

MINUTES  
TOWN BOARD  
January 8, 2020

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:

Sara Bollinger, Councilor  
Elaine Denton, Councilor  
John Deer, Councilor  
Karen Green, Councilor  
Katelyn M. Kriesel, Councilor  
Heather Waters, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town  
Mike Crowell, Police Chief  
Doug Miller, Town Engineer  
Randy Capriotti, Director of Codes

Allison A. Weber, Town Clerk  
Rob Cushing, Highway Superintendent  
Ann Oot, Town Manager

Other persons attending: Ellen & Mike McGrew, Manlius. Brandon Jacobson, Scott Freeman, Ingrid Gonzalez-McCurdy, Ruth Hart, Pamela Ashby, Jenn Chapman, Katherine Kurtz, Dan Reisman, Vita DeMarchi.

**The Pledge of Allegiance**

Supervisor Theobald, called the meeting to order at 6:30 pm. Councilor Waters led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

**Establish Petty Cash Account for Tax Receiver**

Councilor Green made a motion, seconded by Councilor Bollinger to approve the establishment of a second petty cash fund in the amount of \$250 for the office of the Tax Receiver.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

**Approval of Abstract # 25**

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 25 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**Approval of Abstract # 1**

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 1 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**Brolex Properties – Zone Change Application – Megnin Farms/Bridle Path – Restricted Agricultural (RA) & Commercial B (CA) to Residential 5 (R5) – 082.2-01-01.0/03.0**

Brandon Jacobson, Brolex Properties, made a presentation to the Town Board on a proposed senior living community. Mr. Jacobson stated that there is high demand for a facility like this in the Town of Manlius. Mr. Jacobson noted that:

- The parcels would be subdivided into 2 lots and would be developed in 2 phases.
- The proposed senior living community would have 132 residential units, 2 parking spaces available per unit and elevators.

Supervisor Theobald stated that he and other town officials have met with the applicant to discuss the preliminary proposal.

Attorney Frateschi stated that the town requested some amendments to the original proposal.

Discussion ensued regarding the existing wetlands.

Councilor Kriesel asked the applicant for more information on how the proposed infrastructure will work and how the existing wetlands will be maintained specifically between building #2 and building #3. Mr. Jacobson discussed the proposed infrastructure and stated that they will not disturb or touch any of the wetlands.

Councilor Waters asked the applicant if the project would require an intermunicipal sewer agreement with the Village of Chittenango. Mr. Jacobsen stated that this proposal would require the same type of intermunicipal sewer agreement.

Councilor Waters asked if the applicant has ever had a conversation with the school district regarding school capacities.

Mr. Jacobson stated that he has not yet spoken with the school district regarding this project. Mr. Jacobson stated that this project is geared more towards the senior community.

Highway Superintendent stated that there will be additional traffic coming in and out of the community. Highway Superintendent Cushing stated that the intersection at Route 5 is not illuminated and there is a concern that cars will be backed up on route 5 waiting to make a lefthand turn into the community.

Mr. Jacobson stated that there will be a traffic study. Mr. Jacobson discussed traffic patterns and how they differ in the senior living community.

Councilor Kriesel asked what the Town Board was allow to require should a zone change be granted and more specifically;

- Could the Town Board require that sustainability elements be added the proposal?
- Could the Town Board require that the natural infrastructure be maintained?
- Could the Town Board require that a traffic study be presented?
- Is there an opportunity to evaluate the market to determine whether or not this project is really necessary?

Attorney Frateschi stated that the Town Board can control the entire process because it is a zone change. Attorney Frateschi stated that the Town Board is not required to change the zoning of a parcel and the Town Board can also place conditions on the zone change should it be granted.

Discussion ensued regarding who performs studies that are requested during the application and approval process.

Councilor Kriesel stated that a market study will be part of the comprehensive plan process and it's difficult to make decisions, such as this zone change request, without that information.

Discussion ensued regarding the role of the Planning Board in the zone change and development process.

Discussion ensued regarding the market for senior housing in the town of Manlius.

Councilor Kriesel asked if the Town Board could require the applicant to make a certain percentage of the proposed units low-income or more inclusionary?

Attorney Frateschi stated that the applicant and the bank would need to decide whether or not it is economically feasible to build the low-income housing.

Mr. Jacobson discussed the cost to own a home in the town of Manlius and this proposal is another option for affordable low-maintenance housing option.

Councilor Green discussed the large number of town residents that travel for warmer climates in the winter but would like to maintain a residence here.

