

**VILLAGE OF MANLIUS  
BOARD OF TRUSTEES  
January 10, 2017 Regular Meeting**

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

**ABSENT:** None

**OTHERS:**

Rick James, Village Attorney; Martha Dygert, Administrator/Clerk; Deb McGrew, Jean Moore, Tristan Moore, Jill Lane, Helen Jaru, Rich Jaru, Lorraine Stone Reynolds, Lisa Lucken, Kate Manahan, Rob Yenny, Lisa Brennan, Barb Grisley Monsour, Laurel Mulhivill, David Haase, MFD; Dennen Bunger, Moyra Bunger, Hedy Shedd, Ken Foresti, Jim & Korie Allen, Hayleigh Gowans, David Lamphere, Mark-Paul Serafin, Mary McRae, William Moran, Wallace McRae, Molly Hartnett, Mark Frank, Monica Kolinski, Laura Cardoso, Chris Sherwood, DPW Superintendent; Art Shedd, Michael Lucken.

Mayor Whorrall opened the meeting at 7:00 p.m. in the Auditorium at Village Centre. The Pledge of Allegiance was recited and he welcomed those present. He also wished everyone present a Happy New Year.

**Municipal Resolution 01-2017– Zone Change 240 West Seneca St**

Mayor Whorrall read the following resolution:

**RESOLUTION DENYING REQUEST FOR ZONE CHANGE**

**WHEREAS**, Elish Realty LLC has applied to the Village Board of the Village of Manlius for a zone change on a portion of a parcel of property 6.2 acres and size and located at 240 West Seneca Street. Elish seeks to rezone a 1.58-acre portion of the parcel from C-1 (Commercial District) to R-M (Residential Multiple Use). The purpose of the zone change is to allow for the construction of a 14-unit, two story residential structure; and

**WHEREAS**, the Village Board referred the application to the Onondaga County Planning Board (“County Board”) in accordance with the General Municipal Law. The County Board, by resolution dated October 12, 2016, refused to endorse the zone change for numerous reasons. Primarily, County Planning opposed the zone change and the proposed residential development because the property is located in a floodplain area, which gives rise to flooding hazard and safety issues. In its resolution, County Planning emphasized (1) that flooding is a primary natural hazard of local concern with the potential to cause extensive threats to property and to human safety, and (2) that because construction of buildings in the floodplain can negatively affect the free flow of waterways and drainage, building within the floodplain is discouraged; and

**WHEREAS**, on November 22, 2016, the Village Board held a public hearing related to the zone change application. At the public hearing numerous residents of the Village voiced opposition to the proposed zone change. In addition, the Village Board accepted written comments from members of the public related to the zone change application, including but not limited to a “Petition Opposing Re-Zoning” signed by approximately 60 Village residents. Following is a non-exhaustive list of comments received from Village residents in opposition to the proposed zone change and multi-unit housing proposal: (1) allowing residential construction on the subject site poses a safety risk to existing residents of the area, to occupants of the proposed multi-unit complex, and to safety personnel; (2) past flooding experiences, as well as a floodplain map, demonstrated access to the site is limited in times of flooding; (3) the proposal will adversely impact the views and the visual landscape currently experienced by residents of the adjacent single family neighborhood; (4) allowing multi-unit residential development pursuant to a zone change will increase existing drainage and flooding problems; (5) allowing the development of a multi-unit two story structure would be inconsistent with the existing single family neighborhood environment; (6) instances of past water damage in the area

demonstrate the site is incompatible with multi-family residential development; (7) there have been instances of sewage backup in the immediate area (supported by photographs) which indicate pre-existing problems with sewage capacity in the area which would be increased by the proposed residential development; (8) concerns related to inadequate parking and increased traffic, to and from the site, were expressed; (9) the level of privacy currently experienced by occupants of existing single family residences would be adversely affected by the zone change and development of the proposed multi-story structure; (10) existing storm water catch basins in the area are currently overtaxed; (11) noise from the site would have an adverse impact upon local residences; (12) persons purchased properties in the area in consideration of existing zoning and expressed concern the proposed zone change and project would depress property values; (13) increased residential development will not be beneficial to the existing school district; (14) the existing storm drainage system is inadequate to accommodate additional flow; and

