

Town Board Meeting
August 5, 2019
6:30 p.m.

Present: Supervisor Aaron, Councilor Badami, Councilor McCormack, Councilor Coville, Councilor Tucker and Attorney Smith.

Also, Present: Jim Greenfield (Deputy Supervisor), Courtney Alexander, Kelly Haining, Sue Murphy, Bridgett Winkelman, Allan Wellington, Beth Battle, Mike Krebs, Charmaine Krebs, Zack Ford, Gary Ford, Lisa Ford, Pete Hawley, Cynthia Petters, Gretchen Messer, Jamie Sutphen, Michael Lazar, Jason Gabak (Skaneateles Press).

Department Reports

Highway, Water, Transfer Station: Highway Superintendent Allan Wellington reported they cleaned catch basins and cross culvert pipes. They cut the grass around bridges and guardrails, cleaned up multiple trees that had fallen from high winds, finished mowing roadsides, made equipment repairs, helped the Town of Sennett with paving, chip sealed Gully and Short Roads with the help from Marcellus and Sennett, cleaned the open ditch at Austin Park along State Street and started installing under drain in Austin Park near Jordan Street. In the Water Department they repaired a water main break on State Street near East Street, flushed all hydrants in district #2, lowered a water service under Jordan Road that was prone to freezing and checked on a fire hydrant at Jordan and Masters Roads that was damaged by a vehicle. At the Transfer Station they had loaded a trailer of baled cardboard and the Swap Shop Committee met and they are looking for public comment about interest in reopening the Swap Shop with the help of volunteers.

Parks: Sue Murphy reported the Parks Department Playday was going into its final week and this year there were over 100 children that attended. The waterfront will close on August 21st unless additional lifeguards are found. The Onondaga County Health Department had completed their inspections of the Playday program and the waterfront. She thanked Constable Rick Morris for his work at the boat launches this summer, he has done a great job. She thanked the Highway Department for their work on the ditches at the Park. The Symphony concert at Austin Park last week was a success and the Farmers Market Customer Appreciation Day is this Thursday.

Supervisor Aaron stated the Sims Building is moving along. They are starting to put the walls up in the bathrooms and the plumbing and electric are in. They should be on schedule for completion in mid- August.

Planning & Zoning: Councilor Tucker reported there were currently 9 open projects. He reviewed the status of existing projects still open; Hidden Estates, Zechman Subdivision, Skaneateles Country Club, Skaneateles Aerodrome, Chris Graham, Gump, Danial and The Hive Inn.

Codes: Councilor Badami reported Codes Enforcement Officer, Bob Herrmann had closed 10 more permits on the original list of 320 expired permits. This brings the number to 31 compared to 40 last month. They are still working on IPS, the Codes software program, for better efficiency. He stated Ben Garrett is mastering Code Compliance with plan reviews and they are trying to instruct architects and contractors what is needed on plans and what complies with Building Code.

Councilor Badami reviewed the Codes Office report for the month of July submitted by Codes Officer Bob Herrmann. He reported there were a total of 19 permits issued for the month of July with a total valuation of \$ 765,550.00 and \$5,320.40 in permit fees collected.

Budget: Budget Officer Winkelman reported she had completed and received the \$15,000 grant for the Skaneateles Falls playground project. She reported they had been working on receiving the new dump truck budgeted for the Highway Department, compiling information for the 2020 budget and working on a budget meeting schedule for the Board to start in September and have it on the agenda August 19th.

Historian: Town Historian Beth Batlle gave a report on the Town of Skaneateles Health Officers. She stated the Town had 2 Health Officers; Dr. Sans from 1940-1956 and Dr. Dolan till 1960. She displayed the Health Officers record book that dated back to 1940 and the cases that were recorded in the book.

*report attached

Resolution #19-140

Petition to Ban Herbicides/Pesticide Treatments in Skaneateles: Supervisor Aaron stated Zack Ford had submitted a petition to the Town to “Ban Cosmetic Herbicides/Pesticide Lawn Treatments in Skaneateles, NY” and requested to be on the agenda. She stated she had reviewed the signatures and the comments on the petition and stated there were approximately 1600 signatures with about 220 from Skaneateles residents and about 345 from outside the country and the rest from around the United States. Mr. Ford agreed and stated there were about 300 signatures from people outside Skaneateles that receive water from Skaneateles lake, such as Syracuse and Camillus, which gives a total of approximately 500 to 600 people that are directly connected to the water supply from Skaneateles lake.

Mr. Ford thanked the Board for allowing him to be on the agenda and present this petition to the Board. Supervisor Aaron stated we all want to hear from our constituents, there isn't anyone in this room, or at the Board table that doesn't want to protect our lake and the earth. She stated she and Attorney Smith had researched this request and asked Mr. Ford to make his presentation.

Mr. Ford said he is submitting this petition to demand a ban on toxic and poisonous herbicide and pesticide lawn treatments, such as “Round-up” and “Tru-Green”. These treatments contain glyphosate, which causes cancer. Scientific American has reported that even the so-called inert ingredients in sprays like Round-up damage human cells. These inert ingredients suffocate human cells.

Mr. Ford stated when someone sprays their lawn with Round-up, or uses the services of TruGreen, they increase the cancer rates in pets, children and adults. They pollute the soil and water and decimate pillars of the ecosystem on which human life depends, including pollinator insects. Mr. Ford also stated polluting Skaneateles Lake puts our economy at risk. He asked; what do we do if we do not have clean water?

