

MINUTES
TOWN BOARD
September 13, 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 Allison A. Weber, Town Clerk
Richard Carberry, Police Chief Rob Cushing, Highway Superintendent
Doug Miller, Engineer for the Town
Randy Capriotti, Director of Codes Enforcement

Other persons attending: Ellen & Mike McGrew, Manlius. Chris Borncamp, PA. Carol Brodsky, Fayetteville. David Montanaro, Manlius. William Furlong, Manlius. Salem Lahood, 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.

Moment of Silence for Gerald Carhart & Dawn Cottrell

A moment of silence was held to honor the lives of Gerald Carhart and Dawn Cottrell who passed away. The Town Board expressed sympathies to the families and gratitude for their service to the Town of Manlius.

Approval of Minutes – August 23, 2017

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of August 23, 2017 as submitted by Town Clerk Weber.

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

Nays: 0

All in Favor.

Motion Carries.

Approval of Abstract # 17

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

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 17 - 2017	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 243,373.22
B	General Fund Town	\$ 6,025.83
CM1	Police Trust	\$ 17,767.50
DA	Highway Fund Townwide	\$ 9,595.19
DB	Highway Fund Town	\$ 123,371.64
HA	Landfill Capital Fund	\$ 2,783.50
SL1	Overhead Lighting	\$ 1,771.93
SL2	Underground Lighting	\$ 2,062.77
SL3	Entry Lighting	\$ 98.96
SL4	Garden Park Lighting	\$ 606.49
SL5	Ratnaur Bridge Lighting	\$ 3,100.11
SR1	Manlius Trash District	\$ 148.39
SR2	Manlius Res Brush District	\$ 148.39
SS1	Manlius Con Sewer District	\$ 1,551.53
SW2	Manlius Con Water District	31,248.04
W80	Schepp Water District	\$ 209.62
W90	Watervale Water District	\$ 36.10

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

Nayes: 0

All in Favor.

Motion Carries.

7:05PM - Public Hearing – Special Permit – Micro Cell Tower, 4645-4725 Enders Rd. - Nixon Peabody - Tax Map Parcel # 114.-01-08.0

Jared Lusk, Nixon Peabody, presented the application for a special permit to construct a micro cell tower on Enders Road Elementary School. Mr. Lusk discussed the large amount cell phone traffic on the existing network. Mr. Lusk stated that the construction of a micro cell tower on Enders Road Elementary school will relieve the traffic at the existing tower, which is overburdened now.

Mr. Lusk described the proposed micro cell tower. The plans include 3 antennae on the school roof behind the auditorium. Discussion ensued regarding how the micro cell towers would reduce the strain on the existing network and the existing antennae in the Town of Manlius.

Mr. Lusk stated that the applicant will install stealth enclosures to make the antennae appear as if they are stovepipes. Mr. Lusk also stated that there will be a small fenced-in box the size of a mini-refrigerator on the ground. Mr. Lusk presented photo simulations to the Board that show little, if any, visual impact from the antennas.

Councilor Rossetti asked the applicant if the lease allowed for access to add additional equipment to proposed equipment. Mr. Lusk stated that the applicant leases an area for a period and the terms of the lease allows the applicant to add equipment as needed.

Councilor Rossetti stated that the applicants would be required to apply for a new or amended special permit if the equipment is significantly modified.

Mr. Lusk stated that the applicants will comply with whatever the code requires.

Councilor Marzola asked if the code requires the applicant to reapply every time the equipment is modified. Attorney Frateschi stated that if the applicant changes the equipment significantly or makes material changes beyond what is described in the special use permit that would require an amendment.

Councilor Marnell asked the applicant what the terms of the lease are for the schools. A Verizon Wireless representative stated that the company does not disclose that information on a regular basis and the school is being paid \$3,000 annually.

Discussion ensued regarding the partnerships listed in the application.

PART II – Short Environmental Assessment Form

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 application by Verizon for a special permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0).

Ayes: Supervisor Theobald, Councilor Loeffler, 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 declare the application by Verizon for a special permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0) 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

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 issuing a special permit Verizon to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius.

