

Agenda

Manlius Town Board

April 10, 2019

6:30 PM

1. Pledge Of Allegiance
2. Oath Of Office - Police Officers
3. Approval Of Minutes - March 27, 2019

Documents:

[03-27-19.PDF](#)

4. Return Of Highway Securities - 1035 Ft. Crane Landing
5. Abstract # 7
6. POSTPONED - Wellington Commons - Zone Change Request - R-1 To NS 7262 Genesee St. E. Fayetteville NY (Tax Map # 92.00-06-05.2)
The Applicant has requested the zone change application be removed from the April 10, 2019 Town Board Agenda. All interested parties are encouraged to sign up to receive the town board agenda notifications via email and text message for future meeting dates.
7. Public Hearing - 6:35 PM - Unsafe Building - 136 Wilson Dr,

Documents:

[136 WILSON DR. - UNSAFE BUILDING.PDF](#)

8. Appointments - Board Of Assessment Review & Clerk I (Assessment Department)
9. Highway Superintendent
10. Planning & Development
11. Attorney
12. Town Clerk
13. Police Chief
- 13.I. Budget Transfer Request - Police Department

Documents:

[BUDGET TRANSFER REQUEST - TOWN OF MANLIUS POLICE DEPARTMENT.PDF](#)

14. Town Board
15. Supervisor
16. Adjournment

Please silence cell phones.

TOWN OF MANLIUS		
Fund Summary		
Abstract # 6 - 2019		
CODE	FUND	TOTALS
A	General Fund Townwide	\$ 39,467.52
B	General Fund Town	\$ 2,747.54
DA	Highway Fund Townwide	\$ 65,488.46
DB	Highway Fund Town	\$ 4,605.05
SD3	Consolidated Drainage # 3	\$ 3,460.34
SR1	Manlius Trash District	\$ 101,874.89
SR2	Manlius Res Brush District	\$ 11,600.00
SS1	Manlius Con Sewer District	\$ 942.79

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

Nayes: 0

All in Favor.

Motion Carries.

Wellington Commons – Zone Change Request R1 to CA, 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2)

Paul Curtain, Attorney for the Applicant, stated that the applicant is requesting a zone change for the property commonly known as the Wellington House. Mr. Curtain stated that the Wellington House has been operating for over 30 years on a commercial basis for catering, wedding and events of that nature. Mr. Curtain stated that the property, owned by Tom Thomas, is 11.62 acres and is currently zoned (R-1) Residential 1.

Mr. Curtain stated that the original zone change application was submitted requesting that the zone be changed to (CA) Commercial A and the applicant would like to change that request to (NS) Neighborhood Shopping.

Mr. Curtain discussed the zoning classifications of the nearby properties. Mr. Curtain stated that the Craftsman Inn (immediately to the East) is zoned CA and Towne Center (across the street) is zoned Regional Shopping District (RS). Mr. Curtain stated that the nearby corridor has been zoned to allow for transitional uses. Mr. Curtain stated that the applicant would like the property rezoned to allow for uses under NS and the site is contiguous to shopping, restaurant and hospitality.

Mr. Curtain stated that one of the key points of what the applicant is proposing is to preserve the principal portion of the Wellington House on the site. Mr. Curtain stated that the house will be preserved so that the historic significance will be protected, and the visual impact will be reduced.

Mr. Curtain stated that, under the current zoning classification of R-1, it is not feasible or desirable to break the property up into lots. Mr. Curtain stated that the owner is retired, and the Wellington House has discontinued operations for a sustained period of time. Mr. Curtain stated

that he will submit a letter to the Town Clerk officially amending the application to request the NS zoning classification.

Supervisor Theobald stated that he is concerned about the neighborhood behind the Wellington House and the street behind it (Dabney Lane). Supervisor Theobald stated that the homes behind the parcel are very close and he is very concerned about how close the project would be to the neighbors.

Mr. Curtain stated that the developer (Devin Del Pos) has been in touch with the neighbors. Mr. Curtain stated that Mr. Del Pos has made a proposal to the neighbors that he would purchase their homes for the current appraised value. Mr. Curtain stated that the purchase proposal would be for the duration of the project and the neighbors could sell their homes for a set price at any time. Mr. Curtain stated that the developer is trying to mitigate any financial impact to the neighbors.

Councilor Marzola asked for clarification on the zoning classification of the property. Mr. Curtain stated that the tax map shows the property is zoned R-1.

Councilor Marzola asked if the developer currently owns the property? Mr. Curtain stated that the property is under contract.

Councilor Marzola asked Attorney Frateschi to review the allowed uses in the NS zoning classification. Attorney Frateschi read aloud the allowed uses, after site plan approval from the Planning Board, in the NS zoning classification.

Attorney Frateschi stated that the applicant is proposing a grocery store, but what the applicant is presenting is not necessarily what will be approved. Attorney Frateschi stated that the Town Board must consider all of the allowed uses and requirements of NS, because all of those uses would be allowed should the Town Board change the zoning.

Councilor Marzola asked Mr. Curtain why the applicant changed their request to NS from CA? Councilor Marzola asked Mr. Curtain if the change was because the usage desired fell under NS zoning classification or did the applicant change their plans from a use allowed in CA zoning classification?

