VILLAGE OF MANLIUS BOARD OF TRUSTEES September 10, 2024, Regular Meeting

PRESENT: Mayor Whorrall, Deputy Mayor/Trustee Chapman, Trustee Pilewski, Trustee Abdo-Rott and Trustee Oley

OTHERS: Lisa Baker, Clerk/Treasurer; Brad Hunt, Village Attorney; Chris Sherwood, DPW Superintendent; Jansen Casscles, Fire Chief; Kristin Rogers, Senior Centre Director; Mike Decker, Codes Officer; Greg Zagar, David Haase, Christian Freeman and Grazi Zazzara.

Mayor Whorrall opened the meeting at 6:00pm with the Pledge of Allegiance. He welcomed everyone that attended the September 10, 2024, meeting.

PUBLIC HEARING (6:05pm) Christopher Community Program PHA Plan Mayor Whorrall asked for a motion to open the public hearing.

Motion by Trustee Abdo-Rott, seconded by Trustee Oley to open the public hearing on Christopher Community Program PHA Plan.

MOTION CARRIED 4-0

Baker explained that no information was received from Christopher Community Program with several attempts. Attorney Hunt stated we could postpone and continue the Public Hearing next month at the next board meeting. This is a section 8 housing choice voucher program funded by the US Department of Housing and Urban Development. We are required to adopt the PHA Plan for operation of the plan.

Motion by Trustee Abdo-Rott, seconded by Trustee Chapman to continue the public hearing at the next Board Meeting on 10/8/24.

MOTION CARRIED 4-0

COMMUNTICATION

Letter from NYS DEC on Mute Swans

In accordance with license condition **12.** Live Animal – Mute Swans – Propagation Prohibited, the licensee shall, no later than December 31, 2024, have either had the swans surgically sterilized so that reproduction cannot occur, or have completed the transfer of swans so that only one gender remains in possession. The licensee shall notify the Department in writing at the address above no later than one week following either the surgical sterilization of transfer of mute swans in accordance with license conditions and this directive.

Mayor Whorrall asked the board how they would like to move forward on this. He stated, the DEC has not changed their original proposal, and he would like this to be a board decision, not his decision. He stated Mannion is on our side and has sent a letter and has gone to the Commissioner. Trustee Chapman also stated McMahon is planning on sending a letter. Trustee Chapman commented to the DEC that the original permit we were grandfathered in for Fanny and Mae, he suggested that they grandfather the Village of Manlius instead. We have offered the sterilization of the swans when leaving and we put up an educational board which the DEC recommended.

Motion by Trustee Chapman, seconded by Trustee Abdo-Rott that we continue the breeding of the swans and to fight the DEC. MOTION CARRIED 4-0

Attorney Hunt will look at the correspondence from the DEC and we can discuss in Executive session regarding litigation. He may be able to write a letter to the DEC. All agreed on this.

Manlius Volunteer Fire Company

August 11, 2024

Board of Trustees
Village of Manlius
One Arkie Albanese Ave.
Manlius, NY 13104

Mayor and Board of Trustees:

This is to formally notify you that at its regular meeting on August 8, 2024, the Manlius Volunteer Fire Company voted for the following people regarding membership:

Resigned from Membership:

Laura Tysco

Sincerely,

Rob Furey

Secretary

Motion by Trustee Pilewski, seconded by Trustee Chapman to approve the letter from the Manlius Volunteer Fire Co. as presented.

MOTION CARRIED 4-0

Brickyard Falls Road Proposal

Trustee Oley presented the proposal from Napierala regarding widening Brickyard Falls Road at the top of the hill. This is a safety concern. Trustee Oley has been working with Matt to see what options are available and a cost on what it would be to widen the road. His proposal showed a retaining wall and sidewalk. This project would not be completed until the road is being paved again, which could be out 8 years. This is a \$5,000.00 project to do a cost analysis.

Superintendent Chris Sherwood commented there are bigger issues right now like Everglades that is blocked off to one lane right now. All agreed.

Trustee Abdo-Rott suggested that Matt Napierala come to the next Board Meeting to discuss Brickyard Falls Rd. and Everglades.

111 E. Seneca St- Request for Special Use Permit

The developer and engineer have submitted a special use permit and site plan application. Christian Freeman spoke on the application. The proposal is a mixed-use building on a commercial

lot. They will demolition the existing building and rebuild. The proposal is for 13 apartments above and 3 store front offices below. They are trying to make it a village feel. This would require variances of what a mixed-use development is. Attorney Hunt stated the area set back needs to be brought to the ZBA. Parking is also an issue. Code specifies 2 parking spots per apartment, plus handicap. Also below requires a parking spot for every 100 sq. ft. Parking variance would also be a ZBA issue. All agree it is a great project, they just need to figure out the parking. Codes Officer Decker would also like to send to Onondaga County Planning Board for a referral. Hunt suggested a variance app and special use permit be sent to them.