Councilor Marnell made a motion seconded by Councilor Rossetti, to issue a negative declaration for SEQR purposes in the matter of the application by Verizon for a special

permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0).

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

Nayes: 0 All in Favor. Motion Carries

Councilor Rossetti asked the applicant if the roof of the schools can handle the weight of the equipment that will be installed. Mr. Lusk stated that the equipment weighs the same as a small refrigerator.

Councilor Green asked if the micro cell tower frequencies would have any impact on the new fire department near Enders Road School. Mr. Lusk stated that Verizon is required to stay on its own frequency as required by federal law.

Councilor Marnell made a motion seconded by Councilor Giordano, to waive the reading of the public notice for the public hearing in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0).

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 Loeffler, to open the public hearing at 7:34 PM in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0).

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

Nayes: 0 All in Favor. Motion Carries

Salem LaHood, Manlius, stated that children spend 6-8 hours a day at school. Mr. LaHood asked if anyone has analyzed the health impacts that may affect the students if the micro cell tower is constructed on the school building.

Mr. Lusk stated that Verizon has provided an engineer certification that the micro cell towers radio frequency (RF) emissions are projected to be well below the federal radio frequency requirements.

Mr. LaHood stated that school taxes are well above \$3,000 a year and asked if the frequencies emitted could be limited.

David Montanaro, Manlius, stated that his children grew up and attended school in the FM School District. Mr. Montanaro stated that the studies regarding RF radiation are not finalized and there is some potential for a long-term impact. Mr. Montanaro stated that the Town Board should confirm the amount of power this micro cell tower would have.

Mr. Montanaro asked if the micro cell tower would have the same height as a regular cell tower. Councilor Loeffler stated that the micro cell tower height is lower than a regular cell tower height.

Mr. Khaper, Manlius, stated that children born after 9/11 have had heart issues. Mr. Khaper asked if the construction of the micro cell tower was worth it, if even one child gets sick. Mr. Khaper stated that he would pay the schools \$3,000 annually so that the micro cell tower would not be constructed.

Councilor Rossetti made a motion seconded by Councilor Loeffler, to close the public hearing at 7:57 PM in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 4645-4725 Enders Rd. Manlius. (Tax Map Parcel # 114.-01-08.0).

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

Nayes: 0

All in Favor.

Motion Carries

7:10PM – Public Hearing – Special Permit – Micro Cell Tower, 700 Fayetteville-Manlius Rd. – Nixon Peabody – Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0

Jared Lusk, Nixon Peabody, presented the application for a special permit to construct a micro cell tower on Wellwood Middle School. Mr. Lusk stated that the micro cell tower will be constructed on the roof of the older portion of the school. He presented photo simulations to the Board that showed what the antennas and cabinet would look like and the Board agreed they will have minimal visual impacts on the public.

Attorney Frateschi stated that the Wellwood Middle School is in the Village of Fayetteville and the Town of Manlius. The applicant has an application in front of the Village of Fayetteville Planning Board.

PART II – Short Environmental Assessment Form

Councilor Loeffler made a motion seconded by Councilor Marnell, declare the Town of Manlius lead agency for SEQR purposes in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0).

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 Rossetti, declare the application by Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0) 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

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.

Attorney Frateschi stated that health impacts from cell towers are governed by the 1996 federal telecommunications act. The act states that the Town Board cannot consider the health impacts of cell towers as those are governed by the issuance of a federal license. For purposes of the special permit, the Town Board's evaluations have to be limited to the zoning impacts of the cell tower or micro cell tower.

Mr. Lusk stated that Verizon Wireless has demonstrated that the facility will operate well within the federal limits as it relates to RF waves.

Supervisor Theobald asked if similar facilities are on other public buildings such as schools? Mr. Lusk stated that microsites are on major retail stores, apartments and schools and a variety of sites because they are so small and unobtrusive.

After further discussion, the Board agreed that there would be no significant environmental impact by issuing a special permit to Verizon to construct a micro cell tower located at 700-704 Fayetteville Manlius Road Manlius.

