

Town Board Meeting
March 3, 2016
6:30 p.m.

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

Also Present: Chris Kalwara (Johnson Controls), Jonathan Monfiletto (Skaneateles Journal), Sue Murphy, Randy Nonemacher, Allan Wellington, Kerry Porter, Jane Chapman, Denise Rhoads, Courtney Alexander, Beth Battle, Mark Tucker, Bridgett Winkelman, Jason Gabak (Skaneateles Press).

Nursery School Update: Supervisor Lanning stated Attorney Smith had drafted a letter of intent to Kenneth Bush, Attorney for the Skaneateles Nursery School. Attorney Smith stated that the purpose of this letter is to summarize the Town's intentions going forward concerning the project and the potential lease of the building to the Skaneateles Nursery School. Attorney Smith stated that he is already working with Mr. Bush on the lease agreement and expects to have it to the Board for their next meeting.

Supervisor Lanning stated they had worked on some revisions to the Nursery School plan with Andy Ramsgard that will allow the space to work with the Parks Department and the other groups that use the Pavilion throughout the year. He stated that the zone change for the Austin Pavilion was on the agenda at the Village tonight.

On a motion of Councilor Brace, seconded by Councilor Badami and with unanimous (4-0) affirmation, the Town Board authorized Attorney Smith to send the letter of intent to the Skaneateles Nursery School and to incorporate the plans as attached.

Councilor Brace stated that she was glad that the letter incorporated a date of possession for the Nursery School of September 1, 2016. Attorney Smith questioned if this date would give the School adequate time to prepare for the start of their program. Supervisor Lanning stated that the letter says that it is "optimistic that the building will be ready". Representatives from SNS said they would not be starting classes until September 12, 2016 so they would have plenty of time to move in. Sue Murphy stated that the Fireman use the kitchen for the Labor Day Field Days which will be September 3rd and 4th. Supervisor Lanning said that the Fireman will have priority, and the Board agreed.

Courtney Alexander asked the Board what the next steps would be. Supervisor Lanning said they will address the next steps after the Village Planning Board completed the request for a zone change.

Department Reports:

▪**Highway, Water, Transfer Station:** Allan Wellington reported that the Highway Department had been out plowing 10 times in the last 2 weeks, a total of 80 times for the winter compared to 140 times to this date last year. They made repairs to equipment, cleaned up tree limbs due to high winds, cleared highway cross pipes that were backed up during heavy rain and filled pot holes. Allan reported that the Water Department had repaired a frozen water meter, installed a water meter for a new house on State Street and repaired a fire hydrant on Highland Avenue. He reported that at the Transfer Station logs were being ground and hauled away. He stated that he had submitted the annual reports to the NYS DEC for; E-waste, Land Clearing Debris, Construction and Demolition Debris, Recyclables and the Transfer Facility.

▪**Parks:** Sue Murphy reported that she is accepting applications for summer employment; lifeguards, counselors, park laborers and beginning to conduct interviews. She stated that she is working on letters that will go out to Playday families. Supervisor Lanning asked if there were any lifeguard training programs offered. Sue Murphy said that these programs are offered at the YMCA. Councilor Brace also spoke about the Skaneateles Falls playground project. The Parks department plans to send out a flier to residents to get community support. She stated that 2017 is the goal for construction of the playground.

▪**Budget:** Budget Officer Bridgett Winkelman stated that she had billed Water District #1, working on completing the audit with Cuddy and Ward and Onondaga County had submitted the first half of the 2016 snow plow contract in the amount of \$70,000. Supervisor Lanning commended Budget Officer Winkelman for her outstanding work that has upgraded the Town of Skaneateles on the Moody's rating system from a AA to a AAA rating. This will improve the Town's eligibility to bond at a lower interest rate.

