

MINUTES  
TOWN BOARD  
March 8, 2023

The Town of Manlius Town Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here;

<https://www.youtube.com/channel/UC3pS9-uTiX4l7aEgciGEVSA>

Supervisor Deer presided, and the following Board members were present:

|        |                               |
|--------|-------------------------------|
|        | Sara Bollinger, Councilor     |
|        | Elaine Denton, Councilor      |
|        | Heather Waters, Councilor     |
|        | Alissa Italiano, Councilor    |
|        | William Nicholson, Councilor  |
|        | John Deer, Supervisor         |
| Absent | Katelyn M. Kriesel, Councilor |

The following Town Officers were present:

Timothy Frateschi, Attorney for the Town. Ann Oot, Town Manager. Allison Weber, Town Clerk.

The following Town Officers Attending Virtually: Michael Crowell, Police Chief. Tom Poitras, Code Officer.

**1. Attendees**

In-Person Meeting Attendees: Brenda & Peter Keith Slack, Fayetteville. Craig Dudczak, Fayetteville. Tom Bassett, Manlius. Therese Reagan, Manlius. Tom Kinsella, Fayetteville. Simon Solomon, CNY Land Trust. Courtney Ludovico, Fayetteville. Pat Beach, Fayetteville. Casey Cleary-Hammerstedt, Fayetteville.

Virtual Meeting Attendees: Warren Linhart, Cheryl Matt.

**2. The Pledge of Allegiance**

Supervisor Deer called the meeting to order at 6:30 PM. Councilor Bollinger led the Pledge of Allegiance. Supervisor Deer welcomed everyone and thanked all for attending.

**3. 6:32 PM International Women's Day Acknowledgement**

Councilor Waters read aloud a statement acknowledging International Women's Day, discussed the gender pay gap in the United States and the actions taken by the Town of Manlius to address the issue.

#### **4. Open Podium**

Therese Regan – 4881 Northgate Dr. discussed the New York State Disability Tax Exemption for the elderly and disabled.

#### **5. 6:36 PM CNY Land Trust – Public Assembly Permit Application**

Simon Solomon, Executive Director of the Central New York Land Trust gave a brief presentation on the public assembly permit application submitted by CNY Land Trust for a fundraising dinner event at the Woodchuck Hill property. The date will be Saturday August 12, 2023, from 5:00 PM to 10:00 PM and there will be live music.

The Town Board discussed the event with the applicant and asked questions. Town Attorney Frateschi will prepare a resolution for the funding raising event for the next meeting on March 22, 2023.

#### **6. 6:40 PM Kinsella Quarry Zone Change Application – NYS Route 5 – 11.8 Acres – RA to NRRD – Referral to Planning Board**

Councilor Bollinger read a prepared statement concerning the request.

##### *Councilor Bollinger's Statement*

*I believe it is the responsibility of the Town Board to consider the greater implications of decisions beyond the needs and preferences of both the zone change applicant and the contiguous neighbors. Sometimes the implications of zoning decisions are relatively minor, and sometimes they have significant impact.*

*This zone change request has regional impact. New York State, other municipalities and countless contractors depend on TH Kinsella Quarry for aggregate, stone and gravel. Moreover, the quarry accepts leaves, logs, fill, millings, compost and other debris that would otherwise be a disposal challenge and additional cost for local municipalities.*

*We are all aware that Onondaga County is planning for an increase in construction of commercial and residential properties that will include the expansion of utility infrastructure. This construction will require aggregate, stone and gravel.*

*The mine within the current boundaries of the Natural Resource Removal District between Route 5 and Salt Springs Road is almost fully depleted.*

*The proposed zone change is modest, given the scale of the entire quarry, and is completely within the existing berm screening it from neighboring properties. The proposed zone change does not include any of the 'buffer land' nor any of the 'excluded area' described in the 2003 Settlement Agreement with the Changing Seasons Homeowners Association.*

Councilor Denton read a prepared statement on the history of the Kinsella Quarry and asked questions about the application. Councilor Denton expressed concern regarding sections of the application that had missing or incomplete information.

