

**MINUTES
TOWN BOARD
November 14, 2018**

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
Sara Bollinger, 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
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

Other persons attending: Ellen & Mike McGrew, Manlius. David Wright, Cazenovia. Connor Ward, Manlius. Thomas Turosiah, Manlius. Andrew Ward, Manlius. Arnold Poltenson, Manlius. Mark Matt, Fayetteville. Vanessa Hulchanski, Kirkville. Pat Carter, Manlius. Wendy Scherer, Manlius. Laura Huffman, Manlius. Jennifer Staples, Fayetteville. Ronald Duppert, Fayetteville. Cheryl Vollmer, Manlius. Lucy Gallery, E. Syracuse. Mike Small, Fayetteville. Jim Craw, Fayetteville. Julie Capsello, Fayetteville. Irene Wilson, Fayetteville. Alan Byrne, Manlius. T. R. Schepp, Minoa. Tom Schepp, Minoa. Eric Vinal, Syracuse. Dan Kinsella, Fayetteville. Lauren Young, Eagle Bulletin.

The Pledge of Allegiance

Supervisor Theobald called the meeting to order at 6:30 pm. Boy Scout Troop 154 led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

Approval of Minutes – October 24, 2018

Councilor Rossetti made a motion, seconded by Councilor Bollinger, to approve the minutes of October 24, 2018, as submitted by Town Clerk Weber.

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

Abstain: Councilor Giordano

Motion Carries.

Approval of Abstract # 21

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 21 as submitted by Town Clerk Weber.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 21 - 2018	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 210,701.05
B	General Fund Town	\$ 6,153.20
DA	Highway Fund Townwide	\$ 124,656.08
DB	Highway Fund Town	\$ 5,101.15
SL1	Overhead Lighting	\$ 1,996.41
SL2	Underground Lighting	\$ 2,151.00
SL3	Entry Lighting	\$ 104.55
SL4	Garden Park Lighting	\$ 616.89
SL5	Ratnaur Bridge Lighting	\$ 3,565.66
SR1	Manlius Trash District	\$ 159.41
SR2	Manlius Res Brush District	\$ 159.41
SS1	Manlius Con Sewer District	\$ 1,532.63
TA2	Trust & Agency - Other	\$ 140.00
SW3	Skyridge Water District	\$ 31,469.00

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

Nayes: 0

All in Favor.

Motion Carries.

6:35 PM Public Hearing – Paper Street (Kepler Dr.)

Attorney Sutphen reviewed the proposal to abandon a portion of the paper street Kepler Drive.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of the abandonment of a portion of a paper street called Kepler Drive that would have run between First St. & Second St. in the Homewood Subdivision in Fayetteville NY.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Giordano made a motion, seconded by Councilor Loeffler, to open the public hearing at 6:35 pm in the matter of the abandonment of a portion of a paper street called

Kepler Drive that would have run between First St. & Second St. in the Homewood Subdivision in Fayetteville NY.

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

Nayes: 0

All in Favor.

Motion Carries.

Jennifer Staples, Applicant, stated that she and Ron Duppert are the property owners that are the most likely to have title to the paper street (behind their parcels). Ms. Staples stated that she and Mr. Duppert have lived at their homes for over 20 years and they have managed, used and maintained the paper street exclusively.

Councilor Loeffler asked Ms. Staples for clarification on the statement that she was the most likely person to have title to the paper street.

Ms. Staples stated that she and Mr. Duppert are the people that use the property. Ms. Staples described the property and stated that the paper street looks like a continuation of their yards. Ms. Staples stated that no one else has come forward to say that they would like to use the property.

Irene Wilson and Julie Capsello, Fayetteville, spoke in opposition of the abandonment of the paper street as presented. Ms. Wilson stated that she owns property along Kepler Drive that could be buildable lots if Kepler Drive was constructed. Ms. Wilson stated that the greenspace on Kepler Drive is very wet and there are many animals in that greenspace. Ms. Wilson stated that the neighbors have trespassed on the paper street and taken it as their own property. Ms. Wilson stated that the neighborhood needs corridors for wildlife to travel. Ms. Wilson stated that the town should give every person their half of the paper street or put in a bike path.

