

**VILLAGE OF MANLIUS
BOARD OF TRUSTEES
January 27, 2015 Regular Meeting**

PRESENT: Mayor Whorral; Trustees McGrew, Hopkinson, Pfeiffer and Pilewski.

ABSENT: Trustee Abdo-Rott

OTHERS:

Clerk-Treasurer Martha Dygert, Rick James, Village Attorney; Matt Kerwin, Attorney; John Buskey, Fire Chief; Jerry & Judy Dardzinski, David Haase, MFD; Hayleigh Gowans; Vince Giordano; Rich DeGuida, MRB Group; David Pacheco, PRA; Shauna Teelin, Peggy Thompson & Matt Thompson.

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

Special Use Permit – 100 East Seneca Street Mixed Use Request

Attorney James explained the process for approval for this request and further detailed the steps taken in the referral process to SOCPA and their findings.

A Resolution of the Village Board regarding the LOLA Properties, LLC special permit to redevelop an existing building located at 100 East Seneca Street (Tax ID#029.-02-13.1), to include both offices and apartments, subject to approval pursuant to §99-12 & §99-15 of the Village Code and SEQRA requirements and Public Hearing having been completed at the meeting held on January 13, 2015; it was therefore on **Motion by Trustee Hopkinson, seconded by Trustee Pfeiffer** (per attached Resolution) **to approve the Special Use as per application submitted for 100 East Seneca Street. Motion Carried 4-0.**

Demolition Permit 128 W. Seneca St – Insurance Requirements

Pursuant to Chapter 37 of the Village Code, approval of the demolition permit application was made by the Village Planning Board on January 20, 2015 subject to applicant's provision of liability insurance coverage to be determined by the Village Board in a form approved by the Village Attorney, and WHEREAS, a certificate of liability insurance naming the Village as additional insured provides for general liability per occurrence of \$1,000,000 and umbrella liability of \$3,000,000 per occurrence; the Village Board hereby RESOLVES:

On motion by Trustee Pfeiffer, seconded by Trustee McGrew that said Certificate received is hereby approved as to the amount of liability insurance, provided said Certificate is further amended only insofar as said Certificate shall expressly provide that the “Village of Manlius, its officers, employees, and agents” shall appear on the face of said Certificate as additional insured, pursuant to the requirements of the Village Code §37-3(A). Motion Carried 4-0.

Matt Kerwin of Hiscock & Barclay, explained the SEQRA findings document, the SEQRA resolution, the EAF and the accompanying supporting documentation and the impacts that will result from this project and the proposed mitigation plan.

RESOLUTION – SEQRA NEGATIVE DECLARATION - FIRE STATION PROJECT

WHEREAS, the Village of Manlius (“Village”) Board of Trustees (“Board”) is proposing a project consisting of the acquisition of four (4) parcels for the construction and operation of a proposed fire station measuring approximately 24,000 square feet, along with parking and related site improvements, on property located on the southwest corner of the intersection of Route 92 and Enders Road in the Town of Manlius, which shall be financed through the issuance of general obligation bonds in an amount not to exceed \$10,850,000.00 (the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York (“NYSDEC”) promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Board is required to make a determination whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Board may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA) and the Board’s desire to undertake the Project constitutes such an action; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, a Full Environmental Assessment Form (the “EAF”), was prepared for the Project, copies of which are on file in the office of the Agency and are readily accessible to the public; and

WHEREAS, by resolution adopted June 24, 2014, the Board declared its intent to act as “lead agency” for the purpose of conducting a coordinated review of the Project under SEQRA; and

WHEREAS, the Board notified all involved agencies of its desire to act as lead agency; and

WHEREAS, the Town of Manlius (“Town”) objected to the Village’s desire to act as lead agency; and

WHEREAS, pursuant to the requirements under SEQRA, the Board submitted a written request to the Commissioner of the NYSDEC requesting that he resolve the lead agency dispute between the Board and the Town; and

WHEREAS, by letter dated October 14, 2014, the Commissioner notified the Board and the Town that the Board shall serve as lead agency for the Project; and

WHEREAS, the Board has been studying the Project for several years and has commissioned the preparation of several reports to address concerns regarding potential impacts related to traffic, noise, and stormwater; and

WHEREAS, as a result of its careful review and consideration of the Project and all relevant Project materials prepared in furtherance of the Project, the Board has more than adequate information to evaluate all of the relevant benefits and potential impacts; and

