

**Town Board Meeting**  
**October 20, 2016**  
**6:30 p.m.**

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

**Also Present:** Tom Adessa, Randy Nonenmacher, Bridgett Winkelman, Julie Stenger, Jason Gabak (Skaneateles Press), Peter Buehler, Sue Dove.

**Department Reports:**

▪*Highway, Water, Transfer Station:* In Allan Wellington's absence due to his dad being in the hospital, Supervisor Lanning read Allan's report. In the Highway Department they added topsoil behind new blacktop in Manor Heights, repaired a culvert pipe on Albring Road, power swept O'Neil & Britcher Roads, cleared a plugged driveway culvert on Foster Road and rebuilt road shoulders on Gully and County Line Roads and Highland Avenue. They delivered two trucks to auction and repaired the concrete ramp at the Town boat launch. In the Water Department they installed a new hydrant on Franklin and School Street, repaired a water main break on Lee Mulroy, repaired blacktop damage from water breaks and performed quarterly maintenance to the three pressure reducing valves. At the Transfer Station all the old mulch has been removed from the site. The Salvation Army added new boxes.

▪*Parks:* Councilor Brace read the Parks report prepared by Sue Murphy who was managing the Farmer's Market.

**Parks Report 10.20.16**

- Most of the tennis windscreens are down, and when weather cooperates the tennis and volley ball nets will be put away for the season. Picnic tables will be put away under the picnic shelter by the end of next week
- Next week the Sims building will close for the season – water will be shut off
- The CROP walk will take place at the Pavilion on Sunday and they have been cleaning up for the event.
- Mike Leader, parks crew, power washed the Town Hall
- Nursery School Ribbon cutting and open house was very well attended with many compliments to both municipalities for getting such a big project done within 9 months!!!
- Soccer ends this week and they will be bringing in bleachers, nets and benches next week
- Gene has been going over the punch list for the project and meeting with the project manager and hopefully soon this project will come to a final close
- Still mowing and weed eating

Supervisor Lanning said that the LED lights are up at the basketball courts.

▪*Budget:* Bridgett Winkelman said that she is making the final adjustments for the 2017 preliminary budget. Wladis Company representatives will be meeting with the employees and retirees to review any changes to their 2017 health insurance.

▪*Fire Department:* Pete Buehler reported that they have three upcoming training sessions and three meetings in October plus Halloween detail. Engine 21 replacement is scheduled for delivery mid to late November. The American Eagle Engine from Station #2 has been sold to a southern tier fire department. There were 30 calls in September with 282 year to date. They have 64 active members, 30 inactive, and 12 probationary. They had an open house on October 14<sup>th</sup>.

\*Councilor Coville arrived

▪*Constable:* Tom Adessa said that the boat traffic increased this year at the Town and State Boat Launches. There was an increase in the number of illegal parking tickets issued. He has met with David Lemon from NYSDEC to make changes to the signage at the State Boat Launch and to find areas for kayakers and handicap to park. This launch had the most parking violations in Region 7. He also went out two times on the lake with the Conservation Officer where tickets were issued for flares and flotation devices. He said there are also parking issues at Mandana as well. At the Transfer Station he issued six tickets during the Household Hazardous Waste event for uncovered loads.

Supervisor Lanning said he would go to the Mandana Parking lot with Tom Adessa to review signage.

**Public Comment:** There was no public comment.

**Introductory Local Law 2016-C - Revised Abandonment Law:** Attorney Molnar representing the Town Board on this Local Law stated that Town Board has classified the proposed amendments to the Abandonment provisions in the Town Code as an Unlisted Action under SEQRA, and has declared its status and role as lead agency for purposes of SEQRA. The proposed local law has been referred to SOCPA and the Town Planning and Zoning Boards for their review and comments. Part I of the EAF was completed on August 18, 2016.