Councilor Marnell made a motion seconded by Councilor Rossetti, to issue a negative declaration for SEQR purposes in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0).

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Rossetti stated that the Town Board would like to do more research on the matter.

Councilor Loeffler asked Mr. Lusk if the applicants would have to increase the size of the other antennas if these micro cell towers are not approved? Conversation ensued regarding existing cell tower traffic in the Town of Manlius.

Attorney Frateschi reviewed the Telecommunications Act as it relates to cell towers.

Councilor Marnell asked the applicants why the bus garage was not considered as a possible site location.

Mr. Lusk stated that, from a RF wave perspective, the school is taller than the bus garage. Additionally, the school requested the service be installed on their building to increase cell phone coverage within the school building. The coverage in the school is poor due to the age of the building and the thickness of the walls. This micro cell tower will provide much needed service not only to the parents but more importantly for teachers who may need to make emergency calls.

Councilor Giordano stated that Wellwood has solid masonry walls. Councilor Giordano also stated that the children sit inside the school building for 7 hours a day which is different than walking in and out of a Walmart.

Mr. Lusk stated that there are more RF waves coming from traditional light fixtures than micro cell towers.

Director Capriotti stated that the Village of East Syracuse has a micro cell tower along main street in the Village.

Discussion ensued regarding the terms of the lease as it pertains to any damage to the school buildings.

Councilor Marnell made a motion seconded by Councilor Giordano, to waive the reading of the public notice for the public hearing in the matter of the application of Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0).

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

Nays: 0 All in Favor. Motion Carries

Councilor Rossetti made a motion seconded by Councilor Loeffler, to open the public hearing at 8:05 PM in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0).

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

Nays: 0 All in Favor. Motion Carries

Dave Montanaro, Manlius, stated that the long-term effects of RF wave exposure have not been settled. Mr. Montanaro asked why the micro cell tower has to be installed right above the children's heads and asked that the micro cell tower be installed in a different location. Mr. Montanaro asked the Town Board if they are obligated to consider every application from a cell phone company to install cell towers on the roof of the schools.

Salem LaHood, Manlius, stated that he has not heard the applicant discuss the health effects the micro cell towers will have. Mr. Lahood stated that he has heard the applicant discuss federal regulations and if the applicant was entitled to construct this he would not need a special permit.

Councilor Loeffler stated that the Town is not receiving the annual rent payment for the micro cell tower and that money has nothing to do with the decision-making process of the Town Board.

Councilor Rossetti made a motion seconded by Councilor Loeffler, to close the public hearing at 7:57 PM in the matter of the application by Verizon for a special permit to construct a micro cell tower located at 700-704 Fayetteville Manlius Road. (Tax Map Parcel Nos. 094.-03-19.0 & 017.-16-18.0).

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

Nayes: 0

All in Favor.

Motion Carries

Supervisor Theobald stated that there are many concerns regarding the placement and construction of the micro cell towers and he would like to consider those concerns further.

Councilor Green stated that she would like to review the meeting minutes from the Village of Fayetteville Planning Board.

Attorney Frateschi stated that he will review the federal laws that pertain to cell towers.

Attorney Frateschi asked, if the applicant would consider constructing only the one cell tower in the Town of Manlius. Mr. Lusk stated that the applicants need to construct both towers – in the Village of Fayetteville and the Town of Manlius.

Mr. Lusk stated that Verizon approached the FM School District about constructing the cell tower on Eagle Hill. The school district requested that Verizon install an additional tower on the Wellwood Middle School because of the poor service.

Wade Furlong, FM School District, stated that the Board of Education acted on approving an agreement back in May. Mr. Furlong stated that the Board of Education had a major concern about the lack of cell service and the inability to communicate in an emergency situation. Mr. Furlong also stated that the Board of Education has no higher priority than the health and safety of the students. Mr. Furlong stated that the Board of Education would not have acted if they felt it was unsafe.

The Town Board tabled both special permit applications for micro cell towers on Eagle Hill Middle School and Wellwood Middle School for further review.