Mayor Whorrall asked on the status of 123 W. Seneca. Grazi stated the work starts on Monday to redo the facade.

Greg Zagar was present and thanked us all on the closing up of the chicken issue. He wanted to give thanks for everything that the village did to help with the process.

National Grid Letter

Mayor Whorrall shared a letter that was received from National Grid. The proposed new rates would result in an increase of \$18.92 for electric and \$18.34 for gas.

AGREEMENTS

BOCES IT Agreement for the Fire Department

Attorney Hunt's only question is the insurance requirements, and according to NYMIR the concern was to make sure that BOCES has enough insurance so that the Village would be covered. Everything else seems fine. Attorney Hunt suggested to approve the contract subject to Attorney Hunt or Mayor Whorrall finalizing the insurance changes.

Motion by Trustee Chapman, seconded by Trustee Pilewski to approve the annual BOCES IT

Agreement with the attorney's approval on insurance.

MOTION CARRIED 4-0

Penflex Resolution

Dave Haase was present to explain the resolution. According to state law, it adds the ability to defer payment after age 60. This Resolution is just adding an option. It was originally supposed to be listed in the resolution but never was posted.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MANLIUS

In the matter of allowing	
payment deferrals in the	
Village of Manlius Fire Departme	nt
Service Award Program	

WHEREAS; Eligible voters of the Village of Manlius approved a referendum to establish a Service Award Program for active volunteer firefighter members of the Manlius Fire Department, effective June 1, 1990, in accordance with Article 11-A of the New York State General Municipal Law; and,

WHEREAS; the Service Award Program Entitlement Age selected by the Fire District is age sixty (60); and,

WHEREAS; under the current Program provisions, a participant must be paid his/her Service Award Program Account Balance as of the December 31st following the attainment of the Entitlement Age; and,

WHEREAS; a Participant has made a request to the Board of Fire Commissioners to allow Participants to defer payment of the Account Balance to a later date; and,

WHEREAS; after discussion with Penflex, Inc., the firm retained by the Board Trustees to provide administration and consulting services for the Service Award Program, the Board desires to allow Participants to defer payment;

Now, Therefore, BE IT RESOLVED, That:

The Board of Trustees of the Village of Manlius, hereby amend the "Commencement of Benefit Payments" provisions of the Village of Manlius Fire Department Service Award Program to the following:

Commencement of Benefit Payment:

- a. Attainment of Entitlement Age: Unless the Participant has deferred the payment of his or her Accrued Service Award (see below), a Participant shall be paid his or her Accrued Service Award determined as of the December 31st of the Program Year the Participant attains the Entitlement Age. The Benefit Commencement Date shall be the next following January 1st and payment shall be made as soon as administratively feasible thereafter.
- b. Deferral of Accrued Service Award Payment: In the Program Year prior to the

Participant's Benefit Commencement Date, the Participant has the option to defer payment to a specified deferred Benefit Commencement Date by properly completing a Benefit Election Form. Such date shall be a January 1st no less than three years from the Participant's initial Benefit Commencement Date. During the deferral period the Accrued Service Award shall continue to be credited with earnings, fees, Service Awards and other applicable transactions for the Participant. Once selected, the deferred Benefit Commencement Date cannot be accelerated. Prior to the Participant's deferred Benefit Commencement Date, such Participant shall again have the option to defer for no less than another three years or to be paid his or her Accrued Service Award, by properly completing a Benefit Election Form. There is no limit on the number of times a Participant shall elect to defer.

A Participant who does not properly complete a Benefit Election Form to defer in the prescribed time period, shall be deemed to have elected to receive a payment of their Accrued Service Award.

Post-Entitlement Age: The Annual Service Award contribution(s) earned by a Participant during Program Year(s) ending after such Participant's initial or deferred Benefit Commencement Date (the effective date that the first payment was made to the Participant) shall be paid as soon as administratively feasible after the December 31st of the Program Year in which it is earned. However, this Annual Service Award shall not be paid until Service Credit earned for such Program Year has been certified, approved and posted in accordance with §217 of the New York State General Municipal Law.