**WHEREAS**, no person who identified himself or herself exclusively as a resident of the Village spoke in favor of the proposed zone change or the multi-unit, residential development of the property.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Village Board recognizes and adopts as its findings each and every one of the above-cited public comments voiced in opposition to the proposed zone change and multi-unit housing project.
2. The Village Board also recognizes and adopts as its findings objections to the proposed zone change expressed by the October 12, 2016, resolution of the Onondaga County Planning Board.
3. In addition, the Village Board finds that FEMA maps indicate the subject property is located in or near a Special Flood Hazard Area.
4. Upon review of the Village of Manlius Comprehensive Plan, the Village Board further finds that the proposed zone change and development is inconsistent with the Village's Comprehensive Plan, as it is contrary to numerous, expressed goals and objectives of the Plan, including: (a) preserving the Village's existing rural, small Village character, (b) discouraging development which causes negative impacts upon resources, infrastructure and existing neighboring uses, (c) protecting the community's visual character and aesthetics, (d) sustaining natural and environmentally sensitive areas, including water bodies, (e) encouraging high quality development which preserves the Village's character consistent with long-term community needs, (f) preserving existing, single family residential neighborhoods, (g) encouraging quality housing design compatible with existing neighborhoods so as to enhance the desirability of existing neighborhoods, (h) promoting public safety, (i) minimizing conversions to multi-family, and (j) maintaining and enhancing public infrastructure to meet residents' current and future needs.
5. Now Therefore, based upon all the foregoing, and the entire record before the Board, the application for zone change is hereby denied in its entirety.
6. The Village Board further notes that because ample evidence warranting denial of the application has been presented to the Board, and because a zone change is a form of legislative action which will not be taken by the Board here, denial of the zone change application does not involve "action" by the Village Board under the New York State Environmental Quality Review Act.

Motion to adopt made by Trustee Abdo-Rott, seconded by Trustee McGrew and all members voting in support of denial of the Zone Change request.

**MOTION CARRIED 5-0**

**CNY Stormwater Coalition – Participation Resolution**

A resolution supporting participation in the CNY Stormwater Coalition Staff Services and Education Compliance program at a cost of \$3600. The purpose of participation in the coalition is for assistance with compliance of requirements as set forth by the NYSDEC for MS4 communities.

**Motion by Trustee Pilewski, seconded by Trustee Pfeiffer to adopt the Resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program and further authorize the clerk to**

send a certified copy of the resolution to the CNYRPDB for inclusion in the coalition.  
**MOTION CARRIED 4-0**

**Financial Advisory Services Agreement Amendment**

A resolution to accept amendments to **Appendix C – Disclosure of Conflicts of Interest** of the Financial Advisory Services Agreement between the Village of Manlius and Fiscal Advisors & Marketing, Inc, pursuant to the requirements set forth to include the following Appendix as required by Rule G-42 of the Municipal Securities Rulemaking Board.

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to authorize the execution of the Financial Advisory Services Agreement Amendment as submitted.**  
**MOTION CARRIED 4-0**

**COMMUNICATION**

Mayor Whorrall read a letter from Thomas Schepp, thanking the Village Staff for providing him with the information that he needed from the Fire Dept emergency services budget and further thanking the Village Board for providing “sound and transparent” governance.

**MINUTES**

The minutes of the December 13, 2016 Regular Meeting were presented to the Board for review. **Motion by Trustee McGrew, seconded by Trustee Pfeiffer to approve the meeting minutes as submitted.**  
**MOTION CARRIED 4-0**

**TRAINING REQUISITION**

**Fire/EMS**

- EMS Today Conference Symonds Approx Cost: \$2297.00  
Motion by Trustee McGrew, seconded by Trustee Pilewski to approve the requisition as submitted: **DISCUSSION:** After lengthy discussion by the Board, a decision was made to table this until the next Board meeting pending receipt of more information from Chief Pinsky  
**TABLED**