Mr. Curtain state that the applicant wanted to shrink the scope of uses and the CA zoning classification was too broad. Mr. Curtain stated that anything the applicant was proposing would fall under the NS zoning classification without the necessity of variances and would comply with the setbacks.

Councilor Loeffler reviewed the NS zoning classification. Councilor Loeffler stated that the proposal butts right up against the property line and Mr. Curtain has indicated that the developer has voluntarily made offers to the neighbors. Councilor Loeffler asked Mr. Curtain if the applicant has considered plans that were not so intense and not so crowded into the spot that keeps in the spirit of the NS zoning classification?

Mr. Curtain stated that he believes that whatever the developer would propose, on a site plan review, would accommodate (the spirit of the NS zoning classification). Mr. Curtain stated that what would be proposed would be less than what the allowable square footage would be.

Councilor Loeffler asked if the square footage would be based upon a total allowable intensity? Councilor Loeffler stated that part of the process is to make sure that there is minimum disruption. Councilor Loeffler stated that offer of buying neighboring properties is counter to that (minimum disruption).

Mr. Curtain stated any impact, perceived or otherwise, that the contiguous property owners would have would be mitigated by purchasing their property at full market price. Mr. Curtain stated that, it is the intention of the applicant, to make sure that property owners do not have a negative financial impact. Mr. Curtain stated that there is enough site distance for adequate buffering to minimize site impact, if there is any.

Councilor Loeffler asked what the applicant was planning for the Wellington House? Mr. Curtain stated that the Wellington House will be relocated onsite wherever it best fits.

Supervisor Theobald stated that there has been some discussion to move the Wellington House towards Mott Road.

Councilor Loeffler asked if the intent is to re-locate and re-use the Wellington House? Mr. Curtain answered yes.

Councilor Green asked if the Wellington House would be used for a restaurant or catering services? Mr. Curtain stated it would probably not be used for a restaurant or catering services. Mr. Curtain stated that the cost to pick up and move the Wellington House is significant given the age of the house and the type of construction. Mr. Curtain stated that the developer may be open to a community type use for the Wellington House.

Councilor Green asked what the plans are for the other structures on the property? Mr. Curtain stated that the other structures would be torn down.

Councilor Rossetti asked what the response from the homeowners (that have received offers to purchase their homes) has been? Mr. Curtain stated that Mr. Del Pos has spoken with one of the property owners and they have requested that Mr. Del Pos have the property appraised.

Councilor Marzola stated that the current site plan has an ingress and egress from route 5? Councilor Marzola asked if the ingress and egress would be moved to the back of the property if Mr. Del Pos purchases the 3 contiguous homes on the back of the parcel. Mr. Curtain answered no and those properties would remain.

Councilor Rossetti stated that the applicant has indicated that Mr. Del Pos would resell the homes he purchases.

Councilor Marzola asked if the intent is to demolish the 3 homes that Mr. Del Pos has offered to purchase? Mr. Curtain answered no.

Supervisor Theobald asked if the developer has spoken with the homeowners across the street that would be facing the property on the South side (on Dabney Lane)? Mr. Curtain answered no.

Supervisor Theobald stated that he visited Dabney Lane and he believes that in order to create a visual buffer the developer will need to put up unbelievable buffers so that no one can see anything.

Mr. Curtain stated that there are existing structures that are not going to be raised, there is a roofline that is 30 feet high and there is existing landscaping. Mr. Curtain stated that additional landscaping can be placed and there is adequate room to do all of that. Mr. Curtain stated that by not disturbing the structures in the back there will be a buffer.

Supervisor Theobald stated that that a grocery store wall or a restaurant wall would be visible. Supervisor Theobald stated that the tree line is very thin and you can see all the way to Genesee St. from Dabney Lane.

Mr. Curtain stated that the developer could bring in trees to mitigate the visual impact. Mr. Curtain stated that the comments being discussed are things that can be scoped out at the Planning Board. Mr. Curtain stated that Mr. Del Pos has worked in other communities and always does what he says he will do.

Councilor Loeffler discussed a corridor study from 1993 that affected the Residential Multiple Use (RM) zoning along that corridor. Councilor Loeffler stated that the policy references preservation of the houses on the South side of the street. Councilor Loeffler stated that while the policy has not been actively monitored, because there have not been a lot of zone changes in the area, the policy is what the corridor is based upon.

Councilor Bollinger asked about the wetlands along the edge of the property near Kimry Moor. Mr. Curtain stated that the developer will probably not touch the wetlands at all.

Councilor Bollinger stated that the way it currently appears, the entry to the property is proposed to be constructed where the water currently is. Councilor Bollinger stated that she does not see how the water/wetlands will not be touched. Councilor Bollinger stated that this is a concern that should be part of the site plan and she does not want the water redirected in such a way that it damages other properties.

Mr. Curtain stated that there will be a Stormwater Pollution Prevention Plan (SWPPP) that is directed by the State. Mr. Curtain stated that the Town Engineer will be active on that matter.

Councilor Loeffler asked if the grocery store would be a 24-hour facility because the code is silent on the hours of operation. Mr. Curtain stated that he cannot answer that question yet.

Supervisor Theobald stated that neighbors had expressed concerns regarding noise when the Wellington House was running. Supervisor Theobald stated that the Wellington House did what they needed to do to keep the noise down.

Mr. Curtain stated that the Wellington House had a good relationship with the neighbors.

