MINUTES
TOWN BOARD
August 24, 2011

The Town of Manlius Town Board assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Supervisor Edmond Theobald presiding and the following Board members present:

John R. Loeffler, Councilor
David M. Marnell, Sr., Councilor
Nicholas J. Marzola, Councilor
Sandra A. Schepp, Councilor
Vincent Giordano, Councilor
Karen Green, Councilor

The following Town Officers were present:

Timothy Frateschi, Attorney for the Town
Fran Marlowe, Manlius Police Chief
Deborah Demmon, Deputy Town Clerk
Ann Oot, Town Manager

Allison A. Edsall, Town Clerk
Rob Cushing, Highway Superintendent
David Tessier, Planning & Development

Other persons attending:


1. THE PLEDGE OF ALLEGIANCE

Supervisor Theobald, called the meeting to order at 7:00 pm. Councilor Marnell led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

Supervisor Theobald stated that the Rules of Decorum are now printed on the back of the Town Board Agenda and he highlighted some of the points of the rules.

2. APPROVAL OF MINUTES – August 10, 2011
Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the minutes of August 10, 2011 as submitted by Town Clerk Edsall.

Ayes: Supervisor Theobald, Councilor Marzola, Councilor Giordano, Councilor Green, Councilor Schepp, Councilor Marnell

Abstain: Councilor Loeffler

Nayes: 0

All in Favor. Motion Carries.

3. APPROVAL OF ABSTRACT # 16

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve Abstract # 16 as submitted by Town Clerk Edsall.

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

Nayes: 0 All in Favor. Motion Carries.

4. RM ZONE – CHANGES TO LOCAL LAW - DISCUSSION

Supervisor Theobald reviewed the recommendations made by the Zoning Board of Appeals regarding the RM zoning classification. Those recommendations were made by resolution at the June 16, 2011 meeting of the ZBA.

David Tessier, Director of Planning and Development, reviewed his recommendations as outlined in the August 24, 2011 memorandum to the Town Board regarding the RM Zone. Director Tessier’s recommendations included adding the term insurance office, adding apartment rentals as an allowable use, adding a limit of a maximum of two businesses per
property with an accessory use permit, adding a square footage allowance and changing section 155-29 of the code regulating accessory use permits.

Supervisor Theobald reviewed the spreadsheet prepared by Director Tessier of the current businesses in the RM Zone on East Genesee Street.

The Town Board requested that Director Tessier review the permits and site plans for all of the businesses in the RM zone on East Genesee St. for compliance with current zoning regulations.

Discussion ensued regarding the current status of the businesses in the RM zone on East Genesee St., the potential number of allowable businesses in the updated RM zoning, whether current businesses that are in compliance would be grandfathered under the updated RM zoning, concerns related to parking and the possible square footage requirement in the updated RM zoning.

Attorney Frateschi stated that he will draft a resolution to amend the current RM zoning law and reviewed the process of passing this amendment.

5. SNOOKS POND

Councilor Loeffler reviewed the history of Snook’s Pond and the recent development in the area of the single family home construction by Mr. Robert Congel. Councilor Loeffler described the impact this development has had on the Snooks Pond.

Councilor Loeffler described the low water levels and the invasive plant species that have plagued the pond because the water levels have been reduced at the dam owned by Mr. Congel.

Councilor Loeffler stated that this issue is not in the Town of Manlius jurisdiction and that the New York State Department of Environmental Conservation is now the regulating agency in regards to the water levels and invasive plant species at Snook’s Pond.

Director Tessier reviewed the role the Office of Planning & Development has in the residential building process. Director Tessier stated that Snook’s Pond is owned by the property owners around the pond but the dam is owned by Mr. Congel.

Tom Bassett, representing the informal Snooks Pond Homeowners Association, reviewed the history of Snooks Pond, the history of the development of Mr. Congel’s property and the history of the condition of the dam at Snooks Pond.

Mr. Bassett stated that the issue is the maintenance of the dam on the property owned by Mr. Congel and while the pond itself has shared ownership the dam that controls the water levels of the pond is owned by Mr. Congel. Mr. Basset stated that the homeowners have had little to no recent communication with Mr. Congel or his representatives regarding the status of the dam.
Mr. Basset described the current condition of Snooks Pond as follows:
- There are extremely low levels of water which have left a large amount of muck and mud in front of several waterfront homeowners property
- An extreme invasion of an invasive plant species Phragmites due to the lower water levels
- Low water levels and invasive plant species leave the pond unusable for recreational activities and the pond is a horrible eyesore
- The low water levels have devalued the homes that are on the pond

Discussion ensued regarding the long range plan for the pond, the issue of private property rights, the enforcement role the DEC and the army Corp of Engineers should take, the dam construction and the issue of the invasive phragmites growth.