**DEPT REQUISITIONS**

**DPW**

- McCarthy Tire (4) Tires Truck #14 (Brush Truck) Cost: \$1468.28  
**Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to approve the Requisition as submitted.**  
**MOTION CARRIED 4-0**

**Fire/EMS**

- Modeltech International Refurb Hazard House Cost: \$1660.00  
**Motion by Trustee Pfeiffer, seconded by Trustee McGrew to approve the Ingles Requisition as submitted.**  
**MOTION CARRIED 4-0**

**ABSTRACTS**

A copy of General Fund Abstract #012 was received and reviewed by the Board in the amount of \$263,025.98. **Motion to approve made by Trustee McGrew, seconded by Trustee Pilewski and order the claims paid.** **DISCUSSION:** Arctic Enterprises voucher #813 for asbestos testing in the Village Centre was questioned by the Board. The original contract amount was established at \$1990.00 and the invoice is for \$2873.00. Attorney James advised the Board to direct the Treasurer to issue a check for the original contract amount. **Motion to approve abstract with the adjustment to voucher #813 and the total abstract \$262,142.98 made by Trustee McGrew and seconded by Trustee Pilewski.**  
**MOTION CARRIED 4-0**

A copy of Capital Fire Station Abstract #811 was received and reviewed by the Board in the amount of \$571,470.96. **Motion to approve made by Trustee McGrew, seconded by Trustee Pilewski.** **MOTION CARRIED 4-0**

**DEPARTMENT REPORT**

**DPW** – written report submitted. Chris Sherwood was present to answer questions.

**Administrator** – oral report given at the meeting. Mrs. Dygert gave an outline of some issues that were being worked on regarding excessive water & sewer charges. She provided the Board with a spreadsheet showing other municipal offices and their sewer unit charges per the 2017 Town/County tax bills. OCWA has been contacted to come and check the Village water

meter and verify whether the sprinkler system servicing the Manlius Library has been paid for by the Village since the renovation and purchase of that section of the building. The amount that the Village has been paying is \$235 quarterly.

Mrs. Dygert explained that the maintenance agreement with Woodcock & Armani had been discontinued due to the age of the HVAC equipment in the building.

### **TRUSTEE REPORTS**

Trustee McGrew – Reported on the Police Committee.

Trustee Pfeiffer – Update on the Zoning Board and reminded the Mayor and the Board that there are currently two vacant positions on the ZBA.

Trustee Abdo-Rott - Nothing to report. She is continuing to work with the engineer on the window/door project and the HVAC.

Trustee Pilewski – Court report for the month of December.

**ATTORNEY REPORT** – Nothing additional to report

### **MAYOR REPORT**

- Executive Session – for DPW Personnel
- Winter decorations
- NYSDEC – meeting regarding swans
- Selected to serve on Consensus Committee
- Asked to serve on F-M Task Force for the Facility renovations.
- Will attend the Governor's State of the State address.
- NYCOM Legislative conference to be held in Albany on February 12-14, 2017.
- NYCOM will be holding a class on Administering Volunteer Fire Depts in E. Syracuse on 2/2/2017 at 6:30 pm.
- Update on Fire Station project.

### **Public Forum**

A resident asked the Board to consider updating the Christmas decorations.

### **EXECUTIVE SESSION**

Motion by Trustee McGrew, seconded by Trustee Pfeiffer to enter executive session to discuss a DPW personnel matter.  
Motion Carried 4-0

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

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

*The Board re-entered the regular meeting at approximately 8:27 p.m.*

### **Employment Termination – DPW**

**Motion by Trustee Abdo-Rott seconded by Trustee McGrew to terminate the employment of the DPW employee discussed in executive session effective 1/9/2017 for reasons as outlined in executive session with authorization to pay all accrued leave for which employee is entitled. Motion Carried 4-0**

### **ADJOURN**

Motion by to adjourn the meeting made by Trustee Pfeiffer and seconded by Trustee Pilewski. **Motion Carried 4-0**

*The meeting was adjourned at approximately 8:30 p.m.*

Respectfully submitted by,

Martha Dygert  
Administrator/Clerk