Councilor Loeffler asked Ms. Wilson if she was in favor of the town abandoning the paper street or leaving the paper street as it currently is?

Ms. Capsello stated that the street should be split equally or left wild.

Discussion ensued regarding the process to abandon the street and who currently owns the paper street.

Ms. Wilson discussed the lots that she owns along Kepler Drive and stated that those lots are buildable.

Ronald Duppert, Applicant, stated that he has lived in his home for 26 years. Mr. Duppert stated that he has mowed most of the property since 1997 and it is a well-maintained piece of property. Mr. Duppert stated that street is too narrow to be developed into a road.

Ms. Staples stated that she believes she has adverse possession of the property due to the length of time she has maintained and continuously used the property. Ms. Staples stated that she loves wildlife and that she will continue to plant trees.

Attorney Sutphen stated that adverse possession cannot be used on a municipality.

Tom Bassett, Manlius, stated that he does not have a stake in the issue but that he is speaking as a real estate attorney. Ms. Bassett stated that the 10-year period of adverse possession has passed, but the property cannot be acquired from a municipality. Mr. Bassett asked if the issue of compensation has been addressed and asked if any other people had expressed interest in the paper street? Mr. Bassett stated that the town will be setting a precedent if it agrees to abandon the paper street.

Ms. Staples stated that a precedent has been set because a portion of Kepler Drive was deeded to the Enable Group Home.

Mr. Schepp stated that the town should do some research on the matter. Mr. Schepp stated that the town could not locate the original deed when the Enable Group Home was given a quit claim deed for a part of Kepler Drive. Mr. Schepp stated that Councilor Bollinger may know more about the matter as she was involved in that process.

Attorney Sutphen stated that the town was able to locate the original deed for the current application.

Town Clerk Weber read a letter into the record submitted by James & Deborah Tickell. Mr. & Mrs. Tickell are opposed to the abandonment of Kepler Drive as it would set a precedent and landlock their lot. Mr. & Mrs. Tickell wrote that they believed that Kepler Drive would always be available to move trucks and other equipment that is used to maintain their property on to their lot.

Attorney Sutphen stated that Mr. & Mrs. Tickell have expressed concern that their property will be landlocked. Attorney Sutphen explained that Mr. & Mrs. Tickell own Lot 11 that has access to the street and is not landlocked.

Attorney Sutphen stated that she has spoken to Kathleen Joy an attorney that represents Irene Wilson. Attorney Sutphen stated that Ms. Wilson has requested ½ of the paper street that backs up to her property.

Attorney Sutphen stated that the town does not ever intend to open the road. Attorney Sutphen stated that the town has not discussed compensation, but any costs would be borne by the applicants.

With there being no further comments from the public, Councilor Loeffler made a motion, seconded by Councilor Rossetti, to close the public hearing at 6:51 pm in the matter of the abandonment of a portion of a paper street called Kepler Drive that would have run between First St. & Second St. in the Homewood Subdivision in Fayetteville NY.

landscape recovery. Ms. Scherer asked if the town has any plan to remove the invasive species that the deer eat and control. Ms. Scherer discussed car-deer accident statistics and stated that the insurance companies report that people in New York State have a 1 and 162 chance of hitting a deer when they travel.

Councilor Loeffler asked Ms. Scherer for clarification on the deer accident statistics she presented. Discussion ensued regarding the deer-car accident data is calculated.

Ms. Scherer stated that she is opposed to the town using tick drags as definitive data on whether or not the culling is working. Ms. Scherer asked if the town would be testing the ticks are collected to see if they were carrying Lyme disease. Ms. Scherer also noted that deer damage to property and landscape is very qualitative.

Supervisor Theobald stated that property damage is low on the list of reasons to have a deer management plan. The town is addressing the deer population issue for the families that have had Lyme disease.

Councilor Green stated that Triple AAA published a study that October, November, and December are the months with greatest number of deer accidents.