*Councilor Denton's Statement*

*Since the town was founded, the town has been mined for its resources. You see the history of this as you drive around town with pretty but dangerous ponds that were once quarries and land that has sat empty for decades due to the expensive costs of redeveloping the land after being deprived of its resources.*

*Town residents have protested against this quarry since the town first issued Kinsella's permit in 1982. Each time Kinsella has come back to the Town board for more. In 1994, Kinsella applied for another 78 acres, the Town Board only approved 40 as they did not have the supermajority to approve all 78 acres since once again town residents submitted a petition opposed to the proposal. Town residents sued the Town & Kinsella and the residents won to reject the expansion in 1990's with the court concluding that Kinsella was bound by the terms of the covenant as set forth in the 1982 permit.*

*Yet Kinsella came back again in 2001 for 28.7 acres. This time residents challenged, and a settlement was agreed to for only the 28.7 acres. Twenty years later they are back again. Asking for 11.8 acres which if you add this up seems to equal 40 acres which sounds very familiar to what was rejected by the courts back in 1996.*

*This will not stop. This business is non-renewable. The resources that were made millions of years ago will not come back. The Town has been mined for its resources for over 200 years. Our population has grown over 18% since the 1980 when Kinsella's permit was first approved, and I believe our population will continue to grow. It is time the Town took the residents' side in this matter. Plus, there is the legal precedent that we must consider.*

*Other issues as well to consider are the permit has reference to a quarry committee that is no longer active. Our NRRD zones need to be updated to protect our residents better. All of this is in progress, our comprehensive plan is coming out soon to gather public comments. Once adopted we plan to rewrite our zoning laws. Although this proposed zone change was submitted last year, we have been studying quarries and have recommendations from the quarry study group to implement.*

Mr. Kinsella stated that there has been an amended application submitted that has more information.

The Town Board discussed their concerns with the application and asked questions of the applicant.

Attorney Frateschi stated the Board could send the application to the Planning Board and Engineer for their review.

Councilor Bollinger made a motion, seconded by Councilor Italiano, to refer the zone change application made by Thomas Kinsella for the expansion of the 12+ acres of the existing Quarry on Route 5 to the Town Planning Board and the Onondaga County Planning Board as outlined in the resolution prepared by the Attorney for the Town

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Italiano

Nays: Councilor Nicholson, Councilor Denton, Councilor Waters

Vote: 3-3. Motion Fails.

There was not enough support within the Town Board to move the application to the next step as the application was presented. Supervisor Deer stated that the applicant could contact the Town Board members to learn what would be needed to move the application forward.

**7. 7:07 PM Steering Committee Public Hearing – Draft Comprehensive Plan – Set Date**

Councilor Waters stated there will be a community open house starting at 5:00 PM. This public hearing will be before the Comprehensive Planning Steering Committee. There will be subsequent public hearings before the Town Board.

Councilor Waters made a motion, seconded by Councilor Bollinger, to set a date for the Town of Manlius Comprehensive Planning Steering Committee to hold a public hearing on March 28<sup>th</sup> at 6:30 PM at Town Hall to hear public comments of the draft comprehensive plan.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0 All in Favor. Motion Carries.

**8. 7:10 PM Police Department – DASNY – Community Resiliency, Economic Sustainability, and Technology (CREST) Grant.**

Councilor Bollinger thanked Senator Mannion for the \$50,000 grant awarded to the Town of Manlius Police Department for the purchase of an electric vehicle.

Councilor Bollinger made a motion, seconded by Councilor Waters, to accept the \$50,000 SAM grant awarded through Senator Mannion’s office for the purchase of an electric vehicle and equipment for the police department.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0 All in Favor. Motion Carries.

**9. 7:12 PM Request for Surplus – Town of Manlius Police Department**

Councilor Bollinger made a motion, seconded by Councilor Waters, to declare 13 Model X-26P Tasers & Accessories surplus property.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0 All in Favor. Motion Carries.