He stated to the Board this year in Oakland, CBS News reported that a jury awarded a 2-billion-dollar lawsuit against Monsanto and their product Round-up, because it gave someone cancer. Cities in our country and around the world are banning these poisons. Los Angeles County and Key West banned these products. He stated he believed these chemicals are banned on Town property, but not for the rest of the Town or Village.

Mr. Ford stated there are 1,550 signatures on this petition. There are hundreds of Skaneateles residents on the petition, and hundreds more from Syracuse, and areas that get their water from Skaneateles Lake. There are also people from all over the United States and foreign countries and he stated he personally had spoken to most of them.

He stated that he had understood to legislate this, the Town and Village of Skaneateles could petition the NYS Department of Conservation to enact local regulations on this type of lawn treatment.

Mr. Ford read from his statement "Because this is the same impotent and criminal DEC that chose to do nothing when Martin Hubbard, the Mayor of Skaneateles, illegally cut down 50,000 square feet of trees, and installed an illegal pipe on his property which spewed runoff into Skaneateles Lake, thereby feeding the toxic algae that bloomed in 2017. And he is still Mayor."

Councilor Tucker asked where this petition was posted for people to sign. Mr. Ford said he shared it via social-media and the website was change.org.

Attorney Smith reviewed the Environmental Conservation Law section 33-0303 which states:

"Jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides, is by this article vested exclusively in the commissioner of the Department of Conservation.

All authority vested in the commissioner by this article may be executed with like force and effect by employees of the department designated by the commissioner; however, all hearings held under this article except those held under the provisions of title 9 shall be conducted by the commissioner or by a person designated by him for that purpose, and any decision rendered after any such hearing shall be made by the commissioner."

He stated this means the regulating authority for any and all pesticides and herbicides is the New York State Department of Conservation.

He reviewed two case laws that upheld this statute. He stated they were older but did apply. One case was Long Island Pest Control vs. Huntington from 1973. He stated this case goes back to the federal law on pesticides. He stated on October 21, 1972 a revised Federal Insecticide, Fungicide and Rodenticide Act became law. Whether or not this Federal law preempted the State law on the subject is not germane to this decision, both the State and Federal Laws pre-empted the Code of the Town of Huntington.

He stated the other case was Ames v. Smoot. He said this case stated "Article 33 of the Environmental Conservation Law pre-empted the field of pesticide regulation and thus precluded local governments from legislating in that area. Since we believe that is has, we conclude that the local law enacted by the Incorporated Village of Laurel Hollow prohibiting aerial spraying of pesticides was void and could be repealed without filling an Environmental Impact Statement." Attorney Smith reviewed additional verses of the case of Ames v. Smoot.

Attorney Smith stated these cases show statute that seem to limit the Town's ability to control pesticides. He also looked at what New York State is doing to regulate pesticides. He stated to Mr. Ford and the Board that the New York State DEC began holding Stake Holder meetings in January of 2019 to consider amendments to the Pesticide Laws and Regulations. He referred to the NYS DEC website that had information regarding this and a comment form that could be filed out and submitted to the DEC. Attorney Smith encouraged Mr. Ford to submit his petition and any comments directly to the NYS DEC. Mr. Smith gave Mr. Ford this information. The deadline is March 2020 and he believed they are still accepting comments.

Councilor Coville asked if there could be a link on the Town website to this information on pesticides. Supervisor Aaron stated yes, we will post it on the Town website.

Supervisor Aaron stated the Town could review the comments and consider commenting in the future.

Councilor Badami said he had looked into banning phosphorus and nitrogen- based fertilizers in the Town. At the time he reached out to the Skaneateles Lake Association for their comments and expertise. They referred me to the DEC Regulations. They supported regulation on the Town level, but SLA understood the regulation of the DEC pre-empted any Town or Local Law. The Town at that time was looking at an over-growth of phragmites at the Town's Conservation Area that needed to be removed. The standard removal process was with Round-up. The director of Baltimore Woods spoke to his concern regarding the use of this chemical and said they hand treat with the chemical. This process is less harmful and limits the amount used. He stated to Mr. Ford and the audience that this has been a concern of the Board and had been addressed in the past.

Supervisor Aaron thanked Mr. Ford for his presentation.

Mike Krebs asked Attorney Smith, how old the cases were he was referring to? Attorney Smith stated one was in the 70's and the other the 80's. Mr. Krebs stated even though the DEC has the regulatory power, could the Town Board put forth legislation? Attorney Smith stated the Town has banned the use of all pesticides on Town owned land, the Town has the authority to do that. The Town does not have the authority to ban in the Town, only the NYS DEC can and the Town or any municipality cannot create laws that conflict with the State Laws.

Mr. Ford asked if the Town could set forth a law for a statement? Attorney Smith stated he had no legal opinion on that.

Supervisor Aaron thanked everyone in the audience for coming tonight.

Resolution #19-141

Skaneateles Watershed Nine Element Plan CNYRPDB Contract: Supervisor Aaron stated the Town had applied for and had been awarded a grant for \$314,200 to develop the Skaneateles Watershed Nine Element Plan. This grant is supported by a 25% local match. The Town is supporting the plan with \$34,000 and the Skaneateles Lake Association is contributing \$45,000.