Councilor Green asked how much parking is proposed? Mr. Curtain stated that parking is a code issue that will be worked out with input and direction from the Planning Board. Mr. Curtain stated that the proposal would have to conform with the code and based on what the developer is proposing there would be adequate space. Mr. Curtain stated that the proposal will have to comply with Town Code.

Attorney Frateschi stated that the Planning Board will make the decision on the site plan and the Planning Board cannot regulate the hours of operation for a business.

Mr. Curtain stated that other jurisdictions have regulated the hours of delivery in the site plan.

Attorney Frateschi stated that the Planning Board cannot regulate the hours of operation for a business. Attorney Frateschi stated that the courts are very hesitant to allow any board to tell a business how to operate. Attorney Frateschi stated that under a special permit, which would not be relevant for this proposal, the town could regulate hours of operation. Attorney Frateschi reviewed the special permit requirements for the NS zoning classification.

Attorney Frateschi stated that, the consideration before the Town Board is whether or not to refer the zone change application to the Planning Board for input on whether or not the Planning Board believes a zone change is appropriate.

Councilor Bollinger made a motion to refer the Wellington Commons Zone Change Request to change the zoning from R1 to NS at the property located at 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2) to the Planning Board for a recommendation.

No second was made.

Discussion

Attorney Frateschi stated that the Town Board should make the applicant aware of their feelings on the project.

Supervisor Theobald stated that he believes that growth in the Town of Manlius is important to the economics of the community and the tax base. Supervisor Theobald stated that he has considered the nature of the surrounding area, including the zoning classifications of the nearby properties. Supervisor Theobald discussed the corridor policy and the traffic issues. Supervisor stated that he would like to keep the property as it currently is.

Councilor Marzola asked for clarification on the Planning Board's role in the zone change application process.

Attorney Frateschi stated that a zone change request is purely discretionary and in order to change the zoning on a parcel the town would have pass a local law. Attorney Frateschi stated that subdivisions, site plans and special use permits are not discretionary and if the applicant meets certain criteria then the applicant is allowed to develop their own property within the limits set forth in the Town Code. Attorney Frateschi stated that there is no requirement for the Town Board to change the zoning classification on a parcel. Attorney Frateschi reviewed the zone change application process.

Councilor Loeffler stated that the Town Board has sent referrals to the Planning Board that are favorable and not favorable. Councilor Loeffler stated that the applicant must judge whether or not they would like to proceed based on the conversation at the Town Board meeting. Councilor Loeffler stated that he is interested in what the Planning Board would have to say but he has a lot of concerns about the request to change the zoning.

Councilor Loeffler stated that he believes that the property can support some commercial use but the current proposal is shoehorned in. Councilor Loeffler discussed the proposal by the developer to purchase the neighboring properties. Councilor Loeffler stated that he is concerned that the homeowners may feel forced to sell their homes with the shadow of the proposed development hanging over them.

Councilor Loeffler stated that he would want the zone change to only be on part of the parcel and create a large buffer. Councilor Loeffler stated that he would be willing to let the application go to the Planning Board on a purely advisory basis because he has a lot of concerns. Councilor Loeffler stated that the applicant should be aware that he has a lot of concerns and questions about this proposal.

Councilor Rossetti asked if the homeowners could negotiate the purchase price of their home with the developer. Mr. Curtain stated that anything is negotiable, but he cannot negotiate with the Town Board on behalf of the homeowners.

Mr. Curtain stated that the developer has a heightened sensitivity to any impact this project might have on the contiguous properties. Mr. Curtain stated that the developer is being open, not callous and is addressing those concerns.

Councilor Loeffler stated that there will be many requirements that would need to be met if he was to ever support the zone change and the agreements with the homeowners would be one of the requirements. Councilor Loeffler stated that he is questioning the timing of the proposal.

Mr. Curtain asked the Town Board to refer the zone change application to the Planning Board so the process can move forward, and the Town can bring in the opinions of the other planners. Mr. Curtain stated that he is requesting due process and openness. Mr. Curtain stated that if there are concerns, he would like the opportunity to identify the concerns and address them. Mr. Curtain stated that the SEQR process will flush out some of the concerns.

Councilor Marzola discussed the character of the corridor and the corridor policy that is in place near the Wellington House. Councilor Marzola stated that he would like the Town Board to submit a list of questions to the developer before the process moves forward to a referral to the Planning Board. Councilor Marzola stated that he has fundamental property concept questions about what is or what may happen should a zone change be granted. Councilor Marzola stated that the question has been raised as to whether or not the developer would entertain the idea of rezoning a smaller portion of the parcel. Councilor Marzola stated that he would like to know if the developer is open to the smaller rezoning concept before the project is sent to the Planning Board.

Councilor Rossetti stated he would like the Town Board to work through all of their questions and concerns prior to the referral to the Planning Board.

Councilor Green stated that when she served on the zoning board, the discussion was always about preserving the character of the neighborhood (near the Wellington House). Councilor Green stated that she has concerns and would like to maintain the residential character in that area. Councilor Green stated that the Wellington House is a remarkable jewel and the whole corridor is a beautiful area.

