

Town Board Meeting
July 10, 2017
6:00 p.m.

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

Also Present: Sue Murphy, Alfred Cappuccilli, Rob Howard, Allan Wellington, Bridgett Winkelman, Jesse Hares, Ernie Hares, Mary Meisterfeld, Eckart Meisterfeld, Tara Lanning.

Department Reports

▪**Highway, Water, Transfer Station:** Allan Wellington reported that they seal coated Highland Avenue, County Line Road north of Rt. 20, Lacy Road, Cemetery Road and Reynolds Road. They received help from three other town highway departments and in return they helped those towns with their road work. They rebuilt road shoulders, mowed road sides and repaired blacktop on Franklin St. On July 1st they encountered heavy flooding. They also repaired the driveway at the Conservation Area. In the Water Department they had two water main breaks on State Street, one week apart. They finished flushing water hydrants in District #1 and he attended a pre-bid meeting for contractors on July 5th for the Seneca Turnpike water main upgrades. They also performed maintenance on the PRV's for this quarter. At the Transfer Station, Clifton Recycling spent 3 ½ days grinding the entire brush pile. The Rescue Mission will no longer use our location for donations but they are donating their drop boxes to the Town. The boxes will be placed next to the St. Pauly building for them to use.

▪**Parks Department:** Sue Murphy said that over the July 4th holiday weekend 36 residents and 81 non-residents parked at the Mandana Park lot between Saturday and Tuesday. The boat launch was busy. The Health Department did an inspection of the PlayDay program and found no violations. The tennis court poles have been repaired and the courts can now be used again. The Fishing Derby is on July 15th.

Councilor Brace congratulated Sue Murphy on her recent election as School Board President.

▪**Codes/Planning/Zoning:** Councilor Badami reported that there are 6 open projects with the Planning Board and two with the Zoning Board. The Codes Department issued 18 permits in the month of June.

▪**Budget:** Bridgett Winkelman said she billed Water District #2 and submitted quarterly payroll reports and processed the payroll that went from 38 to 74 employees with all the seasonal help.

▪**Historian:** Beth Battle read a report regarding "The Things you Read in the Newspaper". (Attached).

Resolution #17-130

Minutes: On a motion of Councilor Howard, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board, the minutes of June 19, 2017 were accepted as presented.

Public Comment: There were no comments.

Assessor Mike Maxwell – Lake Property Assessments: Mike Maxwell reported to the Board that there are approximately 509 properties in the Town that have direct lake access. The total assessed value of these properties makes up about one-third of the total assessed value in the Town. Of the 509 parcels 182 of them are assessed over \$1 Million, of that 45 are assessed over \$2 Million. The remaining parcels (327) are assessed under \$1 Million. He presented examples of how sale prices are much higher than the assessed values. He reviewed six properties that were purchased and the homes were torn down to build new ones. The total sale price of the six properties was \$34,449,000.00 or \$756,455.00 per acre. The total assessed value of those same six properties is \$19,434,265.00 or \$197,870.00 per acre. 2009 was the last time the assessments were updated. He said it is important to value property across the board. For example all lake properties to be reassessed because you can't just reassess the property that has had the sale in order to keep things balanced. This year he concentrated on rural farm land. He requested that the Town Board consider doing a reval on just the lakefront properties this year. He then recommended taking different sections of the Town to review on other years. He submitted a proposal to update the assessments on the 509 lake front properties in the amount of \$50,000. This would include professional services to complete the revaluation, consulting fees, Clerk extra hours and mailing costs.