The Department of State, which funds these grants normally works slowly getting applications and funding out. In this case with the importance of protecting Skaneateles Lake, the drinking water

source for Skaneateles, the City of Syracuse and the surrounding areas, they have moved it up the ladder in the process. Once this contract is signed and submitted to the Department of State, the Town will receive the funding and data collection can begin to establish this Watershed Management Plan.

On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board the Town Board authorized Supervisor Aaron to sign Grant Contract with the New York Department of State for the amount of \$314,200 to fund the Skaneateles Watershed Nine Element Plan.

Resolution #19-142

Minutes of July 15, 2019: On a motion of Councilor Tucker, seconded by Councilor McCormack, and with a (5-0) affirmation of the Town Board the Minutes of July 15, 2019 were accepted as presented.

Resolution #19-143

Town Board Meeting Schedule for September – Change Meeting dates to September 9th and September 23rd: Supervisor Aaron stated that the regularly scheduled Town Board meeting in September falls on Monday September 2, which is the Labor Day Holiday and needed to be rescheduled.

On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board the Town Board authorized changing the September 2019 Town Board meetings to be scheduled September 9, 2019 and September 23, 2019.

Resolution #19-144

National Grid Street Light Acquisition: Supervisor Aaron stated the Town is completing the paperwork for the Purchase of our streetlights from National Grid as part of the LED Street Lighting Project. Part of the agreement required the Town guarantee the Town will remove the streetlights correctly.

Budget Officer Winkelman stated National Grid is asking for a letter of credit for the Town or a surety bond. The quote from our insurance company for a surety bond was \$4,800. She stated this seemed very costly and was looking for a better quote. National Grid thought a surety bond should only cost about \$100. She stated she asked National Grid if they would consider setting up an escrow for the \$122,000. They will consider this option and will get back to the Town. Ms. Winkelman stated she would also reach out to other insurance companies for another quote on a surety bond. She stated she should have an answer sometime this week whether they will have a surety bond for the \$122,000 or set up an escrow account with National Grid, where they would hold the \$122,000 in escrow.

Attorney Smith stated he had reviewed the Quit Claim Bill of Sale with National Grid and had no concerns.

On a motion of Councilor Badami, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board the Town Board authorized Supervisor Aaron to sign the Quit Claim Bill of Sale with National Grid for the purchase and sale of the Town of Skaneateles street lights, subject to Budget Officer Winkelman completing either a surety bond for \$122,000 or

National Grid setting up an escrow account for \$122,000 guaranteeing the correct removal of the street lights at the poles.

Resolution #19-145

Amended Solar Lease: Supervisor Aaron stated the lease with Abundant Energy is being amended. The original project was supposed to be a 5- megawatt project but with the limitations of the National Grid transmission lines the project has been reduced to a 1-megawatt project.

Attorney Smith reviewed with the Board the additions and changes to the Lease for the Transfer Station Solar Project with Abundant Energy.

Attorney Smith reviewed the lease. He stated the amended lease provided a better description of the easement, reviewed the ability of providing the lenders abundant is negotiating with, and an additional indemnification clause.

Attorney Smith recommended he review the specific changes and amendments with the Board in executive session.

The Board agreed.

Resolution #19-146

Skaneateles Aerodrome Improvement Project: Supervisor Aaron reviewed the request from Attorney Jamie Stuphen for the Skaneateles Aerodrome Improvement Project. The request was for the Town Board to authorize an application for an airport improvement project at 2984 Benson Road, Skaneateles. This request is being made pursuant to New York General Business Law Section 249 (NYGBL 249). The requested airport improvement affected by NYGBL 249 at this private airport is for an extension to the existing runway. She explained, as required by NYGBL 249 the applicant is requesting the Town Board submit a request to the Commissioner of Transportation, to make a determination of compliance as set forth in NYGBL 249 (3). Upon receipt of such compliance determination, this Board may authorize the improvement, subject to the determinations to be made in purview of the Town Planning Board for Site Plan and Special Permit approval, and the Zoning Board of Appeals for an area variance.

Attorney Stuphen, representing the Skaneateles Aerodrome, addressed the Board. She stated her client is requesting the Town Board authorize this project and submit to the Commissioner of Transportation Aviation Bureau for their review. She explained the ultimate approval would continue to be with the Planning Board and Zoning Boards not the Town Board. This referral to the Commissioner of Transportation had to happen first before the Planning and Zoning Boards can continue their review.

Councilor Badami asked the purpose of the runway extension? Is it to allow larger aircraft at this airport? He stated he was asking the question as a pilot who had flown in and out of this airport. Mr. Lazar, Skaneateles Aerodrome, explained there are two runways at the airport, one approaching from the west and one from the east. The one approaching from the east, heading away from the lake, has Benson Road at the end of the paved runway. This situation is dangerous, since if you are too low and a truck comes along Benson Road the situation is dangerous. So, they are displacing so that it is now shorter at the Benson Road end by 240 feet. This affects the landing

aircraft; they have to land further to the east. At the take-off they have to take off further from the west. With the extension it puts the added runway back into play. Mr. Lazar continued by explaining with the 240 feet towards Benson Road it was not safely usable, and we took it out of play reducing the length of the 3000 feet runway by 240 feet. With the additional 267 extension on the other end of the runway it will be fully usable. This is the main runway at the Skaneateles Aerodrome. Not all aircraft will use this, the smaller aircraft would not need the additional length and could still use the shorter runway.

