

**VILLAGE OF MANLIUS
BOARD OF TRUSTEES
August 9, 2016 Regular Meeting**

PRESENT: Mayor Whorral; Trustees Abdo-Rott, Pilewski, Pfeiffer and McGrew.

ABSENT: None

OTHERS:

Rick James, Village Attorney; Martha Dygert, Administrator/Clerk; Matt Napierala & Christian Hill, Napierala Consulting; Michael Silberberg; Jerry & Judy Dardzinski; David Haase, MFD, Bob Bennett, MFD.

The meeting was called to order by Mayor Whorral at 7:05 pm in the Board Room at Village Centre and the Pledge of Allegiance was recited. Mayor Whorral welcomed those present.

Change of Zone Application/Subdivision Application – Napierala/Silberberg

Matt Napierala of Napierala Consultants explained the proposed project which would require a change of zone on a portion of the parcel commonly referred to as Limestone Plaza, specifically the portion which is currently a car wash. Mr. Silberberg is requesting the Board agree to change from the current zoning (Commercial) to an RM (Residential Multi-Use) or R-2 (Residential 2-Family) with the adoption of a Special Use permit, pending approval of the Subdivision application. Of note, this would be classified as a minor subdivision.

The applicant is seeking approval of the construction of a 12-unit apartment building in an L-shaped design with the appropriate parking provided. There is frontage from this parcel onto Brookhill North but the applicant is not requesting approval for ingress/egress from Brookhill so as not to disrupt the residential neighborhood, and there would be no frontage onto W. Seneca – therefore access would be achieved through the Limestone Plaza. The applicant explained that there would need to be cross-easements in place for this. Mr. Napierala stated that no architect had been commissioned for this yet.

Attorney James outlined three (3) “substantial” errors in the SEQR Part 1 as follows:

1. Regarding the answer to Question #1 – “Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation?” and the answer provided stated “No”. Attorney James stated that it should be “Yes”
2. No reference to site plan approval in the description of the proposed action.
3. Prior to Public hearing
 - Notice be sent twice to people within 300’ of property. Developer to provide list to the Village Clerk and mailing must take place 10 days after acceptance of completed application and five days before public hearing.
 - No reference to SOCPA approval.
 - No mention of endangered species on the project.

Attorney James wanted the Board to know that they are under no obligation to act on this. Prior to accepting, applicant is to provide an amended SEQR form. Mr. Napierala stated that he had been working with the Codes office on the timing of these approvals. Mr. James stated that as there are 62 days to file the local law with the Secretary of State on the zone change, the zone change approval would need to be conditioned on subdivision and site plan approval. Mr. James stated that the application didn’t indicate whether they were requesting a change to RM or R-2. Mr. Napierala stated that he would take direction from the Village on what would be appropriate in this case.

Construction Management Agreement – Construction Associates, LLC

The Board, having been presented with a copy of the proposed agreement, on Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to authorize the Mayor to execute the agreement with Construction Associates, LLC in the total amount of \$210,000 for Construction Management services for the Fire Station Capital Project. DISCUSSION: Trustee McGrew stated that under section 4, paragraph (b), it should be amended based on our current payment practice (aligning with our Board meeting schedule). Mrs. Dygert stated that she would have that amended prior to the Mayor executing the agreement. Motion Carried 3-1 (Pilewski voted against)

Fire Station – Stormwater Pollution Prevention Plan

Mr. Napierala gave the Board a brief rundown on the current situation with the SWPPP made suggestions as to how best proceed. Attorney James stated he would reach out to the Town Attorney and set up a meeting between both parties.

RESOLUTION – NYS UNIFIED SOLAR PERMIT

WHEREAS, the Village of Manlius currently requires residents to obtain a building permit for the installation of solar panel, pursuant to Chapter 99 of the Code of the Village of Manlius, and;

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), New York Power Authority (NYPA) and CUNY's NY Solar Smart Program is providing incentives to municipalities to adopt a New York State Unified Solar Permit for all solar installations in New York State, and;

WHEREAS, the Village of Manlius would also like to promote the streamlining of the application process for solar Photo-Voltaic panel installations and receive the \$2500 premium for small communities to adopt the New York State Unified Solar Permit and procedures.