Brody Smith said that a sale is a significant evidence of what a property is worth but it is not the only evidence. There is an affirmative defense in Article 7 cause of action where the claim is for unequal evaluation. He said the Assessor is trying to express that even though there is a sale of a \$2 Million property, for example there may be similar homes in that neighborhood that are similar houses and they are only assessed at \$1 Million, then the Town would be vulnerable in a lawsuit to the defense of unequal assessment. There are three different things the Town Board can do about that. 1.) A revaluation of the whole Town which you only want to do every so often because it is expensive and it is disruptive. 2.) The Town can chop up the Town in manageable pieces and essentially do a rotating revaluation. He said the Town of Dewitt is in a constant assessment rotation in their Town so they never have to reval the whole town. He believes this is what the Assessor is proposing for the Town of Skaneateles, to assess different sections of the Town on an annual basis. As long as the Town does it logically and gets to all parcels in the Town there is nothing wrong with doing it that way. 3.) The other option is to do nothing and address it down the road. The upside to that is you don't incur the short term expense. The downside is the longer you wait the more unfairness is built into it where some people are paying more than their share and others are paying less.

Mike Maxwell said that right now with a \$1 Million dollar assessment the taxes are approximately \$25,000. He said the \$50,000 cost does not include the court cases that will probably come out of a reval of lake property.

Alfred Cappuccilli questioned why the lakefront properties are under assessed and stated he believes one of the Board of Assessment Review (BAR) members has a conflict of interest because when a question was posed to the BAR on why the lakefront properties were under assessed, the answer was if we didn't under assess the lakefront properties we wouldn't have them. He thought the term on the BAR was three years but noted some have been on there for many years. He said in all the years in the real estate business, the sale of the property became the assessment.

Councilor Howard asked Attorney Smith if what Mr. Cappuccilli said is true and the sale price should become the assessment, then why would the Town be subject to a lawsuit.

Attorney Smith said it is often good evidence of what a property is worth but it is not quite that simple. Sometimes certain transactions don't reflect the true transaction. If you only changed assessments at time of sale and you never did a reval, you would have unequal assessments for a different reason. In other words if the \$100,000 house that you have owned never sells then it is always going to have the \$100,000 assessment when the value could have increased considerably. This is a painful and unpopular plan to consider, but every now and then whether you do a Townwide reval or do section by section on a rotating basis, the idea behind it is to bring property values up and down together. It is a balance that the Assessor has to try to do because if you just do sales, then the last guy in pays more. If you try to downplay the sales and look at the neighbor's assessment to try and keep it fair, then you are under assessing.

The Town Board agreed to take this under consideration.

Resolution #17-131

7:00 p.m. Public Hearing – Purchase of Conservation Easement: Supervisor Lanning noted receipt of the affidavit of posting dated May 24, 2017 and affidavit of publication dated June 21, 2017. No one requested that the notice be read. Supervisor Lanning said that the Town Board is proposing to purchase a conservation easement over a 10 +/- acre portion of the Larger Property further identified as Tax Map Number #061.-01-16.1 in the Town of Skaneateles for \$100,000. This property is owned by Kenneth Karlik and is on the corner of Heifer Road and Rt. 41A (West Lake Road). Supervisor Lanning said that no tax dollars were being used for this purchase. The funds come from the Development Rights Acquisition Reserve Fund. This is a fund that allows provides an option for property owners 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.

On a motion of Councilor Coville, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board, the public hearing was opened. Supervisor Lanning asked if anyone wished to comment on this purchase, either in favor in opposition or any comment at all.

No one came forward.

On a motion of Councilor Brace, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board the public hearing was closed.

A discussion was held regarding the Conservation Easement Agreement. The agreement did not take into account the concern that if the property was not farmed it could eventually turn into woods. The dual purpose of the Conservation Easement was not only to prevent development of this property but to protect the viewshed.

On a motion of Councilor Howard, seconded by Supervisor Lanning, and with unanimous (5-0) affirmation of the Town Board, Supervisor Lanning was authorized to sign the Conservation

Easement Agreement with Kenneth Karlik for a Conservation Easement on 10 +/- acres of a Larger Property identified as Tax Map #061.-01-16.1 in return for the Town paying Mr. Karlik \$100,000 subject to Mr. Karlik agreeing and signing the Agreement with the following changes (as underlined) on Page 2, #1. **PURPOSE.** *The purpose of this Easement is to (i) ensure that the Property will be retained and managed forever in a natural and scenic condition; and (ii) prevent the construction of any structures and roads on the Property; and (iii) to preserve the viewshed of Skaneateles Lake from the Perspective of the adjacent roadways.*

And Page 2. #2 **RIGHTS OF GRANTEE** add: (c) To enter onto the property to remove any natural or manmade obstruction to the viewshed at the expense of the Town.