▪**Codes/Planning/Zoning:** Councilor Badami reviewed the report on activity in the last 60 days submitted by Karen Barkdull. There were six new applications received and six continuing applications. Thirteen applications have been approved and are awaiting conditions to be met prior to issuance of a building permit. Eleven building permits were issued including one single family dwelling. There are nine single family dwelling permits in open status. The office also reviewed upcoming Planning and Zoning Applications with their representatives for March submission and prepared the agenda for the upcoming Round Table Meeting on Saturday March 5th. Councilor Badami also stated that he had attended this month's Zoning Board of Appeals meeting. He stated that it went very well and would like to thank the Zoning Board of Appeals members for doing an excellent job.

Supervisor Lanning reminded everyone about the Round Table Meeting on March 5 at 9:00a.m. He stated that this would be a joint meeting with the Planning Board, Zoning Board and Town Board. Councilor Brace also stated that this would be an open meeting to the public.

▪**Historian:** Historian Beth Battle presented the Board with a history of "Electricity in Skaneateles". She wanted to show how independent Skaneateles had been with providing utilities to the residents.

* Report attached.

6:45 p.m. Public Hearing Introductory Local Law 2016-A - Abandonment

On a motion of Councilor Coville, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board the public hearing was opened. Attorney Smith explained that the purpose of this law was to provide a mechanism to deem an application in front of the Planning or Zoning Boards abandoned if there has been no activity for six months for a minor project and twelve months for a major project. He stated this law would pertain to applications accepted after the Local Law 2016-A is passed.

Supervisor Lanning noted receipt of the affidavit of posting dated February 19, 2016 and publication dated February 24, 2016 for the public hearing on Introductory Local Law 2016-A – a Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed abandoned and asked if anyone wished to have the notice read.

No one spoke. Supervisor Lanning asked if any one wished to speak in favor of this Local Law.

Dessa Bergan, 1448 Old Seneca Turnpike, stated she was in favor of the law but had some questions. She asked what the laws definition of activity was. Supervisor Lanning stated that activity would have to be something in writing that they are still moving forward with the application. Dessa stated that she had a concern with old applications such as, Victory Sports. She was a member of the Planning Board 6 years ago when the application was submitted and it is still on the books now. Is just saying they want to keep the application sufficient or should there be more proof of activity. Going forward will this law apply to all applications, new and current? Supervisor Lanning answered that the law is written to apply only to applications that are submitted after the passage of this law. Dessa stated that it should apply to all applications, new and current, going forward. It is not fair to the community.

Dessa Bergan stated at an earlier meeting that Attorney Smith spoke against this law. She questioned if he currently represents any applicants in the Town. Attorney Smith stated that no, Bond Schoeneck and King, the Law firm he works for, is not representing anyone at this time. He explained that he addressed the board previously on an earlier version of the Law and his law partner was representing Victory Sports at that time. Dessa asked if he should recuse himself. Mr. Smith stated that he doesn't need to since he has no say in the law. Dessa questioned if he wrote the law. Supervisor Lanning stated that the Law was written by Planning and Zoning Attorney Scott Molnar. Supervisor Lanning stated that starting today for new applications moving forward, this protects the Town from lawsuits.

Dessa also stated that during a previous application for this property the zoning was changed after the application was submitted. The attorney at the time, Jim Murphy, said that this was allowable since “no shovel had been turned” and they had no vested interest. Would this application fall into that category? Supervisor Lanning stated that would be debatable among

attorneys. Supervisor Lanning stated that he was trying to avoid any future litigation. He thanked Dessa Bergan for her comments.

Supervisor Lanning asked if anyone else wished to speak in favor of this Law. Councilor Coville stated the Board needed to get this done. It can always be changed in the future.

Mark Tucker, 2007 Rickard Road, Planning Board Chairman stated the Planning Board had looked at this law for some time. The Planning Board is going to request more than just a letter; the applicants need to show action on the applications. Attorney Smith stated the way the Law reads now there is no definition of activity. This is something that can be considered later. It will be at the discretion of the Planning and Zoning Boards as to what is activity. Councilor Badami stated it would be subjective to the application which would help with Dessa Bergan's concerns. He stated he is favor of it being at the discretion of the Boards. Mark Tucker stated they are looking for something more concrete. Attorney Smith stated this could be revisited after the law is passed.