Attorney Molnar asked the following questions to the Town Board from the Short Form EAF Part 2 of the proposed Local Law:

**Short Environmental Assessment Form Part 2 – Impact Assessment**

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No 4-0
2. Will the proposed action result in a change in the use or intensity of use of land? No 4-0
3. Will the proposed action impair the character or quality of the existing community? No 4-0
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No 4-0
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No 4-0

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No 4-0

7. Will the proposed action impact existing:

a. public / private water supplies? No 4-0

b. public / private wastewater treatment utilities? No 4-0

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No 4-0

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No 4-0

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No 4-0

11. Will the proposed action create a hazard to environmental resources or human health? No 4-0

### **Short Environmental Assessment Form Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

In answering this question the Town Board stated the following:

*The purpose of these amendments to the existing law provide a mechanism to deem all applications before the Planning Board and Zoning Board of Appeals abandoned if there has been no activity for 12 months if a minor project and 24 months for a major project. Though this law would amend existing land use regulations, it is not anticipated to have an adverse impact on the environment because if anything it would remove proposed development projects from the approval process.*

*Resolution #16-242*

Councilor Brace made a motion, seconded by Councilor Howard and with unanimous (4-0) affirmation of the Town Board that based on the information and analysis, and the supporting documentation, the proposed action will not result in any significant adverse environmental impacts and therefor a negative declaration could be declared.

Supervisor Lanning said that this law extends the time minor and major projects would be considered inactive.

Councilor Brace said this should be not onerous and seems fair.

Councilor Howard said that this is a balancing act as it is important for the Town Board to protect the rights of developers and neighbors to proposed developments when a project remains idle for a number of years. This is burdensome to the neighbors. She believes that this is a good compromise and not burdensome to the developer.

Supervisor Lanning said that in March of 2016 there were 8-9 applications that this Local Law would impact and now it is down to three. He is concerned about the public comments that have been made and that it could be an open door to be challenged in court.

Supervisor Lanning questioned if there could be a lawsuit from the three existing applications. Attorney Molnar said that it is a possibility based upon the application being entitled to adjudication. They have a vested right to move forward and be adjudicated. There could be a potential negative impact on the existing applications but having said that of the three applications before the Boards there has been communication and he does not know of an application that has lingered without communication.

Supervisor Lanning questioned the acceptable communication. Attorney Molnar said that “either electronic or conventional or appeared on the record at a regular meeting of the Planning Board or Zoning Board of Appeals to provide information concerning the application”. Supervisor Lanning questioned if email was acceptable. Attorney Molnar said yes.

*Resolution #16-243*

Councilor Brace made a motion to adopt Introductory Local Law 2016-C known as “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 to be abandoned”, to become Local Law 5 of 2016. Seconded by Councilor Howard.

Councilor Brace	Yes
Councilor Howard	Yes
Councilor Badami	Absent
Councilor Coville	Yes
Supervisor Lanning	No. Supervisor Lanning defended his vote by saying that according to the Constitution you shall pass no ex post facto laws.

Supervisor Lanning thanked the Board for the Democratic process.

**Revised Comprehensive Plan:** Attorney Smith said that the revised Comprehensive Plan was referred to the Village Board and Planning Board, the Town Planning and Zoning Boards and SOCPA. Comments received from their review were shared with Joel Russell who combined them into another revision of the Comprehensive Plan which was circulated to the Town Board. He said the Town Board is under no time pressure but should review revisions to make sure the

Board is comfortable with the changes that Joel Russell made. In the interest of keeping the process moving forward, Attorney Smith circulated a proposed resolution to the Board.

Councilor Brace said that initially she said the Open Space Plan was supposed to be incorporated into the Comprehensive Plan.

Attorney Smith said that the Open Space Plan is not a State mandated process but it could be an addendum to the Comprehensive Plan. The Open Space Plan could be a policy or be connected to the Comprehensive Plan as an exhibit or addendum. He would defer to Joel Russell on how to attach it.

Councilor Howard said she thought the Open Space Plan would have more weight if it was attached instead of being a stand-alone document.

Attorney Smith said it makes sense to go through the same review process.

Councilor Howard said if we delay the adoption of the Comprehensive Plan until the two documents are complete it would be a long time. She believes that we need the strength of the Open Space Plan now.