NOW, THEREFORE BE IT RESOLVED, on motion by Trustee Pilewski, seconded by Trustee McGrew that the Village of Manlius hereby approves and adopts the New York State Unified Solar Panel Application, attached hereto and incorporated herein as Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Village of Manlius Codes Enforcement Office is hereby directed to use said Unified Application in issuance of Building Permits for Solar Panel Installations.

Motion Carried 4-0

MINUTES

The minutes of the July 12, 2016 Regular meeting was presented to the Board for review. **Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to approve the meeting minutes as submitted** DISCUSSION: Trustee Pilewski stated that the block party request that was noted in the minutes was in actuality to be held on August 20th and not August 27th. He agreed to look into further.

Motion Carried 4-0

Block Party – Glencliffe– August 20th

Motion to approve the request for a block party on August 20th on Glencliffe Rd from Post Rd to the Glencliffe Dam access road pending confirmation of date & time. **Motion by Trustee Pfeiffer, seconded by Trustee Abdo-Rott to approve this request**

Motion Carried 4-0

RESOLUTION – Proposed Local Law #4 2016 – Floodplain Regulations

RESOLUTION UNDER NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND GENERAL MUNICIPAL LAW RELATIVE TO THE ADOPTION OF LOCAL LAW 4 OF 2016, AMENDING CHAPTER 55 (FLOOD DAMAGE PROTECTION) OF THE CODE OF THE VILLAGE OF MANLIUS

WHEREAS, the Village Board of the Village of Manlius has determined that the potential for flooding and erosion damage poses a problem for residents of the Village of Manlius ("Village") and that such damages may include the destruction of property and injury to or the loss of human life; and

WHEREAS, in order to minimize the threat of such damages, the Village has implemented flood plain management measures for the Village; and

WHEREAS, such flood plain management measures provide for participation in the Federal Government's National Flood Insurance Program; and

WHEREAS, a new flood insurance study and flood insurance rate map was recently completed for the Village and will become effective on or about November 4, 2016; and

WHEREAS, prior to November 4, 2016, the Department of Homeland Securities' Federal Emergency Management Agency's ("FEMA") regional office is required to approve any legally enforceable flood plain management measures the Village may adopt in accordance with Title 44 of the Code of Federal Regulations Section 60.3(d); and

WHEREAS, the Village Board has caused to be prepared a draft local law related to flood damage protection, intended to amend and replace existing Chapter 55 of the Code of the Village of Manlius; and

WHEREAS, said draft local law was submitted to the New York State Department of Environmental Conservation ("DEC") for review and was found by the DEC to be compliant with State and Federal regulations related to flood damage protection.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Village Board finds it to be in the public interest to adopt an amended local law related to flood damage protection within the Village which is consistent with the flood insurance study and flood insurance rate map recently completed by the Federal Government; and

2. The action contemplated is the adoption of Local Law #4 of 2016, amending Chapter 55 of the Village of Manlius Code so as to establish new flood damage protection regulations for the Village; and

3. Pursuant to the State Environmental Quality Review Act ("SEQRA"), the Village Board desires to determine whether the proposed action may have a significant adverse impact on the environment (as defined by SEQRA); and

4. To aid the Board in determining whether the action may have a significant adverse impact on the environment, the Board has prepared a short Environmental Assessment Form ("EAF"), a copy of which is on file at the office of the Village Clerk; and

5. The Village Board hereby declares itself lead agency for the uncoordinated review of this unlisted action; and

6. If required by New York General Municipal Law §239, the Village Attorney is hereby authorized and directed, on behalf of the Board, to file a GML 239 referral notice with the Onondaga County Planning Board related to the proposed action; and

7. The Village Board hereby notices a public hearing related to the proposed local law to be held at the Manlius Village Hall, One Arkie Albanese Avenue, Village of Manlius, on Tuesday September 6, 2016, at 7:05 p.m.; and

8. The Village Clerk is hereby directed by the Board to cause notice of said public hearing to be duly provided; and

9. The Village Clerk is hereby directed to file a copy of this Resolution, along with a complete copy of the proposed local law, in the office of the Village Clerk in a file which is readily accessible to the general public.