Councilor Giordano stated that he has concerns for the homeowners living in the neighborhood (of the Wellington House). Councilor Giordano stated that he feels as though some of the homeowners were told that they would have to move or they will have a building in their back yard. Councilor Giordano stated that he is concerned for the neighbors across the street who would have to look at the project and the town is trying to stay away from that kind of a lifestyle in that area. Councilor Giordano stated that he is concerned that the water in the area of the proposed development will be displaced into the nearby neighborhoods. Councilor Giordano stated that he is not prepared to send this to the Planning Board and that he is concerned for the homes in the area.

Supervisor Theobald asked for clarification on whether the homeowners were offered assessed value or appraised value. Mr. Curtain stated that the homeowners were offered appraised value and the sale would be at arms length with full transparency.

Supervisor Theobald stated that Councilor Bollinger has made a motion to send the project to the Planning Board and no second has been made yet.

Discussion ensued regarding procedure and Councilor Bollinger stated that there was no second to her motion and the Town Board moved directly to discussion.

Councilor Loeffler reviewed the discussion that has occurred amongst the Town Board.

Attorney Frateschi asked the applicant if they would like to rework the proposal and if the applicant would consider rezoning a smaller portion of the parcel?

Mr. Curtain stated that he would like the Town Board to continue the discussion to the next Town Board meeting to allow the developer to make some assessment to determine what else could be done with the site. Mr. Curtain stated that things in the Town of Manlius have changed and the Wellington House was single family home for a period of time. Mr. Curtain stated that the corridor study addresses how the corridor is changing and how difficult it is to encourage people to live and raise their families on a four-lane highway. Mr. Curtain stated that the RM zoning allowed for transitional uses while maintaining the integrity of the existing structures. Mr. Curtain stated that the RM zoning created an economic vehicle to allow the structures to remain and the visual landscape to remain unchanged. Mr. Curtain stated that the parcel is an 11-acre site that is larger than nearby parcels that are zoned commercial. Mr. Curtain stated that something will happen with this structure and it has already been renovated. Mr. Curtain stated that there are not many people that will have the financial wherewithal to revisit this site especially sitting next to commercial properties.

Attorney Frateschi asked when the Craftsman was commercially zoned? Councilor Green stated that the Craftsman was rezoned in the eighties.

Councilor Loeffler stated that the Town is trying to manage change as best they can. Councilor Loeffler stated that the Town has an obligation to the people in the area to make sure that what is developed makes sense for the area. Councilor Loeffler stated that he does not want the property to die where it is. Councilor Loeffler stated that he does not want to say that the zoning will not be changed, but he wants to make sure that the zoning is managed in a way that is fair to both parties.

Devin Del Pos, Developer, stated that he lived in the Town of Manlius for a year and grew up in this area. Mr. Del Pos stated that he would greatly appreciate a list of questions from the Town Board so that he can address those concerns. Mr. Del Pos stated that he sent letters out to the three homeowners that immediately abutted the property because they are the properties that would be the most affected. Mr. Del Pos stated that reason they chose the NS zoning classification over the CA zoning classification is because NS zoning has a lot of requirements associated with that zone specifically related to neighborhoods. Mr. Del Pos stated that the context of NS zoning is intended to be adjoining a neighborhood. Mr. Del Pos discussed the zoning of nearby parcels. Mr. Del Pos stated that NS zoning is smaller scale and is meant to be next to neighborhoods and respect those neighborhoods.

Councilor Bollinger amended her original motion to send the zone change application to the Planning Board.

Councilor Bollinger amended the original motion as follows:

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to table the Wellington Commons Zone Change Request to change the zoning from R1 to NS at the property located at 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2) to the next meeting.

Discussion: Attorney Frateschi stated that the Town Board will be submitting its questions and concerns to the developer. Attorney Frateschi stated that if the size of the zone change is reduced it will affect the allowable size of the structure that could be constructed.

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

Nayes: 0

All in Favor.

Motion Carries

Good Energy Presentation

Edward Carey, Good Energy and the New York Municipal Energy Program (NYMEP), gave a brief history of the NYMEP. Mr. Carey stated that the basic concept of the program is that the Town will aggregate the energy use charges all of its residents for the purchase of energy without a contract. Mr. Carey stated that one of the benefits of the program is that if a resident chooses to leave the program there will be no penalty because there is no contract and it is municipally backed.

Mr. Carey discussed other counties in the state that are participating in this program. Mr. Carey stated that the City of Syracuse is considering this program and the Village of Minoa already participates.

Javier Barrios, Good Energy and the New York Municipal Energy Program, discussed the process the Town would undertake if it was to participate in the NYMEP. Mr. Barrios stated that the Town of Manlius would pass a local law to be presented to the utility company to allow data to be obtained that would give Good Energy an estimate of any potential savings.

Mr. Barrios stated that Good Energy is a Community Choice Aggregation Administrator approved by the Public Service Commission. Mr. Barrios stated that Good Energy is not the supplier but rather the administrator of the program.

Conversation ensued regarding the process that would take place in order for the Town of Manlius to engage the services of Good Energy to go out to bid for energy.

Councilor Marzola asked Mr. Barrios who Good Energy purchases their energy from? Mr. Barrios stated that Good Energy purchases energy from a registered S Corporation.

Discussion ensued regarding the following:

- How the energy rates are calculated and how residents can opt in and out of the program
- How the public will be notified of the program and where the information will be displayed on a resident's utility bill.
- Other competitors in the business and the size of their competitors.

Attorney Frateschi asked what would happen to residents' rates once they are enrolled in the program? Mr. Barrios stated that the rate should be reduced for residents but he cannot say by how much until the bid results have been returned.