Attorney Smith recommended going through the review process of the Open Space Plan and get it in place. He said the Board should review the changes to the Comprehensive Plan in order to move it forward to adoption and then attach the Open Space Plan to the Comprehensive Plan at a later date.

Both Councilor Howard and Councilor Brace agreed.

The Town Board agreed to table the Comprehensive Plan to the November 3, 2016 meeting in order to have the time to review the changes made by Joel Russell.

*Resolution #16-244*

**Draft Open Space Plan:** On a motion of Councilor Howard, seconded by Councilor Brace and with unanimous (4-0) affirmation the Town Board resolved, as follows:

1. The Town Board hereby declares its status and role as Lead Agency for purposes of a coordinated review under SEQRA of the proposed Skaneateles Open Space Plan; and
2. The Town Board hereby preliminarily classifies the Skaneateles Open Space Plan as a Type 1 Action under SEQRA; and
3. The Town Board hereby directs the Town Clerk to send Part 1 of the EAF and the proposed Skaneateles Open Space Plan to the interested agencies to request their comments thereon.

*Resolution #16-245*

**Schedule Public Hearing for 2017 Budget:** On a motion of Councilor Coville, seconded by Councilor Howard and with unanimous (4-0) affirmation of the Town Board a public hearing on the 2017 Preliminary Budget was scheduled for 7 p.m. on November 3, 2016.

*Resolution #16-246*

**Formation of a Tree Board:** Supervisor Lanning said he would like Skaneateles to achieve the status of “Tree City USA” which will enable the Town to receive grant funding for tree projects through the NYSDEC. In order to apply, the Town must form a Tree Board.

On a motion of Supervisor Lanning, seconded by Councilor Coville and with unanimous (4-0) affirmation of the Town Board a Tree Board Committee was authorized to be created.

*Resolution #16-247*

**Appointment of Members to the Tree Board:** Supervisor Lanning said he reached out to three individuals to serve on the committee. They all have extensive tree knowledge and history and one actually works for the NYSDEC.

On a motion of Councilor Coville, seconded by Supervisor Lanning and with unanimous (4-0) affirmation of the Town Board, Bob Sykes, Randy Nonemacher and Jon Holbein were appointed to the Tree Board.

**Update on Austin Park Transfer:** Attorney Smith said that the Village agreed that the Austin Trust Fund should be transferred to the Town when Austin Park is transferred with the same parameters. This would allow the transfer of Austin Park to advance. The Parks Manager provided information on the history of Austin Park and signed a verified petition.

Under Cy Pres the Surrogates Court Judge has to sign off that the change is consistent with the original Trust and the Attorney General has to sign off and agree. The court proceeding will be in Syracuse.

**Update on Phragmites:** Randy Nonemacher displayed pictures of the Phragmites at the Conservation Area showing different methods they have used to try to stop their advancement including covering with mats. Left unchecked he said that it will consume the entire valley. Any use of chemicals would require a NYSDEC Wetland Permit.

Supervisor Lanning said that funds have been budgeted in next year’s budget to start tackling this in some form.

**Update on Town Hall Improvements:** Bridgett Winkelman said that we are waiting for a local builder to provide some ideas.

**Extension of Clean Sweep Cleaning Agreement – Austin Pavilion:** On a motion of Councilor Howard, seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board the agreement with Clean Sweep was extended to the Austin Pavilion to clean, sanitize, vacuum and mop the bathrooms and main entry three times a week for \$60 per week.

*Resolution #16-248*

**Schedule Special Budget Meetings:** On a motion of Councilor Brace, seconded by Councilor Howard and with unanimous (4-0) affirmation of the Town Board special meetings were scheduled for 5 p.m. on October 24, 2016 and 5 p.m. on October 26, 2016 to review the 2017 Preliminary Budget.

### **Skaneateles Fire Department**

*\*SVFD Assurance on their Required Use of Austin Pavilion and Austin Park:* Supervisor Lanning said that he has not had an opportunity to review with his counsel. Sue Dove said that this has not been in place previously and the firemen just want assurance that they can continue to use the Pavilion and Austin Park for their events after the transfer of Austin Park.