This Resolution shall take effect immediately.

Motion to adopt this resolution was made by Trustee Pilewski, seconded by Trustee Pfeiffer and public hearing set for September 6, 2016 at 7:05 p.m. Motion Carried 4-0

September Regular Meeting Date Change

Motion by Trustee McGrew, seconded by Trustee Abdo-Rott to change the September meeting from September 13th to September 6th. Motion Carried 4-0

TRAINING REQUISITIONS

Mayor/Treasurer/Trustee

- NYCOM – Whorrall, Randall & McGrew Cost: \$1700.00 each
Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to approve. Motion Carried 4-0

Fire/EMS

- NYS Fire Academy – Fire Instructor 1 Symonds Cost: \$299.88
Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to approve. Motion Carried 4-0
- Vital Signs – Symonds & Carroll Cost: \$410.00 each
Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to approve. Motion Carried 4-0
- VCOS – Finger & Halliday Cost: \$2100 each
Motion by Trustee Pilewski & Trustee Pfeiffer to approve. Motion Carried 4-0

DEPT REQUISITIONS

Fire/EMS

- Har Rob – Front Intake Repair Cost: \$2109.00
Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to approve. Motion Carried 4-0

ABSTRACTS

A copy of Abstract #4 was reviewed by the Board. **Motion to approve with removal of Voucher #231 HarRob, in the amount of \$5625 made by Trustee Pilewski, seconded by Trustee Abdo-Rott for General Fund Abstract thereby changing the abstract total to \$431,801.59 and order the claims paid.**

Motion Carried 4-0

A copy of Abstract #803 for the Fire Station Project was reviewed by the Board. **Motion and second rescinded – to request itemized bill from Miller Engineers for work completed on Fire Station engineering review for the Town of Manlius.**

A copy of Abstract #302 Trust and Agency was reviewed by the Board. **Motion to approve made by Trustee McGrew, seconded by Trustee Pilewski to approve the in the amount of \$740.00 and order the claims paid.**

Motion Carried 4-0

DEPARTMENT REPORT

DPW – Superintendent Sherwood gave an oral report in addition to the report provided prior to the meeting. He stated that the Glenclyffe paving was to be held pending grant paperwork to be filed in Senator DeFrancisco's office.

Fire/EMS – In the absence of either the Fire Chief or Fire Admin Assistant, Trustee McGrew gave a brief report on the Fire Dept activities and requests. The following request was presented to the Board for consideration:

Reject Medic Car OGS MiniBid

Trustee McGrew explained that there was some uncertainty as to whether the proper procedures have been followed with regard to the request for bid for the Medic Car. The only approval granted by the Board was for specifications to be drafted and brought back to the Board for approval. As such, it is the recommendation of Trustee McGrew that the Board reject all the bids for the Medic Car and bring a vehicle specification back to the Board at the next regular meeting.

Motion by Trustee McGrew, seconded by Trustee Pfeiffer to reject all bids for the Ford SUV/Medic Car and await a specification to be drafted by the Fire Chief and given to the Board for approval. Motion Carried 4-0

Delphi Falls Volunteer – Cogol

Motion by Trustee Pfeiffer, seconded by Trustee McGrew to authorize the Fire Department to allow Carl Cogol, Delphi Falls volunteer to assist our Fire Department, pending affirmation of completed background check. Motion Carried 4-0

Resignation – Manlius Fire Department Volunteers

Motion by Trustee Pfeiffer, seconded by Trustee McGrew to accept the resignations of Dan Sibley and Kevin McCartan from the Fire Department membership. Motion Carried 4-0

Recreation – Mrs. Sawmiller was present and requested only had a reminder for the Board that the Summer Movie Series would be featuring "Minions" at dusk on August 16th and that this coming Friday from 9:00 to Noon the Rec Dept would be having the End-of-Year party for Summer Playground.