All other provisions of the Village of Manlius Fire Department Service Award Program shall not change and the program shall continue to be administered by the Village of Manlius Board of Trustees in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

Trustee	Chapman	moved, Trustee	_Pilewski	
seconded, and	d the Village of Manlius Boar	d of Trustees, in a n	neeting held on _	_September 20,
2024	_voted as follows:			

	YES	NO		
TrusteeChapman	_X			
TrusteePilewski	X			
TrusteeAbdo-Rott	_X			
TrusteeOley	X			
TrusteeMayor Whorrall	X			
Motion by Trustee Chapman, seconded by Trustee Pllewski to approve the Penflex Resolution				

Deferred Comp Resolution

pending Attorney Hunt's approval.

Adoption of the State of New York Deferred Compensation Plan

WHEREAS, The Village of Manlius wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, The Village of Manlius is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Village of Manlius has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with The Village of Manlius by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

MOTION CARRIED 4-0

^{*} A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

NOW, THEREFORE, it is hereby:

10

RESOLVED, that the Village of Manlius hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of The Village of Manlius are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

day of September

Board of Trustees	
Section 5 of the State Finance Law and	nlius is a local public employer within the meaning of that the adoption of the Plan has received all required or officer and otherwise complies with local law.
Witnesseth by:	
	By:
Lisa Baker	9/10/24
Consent of the Deferred	
Compensation Board of the	
State of New York to	
Local Public Employer's	
Participation	
By:	
Motion by Trustee Chapman, seconded	by Trustee Oley to adopt the Deferred Comp Resolution

MINUTES

as presented.

Adonted the

August 13, 2024, Regular Board Meeting

Motion by Trustee Pilewski, seconded by Trustee Chapman to approve the August 13, 2024, Regular Board Meeting Minutes.

MOTION CARRIED 4-0

MOTION CARRIED 4-0

20.24 at a meeting of the

DEPARTMENT REQUISITIONS

Crossroads Highway Supply Barricades Cost: \$1665.00
 Motion by Trustee Chapman, seconded by Trustee Oley to approve the Crossroads Highway
 Supply requisition as submitted. MOTION CARRIED 4-0

• BOCES Desktop Computers Cost: \$1866.64

Motion by Trustee Chapman, seconded by Trustee Abdo-Rott to approve the BOCES requisition as submitted.

MOTION CARRIED 4-0

Peekskill Training Career Chiefs Meeting Cost: \$239.00
 Motion by Trustee Pilewski, seconded by Trustee Chapman to approve the Peekskill Training requisition as submitted.

MOTION CARRIED 4-0

• Eastern Division Training EDIAFC Board Meeting Cost: \$393.35

Motion by Trustee Pilewski, seconded by Trustee Chapman to approve the Eastern Division

Training requisition as submitted.

MOTION CARRIED 4-0

Municipal Emergency Svc Rit-Pak/Cylinder Cost: \$4404.00
 Motion by Trustee Abdo-Rott, seconded by Trustee Chapman to approve the MES requisition as submitted.

MOTION CARRIED 4-0

• Voss Signs Vinyl signs for Swan Display Cost: \$193.05

Motion by Trustee Oley, seconded by Trustee Chapman to approve the Voss Signs requisition as submitted.

MOTION CARRIED 4-0

ABSTRACT

RESOLUTION TO APPROVE PAYMENT OF CLAIMS September 10, 2024

WHEREAS the Board of Trustees desires to audit and pay the claims asserted against it; and

WHEREAS payment of certain claims in advance of the audit of claims has been approved by the Village Board annually at the Organizational Meeting, as required by law; and

WHEREAS it is required that all such claims shall be presented at the next Regular Meeting for audit, and

WHEREAS, the Village Board has been presented with the following abstracts for approval and payment.

General Fund 2024-2025 Abstract 004 \$320,623.61 (V205-294)
Trust & Agency 2024-2025 Abstract 362 \$ 9,236.00 (V130-131)

AND

August Payroll Expenses for Payroll #16, 16A, 17 (attached) \$278,445.96

NOW THEREFORE BE IT RESOLVED:

That the Board of Trustees of the Village of Manlius approve the payment of claims **totaling \$608,305.57 by** the Village Treasurer as outlined above.

Motion by Trustee Chapman, seconded by Trustee Pilewski to approve the Abstract and Payroll as presented.

MOTION CARRIED 4-0

DEPARTMENT REPORTS

Recreation-Julia Shove the Recreation Director was present.

- Fall Fishing Derby September 21, (9-11am)
- Swan Fest Saturday October 5th
- Trunk or Treat Saturday October 26th (3-5pm)
- Playground recap report was attached.

The Mayor thanked Julia for all of her hard work and wished her the best with her new endeavors.

DPW – Superintendent Chris Sherwood was present.

• Discussed a tree removal on Brickyard Falls Rd.