Councilor Brace said that she would like to see more clarity on the attached Exhibit A.

Pete Buehler said he would have their attorney, Doreen Simmons contact Town Attorney, Brody Smith regarding this.

This was tabled to the November 3, 2016 meeting.

*Casino Night Location Change – Requesting Approval to serve wine and beer at Station #1 during event:* Councilor Brace asked if the Fire Department could get their dates, such as the Casino event nailed down earlier so that other events can be planned at the Arena. Pete Buehler said they would have the date for the Casino Night and where it would be held next Wednesday. He said that their last meeting the Village Board approved the serving of wine and beer at the Casino Night whether the location is at Austin Pavilion or Station #1.

*Resolution #16-249*

On a motion of Supervisor Lanning, seconded by Councilor Coville and with unanimous (4-0) affirmation of the Town Board, the serving of beer and wine was approved for the Casino Night one day event (date to be determined) whether it is held at Station #1 or Austin Pavilion.

**Resolution Approving Road Inventory:** Allan Wellington was requesting this as there are roads that the County did not have in their inventory which could affect the amount of CHIPS funding that the Town receives. This was tabled to the next meeting when Allan would be available.

*Resolution #16-250*

### **Minutes:**

•**October 3, 2016:** Councilor Howard made a motion, seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board to accept the minutes of October 3, 2016 as presented.

*Resolution #16-251*

•**October 14, 2016:** Councilor Howard made a motion seconded by Councilor Brace and with unanimous (4-0) affirmation of the Town Board to accept the minutes of October 13, 2016 as presented.

### **Announcements/Correspondence/Updates**

▪*Bench at Nature Trail – Lea Whaley request:* Supervisor Lanning reported that the bench has been ordered.

▪*Insurance Service Office, Inc (ISO) Town of Skaneateles classification:* Supervisor Lanning said that ISO works with municipal building code authorities to assess the building codes in effect in a community and how that community enforces them. The Town received a Class 4 which 67% of municipalities are in Class 4, 5, or 6.

▪*Update of Eastern Gateway Committee:* Councilor Brace reported that they were meeting weekly and even though the Town Board has not given them a specific task they are using the Comprehensive Plan as a reference tool. That area is in the watershed. She said that Scott Winkelman is the Chair of the committee and they are working on a plan that includes a profile of the road with trees, sidewalks as a design guide.

Supervisor Lanning said that the committee is to make recommendations not a plan. He would like a series of recommendations and he wants to know the thoughts of all members of the committee not just the majority. Councilor Brace asked if the Supervisor would attend the next meeting of the Eastern Gateway in order to clarify what their role is.

*Resolution #16-252*

**Budget Amendments/Adjustments:** On a motion of Councilor Howard, seconded by Councilor Coville and with unanimous (4-0) affirmation of the Town Board the following budget amendments were authorized:

General Fund

\$ 110.00	Increase	010104.01.004.40	Town Board – C/E – Communications
\$ 110.00	Decrease	010104.01.004.00	Town Board – C/E

Monies spent on Constant Contact

\$ 25.00	Increase	014604.01.004.00	Records Management – C/E
\$ 25.00	Decrease	014601.01.001.00	Records Management – P/S

Supplies

\$ 1,050.00	Increase	019304.01.004.00	Judgements and Claims
\$ 1,050.00	Decrease	019904.01.004.00	Contingency

Homeowners mold inspection

\$250.00	Increase	070204.01.004.00	Rec. Admin. – C/E
\$250.00	Decrease	070204.01.004.85	Rec. Admin. – C/E – Telephone

Adjustment for supplies

\$ 18,400.00	Increase	081604.01.004.57	Refuse / Garbage – C/E
\$ 18,400.00	Decrease	019904.01.004.00	Contingency

Costs before reimbursement for House Hold Hazardous Waste Day

Water Consolidated

\$ 5,100.00	Increase	083101.08.001.00	Water Admin – P/S
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\$ 5,100.00 Decrease 083104.08.004.58 Water Admin – C/E - Legal  
Additional P/S provided by other Town workers

