

**VILLAGE OF MANLIUS
BOARD OF TRUSTEES
May 14, 2013 Regular Meeting**

PRESENT: Mayor Whorrall, Trustees Abdo-Rott, Hopkinson, Pfeiffer, McGrew, Noble and Pilewski (arrived at 7:48).

ABSENT: None

OTHERS:

Clerk-Treasurer Martha Dygert, Jeff Brown, Village Attorney, Judy Salamone, Interim Rec Director; John Maher, DPW Superintendent; John Buskey, Fire Chief; Michael Buskey, Andrea Faust, Joseph Greenman, George Davenport, David Haase, James Corl, Ray Dill, Marc Stogran, Bob Bennett, Vivian Stern, Richard Stern, Robert Stern, Vince Giordano, Jerry Dardzinski, Judy Dardzinski, Kelly Whorrall, John Winslow, Lauren Craig, David Potter, Michael Davis, Nat Tobin, Erin Kleinhans and Ryan Kleinhans.

The meeting was called to order at 7:00 pm in the Board Room at Village Centre. The Pledge of Allegiance was recited and Mayor Whorrall welcomed those present.

PROCLAMATION – Joseph Greenman

Mayor Whorrall read a proclamation honoring Judge Joseph Greenman.

RECOGNITION – Richard Stern

Mayor Whorrall called up Richard Stern and his family. The Mayor presented Richard with some certificates of recognition for 25 years of service to the Village.

RECOGNITION – Ryan Kleinhans

Mayor Whorrall called Ryan Kleinhans and his mother up. Ryan had completed a project for school to be placed at the swan pond. The Mayor presented Ryan with a gift from the Village (a swan) to show appreciation for this project.

RESIGNATION – Heneka

Mayor Whorrall read a letter from Zoning Board member Michael Heneka announcing his need to resign from the Zoning Board of Appeals, effective Thursday May 9, 2013 due to relocation to Clay, NY.

Motion by Trustee Abdo-Rott, seconded by Trustee Pfeiffer to accept the resignation of Michael Heneka from the Zoning Board of Appeals. Motion Carried 6-0.

REMOVAL – Volunteer Firefighter Garwood

Mayor Whorrall read a communication from Manlius Volunteer Fire Co Secretary Jim Corl announcing the removal of David Garwood from active volunteer firefighter status to retired lifetime member.

Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to accept the removal and re-assignment of David Garwood from active firefighter to retired lifetime member of the Manlius Volunteer Fire Company. Motion Carried 6-0.

RESIGNATION – Volunteer Firefighters

Mayor Whorrall read a communication from Manlius Volunteer Fire Co Secretary Jim Corl advising the Board of the resignations of Lauren Giordano, Jennifer Cruse and Michael Heneka.

Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to accept with regret the resignations of volunteer firefighters Lauren Giordano, Jennifer Cruse, and Michael Heneka. Motion Carried 6-0.

INSTALLATION – Fire Chief, Assistant Chief

Election results from the Manlius Volunteer Fire Co Secretary were read into the minutes by Mayor Whorrall. Bradley Pinsky was elected by the membership to the position of Assistant Fire Chief.

Motion by Trustee Abdo-Rott, seconded by Trustee Hopkinson to ratify the election of Bradley Pinsky to the position of Assistant Chief. Motion Carried 6-0.

Mayor Whorrall called forward John Buskey and his family and then proceeded to administer the oath of office for the installation of Mr. Buskey as Fire Chief. Mayor Whorrall then called forward Bradley Pinsky and his family and then proceeded to administer the oath of office for the installation of Mr. Pinsky as Assistant Fire Chief.

PUBLIC HEARING – Local Law #2 -2013 Prior Notice

Motion by Trustee Hopkinson, seconded by Trustee Abdo-Rott to open the public hearing on proposed local law #2 of 2013 regarding requirement to file prior notice. Motion Carried 6-0.

There being no one from the public wishing to speak, it was on motion by Trustee McGrew, seconded by Trustee Abdo-Rott to close the public hearing. Motion Carried 6-0.