On a motion of Councilor Coville, seconded by Councilor Badami and with unanimous (4-0) of the Town Board the public hearing for Local Law 2016-A was closed.

Supervisor Lanning stated this is a step in the right direction if we find that changes need to be made the Board can revisit that at a later date. Councilor Brace asked the Planning and Zoning Board Chairs to keep an eye on how the law works with their applications and determine if there should be any notification given to applicants that have been ongoing for years and maybe we can amend the law. Mark Tucker stated they currently communicate with all ongoing applications and request updates. He also stated that if this law is passed it will be part of the application for all new submissions.

Supervisor Lanning asked Denise Rhoads and Mark Tucker how many applications their boards have now that this law would apply to. Denise Rhoads, Zoning Board Chairman answered just one, Victory Sports. Mark Tucker, Planning Board Chairman, answered the Board currently has two applications.

Supervisor Lanning asked the Board to reflect on these comments and concerns and it will be revisited at the next Town Board meeting March 17, 2016.

Resolution #16-48

Minutes of February 18, 2016: On a motion of Councilor Brace, seconded by Councilor Coville and with unanimous (4-0) affirmation of the Town Board, the minutes of February 18, 2016 were accepted as presented.

Johnson Controls Street Lighting Presentation: Supervisor Lanning introduced Chris Kalwara, Account Executive for Johnson Controls. He stated that Mr. Kalwara would be giving a presentation on purchasing the street lights in the Town and changing them to LED bulbs.

Chris Kalwara stated that he was with Johnson Controls. He is the representative for municipalities and school systems in New York. Mr. Kawara explained the NYS Energy Law – Article 9- Energy Performance Contracting had been passed, allowing municipalities to purchase and maintain street lights. He explained 30% of municipalities utility costs are their street lights and this law would be a mechanism for procuring and implementing infrastructure improvements which are funded over time through operational savings. He stated Johnson Controls will design and build. They offer fixed prices with no change order. Leasing or purchasing is an option and the public bidding requirement does not apply.

Supervisor Lanning said the Town of Skaneateles street lights are owned by National Grid. If the street lights were converted to LED lights, the life span would increase to 20 – 25 years as compared to a year or less with the current sodium lights.

Mr. Kalwara reviewed Johnson Controls targets within municipalities, giving examples of Town Halls, Social Services, public safety facilities, Fire Department, water utilities, recreation facilities, libraries, DPW garage, airports, traffic signals, parking garages and meters. He reviewed the typical improvements that his company could offer such as; HVAC upgrades, lighting, boilers and chillers, roofs, windows, insulation in Town owned buildings, energy management systems, streetlights, upgrades to water and waste water treatment plants, water meters (AMR systems) and renewable energy technologies (solar, wind, and geothermal). He gave examples of projects they have done; installing geothermal systems in the Lansing School district and Auburn City Hall. He reviewed the Streetlight Replacement and Saving Act. Supervisor Lanning explained that National Grid owns the street lights in the Town of Skaneateles and the Town is billed per hour for each light, whether the light is on or off. With this new legislation it allows municipalities to own these street lights. Councilor Brace asked if there is cost to transfer the lights. Mr. Kalwara stated yes, the municipality would have to make a formal request to National Grid with the intent to purchase the lights. He reviewed the procedure for the transfer. Supervisor Lanning asked if Johnson Controls would provide the work entailed to transfer ownership and provide a maintenance plan. Mr. Kalwara said yes, Johnson Controls could provide that service. He gave an example of the project they are working on in Binghamton.