Mr. Jacobson stated that the rent would be between \$1500 to 1800 per month.

Attorney Frateschi reviewed the process by which the Planning Board evaluates a referral.

Director Capriotti stated that if the zone change is granted and the applicant is unable to develop the property due to the stipulations put on the parcel the parcel would still be zoned R-5.

Conversation ensued regarding how to change the zoning requirements to include sustainability elements.

Councilor Bollinger asked if there would be additional buildings for community elements and maintenance? Mr. Jacobsen stated that there will be amenities and the additional elements will be discussed at the Planning Board stage.

The Town Board tabled the matter until January 22, 2020.

**3Gi – Central New York Inland Port – Zone Change Application – Restricted Agricultural (RA) to Industrial (ID) – Minoa Kirkville Road – 054.-01-28.1, 054.-01-06.1, 054.-01-4.1, 054.-01-02-1**

Chris Beck, 3Gi, reviewed the history of the proposed inland port.

Councilor Waters asked the applicant what the difference between this proposed inland port and the inland port that is being developed next to CSX.

Mr. Beck discussed the history of placing costs on class 2 and class 3 railroads. Mr. Beck stated that the government announced 80 million dollars for the development of inland port.

Vita DeMarchi, 3Gi, stated that 3Gi has YouTube videos that discuss the Strand Act (the costs placed on class 2 and class 3 railroads).

Matt Napierala, Napierala Consulting, gave a PowerPoint presentation on the proposed inland port.  
\* A copy of the PowerPoint presentation is available on the town website and in the town clerk's office\*

Mr. Napierala noted the following:

- As of September 2019, international cargo can now be off loaded and onloaded at the DeWitt CSX railyard.
- There is a 3.8 million square foot warehouse being developed in the Town of Clay and the cargo for that warehouse will travel through the DeWitt CSX railyard.
- The Town of DeWitt has a new proposed 112,000 square foot facility that is prototypical of an Amazon facility.
- There is no control of the cargo that is traveling through this area and this inland port will help control that.

Supervisor Theobald stated that CSX has invested 19 million dollars in upgrades to the CSX Railyard and that has already increased traffic in the town of Manlius. Supervisor Theobald asked if the applicant is surmising that the recent warehouse developments in the Town of Clay and the Town of DeWitt would increase traffic even further?

Mr. Napierala stated that they believe the proposed warehouse will increase traffic and the very first stop on the class 1 rail, for all of the east coast, is the DeWitt CSX railyard.

Mr. Napierala discussed the surrounding zoning in the area of the proposed inland port. Mr. Napierala stated that there is industrial zoning near the proposed zone change and many of the parcels in the town of Manlius are zoned RA because that is the default zoning.

Mr. Napierala discussed the ongoing negotiations between 3Gi and CSX for the abandoned tank yard that would give the proposed project additional road access. Mr. Napierala stated that Mr. Beck is within 30 days of securing the purchase of the abandoned tank farm.

Supervisor Theobald asked if the tanks would have to be removed? Mr. Napierala stated that they would need to be removed.

Mr. Napierala reviewed Phase 1 of the proposed inland port:

Phase 1 – Container pooling yard on a gravel pad. 8 ft containers will be stacked 3 high. Truck scale and a modular office building. Some additional landscape screening.

Incoming & outgoing traffic flow and the changes that would be made during the phases of the project were reviewed and diagrams of those traffic flows are available in the Town Clerk's Office.

Mr. Napierala stated that the outgoing traffic flow would be changed to flow out through the abandoned tank farm. Mr. Napierala stated that the new proposed transportation traffic flow will minimize the impact to the schools and would have a minimal impact on wetlands when constructed.

Mr. Napierala stated that the proposed outgoing traffic flow would cross over lands owned by National Grid and Mr. Beck has right of access through a generic easement right.

Director Capriotti asked if a streetlight would be added at Kirkville Road coming out on to Kirkville road? Mr. Napierala stated that a traffic study would need to be completed and he does anticipate having to add a streetlight.

Highway Superintendent Cushing stated that Girdeon Road is also owned by the Town of Dewitt and is not built for the proposed type of traffic. Mr. Napierala stated that the applicant is aware of that and is prepared for some infrastructure construction. Mr. Napierala stated that they may need to approach Governor Cuomo about funding for infrastructure improvement.

Councilor Kriesel asked the applicant how long it would take to eliminate the traffic on Fremont Rd? Mr. Napierala stated that the information will be presented by Ms. Demarchi.