Supervisor Aaron asked what size aircraft would use this longer runway? Mr. Lazar stated the size of the planes using the airport would not change, it would still only accommodate twin aircraft airplanes. He also stated planes would not be able to land on this new extension. Landing would still be on the other end of the runway. It is strictly for the roll out and the take off.

Gretchen Messer of 2935 West Lake Road, Skaneateles addressed the Board from the audience and asked about the landing on this runway. She questioned the statement from Mr., Lazar that the extension of the runway on the east side does not affect landings. She stated planes don't land west to east they land east to west. Even though they are moving 240 feet of the runway, smaller planes can use it. She questioned that they are moving 240 feet of runway from the west and adding it to the east side. She stated this was not true, they had not closed the 240 feet on the west side of the runway. Ms. Messer recommended the Board further review the plan. Mr. Lazar has changed his figures and she questioned that it was strictly a safety issue. If it were a safety issue there would not be Boy Scouts flying out of that airport. She said it is not only a safety issue.

Supervisor Aaron stated one of the things the Commissioner of Transportation will look at is the operations of the airport and that it will not conflict with the operations of public buildings and highways and that the amendment to the airport will not constitute a menace to the safety of operations of other airports in the vicinity.

Attorney Stuphen stated they are only looking for the Town Board to make the referral of the application to the Commissioner of Transportation. This referral needs to happen before the Planning and Zoning Boards can continue their review of the project. The Planning and the Zoning Boards are looking thoroughly at the safety issues and the extension of the runway. Ms. Messer stated the application going forward to the Commissioner of Transportation is not the same as the application in front of the Planning and Zoning Boards. Attorney Stuphen disagreed with Ms. Messer's statement. Attorney Stuphen stated the Planning and Zoning Boards are looking thoroughly at all the issues.

Supervisor Aaron stated in order for the Planning and Zoning Boards to continue their review the Town Board needed to make this referral to the Commissioner of Transportation.

Councilor McCormack asked Ms. Messer if she had expressed her concern to the Planning and Zoning Boards. She stated yes, her property is adjacent to the airport.

Councilor Badami questioned Ms. Messer's comment that planes do not land west to east. He stated he had landed plenty of times, west to east. She stated the majority of planes don't land that way due to the prevailing winds. Councilor Badami stated he is not adding to the runway, the plan

is to move the additional runway footage from the west side to the east. Ms. Messer recommended the Board review the applications submitted to the Planning and Zoning Boards and that this was not the case.

Attorney Smith stated that if the Board decides to make this referral to the Commissioner of Transportation, he recommended the Board ask the applicant to provide the most recently amended application and plan to be submitted to the Commissioner. Attorney Smith stated he drafted a resolution for the Board to consider. He reviewed the following resolution.

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF SKANEATELES
CONCERNING THE APPROVAL OF CHANGES TO THE CONFIGURATION OF A
PRIVATELY-OWNED AIRPORT**

WHEREAS, the Skaneateles Aerodrome, (“Applicant”) requests that the Town of Skaneateles Town Board (the “Town Board”) authorizes an airport improvement, namely the extension of an existing runway, on Applicant’s property located at 2984 Benson Road, Skaneateles;

WHEREAS, New York General Business Law Section 249(3) states:

“No person shall hereafter establish a privately-owned airport or make an airport improvement to an existing privately-owned airport except by authorization of the governing body of the city, village or town in which such airport or any part thereof is proposed to be established or improved. The governing body of a city, village or town shall not authorize the establishment of such an airport or an airport improvement at a requested location unless in accordance with the standards prescribed by the commissioner of transportation. The local governing body of a city, village or town shall, prior to granting such authorization, request the commissioner of transportation to determine whether or not the establishment of such a privately-owned airport improvement complies with his standards. In order to make such a determination of compliance, the commissioner of transportation must first make findings of fact (1) that operations of such airport will not conflict with or affect the safety of public buildings or facilities, or operations on public highways or waterways; and (2) that the volume, character and direction of traffic at such airport will not constitute a menace to the safety of operations at other airports in the vicinity. Approval for the establishment of such an airport or airport improvement may be subject to any reasonable conditions which the commissioner of transportation may deem necessary to effectuate the purposes of this section.

WHEREAS, the Town Board desires to comply with the requirements of New York General Business Law Section 249(3) by referring this matter to the Commissioner of Transportation for an opinion as to whether to determine whether or not the establishment of such a privately-owned airport improvement complies with his standards,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board refers the Application to extend an existing runway on the Applicant’s property located at 2984 Benson Road, Skaneateles, to the Commissioner of Transportation for a determination pursuant to New York General Business Law Section 249(3). This resolution shall take effect immediately.

Attorney Smith stated this resolution and the referral to the Commissioner of Transportation is not saying the Board is in support of this project it is only to receive the commissioners safety review in comparison with other airports in the vicinity and how it fits with other airports in the region and they are the best source to complete this review.

Ms. Messer stated she had spoken to the Commission of Transportation's office and they are familiar with the application. She requested if the Board makes this referral, they include the plans that were submitted to the Zoning Board. She stated these are the only plans that show the adjacent properties. The plans with the Planning Board application does not. The Board agreed to submit all plans of the Planning and Zoning Boards.

