

MINUTES  
TOWN BOARD  
September 9, 2020

The Town of Manlius Town Board live streaming from their homes, with Supervisor Edmond Theobald presiding and the following Board members present:

Karen Green, Councilor  
Sara Bollinger, Councilor  
Elaine Denton, Councilor  
John Deer, Councilor  
Heather Waters, Councilor  
Katelyn M. Kriesel, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town	Allison A. Weber, Town Clerk
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

Other persons attending: Melissa Clark, Abundant Solar Energy. Chris Carrick, Central New York Regional Planning and Development.

**1. The Pledge of Allegiance**

The Town Board recited the Pledge of Allegiance. Supervisor Theobald, called the meeting to order at 6:30 pm.

**Moment of Silence**

Supervisor Theobald requested a moment of silence for Madeline Lupia of East Syracuse, mother of Joe Lupia Planning Board Chairman. The Town Board held a moment of silence to honor his memory.

**2. Introduction of Attendees**

Town Supervisor Theobald introduced the Town Officials in attendance.

**3. Approval of Minutes – August 26, 2020**

Councilor Denton made a motion, seconded by Councilor Bollinger, to approve the minutes of August 26, 2020 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**4. Approval of Abstract # 17**

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 17 as submitted by Town Clerk Weber.

TOWN OF MANLIUS  
 Fund Summary  
 Abstract # 17 - 2020

<b>CODE</b>	<b>FUND</b>	<b>TOTALS</b>
A	General Fund Townwide	\$ 195,074.96
B	General Fund Town	\$ 11,016.77
CM1	Police Trust	\$ 3,870.00
DA	Highway Fund Townwide	\$ 11,800.47
DB	Highway Fund Town	\$ 315,275.09
SL1	Overhead Lighting	\$ 1,472.43
SL2	Underground Lighting	\$ 2,089.06
SL3	Entry Lighting	\$ 94.81
SL4	Garden Park Lighting	\$ 606.47
SL5	Ratnaur Bridge Lighting	\$ 2,383.88
SR1	Manlius Trash District	\$ 168.44
SR2	Manlius Res Brush District	\$ 168.44
SS1	Manlius Con Sewer District	\$ 760.73

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**5. Lease – Abundant Solar – Town Landfill 5701 Bowman Rd.**

Attorney Frateschi reviewed the lease with Abundant Solar for the town owned parcel at 5701 Bowman Road which served as the Town Landfill.

Attorney Frateschi stated the lease has been amended to add PILOT payments back in addition to the lease payments.

Attorney Frateschi stated that Abundant Solar is not willing to make payments at the commencement of the lease. Attorney Frateschi stated that the current lease states that the project must be completed within 4 years and he recommends reducing that to 3 years. Attorney Frateschi stated that there are milestones within the lease that Abundant Solar must meet, or the Town can end the lease.

Melissa Clark, Abundant Solar, discussed the milestone plan that is included in the lease. Ms. Clark discussed the process and procedure to construct a solar array on a leased site and connecting existing utilities. Ms. Clark discussed the financing for the proposed solar array.

Councilor Kriesel reviewed the concerns and questions that have been discussed throughout the negotiation of the lease. Councilor Kriesel stated that she likes the milestones that are built into this lease and that it is not in the best interest to have the landfilled leased for an extended period of time without lease payments being made.

Discussion ensued regarding the speed at which community solar projects are built vs. other solar projects.

Supervisor Theobald stated that he has spoken with other municipalities who have received a small rental stipend from a different solar company for leased land prior to the solar array being built. Ms. Clark

stated that those agreements may have been signed when subsidies were higher. Ms. Clark stated that the company is highly motivated to get projects shovel-ready but cannot occur any additional costs.

Supervisor Theobald stated that after reviewing other offers from other companies, this does appear to be the best lease offer for the Town.

Supervisor Theobald asked for a commitment to a 3-year lease. Ms. Clark stated that there are milestones built into the contract but there are too many factors that can go wrong in the development period. Ms. Clark stated that it is also reliant on what kind of the timeline the utility company provides.

Councilor Kriesel discussed the Town of DeWitt solar array project and how the energy is used. Councilor Kriesel stated that the Town of Manlius will sign a power purchase agreement with Abundant Solar and community members in the Town of Manlius will have the opportunity to do so as well.

Councilor Green stated that there are not a lot of specifics regarding access and easements and she would like to see more terminology that it is mutually agreed upon and not just in the hands of the tenant. Councilor Green asked if the community solar project would inhibit the required monitoring of the landfill.

Ms. Clark outlined the process that would take place in order to safely build on the landfill and how the landfill monitoring would continue to take place. Ms. Clark discussed how the security of the closed cap would be maintained on the landfill and how the weight of the solar array would be evenly distributed.

Councilor Kriesel made a motion to approve a lease agreement with Abundant Solar for the purposes of developing a community solar project. The motion was not seconded as extensive discussion took place amongst the Town Board and Abundant Solar. The motion was amended and seconded after the discussion.

Ms. Clark stated that once the lease is in place there will be a more detailed legal description provided. Ms. Clark stated that a more detailed site plan will be provided.

Attorney Frateschi stated that there are some small amendments that need to be completed before the lease is signed. Attorney Frateschi requested that if the lease is approved that it be approved pending legal review.

Town Engineer Miller discussed the landfill monitoring that takes place and the access that the Town would need to continue the appropriate monitoring.