The Town Board requested that the Town Supervisor send a letter to the Department of Environmental Conservation inquiring about the impact of the low water levels at Snooks Pond. (See Public Comment)

5. CORRESPONDENCE/NEW BUSINESS

A. Public Comment

Ed Shillitoe, Wakefield Dr, stated that the homeowners do have a permit from the DEC, to dredge their part of the pond, which is in his name. Mr. Shillitoe stated that he agrees with Mr. Basset’s presentation and that he also has no idea when the water will be restored to the pond. Mr. Shillitoe stated that there has been no communication with Mr. Congel or his representatives and he believes the house project is associated with the Destiny USA project. Mr. Shillitoe stated that Snooks Pond drains into Limestone Creek and this is a shared environmental issue. Mr. Shillitoe asked if the Town of Manlius has any influence on the situation.

Mark Tetley, Fayetteville representing the Chamber of Commerce, stated that the Manlius – Fayetteville Chamber of Commerce would like a liaison from the Town of Manlius to attend the meetings. Councilor Marzola and Councilor Green stated they would like to act as liaisons.

Mr. Tetley also stated that the Manlius Fayetteville Chamber of Commerce will be hosting its annual political breakfast at 8:00am at the Calvary Club on September 13, 2011.

Joel Mora, Wakefield Dr, stated that he moved into Snooks Pond area two months before the pond was drained and he is very frustrated. Mr. Mora stated that several summers have gone by where he and his family are unable to use the pond because of the low water levels. Mr. Mora also stated that nearby property has also been ruined because the beavers built a three foot dam in response to the low water levels of the pond which flooded the area and killed the trees.
Councilor Schepp stated that she would like the Town to draft a letter to the DEC and speak with Assemblyman Don Miller about the Snooks Pond issue.

The Town Board requested that the Town Supervisor send a letter to the Department of Environmental Conservation inquiring about the impact of the low water levels at Snooks Pond.

Melissa Mora (age 12) and Alex Mora (age 14) stated that they are unable to use the pond for recreation purposes due to the low water levels. They stated that in order to use a canoe or go fishing they must first trudge through several feet of mud. They also described the large amount of phragmites that have grown over the pier that does not allow them to enjoy the pond.

Christine Lightcap, Manlius, passed around pictures of Snooks Pond in its current condition and reviewed her history with the pond. Mrs. Lightcap asked the Town for help and stated that this problem has been going on for four years.

Mike McGrew, Manlius, stated that has aerial pictures of what has happened to the pond and stated that he would take someone up in his plane to take more photos.

Kathleen Frizzi, Manlius, stated that it is disgusting to look at Snooks Pond. Ms. Frizzi stated that there has been sheer destruction of the pond life and the trees that have been ruined by the beaver flooding are an eyesore.

Ellen McGrew, Manlius, stated that she believes there is a part of the SEQR process whereby the developer of a property has to prove that there will be no detrimental impacts to the people / property around the development. Mrs. McGrew stated that it is up to our Town and our Codes Department to go out and check developments for these negative impacts to protect the nearby property owners. Mrs. McGrew stated that she does not believe the Town has backed up the people of Snook’s Pond.

Timothy Frateschi, Attorney for the Town, stated that the only permit that is subject to SEQR that was provided by the Town was an excavation permit for the dredging of the pond. Attorney Frateschi stated there is no SEQR process required for the building permit because it is a type II action.

Mr. Bassett stated that he believes the DEC is the lead agency for the permit related to the Dam.

Lou VanWie, Kirkville, stated that he presented the Town Board with code violations at 8181 Bluffview Dr. and to date he has received no communication from any representative from the Town of Manlius as to what the Town is going to do regarding these violations. Mr. VanWie discussed several code violations in the Town of Manlius.

Mr. VanWie stated that there is a new vendor selling garden sheds on Rte 298 and he feels that it should be the responsibility of any vendor to make sure that all required building
permits are in place before such buildings are constructed on the homeowners’ property. Mr. VanWie stated that one of the buildings being constructed is a one car garage and discussed the flooring requirements. Mr. VanWie also stated that many of the properties he mentioned do not have house numbers as required.