On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board the Town Board authorized referring the Skaneateles Aerodrome project plans from both the Planning and Zoning Board applications to the Commissioner of Transportation Bureau of Aviation for their review.

*resolution attached

Announcements/Correspondence/Updates

▪ *Onondaga County Health Department Letter-Village of Skaneateles System Classification Change:* Supervisor Aaron stated a letter was received from the Onondaga County Health Department which stated they had reviewed the Village's treatment plant classification and had determined the Village of Skaneateles should be reclassified as a Grade IIB system. This change in the system classification results in the minimum requirement of a grade IIB operator with at least one assistant operator having either a Grade IIB or a Grade C certification. The Village may be requesting to use Joe Dwyer as a backup but have not as yet.

▪ *Village of Skaneateles Letter Regarding – Fire Flow Improvement Project:* Supervisor Aaron announced a letter was received from the Village of Skaneateles regarding the respective Bond Repayment Plan which the Village is asking the Town pay 55%, \$163,477 per year for 5 years. Supervisor Aaron stated the Board would be discussing this in executive session under contract negotiations.

▪ *Concerned Citizen Letter:* Supervisor Aaron announced a letter was received from a concerned citizen regarding their disapproval of displaying the Rainbow Pride Flag.

▪ *Skaneateles Rotary Club – Thank you Letter for the Father's Day Pancake Breakfast:* Supervisor Aaron stated a Thank You letter was received from the Skaneateles Rotary thanking the Town and the Parks Department, especially Sue and Gene for all their work to make the Father's Day Breakfast at the Austin Pavilion a success.

▪ *David Johnson and Gretchen Messer Letter:* Supervisor Aaron stated letters were received from David Johnson and Gretchen Messer regarding the Skaneateles Aerodrome Expansion of Runway 28 regarding their concerns. The letter was forwarded to the Planning and Zoning Boards.

▪ *Onondaga County 2019 County Wide Shared Services Panel:* Supervisor Aaron announced she had been invited to an organizational meeting of the 2019 County-Wide Shared Services Panel. The meeting will be on Tuesday, August 27th at 5:30 p.m. She stated she plans to attend.

- *Onondaga County News Release – Fox Found Positive:* Supervisor Aaron announced a Fox was found positive for rabies in Onondaga County. Onondaga County sent out a NEWS Release with information regarding to preventing rabies in your pet and yourself.
- *Update – Hamlet Committee:* Supervisor Aaron reported the Hamlet Committee had been meeting with Onondaga County Planning and working with them learning about the grants that are available for Hamlets.
- *Update – Swap Shop:* Supervisor Aaron stated the Swap Shop Committee was meeting again to discuss options for reopening the Swap Shop at the Transfer Station. They are looking for comments and volunteers from the Town. Please send you comments and interests to Town Clerk, Julie Stenger by September 1st.

Public Comment: Lisa Ford thanked the Board for listening to their request regarding banning of pesticides. She stated other Towns in New York and around the Country are banning herbicides and pesticides.

She stated in her research she found in the State of New York municipalities can ask the NYS DEC for authority over pesticide control. She stated there is a Town in Westchester County that made the request and is now regulating the use in their Town outside the DEC authority.

Supervisor Aaron asked Ms. Ford to send this information to the Board for review.

Mr. Ford asked Supervisor Aaron if she would ask the DEC for the authority to regulate herbicides and pesticides. Supervisor Aaron stated she would review the information once it is received by the Board and at that time it would be a Board decision.

Kelly Haining asked the Board if they could not adopt the ban could there be an incentive to not use pesticide or have educational information on the website? Supervisor Aaron agreed education was important and would look into updating the website with the NYS DEC information. Ms. Haining also asked about the new construction and demolition dumpsters at the Transfer Station. She stated with the open structures the dumpsters are located in, the debris seems to be falling and blowing out and all over the outside of the dumpsters. Supervisor Aaron stated they will watch the area.

Peter Hawley stated the Town is seeing the effect of the closing of the Swap Shop and the amount of items in the trash. He is favor of its reopening.

Gretchen Messer asked if there was a time frame for the reopening of the Swap Shop. Supervisor Aaron stated they are hoping for Fall of this year.

Resolution #19-147

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

<u>General Fund</u>			
\$ 12,000.00	Increase	013554.01.004.58	Assessor – CE - Legal
\$ 12,000.00	Decrease	014204.01.004.00	Attorney

Cost of Town Attorney - assessment disputes

\$ 700.00	Increase	050102.01.002.00	Supt. Of Highways – Equip.
\$ 700.00	Decrease	016802.01.002.93	Central Data Process - Res

Cost of new computer – for Highway Superintendent

\$ 85.00	Increase	085101.01.001.00	Comm. Beautification P/S
\$ 85.00	Decrease	019904.01.004.00	Comm. Beautification C/E

Cost of employees doing maintenance at Conservation area

Resolution #19-148

Abstract #19-15: On a motion of Councilor Coville, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board vouchers #19-0821-19-0898 were authorized from the following funds:

General Fund:	\$ 46,004.00	Sewer:	\$ 2,011.23
Highway:	\$ 4,913.57	Water:	\$15,325.70
Highway PT	\$ 5,945.98	Part Town	\$ 1,088.78
Street Lgt.:	\$ 1,002.20	T & A	\$ 2,912.53
Total:	\$ 79,203.99		

Resolution #19-149

Executive Session: On a motion of Councilor Badami, seconded by Councilor Tucker and with unanimous (5-0) affirmation of the Town Board the meeting was adjourned to Executive Session at 7:55 p.m. to discuss contract negotiation, potential litigations and personnel.