Conversation ensued regarding how the rate reductions are calculated. Conversation ensued regarding the other municipalities that are participating in the program.

Councilor Giordano asked where the energy is supplied from? Mr. Barrios discussed the different suppliers that provide energy.

Councilor Rossetti asked if the rate will go up and down during the contract year? Mr. Barrios stated that the contracts will be short and the rate will remain the same. Discussion ensued regarding the role that Good Energy has between the supplier and the customer.

Councilor Green asked for clarification on who would handles issues during a disaster? Mr. Barrios stated that the town would continue to work with National Grid in the event of a disaster.

Discussion ensued regarding the notification process to residents that would notify residents that they could opt out of the program. Discussion ensued regarding how the rates are calculated.

Councilor Loeffler asked for clarification on what will happen at the end of the term of the contract. Mr. Barrios discussed the process that would take place once the original contract ends and stated that the opt out / opt in process would take place again.

Mr. Barrios discussed future legislation that could be passed giving municipalities access to very low energy rates.

Bill Brazil, Village of Minoa, stated that the Village of Minoa participates in NYMEP. Mayor Brazil stated that this program offers a direct savings to the residents in the Village of Minoa and he is very excited to be able to help residents save money on their energy bill. Mayor Brazil stated that there is no administrative duties required from the Village of Minoa besides promoting the program. Mayor Brazil stated that all of the villages in the Town of Manlius will be participating in this program and the Town of Manlius residents will want to participate too.

Conversation ensued regarding how the residents will be notified of the program.

No action was taken on the matter.

Set Date Public Hearing – Local Law 2019-3 Small Cell Regulation

Attorney Frateschi presented a draft local law to create Chapter 129 of the Town of Manlius code Small Cell Regulation. Attorney Frateschi presented draft design standards.

Councilor Loeffler stated that he believes there will be a general education component to the regulation of small cells. Town Clerk Weber stated that there is a presentation on the town website with information on small cell regulations.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to set a date for a public hearing on April 24, 2019 at 6:35 pm in the matter of Local Law 2019-3 creating Chapter 129 of the Town of Manlius.

Discussion: Conversation ensued regarding whether or not the Town Board should approve the design standards separately from the local law. The Town Board decided to review the design standards for approval at the next town board meeting.

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

Nays: 0 All in Favor. Motion Carries.

Recreation Department Request for Budget Transfer

Councilor Green made a motion, seconded by Councilor Marzola to approve a budget transfer of \$2500 from the Recreation Program Expenses Line A00.5.7310.410 to the Recreation-Seminars/Conference Line A00.5.7310.402.

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

Nays: 0 All in Favor. Motion Carries.

Correspondence/New Business

A) Highway Superintendent – No New Business

B) Planning & Development

Director Capriotti stated that he will be attending mandatory training next week.

C) Attorney – No New Business

D) Town Clerk – No New Business

Town Manager Oot presented a budget modification for the police department.

Councilor Loeffler made a motion, seconded by Councilor Marzola to approve a budget modification to increase revenue account A004.3389.310 (SLETPP Grant) in the amount of \$8098.76 and increase expenditure account A005.3120.447 (Garage Supplies) in the amount of \$8098.76 for reimbursement for expenditures related to the 2016 and 2017 SLETPP Grant awards.

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

Nays: 0 All in Favor. Motion Carries.

DASNY Grant – Storage Facility and Security Cameras

Town Clerk Weber presented a draft letter from the Town Supervisor authorizing the expenditure of \$8,000 from A00.5.1620.400 Building Repairs for expenses that exceed the funds awarded to the Town of Manlius from the State and Municipal Facilities Grant Program through DASNY for the construction of a storage facility behind town hall. Town Clerk Weber stated that SEQR and the authorization of expenditure of funds is required for the disbursement of funds.

PART II – Short Environmental Assessment Form

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 from the construction of a storage facility behind town hall.

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

Nays: 0 All in Favor. Motion Carries

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to declare the Town of Manlius lead agency for SEQR purposes in the matter of the construction of a storage facility behind town hall.

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

Nays: 0 All in Favor. Motion Carries.

Councilor Bollinger made a motion seconded by Councilor Rossetti, to declare the matter of the construction of a storage facility behind town hall an unlisted action for SEQR purposes.

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

Nays: 0 All in Favor. Motion Carries.

Councilor Bollinger made a motion, seconded by Councilor Rossetti issue a negative declaration for SEQR purposes in the matter of the construction of a storage facility behind town hall.

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

Nays: 0 All in Favor. Motion Carries.

Councilor Loeffler made a motion, seconded by Councilor Marzola , to authorize the expenditure of \$8,000 from A00.5.1620.400 Building Repairs for expenses that exceed the

funds awarded to the Town of Manlius from the State and Municipal Facilities Grant Program through DASNY for the construction of a storage facility behind town hall.

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

Nays: 0

All in Favor.

Motion Carries.

E) Police Chief – No New Business

F) Town Board

Councilor Green stated that brush pickup will begin on April 8th. Councilor Green stated that the recreation department has released the new recreation brochure for spring and summer.

Councilor Bollinger reported that there were a total of 49 complaints about the trash and brush services in the Town of Manlius. Councilor Bollinger stated that the complaints were about items not being picked up and not the behavior of the Syracuse Hauler employees.

