

Town Board Meeting
June 16, 2016
6:30 p.m.

Present: Supervisor Lanning, Councilor Brace, Councilor Howard, Councilor Badami, Councilor Coville, Attorney Smith.

Also Present: Dana Pickering, Pete Buehler, Karen Barkdull, Bridgett Winkelman, Sue Murphy, Gene LaForte, Allan Wellington, Jason Gabak (Skaneateles Press), Ellen Leahy (Skaneateles Journal), Rob Howard, Courtney Alexander, Beth Batlle

Parkland Alienation Bill: Supervisor Lanning reported that he had just received word that the Parkland Alienation Bill which would allow the Village to transfer ownership of Austin Park from the Village to the Town passed the NYS Assembly and Senate today. Next stop will be the Governor's office.

Department Reports

▪*Highway, Water, Transfer Station:* Allan Wellington reported that they started mowing roadsides for the second time, helped the towns of Marcellus and Spafford highway departments with road resurfacing and helped the Town of Marcellus with the construction of a bridge. At the Water Department completed the connections to the new water main on Britcher Road, repaired a meter pit water leak on Route 20 and started flushing hydrants in district #1. At the Transfer Station they re-excavated the ditches along the road. Clifton Recycling spent two days grinding the brush pile and DeMarco Landscaping began hauling away the wood chip pile.

▪*Parks Department:* Sue Murphy reported that they are preparing the Arena for the Rotary Club's Father's Day breakfast and getting the waterfront ready for the first day of swim on June 22nd. She complimented Bridgett Winkelman for doing a great job working with all seasonal employees to complete their paperwork. This year's Fishing Derby scheduled for July 16th is also being organized.

▪*Budget:* Bridgett Winkelman said she is processing the new seasonal employees for payroll. She is beginning to prepare budget worksheets for the 2017 budget. She attended a joint meeting with the Village regarding the upgrade to the Sensus water equipment.

▪*Fire Department Report:* Dana Pickering gave May 2016 Fire Department Report showing 32 calls, 4 meetings 5 drills, and 2 training sessions. Three firematic members were voted in on June 6th, of which two were transfers from other fire departments; Jeff Herrick from Sennett and Mike Paddock from Elbridge. Jacob Kip rejoined the department. Four restricted age members also joined the department; Blaise Northrup, Ricky Brewer, Thomas Sell and Marcus Lockhart. This year they are starting "summer weekend duty crews" due to the increased congestion within the village and to reduce the department's response times to emergencies beginning the weekend of June 18th through Labor Day weekend. They are seeking five member volunteers for one of the two six-hour shifts available each Saturday and Sunday from 10 a.m. to 4 p.m. and from 2 p.m. to 8 p.m. with a two hour overlap to conduct training exercises. Labor Day plans are coming together. The parade will be on Sunday, September 4th at 4 p.m. The Custom Taylor Band and Country artist Kassidy Lynn are performing Saturday Afternoon and evening. The Mere Mortals will be Sunday night's performers. Field days will be Saturday September 3rd and Sunday September 4th. Tickets are still available for the High Stakes Money Drawing.

▪*Historian Report:* Beth Batlle read a report (attached) on Dr. Chares Merrill a doctor who practiced medicine in Skaneateles in the 1870's who gathered herbs during his walks in the countryside to treat his patients.

Public Comment: Courtney Alexander presented a letter to the Town Board on behalf of the Skaneateles Nursery School contributing to the cost of refinishing the current lobby floor at the Austin Pavilion to a polished concrete. The letter states that they would be willing to fund the cost of this upgrade not to exceed \$8,000.

The Town Board thanked Courtney and the Skaneateles Nursery School for this generous donation. Bridgett Winkelman said that the funding would be placed in a separate account.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board the donation of not to exceed \$8,000 from the Skaneateles Nursery School was accepted for the purpose of polishing the lobby floor at Austin Pavilion; and Attorney Smith was authorized to draft a change order on the construction contract.