Mr. Napierala reviewed Ms. DeMarchi's qualifications.

Ms. DeMarchi discussed the difference between CSX operations and the proposed inland port. Ms. DeMarchi discussed the international cargo that is now being unloaded at CSX. Ms. DeMarchi stated that the inland port will have customs area and that will be beneficial because it will monitor the international cargo that is being brought into the town.

Ms. DeMarchi stated that the inland port has a NYSERDA grant for its sustainability elements and the operations within the port will greatly reduce CO2 emissions for the next decade. Ms. DeMarchi discussed the sustainability elements that are proposed in the inland port.

Supervisor Theobald asked what the beneficial economic impact/development for the Town of Manlius will be? Supervisor Theobald stated that the project appears to cost a great deal of money and asked the applicant how they will make money on the proposed project?

Ms. DeMarchi stated that the economic development for the region is happening in the Town of Clay and the Town of DeWitt and the Town of Manlius is only getting the traffic and the CO2.

Ms. DeMarchi stated that their partners "Transit Container" have a metric that charges per container and know how the project will make money. Ms. DeMarchi stated that the project, for 3Gi, is more about what this will do for the community and the environmental benefits to the community.

Mr. Beck discussed a contract that 3Gi has negotiated with CSX. Mr. Beck stated that there may be some legislation required to set a fee that will deal with some of the issues like maintaining the infrastructure.

Ms. DeMarchi stated that CSX has made it clear that they do respond to the Towns.

Director Capriotti asked the applicant if they would be paying taxes on this proposed project? Mr. Beck stated that the project cannot be burdened with any more costs and 3Gi would be applying for a PILOT (Payment In Lieu Of Taxes).

Director Capriotti asked how the Town of Manlius will benefit from this proposed project? Ms. DeMarchi stated that this project will lessen the traffic and environmental impacts on the town of Manlius.

Councilor Green stated that she is concerned about the content in the shipping containers and knowing what is really in the shipping containers.

Mr. Beck stated that without an inland port it will be random violence.

Discussion ensued regarding the impact of the construction of the other facilities in the town of Clay and the town of DeWitt

Councilor Kriesel stated that it appears that the inland ports role is mitigation of the impact of traffic and emissions.

Councilor Waters asked if this was a public/private partnership? Ms. DeMarchi stated that the port is private to begin with.

Ms. DeMarchi stated the applicant has done extensive wetland delineation studies and the wetlands will be used as buffers.

Ms. DeMarchi stated that the applicant has written several TIGER grants and discussed several 3Gi initiatives and projects.

Mr. Beck discussed the pilot program with blackberry tracking system. Mr. Beck discussed the security measures that will be in place at the inland port.

Councilor Waters stated that she reviewed the information and the history of the project. Councilor Waters stated that she is compelled to move the project forward to the Planning Board and learn more.

Councilor Denton stated that she is concerned about the gravel yard and runoff. Mr. Napierala discussed the stormwater management that is proposed for the project.

Supervisor Theobald stated that he is concerned about the parcel that sits in the middle of the upper left-hand corner of the proposed project. Supervisor Theobald stated that he is concerned that the proposed project is too far north and he would like to see the project scaled down.

Councilor Waters asked how much space is between the property owner in the upper left hand corner and the proposal. Mr. Napierala stated that is approximately 150 feet.

Supervisor Theobald stated that if the zone change is granted and the project does not move forward the parcel would now be zoned Industrial. Supervisor Theobald stated that there are a great number of things that could go in an Industrial zone and he is concerned about the homes nearby.

Councilor Kriesel asked if the applicant could amend the zone change application to be smaller and move the upper boundary of the project south.

Mr. Napierala stated that parcels in the upper left hand corner could be made more valuable and changed to industrial.

Councilor Bollinger discussed the possible amendments to the proposed zone change application. Councilor Bollinger stated that the applicant could amend the application and only do part of the zone change now.

Mr. Beck stated this proposed project is so important to Central New York and he wonders why people haven't supported the project. Mr. Beck stated that he has spent millions of dollars on this project without help. Mr. Beck stated that he will proceed with the project if he has help from the town of Manlius.

Mr. Beck stated that the town of Clay had a joint meeting with the council and the Clay Planning Board. Mr. Beck discussed how beneficial the joint meeting was in expediting the process.

