

Agenda
Manlius Town Board
December 6, 2017
7:00PM

1. The Pledge of Allegiance
2. Approval of Minutes – November 15, 2017
3. Tree Commission
4. Approval of Abstract # 23
5. Annual Historian Report
6. Retirement Resolution
7. Court Security Contract
8. Kinsella – Special Permit Renewal
9. Annual Maintenance Contract NYSDOT
10. Procurement Policy
11. Correspondence/New Business
 - a. Highway Superintendent
 - b. Planning & Development
 - c. Attorney
 - d. Town Clerk
 - e. Police Chief
 - Budget Transfer
 - f. Town Board
 - g. Supervisor
12. Adjournment



**Department of
Transportation**

ANDREW M. CUOMO
Governor

CATHY CALHOUN
Acting Commissioner

DAVID P. SMITH, P.E.
Regional Director

November 10, 2017

Town of Manlius
301 Brooklea Drive
Fayetteville, NY 13066

TO WHOM IT MAY CONCERN:

Please be advised that your annual maintenance permit with the New York State Department of Transportation will be expired as of 1/1/2018.

In accordance with Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law, no work of any kind (for example: litter pickup, mowing, carcass removal, intersection work, hanging flags, etc.) shall be performed within the Right-of-Way of a State Highway without a work permit issued by the Department of Transportation.

Please find enclosed a copy of the appropriate form(s) that are required for renewal. Please send completed forms back via one of the following:

- 1) E-mail to: dot.sm.r03.permits@dot.ny.gov
- 2) Fax to: 315-428-4060
- 3) Mail to: New York State Department of Transportation
Attn: Elizabeth H. Parmley
333 East Washington Street
Syracuse, NY 13202

If you require further assistance, please contact Mr. Jeremy J. Lawton of this office at 315-428-4388 between the hours of 8 AM and 2 PM.

Very truly yours,

Elizabeth H. Parmley, P. E.
Regional Traffic Engineer

Attachment(s)

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION
HIGHWAY WORK PERMIT APPLICATION FOR UTILITY WORK

Application is hereby made for a highway work permit:

For Joint application, name and address of Applicant 2 below:

(Name) _____

Name _____

(Address) _____

Address _____

(City) _____ (State) _____ (Zip) _____

City _____ State _____ Zip _____

(Applicant Phone) (_____) _____

Applicant 2 Phone (_____) _____

Applicant Email Address _____

Applicant 2 Email Address _____

(Emergency Contact) _____

(Emergency Phone) (_____) _____

RETURN PERMIT TO: (if different from Permittee)

RETURN DEPOSIT/BOND TO: (if different from Permittee)

Name _____

Name _____

Address _____

Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

DESCRIPTION OF PROPOSED WORK:

ANNUAL MAINTENANCE PERMIT

Estimated cost of work being performed in highway right-of-way: \$ _____

Anticipated duration of work: From _____ to _____ (applies to the operations indicated on the reverse side)

WILL OVERHEAD OR UNDERGROUND (5'+) OPERATIONS BE INVOLVED IN THE PROPOSED WORK? YES ☐ NO ☐

ATTACHED: Plans ☐ Specifications ☐

LOCATION: State Route: _____ Located Between Reference Markers _____ and _____

(City/Town/Village of) _____ (County of) _____

SEQR REVIEW (select one)

☐ Type II ☐ Type I ☐ Unlisted LEAD AGENCY: _____ DATE OF DETERMINATION: _____

Insurance (check one): ☐ General Liability Insurance ☐ Undertaking

NOTE: PERMIT IS ISSUED CONTINGENT UPON ALL LOCAL REQUIREMENTS BEING SATISFIED

ACKNOWLEDGMENT: ON BEHALF OF THE APPLICANT, I HEREBY REQUEST A HIGHWAY WORK PERMIT, AND DO ACKNOWLEDGE AND AGREE TO THE RESPONSIBILITIES OF PERMITTEE AND THE OTHER OBLIGATIONS SET FORTH IN THIS PERMIT AND WARRANT COMPLIANCE THEREWITH.