CODES- Codes Officer Mike Decker was present.

- Chickens have been removed and he is now working on getting removal of the fencing.
- Working with Sherwood on Fire Code Doors for the Senior Centre.
- Zoning amendment for drive-throughs Resolution

Motion by Trustee Chapman, seconded by Trustee Oley to approve the resolution for the drivethroughs. MOTION 4-0

RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MANLIUS: September 10, 2024

The Village of Manlius Board of Trustees has proposed an amendment to the Village of Manlius Zoning Code.

The proposed amendment would amend the Zoning Code to provide that there may be no more than one restaurant drive-through use per district in a Planned Unit Development district, and no more than one drive-through use per parcel in a Commercial or Commercial-1 district.

The Village Board schedule a public hearing for July 9, 2024 and held a public hearing at its meeting on that date.

At its meeting on August 28, 2024, the Village Planning Board made a recommendation regarding this amendment as follows: the Planning Board recommended approval of the amendment as set forth in this resolution, including specifying that there may be no more than one *restaurant* drive-through per PUD district.

At its August 21, 2024 meeting, the Onondaga County Planning Board issued a resolution finding that the proposed amendment will have no significant adverse inter-community or county-wide impact.

At its meeting of September 10, 2024, the Village Board resolved as follows:

- 1. Pursuant to the New York State Environmental Quality Review Act and its implementing regulations (SEQRA), the Village Board will act as lead agency for an uncoordinated review of this unlisted matter. Based on the environmental assessment form and all relevant information, the Village Board determines that this zone change will have no significant adverse environmental impact, and that all questions in part 2 of the EAF may be answered "No, or small impact."
- 2. Pursuant to section 99-35 of the Village of Manlius Zoning Code, the Village Board hereby amends sections 99-11.2, 99-14 and 99-15 of the Zoning Code as follows:
 - The current section 99-11.2(B)(3) is amended by adding the following language at the end of that section: "There shall be no more than one restaurant drive-through use permitted in any single PUD District."
 - The current section 99-14(C) is amended by adding the following language at the end of that section: "There shall be no more than one drive-through use permitted on any single parcel in a Commercial 1 District."
 - The current section 99-15(I) is amended by adding the following language at the end of that section: "There shall be no more than one drive-through use permitted on any single parcel in a Commercial District."
- 3. Local Law number __ of 2024, which enacts the Zoning Code amendment, is APPROVED. The Village Clerk and Village Attorney are authorized to execute and file the Local Law.
- 4. After the filing of the Local Law with the Secretary of State, the Village Zoning Code shall me modified to reflect the amendment.

Dated: September 10, 2024				
		Lisa Clerk,	of Manlius	
Paul Whorrall, Mayor Janice Abdo-Rott, Trustee Rob Oley, Trustee	Aye	Nay 	Other	Absent

Hank Chapman, Trustee	X		
Гот Pilewski, Trustee	X		

- 19 Jarvis Dr.- It is a reverse mortgage, and Decker cannot figure out whom the owner is. All we are doing is maintaining the grass. Would like Mackenzie Hughes to look into this so that Decker can start the citation process. Maybe a title search can be completed.
- A set back variance request needs to go to the ZBA Board. He is not receiving a full response back from the members to be able to have a meeting. Trustee Chapman has a potential fill in for the position. Her name is Stefanie Savory and she will complete the remainder of the term that expires March 2025.

Motion by Trustee Chapman, seconded by Trustee Pilewski to have Stefanie Savory fill in the remainder term on the ZBA Board.

MOTION 4-0

Mayor Whorrall discussed the combining of the Planning Board and the ZBA Board, which they will be able to have 7 members.

In order to have a ZBA meeting, they will need to reschedule the date to accommodate participation and set a public hearing.

FIRE/EMS – Chief Casscles was not present.

• FF/Paramedic Connor DuPree is recommended as a lateral part-time hire from the City of Syracuse.

Motion by Trustee Pilewski, seconded by Trustee Chapman to hire Connor DuPree as a part-time FF/Paramedic. MOTION 4-0

CLERK – Lisa Baker was present

• Discussed the use of the Fire Department Community Room since we have had several phone calls inquiring the use of the room. -Room needs board approval.

Motion by Trustee Chapman seconded by Trustee Oley to have the Mayor approve issues when a decision needs to be made right away and it cannot wait for board meeting approval.

- Newsletter is out, looks amazing!
- DPW suggested to issue a fee for switching out of totes. Will discuss more and bring back to the next board meeting.

SENIOR CENTRE- Senior Centre Director Kristen Rogers was present.

