

MINUTES
TOWN BOARD
October 22, 2014

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
Jason Cassalia, Councilor
Vincent Giordano, Councilor
Karen Green, Councilor

The following Town Officers were present:

Steven Primo, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
Ann Oot, Town Manager	

Other persons attending:

Doug Miller, Engineer for the Town, Ellen & Mike McGrew, Manlius. Steve Morgan, Syracuse. Dick Lynch, Manlius. Jason Emerson, Eagle Bulletin. Dick Sparrow, East Syracuse. Richard Lelong, East Syracuse. Lisa DeVona, Village of Minoa. Paul Hildreth, Fayetteville Fire Dept. Bill Brazill, Minoa. Rocco Grosso, Syracuse. Ian Hunter, Syracuse. Paul Whorrall, Village of Manlius. Martha Dygert, Village of Manlius. Mike DeClerck. Irwin Goldberg, Manlius. Allen & Jill Olmsted, Manlius. Matt Napierala, Manlius

1. 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.

2. Approval of Minutes – October 8, 2014 & Special Joint Meeting September 11, 2014

Councilor Green made a motion, seconded by Councilor Giordano, to approve the minutes of October 8, 2014 as submitted by Town Clerk Edsall.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Cassalia, Councilor Marzola, Councilor Giordano, Councilor Green

Nayes: 0

All in Favor.

Motion Carries.

Abstain: Councilor Marnell

Councilor Marnell made a motion, seconded by Councilor Marzola, to approve the minutes of the Special Joint Meeting held September 11, 2014 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 20

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 20 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 20 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$82,460.11
B	General Fund Town	\$ 516.63
CM4	Court Special Revenue	\$ 33.98
DA	Highway Fund Townwide	\$67,693.85
DB	Highway Fund Town	\$ 7,588.16
SD1	Consolidated Drainage #1	\$ 45.29
SS1	Manlius Con Sewer District	\$ 415.47
TA2	Trust & Agency - Other	\$ 3,107.50

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

Nayes: 0

All in Favor.

Motion Carries.

4. 7:05PM – Public Hearing – Fayetteville Fire Contract

Councilor Marzola made a brief presentation on the 2015 Fayetteville Fire Budget. Councilor Marzola also reviewed budget information from prior years. Councilor Marzola stated that the Fayetteville Fire Budget is up 6.5%. Chief Hildreth reviewed some of the expenditures planned for 2015.

Councilor Marnell made a motion, seconded by Councilor Giordano, to waive the reading of the public notice in the matter of – Fayetteville Fire Contract – 2015.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Loeffler made a motion, seconded by Councilor Green, to open the public hearing at 7:19 P.M. in the matter of - Fayetteville Fire Contract –2015.

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

Nayes: 0 All in Favor. Motion Carries

There being no comment from the public, Councilor Marnell made a motion, seconded by Councilor Giordano, to close the public hearing at 7:20 P.M. in the matter of Fayetteville Fire Contract –2015.

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

Nayes: 0 All in Favor. Motion Carries.

5. 7:10PM – Public Hearing – Manlius Fire Contract

Councilor Marzola made a brief presentation on the 2015 Manlius Fire Budget. Councilor Marzola stated that the 2015 Manlius Fire Budget is up by 12.71%.

Mayor Whorrall discussed the overall capital expenditure plan, community service programs and call volume.

Discussion ensued regarding the cost to run an ambulance call.

Councilor Marnell asked why the ambulances were purchased within one year rather than amortized over five years. Martha Dygert, Manlius Village Clerk, stated that the decision to purchase the ambulances in one year rather than over five years was a decision made by the finance committee.

Councilor Marnell made a motion, seconded by Councilor Giordano, to waive the reading of the public notice in the matter of the – Manlius Fire Contract – 2015.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Loeffler, to open the public hearing at 7:38 P.M. in the matter of - Manlius Fire Contract –2015.

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

Nayes: 0 All in Favor. Motion Carries

There being no comment from the public, Councilor Marnell made a motion, seconded by Councilor Giordano, to close the public hearing at 7:39 P.M. in the matter of Manlius Fire Contract –2015.

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

Nayes: 0

All in Favor.

Motion Carries.

6. 7:15PM Public Hearing – Minoa Fire Contract

Councilor Marzola made a brief presentation on the 2015 Minoa Fire Budget. Councilor Marzola stated that the 2015 Minoa Fire Budget is up by 14.77%.

Deputy Mayor Brazil discussed the capital expenditures necessary to upgrade equipment.

Councilor Loeffler made a motion, seconded by Councilor Giordano, to waive the reading of the public notice in the matter of the – Minoa Fire Contract – 2015.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Loeffler, to open the public hearing at 7:47 P.M. in the matter of - Minoa Fire Contract –2015.