(Applicant Signature) _____

Date _____

Applicant 2 Signature _____

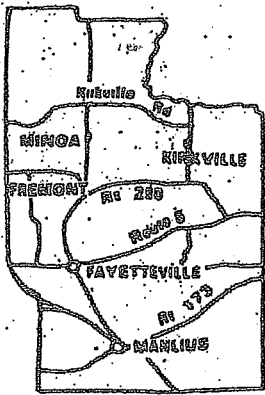
Date _____

Approval recommended by Resident Engineer _____

Res No _____ Date _____

Approved by Regional Traffic Engineer _____

Reg No _____ Date _____



Manlius Town Historian

301 Brooklea Dr.,

Fayetteville, N.Y. 13066

Annual Report for 2017

- If you want to know about local impact of Dutch Elm disease in 1960—
- If you want to know about digging the Erie Canal here in 1819—
- If you want to know about building airplanes in Manlius in 1908 and early pilots—

you ask the Manlius Town Historian. Those were the research questions just in January of 2017. And the year rolled on from there.

I regularly attend the monthly meetings of the Erie Canal Working Group (Onondaga and Madison counties) and supply information for their events and publications. I also attend Manlius Historical Society monthly meetings, serve on the financial committee, answer all the reference inquiries they receive and help with their collections and displays.

I also assisted with the text for the historical marker and Memorial Day ceremony at the private Verbeck family burial ground near the former Manlius School.

One long term (10 year) research project for the author of a book relating to Grover Cleveland's growing up years in Fayetteville came to a conclusion when his text went to potential university publishers earlier this year.

Thanks to the town's Highway Department, all the six neighborhood burial grounds under town care received bright new signs this year. I walk them all several times a year and install flags and flowers in each. The Town of Manlius provides excellent mowing and care for these remnants of our earliest settlements

In August 2017 two cars collided and both landed in the Dry Hill Burial Ground. The three-month old sign, signposts, flowers and flags were destroyed and the turf was damaged. A large section of the burial ground had to be cleared of small pieces of plastic car parts and glass. More reconstruction work will probably still be needed in 2018.

For the past six years I have created a show and tell program for eighth grade students at Eagle Hill Middle School and expect to do so again next year. I also participate in a local history-related web site and contribute to several others when requested.

In 2017 I created five displays for the Town Hall – Fine Dining at The Fayetteville Inn (1940), Those Were The Days (1913), Building the Erie Canal (1817), Kirkville Exposition (1930s) and 60 Delicious Years (SnoTop).

I continue to do programs for various local groups. Among the topics this year were

"Creating the Empire State" (the Erie Canal Bicentennial); "Women Who Made A Difference (Women Suffrage Centennial), and four "Just Yesterday" programs that have pictures relating to each particular audience.

Thanks to the Kirkville Methodist Church, two separate displays about the area "north of the canal" have had a local audience this year.

I also organized meetings of Onondaga County's local historians and one for people interested in maintaining local cemeteries.

Thanks to the town which supplies the copy machine and postage, I am able to carry on an active correspondence. This has many rewards – the benefits of detailed research by others come to the town files and I am able to supply information for those who inquire about various topics.

Not every question can be answered, but persistent digging by families in their own resources turn up previously unknown parts of history that they share with us all.

I am grateful for the great cooperation I receive from all the town officials. My work would not be possible without their help.