Kristina Ferrare, Cornell Cooperative Extension (CCE), provided background information on what the CCE is doing to help communities struggling to answer the deer management challenges they are facing. Ms. Ferrare stated that CCE provides unbiased research, speakers and a community-based process. Ms. Ferrare stated that she strongly encourages communities to have public hearings on the proposed deer management plans and get community input. Ms. Ferrare stated that deer committees in municipalities are always a grassroots effort initially.

Cheryl Vollmer, Manlius, stated that she has owned the home in Manlius for three years and it is a very wooded community. Ms. Vollmer stated that she and her family are all very active outside and in the wooded area near her home. Ms. Vollmer stated that she and her family use alternative protection methods against ticks and no one in her family, including her dog, have had a tick on them.

Ms. Vollmer asked if the town knows what the current population of deer is? Ms. Vollmer stated that without the deer population numbers it's hard to understand the impact that deer have on our town. Ms. Vollmer stated that she would like to know where the deer collision numbers of one hundred (as stated by Councilor Green) are coming from and stated that the number seems very high.

Discussion ensued regarding how car-deer collision data is reported and collected.

Ms. Vollmer asked what the immediate and future financial impact of deer management would be on the town? Ms. Vollmer stated that the majority of the resources mentioned in the deer management plan are over a decade old. Ms. Vollmer stated that the deer management plan mentioned tracking an injured deer and asked what would happen if an

injured deer crosses town lines? Ms. Vollmer asked where the deer trackers are allowed to travel and what would happen if an injured deer enters private property?

Dave Dunn, Fayetteville Deer Committee, stated that wounded deer from the previous deer management efforts have not been an issue on the Village of Fayetteville.

Supervisor Theobald stated that the town is going to control the deer population over time and not just keep reducing the population.

Ms. Ferrare stated that once a municipality is involved in deer management, the municipality is making a commitment and will have to consider long-term management. Ms. Ferrare stated that the town does have an overpopulation of deer that is measured by impact that deer have on the community. Ms. Ferrare stated that the community decides the population level with complaints, tick bites and collisions. Ms. Ferrare stated that there was a specific population study conducted on the east side of Syracuse, and the outcome of that study was close to 100 deer per square mile.

Ms. Vollmer stated that there is no way that she sees that many deer in her neighborhood.

Ms. Ferrare stated that there are pockets of deer that are significantly higher and reducing high populations takes 2 or 3 years. Ms. Ferrare stated that over time a maintenance plan is discussed that may not involve sharpshooters.

Councilor Loeffler stated that the deer populations are not evenly spread throughout the town and the deer travel certain routes in different areas.

Vanessa Hulchanski, Village of Fayetteville, stated that the inter-municipal agreement with the Village of Fayetteville focuses on the properties adjacent to the Village of Fayetteville. Ms. Hulchanski stated that there is hunting allowed in the town provided that the hunters follow the rules set forth by the Department of Environmental Conservation. Ms. Hulchanski stated that residential areas in the town and village cannot be managed through hunting due to the proximity of the houses. Ms. Hulchanski stated that the residential areas that cannot be managed through hunting are the areas being specified as part of the deer management plan.

Councilor Green stated that the USDA would charge the Village of Fayetteville. Councilor Green discussed the proposed payment process and stated that the town would be charged 41 per deer for processing. All of the venison collected would be donated to feed the homeless.

Supervisor Theobald stated that the cost for deer management will be smaller for the town because the town would be using less sites.

Courtney LaMere, Department of Environmental Conservation (DEC), stated that there is no cost for the deer management permit from the DEC. Ms. LaMere stated that there is a cost for a municipality to hire the USDA and the county has set aside money to help municipalities with that cost. Ms. LaMere discussed the statewide program for venison donation.

Ms. LaMere stated that studies show that reducing the number of deer in an area reduces the number of ticks in an area. Ms. LaMere stated that White-Tailed Deer are the preferred host for deer as the deer are a big bodied animal that do not groom very well. Ms. LaMere discussed the community deer management guide that is available on the DEC website. Ms. LaMere also discussed the ways that the impact that deer have on green spaces can be measured. Ms. LaMere stated that browse damage in gardens is an indicator of what is also happening in the forest.