Councilor Green requested more detail on the fencing that will surround the array. Ms. Clark discussed the potential fencing options that are available.

Councilor Green stated that there was no rate noted in the extension term and requested attorney review.

Councilor Kriesel made a motion, seconded by Councilor Deer, to approve a lease agreement with Abundant Solar for the purposes of developing a community solar project pending further legal review.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0 All in Favor. Motion Carries.

**6. MOU (Memorandum of Understanding) Joint Salt Springs Water Project**

Councilor Bollinger made a motion, seconded by Councilor Waters, to approve the Memorandum of Understanding with the Town of Sullivan, the Town of Manlius and the Onondaga County Water Authority for the Joint Salt Springs Water District.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0 All in Favor. Motion Carries.

Councilor Bollinger made a motion, seconded by Councilor Deer, to approve the engagement agreement for legal services with Costello, Cooney and Fearon in connection with the Salt Springs Road Joint Water Project with the Town of Sullivan.

Discussion ensued regarding the billing limit on attorney services.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0 All in Favor. Motion Carries.

**7. SIRO Agreements with Fayetteville-Manlius Schools and SIRO Agreement with East Syracuse Minoa Schools**

Councilor Denton stated that Section 5.5 which states that students will not be questioned or detained regarding their immigration status.

Chief Crowell stated that the department has their own general order in relation to that (Section 5.5).

Councilor Green made a motion, seconded by Councilor Denton to authorize the Town of Manlius Police Chief to sign the 2020-2021 agreement between the Town of Manlius Police Department and the Fayetteville-Manlius Central School District for School Information Resource Officers (SIRO), A. Palmer, D. Filip and D. Golden as presented.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0 All in Favor. Motion Carries.

Councilor Green made a motion, seconded by Councilor Denton to authorize the Town of Manlius Police Chief to sign the 2020-2021 agreement between the Town of Manlius Police Department and the East Syracuse-Minoa Central School District for School Information Resource Officer (SIRO) Rebecca Kammar as amended to add Section 5.5.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0 All in Favor. Motion Carries.



**13. Planning & Development – No New Business**

**14. Attorney**

Attorney Frateschi requested executive session to discuss a collective bargaining agreement.

**15. Town Clerk**

Councilor Bollinger made a motion, seconded by Councilor Waters, that the Town Board of the Town of Manlius that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein. Further resolved, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

**16. Police Chief**

Chief Crowell reported the following:

- Continue to work with the District Attorney on Executive Order 203 on Police Reform.
- Canvassing list for a Sergeant and a Police Officer.
- Thanked the Supervisor and Councilor Green and Councilor Bollinger for visiting their temporary work environment.

**17. Town Manager**

Councilor Waters made a motion, seconded by Councilor Deer, designating the Town Supervisor, Edmond Theobald and the Deputy Town Supervisor, Karen Green as signers on the Small Capital Account with Key Bank.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

**18. Town Board**

Councilor Bollinger reported that meetings continue for the Salt Springs Water District and she has met with landowners who will be impacted by the project.

Councilor Bollinger stated that there will be some public information meetings with residents scheduled for drainage districts and stormwater management.

Councilor Deer stated that the Maplink online zoning map will be going live soon.

Councilor Deer stated that some of the boards will be meeting in person but Town Board will remain on ZOOM during budget hearings. Councilor Deer stated that he would like to maintain the quality of the meetings as we transition to in person.

Councilor Denton stated that the Public Safety Advisory Committee has met and will meet again on September 24<sup>th</sup>. Councilor Denton stated that the committee will be collecting questions and input from Town residents.

Councilor Green stated that approximately 9,000 school tax bills have been mailed out. Councilor Green stated that Tax Receiver Peschel is encouraging residents to pay by mail to keep everyone safe.

Councilor Green requested executive session to discuss an employee related matter in Recreation.

Councilor Kriesel stated that the Sustainability Committee will be meeting via ZOOM on October 1<sup>st</sup> and residents can sign up to participate in sustainable Manlius on the Town website.

Councilor Waters wished everyone involved in Back to School well and thanked everyone involved in the process.

Councilor Waters asked everyone to join the Virtual Fun Run hosted by Town of Manlius Recreation on September 16. Councilor Waters discussed the drive-through Wicked Woods event scheduled on October 24<sup>th</sup>.

Councilor Waters stated that everyone that has expressed interest in the Comprehensive Planning process will be invited to listening sessions to allow everyone to get an understanding about where the Town is currently.

### **19. Supervisor**

Supervisor Theobald stated that a new additional flagpole has been installed at Town Hall.

### **20. Adjournment**

There being no further business to come before the Board, upon motion duly made by Councilor Green and seconded by Councilor Waters the Board voted unanimously to adjourn regular session at 8:16 PM to enter executive session for an employee related issue in Recreation and a collective bargaining agreement.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

## **EXECUTIVE SESSION MEETING MINUTES**

### **Executive Session**

**September 9, 2020**

Councilor Green made a motion, seconded by Councilor Deer, to approve the tentative collective bargaining agreement with the Town of Manlius Police Benevolent association as set forth in executive session.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Councilor Green made a motion, seconded by Councilor Waters, authorize the Supervisor to sign a settlement agreement and release in regard to Case Number 5:17-CB-933 in the United States District Court Northern District of New York.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Kriesel and seconded by Councilor Green, the Board unanimously voted to adjourn the executive session at 8:54 PM.

Respectfully Submitted by:

Allison A. Weber  
Town Clerk