On a motion of Councilor Tucker, seconded by Councilor Badami the meeting was returned to open session at 9:35 p.m.

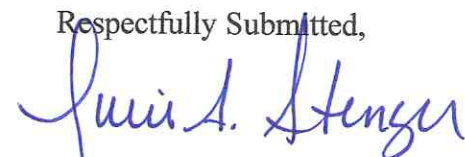
Resolution #19-150

On a motion of Councilor Badami, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board the Town Board authorized Supervisor Aaron to sign the Amended Lease and Contract with Abundant Solar regarding the Solar Project at the Town of Skaneateles Transfer Station contingent upon the amended changes.

*resolution attached

On a motion of Councilor Tucker, seconded by Councilor McCormack and with unanimous (5-0) affirmation of the Town Board the meeting was adjourned at 9:56 p.m.

Respectfully Submitted,



Julie A. Stenger
Town Clerk

Dr. J. Sands was appointed as the Health Officer of Skaneateles on February 9, 1940. He served 3 four year terms until 1956 when Dr. Dolan took over. Then they rotated terms until 1967. His salary for serving in this position was \$625.

One of his duties was to keep a record of communicable diseases in the Town of Skaneateles. For example, 1951 there were 38 cases of measles, mostly children; 1956 was the year for mumps and 1957 was the year for chicken pox. He also recorded cases of polio, scarlet fever and even dog and cat bites.

Another of his duties was to inspect the bathing beaches in Skaneateles to make certain that they were safe for swimmers. These included Orchard Camp beach on the W.H. Manley Estate, run by Vernon Mitchell and Jones Beach, operated by Harry Jones, both on the east side of the lake. On the west side he also inspected Sandy Beach that was operated by Julia Dowling and the beach at the Skaneateles Country Club.

However, his largest responsibility was the inspection of dairy farms in the town that sold pasteurized milk to the public. These included the Bradford Dairy, the F.T. Evans & Sons Dairy (later the Pine Grove Dairy), the Turner, Cady, Fisher and the Netherlands Dairies. The Bradford dairy, for example, produced 300 quarts of milk in 1941 while the Evans dairy produced 283 quarts.

The unpleasant part of the Health Officer's job was to respond to complaints about leaking sewers, overflowing cesspools, and the illegal dumping of garbage in the Town and Village. A notation in his record book states that the population of the Town of Skaneateles in 1964 was 3682 people, in the Village 2921 people for a total count of 6603 persons.

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF SKANEATELES
CONCERNING LEASE AND CONTRACT WITH
ABUNDANT SOLAR POWER (SK1) LLC**

August 5, 2019

WHEREAS, the Town of Skaneateles (the “Town”) owns certain real property located at 1676 Old Seneca Turnpike, Skaneateles, New York (Tax Map No. 030.-02-04.0), upon which a municipal landfill was formerly located (the “Property”); and

WHEREAS, Abundant Solar Power (SK1) LLC (“Abundant”) has approached the Town seeking permission to lease the Property for the purpose of constructing a solar power electric-generating photo-voltaic plant (the “Project”); and

WHEREAS, as part of the Project, Abundant also wishes to enter into an agreement by which the Town would purchase electricity bill credits from Abundant at a contract price of no lower than 6.9 cents per kWh set pursuant to a Community Distributed Generation Subscriber Agreement (the “Subscriber Agreement”); and

WHEREAS, pursuant to the Subscriber Agreement the contract price will escalate at a rate of no less than 1.5 percent per year; and

WHEREAS, the Town’s savings would be realized by the difference or “spread” between the price paid to Abundant (6.9 cents per kWh) and the value of the Value of Distributed Energy Resources (VDER) solar credits that would be applied to the Town’s utility bill (7.62 cents per kWh). VDER is a rate set by the New York Public Service Commission. Once the solar project is complete, the Town would pay two bills: one to Abundant Solar and one to National Grid; and

WHEREAS, whether the Town saves money purchasing electricity through the Subscriber Agreement will vary based on changes to VDER. VDER rates may rise or fall due to changes in policy at the state level and changes to the cost of producing electricity in the future. If the cost of producing electricity continues to rise, the Town will save money on its utility bills. If the cost of producing electricity falls, the Town could end up paying more than the market price; and

WHEREAS, though the Town expects to receive somewhat discounted electricity rates in connection with the Project, another major motivating factor for agreeing to the go forward with the Project is to promote the production of sustainable energy and to benefit the environment; and

WHEREAS, the term of the Subscriber Agreement shall be 25 years from the Commercial Operation Date of the Project; and

WHEREAS, the Town would be responsible to pay substantial termination fees if it decided to terminate the Subscriber Agreement before the term expired; and

WHEREAS, the Town Board of the Town of Skaneateles (the “Town Board”) published notice of a public hearing regarding this matter noticed and conducted a public hearing regarding this matter on August 6, 2018; and

WHEREAS, on August 29, 2018, the Town Board caused correspondence to be sent to the identified involved agencies and interested agencies requesting consent to serve as lead agency Town Board acting as lead agency, and requesting their comments about the Project;