November 20, 2017

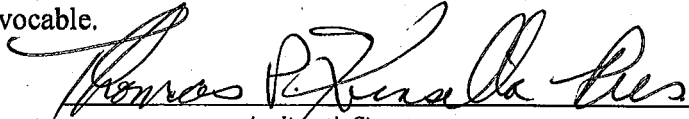
Barbara S. Rivette. Manlius Town Historian

**TOWN OF MANLIUS
SPECIAL PERMIT APPLICATION
(Original or Renewal)**

DATE: 11/13/17

Tax Map # 097-01-042

I Thomas P. Kinsella as applicant relative to property located at Salt Springs Rd. Fayetteville NY 13066 hereby request/apply for issuance (renewal) (CIRCLE ONE) of a **SPECIAL PERMIT** from the Town of Manlius Town Board as required by the Town of Manlius Code, submit the following application and documentary evidence and/or information, including comprising the Exhibits in support of this request and certify that it is correct, true and accurate to the best of my/our knowledge and after reasonable due diligence and investigation. I further knowledge and agree that should any such evidence or information be later determined as false or not credible in any material respect, any special permit issued/renewed based thereon may be determined by the Town Board as void from the start or revocable.


Applicant's Signature

A 1. Owner(s) of property: T. H. Kinsella Inc.

A 2. Status (Owner, Lessee) of each applicant: Owner

A 3. Present Zoning of Property: Natural Resource Removal

A.4. Present Use of Property (describe in detail as best as reasonably possible- add additional pages as needed): Stone Quarry

A5 Describe property condition at present: Active Quarry

B 1. Proposed use of property: Same

B 2. Anticipated number of employees, guests, customers on property:

B 3. Hours of Proposed Operation: Same

B 4. Anticipated Automobile Parking: N/A

B 5. Parking Area Buffer/Screening: N/A

B 6. Anticipated Vehicle Traffic Volume/Flow: N/A

B 7. Proposed Site Lighting: N/A

B 8. Anticipated noise sources, known decibel levels: N/A

B 9. Landscape:

a) Existing landscaping: N/A

b) Proposed landscaping: _____

B 10. Proposed Signage: N/A

B 11. Level of municipal and other services required to support the proposed activity (i.e., water supply sanitary sewage facilities): N/A

B 12. Specific Requirements:

Town Code (District) Requirement; Proposal:

Parking Spaces

Lot Coverage

Front Yard Setback

Side Yard Setback

Rear Yard Setback

Maximum Height of Building

EXHIBITS TO SPECIAL PERMIT APPLICATION:

1. Detailed site plan of any proposed construction anticipated (attach as Exhibit "A"). The Town Board requires that drawings be certified by the appropriate design professional, i.e. a licensed engineer, architect, or surveyor, and include, except as may be permitted at #10 below, at time of application such detail as required per Town Zoning Code §155-28A (1) (13) for site plan submission.
2. Survey Map (Exhibit "B") Certified by a licensed surveyor within two years of date of application. Survey should show all existing state of facts, improvements, structures, easements, rights-of-way, appropriations, landscape features, encroachments and existing pavement on site. Any survey map last re-dated prior to 60 days before the application filing date shall be accompanied by an affidavit from the applicant, owner or occupant, i.e. someone with personal knowledge, that the survey map accurately shows the state of facts of the survey map as of the date of the application filing or if it does not the affidavit should describe any change features.
3. Legal description of proposed site (Exhibit "C"). The legal description must be in a form sufficient to follow the legal description on the survey map submitted.
4. Drainage, SWPPP if applicable, sanitary sewer, water service plans and specifications for proposed site (certified by a licensed professional engineer). Attach as Exhibit "D" and as applicable, numbered sub-exhibits e.g. "D-1", "D-2" etc.
5. Environmental Assessment Form (Exhibit "E"). A short environmental assessment form (see attached form) may be provided with any application for an unlisted action, however acceptance of same shall not be deemed a waiver by the Town of its right to require a long EAF with appropriate documentary substantiation of answers provided (including without limitation #6 following). For Type One Actions a long EAF must be submitted at time of application.
6. Freshwater Wetlands Letter. Pursuant to 6 NYCRR 663.4(a), where the application involves conduct of regulated activity on freshwater wetlands or adjacent areas, the applicant must obtain either a permit or letter of permission from the DEC or the authorized local government having jurisdiction over the wetland. Any delineation such determination is based on shall likewise be provided. Attach as Exhibit "F" and as applicable, with numbered sub-exhibits.
7. Professional Fees Reimbursement Agreement (Exhibit "G").
8. Disclosure Affidavit. The applicant shall submit an affidavit attesting it has reviewed General Municipal Law §809 and is familiar with the provisions contained therein, that no state officer, or any officer or employee of the County of Onondaga or Town of Manlius has any interest in the person, partnership or association owning the premises subject of the application or making such application, and that no other violation of §809 shall result from such application (Exhibit "H").