- Tag sale on September 27th and 28th.
- The annual picnic was a huge success.
- Received a phone call from the office of Brandon Williams to come visit our facility.

MAYOR'S REPORT

• Safety Committee met on July 14th. They discussed the incident that happened at the library and discussed the Emergency Preparedness Plan and added the Emergency Action Plan. He has met with an alarm company to discuss panic buttons to be installed throughout the building. Also plans on scheduling an active shooting training.

- Onondaga County Community Development- Main Street Revitalization projects
 - 1. Liberty Square is completed
 - 2. Buffoons is halfway done.
 - 3. 123 Graza Development- starting in mid-September.
 - 4. Mill Run Park SEQR
- NY Forward- will be applying again for the grant.
- Had a meeting on September 4th regarding the Police EV Charging Station- went well.
- Spoke with the Police Chief in regard to concerns on Post Rd. They went up the next day and put up surveillance.
- Met with Rear Admiral Josh Jackson- He was a resident of Manlius. He came back for the Navy week and spoke at Syracuse University. He also presented 2 awards at the fair. He wanted to meet the Mayor by the swan pond where he had fond memories. He asked the Mayor what he could do for him, so the Mayor told him about the swans. Rear Admiral Jackson stated he would write a letter. The Mayor also asked if the Navy band would play in the 4th of July Parade, and the admiral stated he would see what he could do.
- Eagle Scouts Project- Cain Lovy has not reached out to Superintendent Sherwood yet.
- Grazi is applying for a PILOT Program
- Brickyard Falls Rd.- Tree Removal Issue- It is not in our right of way. Tree is not dead. The village needs to be careful and consistent on what is decided to do.
- Emily Fell from the DEC has requested to do a workshop with the Syracuse School District at Mill Run Park. Looking for board approval.

Motion by Trustee Abdo-Rott, seconded by Trustee Oley to approve the Mill Run Park Request from the DEC as requested. MOTION CARRIED 4-0

A.W. Wander BeerFest September 28th- need approval for the outdoor event to close off Wesley

Motion by Trustee Chapman, seconded by Trustee Abdo-Rott to close off Wesley St. for A.W. Wander Beerfest on September 28th. MOTION CARRIED 4-0

• Need executive session for FF personal.

TRUSTEE REPORTS

Trustee Pilewski- was present.

- Police Committee Meeting has been postponed until next month.
- Trustee Pilewski spoke with the Police Chief and he would like the committee to push to get the ball rolling on the hiring of a new Police Chief.
- Reviewed the NYSERDA report.
- Is actively looking for a new auditor and has been in touch with an auditor in Oneida.

Trustee Abdo-Rott- was present.

- Thanked Julia for all her hard work.
- Playground report was a great job- Julia went above and beyond with this report.

Trustee Chapman- was present.

- Was a part of the Safety Meeting
- Was at the EV Station meeting, worked out well.

- County Executive will send a letter on the Swans.
- Looking for long term solution on Memory, Canterbury regarding flooding issues.
- Pleasant St.- it is coned off right now. Will be sending a letter to all the residents and start the landscaping and barrier there to make a harder turn to denture people from speeding on the road.
- Swan Fest meeting. Will do a pod cast with the Mayor to promote the historical tram ride and the Swan Fest.
- Working on Three Falls to make if a safe and walkable trail park, but not a huge active park.

Trustee Oley

- Will get with Voss to get the informative signs completed for the Swan Pond.
- Working with Rebekah Beckwith, Deputy Clerk-Treasurer on QR codes to attach to street signs for the history of the paintings. It will direct them to our website.

The Mayor met with Carol Rivers from Onondaga County to go over Smoke Free Policy for the Village.

The Mayor mentioned the NYCOM DPW Training School will be October 20-23 in Saratoga.

ATORNEY Hunt was present, no new business.

PUBLIC FORUM- no one present.

ADJOURN

Mayor Whorrall motioned to adjourn to executive session at 8:56pm.

Motion by Trustee Pilewski, seconded by Trustee Oley to adjourn to executive session to seek advice of counsel at 8:56pm.

MOTION CARRIED 4-0

Executive Session for advice of counsel.

Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to adjourn from executive session at 9:13pm.

MOTION CARRIED 4-0

Motion by Trustee Oley, seconded by Trustee Abdo-Rott to deny the request to use sick time for Military leave. This is based on the Village Handbook. Unused vacation and/or personal time may be used.

MOTION CARRIED 4-0

Mayor Whorrall asked to adjourn the meeting.

Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to adjourn the meeting at 9:18pm.

MOTION CARRIED 4-0

Respectfully Submitted by,

Lisa Baker Village Clerk