LOCAL LAW #2 – 2013

§44-1. Legislative Intent

It is the intent of this chapter to require a notice of defect to be filed with the Village of Manlius so that the village may be placed on actual notice of any dangerous conditions and therefore more capable to replace and repair defective village property and protect village residents from injury. This chapter exists for the benefit of the public and the village and incidentally for the individual. MacMullen vs. City of Middletown, 187, N.Y. 37 (1907). This chapter is enacted. Pursuant to the powers granted to the Village by virtue of Article 9, §2(C)(5) of the New York State Constitution.

§44-2. Notice of defect required.

No cause of action shall accrue against or shall be maintained against the Village of Manlius, Onondaga County, New York, its officers, agents, or employees for damages or injuries to a person or property sustained in consequence of any defective or out-of-repair village property or property under the direct or indirect control of the village, unless a written notice of defect was first filed with the Village Clerk and there was a failure or neglect by the village within a reasonable time after the receipt of

such written notice to repair or remove the defect, danger or obstruction. The filing of a notice of defect shall be a condition precedent to the filing or maintaining of an action or special proceeding against the village, its officers, agents or employees for such damage or injury to person or property.

§44-3 Property under control of village.

Village property or property under direct or indirect control of the village shall include but not be limited to any park, recreational facility, library, sewage treatment plant, garage, village hall or centre, any other village building, property, street, highway, bridge, culvert, sidewalk, crosswalk or parts or appurtenances thereof.

§44-4 Filing of notices.

The Village Clerk shall keep an indexed record of all notices of defect, which record shall indicate the time and date of receipt of the notices. After receipt, the Clerk shall forward copies of these notices to the Mayor. Notices of defect shall be kept on record for at least five years.

§44-5 Form and service of notice.

- A. The notice of defect shall state that it is a notice of defect, the name and address of the complainant, the specific nature of the defective condition and the exact location of the defective condition.
- B. The notice of defect shall be signed by the complainant and be verified.
- C. The notice shall be served on the village by either delivering a copy thereof personall to the Village Clerk or by certified or registered mail addressed to the Village Clerk.

§44-6 No liability created.

This chapter shall not create new or additional liability for the village where there was no specific existing duty on the part of the village to repair or replace the defective or dangerous condition.

§44-7 Severability.

Should any word, clause, sentence, paragraph, section or part thereof of this chapter be judicially determined to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter but shall be confined in its operation to the word, clause, sentence, paragraph, section or part thereof directly involved in the controversy.

Section 2. This Local Law shall take effect upon filing with the Secretary of State and as provided by law.

ADOPT LOCAL LAW #2 2013

Motion by Trustee Abdo-Rott, seconded by Trustee Hopkinson to adopt Local Law #2 2013. Motion Carried 6-0.

PUBLIC HEARING MS4 Annual Report 2013

Motion by Trustee Pfeiffer, seconded by Trustee Noble to open the public hearing on the Annual MS4 Report for 2013. Motion Carried 6-0.

There being no one present from the public wishing to speak it was on motion by Trustee McGrew, seconded by Trustee Abdo-Rott to close the public hearing. Motion Carried 6-0.

Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to approve the MS4 Annual report as presented. Motion carried 6-0.

PUBLIC HEARING – Cable Franchise Time Warner

Motion by Trustee McGrew seconded by Trustee Abdo-Rott to open the public hearing on the Cable Franchise agreement. Motion Carried 6-0.

Motion by Trustee McGrew, seconded by Trustee Noble to close the public hearing on the Cable Franchise Agreement. Motion Carried 6-0.

CABLE FRANCHISE AGREEMENT

Motion by Trustee McGrew, seconded by Trustee Abdo-Rott to authorize the Mayor to execute the Cable Franchise agreement with Time Warner. Motion carried 6-0.

MINUTES

Motion by Trustee McGrew, seconded by Trustee Hopkinson to approve the minutes of the April 9, 2013 regular meeting as submitted. Motion Carried: 6-0

Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to approve the minutes of the April 15, 2013 special meeting as submitted. Motion Carried: 6-0

Motion by Trustee Pfeiffer, seconded by Trustee Noble to approve the minutes of the April 23, 2013 regular meeting as submitted. Motion Carried: 6-0

ABSTRACT

For the Abstract dated 5/7/2013, it was on **Motion by Trustee Abdo-Rott, seconded by Trustee Noble to approve the abstract in the amount of \$94,030.07. Motion Carried 6-0.**

For the Abstract dated 5/2/203 it was on **Motion by Trustee Noble, seconded by Trustee McGrew to approve the abstract in the amount of \$16,095.58. Motion Carried 6-0.**

DEPARTMENT REQUISITIONS

Fire/EMS	Req #
• DiVal Safety – Emergency repairs to SCBA; Cost: \$2550.66	13-0362
• DiVal Safety – AirPaks, Masks, Cylinders; Cost: \$28,375.00	13-0369

Motion by Trustee McGrew, seconded by Trustee Abdo-Rott to approve the Fire/EMS requisitions as listed. Motion

Carried 6-0.