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

Nayes: 0

All in Favor.

Motion Carries

There being no comment from the public, Councilor Marnell made a motion, seconded by Councilor Loeffler, close the public hearing at 7:48 P.M. in the matter of Minoa Fire Contract –2015

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

Nayes: 0

All in Favor.

Motion Carries.

The Town Board tabled the vote for the fire contracts to further review budget items.

7. Trash & Brush Bid

Supervisor Theobald stated that the Town has been reevaluating the reasons that the opt out option was removed from the Trash and Brush District since the provision was removed in August. Supervisor Theobald stated that while it is rare to have an opt out provision in a special district, he has received a lot of correspondence from residents and HOA's opposing the removal of the opt out option from the trash and brush district. Supervisor Theobald stated that the Town Board reviewed the issues (with the administration of the opt out option process) and addressed some of the administration issues. Supervisor Theobald stated that there are still some administration issues to be worked out with the County. Supervisor Theobald stated that he would like to discuss the resolution that has been presented to change back to allowing the opt out option in the trash and brush district. Supervisor Theobald stated that the Homeowners Associations

will not be participating in the trash and brush district and there are a small amount of residents outside of a Homeowners Association that opt out of the trash and brush district.

Attorney Primo stated that the Town Board was polled over the weekend as to whether they wanted to restore the opt out provision. Attorney Primo stated that the Town Board would like to restore the opt out provision. Attorney Primo stated that the Town Board must reject the current trash and brush bids because the numbers of units provided in the bid are no longer correct. Attorney Primo stated that the Town needs to rebid the trash and brush contract. Attorney Primo stated that the resolution that has been prepared ratifies the poll, authorizes the bid to be re-let and restores the opt out provision to the trash and brush district.

Councilor Marzola stated that, in hindsight, he received more facts and data. He stepped back, looked at the initial approach (to removing the opt out provision) and it was not correct. Councilor Marzola discussed how the Homeowners Associations in the Town utilize their own trash and brush services. Councilor Marzola stated that there is a significant cost to residents opting in and out of the trash and brush district during the year and there has to be some process to regulating that (the opt out provision).

Supervisor Theobald stated that the idea of removing the opt out provision looked great on paper but Town residents reached out to him as their local representative and there are changes that have to be made.

Councilor Marzola stated that the current trash and brush bid was based on a certain number of units and this (allowing the opt out provision) could change the cost structure.

Councilor Loeffler stated that as the Town Board was considering the bids there were a lot of questions about the bids. Councilor Loeffler stated this decision really has to do with the opt out provision. Councilor Loeffler stated that the Town Board needs to re-bid (the trash and brush contract) and do what is right.

Councilor Cassalia stated that the residents had the power and the impact to change the course of their local government.

Councilor Marzola stated that rebidding the contract gives the Town Board more time to understand and access automated vs. manual collection.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to approve the amended resolution as prepared by the Attorney for the Town that ratifies the poll that was conducted regarding restoring the opt out provision, authorizes the bid to be re-let and restores the opt out provision to the trash and brush district.

Discussion ensued amongst the Town Board members as to whether November 1, 2014 is a reasonable deadline date for residents to opt out of the trash and brush district for 2015. Attorney Primo stated this date (November 1, 2014) is really the only option. Town Manager Oot stated that the cutoff date for changing enrollment in special districts is October 1, 2014.

Discussion ensued regarding the number of households stated in the trash and brush bids.

Councilor Giordano stated that the number listed in the new proposed bids are misleading as there are not even 7000 households currently enrolled in the brush district. Attorney Primo stated that he was not aware that the maximum number of potential properties was 7310 units and he was basing the current number of households listed in the bids on the prior number of households. Supervisor Theobald stated that there are around 4680 households participating in the brush. Attorney Primo stated that the potential number of households in the brush would also be around 7400.

The Town Board amended the range of the number of households in the trash contract bid to be 6000 to 7400 households and the range of the number of households in the brush bid to be 4500 to 7400.

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

Nays: 0

All in Favor.

Motion Carries.

8. Dick Sparrow – Erie Village Homeowners Association – Trash & Brush

Mr. Sparrow thanked the Town Board for all their hard work and reevaluating the opt out provision in the trash and brush district.

9. Professional Fees

Attorney Primo reviewed the amended table. The Town Board tabled the matter for further review.