Correspondence/New Business

A) Highway Superintendent

Rob Cushing, Highway Superintendent, presented the annual intermunicipal snowplow agreement with Onondaga county for 2017. Highway Superintendent Cushing stated the 5-year agreement includes a severity clause and a surcharge increase for salt and fuel.

Councilor Marzola made a motion seconded by Councilor Loeffler, to authorize the Supervisor to sign the 2017 snowplow intermunicipal agreement between Onondaga County and the Town of Manlius.

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

Nayes: 0 All in Favor. Motion Carries

Highway Superintendent Cushing reviewed the OGS mini-bid results for a 2018 Ford F-250.

Bid Results (OGS # 17080228)

Van Bortel Ford Inc. - \$41,356.30

Genesee Valley Ford LLC - \$43,479.66

Councilor Marnell asked for more information about the truck in the fleet that this new truck would replace. Highway Superintendent Cushing stated that this truck would replace the 2006 highway superintendent truck.

Councilor Giordano made a motion seconded by Councilor Green, to authorize the Highway Superintendent to purchase a 2018 Ford-F250 from Van Bortel Ford Inc., the lowest bidder, at a purchase price of \$41,356.30 per the result of OGS mini-bid #1708022.

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

Nayes: 0 All in Favor. Motion Carries

Highway Superintendent Cushing stated that the Town has received a request from Catherine Elmore to reduce the speed limit on Kirkville Road between Fremont Road and Old Kirkville Road from 45 MPH to 15-25 MPH. Ms. Elmore's son suffered fatal injuries when he was hit by a car in the crosswalk at the intersection of Kirkville and Fremont Road. Highway Superintendent Cushing and Chief Carberry recommended that the Town Board submit a request (TE-9) to the New York State Department of Transportation to lower the speed limit on Kirkville Road.

Councilor Giordano made a motion seconded by Councilor Rossetti, to authorize the Town Clerk to submit a TE-9 request to the New York State Department of Transportation to lower the speed limit on Kirkville Road.

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

Nayes: 0 All in Favor. Motion Carries

B) Planning & Development

Director Capriotti requested authorization to mow the tall grass at 6493 Schepps Corners Road and 8638 Green Lakes Road. Director Capriotti stated that the property owners have been notified and the proper documentation has been completed.

Councilor Rossetti made a motion, seconded by Councilor Marzola to authorize the mowing of the tall grass for the 2017 season at the properties listed below and put the cost of mowing on each property's town tax bill.

1. 6493 Schepps Corners Rd., Kirkville NY
2. 8638 Green Lakes Road, Manlius NY

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

Nayes: 0 All in Favor. Motion Carries

C) Attorney – No New Business

D) Town Clerk

Town Clerk Weber reviewed a firework permit application submitted by the Village of Fayetteville for a display to be held on September 16, 2017. Town Clerk Weber stated that the application has been reviewed and approved 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 the Village of Fayetteville for a firework display on September 16, 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 annual inter-municipal agreement between Onondaga County Children and Family Services and the Town of Manlius for the Youth Services Program. The Town of Manlius Recreation Department and the Town of Manlius Police Department both participate in the annual program. Town Clerk Weber stated that the contract has been reviewed by the Attorney for the Town and similar to the contract approved in 2016.

Councilor Marzola made a motion, seconded by Councilor Rossetti, to authorize the Town Supervisor to sign the inter-municipal agreement with Onondaga County for the 2018 Youth Service Program.

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

Chief Carbery stated that Officer Greg Snyder will be promoted to Police Sargent. The Town Board congratulated Officer Snyder.

Chief Carbery stated that the department will have new office hours effective Saturday September 18, 2017 the Town of Manlius Police Department office will be open the following:

Monday thru Friday – 8:00 AM to 6:00 PM

Saturday & Sunday - Closed

F) Town Board

Councilor Green gave an update on the recent Critical Response Committee meeting.

G) Supervisor

Supervisor Theobald reviewed the finalized shared services plan. Supervisor Theobald discussed the hard work that the Towns and Villages put in to finalize the plan. Supervisor Theobald stated that only one municipality opted out of the plan entirely.

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 8:40PM.

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