Resolution #17-132

Reschedule Public Hearing – Proposed Water District Extension: Supervisor Lanning reported that the first public hearing on the proposed water district did not have the financial information. The public hearing needs to be rescheduled with this information and requires that the notice be published 10 days prior to the public hearing.

Attorney Smith said that the maximum amount proposed to be expended for the Project will be \$2,914.00. The cost to each homeowner to connect their home to the street waterline curb box is estimated to be an average of \$1,350 per home. The cost to a typical property in the area of the District Extension in the first year following formation of the District Extension is estimated to be \$878. The proposed method of financing the costs of the Project consists of the issuance of bond anticipation notes and serial bonds of the Town to mature in annual installments over an estimated term of 40 years.

Councilor Brace said she thought that the extension of the water district was going to be separate from the water tower cost. Brody Smith said that this is the extension of the Consolidated Water District. Those properties that will be receiving water that did not have it before will be paying a lot more but water customers in the rest of the consolidated water district will be paying an estimated \$51 a year because they are benefiting from the increased fire protection and water pressure that the water tower brings. The engineer was tasked with dividing that up in a logical way.

Supervisor Lanning said if the district is extended and later the Town Board decides to change either the size of the water tower or the water tower itself would the process have to start all over.

Attorney Smith said if the monetary amounts that are in the public notice change drastically then he would recommend to the Town Board that another public hearing be held with the financial changes.

Councilor Brace said she was disappointed. She thought that the water district extension had to be approved before the water tower was considered. She thought that the district cost would be separate from the water tower cost and that the water tower needed to be tied to the Village water pressure needs, and that would be affected by the improvements that the Village is undertaking in replacing waterlines and improving the water pressure in the process. She is disappointed to see them tied together.

Councilor Howard agreed with Councilor Brace and she said she thinks the brakes should be put on this whole project until we see what happens after the Village makes their infrastructure improvements. She referred to a letter from Mayor Hubbard a month ago that notifying the Town that the Village has infrastructure improvements lined up. She said she would like to wait and see what benefit the water system has from these improvements. She believes this is all premature.

Councilor Brace said she would like Engineer, John Camp to come to the public hearing and explain some of these elements to the Town Board and how they calculated the water tower size, capacity and the pressure and how that relates to the Village. She said one of the things the Town Board discussed previously is if this tower was going to benefit more people than those in the water district; there might be a way to negotiate the cost of it being able to be spread further. She said that the argument for the water tower has always been that we need more pressure and capacity across the system. She believes we need some of these improvements but she wants to do it in a way that makes sense and is designed according to the needs. She doesn't know if that has been assessed properly.

Supervisor Lanning said that this decision does not make a decision on the water tower or extension of the district. It is only a public hearing to allow people to comment. Following the public hearing the Town Board can have a discussion.

Attorney Smith said there are many ways to improve water pressure from an engineering point of view. This proposal is one way to do that. He referred to Page #5 on the map; plan and report regarding what the engineer believes are the benefits of the changes.

Councilor Badami said that the Village wanted assurance that the district would be created before they committed to improvements.

Councilor Brace requested that John Camp be here to present his findings at the public hearing.

On a motion of Councilor Badami, seconded by Supervisor Lanning and with unanimous (5-0) affirmation of the Town Board, a public hearing was scheduled for 6:30 p.m. on August 7, 2017 to hear all persons interested in the extension of the Skaneateles Consolidated Water District.