10. Special Permit Application – Resort Lifestyle Community – N Burdick Street – Planning Board Referral Consideration

Attorney Primo stated that this project has not followed the usual procedure and has been before the Planning Board. Attorney Primo stated that there were several questions after the Planning Board meeting. Attorney Primo reviewed the special permit application process and suggested that the Town Board refer the matter back to the Planning Board for a more in depth presentation and review.

Matt Napierala, Representative for Resort Lifestyle Communities, made a brief presentation on the proposed project. Mr. Napierala stated that the project is a 130 unit independent senior living center and this is not a medical facility. Mr. Napierala described the amenities and activities available to the residents in the facility including a full scale restaurant.

Councilor Marzola asked the applicant if the owners of this proposed facility have other locations similar to the proposed project. Mr. Napierala stated that this is not a start-up facility and the owners have other locations throughout the United States. Mr. Napierala stated that this is a privately funded facility.

Councilor Loeffler asked the applicant if the fire departments had been notified? Mr. Napierala stated that he met with Chief Hildreth and Chief Hildreth is very excited about the project.

Mr. Napierala stated that the current zoning allows for homes for the elderly.

Town Engineer Miller stated that the Planning Board was very receptive to the proposed project and asked the applicant for more information and detail on the project.

Attorney Primo reviewed the special permit approval process at the Planning Board level.

Conversation ensued regarding the other facilities that have been constructed by Resort Lifestyle Communities.

Councilor Marzola asked the applicant about the concept of underground storage and if this concept was going to be used at this facility. Mr. Napierala stated that this project is still in the planning phase. Mr. Napierala stated that the applicant is considering, because of cost issues, a combination of surface water treatment and some underground.

Attorney Primo stated that the Town Board should consider the SEQRA process and decide if the Town Board would like to assume lead agency, refer lead agency to the Planning Board or consider a joint lead agency.

Councilor Loeffler stated that he would like to wait for the Planning Board's analysis of the project.

Mr. Napierala discussed the SEQRA process from the applicant's standpoint. Mr. Napierala stated that he will be augmenting the Environmental Assessment Form (EAF) with environmental findings that will allow either board to make an informed decision on hot topic issues without having to ask for more information.

Attorney Primo stated that it is an unlisted action and the Town Board can issue a conditional negative declaration and attach the Town's Boards conditions to the special permit. Attorney Primo stated that the conversation can be had with the Planning Board as to whether the Town Board retains lead agency.

Councilor Loeffler stated that the Town Board can refer the project to the Planning Board and continue to discuss that matter of lead agency.

Councilor Marnell made a motion, seconded by Councilor Green, to refer the Special Permit Application for Resort Lifestyle Community located on N. Burdick St. to the Planning Board for a recommendation.

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

Nayes: 0

All in Favor.

Motion Carries

11. Annual Justice Court Audit

Councilor Marzola stated that Bowers and Co. have completed the 2013 annual audit required by the Uniform Justice Court Act.

Councilor Marzola made a motion, seconded by Councilor Marnell, to accept the 2013 completed audit review done by Bowers & Co. as required by the Uniform Justice Court Act and the Town.

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

Nayes: 0

All in Favor.

Motion Carries

12. Village of Manlius Proposed Fire House Jurisdictional Resolution

Attorney Primo reviewed the history of the jurisdictional issue relative to the proposed fire house for the Manlius Fire Department. Attorney Primo reviewed the resolution that was drafted relative to the findings of the Department of Environmental Conservation in favor of the Village of Manlius for lead agency status for the proposed fire house.

Supervisor Theobald stated that this is more of an official process (passing the resolution) that the Town is going through. Supervisor Theobald stated that he met with the Village of Manlius and the Village has put a committee together regarding the development of the proposed fire house. Supervisor Theobald stated that someone from the Town will be on the committee and will communicate with the Town on a regular basis.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to approve the proposed resolution asserting zoning, planning and related jurisdiction relative to the proposed Village of Manlius Fire Station.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Green, Councilor Marnell, Councilor Cassalia, Councilor Marzola

Nayes: Councilor Giordano

All in Favor.

Motion Carries

Councilor Marzola stated that this issue is not an issue with the firehouse. Councilor Marzola stated that this is a process issue and he would be abdicating his responsibilities as Town Councilor if he did not pursue this matter.

13. Correspondence/New Business

A) Highway Superintendent

adjourn regular session at 10:05 pm to enter into executive session to discuss contract negotiations.

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

Nayes: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

Executive Session

October 22, 2014

Upon motion duly made by Councilor Marnell 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 10:26 p.m.

There being no further business to come before the Board, upon motion duly made by Councilor Giordano and seconded by Councilor Marnell, the Board unanimously voted to adjourn the Regular Session at 10:26 p.m.

Submitted by:

Steven Primo
Attorney for the Town