DPW

- Lift Safe Fuel Safe – Gasboy diesel fuel pump Cost: \$1333.28 13-151
- Allied Spring & Services Rear leaf springs on truck #3 Cost: \$1039.94 13-159

Motion by Trustee Abdo-Rott, seconded by Trustee Noble to approve the DPW requisition as listed. Motion carried 6-0.

PREFILED RESOLUTIONS
SUNY UPSTATE CONTRACT

After lengthy discussions between Attorney Jeff Brown and representatives of SUNY, the Board was presented with a contact outlining the proposed agreement between the Village of Manlius and SUNY Upstate.

Motion by Trustee McGrew, seconded by Trustee Hopkinson to authorize the Mayor to execute the SUNY Upstate Medical University and Manlius Fire Dept Paramedic Program Agreement as presented. Motion Carried 6-0.

INTERMUNICIPAL WASTEWATER AGREEMENT – Onondaga County

This agreement is required to be executed by the Village prior to consideration for the Save the Rain grant project that had been proposed by Barton & Loguidice for joint filing with the Village of Fayetteville. This agreement outlines the services to be provided by Onondaga County in relation to sanitary sewer service.

Motion by Trustee Abdo-Rott, seconded by Trustee McGrew authorizing the Mayor to execute the proposed agreement with Onondaga County for Intermunicipal Wastewater services. Motion Carried 6-0.

BICENTENNIAL PARK PROJECT CONTRACT – Community Development

Motion by Trustee Abdo-Rott, seconded by Trustee Pfeiffer to authorize the Mayor to execute the agreement between the Village and Onondaga County Community Development Division for the grant award of \$25,000 for the Bicentennial Park Project. Motion carried 6-0.

FIRE DEPARTMENT BRUSH TRUCK BID AWARD

The Village Board having approved the publishing of a public bid for a Brush Truck for the fire department and upon receipt and opening of the sealed bids for the equipment on May 9, 2013– the bids received as follows:

Jerome Fire Equipment \$55,775.00
Specialty Vehicles Sales \$86,555.00

And upon review by Fire Department personnel to ensure compliance with specifications;

It was on motion by Trustee McGrew, seconded by Trustee Abdo-Rott to award the bid to Jerome Fire Equipment company as the low bidder. Motion Carried 6-0.

EXECUTE TAX WARRANT – 2013-2014

The Board was presented with the tax warrant for the 2013-2014 tax season, commanding the Treasurer authority to collect from the assessment roll, taxes in the amount of \$2,053,792.00.

Motion by Trustee Hopkinson, seconded by Trustee Abdo-Rott to authorize the Mayor to execute the tax warrant as presented. Motion Carried 6-0.

DEPARTMENT REPORTS:

1. **Parks/Recreation** – Judy Salamone, Interim Rec Director was present. She gave an update to the Board on the upcoming events. She also presented the Board with a listing of counselors for the Summer Playground program and are listed as follows:

Last Name	First Name	Pay Rate	Village Resident
CAMP DIRECTORS: 5 (5 Returning)			
Corcoran	Nicole	10.50	
Kohler	Casey	10.00	
Krahmer	Katie	10.25	
Randall	Megan	10.00	
White	Stacey	12.75	
COUNSELORS: 59 (26 New, 33 Returning)			
Alderman	Julie	8.25	x
Anzalone	Carly	7.50	
Blackmer	Christine	7.75	x
Blasting	Jackie	7.25	
Brisun	Katherine	7.25	
Capsello	Alexander	7.50	
Cervolo	Amanda	7.50	x
Culver	Luke	7.25	x
Elliot	Mackenzie	7.25	
Felix	Erikka	7.50	