Resolution #17-133

Standard Work Day Resolution: On a motion of Councilor Howard, seconded by Supervisor Lanning and with unanimous (5-0) affirmation of the Town Board the Standard Work Day & Reporting Resolution for Elected and Appointed Officials dated July 10, 2017 was approved as presented.

Skaneateles Marina Dock Proposal: Supervisor Lanning reported that the NYS Office of General Services (NYSOGS) still only has the original application from the Skaneateles Marina for 135 slip boat docking system. He reported that no date has been reported yet for NYSOGS site visit.

Resolution #17-134

Authorize Todd Hall Appointment: On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, authorization was given to hire Todd Hall as an independent contractor at \$50 per hour not to exceed \$500 to help finalize paperwork associated with some of his inspections when he was a Codes Enforcement Officer.

Curt Coville submitted a Mutual Aid Agreement between the Town and Village that he had Attorney Smith draft to provide backup for either the Village and Town Codes Enforcement Officers for vacations or when not available. The Town Board agreed to place this on the July 24, 2017 agenda.

Resolution #17-135

CNY RPDB – Solarize CNY Initiative: Supervisor Lanning said that Chris Carrick, Energy Program Manager with CNY Regional Planning & Development Board (CNYRPDB) submitted a letter stating that Abundant Solar Power, Inc., the solar developer selected by CNYRPDB requires the Town provide authorization that will enable them to begin the development process for the SolarizeCNY Municipal Solar program.

On a motion of Councilor Badami, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, Supervisor Lanning was authorized sign letters that would allow Abundant Solar Power to obtain information from National Grid on our accounts.

Resolution #17-136

Request to lower speed limit on Route 321: Supervisor Lanning noted receipt of a letter from Kenneth Kaufman requesting assistance in getting the speed limit on NYS Route 321 where it intersects with Old Seneca Turnpike lowered from the present 55 mph. Mr. Kaufman listed the many dangerous areas on Route 321 and noted that there are numerous accidents at that intersection.

On a motion of Councilor Brace, seconded by Councilor Coville and with unanimous (5-0) affirmation of the Town Board, the Town Clerk was authorized to refer this to the NYS Department of Transportation for their review and study.

Resolution #17-136

Authorization Transfer not to exceed \$3,900 from the Town Hall Office Equipment Reserve Fund: Clerk Aaron explained that our current postage machine was purchased in 2006. Pitney Bowes notified the Town that as of December 31, 2017, our postage machine will no longer be maintained or serviced. The Budget Officer has reviewed this and said it is much more cost effective to purchase than to lease. The postage machine would be purchased under state bid.

On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (5-0) affirmation of the Town Board, authorization was given to transfer \$3,900 from the Town Hall Equipment Reserve Fund to purchase a Pitney Bowes postage meter under State Bid subject to the permissive referendum requirements of Town Law and General Municipal Law.

Mobile Home Permit Fees: Curt Coville recommended that the Town Board remove the requirement in the Town Code for yearly mobile home permits and fees of \$25. Since only pre-existing mobile homes are allowed in the Town he said this was a requirement that should be eliminated. Supervisor Lanning said there were other issues that needed to be changed in the Code such as times for the Planning Board and Town Board meetings and suggested bundling them together into one local law. Attorney Smith said he would present the Introductory Local Law at the July 24th meeting.

Resolution #17-139

Property at 1819 Cherry Valley Turnpike: CEO Coville showed pictures and reviewed the property at 1819 Cherry Valley Turnpike where the home has been abandoned for years. Over the years there have been 98 times that the Sheriff's office has had to come out regarding vandalism and kids having parties there. The property is supposed to be secured but it is constantly being broken into. The property has greatly deteriorated. Since 2013 violation notices have been sent on this property. The biggest issue is no one is stepping up to take ownership of the property. Mr. Coville caught 4 teenagers up there but they were subsequently let go by the Sheriff's Department.