Austin Park Update: Gene LaForte reported that the construction permit has been filed with the Village Codes Officer. The Village Planning Board is reviewing the Special Use Permit and they are recommending to the Village Zoning Board that a special permit be granted. The Zoning Board meeting is on June 28th. Demolition work started on June 6th and everything went according to plan and the area cleaned up nicely. They will not have to cut or grind the floors where the walls were. Minor changes were approved by the architect. Changes proposed by the Town have no consequences on the level 2 alteration of the building. A cost savings report for the omissions has not been received but he is expecting it in the new few days.

Councilor Brace thanked Gene and Sue Murphy for their cleanup efforts during construction in preparing the Arena for the Rotary Father's Day Breakfast event.

Attorney Smith said he is in discussion with the Village to see if they would agree to issuing the building permit so that the contractor can continue with the renovation and to have the special use permit issued prior to the Nursery School moving in. He asked Gene LaForte if subs have been lined up and he said, yes.

Resolution #16-146

Abandonment Local Law Discussion: Attorney Smith distributed to the Town Board a draft local law to consider for the amendment to the recently adopted Abandonment Local Law. This law only applies to applications submitted after the effective date of the Abandonment Local Law. At the last meeting, the Town Board expressed interest at looking at language that would also take into account existing applications currently before the Planning and Zoning Boards. The language to be considered is as follows:

The amendment would add the following language to Section 131-3(H): *"In the event any application for subdivision approval, minor or major filed before the effective date of this Section, remains inactive for a period of one year if a minor project, and two years if a major project, from the last regular or special meeting at which the application was reviewed by the Planning Board, such application shall be closed, and no further force or effect."*

The following language would be added in Section 148-48: *"In the event that any application for a special permit, site plan approval, a use variance, an area variance, or for any amendment thereto filed before the effective date of this Section, remains inactive for a period of one year if a minor project, and two years if a major project, from the last regular or special meeting at which the application was reviewed such application shall be closed, and of no further force or effect."*

As requested by the Town Board Attorney Smith did the research on what is considered a vested right. There are two Court of Appeal cases, one in 1990 and one in 1996 regarding this. There is a two part test when a vested right adheres. One is when a landowner obtains a lawful permit prior to a change in the zoning law; and, two when there has been substantial construction on that permit.

Supervisor Lanning asked Karen Barkdull how many applications are there currently that would apply prior to the previous abandonment legislation. Karen said that she did not have the numbers in front of her but she believes it would be five.

Councilor Brace said that she believes this is a good compromise and generous to the applicant. She said it would be good to get public feedback.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board a public hearing was scheduled for 7 p.m. on July 7, 2016 to consider Introductory Local Law 2016-C, an amendment to Abandonment Local Law 1 of 2016.

Resolution #16-147

Introductory Local Law 2016-B - A Local Law Amending the Town Code of the Town of Skaneateles to set the cost per acre amount for the Development Rights Acquisition Fund:

Attorney Smith said that the last meeting the Town Board requested changing the section of the Local Law that provided an example using a dollar amount and to change the dollar amount to a formula. The change from what was originally proposed under 148-12(g) is as follows:

(9) By way of illustration only, if an applicant's property is located in the Lake Watershed Overlay District (LWOD) with a total lot area of 10,000 square feet, 10% or 1,000 square feet of impermeable surface coverage would be permitted. If the property already had 1,300 square feet of impermeable surface coverage (300 square feet in excess of the applicable coverage limitation for nonconforming lots) which the applicant desired to retain while redeveloping the property, granting of a special permit would be conditioned upon the applicant obtaining a conservation easement on at least 3,000 square feet of land (300 square feet times 10) in the LWOD to offset any drainage or environmental impact that might occur as a result of exceeding the applicable coverage limitation, or making a monetary contribution to the DRA Fund in the amount of **\$3,270.00 (which is the result when the Town Board has determined that the fair market cost to protect one acre of undeveloped land in the LWOD is \$47,480.00, or \$1.09 per square foot, and multiplying 10 square feet of land times 300, being the number of square feet of impermeable surface coverage in excess of the applicable coverage limitations for nonconforming lots times \$1.09).**

The change that is being proposed is as follows:

(9) By way of illustration only, if an applicant's property is located in the Lake Watershed Overlay District (LWOD) with a total lot area of 10,000 square feet, 10% or 1,000 square feet of impermeable surface coverage would be permitted. If the property already had 1,300 square feet of impermeable surface coverage (300 square feet in excess of the applicable coverage limitation for nonconforming lots) which the applicant desired to retain while redeveloping the property, granting of a special permit would be conditioned upon the applicant obtaining a conservation easement on at least 3,000 square feet of land (300 square feet times 10) in the LWOD to offset any drainage or environmental impact that might occur as a result of exceeding the applicable coverage limitation, or making a monetary contribution to the DRA Fund in the amount of **\$3,000 multiplied by the monetary contribution equal to the cost to protect 10 square feet of land, set pursuant to paragraph 6(b) above.**

Attorney Smith said that this is not a substantive change and it would be the pleasure of the Town Board to adopt the Local Law.

On a motion of Councilor Howard, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board Introductory Local Law 2016-B was adopted with the changes as noted above to become Local Law 2 of 2016 effective with filing with the Secretary of State.

Comprehensive Plan Update: Attorney Smith said that the Town Board can schedule a joint meeting with the Village and authorize Supervisor Lanning to coordinate the date with the Mayor. SEQR will be done on the Comprehensive Plan at the July 7, 2016 meeting along with a resolution that will state the Town Board's intention to be Lead Agency and that it is a Type I Action.

Supervisor Lanning said he wants this done right and doesn't want any vague or gray areas. On a motion of Supervisor Lanning, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board Supervisor Lanning was authorized to schedule a joint meeting with the Town Planning Board and Village Planning Board that would be open to the public and for the Town Attorney to prepare a SEQR resolution for the July 7, 2016 meeting.

Resolution #16-148

Appoint Members to Austin Pavilion Renovation Committee: On a motion of Supervisor Lanning, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board the following members were added to the Austin Pavilion Renovation Committee subject to each person agreeing to the appointment: Courtney Alexander, Councilor Brace, Gene LaForte, Sue Murphy, Bridgett Winkelman, Dick Perkins, Chuck O'Neill, Cherie Ross.

Resolution #16-149

Town Hall Committee: In addition to the members previously appointed to this committee (Curt Coville, Mary Sennett, Tim Johnson and Bob Harris) additional members need to be added.

On a motion of Councilor Badami, seconded by Supervisor Lanning and with unanimous (5-0) affirmation of the Town Board, the following people were added to the Town Hall Committee to

explore ideas for a new Town Hall: Nancy Murray, Jim Buff, Chris Buff, Marsha Williams, Chad Rogers, Andy Ramsgard, Jack Severence, Bruce Kenan.

*Sue Murphy noted that all Town committees normally have a Town Board liaison. The Town Board agreed.

On a motion of Councilor Badami, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board Supervisor Lanning was appointed as liaison to the Town Hall Committee.

Resolution #16-150

Computel Contract: Supervisor Lanning said that the Town has 268 street lights and Computel will audit those lights to determine if we are receiving correct charges from National Grid. There is no fee for the audit but Computel will take 40% of any reimbursement the Town receives from National Grid.

Councilor Brace said it does not have any deliverables, or a documentation report. It has no value to the Town for an LED consultant.

Attorney Smith stated that he would reach out to Computel to modify the contract to provide for the documentation.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board, Supervisor Lanning was authorized to sign the contract with Computel subject to adding language that would include documentation.

Resolution #16-151

Standard Work Day Resolution: Janet Aaron explained that the Standard Work Day Resolution is a requirement of NYS Retirement for those elected and appointed officials that do not keep a time sheet. Those officials are required to keep a 3-month record of activity at the beginning of their term to establish the amount of hours credited toward their NYS Retirement. The Town Board reviewed the resolution. Councilor Howard made a motion to accept the Standard Work Day and Reporting Resolution as presented providing the accounting of hours for Supervisor Lanning, Councilor Badami and Outreach Worker Jacque McConnaghy. Seconded by Councilor Coville.

Councilor Howard	Yes
Councilor Brace	Yes
Councilor Badami	Abstain
Councilor Coville	Yes
Supervisor Lanning	Abstain

Carried 3-0

Minutes:*Resolution #16-152*

▪*June 2, 2016:* On a motion of Councilor Howard, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board the minutes of June 2, 2016 were accepted as presented.