Mr. Kalwara reviewed the benefits to the Town. Environmentally it would create a 50-70% reduction in energy consumption, brighter lights with fewer burnouts for public safety and the extended life of LED bulbs would reduce operation and maintenance cost and eliminate facilities charges. Councilor Badami asked about the coloring of the LED light. Mr. Kalwara stated that Johnson Controls would set up mock ups of the different lighting for the municipality to choose from. The warmth and color of the lights can be adjusted. He gave an example of the cost saving

on a million dollar project stated that the savings in the first year would be \$100,000 and would increase 3% each year and after the cost of service is factored in, it would create a cash flow of \$16,233 for the Town after the first year and over a 15 year term of finance period, the cash flow would increase to \$603,393. Councilor Badami stated that this makes it more affordable to live here in conjunction with green initiatives which is the goal of this Board. Mr. Kalwara stated that the project they are working on in the City of Binghamton has cut the cities cost in half.

Supervisor Lanning asked if the new legislation will cause a rush for these programs. Mr. Kalwara said yes, the sooner the better. There is quite a bit of interest in these programs and the legislation will go in effect April, 2016. Councilor Braces asked if Johnson Controls would offer choices of manufacturers. Yes, that would be part of the proposal.

Mr. Kalwara explained the timeline of events with their proposal and that a preliminary assessment would be done at no cost. When the municipality decides to sign up for the project or not, then the financing can be arraigned.

Councilor Brace asked what would be provided with the preliminary assessment. Mr. Kalwara stated it would provide an inventory of the street lights, and calculate the savings. At the end of the preliminary review the Town would have the cost and savings of the project and they could look at any other Town facilities if the Board wanted that part of the proposal. Councilor Badami asked if he could provide references. He said yes, and gave examples of the City of Ithaca, Marcellus School district and more in Onondaga County; a list could be provided. An annual energy saving report is also provided to the town and compared to the guaranteed savings and if there is shortfall a check would be written to the municipality for that amount.

Supervisor Lanning hopes this presentation will open up the idea to the community and thanked Chris Kalwara for his presentation.

Resolution #16-49

Authorization to Contract With Joel Russell – Consultation & Mediation Meetings

Supervisor Lanning explained that Planner Joel Russell, who was an intricate part of the Comprehensive Plan and Zoning when it was first written in 1996, had submitted a proposal for consulting services in connection with implementing the 2015 revision of the joint Town and Village Comprehensive Plan. He is available to come to Skaneateles March 20, 21 and 22.

Councilor Brace said she had not reviewed this proposal yet. Should the Town look at other proposals also? She stated his hourly rate was high, and asked if this was because he is an attorney and a planner. Supervisor Lanning stated Joel Russell's main purpose would be to address the Article 78 lawsuit. He would meet with the parties in the litigation and the Planning and Zoning Departments. Councilor Badami stated that there is a cap on the proposal of \$8000. This would protect the Town. He is already familiar with our Comprehensive Plan therefore review time would be minimal. He stated that he is very comfortable with this proposal. Councilor Coville stated the Article 78 is the most important issue, and needs to be resolved.

Attorney Smith stated Joel Russel's name had been raised by the Article 78 petitioners and they were comfortable with him as a facilitator, as well as Supervisor Lanning. Supervisor Lanning stated that the Town has no obligation after these three days submitted in the proposal. Councilor Brace stated she is in favor of moving forward with Joel Russell due to the timing, but the Board should look at multiple proposals after this.

On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board, Supervisor Lanning was authorized to sign the March 1, 2016 proposal for consulting services with Joel Russell Associates in connection with implementing the 2015 revision of the joint Town and Village Comprehensive Plan for an amount not to exceed \$8000.