Ms. Vollmer asked what the impact to other large animals would be if the ticks no longer have the deer to attach to? Ms. Vollmer asked how long it would take for the tick population to be reduced?

Pat Carter, Manlius, spoke in opposition of the deer management plan. Ms. Carter stated that she walks in her neighborhood every day and she has not seen many deer. Ms. Carter stated that the population of the deer in the area is decreasing and with better education, we can prevent almost all of the cases of Lyme disease. Ms. Carter stated that kids are now learning how to prevent Lyme disease and discussed the personal preventative measures that can be used. Ms. Carter discussed landscape practices and preventative measures that can be taken on private property. Ms. Carter stated that there are 125 species that carry ticks and if you eliminate the deer there will still be 124 species that will carry ticks. Ms. Carter discussed her experience working at Camp Iroquois and noted that campers rarely have ticks on them. Ms. Carter stated that the town can learn to deal with the deer population safely and humanely. Ms. Carter stated that the human population has increased, and the animals in the area are trying to adapt.

Allan Byrne, Manlius, spoke in favor of the deer management plan. Mr. Byrne stated that Lyme disease isn't something you get, and it goes away. Mr. Byrne stated that Lyme disease is with you for the rest of your life and people can die from it. Mr. Byrne stated that he has deer that nest behind his house.

Barb Sturick, Bowman Rd, stated that she is speaking on behalf of a hunter and is an avid eater of venison. Ms. Sturick asked the town board how much control the town will have on the deer management process? Ms. Sturick asked where exactly the sharpshooters will be? Ms. Sturick stated that she knows quite a few hunters who would love to have the opportunity to help and it would be less of an expense for the town. Ms. Sturick stated that she is opposed to method of using sharpshooters.

Dan Kinsella, Village of Fayetteville, discussed the process the Village of Fayetteville undertook when the village developed their deer management plan. Trustee Kinsella stated that the USDA is very efficient and there are not many cases of deer being wounded and having to be tracked. Trustee Kinsella stated that unless the communities around the Village of Fayetteville get involved, the deer management plan is a lost cause. Trustee Kinsella stated that he feels bad for hunters that want to hunt deer and the sharpshooters try not to cull male deer. Trustee Kinsella stated that the deer problem did not exist when

he was growing up because hunting was different than it is now and dogs were running throughout the village.

Arnold Poltenson, Manlius, stated that he has lived in his home for 50 years. Mr. Poltenson stated that a family of 6 deer travel by his home twice a day and in the winter the deer sleep in the front yard. Mr. Poltenson stated that car-deer collisions and Lyme disease are the primary reasons for deer management. Mr. Poltenson stated that both he and his wife take all of the necessary precautions to prevent tick bites. Mr. Poltenson stated that there may be other animals that carry ticks, but deer have the biggest body mass and height. Mr. Poltenson spoke in favor of the culling and stated that it is the right thing to do.

Laura Huffman, Manlius, spoke in opposition of the deer management plan. Ms. Huffman stated that the plan does not adequately define what the deer problem is. Ms. Huffman stated that the study is based on inconclusive research and there is not sufficient community input. Ms. Huffman stated that there is no information on when the committee will review the culling results and the proposed plan is a rubber stamp of the initial proposal to cull the deer. Ms. Huffman stated that the goal of 8 deer per square mile has been achieved and that culling the deer causes a rebound effect. Ms. Huffman noted that a sterile female deer would have a placeholder effect on the population and would keep other deer out of her area. Ms. Huffman stated that the car accident numbers need to be reviewed and quantified and also discussed preventative methods to reduce car-deer accidents. Ms. Huffman stated that reducing the deer population does not create less Lyme disease and discussed the other hosts that can carry ticks. Ms. Huffman stated that bowhunters would be non-clean kills and that is an inhumane process. Ms. Huffman noted that there are restrictive covenants in many of the neighborhoods and a culling program could decrease property values. Ms. Huffman stated that a culling program could deter people from buying a home when they learn that culling may be taking place on their properties.