Resolution #16-153

▪*June 8, 2016:* On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board, the minutes of June 8, 2016 were accepted as presented.

Announcements/Correspondence/Updates

▪*Flood Insurance Update:* Attorney Smith reported that the Final Updates to the Flood Maps were submitted to the Town. The maps will become effective November 4, 2016. Before that date the Town of Skaneateles is required to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations. Kristy Frame, Associate with his firm is drafting a resolution for the Town Board to consider.

▪*Lamar Witmer Letter re: Pig Farm:* Supervisor Lanning read a letter from Lamar Witmer regarding his pig farm in the Town of Sennett. He stated he was in compliance with the ordinances and regulations concerning their type of operation and stated if there are any concerns to contact the Owasco town officials.

▪*ISO – Building Code Effectiveness Grading Schedule Survey:* Todd Hall said that all participants in NYS received a class 9 rating. He said that NYS has adopted the new NYS Building Code and it is his understanding that the Town of Skaneateles should maintain its class 5 rating.

▪*Parking at Town Property – Fennell Street:* Supervisor Lanning said he canvassed the neighborhood across from the Town Fennell Street property regarding the request to have overflow parking there. The Board suggested screening the property with fences, shrubs or trees. Councilor Brace suggested contacting the Skaneateles Garden Club regarding this project. The decision was tabled to the July 7th meeting.

Resolution #16-154

▪*Sky Yoga & Wellness:* Sue Murphy said that Courtney Chase has submitted a request to the Town Board to hold a Community Yoga class. This would be a donation based class where the proceeds go back into the community. This would provide an opportunity for community members to practice yoga without a fee attached to the class. She requested the use of Austin Park on Thursdays from 8:30 a.m. to 9:30 a.m. beginning June 23rd. She has insurance. 50% of her profits would be donated back to the Town parks.

The Town Board agreed that there needed to be a broader discussion on user fees at Austin Park.

On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board Courtney Chase was authorized to hold Community Yoga classes at Austin Park until October 31st, subject to being revoked at any time and also subject to submitting insurance naming the Town as additional insured.

Resolution #16-155

Budget Amendments: On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board the following budget amendments were approved:

General Fund

\$ 85.00 Increase 014604.01.004.00 Records Mgmt. – C/E

\$ 85.00 Decrease 014601.01.001.00 Records Mgmt. – P/S

Costs for supplies – storage boxes

\$ 80.00 Increase 085101.01.001.00 Community Beautification – P/S

\$ 80.00 Decrease 085104.01.004.00 Community Beautification – C/E

Maintenance of trails – Town employees

\$270.00 Increase 071404.01.004.55 Winter Rec – Equipment Repair

\$270.00 Decrease 071404.01.004.52 Winter Rec – Supplies

Repair to lights

Resolution #16-156

Abstract #16-12: On a motion of Councilor Coville, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board voucher #16-0728 to #16-0825 were approved for payment from the following funds:

General Fund:	\$67,443.24	Part Town:	\$ 5,229.99
Highway:	\$13,479.39	Highway P/T:	\$ 6,188.75
Water:	\$22,440.67	Water #5:	\$ 236.48
Sewer #6:	\$ 26.25	T & A:	\$ 1,539.38
Total:	\$116,584.15		

Public Comment: No comments were made.

Resolution #16-157

Executive Session: On a motion of Councilor Lanning, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, the meeting was adjourned to Executive Session at 8:05 p.m. a personnel issue and litigation.

Councilor Coville left before the end of Executive Session

On a motion of Councilor Howard, seconded by Councilor Badami and with unanimous (4-0) affirmation of the Town Board the meeting was returned to open session and immediately adjourned.

Respectfully submitted,


Janet L. Aaron
Town Clerk

Town of Skaneateles
Local Law 2 of the Year 2016
A Local Law Amending the Town Code of the Town of Skaneateles to set the cost per
acre amount for the Development Rights Acquisition Fund

Be it enacted by the Town Board of the Town of Skaneateles as follows:

Section 1. Title

This local law shall be referred to as "A Local Law Amending the Town Code of the Town of Skaneateles to set the cost per acre amount for the Development Rights Acquisition Fund".