Resolution #16-50

Authorization for Conservation Committee to submit Grant Application

Supervisor Lanning stated that there was a request from the Conservation Committee to submit a grant application for the Phragmites at the Conservation Area. He stated these are a type of invasive species that is spreading throughout our community. Randy Nononmacher, chairman of the Conservation Committee stated that there is an area around the Beaver pond on Gully Road that is approximately an acre that is overgrown with phragmites. It is at a point now where it can be controlled and save the pond. Randy asked for the Board to approve the application for a grant for removal of this invasive species. He explained to the Board that this grant would only fund the first year of treatment and it is a three year process with continued monitoring. The Town Board would need to approve submitting the grant application for the first year and commit to the following two years of the process at an approximate cost of \$3800 per year.

Councilor Badami asked what the treatment would be. Randy stated that it is the same chemical that is in Roundup. Right now the phragmites are not in the water and applied properly it would not get in the water. Councilor Brace said she had concerns about the chemicals used and asked about runoff. Randy said it can be done when it's dry to eliminate runoff.

Attorney Smith asked if the Town is committing to this if we apply for the grant if so, the Board needs to consider SEQR. Councilor Brace asked if we should pursue SEQR and the grant process at the same time. Randy stated that even without the grant this is an issue that needs to be addressed but we are not committing to the project by applying for the grant.

On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board, the Town Board approved the application for a Regional Invasive Species Management Grant and reserve the right to complete the SEQR environmental review at any time in the future of the project.

Attorney Smith stated that he will be prepared to have an opinion on the SEQR, whether it would be a long or short form, at the next meeting.

Howard Brodsky Proposal(s): Supervisor Lanning stated the Town had a proposal from Howard Brodsky, Town Planner to do an audit of the Town's Zoning Code. Councilor Brace stated the current zoning had issues that needed to be corrected. Mark Tucker, Planning Board Chairman and Denise Rhoads, Zoning Board Chairman agreed that the current zoning code has discrepancies.

Councilor Brace asked if this audit can be done independent of the Comprehensive Plan lawsuit. Attorney Smith answered, yes it could.

Supervisor Lanning asked the Board to review Howard's proposal and be prepared to vote at the next meeting.

Announcements/Correspondence/Updates;

*Round Table Discussion – Town, Planning, and Zoning Boards 3/5/16 @ 9 a.m.- 11 a.m.
March 25th – Good Friday – Transfer Station closes at 11 a.m. Parks & Town Hall at Noon
Notice of two Turbidity Events. February 4th and 25th. Notices have been mailed to all water customers:* Supervisor Lanning stated there was no action needed at this time.

Petition Received 2/25/2016 Against Rails to Trails:

Supervisor Lanning reported the Town Board is in receipt of a petition, "Skaneateles Against Rails to Trails"

Petition Received 2/25/2016 Request for Environmental Impact Statement for Northern Hamlets:

Supervisor Lanning reported the Town Board is in receipt of a petition, "Request for Environmental Impact Statement for the Northern Hamlets of Skaneateles, New York"

Budget Amendments/Budget Adjustments: Budget Officer Bridgett Winkelman stated that there were no budget amendments or adjustments.

Abstract #16-05: On a motion of Councilor Badami, seconded by Supervisor Lanning and with unanimous (4-0) affirmation of the Town Board, voucher #16-0074 to #16-0120 from the following funds was authorized:

General Fund:	\$10,755.84	Part Town:	\$ 2,310.00
Highway:	\$27,299.93	T & A:	\$ 526.25
Street Lighting:	\$ 1,715.98		
Water:	\$ 7,341.33		

Total: \$ 49,949.33

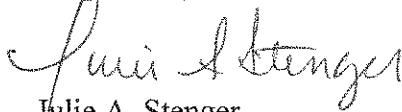
Public Comment/Questions From Press:

Mark Tucker: Should SEQR be completed during the public hearing on the Abandonment Law. Attorney Smith stated that SEQR would be done at the Planning Board level. He will speak to Scott Molnar, Planning Board Attorney.

Mark Tucker: Stated that he had concerns about purchasing the street lights from National Grid. National Grid does not like power to be taken away.

Meeting adjourned at 7:15 p.m.

Respectfully submitted,



Julie A. Stenger
Deputy Town Clerk