WHEREAS, each involved and interested agency either gave its written consent to the Town Board acting as lead agency for the SEQRA review of the Project or did not object; and

WHEREAS, the Town Board referred the Project to the Onondaga County Planning Board (“OCPB”) pursuant to New York State General Municipal Law § 239-m, and at its September 26, 2018 meeting, OCPB resolved to take no position on the Project and had no further comments for the Town Board regarding the Project; and

WHEREAS, the Town Engineer, C&S Companies, reviewed the Project and provided pertinent comments to the Town Board;

WHEREAS, on October 15, 2018 the Town Board classified the Project as a Type I Action under SEQRA and issued a negative declaration;

WHEREAS, on November 5, 2018 the Town Board adopted a resolution accepting the terms of the Lease and Subscriber Agreement;

WHEREAS, Abundant has requested that the Town Board execute an amended lease to replace the Lease which contains different terms (the “Amended Lease”), including, a new description of the easement, changes to the indemnification provision and several provisions that assign rights to the lenders that were previously held exclusively by Abundant; and

NOW, THEREFORE, BE IT RESOLVED THAT,

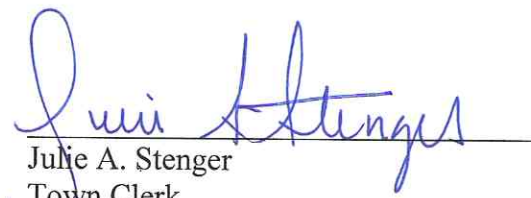
1. The Town Board has reviewed the Amended Lease provided by Abundant and consents to its terms as amended by the Board’s discussion. The Town Board authorizes the Town Supervisor to execute a final Amended Lease so long as it is in substantially the same form as the document as approved by the Board.
2. The Town Board understands that similar changes will be made to the Community Distributed Generation Subscriber Agreement (the “Subscriber Agreement”). The Town Board authorizes the Town Supervisor to execute an Amended Subscriber Agreement so long as the changes to the original agreement substantially conform to the changes made to the Amended Lease.
3. This resolution shall take effect immediately.

CERTIFICATION

I hereby certify that at a meeting of the Town Board of the Town of Skaneateles, Skaneateles, New York on August 5, 2019 the foregoing Resolution was duly moved by Councilor Badami and seconded by Councilor McCormack, quorum of five members of the five-member Board being present, and each voted on the Resolution as follows:

Supervisor Janet Aaron	Yes
Councilor David Badami	Yes
Councilor Robert Coville	Yes
Councilor Kevin McCormack	Yes
Councilor Mark Tucker	Yes

The Resolution was, therefore, duly adopted.


Julie A. Stenger
Town Clerk
Town of Skaneateles

Dated: August 5, 2019

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF SKANEATELES
CONCERNING LEASE AND CONTRACT WITH
ABUNDANT SOLAR POWER (SK1) LLC**

August 5, 2019

WHEREAS, the Town of Skaneateles (the “Town”) owns certain real property located at 1676 Old Seneca Turnpike, Skaneateles, New York (Tax Map No. 030.-02-04.0), upon which a municipal landfill was formerly located (the “Property”); and

WHEREAS, Abundant Solar Power (SK1) LLC (“Abundant”) has approached the Town seeking permission to lease the Property for the purpose of constructing a solar power electric-generating photo-voltaic plant (the “Project”); and

WHEREAS, as part of the Project, Abundant also wishes to enter into an agreement by which the Town would purchase electricity bill credits from Abundant at a contract price of no lower than 6.9 cents per kWh set pursuant to a Community Distributed Generation Subscriber Agreement (the “Subscriber Agreement”); and

WHEREAS, pursuant to the Subscriber Agreement the contract price will escalate at a rate of no less than 1.5 percent per year; and

WHEREAS, the Town’s savings would be realized by the difference or “spread” between the price paid to Abundant (6.9 cents per kWh) and the value of the Value of Distributed Energy Resources (VDER) solar credits that would be applied to the Town’s utility bill (7.62 cents per kWh). VDER is a rate set by the New York Public Service Commission. Once the solar project is complete, the Town would pay two bills: one to Abundant Solar and one to National Grid; and

WHEREAS, whether the Town saves money purchasing electricity through the Subscriber Agreement will vary based on changes to VDER. VDER rates may rise or fall due to changes in policy at the state level and changes to the cost of producing electricity in the future. If the cost of producing electricity continues to rise, the Town will save money on its utility bills. If the cost of producing electricity falls, the Town could end up paying more than the market price; and

WHEREAS, though the Town expects to receive somewhat discounted electricity rates in connection with the Project, another major motivating factor for agreeing to the go forward with the Project is to promote the production of sustainable energy and to benefit the environment; and

WHEREAS, the term of the Subscriber Agreement shall be 25 years from the Commercial Operation Date of the Project; and

WHEREAS, the Town would be responsible to pay substantial termination fees if it decided to terminate the Subscriber Agreement before the term expired; and

WHEREAS, the Town Board of the Town of Skaneateles (the “Town Board”) published notice of a public hearing regarding this matter noticed and conducted a public hearing regarding this matter on August 6, 2018; and

WHEREAS, on August 29, 2018, the Town Board caused correspondence to be sent to the identified involved agencies and interested agencies requesting consent to serve as lead agency Town Board acting as lead agency, and requesting their comments about the Project;