9. Filing and Professional Review Fees. At the time of application filing, applicant shall submit \$100.00 in the form of a check payable to the Town of Manlius for Special Permit filing or renewal fees. Site Plan filing and Professional Review fees must be paid per Town Code Fee Schedule prior to commencement of Planning Board advisory review.

10. NOTE: THE ABOVE ARE NOT INTENDED AS AN EXHAUSTIVE LISTING OF THE APPLICATION REQUIREMENTS. THE APPLICANT SHALL BE RESPONSIBLE FOR FAMILIARIZING ITSELF WITH ALL TOWN CODE ZONING, SITE PLAN REVIEW, AND SPECIAL PERMIT REQUIREMENTS, AND THE REQUIREMENTS OF OTHER INVOLVED AND PERMITTING AGENCIES INCLUDING RELATIVE TO SEQRA, GENERAL MUNICIPAL LAW SECTION 239 REVIEW, STATE/COUNTY DOT, DOH AND THE LIKE.

THE FOREGOING NOTWITHSTANDING IT IS ACKNOWLEDGED THAT UPON INITIAL APPLICATION CERTAIN OF THE ABOVE MAY NOT, WITHOUT INITIAL INPUT FROM THE TOWN BOARD OR PLANNING BOARD, BE REASONABLY CAPABLE OF FINAL COMPLETION, AND ACCORDINGLY MAY BE WAIVED OR SUCH REQUIREMENTS RELAXED TEMPORARILY AND UNTIL SUFFICIENT SPECIFIC DIRECTION FROM THE RESPECTIVE BOARDS HAS BEEN GIVEN. AT TIME OF SUBMISSION THE APPLICANT SHALL SPECIFICALLY REFERENCE ANY SUCH REQUEST(S) AND ITS REASON(S) FOR SAME IN A DETAILED ENCLOSURE LETTER DESCRIBING THE SUBMISSION AND EXHIBITS.

RENEWAL APPLICATIONS SHALL REQUIRE ONLY SUCH OF THE FOREGOING INFORMATION AND EXHIBITS AS ARE DEEMED NECESSARY FOR CONSIDERATION OF A RENEWAL PERMIT INVOLVING NO MATERIAL CHANGES FROM OR VIOLATIONS UNDER THE PRIOR ISSUED SPECIAL PERMIT.