G) Supervisor

Supervisor Theobald announced the retirement of Sergeant Joe Peters after 23 years of service to the Town of Manlius at the Town of Manlius Police Department. The Town Board thanked Mr. Peters for his dedication and service to the residents of the Town of Manlius.

Supervisor Theobald announced the retirement of Bill Miller after 14 years of services to the Town of Manlius at Town Hall. The Town Board thanked Mr. Miller for his all of his help and service at Town Hall.

Supervisor Theobald presented a contract with Oswego Industries for the cleaning of Town Hall. Supervisor Theobald stated that Oswego Industries is a preferred Employer with New York State and therefore the Town is not required to put the cleaning services at Town Hall out to bid.

Councilor Giordano made a motion seconded by Councilor Rossetti, to hire Oswego Industries for cleaning services at town hall at a rate no more than \$25,000 per year subject to attorney review and signature of supervisor.

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

Nays: 0

All in Favor.

Motion Carries.

Supervisor Theobald stated that Nancy Needham has resigned as chairman of the Tree Commission. Supervisor Theobald stated that there will be new members appointed to the Tree Commission. Supervisor Theobald stated that he would like to appoint an administrative assistant to the Tree Commission much like the secretaries to the other boards at the Town.

There being no further business to come before the Board, upon a motion duly made by Councilor Loeffler and seconded by Councilor Rossetti the Board voted unanimously to adjourn regular session at 8:47 PM to enter executive session to discuss contract discussions and discuss the employment history of a certain individual.

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

Nays: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

**Executive Session
March 13, 2019**

Upon motion duly made by Councilor Giordano 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 9:28 p.m.

There being no further business to come before the Board, upon motion duly made by Councilor Marzola and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 9:28 p.m.

Submitted by:
Ann Oot
Town Manager

TOWN OF MANLIUS

COUNTY OF ONONDAGA

IN THE MATTER
OF

NOTICE PURSUANT TO TOWN
OF MANLIUS CODE 63-3,4

PROCEEDINGS PURSUANT TO CHAPTER 63 OF
THE OF MANLIUS CODE RELATIVE TO
PREMISES ALLEGED TO BE UNSAFE REPUTEDLY
OWNED BY TIMOTHY A. GORDON AND LOCATED
AT 136 WILSON DRIVE TOWN OF MANLIUS,
NEW YORK 13057 (TAX MAP NO. 063-02-25.0)

To: TIMOTHY A. GORDON

PLEASE TAKE NOTICE that the Codes Enforcement Officer of the Town of Manlius, Onondaga County, has filed a written report ("Report") with the Town Board of the Town of Manlius pursuant to the provisions of Chapter 63 of the Code of the Town Manlius regarding the unsafe building or structure (the "Structure" or "Building") situate on premises reputedly owned by you at 136 Wilson Drive, in the Town of Manlius, New York 13057 designated as Onondaga County Tax Map Parcel No. 063-02-25.0 (the "Premises"). A copy of the Report is attached hereto as Exhibit "A".

The Town Board of the Town of Manlius, pursuant to the provisions of said Chapter 63, specifically 563-3, by resolution duly adopted at its February 27, 2019 regular meeting, determined from the Report there is grounds to believe that such building or structure situate on the Premises is dangerous or unsafe to the public, and as such ordered the repair, removal and/or demolition of same for the reasons stated therein. A copy of the Resolution is attached as Exhibit "B".

ACCORDINGLY, PLEASE TAKE NOTICE YOU ARE HEREBY ORDERED TO PLACE THE PREMISES AND STRUCTURE IN SAFE CONDITION BY REPAIR OR BY DEMOLITION AND REMOVAL OR OTHERWISE, ALL WHICH MUST BE COMMENCED WITHIN THIRTY (30) DAYS OF THE SERVICE UPON YOU OF THIS NOTICE AND BE COMPLETED WITHIN SIXTY (60) DAYS THEREAFTER, UNLESS SUCH TIME SHALL BE EXTENDED BY THE TOWN BOARD OR ORDER OF A COURT OF COMPETENT JURISDICTION.


PLEASE TAKE FURTHER NOTICE if you fail to comply with the provisions of this Notice, that the Town of Manlius will conduct a public hearing on the 10th day of April, 2019 at 6:35 p.m. at 301 Brooklea Drive, Fayetteville, New York 13066, in relation to such unsafe building or structure, and that you are hereby required to appear before the Town Board on the date, and at the time and place set forth in this Notice to show cause why the building or structure reported to be unsafe should not be repaired, demolished and removed or otherwise dealt with pursuant to Chapter 63 of the Town Code.

PLEASE TAKE FURTHER NOTICE that in the event that neither you nor any person having an interest appears at the hearing, or is unsuccessful in proving the building or structure is not unsafe and/or fails to comply with any Order of the Town Board, the Town Board shall have the right to order such building or structure to be vacated and made safe and secure by the demolition and removal of such structure or by such other measures which may be reasonably necessary, and you as the owner shall be liable to the Town for all costs and expenses so incurred by the Town, including in connection with this proceeding, and the Town may assess all costs and expenses incurred by the Town in connection with such repair or removal against the real property on which the structure is located and to institute a special proceeding to collect the costs of demolition, including legal expenses, and the Town may otherwise proceed all in accordance with the provisions of Chapter 63 of the Code of the Town of Manlius.

