherns stated that the EMF emitted will dissipate and is well below anything that is emitted by everyday electronic devices.

Town Engineer Miller stated that the applicant has addressed all of the concerns and questions that were raised by the Town Board and submitted very specific reports and studies.

Conversation ensued regarding the bond amount that will be required as part of the decommissioning plan. Mr. Aherns agreed that a security bond in the amount of \$160,000 will be provided before a building permit is issued.

Mr. Aherns discussed the maintenance plan. Mr. Aherns stated that the grass underneath and around the array will be maintained.

Director Capriotti recommended that a 4-foot fence without barbed wire be installed around the array so that wildlife does not become trapped in or on the fencing.

Mr. Aherns stated that he believes the standard requirement for fencing around an array is 7 feet.

Attorney Frateschi stated that the fence height can be determined at the Planning board during the site plan approval process.

Councilor Loeffler asked the applicant if Tetra Tech would consider replacing the array if new technology is developed. Mr. Aherns stated that Tetra Tech would not replace the panels before their life use has ended.

Councilor Rossetti stated that the Town Board would like the applicant to lease an additional 50 feet around the array to comply with the setback requirements.

Attorney Frateschi stated that he will prepare a draft special permit resolution for the Town Board. Attorney Frateschi stated that the permit will address the reclamation bond and control by the applicant at least 50 feet around the array. Attorney Frateschi stated that the special permit will also include a condition that the applicant must provide proof that the landowner has been notified that a lien may be placed on the property if the array is abandoned.

#### **OCWA – Hydrant Installation – Quarter Horse Run**

Councilor Rossetti made a motion, seconded by Councilor Giordano to authorize the Supervisor to sign an agreement with OCWA for the installation of 1 fire hydrant at Quarter Horse Run, at an annual rate of \$71.61 per hydrant.

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

Nayes: 0

All in Favor.

Motion Carries.

#### **SIRO Agreement – Fayetteville Manlius School District**

Captain Schafer presented the 2017-2018 agreements for School Information Resource Officers in the East Syracuse Minoa School District.

Councilor Loeffler made a motion, seconded by Councilor Marnell to authorize the Town of Manlius Police Chief to sign the 2017-2018 agreement between the Town of Manlius Police and the Fayetteville-Manlius Central Schools for Officer Damien Golden to perform the duties of School Information Resource Officer (SIRO).

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

Nayes: 0                                      All in Favor.                                      Motion Carries

Councilor Loeffler made a motion, seconded by Councilor Marnell to authorize the Town of Manlius Police Chief to sign the 2017-2018 agreement between the Town of Manlius Police and the Fayetteville-Manlius Central Schools for Officer John Paul to perform the duties of School Information Resource Officer (SIRO).

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

Nayes: 0                                      All in Favor.                                      Motion Carries

**Hope for Heather Run – Agreement**

Town Clerk Weber presented the Hope for Heather Run agreement. Town Clerk Weber stated that the agreement has been reviewed by the Attorney for the Town and the Police Department.

Captain Schafer requested the Hope for Heather Run agreement is amended to reflect the current overtime rate of \$49.00 per hour.

Councilor Green made a motion, seconded by Councilor Marnell, to approve the amended Hope for Heather Teal Ribbon Run agreement with an overtime rate of \$49.00 per hour.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, 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

Director Capriotti stated that the Office of Planning and Development has issued a certificate of occupancy for the retirement community at Towne Centre that was constructed by Resort Lifestyle Communities.

C) Attorney – No New Business

D) Town Clerk

Town Clerk Weber reviewed a firework permit application submitted by the Traditions at the Links for a display to be held on August 19, 2017. Town Clerk Weber stated that the application has been reviewed by the Office of Planning and Development.

Councilor Marnell made a motion, seconded by Councilor Giordano, to authorize the Town Clerk to issue a firework permit to Traditions at the Links for a fireworks display on August 19, 2017.

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

Nayes: 0                                      All in Favor.                                      Motion Carries

E) Police Chief

Chief Carberry gave a report on the Town of Manlius Police Department. Chief Carberry stated that the department is doing well.

F) Town Board

Councilor Green stated that summer production of Bye Bye Birdie was a huge success. Councilor green congratulated and thanked the Recreation Department.

G) Supervisor

Supervisor Theobald stated that Bowers and Co. have completed the annual audit of the Justice Court accounts.

Councilor Marnell made a motion, seconded by Councilor Rossetti, to accept the independent financial audit by Bowers and Co. of the Justice Court Accounts.

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

Nayes: 0                                      All in Favor.                                      Motion Carries

Supervisor Theobald stated that he has received a request from Clear Path for Veterans for a letter of support for a grant proposal to construct a 20,000-square foot building adjacent to the existing building. Supervisor Theobald read a draft letter of support to the Town Board and stated that he would send the letter to the CNY Regional Economic Development Council.

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 enter executive session at 8:05PM to discuss a personnel matters.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, 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  
July 26, 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.**

There being no further business to come before the Board, upon motion duly made by  
Councilor Loeffler and seconded by Councilor Rossetti, the Board unanimously voted to  
adjourn the Regular Session at 8:20 p.m.

Submitted by:

Tim Frateschi  
Attorney for the Town