Attorney Smith said that there are two independent routes that the Town Board could take. The first is that this property is clearly not in compliance with the NYS Property Maintenance Law. There is also an unsafe buildings definition in our own Town Code with a fine not to exceed \$350. The property can be cited over and over if not corrected. The first step would be to cite them with an appearance ticket for a code violation. It would go before the Town of Skaneateles Justice Court. The more financially involved process is the Unsafe Buildings Law. There is a process whereby the Town can correct the violation, secure the building or demolish it at the Town's expense. If the owner doesn't reimburse the Town you can place a lien on the property. He referred to Chapter 42 of the Skaneateles Town Code, Unsafe Buildings, where Section 42-4 discusses when the Codes Enforcement Officer (CEO) submits a report to the Town Board then the Town Board can consider the report as outlined under Section 42-5 and then notify the owners and serve them with certain notices. CEO Coville has submitted a letter to the Town Board outlining the problems with the building and its current condition, and stating that it was dangerous, an attraction to rodents and to vandalism, and is a danger to the health and safety and welfare of the public. Attorney Smith said he drafted the notice under CEO Coville's direction should the Town Board decide they want to take that route. Eventually this process either ends up with the Town, at its own expense, taking steps to secure the building or demolish it and then attempting to recover the expenses through a lien in the future.

Supervisor Lanning suggested getting an estimate to demolish. Councilor Badami questioned if a control burn could be done by the Fire Department.

Supervisor Lanning said his recommendation would be to issue an appearance ticket and suggested getting an estimate to demolish the building. He also suggested getting an estimate from a realtor on the value of the property after the building is gone.

Councilor Brace questioned why the owner wouldn't be required to demolish it first so the Town wouldn't have to incur the cost of demolition. Supervisor Lanning said they are bankrupt and the Town would probably have to incur the cost eventually.

CEO Coville said that tonight he would like the Board to take action to secure the building. Previously a property management company had secured the building but they have walked away from it. It has become such a hazard and issue for them that they don't want to deal with it anymore at this point. He is not sure how the notice would work because you are dealing with a bank.

Attorney Smith said if the CEO considers this an emergency condition, the CEO can act without the Board under Section 109 of the Unsafe Buildings Code and read the section as follows:

§ 42-6. Contents of notice.

A. The notice shall contain the following:

- (1) A description of the premises upon which the building is located;
- (2) A statement of the particulars in which the building is unsafe or dangerous;
- (3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed;
- (4) A statement that the repair, securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended;
- (5) A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled no less than seven calendar days from the date of service of the notice; and
- (6) A statement that, in the event of neglect or refusal to comply with the order to repair or secure or demolish and remove the building, the Town Board is authorized to provide for its securing or repair or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of securing or repair or demolition and removal, including legal expenses.

B. The description of the premises in the notice shall be adequate if it is substantially the same as the description of the premises contained on the Town tax assessment rolls.

Councilor Brace asked to find out if the Town can include the cost of legal services in our lien against the property.

Resolution #17-139

On a motion of Councilor Badami seconded by Supervisor Lanning and with unanimous (5-0) affirmation of the Town Board CEO Coville's report on the property located at 1819 Cherry Valley Turnpike was accepted by the Town Board.

CEO Coville said he would like to have the Order state that the owner has to make the building safe and secure or it will be demolished.

Attorney Smith read the prepared Notice of Violation – Order to Demolish which in part states “Action by you must be taken to remove the Building within 30 days of the service of this Notice. Removal of the Building must be completed within 60 days thereafter, unless for good cause shown to the Board, such time shall be extended”. “In the event of neglect or refusal to comply with the order to demolish and remove the building, the Board is authorized to provide

for the Building's demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the cost of demolition and removal, including legal expenses.”

CEO Coville said he would issue an appearance ticket to the bank and property owner. He said the Order to Demolish would put them on a clock.

Supervisor Lanning said he is sure they have a substantial legal department and he wants the owner to be put on notice first before the Town sends a Notice of Violation – Order to Demolish.