*Resolution #16-253*

**Abstract #16-2:** On a motion of Councilor Coville, seconded by Councilor Howard and with unanimous (4-0) affirmation of the Town Board voucher #16-1363 to voucher #16-1501 from the following funds:


General Fund: \$100,322.38	Part Town: \$16,183.40
Highway: \$186,236.61	Highway P/T: \$47,559.59
Water: \$ 19,300.77	Water #5: \$ 6.25
Sewer: \$ 2,211.01	Sewer #6: \$ 291.11
T & A: \$ 14,894.22	Street Lights: \$ 1,481.99

Total: \$388,487.33

**Public Comment:** No Public Comment.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,



Janet L. Aaron  
Town Clerk

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Town of Skaneateles  
Local Law 5 of 2016

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 to be abandoned.

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

Section 1. Title

This local law shall be referred to as "A Local Law Amending the Town Code of the Town of Skaneateles to define when an application before the Planning Board and Zoning Board of Appeals will be deemed to be abandoned".

## Section 2. Purpose and Intent

This Local Law amends the Town Code to assure that applications for special permit, site plan approval, variances, and amendments thereto are timely pursued and considered to facilitate sound zoning and planning decision-making. This amendment also is intended to assure that all applications for subdivision approval are timely pursued and considered to facilitate sound zoning and planning decision-making.

## Section 3. Amended Sections.

Section 131-3 (H) of the Town Code of the Town of Skaneateles is hereby amended, as follows:

**§ 131-3(H) Abandonment of Pending Applications.** In the event any application for subdivision approval, minor or major, remains inactive for a period of twelve months if a minor project, and twenty four months if a major project, from the last regular or special meeting at which the application was reviewed by the Planning Board, such application shall be closed, and of no further force or effect. In the event any application for subdivision approval, minor or major, filed before the effective date of this Section remains inactive for a period of one year if a minor project, and two years if a major project, from the last regular or special meeting at which the application was reviewed by the Planning Board, such application shall be closed, and of no further force or effect. Any future action thereon shall require a new application, subject to all rules and regulations in effect at such later date. The Planning Board, may in its discretion, waive a subsequent filing fee upon such application, but may not waive the application of any new rules and regulations promulgated during the period subsequent to the initial filing. For purposes of this section, an application is inactive when the applicant has not provided written communication, either electronic or conventional, nor appeared on the record at a regular meeting of the Planning Board to provide information concerning the application.

Section 148-48 of the Town Code of the Town of Skaneateles is hereby amended as follows:

**§ 148-48 Abandonment of Pending Applications.** In the event that any application for a special permit, site plan approval, a use variance, an area variance, or for any amendment thereto, remains inactive for a period of twelve months if a minor project, and twenty four months if a major project, from the last regular or special meeting at which the application was reviewed such application shall be closed, and of no further force or effect. In the event any application for a special permit, site plan approval, a use variance, an area variance, or for any amendment thereto, filed before the effective date of this Section remains inactive for a period of one year if a minor project, and two years if a major project, from the last regular or special meeting at which the application was reviewed by the Planning Board, such application shall be closed, and of no further force or effect. Any future action thereon shall require a new application, subject to all rules and regulations in effect at such later date. The Planning or Zoning Board, may in its discretion, waive a subsequent filing fee upon such application, but may not waive the application of any new rules and regulations promulgated during the period subsequent to the initial filing. For purposes of this section, an application is inactive when the applicant has not provided written communication, either electronic or conventional, nor

appeared on the record at a regular meeting of the Planning Board or Zoning Board of appeals to provide information concerning the application.

#### Section 4. Legislative Findings

The Board finds that it is in the Town's best interest to assure that applications for special permit, site plan approval, variances, and amendments thereto are timely pursued and considered to facilitate sound zoning and planning decision-making and that it is also in the Town's best interest to assure that all applications for subdivision approval are timely pursued and considered to facilitate sound zoning and planning decision-making

#### Section 5.

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

#### Section 6.

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