Councilor Waters stated that she is happy to have a proposed project that has passion and is visionary. Councilor Waters stated that she understands that the stakes are high. Councilor Waters stated that she does not want a single resident to feel that she wouldn't stand up for them.

Councilor Kriesel stated that she felt that the Town of Clay moved way to quickly and there was an uproar from the residents regarding the project. Councilor Kriesel stated that it is incumbent on her

as an elected official to make sure they are being mindful of the future of the community and every single constituent.

Conversation ensued regarding the history of the development of the proposed inland port. Conversation ensued regarding the proposed warehouse in town of Clay and the town of DeWitt.

Supervisor Theobald stated that this proposal could be sent to the Planning Board with the guidance that the proposal should be considered at a limited size moving the upper boundary and eliminating a proposed warehouse.

Councilor Kriesel asked if the applicant would be willing to accept a zone change with a slightly smaller parcel.

Discussion ensued regarding the proposed traffic flow.

Mr. Beck stated that he is working with CSX on the road through the tank farm. Mr. Beck stated that the application can be amended to the smaller size when it is sent to the Planning Board.

Discussion ensued regarding how the application will proceed through the Planning Board, the Onondaga County Planning Board and the Town Board.

Highway Superintendent Cushing asked if there is any projected cost for the construction of the infrastructure.

Conversation ensued regarding the SEQR process.

Councilor Denton stated that she is concerned about creating new roads over wetlands and how long it will take to construct those roads.

Mr. Napierala discussed the permits required to construct the roads over the wetlands.

Councilor Kriesel asked how long it will be until the proposed inland port no longer needs to access Kirkville Road.

Mr. Napierala stated that it will take a summer season to construct a road and the permit approval process for the road will take 9 months. Mr. Napierala stated that it will be a 24-month process in total.

Discussion ensued regarding the process and the likelihood the project will receive approval to build the roads over wetlands.

Mr. Beck asked if the town of Manlius would consider making a smaller committee to review parts of the zone change.

Attorney Frateschi stated that the SEQR analysis for the total impact of the project is going to be longer and more in depth.

Councilor Bollinger stated that the Town Board should be reviewing the application that was submitted to determine if they have all of the answers that they need in order to complete a SEQR review.

Councilor Bollinger made a motion, seconded by Councilor Green, to refer the zone change application made by 3Gi to change the zoning of a 75-acre parcel located south of Kirkville Road between Girde Road and Fremont Rd from RA to Industrial to the Planning Board and advise the Planning Board that they should review a more scaled sized especially to the north where residential homes are located.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nays: 0 All in Favor. Motion Carries.

**American Tower Corp. – Renewal of Special Permit – Cell Tower – 7182 E. Taft Rd., E. Syracuse NY 034.-02-01.0/1**

Town Clerk Weber presented the special permit renewal application from American Tower Corp. for cell tower located at 7182 E. Taft Road. Town Clerk Weber stated that the application has been reviewed by the Director of Planning and Development, no issues were found, and he recommends approval.

Councilor Green made a motion, Councilor Bollinger to approve the renewal of the special permit issued to American Tower for a cell tower located at 7182 E. Taft Road for a seven-year period expiring January 1, 2026 as outlined in the resolution prepared by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nays: 0 All in Favor. Motion Carries.

**American Tower Corp. – Renewal of Special Permit – Cell Tower – 6738 Schepps Corners Rd., Kirkville NY 034.-02-31.1**

Town Clerk Weber presented the special permit renewal application from American Tower Corp. for cell tower located at 6738 Schepps Corners Road. Town Clerk Weber stated that the application has been reviewed by the Director of Planning and Development, no issues were found, and he recommends approval.

Councilor Waters made a motion, seconded by Councilor Deer to approve the renewal of the special permit issued to American Tower for a cell tower located at 6738 Schepps Corner Road for a seven-year period expiring January 1, 2026 as outlined in the resolution prepared by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

**Crown Castle – Renewal of Special Permit – Cell Tower – 5350 Townsend Rd., Manlius NY 091.-02-21.0/1**

Town Clerk Weber presented the special permit renewal application from Crown Castle for cell tower located at 5350 Townsend Road. Town Clerk Weber stated that the application has been reviewed by the Director of Planning and Development, no issues were found, and he recommends approval.