Councilor Brace said it could be sent out, and in the meantime get the pricing on demolishing the home. It starts the clock. Supervisor Lanning said he was in favor but wanted to be cautious with expenses. The Board agreed that this Order does not require the Town to demolish the building but provides the ability to do it.

Attorney Smith referred to page #2 of the Notice that requires scheduling a hearing on the Notice of Violation. The law requires 7 days notice. Attorney Smith said he would file it with the County Clerk and will serve it on the Bank of New York Mellon through his Albany Office and it would also be served to the homeowner in Florida.

Councilor Brace said that the Building Code (2015 Property Maintenance Code) for NYS supports everything that the Town Board is doing. It states that it can't be boarded up beyond a year and it has been years that it has been boarded up. She suggested making sure that this was the most current code.

Attorney Smith said the Appearance Ticket that CEO Coville will send not only cites Town Code but two sections of NYS Code.

Resolution #17-140

On a motion of Councilor Badami, seconded by Councilor Brace and with unanimous (5-0) affirmation of the Town Board Supervisor Lanning was authorized to sign the Notice of Violation – Order to Demolish on Mr. William J. Adams, Jr., The Bank of New York Mellon, and Trinity Financial Services, LLC for property located at 1819 Cherry Valley Turnpike Tax Map #034.-01-06.1 and to schedule a hearing on the Notice for 7:30 p.m. on August 7, 2017.

Discussion of Constable Position: Supervisor Lanning reported that two applications have been received for the part time Constable position. Councilor Coville will organize scheduling interviews with the Judges and Supervisor Lanning.

Announcements/Correspondence/Updates

▪*Update on Transfer of Austin Park to the Town:* Attorney Smith said the Cy Pres is before Judge Greenwood July 18, 2017.

▪*Update on the Comprehensive Plan:* Supervisor Lanning said that Joel Russell is completing the first draft of the zoning code.

- *Update on Dry Hydrants:* Supervisor Lanning said that C & S submitted a report and found no rocks on the sample boring sites which are a good indication that a directional drilling might go smoothly.
- *Update on Recreation Easement – Mill Road/Old Seneca Turnpike City of Syracuse Property:* No Update.
- *Update – Eastern Gateway:* Supervisor Lanning said that the Early Childhood Center contacted National Grid to have the service, transformers and telephone poles removed in preparation for demolishing the property (old Tastee Freeze) east of the their property.
- *Rotary thank you letter:* Rotary thanked Sue Murphy and Gene Laforte for all their support preparing the facility for their Father’s Day Pancake Breakfast.
- *17th Annual Fishing Derby – July 15th 9 am – noon:* Free Fishing for kids 3-15.

Resolution #17-141

Abstract #17-13: On a motion of Councilor Coville, Seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board, voucher #17-0852 to voucher #17-0936 were approved from the following funds:

General Fund:	\$58,631.77	Part Town:	\$ 5,823.99
Highway:	\$ 4,445.21	Highway P/T:	\$ 5,782.89
Lighting:	\$ 1,012.86	Water:	\$ 2,761.65
Sewer #6:	\$ 1.92	T & A:	\$ 585.00

Total: \$79,045.29

Public Comment: Jesse Hares from 792 Old Seneca Turnpike said he believes that property to the west of his property has made changes that now wash out his property during rain storms. He said that everything shoots off the back of the horse arena and he does not believe there is a detention pond. This has never happened until they leveled their property around the horse barns. CEO Coville said there is an open permit on the property and would also check the special permit. Both CEO Coville and Karen Barkdull will look into it.

Resolution #17-142

Executive Session – Personnel: On a motion of Councilor Coville, seconded by Councilor Badami and with unanimous (5-0) affirmation of the Town Board the meeting was adjourned to Executive Session at 8:25 p.m. to discuss a personnel issue.

Meeting returned to open session and immediately adjourned at 8:32 p.m.

Respectfully submitted,

Janet L. Aaron
Town Clerk