Any resident of the Town of Manlius is entitled to be heard at the hearing.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF MANLIUS.

Dated: February 27, 2019


Allison A. Weber, Town Clerk
Town of Manlius

IN THE MATTER
Of

RESOLUTION AUTHORIZING
ADOPTING CODE ENFORCEMENT
OFFICER'S REPORT AND SETTING A
DATE FOR A PUBLIC HEARING

PROCEEDINGS PURSUANT TO CHAPTER 63
OF THE TOWN OF MANLIUS CODE RELATIVE
TO PREMISES ALLEGED TO BE UNSAFE THAT
ARE OWNED BY TIMOTHY A. GORDON AND
LOCATED AT 136 WILSON DRIVE, TOWN OF
MANLIUS, NEW YORK 13057 (TAX MAP 062-02-25.0)

The TOWN BOARD OF THE TOWN OF MANLIUS, in the County of Onondaga, state of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 27th of February, 2019, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Vincent Giordano	Councilor
Karen Green	Councilor
John R. Loeffler	Councilor
Nicolas J. Marzola	Councilor
Richard Rossetti	Councilor
Sara Wall-Bollinger	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board, at its February 27, 2019 regular meeting, reviewed the Inspection Report of the Code Enforcement Officer regarding the single-family home (the "Structure") situated at 136 Wilson Drive, East Syracuse, New York (the "Premises"), which Report found that the Structure to be unsafe and a hazard requiring remediation or demolition;

WHEREAS, the Code Enforcement Officer was present at the February 27, 2019 meeting and explained his opinion as to the unsafe nature of the Structure and Premises and assisted the Board in reviewing the Report;

WHEREAS, there have been numerous complaints about the Structure and the Premises from neighbors, who have stated to the Town Code Enforcement Officer that the Structure has been abandoned for at least seven (7) years;

WHEREAS, Shell Point Mortgage Services has stated to the Code Enforcement Officer that it has a mortgage on the Premises and has sent agents to secure the Structure and those agents partially fell through the floor of the Structure and would like the Structure to be secured or demolished;

WHEREAS, the Town Board agrees with the Report and the need for the Structure and the Premises to be secured and repaired or demolished;

WHEREAS, the Town Board has been presented with a Notice Pursuant to Town Code §63 (the "Notice") to the Owner of the Premises that it has thirty (30) days to begin repairing or demolishing the Structure and that such repair or demolition shall be completed within sixty (60) days of service of the Notice;

NOW, TOWN BOARD HEREBY FINDS AND DETERMINES:

1. The Report is accurate and that the Structure at the Premises is unsafe and unsecured and presents a safety hazard to the residents of the Town of Manlius;

2. Work on repairing or demolishing the Structure shall begin within thirty (30) days of the Notice being served on the Owner;

3. In the event the work does not begin within thirty (30) days of the Notice being served, the Town Board shall hold a public hearing at which time the Owner shall show cause as to why work has not begun to secure and repair or demolish the Structure and bring the Premises into compliance with the Manlius Town Code and the New York State Building and Fire Code;

4. The Notice shall be posted at the Premises pursuant to Chapter 63 of the Town Code;

5. The Notice shall be published in the Eagle Bulletin at least 5 days before the Public Hearing;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Report in its entirety; and be it

FURTHER RESOLVED, that the Code Enforcement Officer shall serve the Notice pursuant to Chapter 63 of the Town Code; and be it

FURTHER RESOLVED, that a public hearing shall be scheduled for the 10th day of April, 2019 at which time the Owner, if he has not begun to secure and repair or demolish the Structure, shall show cause why the Town Board should not Order its demolition; and be it

FURTHER RESOLVED, that the Clerk of the Town shall publish notice for the public hearing at least five (5) days before it is scheduled; and be it

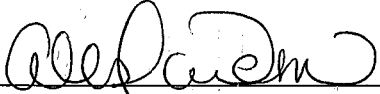
FURTHER RESOLVED, that the Attorney for the Town and the Code Enforcement Officer are authorized to take any and all necessary steps to proceed with the foregoing Determinations and Orders and this Resolution.

I, ALISON WEBER, Town Clerk of the Town of Manlius, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 27th day of February, 2019; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 27th day of February, 2019.

DATED: February 27, 2019
Fayetteville, New York



Town Clerk of the Town of Manlius
Onondaga County, New York

IN THE MATTER

OF

INSPECTION REPORT OF CODES
ENFORCEMENT OFFICER
PURSUANT TO TOWN OF
MANLIUS CODE CHAPTER 63

PROCEEDINGS PURSUANT TO CHAPTER 63 OF
THE TOWN OF MANLIUS CODE RELATIVE TO
PREMISES ALLEGED TO BE UNSAFE REPUTEDLY
OWNED BY TIMOTHY A. GORDON
LOCATED AT 136 WILSON DRIVE,
TOWN OF MANLIUS, NEW YORK 13057
(TAX MAP NO. 063-02-25.0)

STATE OF NEW YORK
COUNTY OF ONONDAGA) ss.:

RANDY CAPRIOTTI, being duly sworn, deposes and says:

1. I am Codes Enforcement Officer for the Town of Manlius and am making this affidavit and report (the "Report") pursuant to Town of Manlius Code Chapter 63 relative to unsafe buildings;

