

FINAL  
MINUTES  
TOWN BOARD  
January 9, 2019

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
	Nicholas J. Marzola, Councilor
	Karen Green, Councilor
	Richard Rossetti, Councilor
Absent	Vincent Giordano, Councilor
Absent	John R. Loeffler, Councilor

The following Town Officers were present:

Jamie Sutphen, Attorney for the Town	Allison A. Weber, Town Clerk
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

Other persons attending: Ellen & Mike McGrew, Manlius. John Deer, Fayetteville. Chris Barncamp, Rochester. Mark Matt, Fayetteville. Nathan Vander Wal, Rochester. Robert & Madeline Demand, Manlius. Lauren Young, Eagle Bulletin. Alan Rudnick, Manlius. Kari Blair, Manlius. Sue & Will Verbeck, Manlius.

**Moment of Silence**

Supervisor Theobald held a moment of silence for Richard Donovan who served for as Mayor of Minoa for 12 years and Deputy Mayor of Minoa for 8 years. Supervisor Theobald shared kind remarks about Mayor Donovan.

**The Pledge of Allegiance**

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

**Approval of Minutes – December 12, 2018 & December 19, 2018**

Councilor Rossetti made a motion, seconded by Councilor Marzola, to approve the minutes of December 12, 2018 as submitted by Town Clerk Weber.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the minutes of December 19, 2018 as submitted by Town Clerk Weber.

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

Nays: 0 All in Favor. Motion Carries.

**Approval of Abstract # 25 & Abstract # 1**

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

TOWN OF MANLIUS		
Fund Summary		
Abstract # 25 - 2018		
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 81,587.75
B	General Fund Town	\$ 5,153.06
DA	Highway Fund Townwide	\$ 40,105.69
DB	Highway Fund Town	\$ 15,818.10
SL1	Overhead Lighting	\$ 2,344.29
SL2	Underground Lighting	\$ 2,269.60
SL3	Entry Lighting	\$ 112.88
SL4	Garden Park Lighting	\$ 630.32
SL5	Ratnaur Bridge Lighting	\$ 4,034.07
SS1	Manlius Con Sewer District	\$ 1,040.91

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

Nays: 0 All in Favor. Motion Carries.

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

TOWN OF MANLIUS		
Fund Summary		
Abstract # 1 - 2019		
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 176,432.94
B	General Fund Town	\$ 5,867.49
DA	Highway Fund Townwide	\$ 39,926.60
DB	Highway Fund Town	\$ 36,820.03
SR1	Manlius Trash District	\$ 159.41
SR2	Manlius Res Brush District	\$ 159.41
SS1	Manlius Con Sewer District	\$ 793.51

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

Nayes: 0

All in Favor.

Motion Carries.

**6:40 PM Public Hearing – Nixon Peabody for Verizon Wireless – Special Permit – Micro Cell Tower to be located in the Enders Rd. (Right of Way) Adjacent to 4645-4725 Enders Rd. Manlius NY**

Councilor Marzola made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of the public hearing for a Special Permit application by Nixon Peabody for Verizon Wireless to construct a micro cell tower to be located in the Enders Rd. (Right of Way) Adjacent to 4645-4725 Enders Rd. Manlius NY

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Green, to open the public hearing at 6:37pm in the matter of a Special Permit application by Nixon Peabody for Verizon Wireless to construct a micro cell tower to be located in the Enders Rd. (Right of Way) Adjacent to 4645-4725 Enders Rd. Manlius NY.

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

Nayes: 0

All in Favor.

Motion Carries.

Nathan Vanderwall of Nixon Peabody and Chris Barncamp a consultant for the applicant, made a presentation on the application for a special permit to construct a microcell tower to be located at 4645-4725 Enders Road.

Mr. Vanderwall stated that Verizon Wireless is required to provide substantial coverage within the network and is constantly reviewing the coverage within the network. Mr. Vanderwall stated that there are hotspots in the network where there is more demand on signal than the existing macro sites can handle. The existing macro sites cannot provide enough signal strength. Mr. Vanderwall stated that carriers are deploying small micro cell towers on a utility structure utilizing existing infrastructure.