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the renewal of the special permit issued to Crown Castle for a cell tower located at 5350 Townsend Road for a seven year period expiring January 1, 2026 as outlined in the resolution prepared by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

**David Corbett – Renewal of Special Permit – 7888 Saints ville Rd., Kirkville NY – Pole Barn in a Industrial Zone**

Town Clerk Weber presented the special permit renewal application from David Corbett residential use pole barn constructed in an industrial zone located at 7888 Saints ville Road. Town Clerk Weber stated that the application has been reviewed by the Director of Planning and Development, no issues were found, and he recommends approval.

Councilor Bollinger made a motion, seconded by Councilor Green, to approve the renewal of the special permit issued to David Corbett for the continuation of use of a garage/pole barn for residential use in an Industrial District located at 7888 Saints ville Road for a seven year period expiring January 1, 2026 as outlined in the resolution prepared by the Attorney for the Town.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

**Boxcast Contract – Live Streaming**

The Town Board discussed the cancellation policy and the automatic renewal policy for the BoxCast contract.

Councilor Deer made a motion, seconded by Councilor Green, to authorize the supervisor to sign and enter into a contract with BoxCast for livestreaming services.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

**Correspondence/New Business**

A) Highway Superintendent – No New Business

B) Planning & Development –

Town Engineer Miller gave an update on the proposed Salt Springs Water District. Town Engineer Miller stated that he has put together a timeline and is compiling soft costs. Town Engineer Miller stated that an intermunicipal agreement is required with the Town of Sullivan and a district will need to be formed.

Councilor Kriesel stated she had a meeting at the Central New York Regional Planning and Development Board and David Botar has requested to be added to the agenda to speak with the Town Board regarding the proposed Salt Springs Water District.

Town Engineer Miller stated that all of the funding that has been secured for the proposed Salt Springs Water District is in the Town of Manlius and the Town of Manlius will have the responsibility for the project. Town Engineer Miller discussed the next steps that are required in order to move forward with the proposed Salt Springs Water District.

C) Attorney – No New Business

D) Town Clerk

Town Clerk Weber stated that the 2019 Annual Report from the Town Clerk has been submitted to the Town Board.

E) Police Chief – No New Business

F) Town Board

Councilor Waters reported that:

- She is going to be in touch with the members of the Tree Commission prior to the upcoming meeting.
- She has been working on an announcement related to comprehensive planning and getting information on the grants that are available related to comprehensive planning.

Councilor Deer stated that he is working on getting livestreaming available for future board meetings.

Councilor Kriesel reported that:

- The Sustainability Committee met at the Regional Planning Board and there will be grant funding available for clean energy communities in this coming year.

- She met with the Mayor and the Clerk in the Village of Manlius and there is a lot of opportunity for collaboration in the future.

Councilor Green reported that:

- The Town of Manlius has received its Deer Management Permit from the DEC.
- The public hearing for the proposed subdivision in the Village of Manlius has been postponed until February 4<sup>th</sup>.

G) Supervisor

Supervisor Theobald stated that he has received notice from the Judges that it is time for the annual justice court audit as required by the Uniform Justice Court Act. Supervisor Theobald stated that the Town has used Bowers & Company in the past to complete the audit and he would like to proceed with engaging their services for the annual justice court audit.

Councilor Bollinger made a motion, seconded by Councilor Green, to authorize the Supervisor to engage the services of Bowers & Co. to complete the annual justice court audit for no more than \$2500.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Green, Councilor Waters

Abstain: Councilor Kriesel

Councilor Kriesel stated that her father is a partner at Bowers & Company.

Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Bollinger and seconded by Councilor Green the Board voted unanimously to adjourn regular session at 6:48 PM to enter executive session to discuss a collective bargaining agreement.

Ayes: Supervisor Theobald, Councilor Bollinger, Councilor Deer, Councilor Denton, Councilor Green, Councilor Kriesel, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber  
Town Clerk

**EXECUTIVE SESSION MEETING MINUTES**

**Executive Session**

**January 8, 2020**

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

**The Town Board Re-entered Regular Session at 9:06 p.m.**

Councilor Bollinger made a motion, seconded by Councilor Green to authorize the Supervisor to sign the Agreement by and between the Town of Manlius and CSEA, Local 1000 AFSCME, AFL-CIO (Town of Manlius Unit #7824, Onondaga County Local 834) for the period January 1, 2020 – December 31, 2023 pursuant to the Tentative Agreement.

There being no further business to come before the Board, upon motion duly made by Councilor Kriesel and seconded by Councilor Waters, the Board unanimously voted to adjourn the Regular Session at 9:07 p.m.

Submitted by:  
Ann Oot  
Town Manager

DRAFT