* A copy of Mr. VanWie’s Letter is on file in the Town Clerk’s Office*

Ed Wilson, Owner 7197 E. Genesee St, requested to view the documents presented at the Town Board meeting regarding the RM zoning. Mr. Wilson also stated that the 1000 square footage requirement for RM zoning is excessive as some businesses do not need that much space and cannot afford that much space. Mr. Wilson stated that this square footage requirement could discourage small business owners from opening a business in this Town.

Marcia Novek, Manlius, reported that the ground failure at 8181 Bluffview Dr. survived the quake and hurricane Irene is coming. Mrs. Novek stated that she has not been contacted regarding this situation and this is malfeasance because it is going on way to long.

Joseph Novek, Manlius, stated that there is an ongoing problem with documentation of the public session of the Town Board minutes. Mr. Novek stated that at the last Town Board meeting he submitted documentation (Contract #27509, a letter from Joanna Gosie and his own letter of response) supporting his allegations against Attorney Frateschi and this was not recorded in the minutes. Mr. Novek stated that he would like this practice to discontinue and he would like an explanation. Mr. Novek also stated that Councilor Marnell was removed from a police contract negotiating committee which he (Mr. Novek) believes was in retaliation for Councilor Marnell’s appropriate questioning. Mr. Novek advised Director Tessier that the owners at 8181 Bluffview Dr. have frequent overnight guests that occupy the finished basement that has no emergency exit as required.

* A copy of Mr. Novek’s Documentation is on file in the Town Clerk’s Office*

B. Highway

Superintendent Cushing stated that he and Chief Marlowe reviewed the speed limit reduction request for Kinderhook Road. Superintendent Cushing stated that he and Chief Marlowe recommended reducing the speed limit.

C. Planning & Development

Director Tessier presented a fireworks application for a private display at The Links at Erie Village on September 18, 2011. Mr. Tessier stated that the Fire Inspector has reviewed the application and approval is recommended.

Councilor Green made a motion, seconded by Councilor Giordano, to approve the fireworks permit for a private display at The Links at Erie Village on September 18, 2011, as recommended by David Tessier.
Ayes: Supervisor Theobald, Councilor Marzola, Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Schepp,

Nayes: 0 All in Favor. Motion Carries.

D. Attorney – No New Business

E. Town Clerk

Town Clerk Edsall discussed an upcoming event at Town Hall to honor Active Duty Military and Veterans, Town Clerk Edsall requested that a wall at the Manlius Town Hall be dedicated as our “Hometown Heroes Wall” where families of Military serving overseas can submit pictures of their soldiers to be prominently displayed and honored. Town Clerk Edsall stated that this wall will be sponsored by the Fayetteville Manlius Chamber of Commerce and no public monies will be expended. Town Clerk Edsall discussed the FAVOR card program where veterans can sign up with the Town Clerk’s office to receive a discount from local businesses.

Judy Dardinski, FM Chamber of Commerce, discussed the upcoming event at Town Hall for the FAVOR card program and the Hometown Heroes Wall.

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve a portion of a wall at Town Hall be used to honor our Hometown Heroes of the armed forces.

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

Nayes: 0 All in Favor. Motion Carries.

F. Town Board

Councilor Marzola made a motion, seconded by Councilor Giordano, to authorize a budget transfer for insurance monies related to a police vehicle accident as follows:

- Increase Insurance Recoveries A00.4.2680 $2461.00
- Increase Vehicle Repair A00.5.3120.412 $2461.00

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Marzola stated that he performed the 2010 Annual Independent Audit of Fiscal Activities, Cash Funds and Fiscal Accounts for the Town of Manlius Police Department and everything was in great order.
Councilor Giordano made a motion, seconded by Councilor Green, to accept the annual 2010 audit of the Town of Manlius Police Department that was performed by Councilor Marzola.

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

Nayes: 0 All in Favor. Motion Carries.

Councilor Loeffler thanked the neighbors of Snook’s Pond for attending and thanked the Town Board for listening.

g. Supervisor – No New Business

6. ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilor Marnell and seconded by Councilor Loeffler, the Board unanimously voted to adjourn regular session at 8:50pm

Respectfully Submitted by:

Allison Edsall
Town Clerk