WHEREAS, each involved and interested agency either gave its written consent to the Town Board acting as lead agency for the SEQRA review of the Project or did not object; and

WHEREAS, the Town Board referred the Project to the Onondaga County Planning Board (“OCPB”) pursuant to New York State General Municipal Law § 239-m, and at its September 26, 2018 meeting, OCPB resolved to take no position on the Project and had no further comments for the Town Board regarding the Project; and

WHEREAS, the Town Engineer, C&S Companies, reviewed the Project and provided pertinent comments to the Town Board;

WHEREAS, on October 15, 2018 the Town Board classified the Project as a Type I Action under SEQRA and issued a negative declaration;

WHEREAS, on November 5, 2018 the Town Board adopted a resolution accepting the terms of the Lease and Subscriber Agreement;

WHEREAS, Abundant has requested that the Town Board execute an amended lease to replace the Lease which contains different terms (the “Amended Lease”), including, a new description of the easement, changes to the indemnification provision and several provisions that assign rights to the lenders that were previously held exclusively by Abundant; and

NOW, THEREFORE, BE IT RESOLVED THAT,

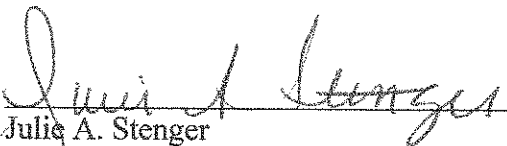
1. The Town Board has reviewed the Amended Lease provided by Abundant and consents to its terms as amended by the Board’s discussion. The Town Board authorizes the Town Supervisor to execute a final Amended Lease so long as it is in substantially the same form as the document as approved by the Board.
2. The Town Board understands that similar changes will be made to the Community Distributed Generation Subscriber Agreement (the “Subscriber Agreement”). The Town Board authorizes the Town Supervisor to execute an Amended Subscriber Agreement so long as the changes to the original agreement substantially conform to the changes made to the Amended Lease.
3. This resolution shall take effect immediately.

CERTIFICATION

I hereby certify that at a meeting of the Town Board of the Town of Skaneateles, Skaneateles, New York on August 5, 2019 the foregoing Resolution was duly moved by Councilor Badami and seconded by Councilor McCormack, quorum of five members of the five-member Board being present, and each voted on the Resolution as follows:

Supervisor Janet Aaron	Yes
Councilor David Badami	Yes
Councilor Robert Coville	Yes
Councilor Kevin McCormack	Yes
Councilor Mark Tucker	Yes

The Resolution was, therefore, duly adopted.


Julie A. Stenger
Town Clerk
Town of Skaneateles

Dated: August 5, 2019

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF SKANEATELES
CONCERNING THE APPROVAL OF CHANGES TO THE CONFIGURATION OF A
PRIVATELY-OWNED AIRPORT**

August 5, 2019

WHEREAS, the Skaneateles Aerodrome, (“Applicant”) requests that the Town of Skaneateles Town Board (the “Town Board”) authorizes an airport improvement, namely the extension of an existing runway, on Applicant’s property located at 2984 Benson Road, Skaneateles;

WHEREAS, New York General Business Law Section 249(3) states:

“No person shall hereafter establish a privately-owned airport or make an airport improvement to an existing privately-owned airport except by authorization of the governing body of the city, village or town in which such airport or any part thereof is proposed to be established or improved. The governing body of a city, village or town shall not authorize the establishment of such an airport or an airport improvement at a requested location unless in accordance with the standards prescribed by the commissioner of transportation. The local governing body of a city, village or town shall, prior to granting such authorization, request the commissioner of transportation to determine whether or not the establishment of such a privately-owned airport improvement complies with his standards. In order to make such a determination of compliance, the commissioner of transportation must first make findings of fact (1) that operations of such airport will not conflict with or affect the safety of public buildings or facilities, or operations on public highways or waterways; and (2) that the volume, character and direction of traffic at such airport will not constitute a menace to the safety of operations at other airports in the vicinity. Approval for the establishment of such an airport or airport improvement may be subject to any reasonable conditions which the commissioner of transportation may deem necessary to effectuate the purposes of this section.

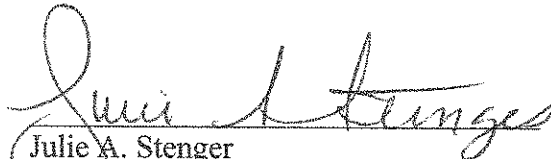
WHEREAS, the Town Board desires to comply with the requirements of New York General Business Law Section 249(3) by referring this matter to the Commissioner of Transportation for an opinion as to whether to determine whether or not the establishment of such a privately-owned airport improvement complies with his standards,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board refers the Application to extend an existing runway on the Applicant’s property located at 2984 Benson Road, Skaneateles, to the Commissioner of Transportation for a determination pursuant to New York General Business Law Section 249(3). This resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Tucker, seconded by McCormack, and duly put to vote, which resulted as follows:

Supervisor Janet Aaron	Yes
Councilor David Badami	Yes
Councilor Robert Coville	Yes
Councilor Kevin McCormack	Yes
Councilor Mark Tucker	Yes

The Resolution was, therefore, duly adopted.


Julie A. Stenger
Town Clerk
Town of Skaneateles

Dated: August 5, 2019