WHEREAS, the Board has prepared a negative declaration that summarizes its consideration of various factors in accordance with SEQRA; and

NOW, THEREFORE, be it resolved on motion by Trustee McGrew, duly seconded by Trustee Pilewski, as follows:

(1) Based upon an examination of the EAF prepared for the Project, correspondence received from and communications with other involved agencies, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Board’s knowledge of the Project site and surrounding area, the reports prepared concerning the nature and extent of the Project, and such further investigation of the Project and its environmental effects as the Board has deemed appropriate, the Board makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the first WHEREAS clause of this resolution and constitutes a “project” as such term is defined in the Act;

- (b) The Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA);
 - (c) The Board declared itself “Lead Agency” (as said quoted term is defined in SEQRA) with respect to a coordinated review of the Project pursuant to SEQRA;
 - (d) The Project will not have a significant effect on the environment, and the Board will not require the preparation of an Environmental Impact Statement with respect to the Project; and
 - (e) As a consequence of the foregoing, the Board has prepared a Negative Declaration with respect to the Project, a copy of which is attached hereto as Exhibit “A”, which shall be filed in the office of the Board in a file that is readily accessible to the public.
- (2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.
- (3) This Resolution shall take effect immediately. The Secretary of the Agency is hereby authorized and may distribute copies of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.
- (4) The Agency hereby authorizes its outside counsel to take all further actions deemed necessary and appropriate to fulfill the Agency’s responsibilities under SEQRA.

MOTION CARRIED 5-0

BOND RESOLUTION – FIRE STATION PROJECT

Trustee McGrew presented the following resolution and moved that it be adopted:

BOND RESOLUTION OF THE VILLAGE OF MANLIUS AUTHORIZING NOT TO EXCEED \$10,870,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A FIRE STATION, AT AN ESTIMATED MAXIMUM COST OF \$10,870,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED, by the Board of Trustees of the Village of Manlius, New York (the “Village”) (by favorable vote of not less than three-fifths of all the members of the Board) as follows:

Section 1. The Village is hereby authorized to acquire approximately 4.5 acres of land located at the corner of Route 92 and Enders Road, construct a fire station thereon, including site work, and acquire original equipment, machinery or apparatus required for the purpose for which such fire station is to be used at an estimated maximum cost of \$10,870,000, as more particularly described in Section 3 hereof.

Section 2. The Village is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$10,870,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the acquisition of land, the construction of a fire station thereon, including site work, and the acquisition of original equipment, machinery or apparatus required for the purpose for which such fire station is to be used.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Board of Trustees, is \$10,870,000, (b) the Board of Trustees has not previously authorized the expenditure of the funds necessary to finance the cost of the Purpose, and (c) the Village plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 11(a)(1) of Paragraph a of Section 11.00, and that the period of probable usefulness of the Purpose is thirty (30) years. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in the manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. The power to authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Village Treasurer. The Village Treasurer is hereby authorized to sign and the Village Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Village Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Village.

Section 8. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of said Village, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable to the extent not available from other sources.

Section 9. This Resolution shall constitute the Village’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Village shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution shall be published by the Village Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Village. The validity of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 11. This Resolution shall take effect immediately upon approval hereof by the voters of the Village.

The Motion having been duly seconded by Trustee Pilewski, it was adopted and the following votes were cast:

ROLL CALL:
Trustee Hopkinson: Aye
Trustee Pfeiffer: Aye
Trustee McGrew: Aye
Trustee Pilewski: Aye

SUBMISSION OF PROPOSITION TO VOTERS – BOND RESOLUTION

Trustee McGrew presented the following resolution and moved that it be adopted:

RESOLUTION DATED JANUARY 27, 2015 OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MANLIUS AUTHORIZING A PROPOSITION TO BE SUBMITTED TO THE ELECTORS AT THE GENERAL ELECTION.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MANLIUS that the following proposition shall be placed upon the ballot for consideration by the electors of the Village of Manlius (the “Village”) at the general election of the Village to be held on March 18, 2015:

PROPOSITION

SHALL the bond resolution of the Board of Trustees of the Village adopted on January 27, 2015 which authorized: (1) the acquisition of approximately 4.3 acres of land located at the corner of Route 92 and Enders Road, the construction of a fire station thereon, including site work, and the acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such fire station is to be used, at a maximum aggregate cost of \$10,850,000; (2) expenditure of such sum for such purpose; (3) levy of the necessary tax therefor, to be levied and collected in annual installments in such years and in such amounts as may be determined by the Board of Trustees; and (4) in anticipation of the collection of such tax, issuance of bonds and notes of the Village at one time or from time to time in the principal amount not to exceed \$10,850,000 and levy a tax to pay the interest on said obligations when due, be approved?