APPLICATIONS SHALL BE SUBMITTED IN BOUND TABBED BOOKLET FORM WITH A COVER LETTER, TABLE OF CONTENTS REFERENCING EXHIBITS, AND LEGIBLE 11"by 17" MINIMUM DRAWINGS FOLDED TO LETTER SIZE THEREIN. TWENTY COPIES SHALL BE DELIVERED TOGETHER WITH SEVEN (7) FULL SIZE PRINTS OF ALL DRAWINGS. SUBSEQUENT SUBMISSIONS OF MINOR MODIFICATIONS MAY BE SUBMITTED IN THE SAME MANNER WITH A LETTER REFERENCING THE SPECIFICS OF THE SUBSTITUTION, HOWEVER IF NUMEROUS OR MATERIAL IN NATURE ENTIRE REPLACEMENT SUBMISSIONS MAY BE REQUESTED.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: <i>T.H. Kinsella Inc.</i>																		
Project Location (describe, and attach a location map): <i>Kinsella Quarry</i>																		
Brief Description of Proposed Action: <i>Salt Springs Rd. Fayetteville Tax Map 097-01-04.2</i> <i>Renewing Natural Resource Removal Permit</i>																		
Name of Applicant or Sponsor: <i>T.H. Kinsella Inc.</i>		Telephone: <i>315-637-3390</i>																
Address: <i>P.O. Box 7</i>		E-Mail: <i>tkinsella@thkinsella.com</i>																
City/PO: <i>Fayetteville</i>		State: <i>NY</i>	Zip Code: <i>13066</i>															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td></tr></table>	NO	YES	☐	☒											
NO	YES																	
☐	☒																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;">☒</td><td style="text-align: center;">☐</td></tr></table>	NO	YES	☒	☐											
NO	YES																	
☒	☐																	
3. a. Total acreage of the site of the proposed action? <i>154</i> acres																		
b. Total acreage to be physically disturbed? <i>94</i> acres																		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <i>324</i> acres																		
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td>☐ Urban</td><td>☒ Rural (non-agriculture)</td><td>☐ Industrial</td><td>☒ Commercial</td><td>☒ Residential (suburban)</td></tr><tr><td>☒ Forest</td><td>☒ Agriculture</td><td>☐ Aquatic</td><td colspan="2">☐ Other (specify): _____</td></tr><tr><td>☐ Parkland</td><td colspan="4"></td></tr></table>				☐ Urban	☒ Rural (non-agriculture)	☐ Industrial	☒ Commercial	☒ Residential (suburban)	☒ Forest	☒ Agriculture	☐ Aquatic	☐ Other (specify): _____		☐ Parkland				
☐ Urban	☒ Rural (non-agriculture)	☐ Industrial	☒ Commercial	☒ Residential (suburban)														
☒ Forest	☒ Agriculture	☐ Aquatic	☐ Other (specify): _____															
☐ Parkland																		

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	☐	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	☒	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	☒	☐	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	☒	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☒	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES	☒	☐	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>T.H. Kinsella Inc.</u> Date: <u>11/13/15</u> Signature: <u>Thomas Kinsella Pres.</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing:	☐	☐
a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

TOWN OF MANLIUS

SPECIAL PERMIT APPLICATION – EXHIBIT “G”

PROFESSIONAL FEES REIMBURSEMENT AGREEMENT

As a condition of the application(s) to the Town of Manlius, its Zoning Board of Appeals, Planning Board, codes administration/planning office, and/or Town Board (the “Town”) for various zoning, land use, construction and related reviews, approvals, certificates, permits and related consideration(s) (including for any local governmental assisted funding) related to the request of _____: (the “Application”),

_____ [name], _____ [legal address] (“Applicant”) relative to proposed development at _____ [project address], Tax Parcel # _____, Manlius, New York, and related matters (the “Project”) agrees as follows:

The Application and Project may or will likely entail that the Town incur legal, engineering, architectural, administrative and related expense(s) including, without limitation, for both on staff and third party consultants involved in the consideration of the Application and Project, and including, without limitation, attendance at Zoning Board of Appeals, Planning Board, and Town Board meetings, consultation with the Applicant, its or the Town’s engineer, architect, attorney, and/or other Town officers and employees, or consultants or professional service providers, incidental to the Application from the earlier of the filing of the Application for and/or first presentation of the Project to Town, and through final completion and issuance of all Town and other governmental permits, certifications and approvals.

In connection with and consideration of the foregoing, Applicant agrees to bear all cost and expense for such administrative, legal, engineering, architect and other professional and consulting assistance to the Town incidental to the Application and Project, and including that expense incurred by the Town for Town employees and officers performing reasonable and necessary work on behalf of the Town incident to the Application or Project.

In connection with the foregoing, Applicant shall reimburse the Town for time spent by outside consultants and professionals at the usual rate charged by them to private clientele, or if none, then the usual rate charged to municipalities. Reimbursement for the cost of Town employees and officers shall be based upon the cost to Town for the services of such persons, including salary and fringe benefits, reduced to an hourly rate and including overtime where directly attributable to the Application or Project.