Section 2. Purpose and Intent

The purpose of Section 148-12(G)(6) is to provide a property owner with the option to make a monetary contribution, equal to the cost to protect 10 square feet of land with a conservation easement for each square foot of impermeable surface coverage greater than the area permitted to bring the lot into compliance with applicable coverage limitations for conforming lots, to the Town's Land and Development Rights Acquisition (DRA) Fund. The DRA Fund was been established to acquire development rights or conservation easements on undeveloped land to promote permanent protection of the lake and other natural resources. The Town Planning Board has recommended that the DRA Fund law be amended to clarify the process by which the cost per acre amount is determined and in order to update the illustrative examples found in the Code to better reflect current conditions.

Section 3. New Sections.

Section 148-12(G)(6) of the Town Code of the Town of Skaneateles is hereby amended as follows:

See attached

Section 4. Legislative Findings

The Board finds that it is in the Town's best interest to clarify this law consistent with the recommendations of the planning board.

Section 5.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 6.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

PB Recommended Changes to Section 148-12(G):

(6) A lot which contains structures that are nonconforming as to impermeable surface coverage may be redeveloped by special permit granted by the Planning Board, provided that all other applicable requirements of this § 148-12 are satisfied, that the impermeable surface coverage on the lot is reduced to the maximum extent feasible, and that all practicable measures are taken to minimize the impact of such impermeable surface coverage on streams, lakes and groundwater. [Note: If the proposed redevelopment reduces impermeable surface coverage to bring the lot within compliance with this chapter, no special permit pursuant to this section shall be required.] Such measures may include, without limitation, infiltration trenches and other drainage improvements, and vegetated stream and lake buffers. If an applicant is unable to reduce such coverage sufficiently to bring the lot into compliance with applicable coverage limitations for conforming lots, the Planning Board shall condition any approval of such a special permit on either, at the applicant's option:

(a) The use of mitigation measures that result in the permanent protection by conservation easement of 10 square feet of land in the same general area for each square foot of impervious surface coverage greater than the area required to bring the lot into compliance with applicable coverage limitations for conforming lots sufficient to offset any drainage or environmental impact that might occur as a result of the lot exceeding the applicable coverage limitations. The determination as to the appropriate location of such protected land shall be made by the Planning Board in consultation with the Planning Board Engineer. If the lot is within the Skaneateles Lake Watershed, the Planning Board Engineer shall also consult with the City of Syracuse Department of Water in making this determination. The applicant shall bear the expenses associated with establishing the conservation easement. The conservation easement shall satisfy the requirements of § 148-9H and shall be filed and recorded in the County Clerk's office; or

(b) A monetary contribution, equal to the cost to protect 10 square feet of land with a conservation easement for each square foot of impermeable surface coverage greater than the area permitted to bring the lot into compliance with applicable coverage limitations for conforming lots, to the Town's Land and Development Rights Acquisition Fund ("DRA Fund"), established to acquire development rights or conservation easements on undeveloped land to promote permanent protection of the lake and other natural resources, which monetary contribution shall be determined by resolution or local law adopted from time to time by the Town Board in an amount equal to the fair market cost to protect one acre of undeveloped land in the Skaneateles Lake Watershed.

(7) In no case shall the applicant be permitted to increase the impermeable surface coverage on a lot.

(8) Reserved.

(9) By way of illustration only, if an applicant's property is located in the Lake Watershed Overlay District (LWOD) with a total lot area of 10,000 square feet, 10% or 1,000 square feet of impermeable surface coverage would be permitted. If the property already had 1,300 square feet of impermeable surface coverage (300 square feet in excess of the applicable coverage limitation for nonconforming lots) which the applicant desired to retain while redeveloping the property, granting of a special permit would be conditioned upon the applicant obtaining a conservation easement on at least 3,000 square feet of land (300 square feet times 10) in the LWOD to offset any drainage or environmental impact that might occur as a result of exceeding the applicable coverage limitation, or making a monetary contribution to the DRA Fund in the amount of \$3,000 multiplied by the monetary contribution equal to the cost to protect 10 square feet of land, set pursuant to paragraph 6(b) above.