Fishman	Rachel	7.50	
Flynn	Thomas	7.75	
Frank	Hannah	7.25	x
Groesbeck	Nathan	7.25	
Hill	Brittany	7.50	
Hodge	Carrie	7.25	x
Hughes	Graham	8.00	
Jozefezyk	Paige	7.25	
Karle	Rachel	7.75	
Kohler	Emma	7.50	
Lane	Melissa	7.75	x
Lightcap	Langston	7.25	
Magley	Miranda	7.25	
Maher	Rebekah	7.75	
Majka	Alexandra	7.25	
Manne	Anu	7.25	
Marko	Dean	7.50	
Masset	Kaitlyn	7.50	
McDonald	Bridget	7.50	
McDonald	Shawn	7.75	
McGrew	Brandon	8.00	x
Meindenbauer	Emily	7.25	x
Miller	Patricia	7.25	x
Muller	Kelly	7.25	
Nevin	Lydia	7.50	
Pearl	Alana	7.25	
Perrotti	Benjamin	7.25	x
Perrotti	Matthew	7.25	x
Pilcher	Leah	7.50	
Pilewski	Kelsey	7.50	x
Podesta	Brenna	7.25	
Poole	Emily	7.25	
Primo	Rachel	7.50	
Primo	Carly	7.25	x
Randall	Katie	7.75	
Rott	Trevor	7.75	x
Sauer	Adam	7.75	
Sauer	Nathan	8.50	
Sayles	Terrilyn	7.25	
Senke-Starowicz	Ivy	7.25	
Stanley	Kyle	7.25	
Thomas	Benjamin	7.50	x
Tody	Monica	7.75	x
Trobert	Scott	7.50	
Trop	Alexandra	7.25	
Weaver	Kyle	7.25	x
Weiss	Deanna	8.00	x
Welker	Caitlin	7.50	x
Woodard	Logan	7.50	
COUNSELORS IN-TRAINING: 8 (6 New, 2 Returning)			
Florczyk	Connor	n/a	x
Fishman	Hannah	n/a	

Gullotta	Matthew	n/a	
Natoli	Rachel	n/a	x
Oley	Febe	n/a	x
Palmiero	Matthew	n/a	
Rector	Owen	n/a	
Tody	Kitty	n/a	x

The next Parks & Rec Advisory Board meeting will be held on May 21, 2013 at 7:00 p.m.

2. **DPW** – John Maher, DPW Superintendent is asking for Board approval for \$2800 to install sidewalks on the stretch from Everglades Drive to Ravenswood. Trustee Abdo-Rott made a motion to approve which was seconded by Trustee Pfeiffer for the sake of discussion. Trustee Abdo-Rott stated she would like to see the Village engineer take a look at that site. Mr. Maher stated Barton & Loguidice were involved preliminarily. Trustee Abdo-Rott stated she would like to know a dollar amount for the engineer review for this project and then when all the information is available it should be brought back to the Board. Mr. Maher will be contacting the engineers in the interim. Mr. Maher stated that he would like to attend the Cornell Roads Highway School for superintendents. He stated that if he goes to this he will not go to the NYCOM training in the Fall. He estimates the cost for this 3-day training to be \$800. Mayor Whorrall stated that Mr. Maher needs to get the paperwork in so that the Board can review.

Trustee Pilewski arrived at 7:48 p.m.

3. **Fire/EMS** – Fire Chief John Buskey thanked Deputy Chief Dill who was the acting chief during the absence of a Fire Chief. The department is coming up to speed with the PESH violations and are now 98% compliant – all immediate things have been done and should be completed in total by the end of the month. Kitchen inspection showed that flooring wasn't passing inspection – quotes have been solicited and will be sent to the liaison Trustees as soon as all quotes are received.

TRUSTEE REPORTS

Trustee Noble – Nothing to report at this time.

Trustee Pfeiffer – Codes continues to work on areas of non-compliance within the Village. Is working with flow of information and contact information for new codes issues that arise.

Trustee Hopkinson – Reported that the Spade and Trowel Garden Club are holding their annual plant sale this coming Saturday, May 18th at the Gazebo from 8 until noon. Good chance for trustees to stop by and meet some of the volunteers.