Mr. Vanderwall stated that the proposed micro cell tower will have a single antenna that is 2 feet tall. The proposed microcell tower will be installed on a new utility pole that will replace the existing pole. The entire pole will be just over 41 feet tall as presented in the proposed site plan.

Mr. Vanderwall presented the town board with the amended site plan as requested by the planning board at the December 10, 2018 meeting. The site plan was amended to provide an indication that the existing pole is being removed and replaced.

Councilor Marzola asked for clarification on how engineers determine where coverage is needed. Mr. Barncamp discussed the process engineers use to determine where coverage is needed.

Supervisor Theobald stated that the proposed new utility pole is taller than the existing pole. Mr. Vanderwall stated that the proposed pole was chosen to meet the coverage needs.

Councilor Green asked what the projected longevity of the proposed micro cell tower is? Mr. Vanderwall stated that the antennae may change but the micro cell tower can be used for a very long time.

With there being no further comments from the public, Councilor Rossetti made a motion, seconded by Councilor Green, to close the public hearing at 6:48 pm in the matter the Special Permit application by Nixon Peabody for Verizon Wireless to construct a micro cell tower to be located in the Enders Rd. (Right of Way) Adjacent to 4645-4725 Enders Rd. Manlius NY

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

## **SEQR**

### **PART II – Short Environmental Assessment Form**

Attorney Sutphen 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 by issuing special permit to construct a micro cell tower located in the Enders Rd. (Right of Way) adjacent to 4645-4725 Enders Rd. Manlius NY

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to issue a negative declaration under the State Environmental Quality Review Act and declare the town lead agency for the Special Permit application by Nixon Peabody for Verizon Wireless to construct a micro cell tower to be located in the Enders Rd. (Right of Way) adjacent to 4645-4725 Enders Rd. Manlius NY.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

Councilor Rossetti asked the applicant if it was possible for other providers to also use the utility pole? Attorney Sutphen stated that there is a condition in the special permit that addresses that matter.

Councilor Marzola asked what other technology could be installed on the utility pole? Mr. Barncamp stated that the pole would most likely not be used for additionally technology due to National Grids Safety Standards.

Councilor Rossetti asked if National Grid or Verizon owned the pole? Mr. Barncamp stated that National Grid owned the pole.

Councilor Marzola made a motion, seconded by Councilor Green, to approve the special permit issued to Verizon Wireless to construct a micro cell tower located in the Enders Rd. (Right of Way) adjacent to 4645-4725 Enders Rd. Manlius NY.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Marzola

Nays: Councilor Rossetti

Motion Carries.

**6:45 PM Public Hearing – Local Law 2019-1 Repealing Chapter 3 of the Code of the Town of Manlius - Town Attorney as Officer of the Town**

Attorney Sutphen reviewed the proposed law to repeal Chapter 3 of the code of the Town of Manlius.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of Local Law 2019-1 Repealing Chapter 3 of the Code of the Town of Manlius - Town Attorney as Officer of the Town

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

Nays: 0

All in Favor.

Motion Carries.

Councilor Rossetti made a motion, seconded by Councilor Green, to open the public hearing at 6:54pm in the matter of Local Law 2019-1 Repealing Chapter 3 of the Code of the Town of Manlius - Town Attorney as Officer of the Town

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

Nays: 0

All in Favor.

Motion Carries.

Mark Matt, Fayetteville, asked for further clarification on the purpose of repealing this chapter of the code and if the attorney could live outside the town? Supervisor Theobald answered yes (the attorney can live outside the Town of Manlius) and stated that the town board is bringing the code up to date.

Mr. Matt asked if the State Comptroller was recommending this change? Attorney Sutphen stated that comptroller sent down an opinion that was controversial and the town was not sure if the code should be amended.

Mr. Matt asked why the town was jumping on this so fast if the town is not sure what is happening? Attorney Sutphen stated that when the comptroller has mixed opinions on an issue the town tries to ensure that the town is doing things correctly.

Mr. Matt asked if the Attorney could have benefits previously under the current code?  
Supervisor Theobald stated that benefits were available to the Attorney.