**10. 7:13 PM CNY Pomeroy Appraisers Inc. – Approve Fee Proposal and Assignment Agreement – Potential Town Hall Property – N. Burdick St.**

Councilor Bollinger made a motion, seconded by Councilor Nicholson, to approve the fee proposal and assignment agreement from CNY Pomeroy Appraisers Inc. at a rate of \$3,400 to prepare an appraisal for the potential town hall property located on N. Burdick St.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**11. 7:14 PM Councilor Nicholson – AOT Annual Meeting & Training**

Councilor Nicholson stated that he and Councilor Bollinger attended the Annual Association of Towns Training and Conference. Councilor Nicholson discussed the training and thanked the Town for the opportunity.

**12. 7:16PM Councilor Waters – Meeting with Senator Mannion & Assemblyman Stirpe**

Councilor Waters stated that she and other town representatives met with Senator John Mannion and New York State Assembly Member Al Stirpe while those representatives were actively working on the State Budget. Councilor Waters spoke at length about the various topics that were discussed.

**13. 7:21 PM Meeting with Syracuse Onondaga Planning Agency Regarding Possible Planned Urban Development for Twin Ponds Housing.**

Councilor Bollinger spoke about a recent meeting with the Syracuse County Planning Agency regarding the possibility of developing a Planned Urban Development (PUD) on North Burdick St.

**14. 7:23 PM Supervisors Report – December**

Councilor Bollinger made a motion, seconded by Councilor Denton, to approve the Supervisor's report for December 2022.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**15. 7:24 PM Approval of Minutes – February 22, 2023**

Councilor Italiano made a motion, seconded by Councilor Denton, to approve the minutes of February 22, 2023, as submitted by Town Clerk Weber.

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0

All in Favor.

Motion Carries.

**16. 7:24 PM Approval of Abstract # 5**

Councilor Bollinger made a motion, seconded by Councilor Nicholson to approve Abstract # 5 in the amount of \$ 308,976.31 as submitted by Town Clerk Weber.

Fund Summary  
Abstract # 5 - 2023

| CODE | FUND                       | TOTALS       |
|------|----------------------------|--------------|
| A    | General Fund Townwide      | \$255,721.30 |
| B    | General Fund Town          | \$6,716.61   |
| DA   | Highway Fund Townwide      | \$37,665.12  |
| DB   | Highway Fund Part Town     | \$571.48     |
| SL1  | Overhead Lighting District | \$1,755.00   |
| SL2  | Underground Lighting       | \$2,421.55   |
| SL3  | Entry Lighting             | \$117.61     |
| SL4  | Garden Park Lighting       | \$699.04     |
| SL5  | Ratnour Bridge Lighting    | \$2,665.73   |
| SR1  | Trash                      | \$185.87     |
| SR2  | Brush                      | \$185.87     |

Ayes: Supervisor Deer, Councilor Bollinger, Councilor Nicholson, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0                                      All in Favor.                                      Motion Carries.

**17. 7:25 PM Adjournment**

By motion made by Councilor Waters and seconded by Councilor Italiano, the Board voted unanimously to suspend the public portion of the meeting at 7:25 PM to enter into Executive Session to discuss the employment history of a particular person and/or employee of the Town of Manlius.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters

Nays: 0                                      All in Favor.                                      Motion Carries.

Respectfully Submitted by:

Allison A. Weber  
Town Clerk

**EXECUTIVE SESSION MEETING MINUTES**

**Executive Session  
March 8, 2023**

Councilor Italiano made a motion, seconded by Councilor Waters, to adjourn executive session at 8:21PM.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters.

Nayes: 0

All in Favor.

Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Waters and seconded by Councilor Italiano the Board voted unanimously to adjourn regular session at 8:21 PM.

Ayes: Supervisor Deer, Councilor Nicholson, Councilor Bollinger, Councilor Denton, Councilor Italiano, Councilor Waters

Nayes: 0

All in Favor.

Motion Carries.

Submitted by:

Ann Oot  
Town Manager