Trustee Abdo-Rott – Reported that the next Park & Rec Advisory Board meeting will include the topic of repairs to the Gazebo and the possibility of working with the Silver Hammer organization. Thanked Laurie Venditti and Karen Green for all their hard work on the Bicentennial Ball. She and the Mayor attended a Rotary meeting a week ago.

Trustee McGrew – Reported that he and Trustee Pilewski attended a Police Committee meeting. They have three new officers (transfers) coming on board. Notice to the residents that there has been a rash of vehicle break-ins and that residents should be locking their cars.

Trustee Pilewski – Stated he got a lot out of that first meeting (Police Committee) and now that the weather is getting nicer there are a lot of people approaching him as he is a newly-elected official and are pointing out potential violations.

ATTORNEY REPORT

Jeff Brown requested a brief executive session to discuss two pending litigation matters.

MAYOR REPORT

Mayor Whorrall reported that he was fortunate to be able to attend the NYCOM Annual meeting/Conference last Monday in Saratoga Springs and was able to be present for the installation of the new NYCOM President, Richard Donovan, Mayor of Minoa. Also, Mayor Whorrall was asked to speak at the conference for 3-alarm fires, which went very well. A reminder of the Mayor's Association meeting in Liverpool – the speaker will be from Chuck Schumer's office. The last item is the need to approve David Tessier as the Village representative on the CNY Stormwater Coalition .

CNY Stormwater Coalition Representative – David Tessier

Motion by Trustee Abdo-Rott, seconded by Trustee Pfeiffer to approve David Tessier to act as the Village of Manlius representative on the CNY Stormwater Coalition. Motion Carried 7-0.

PUBLIC FORUM

Janet Webb – Washington Street – brought a sign and read sign which noted that there had been pesticide application in that area. She stated she had contacted the DPW who stated that it was not her property that the pesticide had been applied to. Ms. Webb wants to find out why the Village is doing this. Mayor Whorrall gave a clarification as to his statement that he didn't know about but has done some research since he spoke with Ms. Webb. Mr. Maher stated he called Tru-Green and they stated that there were no carcinogenic chemicals in the mixture that was spread in the area. Mr. Maher stated it was a one-time treatment.

Chuck Porto – Café 119 – welcomes all the new trustees to the Board. Last time he spoke there was talk of an assessment of the "Buzzy" lot. He brought in his abstract and wondered if anything had been done. He was advised that the appraisal of the property had been completed and would be discussed at the next Parking Committee meeting on Monday at 3:30.

Jerry Dardzinski – Ledyard Drive – asked what is being done about the burnt bottle return business on the corner of Elmbrook and Fayette Street. Mayor Whorrall stated that he had been speaking with the owner and is looking into whether or not the information received was accurate. Mr. Dardzinski also asked about a property on the corner of Clark Lane. Trustee Pfeiffer spoke with the Codes office and they are looking into the options for abatement of this violation. She stated that there were

actually five properties being looked at.

Judy Dardzinski – Ledyard Drive – asked for an update on the swans. Mayor Whorrall stated that there was an error in the information provided this morning. There are only two eggs hatched and not the four that were reported. There is a possibility the other two eggs will hatch but as of now there are only two cygnets. Judy also asked if there was a possibility of the Village going back to the original logo which was used. Trustee Abdo-Rott stated that the prior Mayor changed the logo. The Clerk will look and see if she can find the original logo.

EXECUTIVE SESSION

Motion by Trustee McGrew, seconded by Trustee Abdo-Rott to enter executive session for the purpose of discussing pending litigation. Motion Carried 7-0

Board entered executive session at approximately 8:13 p.m.

Motion by Trustee Abdo-Rott, seconded by Trustee Noble to leave executive session and re-enter the regular meeting at 8:40 p.m. Motion Carried 7-0.

Mackenzie Hughes – Camperlino

Motion by Trustee McGrew, seconded by Trustee Pfeiffer for authorization to expend up to \$5000.00 for Mackenzie Hughes for the Camperlino litigation. Motion Carried 7-0.

ADJOURN

Motion to adjourn was made by Trustee McGrew and seconded by Trustee Abdo-Rott. Motion Carried 7-0.

The meeting was adjourned at approximately 8:42 p.m.

Respectfully submitted by,

Martha Dygert
Clerk-Treasurer