Should the Town determine, in its sole discretion, that additional services are required to represent, supervise, inspect, evaluate and/or consult, including in order to protect the rights and/or interests of the Town such as relative to an enforcement or violation proceeding, the Applicant shall likewise bear all costs associated with such services.

This Agreement shall be effective as of _____, 20____. The Applicant shall deposit an initial sum of \$_____, and such other amounts as from time to time the Town may determine, payable to and deposited with the Town and which sum or sums shall be applied against those sums reimbursable to the Town pursuant to the terms of this Agreement (the “Deposit”). Upon completion or discontinuance of the Application and Project and payment of all fees incurred, any unused Deposit shall be returned to the Applicant.

The Applicant shall receive periodically, one or more statements detailing charges for which reimbursement has been made against the Deposit, detailing unpaid amounts, if any, and setting forth any additional Deposit required by the Town. Failure to pay any amounts due the Town of Manlius within twenty (20) days of the date of statement may result in the termination of work/services by Town relative to the Application, the non-issuance suspension or revocation of any certificates, permits or approvals, and/or denial of applications, the Town’s commencement of collection efforts, and/or the exercise of any other rights or remedies available to Town hereunder or pursuant to applicable law, including under the Town Code. No certificates, approvals or permits, including, without limitation, Certificates of Occupancy/Compliance, may be issued until all fees due hereunder are paid or sufficient Deposit for same made.

Notwithstanding any provision hereof to the contrary or otherwise, the intent of this Agreement is to subject all of those subject matter areas under applicable provisions of Federal, State, and County laws, rules and regulations whatsoever, the Town Code including as any of same may be amended from time to time, and without limitation, those provisions under Chapters 59, 63, 72, 83, 95, 96, 104, 119, 123, 125, 126, 127, 131, 147, and 155 of the Town Code to the provisions hereof; in addition any financing or funding applications incidental to the Application or Project and requiring sponsorship or support of Town, and review under the State Environmental Quality Review Act or other State or Federal environmental, historical or related laws, rules or regulations shall likewise be subject to the provisions hereof.

In addition, and notwithstanding any provisions hereof to the contrary or otherwise, any provisions of the Town Code or other laws, rules or regulations providing rights more favorable to and protective of Town shall be deemed incorporated herein by reference, and shall not be deemed superseded by less protective provisions herein.

In the event of a breach or default by Applicant, Town shall be entitled to pursue any and all legal rights and remedies pursuant to applicable law including, without limitation, the Town Code and shall be entitled to recover, in addition to any sums due, reasonable attorney's fees, costs and disbursements incurred in any such efforts.

If any part of this Agreement or the application thereof to any person or entity or circumstance is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Agreement or the application thereof to other persons, entities or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision or part thereof, the court shall attempt to modify same to a provision or part which is not illegal, invalid or unconstitutional and which best achieves the intent of such illegal, invalid or unconstitutional provision or part thereof.

The Town Supervisor has executed this agreement pursuant to a blanket Resolution adopted by the Town Board at a meeting thereof held on _____, 20__, and is duly authorized and empowered to execute this instrument and enter into this Agreement on behalf of the Town of Manlius.

In the event Applicant is a closely held corporation, partnership or limited liability company, its three (3) largest principals shall be signatories to this Agreement, as joint and severable parties with Applicant and Town.

This instrument shall be executed in triplicate. At least one original shall be permanently filed, after execution thereof, in the office of the Town Clerk and one in the Code Enforcement Office.

Dated: _____

Print Applicant Name

Applicant's Authorized Signature/Title

Applicant Address: _____

Print Applicant (Principal) Name

Applicant's Principal Signature

Print Applicant (Principal) Name

Applicant's Principal Signature

Print Applicant (Principal) Name

Applicant's Principal Signature

TOWN OF MANLIUS

By: _____

Name: _____

Title: _____