Dave Dunn, Fayetteville Deer Committee, stated that he supports the deer management plan. Mr. Dunn stated that a reduction in the deer population can crash the tick population. Mr. Dunn noted that should the town decide to proceed with the deer management plan the town will have to manage the deer population every year. Mr. Dunn stated that the first year of the deer management plan was difficult for the Village of Fayetteville, but now the process is efficient and does not cost a lot of money.

Sylvia De La Garza, Manlius, stated that not every tick carries Lyme disease. Ms. De La Garza stated that she has been gardening for over 40 years and she has used preventative, humane and nontoxic methods. Ms. De La Garza stated that her fenced in yard is crawling with ticks from squirrels. She noted that self-examination and diligence is the most effective way to prevent Lyme disease. Ms. De La Garza called for humanity and stated that the baiting and culling the deer is a cruel enterprise. Ms. De La Garza asked the town board to reconsider the culling plan because we as human beings can do better. Ms. De La

Garza stated that ornamental plants are not life and death and Lyme disease is serious issue.

With there being no further comments from the public, Councilor Rossetti made a motion, seconded by Councilor Green, to close the public hearing at 8:17 pm in the matter of the Draft Deer Management Plan for the Town of Manlius.

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

Nayes: 0

All in Favor.

Motion Carries.

Supervisor Theobald stated that the deer management plan is a serious issue to be considered. Supervisor Theobald stated that he is not a hunter, but he does support hunters. Supervisor Theobald stated that the town does have an abundance of deer that have caused many issues. Supervisor Theobald stated that the proposed plan is a well thought out plan that the Village of Fayetteville has already implemented.

Town Clerk Weber read a letter into the record from Sandy Schepp opposing the deer management plan. Ms. Schepp wrote in opposition of the deer management plan if it is based solely on ticks and Lyme disease. Ms. Schepp has seen a decrease of deer in her neighborhood and an increase in coyotes.

Town Clerk Weber read a letter into the record from Christine Carter-Huffman opposing the deer management plan. Ms. Carter-Huffman stated that the plan does not state how the reviews will take place, quantify the measurement of success or address the associated costs.

Councilor Loeffler stated that he has removed ticks from his family and members of his family have had car-deer collisions. Councilor Loeffler stated that the object for the deer management plan is to reduce the number of deer. Councilor Loeffler noted that if the reduction of deer could crash the tick population in the Town of Manlius, then it is the responsibility of the town board to address the matter for public safety.

Councilor Giordano stated that he lives in an area that is full of deer and in the winter months he can have up to 12 deer on his property at one time. Councilor Giordano stated that state laws prohibit hunting in neighborhoods where the deer live. Councilor Giordano stated that the actions the town is taking to control the deer population is a start.

Councilor Green made a motion, seconded by Councilor Loeffler, to approve the Intermunicipal Agreement with the Village of Fayetteville to authorize the inter-municipal cooperation and assistance for the sharing of white tail deer damage management assets.

Discussion: Councilor Marzola stated that the proposed agreement is not specific regarding costs. Councilor Marzola stated that he wants a better understanding of what the town will pay from a cost's perspective.

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

Nayes: 0

All in Favor.

Motion Carries.

G) Supervisor

Supervisor Theobald stated that the town has received notification the New York State Department of Transportation will begin the review process of the speed limit on Salt Springs Road between North Eagle Village Road and Palmer Road.

Supervisor Theobald announced the town has received a State and Municipalities (SAM) grant from the Dormitory Authority of the State of New York (DASNY) in the amount of \$75,000 to construct a storage shed behind town hall and install security cameras in town hall.

There being no further business to come before the Board, upon motion duly made by Councilor Loeffler and seconded by Councilor Rossetti the Board voted unanimously to adjourn regular session at 9:37 PM to enter executive session to discuss collective bargaining and a personnel matter.

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

Nayes: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

Executive Session

November 14, 2018

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

The Town Board Re-entered Regular Session at 9:55 p.m.

There being no further business to come before the Board, upon motion duly made by Councilor Rossetti and seconded by Councilor Giordano, the Board unanimously voted to adjourn the Regular Session at 9:55 p.m.

Submitted by:
Ann Oot
Town Manager