BE IT FURTHER RESOLVED, that the Village Clerk of the Village is hereby authorized and directed to submit a certified copy of this resolution to the Onondaga County Board of Elections within the time prescribed by law to allow the foregoing proposition to appear on the ballot for the General Election to be held March 18, 2015 and to include notice of the proposition in all legal notices published and posted in connection with the General Election.

BE IT FURTHER RESOLVED, that this resolution takes effect immediately.
The Motion having been duly seconded by Trustee Pilewski, it was adopted and the following votes were cast:

AYES: 5 NOES: 0 MOTION CARRIED 5-0

Mayor Whorrall thanked the committee & David Pacheco, Matt Napierala, Matt Kerwin and Rick James for everything they have done in the past week to get all this together. Mayor announced again the dates of the public information meetings which will be held on February 3rd at Eagle Hill at 7:00 p.m.; February 26th at Station #1 on Stickley Drive at 7:00 p.m. and on March 7th at Village Centre at 9:00 a.m.

Mayor Whorrall recognized a scout in the audience, Matt Thompson, who was present at the meeting as a requirement of a badge he is working on.

MINUTES

The minutes of the January 13, 2015 Regular Meeting were presented to the Board for review. The Board had received an amended copy via e-mail. **Motion by Trustee McGrew, seconded by Trustee Pfeiffer to approve the meeting minutes as submitted and amended. Motion Carried 4-0.**

TRAINING REQUISITIONS

- Clerk
- IIMC Region I Annual Meeting – Stockbridge, MA March 4-6
 - IIMC Annual Conference – Hartford CT May 17-20

Cost: \$583.75

Cost: \$1765.00
- Motion by Trustee McGrew, seconded by Trustee Hopkinson to approve the training requisition as submitted. Motion Carried 4-0.**

DEPARTMENT REQUISITIONS

- Fire
- Superior Discount - Vehicle Repairs
 - Upstate Univ Hospital – EMS Supplies
 - United Radio – Motorola Pagers
 - Bush Electronics – C-3 Electrical Repairs

Cost: \$1025.49

Cost: \$1621.94

Cost: \$2586.00

Cost: \$1718.80
- Motion by Trustee Hopkinson, seconded by Trustee Pfeiffer to approve the Fire requisitions as submitted. Motion Carried 4-0.**

ABSTRACT

A copy of Abstract #014 was reviewed by the Board and **Motion to approve was made by Trustee McGrew, seconded by Trustee Pilewski to approve the General Fund abstract in the amount of \$178,611.33 and order the claims paid.**
DISCUSSION: Trustee Pilewski had questions on some of the specific claims, which were answered by Chief Buskey and Clerk Dygert. **Motion Carried 4-0.**

A copy of Abstract #994 was reviewed by the Board and Motion to approve was made by Trustee McGrew, seconded by Trustee Hopkinson for the Fire Station Renovation Capital Project Fund in the amount of \$5454.00. Motion Carried 4-0

DEPARTMENT REPORTS:

1. **Clerk-Treasurer – Board Action Items**
- Financial Advisory Agreement** – Agreement between the Village and Fiscal Advisor's for Financial Advisory services. **Motion by Trustee Hopkinson, seconded by Trustee McGrew to authorize Mayor Whorrall to execute the Fiscal Advisor's & Marketing Financial Services Agreement. Motion Carried 4-0**

Vacation/Sick Buyback - 2014

Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to approve the vacation/sick buyback as outlined on the spreadsheet provided in an amount of \$24,702.59 Motion Carried 4-0

Credit Card Authorization – IT Payments

Authorization for the following charges to be incurred monthly and paid via the Village Credit Card as follows:

Site2You	Web Hosting	\$24.95
Microsoft Office 365	Exchange Server (Cloud based)	\$375.00/month

Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to allow these payments via Village Credit Card. Motion Carried 4-0

TRUSTEE REPORTS

Trustee McGrew – Stated he had been contacted by Ms. MacFarlane from the Senior Centre stating that one of the refrigerators isn't working and she would be obtaining quotes. The Police committee meeting has been postponed.

Trustee Pilewski – Gave a Parks & Rec update and stated they approved moving forward with Tae Kwon Do. CRC meeting on February 3rd.

Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to approve entering into an agreement drafted by Parks & Rec Board, with Paul Rogers to commence with a Tae Kwon Do program to begin in the near future. An Agreement has been provided to him. Motion Carried 4-0.

Trustee Pfeiffer – CVS Update – plans to arrive tomorrow which she will be forwarding to Lance at MRB Group. Planning Board will be holding a special meeting on February 10th to review the demolition permit applications.

Trustee Hopkinson – Attended the Historical Society meeting. He stated that they are moving ahead with a reorganization plan.

Fire Dept Physicals – Five-Star; Cooperative Agreement

Motion by Trustee McGrew, seconded by Trustee Pilewski to accept the proposal submitted by Five-Star for physicals for the Fire Dept personnel at a cost of \$364.40 per physical for interior firefighters and \$80.00 for exterior firefighters, this is to be a cooperative agreement with Fayetteville and Minoa. Motion Carried 4-0

ATTORNEY REPORT

Attorney James asked for an executive session to discuss the potential acquisition of property and pending litigation.

MAYOR REPORT

- a. Budget schedule update.
- b. Will be scheduling a meeting with NYSDOT and would like input from those who would like to participate in this meeting. Is looking at February 5th to get the group together to brainstorm ideas.
- c. Contract Negotiations – with both bargaining units will begin soon and he has already started discussing issues pertaining to the clothing allowance and how it is administered with a committee.
- d. Office Hours 8-4 M-F – staff has been notified. Has a need for executive session to discuss a personnel issue with the Clerk's office.
- e. CNYRDPB Symposium March 5th 8-4 at the Oncenter. Packet of information is available.
- f. Fayetteville Senior Centre fundraiser has been scheduled for Sunday March 1 at 2:30 p. m.
- g. Sustainable Property Tax Relief handout is available for review.

PUBLIC FORUM

Judy Dardzinski stated that the table seating for the Senior Centre fundraiser is \$230 for a full table, but approximately \$10 or \$12 per individual.

Executive Session

Motion by Trustee Pfeiffer, seconded by Trustee McGrew to enter executive session to discuss pending litigation and the potential acquisition of property, the disclosure of which could affect the purchase price. Motion Carried.4-0 *The Board Entered executive session at approximately 8:00 p.m.*

Motion by Trustee McGrew, seconded by Trustee Pilewski, to leave executive session and re-enter the regular meeting. Motion Carried 4-0

The Board re-entered the regular meeting at approximately 8:09 p.m.

Walrus Enterprises – Option Agreement

Motion by Trustee McGrew, seconded by Trustee Pfeiffer to authorize the Mayor to execute the Option Agreement with Walrus Enterprises for the property located at 8206 & 8216 Manlius-Cazenovia Road & the additional adjacent property tax ID#113.-03-11.1. Motion Carried 4-0.

Woods Property – Option Agreement

Motion to authorize the Attorney to prepare an option agreement, with the terms as exist in the current agreement dated November 14, 2014, with Rick and Lori Woods for property located at 4497 Enders Road. Motion Carried 4-0.

Executive Session

Motion by Trustee McGrew, seconded by Trustee Pilewski to enter executive session for the purpose of discussing the employment history of two individuals and the performance of a particular employee in the Clerk's office. Motion Carried 4-0.

The Board adjourned the regular meeting and entered executive session at approximately 8:10 p.m.

Motion by Trustee McGrew, seconded by Trustee Pfeiffer to leave executive session and re-enter the regular meeting at

approximately 8:30 p.m.

APPOINTMENT FIREFIGHTER/PARAMEDIC P/T

Motion by Trustee McGrew, seconded by Trustee Hopkinson to authorize the appointment/hiring of Sara Kimmelman to the position of part-time firefighter/paramedic at a rate of pay as outlined in the collective bargaining agreement effective immediately. Motion Carried 4-0

APPOINTMENT FIREFIGHTER/PARAMEDIC FULL TIME

Motion by Trustee McGrew, seconded by Trustee Hopkinson to authorize the appointment/hiring of Jay Symonds to the position of full-time firefighter/paramedic for the Fire Dept for a probationary one-year period with rate of pay as outlined in the current collective bargaining agreement to fill the vacancy caused by the resignation of FF/Paramedic DeBrita. Motion Carried 4-0.

ADJOURN

There being no further business before the Board it was on Motion by Trustee Pilewski and seconded by Trustee McGrew to adjourn the meeting. Motion Carried 4-0.

The meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted by,

Martha Dygert
Clerk-Treasurer