Administrator/Clerk – Mrs. Dygert gave an oral report as follows:

- Auditors Dermody, Burke & Brown have completed their field work portion and would be preparing the audit report.
- Penhall – Insurance Coverage – after several years working for the Town of Pompey, former Mayor Penhall would be going back on our health insurance plan, with premium contribution payment of 60% of the total monthly premium effective 9/1/2016 and would only be for 4 months until his coverage would be through our Excellus "Medigap" plan.
- Newly hired firefighter/paramedic has opted out of our insurance coverage which will save the Village roughly \$15,500 per year.
- Notices of Claim – a total of three (3) were received in the last month. Two (2) for assessment review which have been forwarded to the Town Assessor's office.
- Asked the Board to formally adopt a policy that there will be no prepayment for supplies unless prior Board approval has been granted.

Restrict Payment in Advance for Equipment/Supplies

Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to authorize the Administrator and Treasurer to notify all the Village Departments that the Village will not pay in advance for supplies/equipment that has not been received and has not been given prior approval to do so by the Village Board. Motion Carried 4-0

TRUSTEE REPORTS

Trustee Pilewski – Gave the Court report for the month of July – 140 cases were heard and revenue was down \$2K from this time last year.

Trustee McGrew – stated that there was a Police Committee meeting tomorrow. Fire Department issues were discussed under Department Reports.

Trustee Abdo-Rott - Asked that the Board consider the hiring of Arctic Enterprises to perform testing in the Village Center for hazardous material related to the proposed Window/Door project.

Arctic Enterprises - Proposal for Limited Hazardous Materials Pre-Renovation Survey

Motion by Trustee Abdo-Rott, seconded by Trustee Pfeiffer to authorize the contracting with Arctic Enterprises, as per proposal submitted, at an estimated cost of \$1990 for pre-renovation materials testing at the Village Centre. Motion Carried 4-0

Trustee Pfeiffer – Asked that the Board consider increasing the number of hours for the Codes Enforcement officer due to the Fire Station Project. Mayor Whorrall stated that he has asked for a written estimate of the hours that will be needed so that the Board can make a decision.

MAYOR REPORT

ATTORNEY REPORT

1. Abstractor will be hired for Edwards Falls due to the questions surrounding the ownership of certain parcels. The Board already approved this expenditure and the Attorney will arrange to have this performed.
2. Discussed Title Policy re: Uncle Bob's Storage

MAYOR REPORT

1. Mill Street – Before the Board can make any decision on this property, an appraisal will need to be completed. The Board did approve a NTE \$500 at the last meeting however a company to perform the appraisal has not been contacted.
2. Senator DeFrancisco contacted the Mayor regarding a potential \$50,000 award for a public works project in addition to the \$16,666 for the work performed on Pleasant Street.
3. St Ann's Parking – Curt Wendler was again present representing St. Ann's. Mayor Whorrall explained that this issue will be brought to the NYS DOT for review and he will respond to Mr. Wendler as soon as he has some information.

Executive Session

Motion by Trustee Pfeiffer, seconded by Trustee McGrew to enter executive session for matters of pending litigation. Motion Carried 4-0

Board adjourned to executive session at approximately 9:15 p.m.

Motion by Trustee Pfeiffer, seconded by Trustee McGrew to come out of Exec Session and re-enter regular meeting. Motion Carried 4-0

Board re-entered regular meeting at approximately 10:10 p.m.

Har-Rob Emergency Work

Based on the current drought conditions and the need to have sufficient equipment in proper working order, it was on **motion by Trustee Abdo-Rott, seconded by Trustee Pilewski**, to approve the work completed by Har-Rob as an emergency repair in the amount of \$5625 and order the claim paid Motion Carried 4-0

ADJOURN

Motion by to adjourn the meeting made by Trustee Pfeiffer and seconded by Trustee McGrew.

The meeting was adjourned at approximately 10:12 p.m.

Respectfully submitted by,

Martha Dygert
Administrator/Clerk