With there being no further comments from the public, Councilor Rossetti made a motion, seconded by Councilor Bollinger, to close the public hearing at 6:57 pm in the matter of Local Law 2019-1 Repealing Chapter 3 of the Code of the Town of Manlius - Town Attorney as Officer of the Town

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

Nays: 0                                      All in Favor.                                      Motion Carries.

Councilor Bollinger made a motion, seconded by Councilor Marzola, to adopt Local Law 2019-1 Repealing Chapter 3 of the Code of the Town of Manlius - Town Attorney as Officer of the Town

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

Nays: 0                                      All in Favor.                                      Motion Carries.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to ratify the appointment the firm of Baldwin, Sutphen & Frateschi LLP made at the 2019 annual organizational meeting.

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

Nays: 0                                      All in Favor.                                      Motion Carries.

**Local Law – 2019 - 2 for an All Way Stop at Huntington Ln. & Chatham Dr. and Stop Sign at Whetstone Rd. & Chatham Dr.**

Supervisor Theobald and Councilor Rossetti spoke in favor of the proposed stop signs at Huntington Ln. & Chatham Dr. and Stop Sign at Whetstone Rd. & Chatham Dr.

Town Clerk Weber read into the record, a letter of support from Alan Rudnick for Local Law 2019-2 for an All Way Stop at Huntington Ln. & Chatham Dr. and Stop Sign at Whetstone Rd. & Chatham Dr. The letter of support included a petition of support for Local Law 2019-2 that was signed by 17 residents.

Councilor Marzola made a motion, seconded by Councilor Green, to adopt Local Law – 2019 - 2 for an All Way Stop at Huntington Ln. & Chatham Dr. and Stop Sign at Whetstone Rd. & Chatham Dr.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

**Correspondence/New Business**

A) Highway Superintendent

Highway Superintendent Cushing stated that he will be presenting the specifications for a new truck and chassis as budgeted for in the 2019 budget.

B) Planning & Development

Director Capriotti stated that the 2018 annual report is being finalized. Director Capriotti also noted that phase 6 of Harness Hook Lane is moving forward.

C) Attorney – No New Business

D) Town Clerk

Town Clerk Weber requested authorization for the Supervisor to enter into an agreement for codification services from General Code as budgeted for in 2019 budget.

Councilor Bollinger made a motion, seconded by Councilor Marzola, to authorize the Supervisor to enter into a contract with General Code for the recodification of the Town of Manlius Code.

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

Nayes: 0                                      All in Favor.                                      Motion Carries.

E) Police Chief

Chief Crowell reported that:

- The 2019 goals and objectives for the Town of Manlius Police Department are complete.
- Captain Jeffrey Peckins is retiring on January 11<sup>th</sup>
- Officer John Paul is being promoted on January 14<sup>th</sup> to Sergeant
- Sergeant Jeffrey Slater is being promoted on January 14<sup>th</sup> to Captain

Councilor Green made a motion, seconded by Councilor Rossetti to approve the promotion of Jeffrey Slater to police captain effective January 14<sup>th</sup>.

Ayes: Supervisor Theobald, Councilor Rossetti, Councilor Marzola, Councilor Marnell, Councilor Green

Nayes: 0                                      All in Favor.                                      Motion Carries

F) Town Board

Councilor Rossetti discussed the proposed interim IT Services Plan from M. A. Polce.  
Councilor Rossetti requested that any comments on the proposal be sent to him.

Councilor Green stated that the DEC has granted the Town of Manlius the Deer Management Permits necessary for the Deer Management Plan.

Councilor Bollinger recognized the Fayetteville Manlius School Board for hosting their annual event for local community members.

Councilor Bollinger stated that she attended the Chamber of Commerce meeting where Mike Steele was elected president.

G) Supervisor

Councilor Rossetti made a motion, seconded by Councilor Marzola, to accept the Supervisor's monthly report for November 2018 as presented.

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

Nays: 0    All in Favor.    Motion Carries.

Supervisor Theobald wished everyone a Happy New Year!

There being no further business to come before the Board, upon motion duly made by Councilor Rossetti and seconded by Councilor Green the Board voted unanimously to adjourn regular session at 7:11PM.

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