2. On February 19, 2019, I investigated reports of an unsafe structure at the premises reputedly owned by Timothy A. Gordon ("Owner") and located at 136 Wilson Drive, East Syracuse, New York 13057 (Tax Map No. 063-02-25.0) (the "Premises"). Located on the Premises is a single-family dwelling (the "Structure") which according to personal observation of the neighbors and Town Officials has been vacant for at least seven (7) years. Upon initial viewing it appears, the overall condition of the dwelling is unstable — the Structure was unsecured (open) and unsafe in violation of Sections 107 and 301 of the New York State Property Maintenance Code, Section 3 1 1 of the New York State Fire Prevention and Building Code, and Chapter 63 of the Town Code;

3. By letter, dated August 10, 2018, Owner was notified by the Town of Manlius Code Enforcement Office that the Premises were in violation of same, and were ordered to remediate same by August 17, 2018 and September 6, 2018. Attached as Exhibit "A" is a copy of the foregoing notice and as Exhibit "B" consisting of 10 pages are photographs of the Premises taken

from August 8, 2018 through September 25, 2018. The condition of the Premises is at minimum as shown on same and has very likely worsened;

4. On or about August 10, 2018 and through to date, I observed and continue to observe the Premises as being unsafe, unsecured (open) and unfit for human occupancy in violation of Chapter 63 of the Town Code, Sections 107.3 and 107.5 of the New York State Property Maintenance Code, and in addition, the Premises is not in a clean, safe and sanitary condition, and as such is causing a blighting problem and adversely affecting the public health and safety of Town residents, all in violation of Section 301.3 of the Property Maintenance Code of New York State:

5. More specifically, I observed the following violations of the New York State Building and Fire Code:

(i) The roof, ceilings and floors are collapsed in some locations, the utilities have long been terminated, with both cosmetic and apparent structural and systematic issues affecting the Premises;

(ii) In addition to the unsafe Structure, the overall condition of the land also appears hazardous due to accumulated debris, an unmaintained swimming pool, consistent overgrowth of grass, shrubs and trees.

(iii) The Structure appears to be in need of new plumbing;

(iv) The Structure appears to be in need of new electrical wiring and lighting;

(v) The Structure appears to be in need of new heating and cooling systems;

(vi) Environmental concerns such as mold and asbestos require attention;

(vii) Maintenance is required on the Premises to ensure environmental hygiene and deter vector nuisances for animals and organisms that can spread disease to humans (i.e. West Nile Virus, Plague, Lyme Disease, Eastern Equine Encephalitis etc.);

(viii) Unmaintained swimming pool requires attention;

(ix) Observations indicate possible vagrant trespassing inside the Structure;

(x) Observation indicated evidence of fire damage to the Structure.

6. The above conditions are in violation of at least the following provisions of the New York State Building and Fire Code and the Town of Manlius Code:

(i) The exterior of the building shall be maintained in good repair, structurally sound and sanitary as not to pose a threat to public health, safety and welfare;

(ii) All exterior surfaces including but not limited to doors, windows, door and window frames, cornices, porches, trim, decks and fences shall be maintained and in good condition;

(iii) All buildings shall have approved address numbers in a position to be plainly legible from the street;

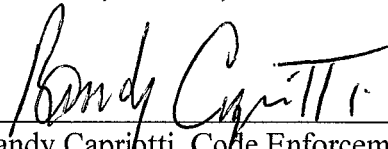
(iv) All structural members shall be maintained free from deterioration and shall be capable of supporting all imposed loads;

(v) All foundations shall be maintained plumb and free from holes, cracks and breaks and shall be maintained in a condition so as to prevent the entry of rodents and other pests;

(vi) All exterior walls shall be maintained free of holes, breaks and loose or rotten boards;

(vii) All exterior doors and door assemblies shall be maintained in good condition with doors tightly locked.

7. Based on the foregoing conditions observed as generally described herein, I believe the Structure is unsafe and illegal as provided under Town Code Chapter 63 in the New York State Fire Prevention and Building Code Sections 107.3 and 107.5 Section 301.3 of the Property Maintenance Code of New York State, and must be abated by repair and rehabilitation, including such measures as may reasonably be necessary to prevent unauthorized access thereto by children and other persons, or by demolition and removal in accordance with the procedures set forth in Chapter 63 of the Town of Manlius Code. In addition, conditions existing on the land of said Premises which are unsafe, unsanitary and which create danger or hazard to human life or constitute a hazard to the safety, health or welfare of person or property are unsafe conditions and as such are illegal and must be abated by repair, rehabilitation, removal, demolition or otherwise.


Randy Capriotti, Code Enforcement Officer

Sworn before me this 28th day of
February, 2019.


Notary Public

Allison A. Weber
Notary Public, State of New York
No. 01WE6191206
Qualified in Onondaga County
Commission Expires August 04, 2020



Town of Manlius Police Department
Budget Transfer Request Memorandum



Date: 04/05/2019
To: Ann Oot
From: Sharon Barkauskas
Regarding: Budget Transfer

In February and March 2019, the Town of Manlius Police Department had an opportunity to send its several of its members to an advanced STOP DWI training called ARIDE (Advanced Roadside Impaired Driving Enforcement).

The police department would like to cover the cost of this training by transferring \$7149.80 from the police reserve CM1 account entitled STOP DWI to our overtime account A00.5.3120.101.

Thank you.